

Third Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Dave Gaudreau
Constituency of St. Norbert

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy	St. Vital	NDP
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<i>Vacant</i>	The Pas	

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

Monday, June 2, 2014

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Dave Gaudreau
(*St. Norbert*)

VICE-CHAIRPERSON – Mr. Rob Altemeyer
(*Wolseley*)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Allum, Hon. Ms. Irvin-Ross, Hon. Messrs. Lemieux, Mackintosh, Robinson

Messrs. Altemeyer, Briese, Gaudreau, Martin, Schuler, Wishart

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

Bill 48–The Sioux Valley Dakota Nation Governance Act

Mr. Vincent Tacan, Sioux Valley Dakota Nation

Mr. Bruce Slusar, private citizen

Mr. Antonio Johnson-Wombdiska, private citizen

Mr. Wayne Wasicuna, private citizen

Ms. Donna Elk, private citizen

Ms. Carol Johnson, private citizen

Mr. Ivan Ironman, private citizen

Ms. Marge Roscelli, private citizen

Mr. Ken Guilford, private citizen

Bill 61–The Peatlands Stewardship and Related Amendments Act

Mr. Paul Short, Manitoba Peat Producers

Ms. Stéphanie Boudreau, Canadian Sphagnum Peat Moss Association

Mr. Ken Guilford, private citizen

Mr. Pascal Badiou, Ducks Unlimited Canada

Ms. Gaile Whelan Enns, Peguis First Nation - (by leave)

Ms. Gaile Whelan Enns, Manitoba Wildlands

Bill 53–The Fisheries and Wildlife Amendment Act (Restitution)

Mr. Ken Guilford, private citizen

Mr. David Carrick, private citizen

Ms. Gaile Whelan Enns, Manitoba Wildlands
Mr. Rob Olson, Manitoba Wildlife Federation

Bill 56–The Vital Statistics Amendment Act

Mr. Ken Guilford, private citizen

Ms. Karen Busby, Centre for Human Rights Research

Bill 68–The Child and Family Services Amendment Act (Critical Incident Reporting)

Mr. Ken Guilford, private citizen

WRITTEN SUBMISSIONS:

Bill 61–The Peatlands Stewardship and Related Amendments Act

Ron Thiessen, Canadian Parks and Wilderness Society, Manitoba Chapter

MATTERS UNDER CONSIDERATION:

Bill 48–The Sioux Valley Dakota Nation Governance Act

Bill 53–The Fisheries and Wildlife Amendment Act (Restitution)

Bill 56–The Vital Statistics Amendment Act

Bill 61–The Peatlands Stewardship and Related Amendments Act

Bill 68–The Child and Family Services Amendment Act (Critical Incident Reporting)

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Clerk Assistant (Mr. Andrea Signorelli): Good evening. Will the Standing Committee on Social and Economic Development please come to order.

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

Hon. Kerri Irvin-Ross (Minister of Family Services): I nominate Mr. Dave Gaudreau, MLA for St. Norbert.

Clerk Assistant: Mr. Gaudreau has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Gaudreau, will you please take the Chair.

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

Ms. Irvin-Ross: I nominate Mr. Rob Altemeyer, MLA for Wolseley.

Mr. Chairperson: Are there any other nominations?

Hearing no other nominations, Mr. Altemeyer is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 48, The Sioux Valley Dakota Nation Governance Act; Bill 53, The Fisheries and Wildlife Amendment Act (Restitution); Bill 56, The Vital Statistics Amendment Act; Bill 61, The Peatlands Stewardship and Related Amendments Act; Bill 68, The Child and Family Services Amendment Act (Critical Incident Reporting).

We have a number of presenters registered to speak here tonight, as noted on the list of the presenters before you. On the topic of determining the order of public presentations, I will note that we have one out-of-town presenter in attendance. Sorry, my mistake. We have several out-of-town presenters in attendance. They're going to be marked with an asterisk on the list. With this consideration in mind, what order does the committee wish to hear the presentations?

Ms. Irvin-Ross: Out-of-town presenters first, please, and then the rest in order as they're printed.

Mr. Chairperson: Everybody's agreed? *[Agreed]*

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

As of 6 p.m. this evening, there were 20 presenters—20 persons registered to speak, as noted on the list of presenters before you. Therefore, according to the rules, this committee may not sit past midnight to hear presentations.

Therefore, how late does the committee wish to sit this evening?

Ms. Irvin-Ross: Until the work of the committee is done.

Mr. Chairperson: Agreed? *[Agreed]*

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

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

As well, I'd like to inform the presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from the committee members. Also, in accordance with our rules, presenters not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

Prior to proceeding with public presentation I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name and this is the signal for Hansard recorder to turn the mics on and off. Thank you for your patience and we will now proceed with presentations.

We have a written submission on Bill 61 from Ron Thiessen, Canada-Canadian Parks and Wilderness Society, Manitoba Chapter, being received and distributed to the committee members.

Does the committee agree to have the submission appear in Hansard transcript of this meeting? *[Agreed]*

Bill 48—The Sioux Valley Dakota Nation Governance Act

Mr. Chairperson: I will now call on Vincent Tacan, Chief. *[interjection]* Tacan, sorry. Vincent Tacan.

Do you have any written materials for the committee?

Mr. Vincent Tacan (Sioux Valley Dakota Nation): No, I haven't.

Mr. Chairperson: No? Then please proceed with your presentation.

Mr. Tacan: I thank you, Mr. Chair, honourable members, ladies and gentlemen. Thank you for the opportunity to present in favour of the Sioux Valley Dakota Nation governance agreement.

As you know, the agreement between Canada, Manitoba and Sioux Valley has taken over 20 years to get to this point. I have been involved in this process for six of those years. Initially, I was not sure what self-government meant to Sioux Valley until I was elected chief. It was at that point that I experienced first-hand the application of the Indian Act and its policies. It was at that point that I realized that self-government or self-determination, as is often said, was preferable than having to be powerless over matters relating to the band. I was fortunate enough to have come in after the AIP was signed and began viewing the second or third draft of the agreement.

Throughout my involvement in this initiative, I began to see that band members were unaware of the limitations on elected chief and councils. It seemed as if we could not look at making the changes that were, and are, needed today. Without the rules and the ability to draft our own legislation, we can't provide the security to create an environment that puts economic development and other jurisdictions as our main priorities. In the event there is a disagreement, there is a built-in dispute resolution mechanism comprised of representatives that will begin a dialogue in hopes of staying out of the court system, if there's any discrepancies in the agreement or disagreements. Hopefully, we'll move forward in a co-operative way, which we have done in the last while during my involvement in this agreement. There seems to be a very good relationship between all three parties and we've negotiated in good faith which, as a result of that, we're now able to stand here today and present this information to you.

I have a fear of going to court on everything, so my view is I'd like to stay out of court as much as possible. Court systems put us in an adversarial position, so we want to stay away from that.

In addition, we will have increased opportunities to develop our own child-care agency, which we hope will be consistent with the community beliefs and culture. In the area of policing, we see an opportunity to train our youth to be part of a strategy that will give us the safe community, which we hope will be possible with this agreement.

Sadly, there are—there have been comments from delegated authorities who have stated that Sioux Valley does not have the numbers to achieve its own mandate. This is the attitude that Sioux Valley had to endure over the years which, I believe, is discouraging our membership.

* (18:10)

Thankfully, I'm now seeing hope and optimism where before I seen despair and defeat. Now, at least, we can begin to see a better future for our youth who ask only for a chance at employment, housing and other opportunities which don't exist under the Indian Act or is very difficult to obtain.

We will have a small group who do not feel comfortable with change, however. But to that I say a vote was held and a majority approved the agreement. That's a democracy.

As we work towards the implementation our laws will move forward in a responsible way. I believe this agreement and future agreements of this kind can only assist First Nations in becoming self-sufficient and prosperous. As a result, I feel that any region can benefit from the success of such an arrangement. Once passed, we will have the tools needed to work on issues which matter most to the community.

So, with that, I want to thank you again for the opportunity to present and I will be happy to answer any questions. Thank you.

Mr. Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Hon. Jon Gerrard (River Heights): Thank you, Chief, for coming here, and I think it's a pretty significant day to have got this far with this legislation and I look forward to things moving forward as you hope and expect. So congratulations to you and the other members of the community who are here.

Mr. Stuart Briese (Agassiz): Thanks for your presentation, Chief. It's—took a long time to get to this stage and I hope the next agreements of this sort don't take quite as long. It's quite outstanding that your First Nation is the first one of these agreements in the province and, I think, probably, in the Prairies. There are some others in Canada, but definitely in Manitoba.

I was involved for many years with municipal government and I see this as a step forward. It takes

off the—lot of the restrictions of the Indian Act and gives you that governance ability, and I will certainly support this bill as it goes forward. *[interjection]*

Mr. Chairperson: Sorry, I just have to recognize you. Mr. Tacan, go ahead.

Mr. Tacan: We have had a lot of support from the elders with regards to this agreement. At least during my time I've managed to keep the involvement of the elders with our group throughout the negotiation of the agreement. We were able to caucus and receive their valuable input and information as we went through that process and they're very much involved today not only in self-government, but in other areas where the band needs the guidance of the elders.

And one of the things that've—has happened which is a pleasant surprise to me, is that during this time the youth have become a major force in the community. They've really opened their eyes to what this agreement could mean. So they're very optimistic right now. They're very supportive. We have their ear and, I think, while we have a teaching moment with them, I think we need to take advantage of that and continue on the work that we started.

And for me, personally, what I've learned is that this couldn't happen without a whole lot of team work, and I'm very proud of my team members that we assembled and our group worked together tirelessly and as one unit, and I think that's the only way to achieve success. So it was a team effort. I know I'm very proud to be standing here as a chief and accepting positive messages today, but it was very much a team effort.

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Thank you, Chief Tacan, on behalf of the Province of Manitoba and, certainly, I echo the comments made by my colleagues, Mr. Gerrard and Mr. Briese. I think the work that Sioux Valley Dakota Nation has done over the years is to be commended. It's not only yourself, but previous chiefs and councillors that have done a lot of work in the community and, certainly, with the participation and with the advice that you have received from the elders is some that we're all grateful for and we're very happy from the time the agreement in principle was signed. I believe it was 2001 to the time it was signed off here very recently 'til the time it's proclaimed on the 1st of July of 2014. We just want to congratulate yourself as the leader of the community and the Sioux Valley Dakota Nation. Thank you.

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

I will now call Bruce Slusar. Do you have any written materials for the committee tonight?

Mr. Bruce Slusar (Private Citizen): I have no written materials.

Mr. Chairperson: Okay. Please proceed.

Mr. Slusar: Honourable members, ladies and gentlemen, thank you very much for this great opportunity and honour to speak before you in committee in support of bill C-48. I've had the good fortune and honour to be representing both in the capacity as negotiator and legal counsel for the past 10 years or so. The good people of Sioux Valley Dakota Nation, as we've been working together as Chief Tacan says, in teamwork, along with the province of Manitoba, as well as the federal government of Saskatchewan, and without that teamwork, without the commitment of Manitoba, the Ministry, in particular, of Aboriginal and Northern Affairs, Manitoba Justice, and representatives of Manitoba Justice and legal counsel who have been on this file since its inception in terms of the original arrangements that began the negotiation process, we would not be here today.

And so it—as Chief Tacan says, I think it's a—it needs to be a constant reminder to each and every one of us that the machinery of government is very large, and it doesn't necessarily move as quickly as perhaps we would like, but the point is, is that it does move if we stick with it, if we continue to be committed, and that's what we're ultimately blessed with is the commitment, the fruition of the work and the commitment of many, and so it's been a team effort all around.

And I think, historically, when we think about this, it's so fitting in a sense that this historic agreement, this historic legislation, which is the first of its kind in Manitoba, where we have a provincial government that is concurring with, in support of, of the bilateral agreement with Canada and therefore a party to these arrangements, the first of its kind in Canada, in Manitoba, which, historically, when we think about it, perhaps was the first legislation with an indigenous component back in 1870 in founding of this province, shortly after Confederation.

So here we are, simply continuing, in a sense, a legacy and a trend that was started a long time ago. So, in that sense, Manitoba is a leader nationally with respect to the support of this legislation. So that's, I

think, very significant in terms of the vision and the foresight as we move forward.

So I note that the committee is the Standing Committee on Economic and Social Development, so in terms of just focusing on those areas and supplementing what Chief Tacan has already said, economies, particularly on reserve, are somewhat known for being stagnant, and it's no secret that ultimately the legislation federally that has contributed to that is very restrictive. It's had a whole bunch of restrictive provisions in there. Those restrictive provisions have been brought to bear historically at Sioux Valley Dakota Nation, which has been recorded by various historians as having been a very successful, very vibrant agricultural economy at one point in time at the latter part of the 19th century.

However, due to restrictions in terms of how to plant, what to plant, when to sell, how to sell, what price to ask for, whether to sell at all, the economy ultimately fell apart. The opportunity is here now for Sioux Valley Dakota Nation to create laws that allow it, not unlike other farmers, to be in control of its own destiny, to regulate its own agricultural economy; as an example, managing its lands, the opportunity to create property interests that foster and create the opportunities for loans and security. These are the things that potentially will come to the fore as Sioux Valley Dakota Nation is able to displace those provisions of the federal legislation that ultimately have been so restrictive for such a period of time. And, ultimately, the ability, then, to regulate, on Sioux Valley Dakota Nation lands, through even the creation of community improvement fees, potential incentives and disincentives to the types of businesses that Sioux Valley Dakota Nation wants to pursue through taxation. These are the types of things that, ultimately, Sioux Valley Dakota Nation people can look forward to, and it's not going to happen overnight, but at its own pace. These are the types of opportunities that this arrangement, these governance arrangements provide.

* (18:20)

And I've started with the economy, noting, of course, that this committee is also focusing on the social development and well-being, and sometimes we think of social development, the education—health, in particular—social development, child and family services as being the ultimate priorities. I've started with the economy because to some extent and

to a great extent addressing that interrelates with the raising of the self-esteem, the raising of the importance of families, raising of the importance of the education system and all of these things that ultimately interplay. So there's a real interconnection there between economics and social development.

And so in terms of Sioux Valley and its priorities, as has been stated many times: health, education, social development, child and family services, policing, justice, these are all things that are critical in terms of the interplay between that provincial jurisdiction and the First Nation jurisdictions that ultimately require and do, pursuant to these agreements, require continued negotiation, continued interplay and harmonization so that ultimately the standards of Sioux Valley Dakota Nation in all of these areas are elevated and potentially can exceed, along with their own desire, the standards that are presently in place.

So there's a great opportunity here and that, I'm going to suggest, is what we're very, very thankful for in terms of looking to the future and being able to work and continue to build a good relationship with the members of the province of Manitoba as we move forward into the future. So I would just like to share my appreciation in terms of working with those committed and dedicated individuals, members of your provincial team along with that of the federal government without which, again, we would not be here speaking at this time, post second reading. So thank you very much.

Mr. Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Mr. Briese: I just want to thank you for presenting here tonight, Mr. Slusar. This is, indeed, a historic piece of legislation, and I compliment you. I know you're the legal counsel, but I still compliment you on the—all the work you've put in to this. Thank you very much.

Mr. Gerrard: I think that all who were involved, including yourself, certainly deserve congratulations, and I want to thank you for talking a little bit about the benefits in making it, you know, readily understandable, some of the positive things that are going to be happening. I think all of us here will look forward to working with people in Sioux Valley in a productive way and to try and make things happen.

Mr. Robinson: Bruce, thank you very much for always showing courtesy together with your working team on behalf of the Sioux Valley Dakota Nation.

And, on behalf of our provincial team, we thank you for the co-operation and the co-operative approach that I think that all parties have taken in achieving the results that we are now starting to realize. So thank you very much.

Mr. Chairperson: Thank you for your presentation.

I will now call Antonio Johnson-Wombdiska. Do you have any written materials for the committee?

Mr. Antonio Johnson-Wombdiska (Private Citizen): No.

Mr. Chairperson: Okay. Please proceed.

Mr. Johnson-Wombdiska: Hello. My name is Antonio Johnson-Wombdiska. I attend Sioux Valley high school in Brandon, and I am the junior chief of the Sioux Valley high school. I am 17 and will be graduating this month.

I would like to thank you, honourable members, for listening to me today. I am here as a youth representative for Sioux Valley Dakota Nation. I will be providing my input on Bill 48, The Sioux Valley Dakota Nation Governance Act.

As a youth, Sioux Valley self-government will provide more job opportunities in the community. Sioux Valley self-government will provide for a more financially stable structure. Sioux Valley self-government will increase our education rates and provide better language and culture for our youth. Sioux Valley self-government will provide for the development of our own policing and justice. Self-government will provide for more interaction between our elders and our youth so that there will always be a connection to our Dakota history. Sioux-self-government will provide laws for traditional medicines in healing and better health care.

As a youth, my generation needs this. We are concerned about economic development, education, health, housing, policing, child family services. Self-government is important to me because all of these areas are covered in the agreement. I just want what's best for my people and the generations to come.

Thank you for your time and thank you for listening to me.

Mr. Chairperson: Thank you for your presentation.

Do members of the committee have questions?

Mr. Briese: Thank you for your presentation, Antonio, and I know for one as young as you this is

probably a fairly daunting experience to come here and speak to a bunch of the provincial MLAs, but I noticed you said you were the junior chief of something. I—you keep making presentations like this and it won't be long 'til you're the senior chief. Once again, I'll thank you very much for coming out to this. Good of you to come and make a presentation.

Mr. Gerrard: I think it's really encouraging to have young people like yourself coming forward and getting really interested in what's happening and coming here to present, so thank you.

Mr. Chairperson: Honourable Mr. Robinson? Sorry, Mr. Schuler, go ahead.

Mr. Ron Schuler (St. Paul): Antonio, I had the opportunity to represent Canada at the Ukraine elections the last couple of weeks, and one of the things that was very poignant for me was walking through the main square in Kiev where thousands and thousands of your generation got together, and the power of young people was, in the end, it came at a bitter price: 140 dead. But they got rid of a very corrupt president.

So to have you come forward and make a presentation is just further testament to you and your generation who are willing to stand up and be heard or willing to speak out, and I hope you don't feel that this is an intimidating process because I think each and every one of us really appreciate the fact that you came forward and told us what you and your generation think.

So I just wanted to let you know how very proud I am as one Manitoban and I'm sure I speak for the committee how proud we are of the fact that you are here today. Thanks for your presentation.

Mr. Robinson: Thank you very much, Antonio. You spoke very well, and I want to join my colleagues in thanking you and also giving you praise on speaking on a very important matter concerning our people, and I think that this is a step forward into our future and you represent that future. So I want to thank you and people of your age group, and I want to congratulate you as well on your upcoming graduation. I want to wish you well in your further pursuits, your future pursuits. So, washte.

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

I will now call on Wayne Wasicuna—*[interjection]* Wasicuna—Wayne Wasicuna.

Mr. Wayne Wasicuna (Private Citizen): Good evening, ladies—

Mr. Chairperson: Oh, sorry, do you have any written materials for the committee?

Mr. Wasicuna: No.

Mr. Chairperson: Okay, then please proceed with your presentation.

Mr. Wasicuna: Then, ladies and gentlemen and honourable members, I just want to thank you for opening your ears to me, and I—Antonio represents the future generation, but I come from the past. So I'd like to say a few words as representation of the elders of the community of Sioux Valley.

* (18:30)

And, Mr. Chair, when self-government was first introduced back in '91, it seemed like, what is self-government? The question was even presented to us from Canada: Here is the opportunity to make self-government happen. And yet nobody really knew what self-government was and we had to define self-government. I've been in self-government for—since its introduction to Sioux Valley back in '91-92, and I've been there through the ups and downs of the whole thing. Sometimes it almost stops and continues again, but as I said, the past—we have a rich past and I am sometimes honoured to talk about what our people have come through, come through a history of hardship, a history of times that our ancestors maybe wouldn't even talk about. I know oftentimes my grandma said, don't, sh. Don't say anything, and that's the way we've been taught. And I believe that the future is now open to us and I think it's something that's—we don't really know. Some—it took 20 years to get here, but it's going to take another 20 years to see the results of what is going to come out of this legislation.

But we're excited. We're excited telling the young people, you know, go forward. We ourselves won't see, you know, the fruition of the whole thing, but I think the future is going to be brighter, prosperity is going to come onto the young people. So take it and run with it. That is what I encourage.

A young boy came to me at the elementary school at home, 10 years old. Sir, he said, will I ever be able to have my own home? Oh, yes. This is the possibility. This is what we look forward to. Chief Vince said that our history is made up of the abilities of what we are able to do, and we've done a lot of these things already. And the federal government,

when he—they brought self-government to our community, what they were saying is this is a strategic move on the part of Canada. They said Dakota people are a strange kind of people. He said they're able to determine their own future, and I truly believe that and I believe that if the opportunity was given to us and our future, youngsters, they're going to run with it and make things happen for us.

So I'm not going to take too much time, so I'm going to leave that with you. Thank you for listening to me.

Mr. Chairperson: Thank you for your presentation.

Mr. Briese: Thank you, Mr. Wasicuna, for your presentation. As you know, we're supportive of this legislation, and I like what you're saying about the future. I hope it doesn't take another 20 years for some of these things to materialize, but you well might be right. But, once again, thank you for presenting tonight.

Mr. Gerrard: Thank you for coming, and you've been through a fascinating more than 20 years since 1991 and it's taken elders, people who are now elders, like you, to be there when—all through the ups and the downs and to make sure that things carried on. And so I think, you know, people in Sioux Valley and people in the rest of Manitoba and Canada can say thank you to you for your persistence. Along with the others who were there from the beginning and who are still around, thank you.

Mr. Robinson: I just want to thank you, Mr. Wasicuna. I believe that you drew a good picture on what the intention of the legislation is, and that is to provide and also give hope to our people for a better future. Not only are our families, but, indeed, our people—and I guess in your language you would say [*Dakota spoken. Translation unavailable*] and then ultimately [*Dakota spoken. Translation unavailable*] in the language of your people. And I want to thank you for your thoughtful presentation and your wisdom in working with the leadership in your community and taking up that challenge that all of us will have to eventually take up and that's becoming elders in our respective nations. I, personally, am still in denial, but I—you have taken that next step. So I thank you and commend you for the work you are doing with the leadership and the community of Sioux Valley.

Mr. Chairperson: Thank you for your presentation.

I will now call on Donna Elk.

Do you have any materials for the—

Ms. Donna Elk (Private Citizen): No, I don't.

Mr. Chairperson: No? Please proceed.

Ms. Elk: Good evening, honourable members. My name is Donna Elk. My Dakota name is Tate Kiye Etowan Mani Win, which translates to Walks-Facing-the-Wind Woman. I've lived in Sioux Valley my entire life. I'm 38 years old. I've—grew up in Sioux Valley, and I left for two years to educate myself and returned back to Sioux Valley to work in the social development department. I've raised three kids by myself, and I am proud to be a member of Sioux Valley Dakota Nation. I stand here in favour of Bill 48 because for me it means that my kids will be able to grow up and not have to leave our home to educate themselves. They will not have to leave our home to find a job. And that's what's important for us. I recently became a grandmother, so that's another generation coming.

Previously, I have worked with the government of Manitoba, and I would like to say that we are proud that, you know, for Manitoba's participation, because I was also involved in a process. I was elected in as council, and my hopes at the time when I was elected in for council was I want to change this, I want to change that. But I quickly learned that I can't make those changes because we're given funds and we're told what to do with those funds, and we can't really do the things that we want to do.

But, under this governance agreement, we are now able to do the things that we want to as people in order to thrive and become members of society that we don't depend on people. So that's a big thing that we're facing right now is a dependency. The Indian Act has created a dependency of our people where that we look for help all the time, instead of trying to help ourselves. So we need to teach the younger generation, ourselves and the younger generation, that, you know, the true meaning of self-government is being able to get up, you know, if you need to fix your house, you fix it yourself. You get a job, you know, go to school, and you work and you take care of yourself. That's what self-government means.

I later went on to be elected in as chief, and a good example of working with Manitoba is Winnipeg offered Sioux Valley Dakota Nation the white buffalo that was here from the zoo, so in my term—in the end of my term, that was brought back to Sioux Valley. So I took a year off and I went to a

session for self-government and I approached a chief and asked that if there's anything that I can do to help, please, I'll—willing to help. So, again, I started working in the governance office, so I'm—I put aside everything just to make sure that this opportunity doesn't go away, and we worked hard to ensure that this governance agreement gets passed, you know, as part of the voting process, as well, so passing the legislation for our people. And it wasn't easy to convince our people, you know, but we didn't tell them, you have to vote for this. You know, we gave them information and let them make their minds for themselves. So they eventually did vote in favour, and Canada voted favour, and I hope that Manitoba's in favour as well. So, that's all I have to say.

Mr. Chairperson: Thank you for your presentation.

Questions?

Mr. Briese: Thank you, Ms. Elk, for your presentation tonight. You might not think it's important that you come to these things sometimes, but it is. It sets our direction, and it—when you make a presentation, you talk about the future for your children. That's very important to us, and I know it's a long ways to come from Sioux Valley in here for 10 minutes at a microphone, but it is well worthwhile, and I thank you for coming.

Mr. Gerrard: Thank you for coming. You've seen this process from a whole lot of different viewpoints. From working within, from being chief for a while, and it's great to have it reach this far, and I expect it'll pass here within the next couple of weeks before we complete our work on June the 12th, and it's really good to have you here and talk about how this has worked and what it's going to do for people in the community. Thank you.

* (18:40)

Mr. Robinson: Thank you very much, Donna, for your presentation. I want to thank you for your past leadership as well, both as a leader of your community and also a mother, for the future of our people. And I want to thank you as well for the ongoing work you're doing with your First Nation, the—your—the Dakota Nation of Sioux Valley. And I want to deeply thank you personally for the work that you have done. Thank you.

Mr. Chairperson: Thank you very much for your presentation. *[interjection]* Yes, sure, Ms. Elk, go ahead.

Ms. Elk: I just want to say thank you for giving me this opportunity.

Mr. Chairperson: I will now call on Carol Johnson.

Do you have any written materials for the committee?

Ms. Carol Johnson (Private Citizen): No.

Mr. Chairperson: No? Okay. Please proceed.

Ms. Johnson: Thank you, honourable members, for allowing me to be here today. My name is Carol Johnson and I'm a member of Sioux Valley Dakota Nation. I'm also a mother and an aunt, a sister, a cousin and a niece and a granddaughter.

I have been involved with Sioux Valley self-government, gaining an interest on it, actually, in 1991, when I was in high school and, you know, I was 16 years old, and it was something that I just learned about and I—we had, actually, one of our members who is going to be presenting here today, Marge Roscelli, do a presentation to our Native studies high school class.

Back in 1991, there was no Sioux Valley High School. There was a choice of three high schools that Sioux Valley members got to pick from, where we were going to go to. So there's been a big change, you know, there's been a lot of development in Sioux Valley since that time. We now have our own high school, and I know that there's been a lot of interest from other Aboriginals living within Brandon that would like to actually come to our high school. The younger gentleman that was here earlier is my son, Antonio, and, you know, one of the things that I always taught him was that, you know, we have to—it's time for us to start doing things for ourselves, and that's what I've always taught him and his sister and his brother.

And my own interest in self-government was that—you know, back in 1991, hearing the words of Marge Roscelli speak about self-government and it made me realize that—you know, that our community has so much potential. We're a Dakota community, we're the largest Dakota community in Canada, and this is something—an opportunity that our community has that no other community has. We're also non-treaty; we're one of the five non-treaty bands in Manitoba.

And so, you know, all these things that a 16-year-old, you know, doesn't really think about, I started to think about, and it made me develop an

interest and also pursue post-secondary education so I can start working in this field.

One of the things that I always wanted to remember and I always state to the different community members that I come across is that, you know, this process was a long time, and even back in 1991, a lot of the members, our community members, that were involved in this process are no longer here with us. We've lost many, many elders, community members, that have always had the vision that—you know, of us becoming a self-sustaining, self-determining First Nation again, to be able to look after ourselves. And that is the whole vision of self-government. We want to look after ourselves. We don't want nobody to make our own laws and make our own rules anymore, we want to be able to do it for ourselves and teach our kids that we can do it for ourselves, that they can do it for themselves.

And so, along the years with the loss of our elders, you know, it's become sometimes very saddening, and at some points, you know, when you'd think that the negotiations would almost stop, and, you know, they kept going. And at the end, on August 30th, 2013, when the agreements were signed, it was such an emotional day because you think of all the people that we lost in the past that weren't there, that dedicated their lives for this and they weren't there to be able to witness this event. But we remembered them and we honoured them, and that was really important to me.

And to be able to sit here in this building where the first and second reading—and hear you guys talk about Sioux Valley and our accomplishments. You know, it felt really good because sometimes at home when we're in our own community, we think about why are we doing this and what makes it so important. But then we remember that, you know, it's not for us; it's for the future. And that's what we always talk about is the future and [*Dakota spoken. Translation unavailable*], which is what we say is the future. And that's what self-government is, it's to be able to have ourselves, make our own—becoming self-sufficient again. And that's what is important to me and that's why I continue to work so hard.

I took so much time away from my kids—you can ask my son that, on, you know, being a single parent and raising my two older ones by myself and the time that I had to leave them. But, you know, the Dakota people, we have a strong family, and I wouldn't have been able to do this without my family

to be there and support me and help me with my kids while I was doing what I had to do for the community. So I just wanted to, you know, thank you guys for listening to me today and explaining what it means to me and my family and my community and future generations, but also for all the past elders and members of our community that are not here to be able to speak to you guys today, and also for all the past chiefs that have supported this throughout, you know, 24 years of—23 years actually to, you know, keep this going. So I just wanted to say thank you.

Mr. Chairperson: Thank you for your presentation.

Any questions?

Mr. Briese: Thank you for your presentation, Ms. Johnson. It's—you laid out quite a track record there with the elders, you getting interested when you were 16 years old and your son here making a presentation today at 17, I believe he said he was. You've laid the groundwork for this to keep going forward, and I think that's highly commendable. It's—it takes a lot of perseverance. The more you're around government, the more you'll find that out, that it takes a long time on some things that maybe shouldn't take as long as they do, but I do appreciate your presentation here today. Thank you for coming.

Mr. Gerrard: You speak about the many people who've been involved along the way, some of whom are not here anymore. I remember talking with your former chief, Bob Bone, and he was involved at periods, and I remember talking with him about agriculture in the community and some of the difficulties, and hopefully this measure will really make a difference in terms of agriculture and in terms of many other areas. And the vision that people like Bob Bone and so many others had and the persistence that you and so other—you know, many other community members have had has paid off and good luck.

Mr. Robinson: I want to thank you and your son for being here tonight, Carol. I think that what you said as a mom raising a family is very important for all of us to be reminded of. The laws we make here are laws that apply to everybody and to your First Nation, to the Sioux Valley Dakota Nation. That's important because for the most part, a lot of times Dakota people have been pushed aside in our history, regrettably, and I just want to address you as a life-giver and a mother and, as you pointed out, an auntie to some other young ones, and I hope soon to be a grandmother, you know. I just want to wish you

well and thank you for your presentation before this committee. Thank you.

* (18:50)

Mr. Chairperson: Thank you very much. Thank you.

I now call Ivan Ironman.

Do you have any written materials for distribution?

Mr. Ivan Ironman (Private Citizen): No.

Mr. Chairperson: No? Then please proceed.

Mr. Ironman: My name is Ivan Ironman, and I'm a member of Sioux Valley, and I'm going to talk about—a little bit about the past, how we came into self-government. I'm going to go back to 1972. Jean Chrétien was Indian Affairs minister at that time, and he came to—at Indian training centre where Rivers air base was closed. He was there with his lawyer, Ron Irwin, and when they left, he left the book on self-government. And the late Robert Bone, he's my brother-in-law, and we looked at it, and I think that's how we got into self-government then.

Nineteen eighty-six, it was introduced to the nine Dakota bands in Saskatchewan and Manitoba, and none of them knew what self-government is, but our chief knew what self-government was, so he took on the initiative, and that's how we got started. But I'm quite glad that he took that—that chief and councillor that day took on that initiative to be self-governing and it took us—1992, I got on council, and I was on the council for four years, and '86 to '88 I was—or '96-'92 to '96, I was on council, and '96 to '98, I was the chief. And I got elected out in—well, I supported self-government.

And 1994, bad problems with the federal government. They had an election, and the Liberals got in, and to say that's a Conservative initiative; they don't want—didn't want to support it. And Marge Roscelli, she's here now, and Wayne Wasicuna, and there's another councillor, name is Terry Pratt. It wasn't—there's no budget for it, and we put it—kept putting budgets in there, but they didn't accept it. We took it to AMC, but he never took it, too. He never sent an agreement to Ottawa, because our negotiator at that time was from Ottawa and kept checking in, but it never went in. So AMC never supported us at that time. I don't know if they still do now or not, but that we had hardships, ups and downs, as Wayne was talking about, ups and—we had ups and downs.

But that time, I was on the council, and I would put my name as a councillor for portfolio leader for self-government and the other councillors for—councillors supporting self-government, and they sent that—sent that in, and that was Marge's idea. So we did that, and we got a little bit of funding, I think, close to \$400,000, and after that, there's no budget for co-ordinator. And at that time, Wayne Wasicuna had a LRT training, so we came to Winnipeg and asked Ray Hatfield, who's on LRT—he owes a funding. So we talked to him and, through that, we got funding for our co-ordinator, for Wayne to be a—that Sioux Valley negotiator.

So that's—that was one of the hardships that we went through, and by that time, Marge took another job at DOTC, and we struggled that—with that—those two years, and then after that, 1998, I got let out and I got very sick. I had pancreatic cancer, and I was—like, you see me now, I'm big. But, at that time, I was just skin and bone. But through prayer and different eating habits—so I quit eating pork and beef, and I got over it. I read about it and it starves it when you don't—quit eating those things. But I had all the wild meat.

And then I was off for 10 years, and then I came back on council. I was on there for six years supporting self-government, and I was quite glad that where—1991, when you look at the future it seems hopeless. Like, we're Dakota people, and the government at that time, 1991, Tom Siddon wrote a letter that we're refugees from the United States, and then after that Ron Irwin became minister of Indian Affairs and we got the same thing, he said it came from the same what Tom Siddon wrote, that's what Ron Irwin wrote too. And it hurts when you're from this continent and you're called a refugee. How can we be refugees when we are from this continent? And then Minister Knight, Indian Affairs Minister Knight said the same thing too. There's three Indian Affairs ministers that said we're refugees.

So—but with this self-government agreement, I'm very glad that we got to this stage now that it's going to be approved, and as speakers ahead of me said, it's the future for our kids, which is good. In the past when Indian Affairs—we had a lot of opportunities to get ahead, but we say yes to a business that comes to Sioux Valley, and we say yes and it goes to Indian Affairs and takes over a year, and that business has to make money so they move on before it's passed. Well, with self-government that won't happen because we're going to make the decision

now to—and it'll—the businesses will start coming to us, and that's a plus for us.

And I got lots more things to say but we only have 10 minutes and—but, as Dakota people, we have a hard history. We came from—some of us came from Little Bighorn and Minnesota uprising, but there's no such thing as a border for us. Up to this day, we don't consider it; it's there, but in Canada we're a minority, but the United States we're—there's lots of Dakota people. So we still keep in contact with them and they're interested in what we're doing—call it self-determination, and I'm glad that you guys are listening to us about whatever what we have to say.

But, as you know, my name is—my last name is Ironman. My—that is a given name from the Indian Affairs. My last name was [*Dakota spoken. Translation unavailable*] because the United States had bounties on our people when they came across, some of them, so some of us were given the opportunity to change our names, so that's why we have Ironman.

Mr. Chairperson: Just—you have one—just one minute left. Just letting you know.

Mr. Ironman: Okay.

That's about all I have to say because that's where—that's how I changed my name to Ironman.

Mr. Chairperson: Okay, thank you for your presentation.

Any questions from the committee?

* (19:00)

Mr. Briese: Thank you for your presentation, Mr. Ironman. It's always interesting to hear some of the history lesson and some of the history that's went into this and the years that it's taken to be there and that you were involved right from the start and on several occasions were very involved in pursuing this to get this bill this far, and it's very close to being done now and then the next steps come. But once you have the governance then the next steps come internally, and I do give you a lot of credit for your perseverance in going forward with this bill. Thanks very much.

Mr. Gerrard: Thank you for giving us a history lesson, and thank you for, you know, emphasizing, you know, what my understanding is, that the—I mean, the Dakota people often moved back and forth across the border and often lived in this area, that this is not a refugee area, but this is part of a historical

pattern that went back many, many years. I think I hadn't known about the visit of Jean Chrétien and Ron Irwin in 1972, and that's actually very interesting.

And, you know, I was in Ottawa for four years when Ron Irwin was minister of Indian Affairs and he—I know he cared a lot about people across Canada, Aboriginal people and various—whether it was Dakota or other tribes. I remember one occasion, there was an incident in Winnipeg when somebody had shot somebody with a bow and arrow, and shortly after that Ron Irwin came in and talked to me with a big smile on his face—you know, it's not one of my guys. It was a crossbow. And, you know, he may not have been right on the refugees, but he did some good things elsewhere. Thank you.

Mr. Robinson: Thank you very much, Mr. Ironman. I know that you have done a lot of work in your community and I know that you're viewed as one of the elders in the community of Sioux Valley, and I want to thank you for your many years of perseverance in not only educating non-Native people, but, indeed, the people in the community about the advantages that we have in governing our own affairs as Aboriginal people. So I want to commend you and thank you for the hard work that you have committed to yourself and to your people for many, many years. Thanks.

Mr. Chairperson: Thank you, very much.

We'll now call on Marge Roscelli, please. Please proceed with your presentation.

Ms. Marge Roscelli (Private Citizen): [*Dakota spoken. Translation unavailable*]

All my relatives, I greet you with a glad heartshake, a handshake from the heart. My name is [*Dakota spoken*], Touched By The Wind. My English name is Margaret Roscelli, the Marge Roscelli everybody's been talking about.

I have come a long ways from the day when I was born in a two-room mud house in what was then called Oak River Reserve. I left there at a young age and I went to residential school. I lived through the era of the Indian agent when I was a child and I survived the residential school; and, when I left for the residential school, I really didn't return to Sioux Valley after that. I got married in North Dakota to a member of the Fort Berthold reservation who was half Iroquois and half Italian. That's why I have an Italian name, and although he was an Indian, registered Indian in Fort Berthold, he was not

recognized as an Indian in Canada. Therefore, I lost my status.

Most of the time when we were married—because he was a member of the United States Marine Corps I lived in the United States and the military took good care of me. Canada was no longer able to help me. It was the military who took care of all my medical needs, my son, my family. We were under their care for many years.

So I lived in different parts of the world. I moved home from Washington, DC. Prior to that, I lived many years on the coast of North Carolina, United States Marine Corps Cherry Point Air Station. I have travelled many places, to New Zealand, to Hawaii. I went to the villages in New Zealand and took part in their immersion program over there and saw it first-hand how they brought their Maori language back.

Dakota is my first language. I learned English when I went to school. When I first started school, I had no idea what English was. My cousin, who is now deceased, Gary Taylor [*phonetic*], was the one who took me to school. My parents didn't want me to go to school, but they were away and he started school. We're the same age. He took me to school, and I have no idea what he told them. And, when my parents came home, I was already enrolled in school.

So I still speak Dakota at home. I have learned a lot in the world, returned home to Sioux Valley with that knowledge. And I've always supported the self-determination initiative that my brother the late former chief Robert Bone started in the late '80s.

He started with what you would call the town hall meetings in the community. And because we are Dakota people, we are oral; we don't have written documents. We had our town hall meetings, and because we are also a feasting people—we honour each other with food—we would provide food and we would get together and we would talk about every social program area, starting with health, education, social, economic development. There were so many people there. You wouldn't believe how many people came to those meetings to put forward their ideas, their dreams for the future, their vision.

My brother was ahead of his time in, you know, the visions that he had, and he also brought the people along into his vision and they supported him. And in 1991 an agreement in principle was signed with Minister Tom Siddon.

My brother was a councillor and a chief for many years, and I worked alongside. And that's

where I met Carol, as a student. I went to the schools and I talked about what self-government would bring, what it would mean to us, our manifest destiny through self-determination. It was something I dreamed about and never thought that I would see come to a conclusion. My brother didn't make it, sadly; he passed away in 2008. But this is a vision and a dream that he had for his people.

And there were many elders who took part; they willingly took part. We videotaped them. The things that they talked about, they're of great importance to us even now as we go forward: to develop our own future, to develop our own policies and procedures through our own government. I find it exciting.

I worked as a volunteer committee member, and then I became a co-ordinator, and then I became a chairperson, and then I became an assistant negotiator to Ian Cowie, who was a lead negotiator from Ottawa. I worked with him many years until the funding was cut off, the one Ivan Ironman was talking about.

And I left in '95 to work for Dakota Ojibway Tribal Council as the health director. And from there, I went to the Southern Chiefs' Organization to begin their health office. Former Grand Chief Margaret Swan asked me to come and start a health unit there, and I did. And then our chief of that day, Ken Whitecloud, wanted me to return and run our 26-bed personal-care home on reserve in Sioux Valley, so I returned and that's where I worked. I took a hiatus due to some medical challenges, and then I returned to work again as the health director for Sioux Valley Dakota Nation.

* (19:10)

I find it a very exciting time to be working, to do the things that we want to do, to help the young people achieve our goals and objectives for self-government.

I'm very happy to be here. I honour all our elders who have gone on. And I'd like to sing a song to honour them, if I may.

[Dakota spoken.]

That song says: Watch me / I am coming / I am a brave heart / When the Oyate, the nation, needs me / I gird myself with courage / And I step forward.

And that's for the leaders, the people who have gone on. And when we rattle our tongue, it's the women's way of showing honour and respect for anybody that's being honoured, anybody that's in our

presence. When the warriors used to go off to battle, the women would make that noise, a trilling. And then, when they returned, they would trill again. It's a victory.

And I'm here to remind everybody who we are. We are the Dakota people. We have roamed all over this continent. My father's going to be 91 this year, and he's still alive.

I know many stories about how the Dakota went west to the ocean and then south and then to Mexico and up along the coast and back through Niagara Falls. I know the history of the Dakota. And I'm so proud to be here today. I jokingly call this my refugee outfit, but it is to show people who we are.

Mr. Chairperson: Sorry, you have one minute.

Ms. Roscelli: And I thank you all. My brother used to talk about 'enabling' legislation from the federal government, enabling legislation from Manitoba, and I think that is what I'm seeing here today.

[Dakota spoken. Translation unavailable.]

Thank you so much.

Mr. Chairperson: Thank you for your presentation. Questions from the committee?

Mr. Briese: Thank you very much for your presentation, Ms. Roscelli. It's very interesting when you give some of the history and some of your own personal history. Certainly, you've had a very rich life up to this point, and I expect you intend to have for quite a few more years.

But it's perseverance by people like you in these kinds of situations. It's been a long process, and you've carried the torch well. And you've taken forward your brother's wishes and passed it on to the younger people that are here presenting tonight. And that's commendable, and I thank you for your presentation.

Mr. Gerrard: Thank you for sharing your story. And, you know, we are so honoured and so lucky to have so many people from the community to share stories like yours. And, you know, this February, just a few months ago, I was in New Zealand, and part of the reason I was there was to meet with some Maori leaders and to learn about what they're doing. And I think oftentimes we can learn from other people elsewhere and improve our own circumstances. Thank you for your persistence and all your hard work.

Mr. Robinson: Thank you very much, Marge. I really appreciate your presentation. I think many

times we get caught up in the ways of doing things in this—in the world, what we occupy currently here. But I think that basic common sense that you have brought to our attention is something that we all need to hear every now and again.

I want to thank you. I've always respected your ways of doing things, and I'm very happy that you have come to this committee in the traditional regalia that you have tonight, particularly with our messenger that we used in summoning the spirits to hear you before you spoke and in honouring our warriors that died defending the honour of not only our people but, indeed, this country that they know as Canada and the United States.

And I also want to honour your husband's service in the United States Marine Corps and all the people in Sioux Valley that served in the military in years gone by. I think Sioux Valley and the Dakota people in this country often don't get that recognition because, per capita, I believe that the Dakota people probably enlisted in the military and the armed forces—probably the largest number of enlistees came from the Dakota Nation here in Manitoba in the years that have passed: World War I, World War II, Korea and onward. So I do thank you for remembering our veterans tonight too. Thank you.

Mr. Chairperson: Thank you very much.

Before continuing with public presentations, I have a few items for consideration of the committee. Rob Olson of Manitoba Wildlife Federation registered to speak on Bill 53. Also Pascal Badiou will speak on behalf of Ducks Unlimited Canada on Bill 61, taking the place of Chris Smith. And, finally, Gaile Whelan Enns, registered to speak on Bill 61 representing Manitoba Wildlands, asked to make a second presentation on the same bill on behalf of Peguis First Nation.

Is there leave for the committee to allow Ms. Whelan Enns to present—make a second presentation on Bill 61? *[Agreed]*

Bill 61—The Peatlands Stewardship and Related Amendments Act

Mr. Chairperson: We will now move on to the next out-of-town presenter, which is on Bill 61, and it is Paul Short, president of Manitoba Peat Producers.

Do you have any written materials—oh, you're distributing. Please proceed when you're ready.

Mr. Paul Short (Manitoba Peat Producers): Good evening, and thank you, Mr. Chairman and

committee members. My name is Paul Short. I'm the president of the Canadian Sphagnum Peat Moss Association. I thank you for the opportunity to speak to Bill 61, the peatlands stewardship amendment act.

Our association was founded in 1988 to promote the benefits of peat moss to horticulturalists and home gardeners throughout North America. We also invested in environmental research that provided the foundation for best practices and methods to ensure that we could harvest and continue to maintain our responsibilities as good stewards of the environment. Our association is comprised of 17 peat moss producers and marketers representing 95 per cent of Canada's total production.

Canada is the world's largest producer and exporter of sphagnum peat moss for horticultural use. Imports of peat from Canada represent 97 per cent of the United States' imports and 85 per cent of the total production of Canada. A product that is harvested in Manitoba is also used by Manitoba businesses to produce flowers, mushrooms and other horticultural values.

Peatlands management: The CSPMA has a strong record as responsible stewards of peatlands here in Manitoba. By working together with government, we play an important role in the conservation of this valuable natural resource, while making important environmental, social and economic contributions to the province. We currently have four companies operating and several others that have expressed an interest in harvesting in—investing in Manitoba once the regulatory issues have been resolved. There are 10 different plant locations and 21 bog sites. We employ over 360 Manitobans: 210 direct, 90 indirect through suppliers and 60 induced by the industry.

* (19:20)

Mr. Chair, as an association, one of the main goals is to use science-based practices to restore peat-accumulating ecosystems to functionality within a 10- to 15-year period post-harvest. In the past five years alone, we have helped to restore or reclaim 656 hectares or 1,626 acres of peatland in Manitoba. In terms of effectively protecting and managing Manitoba's peatlands, we'd like to note that our harvest area is less than 1 per cent of Manitoba's total peatlands. Our association of members have already undertaken significant measures, including devoting considerable time and resources into research, researching effective peatland ecology and restoration techniques, establishing a research chair

in peatland management at the university of Laval, Laval, Quebec, and establishing new research projects within the province of Manitoba undertaking a noteworthy water conservation district pilot project on the Rat-Seine where nearly two thirds of the peatlands have been restored while remaining—the third has been used as a reservoir to ease downstream flooding. And we've restored 700 acres of peatland in the Moss Spur bog which is also home to a native orchid preserve.

Integrated environmental protection: Our association also fully supports the integrated approach taken by the government and its industry partners to ensure the responsible management of the province's peatlands. Such an approach will help us develop common management strategies tailored to needs of each peatland area while addressing issues such as biodiversity conservation, land rehabilitation and climate change.

In our view, the peatlands stewardship bill the Province has introduced is a balanced piece of legislation that takes into account the competing interests of many different stakeholders while allowing for appropriate management and harvesting of Manitoba's peatland resources.

Mr. Chair, we support the idea of peat-free harvesting zones in provincial parks and wildlife management areas contained in Bill 61. This will allow industry members to be responsible stewards while providing opportunities to manage and harvest peatlands in other areas of the province. Please know that CSPMA members are fully committed to working collaboratively with the Province, municipalities and environmental agencies and First Nation communities. We also look forward to working with the government on further regulatory and, where needed, legislative measures to ensure the long-term sustainability of Manitoba's peatlands.

Responsible harvesting and recovery: The CSPMA understands the critical importance of the peat industry to rural economic development and employment in Manitoba. I've already stated some facts: 210 full-time jobs in Manitoba; 90 indirect suppliers and 60 induced jobs. We've also—generates \$1.5 million in total taxes. Of that total, \$714,000 are provincial and \$13,000 are municipal. Plus, in 2011, over \$400,000 in royalties were paid to the government.

It is our understanding that accepted economic accounting practices place a higher value on rural employment compared to comparable urban jobs.

Equally, we understand the importance of responsible harvesting and recovery, a responsibility that we have taken seriously since we began harvesting in Manitoba more than 60 years ago. As part of our dedication to peatlands renewal, through restoration we have developed a national guideline which deals how to restore peatlands here in Manitoba and across the country and, in 2002, introduced a research-based code of sustainable practices which details leading restoration and research techniques.

Another way our association is working to promote environmentally responsible harvesting is through an agricultural sustainability certificate, an eco-labelling program known as Veriflora. This is a neutral, third-party process which verifies environmental and social responsibility practices based on global standards. Not only are a majority of Manitoba peat harvesters part of this program, but 65 per cent of the peat moss harvested in Canada is already Veriflora eco-certified.

Further, allow me to put this discussion into some context, because only 0.01—and I said earlier, less than one—0.014 per cent the province's wetlands are harvested for peat moss. That's equal to the size of just three average family farms in Manitoba. According to the Statistics Canada, there are 15,000 average-size farms in Manitoba. So we represent about three of those.

As well, it is important to note that more than 20 million tons of peat which accumulate every year in Canada, only 1.3 million tons are harvested, which represents just 6.5 per cent of the total grown each year. As an association, no one is more committed than we are not only to protecting the valuable natural resource for the long haul to restoring peatland as—to as good or as equal to a previous ecosystem in terms of biodiversity, hydrology and greenhouse gas exchange. The solid success we have enjoyed in areas such as Giroux, where we recently restored a fen, illustrates the depth of our commitment.

Scientific enhancement: The CSPMA fully supports the province's goal of increasing knowledge of Manitoba's peatlands. In fact, as part of our ongoing efforts as leaders in this area, our members have invested more than \$7 million in research during the last two decades, including several ongoing research projects here in Manitoba under the auspices of the current Natural Sciences and Engineering Research Council program, NSERC.

From this and other research, we already know Manitoba peatlands store an estimated 18 to 19 gigatons of carbon and accumulate about four million tons of new peat every year. And thanks to a research and environment life cycle analysis of peat, we understand that restoration is the best mitigation option following the end of harvesting.

We also freely acknowledge that there is still much more to—we need to learn as part of our responsibility as stewards, and we look forward to working with the province to fill these gaps in knowledge. Further research will not only enhance our understanding of Manitoba's peatlands but will assist us and the government in further protecting and restoring this important natural resource in a sustainable fashion.

Public engagement: Increasing the base of knowledge and protecting our ecological and economic valuable peatland resource requires including members of the public in this process. The province has done a good job in engaging First Nations communities, researchers, academics and industry representatives in this regard, and we applaud them for their efforts. At the same time, our association understands the potential impact peat harvesting can have on First Nations communities, and we're eager to continue working with them to help develop a long-term stewardship strategy that protects their communities. To that end we've already—we've begun consultations with the Fisher Creek—Fisher River Cree Nation and Peguis First Nation, which we hope will be an impetus to ongoing dialogue.

As I mentioned earlier in this presentation, we have also actively engaged—

Mr. Chairperson: Sorry to interrupt, one minute.

Mr. Short: —in discussions with community members and organizations such as Rat-Seine.

In February of this year, we signed a memorandum of understanding with Ducks Unlimited Canada in research, restoration, reclamation. We are currently in discussion on projects of mutual interest in Manitoba.

In conclusion, allow me to summarize our position on behalf of the peat industry. We have appreciated the opportunity to have input through the development of Bill 61 and feel the government did a good job in balancing all of the competing interests. If the legislation passes, we are ready to move

forward and assist in making Manitoba a leader in peatland management.

Based on scientific evidence, we are responsible stewards who know that peatlands can be restored. As a result, we are continually demonstrating our commitment to these practices and principles. We are creators of hundreds of well-paying, steady jobs in rural Manitoba and contribute every day to the Manitoba economy in direct and indirect benefits.

Finally, we are committed to ongoing collaboration and to working to create a long-term stewardship strategy that is good for our employees, good for the environment and good for the millions of consumers who use our product. Thank you very much.

Mr. Chairperson: Thank you for your presentation.

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): Thank you very much for coming here, Mr. Short. We appreciate your ongoing leadership in this area, and we certainly appreciate your commitment to dialogue and to developing legislation that works for all the interests.

And one thing that struck me—well, I think when we first met you observed that the legislation for the first time in Canada as a stand-alone bill, but it recognizes peat as a resource that's in need of management. And I took those words to heart, and I think that's how we can best characterize the legislation. But we look forward to the ongoing work with you and the other stakeholders in developing the regulations.

Mr. Shannon Martin (Morris): Mr. Short, I appreciate the time, sharing your association's views. I've taken a look at your website and some of the videos that have been presented, some of the—you talk about essentially the emerging science and restorative techniques being used. I think there's some test sites, I believe, in Quebec, that there was some videos available online to show and share that information as some of the goings-on and efforts that the peat industry is taking to reclaim some of that land.

One of the questions I had is you talked a bit about public engagement. One of the components of the legislation—and I think it's one of the new components of the legislation—is that every holder of a licence has to provide to the director a peatland recovery plan within, I believe, three years. Would you be supportive of that plan as part of public engagement being made public so that the public

could be fully aware of the—of that licensee's long-term plans with relation to that peat site?

* (19:30)

Mr. Short: Mr. Martin, this is a public resource. It's a public process. I think we would be engaged, as the minister has said, in managing this peat resource value. So, if that becomes part of the regulations, then we will be engaged in that process.

Hon. Jon Gerrard (River Heights): Thank you very much for your presentation and for all the commitments that your organization has to research and to restoration.

One of the issues or one of the questions that I've got—I know that in Manitoba and in elsewhere there's been peatlands which have been converted over for agricultural lands. And this is not really mentioned in the bill at all, but I would ask you: What do you see as we move forward into the future in terms of to what extent there will be peatlands converted to agriculture lands and, you know, what's your view of this as part of the management process?

Mr. Short: As the minister says, this has been the first bill that looks at a management construct of the resource asset, and, just like any other resource, we will have responsible planning that has to go on, and so that there are interests that, expressed in some areas, may look at setting aside protected landscapes or conserving other areas or allowing development to go through, maybe for peat use or for agriculture use. That becomes a part of the process. That becomes a part of the dialogue, and I think that's built into the legislation, or will be built into the legislation that's going forward.

So I think it's part of the demand, the societal demand, on a resource asset that finally is getting the prominence that it needs to be, especially in Manitoba—19 million hectares. This is the first piece of legislation in Canada. We have 113 million hectares, in this province, one quarter of the world's peatlands, and this is the first real piece of legislation. So I say that with somewhat a sense of ownership, too. We are quite proud of being a part of this group.

Mr. Chairperson: Thank you for your presentation.

I will now call Stéphanie Boudreau, please. Do you have materials for distribution?

Ms. Stéphanie Boudreau (Canadian Sphagnum Peat Moss Association): Yes.

Mr. Chairperson: Please proceed when you're ready.

Ms. Boudreau: So, good evening to the Chair and committee members. My name is Stéphanie Boudreau, science co-ordinator of the Canadian peat industry and representing the Manitoba peat producers. So I thank you for the opportunity to speak about The Peatlands Stewardship Act.

As the science co-ordinator of the peat industry, my intent today is to comment on the science related to peatland and its responsible management.

For your information, I'm a plant biologist and my background is in peatland ecology and restoration, so prior to my current job with the peat industry, I've been working for more than 15 years at Laval University as a research professional and as the Co-ordinator of the Industrial Research Chair in Peatland Management, led by Dr. Line Rochefort, who is a well-known Canadian and international peatlands specialist.

So, first of all, I would like to highlight that the peat industry supports the new provincial Peatland Stewardship Strategy that has been released recently. We fully agree with its vision for healthy, well-managed peatland ecosystems that are able to provide valued ecological goods and services, including responsible economic development opportunities.

About research: The peat industry has funded major research programs over the past 20 years, along with governmental agencies, such as the Natural Sciences and Engineering Research Council of Canada, and academic institutions, for example, Laval University, University of Calgary, University of Waterloo, McGill University. And since 2003 the main research program is under the NSERC Industrial Research Chair in Peatland Management, led by Dr. Rochefort, and a third mandate has been granted for 2013 to 2018 for the industrial research chair, as well as a joint research program, a collaborative research and development grant. This research has provided the industry with science-based practices to restore peatlands after peat harvesting. It also provides evidence that restoration efforts can return a peatland that has been harvested for horticultural use to a functioning peatland ecosystem within a period of 10 to 15 years.

Note that the goal of peatland restoration is to re-establish self-regulatory mechanisms that will lead back to naturally functioning peat accumulating

ecosystems. This includes the re-establishment of typical peatland plant and biodiversity, the hydrological regime needed to maintain the system and the return of the long-term carbon sequestration functions.

So, in addition to the programs mentioned above, the industry is also collaborating in numerous research projects and governmental initiatives on topics such as water quality management, carbon mitigations, sphagnum farming, et cetera.

If you're worried about the restoration techniques, the restoration has been developed through the extensive research program, and we called it the moss layer transfer technique and it's based on active introduction of peatland plants on hydrological management in order to raise and stabilize the water level, and on the use of various techniques to improve micro-environmental conditions for plant establishment. Machines widely used for agricultural or peat harvesting purposes can be used, making these techniques compatible with the restoration of large peat surfaces.

The technique includes eight steps: planning, surface preparation, plant collection, plant spreading, straw spreading, fertilization in some cases, blocking drainage ditches and monitoring. I will not go into the details, you have some more detail in the text, but if you wish to ask me questions, you're welcome.

Now a few words about the current state of knowledge about peatland restoration and its success: In terms of biodiversity, monitoring of restored sites show that typical bog plants establish within a few years following restoration and are dominated by sphagnum mosses, which is the goal. Restoration also returns the organic matter accumulation to values that are comparable to those of natural systems.

In terms of plant species, the number of species can be higher in restored sites compared to natural peatlands because wetland species can also be abundant in former drainage ditches, especially at the beginning of the restoration purpose.

Some birds and insect species typical of natural peatlands do recolonize restored peatlands but their abundance remains lower than in natural peatlands 10 years after restoration. Amphibians, however, are more abundant in restored pools than in natural pools. So this is where the research is now.

In terms of hydrology, the conditions necessary for moss establishment are improved as the water

table rises quickly after ditch blocking although it still fluctuates more than in natural peatlands 10 years after restoration. Research predicts that it will take between 15 and 20 years to accumulate a thick enough moss layer that will again regulate the water.

In terms of carbon balance, which is one of the most important functions—so, following restoration, carbon dioxide emissions are largely reduced or reversed while methane emissions increase due to a lower—but to a lower extent than in natural peatlands. The final balance can be difficult to evaluate, even in natural peatlands, since the greenhouse-gas-flux estimates are rather sensitive to the weather during the study period, but this indicates the importance of long-term studies to determine robust estimates of peatland carbon balance.

However, the research predicted that the annual carbon balance can be returned to near natural conditions within 10 to 15 years following restoration. Studies from different provinces in Canada report similar values, suggesting that the continental climate does not greatly impact the effect of restoration on carbon dioxide and methane fluxes, at least in the short term.

Research projects has been implemented in Manitoba as part of the Industrial Research Chair in Peatland Management and the joint CRD program. For example, all restored peatlands are surveyed and are included in a pan-Canadian, long-term monitoring program to evaluate success or failure of restoration to assess the causes of such success or failure and to determine if adaptive measures are needed.

In order to continuously improve the restoration method, an experiment on the storage of plant material is also being conducted in a peatland in Manitoba, as well as another one in New Brunswick.

The researchers was also—will also undertake this summer a comprehensive study of spontaneous revegetation at two sites in Manitoba. The outcome of this project could be applied at the planning of the restoration of the additional sites in the province.

We acknowledge that there is still much we need to learn as part of our responsibility as stewards, and we look forward to work with the Province to fill these gaps in knowledge. We fully support the Province goal of increasing knowledge in Manitoba's peatlands and to pursue new research opportunities through scientific collaboration.

* (19:40)

During the process to develop the act, we have encouraged the Province to implement a collaborative research program and establish appropriate funding mechanisms to support such programs. It should include provincial academic institutions, NGOs, First Nation communities and all industries affecting peatland management. The peat industry is prepared to contribute to this mechanism and build on the research work we are currently conducting.

We also support the objective of holding biannual wetland workshops as outlined in the Peatlands Stewardship Strategy to enhance further collaboration and maintain the focus on improved understanding of Manitoba's wetlands, including peatlands.

My specific comment about the act itself relates to the definition of peat. From a scientific point of view and to improve the clarity of the act, I would suggest to define peat as a natural organic material formed by the decomposed part of sphagnum moss and other plants such as sedges that grow in peatland. It includes sphagnum peat moss and sedge peat. To my knowledge, woody peat is found more or less only in a tropical peatland.

In conclusion, the industry relies on science-based evidence to guide its policy and practices. Science has been and will continue to be the foundation of our environmental policies and programs. We feel strongly that to achieve leadership in responsible peatland management there must be a comparable investment in peatland science through research by the Province. This research must address social, economic as well as environmental values of Manitoba's peatlands. As an industry, we are committed to continued collaboration with the government to improve our understanding of peatlands ecology and effective responsible management.

So I thank you for this opportunity to speak to the Standing Committee on Social and Economic Development and I welcome any questions you may have. Thank you.

Mr. Chairperson: Thank you for your presentation.

Mr. Mackintosh: Well, thank you very much, Ms. Boudreau, for your presentation, and the timing was impeccable as well, I might add. But we certainly will look at your presentation fully, and I also want to commend you. It appears that the industry is

certainly involved in a metamorphosis of sorts in terms of looking at restoration practices and what works and what doesn't work.

I also—can I take it from this that your encouragement for Manitoba to be more involved in research, is it preferable that that be done in concert with what has—happening at Laval which appears to be a world leader in peatland restoration research?

Ms. Boudreau: I think it's good to start from what has been done and to build on it. There's already researchers in place. But there is new opportunities that will come, and I've learned that the new peatland specialist that has been working on hydrology is now—have been hired as a researcher in Brandon University, I think, if I remember well. So—and there is other specialists in the province that for sure can contribute to this increased knowledge.

Mr. Martin: Ms. Boudreau, thank you very much for your presentation. I always enjoy the scientific view of legislation.

One of the comments you make in your presentation is that there's evidence that restoration can return a peatland that has been harvested for horticultural use to a functioning peatland ecosystem within a period of five to 15 years. Not having a great deal of scientific background myself, especially when it comes to peatland, is it possible to restore a peatland to the point of re-harvesting, or no?

Ms. Boudreau: Oh, no. The peat accumulates over hundreds and thousands of periods. So the goal is not to bring back the peat deposit like it was in 10 years or 15 years; the goal is really to put back the functions of the peatlands so the ecological goods and services that was there before.

So, yes, like, the peat deposit, we do not intend to go back and harvest the peat again. It's really to reduce the ecological footprint and to put back a peatland that is functional.

Mr. Martin: I appreciate the clarity; that's a one-time resource.

The other comment is you put forward the suggestion in terms of improving the clarity of the act, in terms of expanding or operating in an alternate definition of peat that the legislation could include. I'm just wondering, if you could advise the committee why, in your view, that this, the definition you suggest is superior to that being proposed by the government?

Ms. Boudreau: I don't have it necessarily in front of me, but it—there was some—it was just not said necessarily in a good way and there was a mention of woody peat which is not necessarily what we have in Canada. So it was more to make it more clear.

Mr. Gerrard: Thank you so much for your presentation. Now, just in terms of following up what I had asked earlier about the conversion of peatlands to agricultural purposes, I know there is some land in Manitoba that has been so converted and this has happened elsewhere. What proportion of the peatland in Canada which has been harvested is converted to agricultural purposes, and what would you see in the future is desirable in terms of the proportion that is fully restored as a wetland and the proportion that may be converted to agricultural uses?

Ms. Boudreau: In our industry, it's pretty rare that peatland after harvesting are converted to agricultural land. It's not so much frequent because under the legislation, everywhere it's a peatland; it's still considered as a peatland even after because there's the peat deposit that put it in the category of wetlands. So, in that respect, and as a wetlands specialist, I would say that it—like, it's better to restore the peatland after to what it was, a wetland or a peatland. I would not necessarily suggest to convert a peatland to an agricultural land in our industry. In some other contexts, I can understand that it may happen that agricultural land may be needed, but not necessarily after peat harvesting, except on special social contexts, let's say.

Mr. Chairperson: Mr. Gerrard, 10 seconds.

Mr. Gerrard: One very quick follow-up.

I mean, once you—is it easier to convert without harvesting or—where people have done it in the past because then you retain the moss?

Ms. Boudreau: I think the—how it happens, it slowly—people are draining their land and they are close to a peatland, so slowly but surely the peatland gets drained, and then it's easier to convert it to an agricultural land. It would be easier in a peat-harvested field to convert it because the drainage ditch is there, the substrate is there. Like, it's already almost ready for it. But the peatland is not necessarily good as it is for agricultural because it's low in nutrients, it has an acidic pH, so then you need to add lime, you need to add fertilizer and then the emissions of carbon dioxide goes up.

Mr. Chairperson: Thank you very much. Our time for questions and answers expired.

**Bill 48—The Sioux Valley Dakota
Nation Governance Act**
(Continued)

Mr. Chairperson: We will now move back to Bill 48, and we have one final presenter on that bill—is Ken—Mr. Ken Guilford.

Mr. Ken Guilford (Private Citizen): I shall apologize. I can't find—

Mr. Chairperson: One second, one second. Do you have any materials for anybody?

Mr. Guilford: No, I don't. I haven't. I don't have any for myself, either.

Mr. Chairperson: All right. Go ahead.

Mr. Guilford: Can somebody please refresh me on what the bill's about? I don't have—I can't find my bill.

Mr. Chairperson: It's Bill 48, The Sioux Valley Dakota Nation Governance Act.

Mr. Guilford: I'm sorry, I didn't hear you.

Mr. Chairperson: Bill 48, the Sioux Valley Dakota First Nations government act.

Mr. Guilford: Okay, what I'd like to say I'm very much in favour of this bill. This bill marks a first in Canada. It's also a first, I believe, in North America. It is an excellent bill, and we need to put it forth with a unanimous decision. I hope the MLAs are not too tired by the end of the day to raise your hand and make it unanimous because it is. It should be.

It is not good the way things are and people don't ask questions. They don't—how the hell are you going to remember questions—

Mr. Chairperson: Mr. Guilford, just one second. We have to—you can't—[interjection] No, just one second. You can't swear in the committee. I'm giving you a warning. Please—

Mr. Guilford: I didn't know I was—I didn't know that was a word—that was a swear word. I was trying to choose my words. I'm sorry.

What I would like to say is these people have done a lot of work on this bill, and I, for one, am proud to stand for the people, First Nations. I do a lot of work with the people from First Nations in Aboriginal whatever. I do a lot of work with them in 181 Higgins. I'm with the lodge. I am doing sweat

lodge. I'm also doing people-sharing circles. I'm—so—none of you—if any of you don't know, a sharing circle is when—where one holds a feather and it's passed on from the next person. He says something and nobody else speaks. That is—feather is passed around to the next person. Nobody else speaks. During that time, there's a lot of thinking going on, on my part, and I do not hesitate to say, there's a lot of feathers, they're thinking I'm going at other people because I talked to them after about that. And they are proud that I am with them. They're proud that I can stand up with them.

* (19:50)

On the weekend, Sunday, I went to Thunderbird lodge, and the main purpose of the trip was to actually celebrate with the people from Thunderbird lodge. And I do lots of that, and 411 Ellice is a place where people can gather just south of the University of Winnipeg, and they can gather and go on the computers and everything else. I think you need more funding—more funding from the provincial government so that they can expand, because they will use the property, I tell you right now.

And in Sioux Valley, it's a great idea, a simple idea. And I'm proud to say amongst my brothers, my First Nations—incidentally, I have Native in me. I am a white person, I'm a—oh, sorry. I'm a Native person with some—maybe a quarter of that Scotch. But I stand up and my sister and my whole family stand up, and they're in southwest Manitoba and they're similar to what the situation here—if we can pass this bill, it's beginning towards—not an end, no. It's never an end. It's reward many others who did great things. Maybe next session, work on another area of Manitoba or Canada, whatever. Stephen Harper, he might get up and do something himself. That'd be strange.

But, anyway, I don't want to *[inaudible]* you're going to accuse me of swearing again, I know that. But, anyway, I have *[inaudible]* now. That counts, and a person has no notes, no nothing else, just his own heart. You follow your heart, and you'll do well, everybody. Thank you.

Mr. Chairperson: Thank you.

Questions from the committee? No?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): No, thank you—just thank you very much, Ken. I don't have any questions, but I do thank you for your presentation and your interest on a very important bill. Thank you.

Floor Comment: Thank you. What I would like to say, Mr. Robinson—

Mr. Chairperson: Whoa, hang on one sec. Okay, Mr. Guilford, go ahead.

Mr. Guilford: Mr. Robinson, I'd like to thank you very much for the amount of work you put in yourself amongst others, and I would like to acknowledge you, Mr. Robinson, Eric Robinson—a lot of people don't know that. I didn't know that the other day, it's been 2009 that you were in there, and I was surprised, but I'm—you know what's coming up. I would like to thank and acknowledge you for being deputy minister of Manitoba. Whoo, yes, whoo. Way to go, guy. I'm proud of you, man. I'm proud of you.

Mr. Chairperson: Thank you very much, Mr. Guilford.

Bill 53—The Fisheries and Wildlife Amendment Act (Restitution)

Mr. Chairperson: I'm now going to call—actually, Mr. Guilford, you might want to just stay where you are, because I'm going to call number—Bill 53, and you're up next on Bill 53, so please proceed.

Mr. Ken Guilford (Private Citizen): Okay, just going to do the same thing. Just where they—goes briefly through abbreviation and then I'll go on.

Mr. Chairperson: Bill 53 is The Fisheries and Wildlife Amendment Act.

Go ahead, Mr. Guilford.

Mr. Guilford: Can you add a little bit more, please? Can you add a little bit more?

Mr. Chairperson: No, that's all I have. The Fisheries and Wildlife Amendment Act.

Mr. Guilford: Is that a pro or a con? Is that a pro or a con?

Mr. Chairperson: It's the act. You have to tell us what you want to say.

Mr. Guilford: I'd like to say a lot of things. But I'm hoping the good fish know which way to swim when the time's to get *[inaudible]*. The salmon, I know, swim up the water. What do these fish around here do? What I would like to say is, what you have for—what you used to have for a bill was the fact that you had to watch your limit, the number of fish, which fish and all this. And I'd like to say that that was good.

Now, how you guys would change that for the good, I don't know. For the bad, even less. *[interjection]*

While he talks, I'll just wait. Are you guys done or can I carry on or what?

Mr. Chairperson: No, thank you very much.

Mr. Guilford: No, I'm not done yet.

Mr. Chairperson: Okay, go ahead, Mr. Guilford.

Mr. Guilford: I stopped because you guys were talking.

Mr. Chairperson: Go ahead, Mr. Guilford.

Mr. Guilford: I stopped because you guys were talking. I didn't want—I want to make sure you—both of you, Andrea and the other person, I forget his name, that—I wanted to make sure that you heard.

Mr. Chairperson: Go ahead, Mr. Guilford.

Mr. Guilford: Okay. What I would like to say is the fish are doing fine. They don't need any government—they don't need *[inaudible]* the government that wastes, the government telling them what to do, as you are in farming, as you are in the peat moss, as you are in other forms of things.

I would like to say that no more controls, more talking with the farmers. My brother's on a farm, he can—he tells me a lot and he says one of the worst things about farming is being told what to do. It takes the operation all the way up, and that is not right. You guys have to be—I know I'm not up here to tell you guys what to do; I do that outside.

But I'd like to tell you guys that I am proud of my NDP government, but there are holes—there are holes—and the control is one of them. Thank you.

Mr. Chairperson: Thank you.

Any questions from the committee? No?

Thank you very much, Mr. Guilford.

I will now call David Carrick, please.

Do you have any material for the committee?

Mr. David Carrick (Private Citizen): No, I don't.

Mr. Chairperson: No? Please proceed.

Mr. Carrick: Thank you very much for giving me the opportunity to speak to you tonight.

I would like to say unequivocally in my opening remarks that I am totally in support of this legislation, and I wanted to say a few brief remarks explaining my rationale for that.

I had the privilege of being asked by the minister to speak when he made the announcement of the provincial fish very recently. My opening three words were it's about time. And I wasn't admonishing the minister for the delay in creating the legislation, I was saying it was about time that Manitoba had a provincial fish. And I want to commend the minister again, I want to commend the members of Fisheries Branch that are here tonight for making that initiative happen. Those three words really apply to my remarks tonight as well because it is about time that we had legislation like this.

I wish we didn't need legislation like this because I wish there were no convictions for overharvesting of fish, I wish there were no convictions of overharvesting of wildlife, but the legislation that is now before the Legislature, this Bill 53, is an extension of the fisheries—of The Fish and Wildlife Enhancement Fund Act, and I give the minister incredible recognition for bringing that legislation forward. We now have a regime in this province where if it wasn't for the fish and wildlife enhancement act, we couldn't even consider a restitution piece of legislation like Bill 53.

Bill 53 will be the first legislation of its type in Canada and we can be proud that we are bringing restitution payments into Canada, and, unfortunately, they are needed. I've been working in fisheries conservation and enhancement for more than 26 years; I've been waiting for legislation like this.

I've been very proud to be a member of the project review committee of the Fisheries Enhancement Fund for the past seven years. We've distributed more than \$5 million to fisheries projects during that period of time. And what really excites me about The Fish and Wildlife Enhancement Fund Act is that we now have a much more improved system than the old FEF, and one of those improvements is the ability to direct more funds into this fund both for fisheries work and for wildlife work.

Eight hundred and fifty thousand dollars sounds like a lot of money on an annual basis that goes into our fishery; that was the situation with the old FEF. And in addition to that \$850,000, starting last year a further \$850,000 went into the hatchery system, so that anglers right now, when they spend—the extra

\$10 they spend on a licence in Manitoba, the \$5 increase last year plus the two increments in the past, they are now funding the entire hatchery system in this province and they are funding the fish side of the Fish and Wildlife Enhancement Fund. But, as a member of the project review committee for the past six years, we had to turn down so many deserving projects submitted by our own Fisheries Branch, submitted by universities, submitted by organizations throughout the province, because \$850,000 was never enough.

And so I am full support of this Bill 53 for two reasons. We need to send a message to Manitobans and other people that come into our province to share this incredible natural resource we have, about the value of our fisheries and the value of our wildlife. It's tricky putting a value on fish and wildlife, but I look to the minister and his staff to do the appropriate thing. As a lawyer by training, I hope that you go high enough so that you send a very strong message but not too high that it's challengeable. That's some free legal advice. But I really do support the value of our wildlife, I really do support the value of our fishery.

* (20:00)

And the really nice thing about this legislation is that this new value concept, this restitution, comes into the Fish and Wildlife Enhancement Fund and then the fish committee will have more money that it can allocate to fisheries-related projects, the wildlife committee could have more money that they can allocate to wildlife projects.

So, Mr. Minister, again, thank you from the bottom of my heart for the leadership you are showing in this area, and I am excited to work with you and your Fisheries Branch and other people to make this legislation really operable and of great benefit for present Manitobans and future Manitobans as well.

Thank you very much.

Mr. Chairperson: Thank you for your presentation.

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): Yes, members of the committee, this is the David Carrick I was speaking about in my remarks on the Fish and Wildlife Enhancement Fund in third reading last year. You should have a look at the Hansard and we'll see what we're saying behind your back. I can tell you that—and I won't repeat it all here—but you have a remarkable—you have made a remarkable gift to

Manitoba. What Mr. Carrick does, he's not paid for, but he's the guy behind the Fish Futures, the fish enhancement fund, and he came tonight and even gave us free legal advice on top of it all, so that's very good. I'll write that one down for sure, Mr. Carrick. But thank you.

Mr. Shannon Martin (Morris): Mr. Carrick, I'd just like to thank you for sharing your remarks this evening and, more importantly, obviously, for your involvement ensuring the sustainability of our fisheries. I think you mentioned allocating at least \$5 million in the last several years in terms of enhancing the sustainability of our fishers and, obviously, a critical component, not to so much of Manitoba's future. So thank you.

Hon. Jon Gerrard (River Heights): I just want to say thank you for your passion and your concern about the fish in Manitoba and making sure that we've got fisheries which are sustainable and are going to be there as far as we can see into the future.

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

I will now call Gaile Whelan Enns. Do you have any materials for the committee?

Ms. Gaile Whelan Enns (Manitoba Wildlands): If we're on peat, yes. I handed them in.

Mr. Chairperson: Well, this one's Bill 53.

Ms. Whelan Enns: Sorry, don't mind me. I'm learning as I go.

Mr. Chairperson: Yes, this is the wildlife fisheries one. We'll do the other one after.

Ms. Whelan Enns: Thank you. I always need a little orientation when there's more than one.

Mr. Chairperson: Okay. Do you have any materials for the committee though?

Ms. Whelan Enns: No.

Mr. Chairperson: Okay, then please proceed.

Ms. Whelan Enns: And this will be brief, one of the things that I would like to comment on in terms of Bill 53 is that it looks like, and I'm not fully knowledgeable about similar bills and acts and sets of regulation in US states near us, but I think it's got some comparison and maybe some content that's similar.

I would like to urge the minister and the department to think about your definitions and how

you're applying value of fish, value of wildlife, and see what you can do to move forward into ecological values being among your criteria. I think that that would be a first also. That's why I made the comment in terms of my, sort of, knowledge to date, and it's a very generalized knowledge in terms of similar kinds of regulations and acts in US states than, sort of, our part of the continent, and I think this goes with the thinking and the intention—maybe it's why I thought I was talking about peat for a second there.

Because there are quite a few new acts in the department that relate to existing and previous laws, I would like to encourage a little bit more cross-reference, a little bit stronger cross-reference in terms of which other acts relate to this one. So the explanatory note could be more thorough and it would help down the road in terms of this act, and sometimes it happens with new bills in the Conservative and Water Stewardship Department and sometimes it doesn't. If you took a look—take a look at the peatlands bill and the explanatory note it's quite a bit more thorough, and this one will leave some people confused about how it relates to The Wildlife Act, hence the comment.

So turning over, then, to section 25.4 and my earlier comment in terms of calculating value, I think the tools are out there and the benefits in both administration and putting ecological values into anything that you can, as fast as you can, frankly, means that you might want to go farther than species, weight, size and location of the fish caught. I'm assuming that administration—administrative costs in—for a new law and for this bill inside the department are an issue, and I know what's going on in terms of the intention for the funds from these fines, where they're to go, but I have some concern about the ability to administer it.

I want to suggest also, in terms of going A, B, C, D, E, that you have every reason to identify whether a fish species is listed, whether it, in fact, is already under an act in terms of The Endangered Species and Ecosystems Act that was updated last year. And you might, in fact, also benefit in terms of the location because, if it's several breaches of licensed fishing, then this isn't clear in terms of how it relates to, again, to the other laws and regulations.

The same comments apply pretty much to part 2. It would be really a good day for Manitoba if there's a way to, in fact, in terms of 86.4, in calculating value, to take some of these additional steps. And you're going to have—it's not simple; it's not going to

be just somebody overfishing in the wrong place. You're going to have situations where there's going to be four or five or six factors. They're more likely to come to the attention of regional staff, for one thing. They're more likely to be reported. So as you—as the factors multiply, there's more likely to be action needed, and I'm—I basically want, again, to sort of recommend some thinking about ecological value, the other acts and regulations and how they would interact with this bill.

And I did just stop.

Mr. Chairperson: Thank you.

Mr. Mackintosh: Well, thank you for your insights, Gaile, and for your ongoing advocacy. And it would be our expectation that ecological value would—we would define the terms in the act broadly and what the regulation allows for. But you are right, we will take some advice, along with the advice from Manitobans, from US experiences and—because it's—that's what's out there.

So we will certainly consult both here in the province and have a good view of the comparable legislation elsewhere. I think some of the legislation has been recently amended in the United States as well, and we'll make sure that we're tuned up on that.

Mr. Martin: Gaile, I appreciate, again, you coming in and, obviously, speak to this and other legislation and the idea of adding that other component to the value of whether it's fish or wildlife and ecological value. So it's, hopefully, something the government will indicate that they will take into consideration.

Mr. Gerrard: I just want to get a little bit of—more clarification in terms of how you see values of fish, which, I presume, are in terms of dollar values of some sort but are not necessarily commercial values for what you could actually sell the fish for. And maybe you can give us some insight into, you know, how you would begin to look at the values of individual fish in an ecosystem.

Ms. Whelan Enns: It's a good question, and it's where I was going.

There are a variety of tools that are being used increasingly to put a monetary value to ecosystem functions, ecosystem services and elements in ecosystems. And, when this kind of a bill comes forward, that's what I start to immediately think about. A cautionary way of saying that is that, yes, this is commercial, and yet there are a variety of tools out there now, ones that, for instance, I'm

somewhat known for urging for Manitoba Hydro to start using when they put in an EIS together, that actually are being used, are being credibly used and monitored to put a monetary value to the ecological element, the fish. And this is—there's a lot of reasons for doing this. One of them, put really simply, is actually so that we are all more aware and we're paying more attention to what's happening to the elements in the ecosystem and the environment.

*(20:10)

Then there's also a huge potential in public education, and if you start to take this kind of step so that you're not only being commercial in a valuation and you're not only relating to whether you're hunting or fishing, and you would sell it, or if it was—well, yes, a few would sell it. Again, I'm staying on fish as an example, but the valuation of—and I'm going to walk a fine line here—the valuation of food that Manitobans hunt and eat is actually fairly easy to do on a commercial or economic basis. But I would like to see the department and the government make the reach on ecological valuation too. And, again, the tools are out there; they are. And we—if we're taking these first steps in these sets of new laws and updated laws in the department, then it's time for this kind of thing to be there too.

Now, a quick qualifier, if I may, and I'm sort of obligated to say this. It's a really obvious thing, so this is not a criticism at all, but rather might as well be in the record that the assumption here is that this bill does not apply at all to anybody who has an Aboriginal right to fish or hunt.

And the minister's nodding. It's a really self-evident thing, but if I was sort of having wishes this evening, I would like to see these bills as they happen and are going into Manitoba law, actually say so. Because the fact of the matter is in terms of the administration of the department in Manitoba, that's not fully understood throughout government or throughout the department. And, of course, in the regions, people may scratch their head and go, oh, I don't know if that's legal or illegal, but we're going to charge them. So you can do some very important things in a simple way if you go to add that to the bill too.

Mr. Chairperson: Thank you very much.

We'll now call Rob Olson from Manitoba Wildlife Federation.

Do you have any materials for the committee?

Mr. Rob Olson (Manitoba Wildlife Federation): I do not.

Mr. Chairperson: No? Please proceed.

Mr. Olson: All right. I want to start by thanking honourable members for giving me a chance to speak here, and thank you for being so hard-working. It's after 8, eh? It's suppertime; it's nighttime, you guys.

I want to thank Minister Mackintosh sincerely for this legislation and your staff as well for bringing it forward and creating it. It's really needed, it's very important, and I want to just say a couple words about why we think it's important. I won't touch on fish, I think Mr. Carrick did a great job of that and really nailed the fish side. But on wildlife, I wonder how many of the honourable members understand that we're actually living in a time of crisis for big game right now. So we have a moose, elk and deer crisis—deer probably because of the winters—our winters have been really bad in the last four years, but with moose and elk, we've got a real—we have a real problem right now. We're living in it, and it's growing, in our opinion. So we think this legislation is really important and valuable and the timing is essential to send a message that we can protect our wildlife, especially big game.

One of the things that we think is really great about this is the opportunity to talk about the value and consult on that and work on that. So, if we've got a moose and elk population problem—and we believe there is one—we could value the females higher. We could look at protecting cow moose and cow elk by having a high value on them, because we're going to need them to recover the populations, so that is really—I think, really advantageous. We can target this thing to where the crisis is. If we have closed zones that where—you know, where—the Duck Mountains, Porcupine Hills, Nopiming—we can put a higher value on cow moose, cow elk in those areas as well, so we can really target to where the problem is, and I think that's one of the great values of this and can really send a message.

I want to talk a little bit, too, about the importance of big game, so—and why this bill, we think, is an essential first step towards doing the right thing for our big game populations. The value of moose and elk is important from a food perspective, for sure, for a lot of people. The importance to Aboriginal peoples has obviously been well-established and heavily established. It's important, as well, for other peoples, too, non-Aboriginal people as well. So my family, we

could eat—we could buy a cow from Ian and eat that, but we choose to eat moose and elk and deer. My wife is very sensitive to chemicals and different things in meat and sometimes she has reactions to it, so we prefer to eat wild game. It's very important to us, and there's something inherently important to our family about getting our own meat, knowing, like, knowing where it came from and connecting to that as a food source, like, that defines our family. We're moose hunters.

We've been moose hunters—I can track it back seven generations all the way back to Norway. That's what we do. So end of September we go hunting moose in the bush. It's not only important from a food perspective but it's important from a cultural perspective as it defines who our family is and kind of how we get together, how we reconnect in the woods, and so it's very important from that perspective.

So we applaud this legislation. We think it's a great first step. What we'd like to say as well is we'd like to ask all the parties to continue to support this legislation for sure because its real leadership and it's a great step, and it's the first of its kind in Canada and we applaud you for that, Minister Mackintosh.

But we go one step further and ask all of you to work together to go past this now, too, to carry on and think about what's the next piece of legislation now that's going to help us have moose now from places that we can drive to. So my son is six and I'd like him to be able to hunt moose where I hunted them: south of Bissett, closed; Duck Mountains, closed; Porcupine Hills, closed; the west side of Winnipegosis, Pelican Lake country—we hunted that for years, closed. So I'd like him to be able to go back to all those places and hunt moose. That's what I want.

And so the cow moose and the cow elk are essential. They need to be protected. We're at a point now with the populations where we can't really lose many more of them in certain areas—we can't—and certainly not to illegal hunting, certainly not. They're too important. They're worth protection, and so I would challenge you all as hard-working leaders here late tonight on all of our behalfs, to think about what's the next thing now to go past this. How can you all work together and make sure that we're going to have big game populations forever, not just for hunters but for people who just want to see them perhaps, know they're there, all those reasons?

And so I think that's it. It's my first time here. This just feels like democracy. This is pretty neat. Yes. Thank you for the time and thank you for the legislation.

Mr. Mackintosh: Thank you very much, Mr. Olson, and for your new posting at the Wildlife Federation. It's an honour to work with you, and it's good to see that at our first meeting we're able to put together a new data workshop to make sure that landowner and, you know, hunter data is thorough and collected and is going to work to address the challenges for moose and elk, in particular, and a rough year for deer. So you certainly have nailed it.

I just want to say the legislation, of course, does set out the gender of the animals, one of the considerations in attributing value so I think that your remarks are warmly received, and, as well, I should say for the record of the committee that it would be our intention in Conservation or enclosed areas that we would be looking at double the value. I think that's a strong deterrent message. It's about the strongest deterrent message I think we could bring, but the Wildlife Federation will certainly be invited and will be a heartily endorsed member of a working group as we proceed further. So thank you.

Mr. Martin: I appreciate what I've learned so far from the Manitoba Wildlife Federation on not only this but on several other issues, so, again, thank you for coming out tonight and taking part and sharing the view of the federation.

Mr. Gerrard: Thank you, and with all your experience—I mean one of the things which is clearly pretty important is not getting into the crisis that we have at the moment, and you've got enough knowledge and experience to probably provide some insights in why the crisis happened—how did we get into this mess—and make sure we don't get into it again. So I'd give you an opportunity to comment and give your thoughts on how we got into this mess.

Mr. Olson: Just a small question. I might not come back now if it's going to be hard like that.

No, that's a huge question, and I think there's massive issues at play. I think the big issue, one of the biggest issues is that I don't think we've made necessarily in our wildlife community, wildlife a big enough priority for all Manitobans. I don't think enough Manitobans understand the issues with it, and so when it comes down to you guys wrestling with budgets—you've got health care; you've got education; you have massive challenges; and then

there's a little old wildlife resource out there in the hinterland that maybe you don't see and touch and feel.

* (20:20)

So I think the first thing is that at the start of the crisis is I don't think anybody knows it's a crisis. That's problem No. 1. How did we get there? We probably haven't invested enough to know how many moose and elk we have and how many are being harvested. I think that's a huge issue. We don't have that data. But you all don't have a lot of money to spend on that, so we got to find creative ways to deal with that, and I don't think we have the answers. Maybe this new fund might be part of that

So No. 1, we don't have—we don't really have enough data on how many we have and how many are being shot, No. 1. No. 2, we've got constitutionally protected rights of Aboriginal users, which is important culturally, essential to Manitoba and need to be celebrated. But, on the other hand, we haven't, I don't think, worked well enough as a government, as a society, as a group of hunters, to be able to really work with those communities effectively. We don't know how many big game are being harvested by those users. It's kind of an unknown. And sometimes these laws and these approaches we have to manage wildlife don't apply to those users.

And now we have a whole new group of users with Metis rights being recently recognized. And I don't know that any of us know how to deal with that yet. I don't know that the Metis people know how to deal with it. And I don't think government's grappled with that yet. And you all are going to have to grapple with that now. We're going to have to grapple with that now.

So I don't think we have any answers on that yet, but it's going to be a challenge. We're—not enough are being born, too many are being shot. And we don't have enough data about all that to really understand it. So it's—there's more—there's less known than there is known about that. And my guess is as good as yours. Maybe it's a bit better; I've probably hunted moose a bit more than you, but not much. Your guess is as good as mine. So we have to move past that and to a better place.

And so I think this legislation's a great step. It's a step in the right direction.

Mr. Chairperson: Mr. Wishart, there's 30 seconds.

Mr. Ian Wishart (Portage la Prairie): Thank you, Rob, for coming tonight and making your presentation. And thank you for the good work you're doing with the wildlife federation. I won't repeat the question, but you need to continue working on making sure that all Manitobans appreciate the value of this resource and that they all have a role in the management. And that's where the gap remains.

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

Bill 56—The Vital Statistics Amendment Act

Mr. Chairperson: I'm now going to call—this is Bill 56, The Vital Statistics Amendment Act, and Mr. Ken Guilford.

All right, Mr. Guilford, please proceed.

Mr. Ken Guilford (Private Citizen): I know what the bill says but I can't find it right now. Sorry about that. But what I'm understanding, what I read, it's to do with the government making it mandatory that all babies and all children, if they're going to be *[inaudible]* if they're going to be born, who says what they're going to do in the future? If you make mandatory this bill, you're wrong. I don't like any—any—mandatory passed onto me, given to me, ordered by me.

I don't try it—I try to get along here with everybody. And the thing is, what your government is trying to do, and I'm—my government, too, because I'm friends with all of it—I just—I don't know how many times I have to say, quit beating up on me. Quit beating on the farmers. Quit beating up on the babies for Christ—now you're really going to hell—I'm sorry, that's a swear word, too, and—that's what she said in the other room.

But I would like to say that it's not good what you guys are trying to do. It's not good what is—being happened with everybody, the farmers, whatever. And I—asking my brothers, and I told my brothers that I was coming. And they asked me nicely—they asked me nicely—would you please put *[inaudible]* and I said, yes, I will. And why not? The way I'm asked, I'll do anything.

I'm a huge volunteer, as you all know. I do tons of volunteer work. And I—what do I get out of it? Nothing. My own satisfaction. Now, once in a while someone will say, you do a good job, whatever. And more the most part, I'm getting nothing. No comments. What I'm saying is, we all have to live

together, not in an orderly fashion and I—an orderly fashion with no orders. There's a huge difference between orderly and giving orders. And I don't agree with the way things are going right now.

We have to—in things around. If we want to win the next election, as NDPers, are you ready to fight? But one fight is good unless you guys quit taking orders off. Okay? That's it.

Mr. Chairperson: Thank you, Mr. Guilford. Any comments from the committee? Questions?

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): Just thank you, very much, for taking the time. And, as you know, we have a unique situation in Canada, in Manitoba, where people can come and present to legislation no matter what the legislation is and they can say whatever they wish, whether they're in favour or against and it's a true sign of democracy. We're really pleased to be able to have this system in Canada. So thank you for taking the time out of your day to come and present.

Mr. Chairperson: Thank you, Mr. Guilford.

I will now call the next presenter—*[interjection]* You've finished your presentation and he was commenting on it.

I will now call Karen Busby, please. Do you have any materials for the committee? Please proceed.

Ms. Karen Busby (Centre for Human Rights Research): Good evening, everyone, Chair, honourable members. I'm Karen Busby, professor of law and the director of the Centre for Human Rights Research at University of Manitoba, and I'm here to speak in favour of this bill.

This bill is a little bit esoteric, but it's a very interesting bill and it's one that's needed in Manitoba. I also want to commend the staff at Vital Statistics, the director and her assistant for the excellent work that they did in consulting with the community on what this bill should look like. They did a fabulous job of about a year-long consultation on what the bill should look like, and it's, in my view, a great bill.

I appeared before this committee about 12 years ago when the Manitoba government introduced a series of bills to ensure proper recognition of same-sex relationships, and since that time, the government has done an amazing job, in my view, of ensuring that the rights of queer people in Manitoba are properly protected and this is the final step, close

to a final step in the work that needs to be done. So what this bill—what might surprise you is to know that since 1983 trans-people in Manitoba have been able to change the sex designation on their birth certificate if they have what's called bottom surgery, sex reassignment surgery. But they've only been able to change if they've indeed gone through with that surgery.

Many people who identify as trans do not undergo bottom surgery for a variety of reasons. One, they're not sure that they want it. It might not be medically advisable for them. It might be too expensive for them. There can be a whole variety of reasons why they don't go through with it.

But the problem is in Manitoba you can't change your birth certificate unless you've had bottom surgery. What this bill does is eliminate the need to have bottom surgery in order to have your birth registration changed, and I commend the government for making that change.

I want to speak to three ways in which I think this is a strong bill, so I'll just briefly speak to those. The first one is what is the standard now for allowing someone to change. Can you just change because, on a whim, you want to change? No, there are a number of requirements set out in the act, and, basically, the applicant has to be living currently full time in the new gender; that's one requirement. And the other requirement is that you have to have the opinion of a health-care professional that the applicant requested is consistent with the sex designation with which the person identifies. So, basically, all you need is one health-care professional saying it's appropriate for this person to change their sex marker, and then the sex can be changed.

The standard therefore in the act is a fairly low standard, and the reason why I think it's appropriate that it be a fairly low standard is that the standards of care set by the professional organization are in a state of flux and evolution, and this bill will allow for that flux and evolution to continue.

One controversial aspect of the bill is whether or not any sex marker is necessary at all on a birth certificate. Could we just issue birth certificates with no sex marker at all? And, frankly, many trans people would prefer that option to not have any marker on a birth certificate of any sort, so just not even identify whether or not someone is male or female. The bill doesn't directly address that, but I understand, in the regulations, that the intention is to continue with a birth marker—a sex marker on

the birth certificate. And, frankly, that's needed, because international agreements and international organizations still require a sex marker on a birth certificate. So I just draw that to your attention because you might get some criticism. But there are international organizations, the Western Hemisphere Travel Initiative, for example, that says for a document to be an acceptable document, to be a document that supports a passport, you have to have a sex marker on the certificate.

The other thing that I just want to mention is, and I think that this is a real strength of this bill, is that this bill allows a mature minor to apply for a change in their birth certificate. Some jurisdictions that have amended their acts have not allowed mature minors to make those—the change until they're 18, but this bill does allow for a mature minor to make that change.

* (20:30)

I just want to tell you one story, and that's the story of someone I'll call June because we're in the month of June. June was born with male genitalia and is currently in grade 11. June doesn't live here in Manitoba. She lives somewhere else. But she's had to go to three different high schools in three different provinces because she always has to present her birth certificate to her high school, and then when some teacher finds out that she's—wasn't born a girl, that she was born a boy, and the word gets out in the school, the harassment starts, and she has to leave the school. It's absolutely impossible for her to stay in school. She's been home-schooled; she's been suicidal. It's been extremely difficult for her.

So this bill won't help June, but it will help other kids in Manitoba to be able to get their birth certificates changed while they're still minors, and if they've made a mistake, if this was the wrong thing for them to do, they can change their birth certificate back, not a big deal, although that's something that rarely happens once people have decided that they are transgender and that they want to change their birth designation—their sex designation. So I'm pleased that kids that have to take their birth certificates to schools will now be able to take a birth certificate that shows their preferred gender and, hopefully, avoid some of the harassment that I know kids are facing in schools today.

So those are three things in the bill that I think are really strong, that the standard is a standard that allows for flexibility, that mature minors are included, and that sex markers will still be included

on birth certificates and therefore on other documents. That's all I want to say.

Mr. Chairperson: Thank you for your presentation.

Any questions from the committee?

Hon. Jon Gerrard (River Heights): Karen, I just want to say thank you for all the work that you've done on this bill and compliment you for that.

Floor Comment: Thank you very much. As I said, it was a pleasure to work with the staff on this bill and to encourage—

Mr. Chairperson: Sorry. I'm sorry. I have to recognize you, Ms. Busby.

Ms. Busby: I'm sorry. I just want to recognize, again, the incredible work that the staff did in the department of Vital Statistics on this bill.

Mr. Chairperson: Any further questions from the committee?

Mr. Lemieux: I also want to take the opportunity to thank you very much, Karen, for coming out tonight and speaking on behalf of this human rights bill, which I see it as, and a very important piece of legislation, and there are many people counting on all the people in this Legislature to support this. And I just want to take the opportunity to thank you, and also staff have worked extremely hard in consulting with the community and knowing that we're headed down the right path in the right direction. Thank you.

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

Bill 61—The Peatlands Stewardship and Related Amendments Act (Continued)

Mr. Chairperson: I'm now going to move to Bill 61 and Mr. Ken Guilford.

Please proceed. Go ahead.

Mr. Ken Guilford (Private Citizen): Ken Guilford speaking, and what I would like to say is, Your Honour Ron Lamoureux [*phonetic*], [*inaudible*] now, but I would like to say that he was right. It is a free country. And doesn't think so, because he cut me off. He cut two people off here. He don't care. What is your name? Never mind your name. It's in Hansard. We're in Hansard, right? Yes. I know we are. And you could be looking for a different job. Don't do that again to me. [*inaudible*] That's not a threat; it's just a thing as I'm saying. I'm just boiling

from what you did to me. Boiling. Do you know what boiling means? That I'm pissed off. I'm mad.

Mr. Chairperson: Thank you very much, Mr. Guilford. We're going to move on to Pascal Badiou. Badiou. Sorry. I apologize. Pascal Badiou.

Do you have any materials?

Mr. Pascal Badiou (Ducks Unlimited Canada): I do have documentation to share.

Mr. Chairperson: Please proceed with your presentation when you're ready.

Mr. Badiou: Don't worry. I'm not getting ready for a long soliloquy. It's pretty short.

Yes, I'd like to start off by echoing Rob Olson's comments that this is a fantastic look at government. I've never been a part of this before. Very interesting to see and gives me a new appreciation just for how much work you guys do. The fact that you've listened to this wide range of topics for the last few hours and I haven't seen anyone doze off is amazing. And that's from someone who's used to giving lectures and presentations where I routinely see people dozing off. So great on you guys. *[interjection]* Yes. I'll be the first one to put someone to sleep.

Well, I want to thank again the standing committee for giving us the opportunity to present here tonight. My name's Pascal Badiou. I'm a research scientist with Ducks Unlimited Canada's Institute for Wetland and Waterfowl Research. I'm also a member of the International Boreal Conservation Science Panel. I'm actually presenting tonight on behalf of Chris Smith, our head of conservation-boreal conservation programs. He is, unfortunately, busy and on his way to Washington, so he tagged me to come in and sweep up for him.

So, just to start off with, on behalf of Ducks Unlimited Canada, I'd like to thank the standing committee for the opportunity to provide comment on Bill 61, the peatlands stewardship and amendment act. Ducks Unlimited Canada is a private, non-profit habitat conservation organization founded in 1938. Since that time, we've developed considerable expertise related to wetland ecosystems and their contribution to biodiversity, watershed health, human and community health and the economy. In Manitoba, DUC has 75 community-based events on an annual basis that draws—that's driven by our 1,100 member volunteers and attracts more than 16,000 supporters. Since 1997, we have been

actively involved in the conservation of boreal forest wetlands. Manitoba's boreal forest is rich in wetlands and water systems that provide critical habitats to some of the highest producing regions of waterfowl in Canada's forest regions. As such, we have been a strong advocate for boreal wetland conservation policies, including the conservation and stewardship of peatlands. We also understand the importance of a sustainable development to a healthy economy. In 2010, we co-sponsored the first Peatlands State of the Knowledge workshop in Manitoba and contributed to the government-led workshop on peatlands in 2012. We are pleased to see that these efforts have been positively acted upon by government with the introduction of this proposed bill and associated Peatlands Stewardship Strategy. In this context this is how I'll frame my comments.

So, with respect to peatlands stewardship, we applaud the principle-centred approach to administration of the act governing exploration and the harvesting. Peatlands are an integral component of wide-ranging and complex aquatic systems that define Manitoba's boreal region. So, just for example, we know that more than 40 per cent of the boreal forest of Manitoba is made up of wetlands; the majority of these are peatlands which are rich in biodiversity, providing habitat for many species of wildlife including waterfowl, song birds, moose, threatened woodland caribou and many other endangered and threatened species. These wetlands, including peatlands, purify our water, contribute to flood and erosion control, and provide important economic, social and cultural benefits.

Boreal wetlands are highly connected to each other by streams, rivers and subsurface flows, transferring water over long distances, making them vulnerable to impacts of development that impede this natural flow of water. And, furthermore, a staggering 19 billion tonnes of carbon is estimated to be stored in Manitoba's peatlands alone; that is an amount of carbon equivalent to almost a century of Canada's total greenhouse gas emissions, so a huge, huge carbon stock, which is potentially released when we start disturbing those systems.

Lastly, under this category, we believe that in order to implement peatland conservation, a consistent definition for wetlands and peatlands is required in both the proposed act and the Peatlands Stewardship Strategy. There is often a lot of confusion around different terminology used associated with wetlands and peatlands, and you could probably do yourself a favour by just making

sure that everything is lined up appropriately and similar across all the bills and acts.

Now, Mr. Chair, regarding integrated environmental protection, Ducks Unlimited Canada strongly supports the treatment of peat as a biological and renewable resource as an integral component of functioning ecosystems. Success, in our view, hinges upon an ongoing and integrated approach to management between all departments, divisions, branches and agencies of government to ensure peatland function is maintained. Further, we support the designation of provincially significant wetlands and the exclusion of exploration and harvest from parts in wildlife management areas.

Regarding responsible peatland harvesting and recovery, Ducks Unlimited Canada is of the opinion that an effective peatland legislation should incorporate a mitigation sequence that addresses the principles of avoidance, minimization and compensation. The peatland stewardship strategy or regulation provides the opportunity to best approach mitigation hierarchy in the development of regulations.

Other considerations for upcoming peatland stewardship strategy or regulations include the following: how access to the resource and resulting linear disturbances are addressed, how cross-departmental consultation and non-government agency input is solicited, and how harvesting and 'recovery'—recovery plans are evaluated and approved by the director.

Now, with respect to scientific enhancement, Ducks Unlimited Canada fully supports the Province's goals of continuing research relative to peatlands in Manitoba. Most of Manitoba's lakes, including Lake Winnipeg, are within the boreal forest region. Peatlands function to help maintain the water quality and overall health of these lake ecosystems. Ducks Unlimited Canada recommends collaboration and co-operation amongst all interested stakeholders to continue to define sustainable land-use practices in the boreal forest. One example of this is a recent MOU that's been formally signed between Ducks Unlimited Canada and the Canadian Sphagnum Peat Moss Association. Lastly, Ducks Unlimited Canada would be pleased to contribute to increase your knowledge through its Institute for Wetland and Waterfowl Research, which is housed at Oak Hammock Marsh, just north of Winnipeg.

* (20:40)

Mr. Chair, with regards to public engagement, we appreciate and welcome the opportunity to provide input and knowledge at all stages of wetland protection planning, policy and legislation development, and we believe the consultation and communication with Aboriginal and local communities is of key importance to generating awareness and knowledge of peatlands, and that Ducks Unlimited Canada is prepared to assist in this process at all levels of knowledge exchange.

Now, in closing, I'd like to thank the Manitoba government and the Minister of Conservation and Water Stewardship (Mr. Mackintosh), on behalf of Ducks Unlimited Canada, for bringing this bill and the Peatlands Stewardship Strategy forward. We welcomed the opportunity to participate with the Peatlands Stewardship Strategy—I'm just going to start calling it the PSS, much easier—and the regulations flowing out of the bill. We believe that this is a principle-driven work—has also been a key component in establishing the context for The Peatlands Stewardship and Related Amendments Act. Further, we support the removal of peat from The Mines and Minerals Act to a new act under Manitoba Conservation and Water Stewardship.

Ducks Unlimited Canada congratulates the government for this one-of-a-kind bill that clearly sets the precedent—that clearly stage for peatland management at an ecosystem level and trusts that this precedent will define Manitoba's holistic approach to entrenching sustainable land-use practices and wetland conservation for this and future generations. Thank you.

Mr. Chairperson: Thank you for your presentation.

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): Well, Pascal, I just want to acknowledge that the work that you do and Ducks does is given great weight by the government and, I'm sure, all members on all sides of the Chamber. And thank you for your kind words about what Mr. Olson, I think, described as something resembling democracy here, but, you know, to paraphrase an old saying, though, they say that people should never see two things being made: ones are sausages and the other ones are laws. So welcome to part of that.

But thank you very much, as well, for your leadership on surface water and the drainage regulations that are going to be proposed, but also, I think, I—we're joining Mr. Wishart in congratulating you and your leadership at Delta, and I know there's more work to be done there.

Hon. Jon Gerrard (River Heights): Thanks, Pascal. From—we had a presenter earlier on who was remarking that the—after, as I recall, 10 or 15 years, that the bird species were not back to where they began. Now, that may or may not refer to waterfowl, and I'm guessing that from the beginning of restoration where you have probably fewer marsh plants to where you've got a packed marsh which is generating peat, that the usefulness of that wetland for waterfowl will vary quite considerably. Do you want us—to give us a picture of how important at different stages the peatlands are for waterfowl?

Floor Comment: Sure, there probably isn't an abundance of information that links directly peatland habitat to waterfowl populations. Where peatlands become important, it's how they regulate and influence the shallow open-water systems in the boreal forest. So, for every shallow lake, you [*inaudible*] vegetation; those watersheds are dotted with peatlands which control—

Mr. Chairperson: Sorry. Sorry, I didn't—I have to just recognize you. Go ahead, Mr. Badiou.

Mr. Badiou: So the surrounding peatlands to these other shallow submersed aquatic vegetation communities is really what generates the vital habitat for waterfowl in the boreal forest. So it's not necessarily a direct link to peatlands but how peatlands regulate the communities that waterfowl use.

Mr. Shannon Martin (Morris): I'll just—want to thank you for presenting the views of the Ducks Unlimited. Obviously, a very important organization not only in terms of our wetlands, but a number of important aspects of our environment. So, again, thank you for coming out tonight, being part of that process, the sausage-making process as the minister talks about. So thank you.

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

We'll now call Gaile Whelan Enns. Do you have any material for the committee?

Ms. Gaile Whelan Enns (Peguis First Nation): Yes, I do.

Mr. Chairperson: Okay.

Ms. Whelan Enns: I would appreciate dealing with this proxy I have from Peguis First Nation—and thank you for leave from the committee—and that's the material I have. So—

Mr. Chairperson: Okay, please proceed.

Ms. Whelan Enns: So it needs to be handed out. It's—

Mr. Chairperson: They're handing it out right now, so please proceed with your presentation.

Ms. Whelan Enns: Okay, thank you. First, to thank you again to the committee.

Mike Sutherland, who is the portfolio holder, the councillor, for Peguis First Nation, with respect to lands and consultations, and a variety of things to do with the environment, plus several other things, was not able to be here tonight, and, on that basis, he has given me pretty specific instructions, if I may, in terms of what I—what he would like to have in the record this evening. So the handouts you have is a section from the report to the Crown from Peguis First Nation, after their community consultation regarding the application to expand the Sunterra peat-mining operation. And it should be noted, then, that the new SunGro and Berger peat-mining operations in the Washow Peninsula and the Sunterra operation are all within the Peguis First Nation traditional territory, and they are also all within the Treaty Land Entitlement area for Peguis First Nation.

So this set—this short six-page document you have is from about a 70-page report that the First Nation provided to Manitoba Conservation and Water Stewardship, and therefore to the Crown, in February. There has not been a response from the government or from the Crown to that report to date.

So, again, because I have a proxy, I'm going to limit what I have to say, specifically to what I've been asked to say this evening. So Peguis First Nations wants the peat-mining operations that are in its traditional territory, and its TLE notice area, gone. And they very much are hoping to see either a buyout or a refusal of the expansion for Sunterra.

The Sunterra licence, by the way, is based on a proposal filed in 1996 and a licence issued—never used—on materials that were handwritten. There was no proposal, no EIS and nothing further done when the company was—the first company was purchased by Sunterra and the licence rolled forward in 2001. So there was no public process at that time, which means that the current request for an expansion is based on stuff that's almost 20 years old. That's the background on that.

Peguis First Nation also wishes all of the steps currently under The Environment Act regarding a

peat licence to stay in place. The understanding at this point, in terms of this new bill, this act that we're talking about today, The Peatlands Stewardship and Related Amendments Act, refers to then a development licence. So, at this point, the assumption, or statement question is that that is a reference, then, to the step that would be the licence under The Environment Act, that the development licence refers to the class of development under the environment licence, though we're not absolutely sure.

Peguis also would like to see a complete public registry of all of the plans. This is restoration and peat management, for instance, plans, while the leases, documents, applications and so on under this new act, The Peatlands Stewardship and Related Amendments Act, would like to see regulation and a determination that everything intended under this act is, in fact, public, and part of the public registry in much the same way as the current steps are—I'm just going to stop here for a sec, because we're about mines act, in terms of current situation, and Environment Act.

So, currently, the information in terms of leases and getting to a peat licence [*inaudible*] that are under the mines act are all public. And the same is true in terms of The Environment Act. But, you know, there's the odd hitch, but that's the background for Peguis First Nation wanting to make sure that all of those steps and those tools and that access is in place, then, under this new bill—act.

Now, the—I think—I'm going through numbers here, so this is their fifth item. Peguis First Nation also wishes to see all of the leases and permits and so on listed publicly. So that's the qualifier on what I just described to you. We would be, I think, in a better province with better decision making and much more certainty for industry, for communities, for rights holders, and for government, if all of the leases issued for Crown lands and waters in this province were listed publicly.

* (20:50)

So that's an editorial comment from me in relation to what they've asked me to, in fact, relay this evening. And the—it travels with the reminder—this is from the legal advisor in the consultations team for Peguis First Nation—and the reminder is about the recent Supreme Court affirmation of the appeal decision for the Ross River Dena Council decision out of the Yukon that the obligation to consult starts with the very first disposition. So this

goes back to why Peguis First Nation wishes to see all of the leases public with access to the information and notification.

The opportunity for Manitoba—this is a side comment from me, again—but the opportunity for Manitoba to step up to this set of court decisions is just—it's there like a present in terms of basically being the first in the country. I mean, obviously, the Yukon has to, but the Supreme Court said, we don't even need to hear this, this is the law, this is the way the country works.

Sixth one—and I have had communication with the counsellor while I've been sitting here listening in terms of previous presenters. So the sixth item here is to basically put into the record that there has been no industry engagement. Consultation word was used by the industry speaker with Peguis First Nation regarding this bill or regarding any of three peat operations referenced in their territory and their TLE notice area, and the mistaken use of consultation is a problem, because it is an obligation of the Crown only. So the industry speaker made two references to, in fact, working with Peguis First Nation, and it isn't so.

Anything else I have to say on the bill, actually, is for the Manitoba Wildlands presentation, so I just stop.

Mr. Chairperson: Any questions from the committee on this part of the bill?

Mr. Gerrard: Yes, just two things. I mean, I have the impression that there was less consultation with First Nations than there might have been in certain aspects of this bill, and maybe you would comment. And the second is that, you know, there's not much agricultural land in the boreal forest, but there is the potential to convert some peatlands to agricultural land.

Is it a potential that some First Nations, in the future, might decide to develop some agricultural land from peatlands, and what would be involved?

Ms. Whelan Enns: I am going to qualify my ability to answer questions by the fact that I'm standing here speaking, and so that means that what I say and answer to questions in this room may not be a hundred per cent Peguis First Nation's point of view. I will do my best, okay.

There's documentation between departments in the Manitoba government—this goes to the Mines Department, obviously, and Conservation and Water

Stewardship—acknowledging that there was not consultation with First Nations affected by peat—new peat mining projects before there were licences. There are—I'm just trying to think this—I'm thinking about that region that—we're in the Interlake-Washow Peninsula here, so there's more than—there's at least three affected First Nations. And the steps were late. There was also some unfortunate correspondence between the Mines Department, the Manitoba government and the companies as if there had been consultations, so it's a little murky, but the wishes—and, if you had 10 First Nations in the room speaking to a bill of this sort or something else to do with resource extraction, they'd all pretty much be saying the same thing, that the obligation to consult and the access to the information needs to be at the front. My reference to the Mines Department is after it, and there have been apologies and acknowledgements, including in the community meeting in Peguis, on that subject.

I have no knowledge. I have not heard anything from any First Nation affected by decisions about peat mining to lead me to believe that they would be at all comfortable with conversion to agricultural use. I've heard the contrary to—you know, to make a reference to the speaker for the Wildlife Federation, their concern is the habitat and the ecological services and functions provided by those bogs, that peninsula and those species, aside from the fact that the Washow Peninsula is consistently referred to as our pharmacy, including in, you know, community meetings where there's 200 people nodding their heads.

Doing my best on the questions.

Mr. Martin: Well, I appreciate your comments on behalf of Peguis First Nation, and I just want to clarify, in the earlier submission by the Canadian Sphagnum Peat Moss Association, it advised that we've already begun consultations with the Fisher River Cree Nation and the Peguis First Nation, which, we hope, will be an impetus to an ongoing dialogue. You're saying from your knowledge that hasn't occurred?

Ms. Whelan Enns: This is a—my understanding is that the speaker was from the industry association, so we don't know if that's a royal we. So there has been industry presence in one meeting that I'm aware of over the last three years with respect to Peguis First Nation, so that doesn't qualify as engagement or, quote, consultation.

Mr. Martin: One other additional question. In the previous conversation in relation to the wildlife and fish enhancement legislation, we talked—there was some conversation about the sustainability of our large game population, in particular, moose. I noted in number—point 39 of your—of the report presented, it makes specific reference to concern about the impact on moose habitat. I'm wondering if you can expand on that at all.

Ms. Whelan Enns: Thank you for the question, and, again, I was asked or directed by Peguis First Nation to make sure you had this set of recommendations, and the question is, then—goes to No. 39 in this set of recommendations to the government from Peguis First Nation.

The aim and the wish is the same—it's the same thing here, and, as I was referring to in terms of consultations, the sooner and the earlier in the undertaking by government, whether it's setting new policy or new law, whether it's, in fact, doing the number crunching on moose, coming up with the moose strategy for the province, which I'm hoping we will see soon, the involvement of the First Nation and the rights holders and, in this case, the hunters, early, has the potential to, in fact, reduce conflict, improve the content in policy strategies and bills and dramatically—and build a relationship and the goodwill, then, in terms of how you go forward together, which reflects comments you've heard this evening. So, this hasn't happened yet.

Mr. Chairperson: Okay, the time for question and answers on this part is done, and I'm going to now call the next presenter, which is Ms. Gaile Whelan Enns, and she's presenting on behalf of Manitoba Wildlands.

Please proceed with your presentation. Did you have materials on this one? No? Okay, please proceed.

Ms. Gaile Whelan Enns (Manitoba Wildlands): We all need a drink. The minister and I are both having a cool drink at the same time.

I wanted to, if I may, agree with the speaker from Ducks Unlimited. I think one of the best things about how the Manitoba Legislature functions is the fact that you have open committee meetings and that you do this in terms of new laws. And I have colleagues elsewhere in Canada who think I'm making it up, you know, like as in I'll just make an aside or make a comment, and they'll go, you what? You do what? So it is important, and I have learned a

fair bit in a succession of years in terms of being here in the room and speaking to different bills, so that's a thank you also.

Now, my Manitoba Wildlands' approach in terms of Bill 61 is different, and there's not going to be much overlap, I don't think. So, again, those who've been in the room have watched me do this before; they know I've got a set of comments beside me and I've got yellow tags within the draft bill—

Floor Comment: Beware the yellow tags.

Ms. Whelan Enns: There's lots of CEC jokes about the yellow tags; they're even in the transcript.

Okay, so, first, a thank you to the department and the minister for the regulations regarding the peat moratorium in June last year, and all of the steps that were taken a year ago. It's also good to see where we're at in terms of the peatland strategy. On that note, the ideal would be to not proclaim the final version of Bill 61 until after the public review of the strategy in terms of what's going to come back and what the potential—what—the things you may catch. That would be a comment.

*(21:00)

There are some gaps and some things to comment into—in the bill, which I'm going to do, and I'm likely to make comments a little bit about both the mines act and The Environment Act because the reality is that we could do with some strengthening and some certainty on the development licence, as in the class 2 development licence for a peat mine or a peat harvesting operation in the province also. So we have an opportunity to have some clarity and some improvement that way.

The obvious example in terms of the last three years would be that there are peat mining standards under The Environment Act in Manitoba, and nobody was getting to see them at all other than the companies. So, you know, they're on our website. They became available. They were not fulfilled in terms of the Sunterra—sorry, the Berger and Sun Gro licences. So that's the example of the kind of thing I mean. If we're taking all of these steps, let's also take some steps in terms of the standards and the administration of The Environment Act.

Now there's other problems with the mines act that have come to light as a result of the peat mining changes that were needed and that this bill addresses. So we've another one coming, and I just thought I would put it into the record because under quarry

leases, under the mines act, we had peat. We also have coal, and we have—I haven't counted them recently whether we've got 20 or 30 or 40 new leases, coal leases, in Manitoba—we do. And nobody knows they're there, and when you look them up, including online, they're quarry. But they're coal. So there's another one coming, and I just thought I'd take the opportunity to say let's, you know, let's deal with that also.

Okay. I made this comment earlier on the previous bill and I will say it again. There's an opportunity to put into any new bill or act that has to do with lands, waters, resources, Crown lands and waters, what sections of it simply do not apply to rights holders and to Aboriginal rights holders. And I would, again, challenge and hope that this government would start thinking about doing this with new laws. And it would do a lot of public education, which would really help, including in managing the department, I would think.

Now, on restoration, and I will come back to this when I'm running through the bills—bill with all the yellow tags in it. There is no restoration of peat in Manitoba yet. There is some, not much, but there is some that's been turned to—there's a lot of peatlands that's been turned to agricultural lands that weren't mined in between, so we need to remind ourselves of that, okay? And the reality of it is that I wanted to put in the record that I've had this confirmed many ways. I've been in meetings within the last year with two of the three companies in question where they were basically talking also about what's going on in the research, and it's not there yet, okay? So all of the companies in Canada are—or most of them at one part or another in terms of what's going on at Laval, and I was in a meeting with the lead person in that research in Laval and spent an afternoon listening to a variety of things. They are not there yet, and the—Claude Roget [*phonetic*], who's the president of Roget Horticultural Inc. [*phonetic*], actually is trying to steer the research to where there is an ability to reseed, and to reseed peat where it's the most essential for the full operation of a peatland species.

So there's a lot going on in research but we need to remind ourselves it's not happening yet. We're not there, and so the question would be: How will this bill handle that reality? Okay.

I've got a lot of scribbling here, so I'm just going to—I agree with the clear comments about the definition of peat. I would even go so far as to say the definitions in the bill need to make a distinction

and include in the definitions, plural, where all that carbon is and where the millions and millions, you know, tens of millions of hectares are because they're mostly muskeg. They're mostly in the North, and they're mostly significant for the future of the globe and our waterways and our boreal regions. So I don't know how to handle this. I'm not coming here prescriptive with definitions, but I think it needs some attention because you can read the bill as if it's all where we would harvest, which is in southern Manitoba, or you could read the bill where you just—where you're looking the other way. And it's about both, but the definitions would definitely help.

Okay. How much time do I have left? And it's a question about how fast I need to talk.

Mr. Chairperson: One minute.

Ms. Whelan Enns: Uh-huh. All right. Okay.

Mr. Chairperson: Sorry, my mistake. Three minutes.

Ms. Whelan Enns: Oh. Okay. All right. I will try.

So, under definitions at the top of page 2, in recovery, we really need a definition of restoration, rehabilitation and reclamation, or it's not going to work. And there are references, then, in sections 17, 18 and 19 to the assumptions in terms of this definition, and it's just not—it's not thorough enough; it's not deep enough.

The principles could be added to, because it's interesting how (e) reads: the financial costing of recovering wetlands and so on and so forth exceeds the associated costs in protecting them. Well, the reality of it is that the financial costs in—often of doing the restoration often exceed the revenue. I'm back to valuation of the ecology from the actual peat mining and harvesting, so I was looking at the principles and looking for another principle.

In considerations in 4(2), I was actually trying to sort out whether or not to add to these considerations so that carbon storage and climate change is there and—where it's a decision to deliberately repeat as you go. I also think that it would help the act and help the understanding that it's about both if the considerations included and the definitions included a protected areas definition and what protected areas policy is in Manitoba.

Let's see. Six is a little interesting, because you're going to—I think you're going to need to define what a prescribed activity is, and it goes in a little circle because prescribed just basically says it's

prescribed by a regulation in the definitions. And then when you get to it in 6, it's prescribed.

Now, let's see. There aren't actually peat expiration permits now—

Mr. Chairperson: One minute.

Ms. Whelan Enns: Uh hmm—so that's me pointing that out, all right?

In considerations, again under 10, the significant peatlands—you can see what I'm doing, I'm trying to build up the environmental and ecological content here in a way that will make the thing work so when you get to considerations, you know, putting the significant peatlands in, putting the carbon storage in, putting the protected areas language in will help.

There are some concerns I would have in terms of just whether or not what you're intending—and this was in the Peguis recommendations—what you're intending out of this act is actually going to be in a public registry, it's going to be accessible, it's going to be posted and so on.

I'm going to ask the Clerk to see if the committee will give me two or three minutes extra.

Mr. Chairperson: Okay, so time is up for the presentation. Is there leave from the committee to have an extension of two minutes? *[Agreed]*

Ms. Whelan Enns: I recognize—*[interjection]* sorry?

Mr. Chairperson: One—just one second.

An Honourable Member: Yes, I was just making a point of—

Mr. Chairperson: Minister Lemieux.

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): Yes, I was just clarifying that we often do this and it takes time away from the question time period that's normally allocated. And so it would—

Some Honourable Members: Agreed.

Mr. Chairperson: Okay. It's agreed, so we will proceed for two more minutes. Go ahead. Go ahead, Ms. Whelan.

Ms. Whelan Enns: Okay. Thank you.

I recognize that some of the comments I'm making go directly to the steps for regulation under this bill, under this act, and that's the spirit in which the comments are made.

The—there is some potential confusion in terms of existing licences, what's going—what the changes are in the other bills to move stuff out, shut them down and move them back in in terms of existing versus future, and that's an overarching comment. The reality of it is that there's a—that I would strongly recommend the department putting—not just simply receiving management plans and harvesting plans, but actually having standards for them and having requirements and working again, we've heard, collaboratively on that. And this goes directly to, let's not have a black box with a director basically handling all this, let's post it all, have a public registry and get everybody on side in terms of best possible decisions.

This is an interesting—consideration in 19(2) is interesting, because again you're using your—the principles and the sets of considerations previously in the bill, in the language, for, then, a decision in terms of issuing that harvesting licence. And my comments stand. That is, take a look at each stage in the considerations and see how to strengthen them.

* (21:10)

There are a variety of other kinds of permits that would be issued in order to get even, in some cases, an exploration permit, certainly a harvesting licence, let alone the development licence. They're not here in the bill. This goes to my earlier comments about how does one law fit with another law. And so there's—you could have 10, 20, 30, 40 other permits issued along the way, and that goes to drainage, it goes to road building, it goes to clearing, and also just the specific location. So that is also a quick comment.

I'm—I've already commented on that one.

Mr. Chairperson: The extra time of two minutes allotted was—is up now, so we'll hear questions from the committee.

Mr. Martin: Yes, a point of clarification. I believe you had said there are not peat exploration permits now?

Ms. Whelan Enns: That's right. So you have—you'd apply for a lease under the mines act currently. The lease would be identified as being in relation to peat. Exploration might well have already happened or might happen under that lease, but it's not termed an exploration permit as such.

So the sequence is different. The number of steps is different. I think that's all quite healthy, in terms of moving to—the steps prior to an actual

development licence under The Environment Act, but that's why my comment.

Mr. Gerrard: You mentioned that there haven't been peatlands recovered to date, and you also commented that recovery may be more costly than actually harvesting the peatland originally. You don't sound very optimistic about getting recovery of peatlands. Maybe you'd comment.

Ms. Whelan Enns: It's really—the comments are two-sided, and that is where we have recovery used in the language in the bill, it seems to refer to any of about three different things. If you read the industry's information about restoration or recovery or rehabilitation, and they equate them all, they include agricultural, they include sort of a different kind of woodland.

And so the aim would be for the bill, the regulations to be quite specific about there being standards to be met but also be quite specific about what stage along the way they're in place, including my comments about under The Environment Act.

So I don't sound very optimistic. I'm always optimistic, or I wouldn't be here. But we're not doing these things now, so to have this kind of bill and this kind of law in Manitoba means we really need to not assume that it's happening and to be more than ready to get it right.

Mr. Chairperson: Thank you for your presentation.

Bill 68—The Child and Family Services Amendment Act (Critical Incident Reporting)

Mr. Chairperson: I will now move to Bill 68, and present—I will call on Ken Guilford.

All right, Mr. Guilford, please proceed.

Mr. Ken Guilford (Private Citizen): My name is Ken Guilford, as if none of you knew, and I would like to, first off, read the—what's in change—the change in the rest of the pages. Is that okay? Thank you.

This bill amends The Child and Family Services Act. It provides—it requires employees and others who work for or provide services to child and family services agencies or authorities to support critical incidents that have resulted in the death or serious injury of a child.

Critical incident reports are to be made to agencies. What is agencies, that's what I question. What is—do agents—how many? How many? Thousands or what? No—nothing saying who,

nothing said which ones or anything else. That's wrong. I want to know before I look, as an activist, is the bill ready? I have to know the nuts and bolts. I have to know what agencies there are, because I, actually, I have to tell you right now, but I'll finish this one right now.

In turn, an agency must report the critical incident to its 'manatory'-'manting' authority and the director of Child and Family Services. Reports are to be made without delay, but, in any event, within a time limit set out in regulations. What are meant by the regulations? Nothing.

You guys have got to take this back, put some nuts and bolts through it, and then you can present it again, and then look at it and see if you're going to pass it or not, *[inaudible]* because I am passing it. And I'm just saying that these are my recommendations that I would hope that, I implore, and especially NDP, any considering Jon Gerrard's a Liberal, and they take them back and study them. What I would say—are you still here? In Hansard, he's still here. The director may investigate the critical incident and make recommendations to the minister and the director that considers necessary or advisable. Retaliation against a person that makes a critical incident report is prohibited.

So he can say whatever the hell he wants; it doesn't matter. I'm going to tell you guys something you guys don't know ever before. I am bipolar. I have an illness, or is it a sickness? Nobody knows. What I'm saying—I'm 66 years old and, at that age, who knows what I am? I have friends, lots of friends, and I work with different organizations. MBAM, Mood Association of Manitoba, the ILRC, the Independent Living Resource Centre, the *[inaudible]* Planning and *[inaudible]* Association of Manitoba *[inaudible]*. I work with many, many different—I don't get paid. I'm not asking for pay. I'm asking for your consideration.

When I go to speak, please let me speak. After all this work, I mean, it doesn't make sense to me to be cut off. But I won't say who cut it off, but we all listen to Hansard too. But what I would like to say is it's wrong to be—and I don't care who it is, it's the Queen of England who's here just—oh, no, it's Jonny, sorry. My friend Jonny. He was just here, and I waited a half an hour for him, but he never showed up. So I walked home—I got to walk home from downtown to my place on the way to Sherbrook and Portage, I walk—it takes 20 minutes to walk home. You know why? Because I'm only getting \$160 a

week, and I am broke—flat broke. My public trustee, she gets, every three months, \$450 every three months. I am saying get rid of the public trustee. I don't need her, you don't need her, but she actually *[inaudible]* the situation, and I know it's getting to the end of the night. Again, this situation, it stinks. Why does it stink? Because it's very, very controlling again. He must do this; he must do that. No. No. We do not have to do anything. We got to put our backs up. You're going to lose then. If you want to get lost, go. But I'm telling you right now, it's not good the way you guys are doing—trying to push things down.

And all the night it seems like what I'm pushing down, pushing back, pushing back, push back. Why? Why? That's what I want to know. Why do I have to push back? Why am I up here at being, you guys overcome. I tell you right now, I'm a big guy, right. I push back. Most of you know that. And now I'm not even physical, now I'm doing mentally. You guys are not doing things right. If you NDP MLAs, every one of you, want to get elected in the future, do not push anybody. Because the farmers are being pushed, and they don't like it. They know about anything, whether they're getting pushed or not. Yes, I know they are, and you know they were. So why don't you stand up? Get some balls—get—stand up like I do. I stand up. I report. You know what? I broke a record. I broke a record with six bills in one night. That's a record. Six bills in one session is that record.

And I'll tell you right now, you can't back up, you can't go ahead. I'll tell you right now, you got plan ahead. Always plan ahead—APA. Always plan for your future—APF, okay? That's what I want you to know. I'm not trying to tell you guys what to do, but if you don't listen to me, I'm bringing my people on next session. I didn't have the time this time to round them up, but I know a lot of people. We're get them rounded up and we're going to fill this place up, and we'll see what happens. And I'll tell you right now, Mr. Robins, if I were you, MLAs probably going to do the same thing. He'll bring his people out. And every one of us, David, the same thing, all the time. You know, you can't do that. You've got to listen to people, please, please, I'm NDP, but I don't care, I could easily switch, yes, I could switch and go on the other side, big C would love for me to go over there. But I tell you right now, the Liberals want me. You know what happens, one day Sharon Carstairs was in power. She had one person, in a red coat, red dress.

* (21:20)

Most of you don't understand—I bet you \$100, none of you guys—Mr. Lemieux may understand, but none of you other guys. You guys are all too young. I'm an old man. No, I'm not, bullshit. She came into the session four years, and she kept on calling: Fine, fine fine, Liberal, Liberal, Liberal. You know what? Sharon Carstairs went from one person to a majority one time. Now, Kevin Lamoureux, he was in there. I think most of you, maybe you know who he is. I'm not sure. You should. *[interjection]*

What I'd like to say is, thanks guys. What I'd like to say is Kevin Lamoureux, it cost him five grand to win the election. But I would like to say that childhood is very important, and get those damn things out of your ears. Let's get down to work. Let's get this thing going. Let's get these kids where they belong—homes, whatever. Bipolar? They don't necessarily have to have it. I don't have bipolar. You know what? I do the opposite. You know what? I go to these mood disorder committees, and guess what? I'm the one that does the counselling. You know, the other man, the chairperson, he sits back and lets me do all the show. That's why I don't go, because why should I go and do his job? It's all volunteers, but, I mean, why should I go and do his job? It doesn't make sense.

He's got to get this thing going. It starts in childhood. As most if not all of you know, a child is a child. He grows to be a man over years, and he will come on you guys, too, you know. I've seen more 18-year-olds going *[inaudible]* 18, and I'll tell you right now, I'm proud of them. You know why I'm proud? Because they can stand up and be human. That's me. And I'm telling you right now, it had better stop, better stop right now, and I'm going to help you guys, but I won't go ahead and take a role. There's a lot of people, a lot of organizations out there, all kinds of organizations that are crying for help. So who is—wants me the most? But the question is, who's going to order me to do something? Order me to do something, I'm out, man. I've had it.

I'd like to compliment Harry Paine, Rob Altemeyer and *[inaudible]* I would like to thank very much the *[inaudible]* constituency and went through all the member—Harry Paine stood up and he didn't have to go at the end of the meeting, well, I said, it's over now, supposed to be getting an award, but Harry stood up—

Mr. Chairperson: One minute, Mr. Guilford.

Mr. Guilford: Harry stood up and he gave me the award. Rob's looking after Legislative Building. I'm looking after the city.

That's it. Thank you. Bye. How much left?

Mr. Chairperson: Thirty seconds.

Mr. Guilford: Hi. How you doing? Good luck, guys. *[inaudible]* proud to be standing here in front of you, and I'm really excited about the future. Thank you.

Mr. Chairperson: Thank you.

Any questions for the presenter?

Thank you very much. Have a great night, Mr. Guilford.

That concludes the list of presenters I have before me. Are there any other persons in attendance that wish to make a presentation?

Seeing none, that concludes the public presentations.

* * *

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

Mr. Ian Wishart (Portage la Prairie): As listed.

Mr. Chairperson: As listed. During the consideration of bills, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is an arrangement from the committee, the Chair will call—sorry, agreement by committee, the Chair will call clause by clause in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

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

**Bill 48—The Sioux Valley Dakota
Nation Governance Act**
(Continued)

Mr. Chairperson: The first one is Bill 48. Does the minister responsible for Bill 48 have an opening statement?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): No.

Mr. Chairperson: I thank the minister. No opening statement.

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

Mr. Stuart Briese (Agassiz): No.

Mr. Chairperson: No opening statement? Thank the member.

Clauses 1 through 3—pass; clauses 4 and 5—pass; clauses 6 through 9—pass; clause 10—pass; clauses 11 through 13—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 53—The Fisheries and Wildlife
Amendment Act (Restitution)**
(Continued)

Mr. Chairperson: Does the minister responsible for Bill 53 have an opening statement?

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): No.

Mr. Chairperson: Thank the minister.

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

No? We thank the member.

Shall clauses 1 and 2 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 1 and 2 are accordingly passed. Shall clauses 3 through 5—

An Honourable Member: No, no, no, no. Hold on, hold on.

Mr. Chairperson: Sorry? Shall clauses 1 and 2 pass?

An Honourable Member: No.

Mr. Chairperson: Clause 1—pass.

Shall clause 2 pass?

An Honourable Member: No.

Mr. Chairperson: No? We have a no. Mr. Martin.

Mr. Shannon Martin (Morris): Mr. Chair, I move *THAT Clause 2 of the Bill be amended by replacing the proposed section 25.6 with the following:*

Licences of persons convicted of prescribed offences cancelled

25.6(1) When a person is convicted of an offence prescribed for the purpose section of 25.1, all licences held by the person are cancelled and the person's right to obtain or hold a licence is suspended until the day that is 12 months after the day the amount owing to the Crown under that section is paid.

Prohibition on obtaining a licence

25.6(2) A person whose right to hold a licence is suspended under subsection (1) must not obtain or attempt to obtain a licence while that suspension is in effect.

Mr. Chairperson: It has been moved by Mr. Martin *THAT Clause 2 of the Bill—*

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense. Thank you. The amendment is in order.

The floor is open for questions.

Mr. Martin: Mr. Chair, the amendment is simply being put forward in order to, again, we've heard from some of the spokespersons about the perilous nature some of our wildlife is in, especially in terms of the big game hunting, and I know the minister has made reference to the proposed, potentially the doubling of fines in areas where hunting is prohibited. Again, we feel that this—to ensure a full 12-month suspension regardless of payment. So, if an individual makes a payment under the current legislation within, say, within a month, they'd be able to retain their—get a licence immediately. This would extend that a minimum, essentially a minimum licence suspension of 12 months for individuals that poach our wildlife, or I guess, in this case, fish.

Mr. Mackintosh: Yes, I commend the principle. In other words, if the amount isn't paid and if there has been the wrongdoing, there should certainly be strong consequences. But I'm advised that, under the regime for convictions, there are licence suspensions and so any amendment would have to look to see that there isn't some interference with the existing law of suspension of licences because of the conviction as opposed to the restitution per se. So we'll take it back and we'll look at it between now and report stage and see if there is something we can support here, because the principle, I think, is right, but whether it works according to the existing regime

is problematic I understand. So we'll take it back and have staff look at it.

* (21:30)

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clause 2—pass.

Shall clauses 3 through 5 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: Clause 3—pass; clause 4—pass.

Shall clause 5 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Martin: Mr. Chair, I move

THAT Clause 5 of the Bill be amended by replacing the proposed section 86.6 with the following:

Licences of persons convicted of prescribed offences cancelled

86.6(1) When a person is convicted of an offence prescribed for the purpose of 86.1, all licences held by the person are cancelled and the person's right to obtain or hold a licence is suspended until the day that is 12 months after the day the amount owing to the Crown under that section is paid.

Prohibition on obtaining a licence

86.6(2) A person whose right to hold a licence is suspended under subsection (1) must not obtain or attempt to obtain a licence while the suspension is in effect.

Mr. Chairperson: It has been moved by Mr. Martin *THAT Clause 5 of the Bill be amended by replacing the proposed section—*

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Thank you.

The amendment is in order.

The floor is open for questions.

Mr. Martin: Mr. Chair, as my colleague across the way noticed that this is the same as the last one. The last amendment spoke directly to the fisheries component of the bill. This one speaks directly to the wildlife component of the bill. I appreciate the minister's comments about—willing to take this back and have a look at it and the need for strong consequences for individual's that do poach our wildlife. So I would anticipate similar comments along those lines.

Mr. Mackintosh: Yes, ditto with my last remarks. This is under the wildlife legislation and we'll likewise look at it and see if there's anything we can work on together here that works.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: The amendment is—*[interjection]*

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clause 5—pass; clauses 6 and 7—pass; clause 8—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 56—The Vital Statistics Amendment Act
(Continued)

Mr. Chairperson: Does the minister responsible for Bill 56 have an opening statement?

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): No.

Mr. Chairperson: We thank the minister.

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

No? We thank the member.

Shall clauses 1 and 2 pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: Clause 1—pass.

Shall clause 2 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Shall clause 2 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: Okay, I hear a no.

Mr. Ron Schuler (St. Paul): I'd like to move

THAT Clause 2 of the Bill be amended in the proposed subsection 25(5) by adding the following after item 5:

5.1 If the applicant is a minor, the written consent to the change signed by the minor's parents, surviving parent or the legal guardian.

Mr. Chairperson: It has been moved by Mr. Schuler that proposed amendment to—

THAT Clause 2 of Bill be amended to proposed subsection 25(5) by adding the following item—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Thank you.

The amendment is in order.

The floor is open to questions.

Mr. Schuler: Yes, this amendment mirrors changes to The Vital Statistics Act which has recently passed third reading in the British Columbia legislature. In fact, their wording is slightly different. It reads: In the case of a minor, the consent of all parents having guardianship and all other guardians of the minor. We've changed it slightly to: If the applicant is a minor, the written consent to the change signed by the minor's parents, surviving parent or legal guardian.

We understand that children go through and experience a full range of emotions on their way to becoming adults. This amendment is about providing proper guidance and protection for the children living in Manitoba. Parents and guardians want only the best for their children and should not be excluded from any important decisions relating to their child, thus we would recommend this amendment to the bill.

Mr. Lemieux: Yes, I just wish to make a quick comment on the proposed amendment. We disagree with the amendment and we're not going to support it, but I'll comment just by saying that section (f) on page five, 25 subsection (8), 2.(f), "if the applicant is a minor, include a statement that the health care professional is of the opinion that the minor has the capacity to make health care decisions." We believe this, there is precedent for this and there's other examples of where minors are, certainly, I was going to use the word declared, but health-care professionals have determined that the minor is of a—has the capacity and the ability to make the decision. Thank you.

Mr. Chairperson: Thank you.

Is the committee ready for the—oh, Mr. Schuler.

Mr. Schuler: And our concern with the comments that the minister has just put on the record is that the minister believes that health-care professionals should usurp any and all involvement of a parent or guardian, and that is a concern. We still believe that families are important to children and should be important, and this would be one component that would include families in this process. So a little bit concerned that the minister doesn't believe that families in the form of a parent or parents or guardians should have any input in the process. And, again, it is something that's been proposed and is going through in the legislation put forward by the British Columbia legislature. It is something that's been debated and, I think, well thought through, and,

again, I think it's not advisable to cut out family and parents in particular out of the process.

Mr. Lemieux: Well I disagree with my critic, certainly, because the section we're talking about talks about a mature minor, and there is precedent to show that minors have the capacity to make decisions, and we are very, very supportive of families to be supportive and to be a part and parcel with decision making. But, with regard to this particular act, there is precedent to show that mature minors make these decisions, and that's why we're not going to agree with the amendment.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: There are dissenting votes.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clause 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 61—The Peatlands Stewardship and Related Amendments Act (Continued)

Mr. Chairperson: Does the minister responsible for Bill 61 have an opening statement?

Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship): No.

Mr. Chairperson: We thank the minister.

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

Mr. Shannon Martin (Morris): Why break the tradition. No.

Mr. Chairperson: We thank the member.

Due to the structure of this bill, the Chair, myself, would like to propose the following order of consideration—for the committee's consideration. For your reference, we will provide you copies of the outline for committee members with the understanding that we may stop at any point where members have questions or wish to propose amendments. I propose that we call the bill in the following order: parts 1 through 9, pages 2 through 37, called in blocks conforming to the parts; schedule A, page 38, called in a block conforming to the page; schedule B, page 39, called in a block conforming to the page; the table of contents, pages 1 through 3, or i through iii; the preamble, page 1; the enacting clause, page 2; and then the bill title.

* (21:40)

Is it agreed that it's appropriate order for the consideration of Bill 61? *[Agreed]*

We'll begin with parts 1 through 9, pages 2 through 37.

Part 1, pages 2 through 4, clauses 1 through 3—pass; part 2, page 5, clauses 4 through 6—pass; clauses 7 through 19—pass.

Shall clause 20 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Mr. Martin: I move

THAT Clause 20 of the Bill be amended by adding the following after 20(2):

Peatland recovery plan published on government website

20(3) Within 30 days after a peat harvesting licence is issued, a director must post the licence holder's peatland recovery plan on a government website.

Changes to peatland recovery plan published

20(4) If any terms and conditions of a peatland recovery plan are rescinded or varied—or if additional terms and conditions are imposed by the director—the director must update the information posted on the government website about the licence holder's peatland recovery plan without delay.

Mr. Chairperson: It has been moved by Mr. Martin
THAT Clause—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Thank you.

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

Mr. Martin: Mr. Chair, I think the—a number of the presenters spoke to this about the sharing of information and to ensure confidence of the public in terms of the plans of those involved in the harvesting of peat. So I think it's not unreasonable—and, again, as suggested by some of the presenters that the sharing—making public that information in terms of the recovery plan, which is a unique part of that legislation, be made public for the public to review is not an unreasonable request.

Mr. Mackintosh: I'm just wondering the purpose of the publication of it when it becomes published under The Environment Act. In any event, it becomes part of the plan and it's then part of the public registry process that's well established. So I'm just wondering what's achieved. I just look—if the member can provide an answer to that.

Mr. Martin: I guess for the—I just want to ensure that it wasn't missed with all the changes in the legislation. I know that there's a substantial amount of the bill is changed, so just wanted to ensure that the peatland recovery plan is made publicly available within 30 days of issuance.

Mr. Mackintosh: I mean, if it would substantially enhance transparency, then I think that's—it's valid, but my understanding is that a recovery plan, indeed, the management plan would be part of the public registry in the event of an actual development. So I don't know if it is really just duplicating what is actually a formal process of public notification and a process that is well known to those that keep an eye on these things and would be known in—and has a comprehensive statutory regime in place. In fact, it's just been recently enhanced. So the member might want to just consider that further, as we will, by the way. We can always consider this further, but, at this point, it seems to be a duplication of information that now has, sort of, an integrity of process now under The Environment Act.

Mr. Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it, and the amendment is accordingly defeated.

* * *

Mr. Chairperson: Clause 20—pass; clauses 21 through 39—pass; clauses 40 through 49—pass; clauses 50 through 53—pass; clause 54—pass; clauses 55 through 60—pass; clauses 61 through 70—pass; clauses 71 and 72—pass; schedule A—pass; schedule B—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 68—The Child and Family Services Amendment Act (Critical Incident Reporting) (Continued)

Mr. Chairperson: Does the minister responsible for Bill 68 have an opening statement?

Hon. Kerri Irvin-Ross (Minister of Family Services): No.

Mr. Chairperson: We thank the minister.

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

An Honourable Member: No.

Mr. Chairperson: We thank the member.

Clauses 1 and 2—pass.

Shall clause 3 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Ian Wishart (Portage la Prairie): Okay. Yes, Mr. Chairman, I move

THAT the definition for "critical incident", as set out in the proposed section 8.15 in Clause 3 of the Bill, be replaced with the following:

"critical incident" means an incident that has resulted in serious injury, serious harm or the death of a child

(a) who was in the care of, or received services from, an agency; or

(b) whose parent or guardian received services from an agency;

at any time within one year before the incident occurred.

Mr. Chairperson: Mr. Wishart, just add the last part.

Mr. Wishart: Thank you. And the reasoning for this is it's first—

Mr. Chairperson: You're mic wasn't on. Just please, the last part.

Mr. Wishart: —(« incident critique »).

Mr. Chairperson: Thank you. The amendment—it has been moved by Mr. Wishart

THAT—

An Honourable Member: Dispense.

Mr. Chairperson: Thank you. Dispense.

The amendment is in order, and the floor is open for questions.

Mr. Wishart: Okay. Thank you, Mr. Chairman, and the reasoning for—behind this is to align it with the wording that is used in critical incidents in the health-care situation, making it consistent with both acts.

* (21:50)

And it is also important that serious harm can occur without actually any physical trace, whether that becomes mental abuse or, in some cases, sexual abuse can actually fall into that category as well. And we know that Manitoba has a somewhat less than enviable record in regards to sexual interference with children. So we thought that this would help strengthen this whole process of critical incident reporting under CF.

Ms. Irvin-Ross: Well, I thank the member for taking the time and the interest in this legislation, but we will not be supporting this amendment. We believe that serious injury will also include serious harm. And we will have it clearly defined within the regulations. Thank you.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed to the amendment, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Shall clause 3 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Mr. Wishart: Mr. Chairman, I move

THAT Clause 3 of the Bill be amended as follows:

in the proposed section 8.18,

by renumbering it as subsection 18(1), and

by striking out the "and" and at the end of the clause (a), adding "and" at the end of clause (b)—

Mr. Chairperson: Mr. Wishart, hang on one second. *[interjection]* Yes, do you want to just start over and read it again? You just read the numbers wrong. So just for Hansard record.

Okay, Mr. Wishart, go ahead.

Mr. Wishart: I move, then,

THAT Clause 3 of the Bill be amended as follows:

(a) in the proposed section 8.18,

(i) by renumbering it as subsection 8.18(1),
and

(ii) by striking out "and" at the end of the
clause (a), adding "and" at the end of
clause (b) and adding the following after
clause (b):

(c) the children's advocate.

and (b) by adding the following as subsection
8.18(2):

Director's duty to inform children's advocate

8.18(2) If the director receives a critical incident report from a person under clause 8.17(1)(b), the director must report the critical incident to the children's advocate.

Mr. Chairperson: It has been moved by Mr. Wishart

THAT—

An Honourable Member: Dispense.

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

Mr. Wishart: Mr. Chairman, we believe that Manitobans are interested in transparency when it comes to critical incidents in this area, as well as in health care. And we have a very well-respected agency already in place that does deal with these incidents when they get critical enough, that being the Children's Advocate. So we're proposing that the critical incidents also be drawn to the attention of the Children's Advocate, and between the director and the Children's Advocate, they can determine whether or not there needs to be a further, more public inquiry.

Ms. Irvin-Ross: We won't be supporting this amendment, but I thank you once again for your interest in this legislation and the work that you and your staff have done to bring this amendment forward.

The Children's Advocate already has a very specific role to play within our system, as far as investigating and advocating for youth. The minister has the power to make referrals to the Children's Advocate, and along with the director of child welfare, we'd be using that power.

Mr. Chairperson: Is the committee—Mr. Wishart.

Mr. Wishart: Well, I think Manitobans would like a little more openness and transparency and having that actually part of the bill so that we know the Children's Advocate will have a chance to review this without having to have the minister or the director review it to them, actually will make Manitobans feel far more comfortable with this process.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed to the amendment, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Shall clause 3 pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Wishart: I move

THAT Clause 3 of the Bill be amended by replacing the proposed section 8.21 with the following:

Review of the critical incident report

8.21 Upon receiving a critical incident report, the director and the children's advocate must review the matter in collaboration with one another and may, as needed and as they determine,

(a) investigate the incident further; and

(b) make any recommendations about the incident to the minister that they consider necessary or advisable.

Mr. Chairperson: It has been moved by Mr. Wishart,

THAT—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Thank you.

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

Mr. Wishart: This is following further on the one that was just rejected. We feel that the Children's Advocate has a need to, and I think Manitobans have a need to know that there has been an independent review. The Children's Advocate, as we all know, reports to the Legislature and not to the minister, and I think many Manitobans have expressed considerable concern about not only the need to have a review, a critical incident review process, but it be transparent in nature, so hence our amendment.

Ms. Irvin-Ross: As the member has stated in his remarks that this is very similar to the last amendment that they have proposed, my answer would remain the same: that we have the power to engage the Children's Advocate if we want to go with further investigation. So we will not be supporting this amendment.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clause 3—pass; clauses 4 and 5—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 5–9:55, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 9:57 p.m.

WRITTEN SUBMISSIONS

Re: Bill 61

Introduction

The Manitoba chapter of the Canadian Parks & Wilderness Society (CPAWS) is pleased to provide our comments and recommendations. Thank you for this opportunity. CPAWS appreciates this Bill and the Peatlands Stewardship Strategy. We look forward to participating with the Peatlands Stewardship Strategy and the regulations flowing from of the Bill.

CPAWS Manitoba chapter

The Manitoba Chapter of the Canadian Parks and Wilderness Society (CPAWS Manitoba) has been a champion of wilderness and parks in the province since 1991. CPAWS Manitoba ensures that the voice of conservation is heard on issues affecting our wild lands and waters. The majority of our focus pertains to Manitoba's Boreal Region where over 40% of its area is wetlands, the majority of which are peatlands.

CPAWS as a national organization

Since we were founded in 1963, we have helped protect over 40 million hectares of Canada's most treasured wild places. CPAWS' structure is unique among national conservation groups: we are chapter-driven, yet nationally focused. Our regional strength and volunteer spirit is unparalleled: 13 chapters, hundreds of dedicated volunteers, and 15,000 active members across Canada. CPAWS focuses on establishing new parks and making sure the needs of nature come first in their management. These are ongoing activities. Wilderness areas, and the wildlife populations they support, need to be conserved and protected. We must ensure that wilderness areas and the links between them are adequate to maintain breeding populations of all the living things that are dependent on them. Why? So that Canada's wilderness and wildlife, some of the few remaining pristine ecosystems in the world, remain forever ... so that our children and grandchildren can continue to experience what we have enjoyed.

CPAWS Mission statement

CPAWS envisages a healthy ecosphere where people experience and respect natural ecosystems.

We will achieve this by:

Protecting Canada's wild ecosystems in parks, wilderness and similar natural areas, preserving the full diversity of habitats and their species;

Promoting awareness and understanding of ecological principles and the inherent values of wilderness through education, appreciation and experience;

Encouraging individual action to accomplish these goals;

Working co-operatively with government, First Nations, business, other organizations and individuals in a consensus-seeking manner, wherever possible.

CPAWS believes that by ensuring the health of the parts, we ensure the health of the whole, which is our health too.

Bill 61 Comments:

We are pleased:

The Manitoba government recognizes that the responsible stewardship of peatlands requires an integrated and co-ordinated approach.

About the ban of peat harvesting in provincial parks and wildlife management areas

About the plans to promote increased research into Manitoba peatlands

About the requirement of sharing of information between government departments and agencies

About the special terms and conditions that may be applied to peat exploration licenses

That management and recovery plans are mandated for peat operations

The Bill recognizes that peatlands are part of large, interconnected ecosystems, the most efficient terrestrial ecosystem for long-term carbon storage, filter and store water, provide social opportunities.

The Bill acknowledges that Aboriginal and Treaty Rights must be considered when considering exploration and harvesting permits. Also, the recognition of the duty to consult with First Nations, Metis, and other Aboriginal communities regarding land use decisions.

About the upcoming Aboriginal Traditional Knowledge project

Recommendations:

State that protection is the main component in the peatland stewardship strategy and that this language is consistently woven throughout the document

The addition of cultural values as a key principle

The potential for First Nations to incorporate protections/designations in land use plans

The proposed Act and the Strategy should include a consistent definition for peatlands and wetlands

Collaboration and cooperation amongst all key stakeholders and rightsholders to continue to define sustainable land use practices in the boreal forest.

Clarity regarding how access to peatlands and resulting linear disturbances are addressed

Explicit language regarding how harvesting and recovery plans are evaluated and approved

Clarity on how cumulative effects assessments will affect decisions on proposals for new developments

Thank you,

Ron Thiessen
Executive Director
CPAWS Manitoba

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>