

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

Chairperson
Mr. Daryl Reid
Constituency of Transcona

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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

Wednesday, June 16, 2010

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

VICE-CHAIRPERSON – Mr. Matt Wiebe (Concordia)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Bjornson, Hon. Ms. Oswald, Hon. Mr. Robinson

Ms. Blady, Messrs. Borotsik, Cullen, Hawranik, Jha, Maguire, Reid, Wiebe

Substitutions:

Ms. Braun for Mr. Jha at 8:02 p.m.

APPEARING:

Hon. Dave Chomiak, MLA for Kildonan

Hon. Gord Mackintosh, MLA for St. Johns

Hon. Bill Blaikie, MLA for Elmwood

Mrs. Myrna Driedger, MLA for Charleswood

Ms. Erna Braun, MLA for Rossmere

Hon. Diane McGifford, MLA for Lord Roberts

Hon. Nancy Allan, MLA for St. Vital

WITNESSES:

Bill 12–The Pimachiowin Aki World Heritage Fund Act

Ms. Gaile Whelan-Enns, Manitoba Wildlands

Ms. Susanne McCrae, The Boreal Forest Network

Mr. Eric Reder, Wilderness Committee

Bill 15–The Franchises Act

Ms. Lorraine McLachlan, Canadian Franchise Association

Mr. Andrew Ogaranko, Canadian Franchise Association

Bill 17–The Biofuels Amendment Act

Ms. Gaile Whelan-Enns, Manitoba Wildlands

Bill 24–The Aboriginal Languages Recognition Act

Ms. Gaile Whelan-Enns, Manitoba Wildlands

Bill 225–The Public Health Amendment Act (Regulating Use of Tanning Equipment)

Ms. Linda Venus, Canadian Cancer Society

Ms. Kelly Karam, Joint Canadian Tanning Association

Bill 6–The Manitoba Association of School Trustees Amendment Act

Mr. Robert Rivard, Manitoba School Boards Association

WRITTEN SUBMISSIONS:

Bill 12–The Pimachiowin Aki World Heritage Fund Act

Alex Peters, Pimachiowin Aki Board of Directors

Bill 17–The Biofuels Amendment Act

James R. Beddome, Green Party of Manitoba

Bill 24–The Aboriginal Languages Recognition Act

Alon Weinberg, Green Party of Manitoba

MATTERS UNDER CONSIDERATION:

Bill 4–The Workplace Safety and Health Amendment Act

Bill 6–The Manitoba Association of School Trustees Amendment Act

Bill 9–The Electricians' Licence Amendment Act

Bill 10–The Proceedings Against the Crown Amendment Act

Bill 12–The Pimachiowin Aki World Heritage Fund Act

Bill 15–The Franchises Act

Bill 17–The Biofuels Amendment Act

Bill 18–The Communities Economic Development Fund Amendment Act

Bill 24—The Aboriginal Languages Recognition Act

Bill 32—The Protection for Persons in Care Amendment Act

Bill 39—The Child and Family Services Amendment Act (Children's Advocate Reporting)

Bill 203—The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Provincial Soil Designated)

Bill 225—The Public Health Amendment Act (Regulating Use of Tanning Equipment)

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

Your first order of business is the election of a Chairperson. Are there any nominations?

Ms. Sharon Blady (Kirkfield Park): I nominate Mr. Reid.

Clerk Assistant: Mr. Reid has been nominated. Are there further nominations?

Seeing none, Mr. Reid, please take the Chair.

Mr. Chairperson: Thanks to my nominator. Thank you, committee members. Good evening, everyone.

The first order of business, of course, is the election of a Vice-Chairperson. Are there any nominations?

Ms. Blady: I nominate Mr. Wiebe.

Mr. Chairperson: Mr. Wiebe has been nominated. Are there any further nominations?

Seeing none, Mr. Wiebe is elected as the Vice-Chairperson of this committee.

This meeting has been called to consider the bills as listed on the committee notice and on the documents before each of the committee members here. This meeting, of course, has a number of presenters that are registered to speak this evening, as noted on the list of presenters, I believe, in front of each of the committee members.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in our audience who would like to make

a presentation this evening, please see our staff at the entrance to the room and we'll add your name to the list to whichever particular bill you're interested in speaking to. Also, for the information of all presenters here with us this evening, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need assistance with photocopying, please see our staff at the entrance to the room here and we'll assist you with the photocopying.

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

On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance, as marked on the sheets before each of the committee members. There's one change that I would draw to your attention as an out-of-town presenter for three of the bills: Bill 12, Gaile Whelan-Enns, Manitoba Wildlands, is an out-of-town presenter; on Bill 17, Gaile Whelan-Enns, Manitoba Wildlands, is an out-of-town presenter; and on Bill 24, Gaile Whelan-Enns, Manitoba Wildlands, is an out-of-town presenter. Please adjust your documents accordingly.

We have—Bill 6, Robert Rivard, who is an out-of-town presenter—is in place, pardon me, of Hugh Coburn, so please adjust your list, striking Mr. Coburn's name and adding Robert Rivard for the Manitoba School Boards Association. And is there will of committee to allow for that substitution to occur? *[Agreed]* Thank you.

And for the information of committee members, on Bill 225 we have a substitution as well. Erin Crawford is unable to make it and Linda Venus from the Canadian Cancer Society is taking that place. Is that the will of the committee, to allow for that substitution? *[Agreed]* Thank you.

With this in mind, what order does the committee wish to hear presentations this evening?

Mr. Gerald Hawranik (Lac du Bonnet): Due to scheduling issues, I would ask leave of the

committee to deal with Bill 39 first, including the line-by-line consideration of Bill 39, prior to hearing presentations.

* (18:10)

Mr. Chairperson: It's been recommended to the committee that we hear—we proceed through Bill 39, including clause-by-clause consideration. Is that agreed? *[Agreed]* Thank you.

There's an additional question or two that I need to ask committee members' indulgence please. We need to indicate how late this committee wishes to sit this evening.

Hon. Dave Chomiak (Minister of Innovation, Energy and Mines): Shall we sit until nine o'clock and then assess our situation at that point?

Mr. Chairperson: It's recommended that we sit until 9 p.m. and then reassess. Is that agreed? *[Agreed]*

Okay, during the consideration of a bill, 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's agreement from the committee, I will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where a member may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Bill 39—The Child and Family Services Amendment Act (Children's Advocate Reporting)

Mr. Chairperson: We'll now proceed with clause-by-clause consideration of Bill 39. Does the honourable minister have an opening statement?

Hon. Gord Mackintosh (Minister of Family Services and Consumer Affairs): Well, very briefly, it was, I think, a collective view that, as a result of the proceedings in the Legislative Assembly Management Commission and the report of the Children's Advocate, that we all realize that it's good to enhance advocacy on—for the Children's Advocate, that it would be important, and members are certainly interested, and Manitobans would be interested in having not only the report provided to the Legislature, but that it be supplemented then by the Q and As that can happen in a committee.

The provision was based with some view in terms of symmetry with The Elections Act and The Elections Finances Act—went a bit further. I think the Electoral Officer comes here only when there's recommendations, and this would require the

advocate to come on the report, whether they had recommendations included or not.

Mr. Chairperson: We thank the honourable minister for the opening statement.

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

Seeing no opening statement, we'll proceed to the clause-by-clause consideration of Bill 39, The Child and Family Services Amendment Act (Children's advocating—Advocate Reporting).

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill will be reported. Thank you to members of the committee.

My apologies to members of the committee. We're having a bit of an audio problem here. I hope it's working now. And we have to go through the clause-by-clause consideration of Bill 39 again. So, with your indulgence—

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

Okay. The following written submissions have been received and distributed to committee members: On Bill 12, by Alex Peters, from Pimachiowin Aki Board of Directors; on Bill 17, by James R. Beddome of the Green Party of Manitoba; and on Bill 24 by Alon Weinberg of the Green Party of Manitoba.

Does the committee agree to have these documents appear in the transcript of these proceedings? *[Agreed]*

And, finally, the proceedings of our meeting are recorded in order to provide a verbatim transcript and each time someone wishes to speak, whether it be a member of the committee or a member of the public at the podium here this evening, as Chairperson, I first have to indicate that person's name and that's a signal to the Hansard folks behind me to turn the microphones on and off.

Bill 12—The Pimachiowin Aki World Heritage Fund

Mr. Chairperson: And I thank you for your patience. And we'll now proceed with public presentations, and we'll start with the out-of-town presenters.

And first bill we have is Bill 12; out-of-town presenter, Mary Granskou, Canadian Boreal

Initiative. Mary Granskou. Hope I'm pronouncing the name correctly. Canadian Boreal Initiative. Mary Granskou's name will drop to the bottom of the list.

Next out-of-town presenter we have listed on Bill 12 is Gaile Whelan-Enns, Manitoba Wildlands.

Good evening Ms. Enns. Welcome. Do you have a written presentation?

Ms. Gaile Whelan-Enns (Manitoba Wildlands): I have, I think, enough copies of a press release from last year to go with my presentation. Thank you.

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

Ms. Whelan-Enns: Thank you and I'd appreciate about a three-minute wave or holler of some kind. Sometimes one looks straight at the clock and doesn't see it, under these circumstances.

Good evening, everyone. Thank you for the opportunity to speak to you regarding this bill. The press release that's been distributed from last fall, the time of the announcement regarding this trust fund, is just basically to sort of orient us a little bit in terms of the comments I have this evening.

And what I'm going to do first then is go to Bill 24. Sorry, 12. That was a funny kind of thing to do; my apologies. Maybe we should just do one at a time in life; you must all feel that way at this point.

Okay. It's Mary Granskou and it's unfortunate she's not here this evening.

Is that better everyone? Okay.

I was very, very pleased to hear that you have a written presentation from Alex Peters, who's co-chair of the board for the World Heritage Site. So, a couple of small qualifiers, if I may.

I'm here for and speaking for Manitoba Wildlands, not then speaking for any First Nation community or any organization associated with the World Heritage Site undertaking itself. Just a sort of required comment.

* (18:20)

Our organization has been involved in various steps with respect to the establishment of the World Heritage Site since 2002, and we support the establishment of this World Heritage Site. We also were glad to see that the Province stepped forward in terms of the establishment of this fund last fall, and I really am pleased because it's actually something I was suggesting back in late '04-'05. So just a

comment in terms of sort of background, institutional, and other kinds of memory on this.

Now, on that basis, we would like to make some comments and some suggestions in terms of the bill, and I do have a couple of other documents with me, including the federal government's Web site public description in terms of the World Heritage Site and this particular site in relation to the—what's called the list of 10 tentative—the official list of 10 tentative World Heritage sites in the country, which is as of '04 and has this one on it.

So I'm in section 1, and I wanted to basically suggest that the definitions are fairly weak in terms of some of the language that is used throughout the short bill and that we could do with seeing a definition of designation. We could probably do with seeing a definition of protected area. Some of the people here in the committee will remember me saying the same kind of thing last year in terms of definitions in a bill, a new act regarding the east side and lands planning.

So there's a couple of things in language throughout the bill that are also somewhat evident in the press release from last fall. This is a cultural heritage and a natural landscape World Heritage Site nomination, okay? So you keep finding that you're looking at cultural language, language in the Manitoba government language and in the bill, and in terms of UNESCO standards and the World Heritage Site list for the world they're quite different from each other, and it's quite relevant to be on track in terms of what UNESCO uses. More specifically, in 3(1)(b)—and this recurs through the bill and is evident in the press release and evident in news coverage from last fall—it says: If UNESCO designates an area east of Lake Winnipeg as a World Heritage Site—rest of clause.

The U.N. or any agency of the U.N. has absolutely no ability to designate lands in any country, province or state in the world. It is not a designation. That is not what UNESCO does. That's not what the World Heritage Site listing is about, and this is actually fairly critical to who's responsible for what, short-term, medium-term and long-term for the World Heritage Site. So with a tip of a hat I'm not wearing this evening to the new minister, I'm hopeful that the comments have some value in terms of what you've inherited in the language that was used last year and is evident in the bill.

So, if I take a quick look at what Parks Canada has posted, it's explicit here and based on the

technical work that Parks Canada started doing in 2003: The lands are traditional lands and provincially designated lands. So the U.N. deals with the country of Canada and the federal government of the country of Canada and the department in the federal government about World Heritage sites, whether they're heritage or natural landscape or, in this case, potentially, an exciting combination of both.

So the bill's not accurate. It's misleading, and I've spent five years answering questions from these communities because they really, really don't like it when people from the Manitoba government talk to them about how the U.N. is going to designate their lands. So it's a mistake that has a few levels to it and is a simple thing to fix.

So the World Heritage Site, itself, is between the U.N. and Canada, just to be repetitive. On the other hand, you only get there with the Province designating lands, and I would suggest, in this case, to get, through evaluation, designating protected lands.

Okay, that's sort of on that page. Turning over to 4 and 5, the other, I think, sort of significant issue in terms of understanding—and, again, we get questions in our office—is that the press announcement, the press coverage, the sort of jazz last fall, led everyone to believe there's \$10 million, led everyone to believe that there's going to be money sooner than there is, led everyone to believe that the monies will actually be there before there's a World Heritage Site, and it's not a lot of fun to be in the role then of having to say, no, no, no, it's just the interest.

So, whether we're talking about the interest at today's rates on a million dollars or \$10 million dollars or \$20 million, if you think about almost four million hectares and five huge additional territories and two jurisdictions to deal with, there's some questions here about being—not have raised expectations in such a way that actually hurts relationships and causes confusion.

So the bill's an opportunity, including what the government says about the bill, it's an opportunity to set some of that right. Okay? There are then some odd things, because the press release is fairly specific about what the monies will be used for and the bill is not. Okay? So there's that question.

There's also a risk, I would suggest, that the monies, particularly if they're less than the expectation, would, in fact, end up being used to administer the World Heritage Site, rather than going

into the communities. This is a valid concern, okay? So I'm not sure how that's solved, but one of the things that I would like to know is what the policy of the department is, or maybe the government overall, and whether there can be some assurances that there will not be civil servants on the committee making decisions about how these funds will be used.

In terms of charities and environmental charities, I have a fair experience with them, and I want to basically say a couple things. And that is they won't make donations to match in the way that a lot of these Winnipeg Foundation funds are structured. They won't make matching donations if the money's going to be administered outside of Manitoba. If the money's going to move around and be administered by multiple parties, they will not put their money on the table; it's just not going to happen.

So, when I looked at 4 through 5 in the section about alternate agreements, I got a little worried. The every single handler in the charitable funding lineup will, in fact, take anywhere from 5 to 15 percent of the money. And if the money's going out of the province and it's public money, then you might not even find that you're having these matching donations—is basically what I'm trying to get at.

So the bill, understandably, is somewhat silent about what might happen or would happen if there's no World Heritage Site, but I think it's fairly important for the Crown and for the Province to be, again, more clear about most of these things. Last year, I was sort of saying the same thing with a little bit of repetition about the explanatory note on the bills I spoke to, and this explanatory note is a little bit like the designation word. And that is this explanatory note looks—says that the money will be used to protect natural areas. Manage? Protection is the provincial designation. It's the regulatory step by the provincial Crown in this dynamic, regardless of which act that's done under, and it fits about eight possible laws in Manitoba it could be done under. So, obviously, the UNESCO is designated again in the explanatory note, but I was concerned about the use of the term protected there.

Now, I'm curious whether there's any regulation—that's three? One minute—okay. Did you wave earlier? Okay, thank you. Curious about whether there's going to be any other regulation. We handed out the press release because some comparison causes one to start looking for more things in the bill than there are. Our recommendation is to get this right in terms of UNESCO language;

4(1) and 4(2) are quite weak in terms of how the decisions will be made, in terms of the grants themselves. So we perceive a risk of too much of it going to administration.

I should stop—thank you.

Mr. Chairperson: Thank you, Ms. Whelan-Enns, for your presentation. Any questions for the presenter?

Mr. Larry Maguire (Arthur-Virden): Thank you very much for your presentation, Ms. Whelan-Enns. There's a \$10 million that's been assigned to this particular bill for the purposes of the designation, and that was a concern of mine that says that if UNESCO designates the area—well, how long do you perceive that it may be before UNESCO does do that? And in the meantime it appears—it would appear to me as if those funds cannot be used for anything else. Is that correct?

* (18:30)

Ms. Whelan-Enns: I'll give that a shot. The verbs that are used are "enrolling," "listing," "enlist," in the World Heritage Site list.

Taking your question, though, the bill refers to the management plan for the site as in the World Heritage Site. That plan will be based on each of now five—it was four last fall—five traditional lands plans and in relation to, you know, the accord from 2007. So Bloodvein River First Nation is back into the undertaking. They were part of this initiation by the First Nations in '02. I believe that a nomination package is highly unlikely in the year 2011.

The steps that the IUCN, the World Conservation Congress goes through for UNESCO take time after that. They only meet twice a year. They send an evaluation team in. We're in northern Canada, which means that they would—they might send an evaluation team in both main seasons, but they would certainly have to, in fact, aim for spring and summer. So there's a lot of steps and then, in fact, maybe then some specific requests in terms of questions that need answering, technical work to review or update. So I think 2011 is not that likely.

And, in terms of the second part of your question—the way I read the bill, these communities will not see any revenue from the interest on the fund until—and unless there is, in fact, an accepted nomination.

Mr. Maguire: Thank you, and you've referred to—the package that you're referring to, then, is the

nomination package. I don't see that happening immediately, but can you just, in your estimation from the experience you've had with this, tell us just how far along those nomination packages may be?

I may have to ask the minister that question more appropriately, but you've had experience with that area and I'm wondering if you could respond to that.

Ms. Whelan-Enns: The good news is that Manitoba Conservation made a decision early mid-last fall to put additional capacity and funding in place for two, now three, of these Manitoba First Nations because the—of the time line on this and also because of the expectations for lands planning in relation to a World Heritage Site are greater, if you will.

I'm answering these questions on the Manitoba wild-land side of our activities, so it would be accurate to say, though, in our experience with Poplar Rivers lands plan that it's a three- to five-year process funded. So I don't know how long it's going to take. I know there's a lot of very hard work going on, and those plans are needed before you arrive at a management plan. More specifically, if a management plan starts to be being built without having those lands plans, then you create more work.

Mr. Maguire: I have a final question regards to the press release that you provided us from last fall, and the announcement which we support as well indicated that the government of Manitoba was putting \$10 million into this project, that there would be a, you know, trust fund expected to be worth a minimum of 20 million. But you expressed concern about the other players putting—in your presentation, I believe, other players putting funds into this and doubts as to whether they would if there is—or immediately at least unless there's some definition around the nomination plan—the whole plan—the acceptance of it by UNESCO and those areas.

So that's—can you just elaborate on that?

Floor Comment: Yes.

Mr. Chairperson: Ms. Whelan-Enns.

Ms. Whelan-Enns: Yes. Sorry, Mr. Chair. And on the top of the second page, bottom first paragraph, there's a clear statement that participating First Nations will take the lead role in decisions on terms of the use of the funds and revenue from this trust fund that I was referring to earlier.

The challenge is that it's public money and government money. The funders look very carefully,

then, if most of the money is government money whether they'll put charitable money with it. The Winnipeg Foundation has an extremely strong track record with these matching funds. This whole mechanism has been very, very successful.

On the other hand, any funder who's thinking about any noticeable amount of money—they have to go through a lot of in-house steps to get—to think about whether to take something to their board. And they'd be asking—looking for and asking for some of the same things that the evaluation team from UNESCO would be looking for. And that's—I'm sorry, that's a general statement, because the foundations vary, but they are looking for some of the same kinds of proofs. They'd probably start with things like, what stage, exactly, are the lands plans for these communities, and, please tell us which Aboriginal or First Nation experts have been engaged on behalf of the World Heritage Site First Nations in technical work. And the answer, of course, is that it's not noticeable that they are.

Hon. Bill Blaikie (Minister of Conservation): I want to thank the witness for her observations on the bill and some of the points that she's raised with respect to the language of designation—excuse me—with respect to the trust fund, which of course we hope we'll establish by this bill, which of course we hope will grow. And we hope that at some point we might persuade our colleagues in the Ontario government, seeing as this is a cross-border project, to contribute to the fund.

I think it's a point well taken that there is a need to manage expectations with respect to what kind of money will be available from the fund, given that it's—the money to be spent is from revenue generated by the fund itself. The bill provides that the trust fund will be used for both the site and communities in section 3. Both those ways of spending the money, if you like, are referenced. And I think the challenge, of course, for everyone who's involved in this process will be to find the right balance.

The fund is there, in my understanding, regardless of whether or not the UNESCO nomination is successful. It is a long process and a very laborious but worthwhile process, and certainly the government is committed to making that happen as soon as possible.

Again, I would just return to the question of the language of designation. It's—whether or not—Pimachiowin Aki will be nominated. And if the U.N. body that decides which nomination will be accepted

accepts it, whether that constitutes a designation or not or whether the verb "designation" belongs somewhere else is, you know, something that we can—we could discuss further. But the fact of the matter is that Manitoba will not decide whether or not it becomes a UNESCO project. Manitoba will be part of the nomination process, but it will be somebody else who ultimately decides or designates. And that is, it seems to me, is the way in which the word "designation" is understood.

But, point well taken. There may be a variety of words used for the same thing in all the literature that attends this project. So anything that helps, you know, further the cause of clarity is welcome.

Mr. Chairperson: Ms. Whelan-Enns, did you have any comments?

Ms. Whelan-Enns: Yes, just a quick one.

The reason that I brought the material from the federal government Web site is because it's a very formal, explicit and international thing they do when they come up with 10. And the language says, designation by the Province. So this is fundamental to decision making, because the actual legal steps are going to be with Manitoba. And that's why—my comments could be taken as a comment on language, but it's actually a comment on, do we understand here and what are we going to do. It could be argued that the new east-side act is a step in the direction of understanding that in terms of province designating.

Another quick way of saying that is that UNESCO's not going to—they're not going to budge. They're not going to get through an evaluation without designation, as in legal designation.

Mr. Chairperson: Thank you very much for your presentation this evening, Ms. Whelan-Enns.

Bill 15—The Franchises Act

Mr. Chairperson: Next out-of-town presenter we have listed is for Bill 15, The Franchises Act, Lorraine McLachlan of the Canadian Franchise Association. Lorraine McLachlan? Good evening, ma'am.

* (18:40)

Ms. Lorraine McLachlan (Canadian Franchise Association): Good evening.

Mr. Chairperson: I take it there's a written presentation. Just give us a moment to distribute to the various committee members and I'll give you the signal to proceed.

Before we proceed, is there leave of the committee to allow for Mr. Ogaranko to participate in the presentation this evening? [*Agreed*] Thank you.

Please proceed, Ms. McLachlan, with your presentation.

Ms. McLachlan: Thank you very much. Good evening. I'm Lorraine McLachlan. I'm the president and chief executive officer of the Canadian Franchise Association, referred to as CFA, and with me is my colleague, Andrew Ogaranko, Q.C., partner at Pitblado LLP, a CFA member firm. It is our pleasure to be here this evening so that we can bring to you, on behalf of CFA's members, our perspective and concerns with Bill 15, The Franchises Act.

The CFA is the national voice for franchising in Canada. We work with all levels of government to promote the development of industry-made solutions to problems affecting the franchise industry. With almost 500 corporate members nationwide, the CFA represents many of Canada's best-known franchise brands. The CFA promotes ethics and excellence in franchising and educates Canadians about franchising, specific franchise opportunities and proper due diligence through its many events, programs and publications across the country.

The CFA has a strong history of working with government to help ensure that the needs of all stakeholders are represented and considered in the development of franchise legislation and regulations. The CFA's legal and legislative affairs committee includes Canada's leading franchise lawyers whose breadth and—of experience with franchise legislation is substantial and worthy of serious consideration. It is on the recommendation of its legal and legislative affairs committee that the CFA makes this submission.

The CFA supports Bill 15 in principle and, generally speaking, has very little issue with its approach and substance. The CFA's official policy is to encourage uniformity in Canadian franchise legislation and, accordingly, the CFA commends the Manitoba government for proposing the adoption of many of the recommendations of the Uniform Law Commission of Canada. This will help ensure a high degree of uniformity between provinces with franchise legislation, and will help facilitate the growth of franchised businesses and promote the success of franchisees across Canada.

While the CFA is largely supportive of Bill 15, it does have issues with the following proposed aspects. First, application to existing franchise agreements, section 2(2). It is of concern that certain sections of Bill 15 will apply to franchise agreements entered into before this legislation comes into effect. Retroactive application of elements of the act may disentitle franchisors and franchisees from relying on provisions that were acceptable at the time the agreement was entered into.

Item 2, timing, section 5(2). This section deals with the timing for the receipt of the disclosure document. While it is similar to the model act, there are some significant differences in wording that may be important, specifically, (b) of the model act says: the payment of any consideration by or on behalf of the prospective franchisee to the franchisor or the franchisor's associate relating to the franchise.

By comparison, (b) of Bill 15 says: the payment of any consideration relating to the franchise by the prospective franchisee.

The deletion of the words "on behalf of the prospective franchisee" narrows the definition of what constitutes a payment. That is, it must be made by the franchisee. The deletion of the words "to the franchisor or the franchisor's associate" in Bill 15 could be interpreted to include payments relating to the franchise other than those made to the franchisor or the franchisor's associate, such as an initial deposit paid to the landlord or a purchase from a third party by a prospective franchisee of a vehicle or equipment that will be required for use to operate the franchise. Revising the wording of section 5(2) of Bill 15 to adopt the wording from the model act will help increase certainty for the benefit of both franchisors and prospective franchisees.

Item 3. Timing when not delivered as one document, section 5(3). There is no requirement in Bill 15 for the document to be delivered as one document at one time, which means that franchisors would be permitted to make piecemeal deliveries of disclosure to its prospective franchisees. None of the model act or any of the other provincial legislation permit that, and none of the model act or any of the other provincial legislation provide for the extension of the timing to fulfil this requirement. This section which provides that, if the disclosure document is not delivered as one document, extends the 14-day waiting period until the date of the delivery of the last document and is unique to Manitoba. We are concerned this could lead to uncertainty as to when

the 14-day time period actually begins; therefore, it is suggested that to avoid confusion, particularly for prospective franchisees and to promote uniformity with the other provincial legislation, the wording of this section of Bill 15 should be amended to bring it in line with the model act.

Item 4. Delivery methods, section 5(4). This section is substantially the same as section 5(2) of the model act, except that it specifically allows for delivery of documents by facsimile. While additional methods of delivery may be included in the regulations, the specification of the acceptability of delivery by facsimile in the bill and the omission of other delivery methods may suggest that it is the intent of the Legislature that other delivery methods such as electronic disclosure and commercial courier be excluded. We highly recommend, however, that electronic delivery and courier be specifically permitted and that consideration be given to include in all permitted delivery methods in the regulations as opposed to the bill.

Item 5. Notice of rescission, section 6(3). The issue here is the same as in section 5(4) above in which facsimile is specifically mentioned as an acceptable delivery method, but electronic delivery and commercial courier are not. We strongly recommend that these alternative and trackable methods of delivery be specifically included.

Item 6. Disclosure regarding mediation and arbitration, section 5(6). If the franchise agreement provides for mediation or arbitration, this section of Bill 15 requires the inclusion of certain details, including how the mediator or arbitrator is selected, the rules and procedures governing the mediation and arbitration, confidentiality obligations, how costs are calculated and any other prescribed information. This is more detailed information than is required in the Ontario, Alberta or Prince Edward Island franchising statutes, but is short of the mandatory mediation prescribed in the model act and in New Brunswick.

The CFA is concerned that, by increasing the level of detail required from franchisors who take the step of providing for mediation or arbitration, it may lead to inadvertent omissions or errors in a disclosure document prepared for national distribution, which could, in turn, lead to the disclosure document being declared incomplete or deficient. The CFA's position, furthermore, is that alternate dispute processes should not be mandatory or imposed upon the parties to a franchise relationship so as to ensure

consistency with the franchise legislation present in Ontario, Alberta and P.E.I. To increase the consistency between Bill 15 and the existing legislation in Ontario, Alberta and P.E.I., it is recommended this section be deleted.

The CFA appreciates this opportunity to make its submissions to the Manitoba government. Our comments today are limited to the draft legislation before us, and upon its enactment we look forward to the opportunity for input on the regulations which are to follow. We encourage the government to contact us with any questions and ask that, as the national association representing franchising in Canada, the CFA continue to be invited to participate in consultation at the earliest possible stages. The CFA has a strong history of working with government to help ensure that the needs of all stakeholders are represented and considered through the development of legislation and regulations.

Franchising is an important engine for the Canadian economy, and for a significant number of Canadians becoming a franchisee is their chosen path to running their own business. The CFA looks forward to continuing to work with the government of Manitoba to protect the opportunities and benefits franchising brings to individuals and to Canada as a whole.

* (18:50)

We're happy to answer any questions you may have. Thank you.

Mr. Chairperson: Thank you, Ms. McLachlan, for your presentation this evening. Any questions for the presenter?

Mr. Rick Borotsik (Brandon West): Just one to the presenter. Thank you very much for a very, very detailed presentation, I might add.

Did the government solicit any of these comments from your association prior to the development of Bill 15?

Ms. McLachlan: Specifically, no. But we have been kept apprised of the development as it progressed.

Mr. Borotsik: Did you make any of your comments available to the government during the drafting of this legislation? There are some very complex and detailed issues that you've outlined here right now. Were those issues outlined during the drafting of the bill itself?

Floor Comment: No.

Mr. Chairperson: Ms. McLachlan.

Ms. McLachlan: I'm sorry.

The first time we saw the bill was when it went to first reading.

Mr. Borotsik: Last question. The—and I agree with you, standardization of The Franchises Act is a very valuable tool. If we can standardize the legislation across the country, certainly, franchisors would know what it is that they are required to do in all jurisdictions. We do have legislation now in Alberta and Prince Edward Island, as you've identified, and Ontario, and I know you've pointed out some of the areas where it doesn't necessarily comply with the other—or doesn't match the other legislation.

Is it close enough that a franchisor who's coming into the marketplace would be able to comply with all three of the—or all four now of the legislation—all four of the laws that are here right now in Canada? Or would there have to be some adjustments from a franchisor in order to comply to the legislation?

Ms. McLachlan: I'll answer briefly and, then, perhaps my colleague, Mr. Ogaranko, can comment.

We were very selective in what we chose to respond to, and so the items that we have identified in this submission are ones that we can consider to be items of significance.

Mr. Andrew Ogaranko (Canadian Franchise Association): Clearly, the legislation as drafted, being as close as it is to the model act, which was really the basis for the legislation in the other jurisdictions, makes it considerably easier for any franchisors coming into Manitoba to be able to comply. There are a couple of unique, what we call made-in-Manitoba requirements, which throw that a bit offside, that upsets the harmony that would otherwise be there and would make it easier. Is it necessarily earth-shattering? That would depend on the franchisor's perception when they have to prepare their national disclosure documents.

Mr. Borotsik: Last question. From what I can gather from your comment, though, it wouldn't be that difficult for the franchisor to adapt his disclosure—or their disclosure documents in order to comply to this legislation. Is that true?

Mr. Ogaranko: I think that's a fair comment with some exceptions where they would have to make specific alterations for the Manitoba situation. But, by and large, you're correct.

Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade): I just want to thank you for your presentation and I did want to let you know that we had indeed received a synopsis of the presentation a couple of days prior, as you had submitted, and we are certainly taking some of your recommendations under consideration. So thank you for your time and for your presentation.

Mr. Chairperson: Any further questions? Seeing none, thank you both for your presentation this evening, for your time.

Ms. McLachlan: Thank you.

Mr. Ogaranko: Thank you.

Mr. Chairperson: Next out-of-town presenter we have on Bill 15, The Franchises Act, is Gary Sands, Canadian Federation of Independent Grocers. Gary Sands. Seeing that Gary Sands is not with us, his name will be dropped to the bottom of the list.

Bill 17—The Biofuels Amendment Act

Mr. Chairperson: Next out-of-town presenter we have is on Bill 17, The Biofuels Amendment Act, Gaile Whelan-Enns, Manitoba Wildlands. Good evening again, Ms. Enns. No—

Ms. Gaile Whelan-Enns (Manitoba Wildlands): I am back and I'm going to get a drink of water first. Am I audible?

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

Ms. Whelan-Enns: I'd appreciate a wave at three minutes. I'll try to watch.

Mr. Chairperson: I'll endeavour to do that.

Ms. Whelan-Enns: The decisions and issues around biofuels are an area that we're less experienced at responding to than a variety of the areas to deal with lands and waters that Manitoba Wildlands works on regularly.

We thought we'd take this opportunity—and one of the interns was helping me yesterday and today in terms of a bit of research. One of the primary things that came up—and I've got to basically find this again, I guess—and there's nothing like a budding law student to sort of tell you what is important in your research. Are we okay?

So the question I had thrown at me has to do with section 3 of The Sustainable Development Act for Manitoba. So these schedules have not yet been proclaimed and they are the principles and guidelines

for sustainable development. So, as far as we were able to tell, they have not been proclaimed.

This question from our intern was because of the discussion about subsidy to and mandating fuel crops. So the general alertness these days includes that the first generation of most of these plants are either having economic or environmental problems or water pollution problems—I'm thinking in the U.S. right now—and that the changes in technology and alertness to how much land that has been growing food has come out of food production. All of those are moving things forward fairly rapidly in terms of changes in the industry.

Having said that, I started to ask our intern about the principles and guidelines, thinking that they were proclaimed. So, for instance, the fourth principle is about prevention and requires that we anticipate, prevent or mitigate significant adverse environmental, including human health, and economic impacts of policy programs and decisions.

Ten—which, in this case, with this bill, connects to it—is about global responsibility and requires that we think globally when we act locally, that global responsibility requires that we recognize there's no boundaries to our environment and that there's ecological independence among provinces and nations and a need to work co-operatively in Canada and internationally to accelerate environment and economics and decision making for equitable solutions.

In the guidelines—the first guideline is about efficient use, and clearly calls for full environmental costing of decisions and developments.

The fourth one, which is access to adequate information, is a reference to the need to encourage and support improvement and refinement of our environment and economic information base.

And the fifth guideline is about integration—integrated decision making and planning, including four—incorporating time horizons relative to long-term implications.

So I'm sure some of you are reading where—reading my mind and reading where I'm going here. The concern has to do with whether Manitoba is actually thinking long enough and carefully enough in what we're doing in terms of fuel crops period, whether we're going to, in fact, be in a situation where we can hold our head up internationally and say we're not turning food into fuel in this province,

okay, and whether we're going to be able to be cellulose based and so on.

So, without being an expert in the area, I wanted to basically remind us all about our principles and guidelines that aren't proclaimed. I was sort of shocked because, of course, those principles and guidelines are written into the licensing standards and the environmental assessment standards for all kinds of projects in this province, including hydro ones. So they're in use a lot, and maybe somebody here in the room will phone me up and correct me about the fact that they're not proclaimed.

* (19:00)

So couple of things I wanted to then also put on the record, if I may. There's also a transferring one kind of land into marginal agricultural land kind-of-issue, in terms of how much CO₂ you release when you get into crop fuels, okay?

So I'm reading something here that is from the Falls Brook Centre. It's an '06 analysis that's from New Brunswick, and the quote here is about, quote: Transforming forests, even fallowed fields and marginal land into croplands for biodiesel would result in large release of carbon from the soil, an existing biomass negating the benefits of biofuels for ages. So that's on a climate change in carbon basis. A lot of different ways to look at it and, of course, these days full-cost accounting would, in fact, include that kind of analysis on a policy assessment beforehand—before decisions.

I am now looking at *Food Versus Biofuels*, and it is a book published by Springer, Springer Science and Business Media, LLC 2009. It's about Europe, and it's got some context in terms of climate change also, and they still say rapeseed, okay, rather than Canola, in their language. Rapeseed biodiesel yields in Europe average 1,400 tonnes per hectare. Using the density of biodiesel defined, they're quoting a standard; it could be estimated that the average annual production of rapeseed biodiesel in Europe is 1.1 million tonnes in total. Because of its high oil content, it's preferred as a biodiesel feedstock source, so one might leap to the assumption that we're talking Canola in Manitoba.

While Europe currently dominates rapeseed production in the world, as the market for higher yield oilseed feedstock for biodiesel grows, interest in Canola and rapeseed is likely to increase in northern states, U.S. and Canada. They—rapeseed and Canola require application of fertilizers and

pesticides. The energy required to make these pesticides and fertilizers detract from the overall net production, then, from the biodiesel, although soybeans contain less than Canola, and so on. So the biomass yield of the rapeseed or Canola per hectare is also lower than that of soybeans, so the analysis comes to the conclusion, quote: This suggests a net loss of 58 percent of energy inputs—three minutes—the cost per kilogram of biodiesel is also high, so rapeseed and Canola are energy-intensive and economically inefficient biodiesel fuels.

So I'm going to stop there, other than to ask to read one more thing. This is from *Science*, January 2008: How green are our biofuels? Not all biofuels are beneficial when their full environmental impact are assessed. Some of the most important, such as those produced from corn, sugar and soy, perform poorly in many contexts. This is clear—there is clear need to consider more than just energy and greenhouse gas emissions when evaluating different biofuels and to pursue new biofuel crops and technologies. Governments should be far more selective about which biofuel crop they support through subsidies and tax benefits. For example, multibillion-dollar subsidies for U.S. corn production appear to be a perverse incentive from a rational cost-benefit perspective.

Now, those conclusions are actually pretty close on to almost any of the research in the entire area that have—of food crops that has been undertaken by the IS-ISSD, an organization, of course, funded by the Manitoba government and the Manitoba people each year at about a million dollars a year, and they actually had a report they released about this time last year warning about paying attention to all the inputs, all the costs, all the efficiencies, not just fuel efficiency in the vehicle burning the fuel.

Thank you.

Mr. Chairperson: Thank you, Ms. Whelan-Enns, for your presentation on this bill. Questions for the presenter?

Mr. Larry Maguire (Arthur-Virden): I just wanted to add some reference, and so, Ms. Whelan-Enns, thank you for your presentation again, and that was just in regards to the comments that you've made about the bill not being proclaimed in the—and what sections can you refer to? Is it the—I mean, I know that it's the whole bill that you were referring to, I believe.

Floor Comment: I believe it's section 3—

Mr. Chairperson: Ms. Whelan-Enns.

Ms. Whelan-Enns: Sorry, it's section 3 of The Sustainable Development Act. Now, if it, you know, so that the principles and the guidelines are two clauses or two areas under section 3.

Mr. Chairperson: Any further questions or comments for the presenter?

Hon. Dave Chomiak (Minister of Innovation, Energy and Mines): Thank you for the comments. Two points, I think we've recognized that in Manitoba there is a balance, and that's one of the reasons why the mandates have been set. And there's been some movement with respect to how they apply and the means by which they apply. And, I think, there's a general sense in the community that, certainly, cellulose-based products are a preferable way to go.

The second point I want—you made reference to lawyers, and this getting the aid—I seem to know someone's father who used to say on a regular basis that a certain number of days in the Legislature were extended by the per capita number of lawyers that were seated in the Legislature, but I digress.

Thank you for the presentation.

Mr. Chairperson: Any further comments?

Ms. Whelan-Enns: Thank you. I'm not sure whose father.

Now, we—with the Chair's permission, it's probably worth saying to Minister Chomiak that this is a reference to something my father said in the 1970s quite often, and that's correct. And I like the opportunity to train interns who are law students.

Mr. Chairperson: Any further question for this presenter on this bill?

Bill 24—The Aboriginal Languages Recognition Act

Mr. Chairperson: Seeing none, then we'll proceed with Bill 24, The Aboriginal Languages Recognition Act, and Ms. Whelan-Enns is the next presenter on that bill. Manitoba Wildlands.

Please proceed when you're ready, Ms. Whelan-Enns.

Ms. Gaile Whelan-Enns (Manitoba Wildlands): And I'm going assume—thank you, Mr. Chair—that I can be heard. The water's quite nice, and the minister moved quicker than I—I didn't catch him beforehand.

I wanted to say something, so we'll now say it this way.

I wanted to—and everybody in our office—because of how long standing and how important our working relationships with First Nations are—I wanted to basically congratulate the government in terms of this bill.

It's important to do this as a non-lawyer. I have no idea what the relationship is to The Interpretation Act and that content in terms of Aboriginal rights, but that's one of the first things that I became curious about when I saw this.

I also became curious about the potential for resourcing this and how exciting that could be. And by that I mean, well, the example that comes to mind, and this is not to talk about past sets of hearings, but, for instance, past or future Clean Environment Commission hearings. If this means that the opportunity for a Dene speaker in northern Manitoba, for a Cree elder in northern Manitoba to speak in their language in the hearing, if this is going to become possible, including, with interpreters, that's even more exciting.

So we became curious about some of those possibilities, and we wanted to say that out loud, including to the minister.

And, again, without making too many backwards references, there were many instances during the Wuskwatim hearings in 2004 where there were blocks when people were—either chose to speak in their first language or were wanting to. So, again, we immediately thought of those kinds of possibilities.

The other thing that I wanted to say—and I'm going to get a three-minute finger, probably won't take that long. The other thing that I wanted to say, also, as a Canadian is that I hope that many of the people in this room and many of the members of this committee have read or read soon, *A Fair Country*, which is John Ralston Saul's most recent book. And this is on topic because the book is a very different look at Canadian history, then, from the dominant-society history, and is, basically, about how we are an Aboriginal country. And, it's—I'm waiting until it's in the \$10 bins because I want to start giving it out, and have been handing it out and reading it out loud in the office.

* (19:10)

So, again, where I'm going here is that I think it's extremely important for all of us to think about and honour or acknowledge our ancestors whenever we have an opportunity. So one of the things I'm doing this evening is taking that opportunity to honour my ancestors, because this bill's real. It's a very important potential start, and I'm just lucky I know my history. It takes till you're 40 to find it out though or, in my father's situation, until you're in your 60s to find that your people came to Canada in 1654.

And that causes you to sit down and think about who kept you alive and what the Acadians had to resort to to stay alive when they arrived, and then who they—who protected them and hid them from the deportations. So, again, it's one of the reasons I'm on my feet this evening is because there's lots and lots of us in Canada who, if we did a little bit more digging, thought a little bit more about our family history, might, in fact, find that we have Aboriginal ancestors. And we're at a point in time where it's extremely important to know that and to be thinking about it and talking about it and thinking about being an Aboriginal country.

And it's just—there's a Métis genealogist in LaSalle county in southern Ontario who just made it her business to help a lot of the families in the community and in the county—starting about 25 years ago—in this regard. And I'm thankful to her. And it's a very important week also in Winnipeg. So we'll just call this an opportunity, and I'm glad to see the bill.

Thank you, Ms. Whelan-Enns, for your presentation on this bill. Questions for the presenter or comments?

Mr. Larry Maguire (Arthur-Virden): Just thanks again, Gaile, for your presentation.

The comment that you've made earlier was in—I believe it was—I wrote down here was in regards to resources for this bill. And can you just elaborate on what kind of concern—if it's a concern that you had in regards to how the bill would be resourced?

Mr. Chairperson: Mr. Maguire, could I interrupt you for a moment, please, to pull your microphone closer? We're having difficulty hearing.

Mr. Maguire: Yeah, I just wondered about the question of—I asked Ms. Whelan-Enns as to her concern around—that she mentioned in her presentation about how the bill would be resourced and her concern about that.

Ms. Whelan-Enns: We—what I was basically saying is we started to think about the possibilities and, of course, this raises expectations. So we may not be too far off, for instance, in terms of the example I gave. And I have seen elders and Aboriginal people being told not to speak in their first language in public venues in this province.

I have been in a situation of talking to provincial government agencies about—just giving them a heads up in terms of the likelihood of needing translators where then it wasn't done. So we were, in the office, thinking about courts, hospital, public hearings, public venues, this committee. Actually, I wish there was a lineup of speakers behind me this evening, cause the bill is important. But, maybe—and I'm not being facetious here—maybe it actually needs a game plan and some creative and unique thinking, and anticipate some of the possibilities and how to realize them.

But there's going to be expectations, yes.

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Well thank you very much, Ms. Whelan-Enns. I deeply appreciate your comments.

Let me say this afternoon Minister Strahl and I had the opportunity of being part of a sharing circle at The Forks which is, of course, on the occasion of the first national gathering of the residential schools discussion—ongoing discussion—the Truth and Reconciliation Commission, as it is known as. And what I found interesting was the languages that were spoken at The Forks, which is traditionally known as the gathering place of Aboriginal people in the province of Manitoba.

And one key area that many of the elders and the speakers that spoke this afternoon keyed in on is the unfortunate state of languages of Aboriginal people nation wide. Many from British Columbia have said that they only have 500 speakers left of their nation's language in their particular area, and that is quite sad.

And many of the experts, the scholars and the like have told us that only three of Canada's over 60 Aboriginal languages will stand the test of time, that only the Cree, Ojibway and Inuktitut languages will stand time.

Your comment about the resourcing is a valid one; however, I think that this government's view—and I believe that my colleagues from the other side will agree—that we have to get to the first step, and that is the acknowledgement and the recognition that these languages, in fact, did—do exist in the province

of Manitoba, and they have been a key factor in the development of this province. I know in my honourable colleague, the member for Lac du Bonnet (Mr. Hawranik), and I talked about this, and he talked about it in the House as well on the day of marking the apology of the Prime Minister to Aboriginal people and the abuses that they experienced in the residential school system.

The point is, I believe, by all MLAs in this Legislature is that we have to get to the first step. The first step is that we recognize that there, in fact, the existence of these Aboriginal languages. Step 2, obviously, will be that, in the years forward, that we have to include these. And they are, to a large degree, already part of school—the school curriculum. And we also finance, through the Manitoba First Nations education organization, money to ensure that we retain and educate people in the languages of the Aboriginal people of this province.

So I think that, primarily, the reason we introduced this piece of legislation now is that we have to recognize the existence of Aboriginal languages in the province of Manitoba, and I do thank you for your kind comments, as well, in support of it.

Mr. Chairperson: Ms. Whelan-Enns, did you have a comment?

Ms. Whelan-Enns: No, other than to agree, and, like I say, maybe next year there'll be three or four—depending on the bill, three or four speakers behind me. Now, I hope that that does come, and I agree with the steps that the minister is identifying.

Mr. Chairperson: Any further comments or questions for the presenter? Seeing none, thank you, Ms. Whelan-Enns, for your presentation.

I'm going—are there any additional members of the public from out of town that may wish to make a presentation on any of the bills listed?

Bill 225—The Public Health Amendment Act (Regulating Use of Tanning Equipment)

Mr. Chairperson: Seeing none, I'm going to ask for the indulgence of the committee to proceed with Bill 225.

We've had a request from Linda Venus with respect to—from the Canadian Cancer Society to make an early presentation. Is it the will of the committee to allow this presentation to proceed?
[Agreed]

We'll call Linda Venus, please, to the microphone. Good evening, ma'am, welcome. Do you have a written presentation?

Ms. Linda Venus (Canadian Cancer Society): No, I don't.

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

Ms. Venus: Yes, I'm here to speak about the, what we call the tanning bill. And, first of all, I'd like to congratulate the Manitoba Legislature for considering such legislation and then urge you to go a little farther than you have already gone and give you some facts around why you might go a little farther.

In 2009, the World Health Organization elevated UV-emitting devices, including indoor tanning, from a possible cause of cancer to a known carcinogen, okay? So tanning beds are now in the same category as cigarettes or tobacco. It's a very serious cancer-causing product.

Skin cancer is the most common type of cancer in Canada and it is the—one of the most preventable. There is a research to show that tanning before the age of 35 increases a person's risk for melanoma by 75 percent. This is augmented by the changes in the ozone layer and it means that children who tan today have a much higher risk of melanoma than people my age that tanned when—a few decades ago, so that we need to be a little more cautious about UV radiation than we have in the past.

* (19:20)

In Manitoba, this is an industry that is completely unregulated. It's now a known carcinogen and regulation and education is required to protect Manitobans from this. We are a little concerned on the light—what we perceive as the light side of the regulation of the industry in the proposed bill, and we actually would encourage you to consider banning tanning for minors under the age of 18 rather than requiring parental consent. I think it will be extremely difficult for you to police the industry on whether parental consent has actually been achieved.

We would encourage you to license and inspect the tanning facilities to ensure that their devices are mechanically sound and that they are, in fact, following the policies and the regulations of your act. We would encourage you to require mandatory staff training, including actually eliminating skin type 1

and skin type 2, which, I assume, is the fairest skin, from being eligible for tanning at any age, and to encourage—and to include in your regulations a maximum daily and maximum annual dose, and also to encourage the use of eyewear while in the tanning booth or in the tanning bed. We would also encourage language-label warnings around the tanning equipment, and we would encourage you to prohibit the tanning industry from using false statements about the therapeutic use of tanning beds.

After you've made potentially some good changes to the legislation, we encourage you to proclaim the bill as quickly as possible and to make sure that the regulations can, in fact, be enforced. Thank you.

Mr. Chairperson: Thank you very much for your presentation, Ms. Venus. Questions for the presenter?

Mrs. Myrna Driedger (Charleswood): No questions, but I do like to thank you for being here tonight and for making your presentation. I think this issue is certainly drawing more attention at both provincial and federal levels in terms of the issue, and it's probably a good thing that it's now, you know, been elevated to a political level to look at it and, you know, look at it in fairness, I guess, in all aspects. And I think it's good to have the discussion, and I imagine we're probably going to hear more discussion as we proceed with looking at this in the future. So thank you.

Ms. Erna Braun (Rossmere): Thank you, as well, on behalf of the member from St. Norbert who originally brought this bill, and we appreciate your comments. And, certainly, I noticed one of my colleagues taking notes on the things that you've been mentioning, and we appreciate this. Thank you very much.

Mr. Chairperson: Any further comments, Ms. Venus?

Ms. Venus: No, other than, if any members of the committee would like some written material, okay, with regard to evidence and our specific recommendations, you can call the Canadian Cancer Society of the Manitoba division and they will get in touch with me and I will send them to you.

Mr. Chairperson: Okay. Thank you. Thank you very much for your presentation this evening.

Next presenter we have on Bill 225 is Kelly Karam, Joint Canadian Tanning Association. Good evening, madam, welcome.

Ms. Kelly Karam (Joint Canadian Tanning Association): Good evening.

Mr. Chairperson: Do you have a written presentation?

Ms. Karam: I do.

Mr. Chairperson: Give us a moment and then we'll distribute, and then I'll give you the signal to proceed. Please proceed when you're ready, Ms. Karam.

Ms. Karam: Hello, good evening. My name is Kelly Karam and I'm a Manitoba representative of the Joint Canadian Tanning Association. And, in my audience today, I have members from our association for whom I speak for as well, but they will not be making formal deputations this evening; it will just be myself.

I would like to begin by thanking the committee for the chance to speak to you regarding our industry and its issues. The Joint Canadian Tanning Association, which was founded, actually, here in Manitoba in 2002, has long called for the implementation of responsible regulations pertaining to our industry. We recognize that there are problems in the field and we are eager to work with government to develop a responsible regulatory system which protects all citizens, regardless of age.

Bill 225, the way it is currently written, does present some problematic issues for our members, issues that we would very much like this committee to address. We believe these changes would go a long way in enhancing the proposed bill's effectiveness.

Firstly, there's the issue of age. The JCTA strongly supports the need for parental consent. In fact, our members have pioneered the process independently over the last decade. While in non-JTCA salons or non-professional salons, it's common to find young people tanning in those salons without parental consent. Our members demand it for those under the age of 16. We believe that parents have a right to be involved in their children's choices, and 16, the age that you can get a licence to drive a car, is the best possible threshold respecting both parental choice as well as safety. Such an inclusion would allow non-professional salons a chance to upgrade their skill set or get out of the tanning industry

altogether. Furthermore, such an age threshold would reward the pioneers who have used such a system for years.

We make this recommendation because we do not see the challenges in our industry solely as a relation to age. It is, rather, related to appropriateness. There's some teens who can tan relatively safely and then there are some adults who should not tan at all. That's why we skin type all clients who come into our JTCA salons to determine whether or not we should tan them.

We do not tan skin type 1 individuals. We believe strongly that if the Manitoba government is serious about creating a truly effective bill, then skin typing must be made mandatory and that skin type 1 individuals should be prohibited from tanning. This will ensure that a 30 year old that we would not tan could not find another salon that doesn't hold to our high standards. So, to be frank, the real problem is people tanning who should not really be seeing the inside of a tanning bed.

Developing such a system requires training and, thankfully, we have industry-driven operational and skill training courses, and these programs ensure that salon workers can effectively skin type; they can maintain their equipment properly and, in general, they can run a professional operation.

We would like to see these training programs and professional standards made mandatory. This will result in no cost to government, minimal cost to the actual operators, which can be offset by insurance discounts which are already in place for us. This, combined with remote-control timers, will ensure that professionals are in charge of exposure instead of the client.

Lastly, there's the issue of penalties. While we were—while we recognize the need for a corrective method to ensure compliance, we are concerned with the levels that are set. A potential \$50,000 fine or jail time is too severe from our perspective. Rather, we would like to see the fiscal level reduced to a more reasonable sum as, during implementation, mistakes can happen from the operator perspective, and we wish to ensure that compliance can be achieved effectively.

In closing, I would like to thank Ms. Brick for raising the issue in Legislature. Our industry has long recognized the need for regulations and this bill acts as the beginning of what we hope to be a more open discussion around these issues. This is a conversation

which we strongly feel is required, given the potential scope and impact of this bill. We would encourage government to work with all relevant stakeholders over the summer to create a working group, to discuss the need for regulations in this province and how we can overcome all implementation challenges to create the most effective legislation in the world.

Thank you for your time.

Mr. Chairperson: Thank you very much for your presentation, Ms. Karam.

Questions for the presenter?

* (19:30)

Mr. Gerald Hawranik (Lac du Bonnet): Thank you very much for your presentation. And you mentioned having a representative on the working group developing the regulations. We would agree with that, and I would hope that the government would agree that it's important to consult the industry before doing those regulations. And I certainly would welcome the member from Rossmere, certainly, putting on the record that perhaps it would be important and to commit to having the tanning industry being a member or a representative on the working group to develop those regulations under the act.

Mr. Chairperson: Questions? Perhaps, Mr. Hawranik, if you could repeat the question for the benefit of some committee members.

Mr. Hawranik: Well, the question, I think, is more from the minister, and I know the presenter indicated that it is important that the tanning industry have a representative on a working group to develop regulations. And I would just like to hear from the member from Rossmere to confirm that the tanning industry will have representation on a committee to develop those regulations to ensure that the industry has a voice.

Ms. Braun: Yes, it's my understanding that the member for St. Norbert (Ms. Brick) and the Minister of Health have discussed and are committed to having reps from the tanning industry as part of the working group.

Hon. Theresa Oswald (Minister of Health): Yes, thank you for your presentation and thank you to Linda, as well. I should have said that before. Good seeing you.

Lots of debate on this issue, obviously, and one of the issues that, I believe, I heard from the Canadian Cancer Society tonight was, don't tan skin type 1 and skin type 2. And your recommendation is—currently, you're not doing type 1, but you seem to have a departure on the type 2.

I wondered if you could just talk a little bit about your industry's perspective on why you feel the type 2 is okay.

Ms. Karam: What we have is we follow a skin analysis survey that we have the client fill out. That determines what skin type they are.

Now, with skin type 1, that particular person, the reason why that we're saying that they shouldn't tan is because that particular skin type usually is not a skin type that can develop a tan. So, because of that, they would have higher increased risks with overexposing.

Now, when it comes to the skin type 2, we do tan skin type 2s, but we do start them very low. They are a skin type that can develop a tan, as opposed to the skin type 1 which, typically, is a skin type that does not develop a tan very easily at all. So that's where we see the risk.

Mr. Chairperson: Any further comments or questions for the presenter?

Mrs. Driedger: Thank you very much, and I understand there have been some communication with your profession over the last number of days. And we're delighted to see the commitment by the government to ensure that your industry is on the working group, which, I think, is really important. And I think it's going to be a healthy going forward in seeing this further developed and to find ways of moving this issue forward with having voices on all sides of this so that we can end up with something that is going to be acceptable at all levels.

So thank you very much for your presentation.

Mr. Chairperson: Any further comments, Ms. Karam?

Ms. Karam: No, I just want to, I guess, reiterate the fact that we are welcoming the opportunity to be able to work with the government on regulations.

Ms. Braun: I just wanted to add my thank-yous, as well, for your presentation, on behalf of Ms. Brick.

Mr. Chairperson: Thank, you, Ms. Karam, for your presentation this evening.

Bill 6—The Manitoba Association of School Trustees Amendment Act

Mr. Chairperson: The next presenter we have listed to speak is to Bill 6, The Manitoba Association of School Trustees Amendment Act, and Robert Rivard, Manitoba School Boards Association.

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

Mr. Robert Rivard (Manitoba School Boards Association): Yes.

Mr. Chairperson: Just give us a moment to distribute.

Please proceed, Mr. Rivard.

Mr. Rivard: Hi and good evening. I'm Robert Rivard, the vice-president of the School Boards Association for—I represent boards under 6,000 students. And also with me this evening is Jacque Field, who also is a vice-president. She represents boards of—with over 6,000 students.

On behalf of the Manitoba's public school boards, I would like to thank Education Minister Nancy Allan for bringing Bill 6, The Manitoba Association of School Trustees Amendment Act before the Legislature. I would also like to thank members of Manitoba's opposition parties who have verbally indicated their support for this legislation.

This legislation is before you at the request of our province's school boards. In March 2009, delegates to the annual general meeting of the Manitoba Association of School Trustees voted to change the name of their organization to the Manitoba School Boards Association. They supported this change because they value accuracy and transparency in the operation of their provincial organization, just as they do in the operation of their own school boards at local level.

It has always been school boards as corporate bodies rather than individual school trustees that are the members of this organization. It is school boards that weigh the value of the services we provide against the fees they pay as members and determine whether or not to continue that membership. We are an advocate for a strong public school system and for the value that local governance and community representation adds to that system. By changing our name, we are trying—we are tying ourselves more closely to the school boards we serve and, by extension, to the communities they serve.

In addition to the name change, Bill 6 contains several amendments that would bring this legislation into line with current association practice. For example, the composition of the association's governing body, the provincial executive, has changed significantly since the MAST Act was first adopted. That change, just like our new name, reflects the decision made through the democratic process of our—by our membership.

By supporting this bill, you will be demonstrating your belief in a fundamental principle of a democratic society: the right of those affected by a decision to have a say in that decision. Incidentally, you will also be making the job of this association just a little easier as we will no longer be required legally to refer to ourselves as the Manitoba Association of School Trustees operating as the Manitoba School Boards Association. Thank you.

Mr. Chairperson: Thank you very much, Mr. Rivard, for your presentation. Questions or comments for the presenter?

Mr. Cliff Cullen (Turtle Mountain): Just a comment. I just want to thank you for your presentation tonight and for taking the time out of your schedule to come down here. And, certainly, we look forward to having this legislation move forward.

Hon. Diane McGifford (Minister of Advanced Education and Literacy): Yes, thank you, Robert. Nice to see you and, again, thank you, Jackie, for being here this evening. And thank you as well for all of the work that you and the school trustees do on behalf of students and communities all across the province. Have a great summer.

Mr. Chairperson: Any further comments, Mr. Rivard?

Mr. Rivard: Just thanks for hearing us.

Mr. Chairperson: Okay. Thank you. Any further comments for the—questions for the presenter? Seeing none, thank you, sir.

Bill 12—The Pimachiowin Aki World Heritage Fund

Mr. Chairperson: The next presenter I have listed is for Bill 12, the Pimachiowin Aki World Heritage Fund. We have Susanne McCrae, the Boreal Forest Network.

Good evening, madam. Do you have a written presentation?

Ms. Susanne McCrae (The Boreal Forest Network): I do.

Mr. Chairperson: Please give me a moment to distribute, and then I'll give you the signal to proceed.

Ms. McCrae: I apologize for having corrected something in handwriting.

Mr. Chairperson: Please proceed, Ms. McCrae, when you're ready.

Ms. McCrae: Thank you. My name is Susanne McCrae and I am the executive director of the Boreal Forest Network. We are an environment and social justice organization operating in the boreal, and our geographic scope is primarily in Canada, but we also work internationally with the Taiga Rescue Network, which is Taiga not tiger. And we work with groups around Europe and Russia and other areas that have a similar forest type to ours. I've been at this for a great many years now, I'd say, all totalled about 20, and with the Boreal Forest Network for 10 years.

We've been involved on the east side since the inception of this World Heritage Site nomination and, in fact, prior to that with communities. And we just simply want to say that we are in full support of the standing committee approval of Bill 12, The Pimachiowin Aki World Heritage Fund Act, which the government of Manitoba introduced on March 24th, 2010.

* (19:40)

Once proclaimed, Bill 12 will recognize in legislation the establishment of a \$10-million trust fund for the proposed UNESCO World Heritage Site for the east side of Lake Winnipeg. The establishment of this fund will strengthen the nomination of the proposed World Heritage Site by clearly demonstrating that the funds required to support culturally appropriate initiatives and to promote and manage the site will be secured. It will also further indicate that the Province of Manitoba is fully committed to the proposal.

We agree with the choice of the Winnipeg Foundation as administrator of this fund. They have the experience and staff to ensure that the financial management of this core fund and funds raised with it are reasonably managed.

The Boreal Forest Network is in complete support of the goals and objectives of the Pimachiowin Aki World Heritage Site nomination bid. The boreal forest on the east side of Lake

Winnipeg is both culturally and ecologically of great significance and this designation would ensure its protection. And I have used the word designation, and I think I should comment on that. And the fact is that, to us, the intent in the language of this bill is quite clear, and we would suggest that passing this bill would certainly go a long way towards preparing the nomination to be presented in the fall of 2011.

The fact that the money is there to manage the site is very important to the UNESCO people who will be reviewing it. They don't want to just review something and, you know, approve it in principle. They want to know that the money is going to be there and it is actually feasible.

And I do have, with respect, a few comments to make regarding the presentation of Ms. Whelan-Enns, and, while I understand the intent of her comments is certainly to strengthen this proposal, I also have a lot of experience with fundraising, and I don't see—foresee the problems that were anticipated in this previous presentation. The matching funds will largely be pledges, and grantors are quite, you know, amenable to making a pledge on the basis that this funding doesn't have to be produced unless the site actually is established. So, you know, the matching fund is initially to raise pledges towards this fund.

And, also, I was here when this bill was introduced on March 24th and so were a number of the members of the Pimachiowin Aki board, and I think it was quite clear to everybody that the interest is what we're talking about here and not the principal. I have worked with communities and community members for many, many years and—not directly with the board, but I've certainly had communication with some of the individuals, and I have not had this question raised. I think it's clear to the people that I've spoken with, in any case, but—that we're talking about the interest.

I think it's important. Somebody else in another presentation said something about being selective about what they chose to comment on, and I think that, again, I want to reiterate that the intent of this bill is quite clear to us, and we would like to see it come to being as soon as possible. And we do believe that this will have an impact on strengthening this nomination bid. Thank you.

Mr. Chairperson: Thank you, Ms. McCrae, for your presentation. Questions for the presenter?

Mr. Larry Maguire (Arthur-Virden): Thank you very much for your presentation, Ms. McCrae, and I just wanted to say that the cultural and natural heritages that we have on the east side of Lake Winnipeg need to be preserved and that this will be a step in the right direction to be able to do that.

And I wanted to know, though—and I agree with you from the presentation and the bill, at least, that it is the interest on the capital that'll be presented into it. And, assuming that there's the \$20 million in the long run there to do that at today's interest rates and investment returns, has your organization done any look at what the administration costs would be of a package like this, and how far those dollars would go, and how much, then, would be left to do the actual development? I would be encouraged that it would increase and that we'd be able to do it fully. But can you just provide me with some comments?

Floor Comment: I can't say that I've personally done any analysis—

Mr. Chairperson: Ms. McCrae, I have to recognize you so that they can turn your microphone on.

Ms. McCrae: Sorry, yes, thank you. I have not personally done that analysis, but I do have a great deal of confidence in the Winnipeg's foundation's ability to do that analysis. Certainly, this is their area of expertise and I think this is why they've been introduced into this proposal is simply that those would be the people to ask these questions of.

Mr. Chairperson: Further questions, comments?

Hon. Bill Blaikie (Minister of Conservation): No, just to thank Ms. McCrae for her comments and clarifications with respect to the expectations vis-à-vis the fund and the interest and the fund, et cetera. I think that was important, certainly, the way I remember it, so I'm glad to have that memory reinforced. And I appreciate the support of the Boreal Forest Network for the project and for Pimachiowin Aki and for the UNESCO nomination process.

Ms. McCrae: Thank you. We tend to bring up a big stick when we need it, and this time we brought the carrot because we're actually quite impressed with what's going on on the east side. Thank you.

Mr. Chairperson: Thank you, Ms. McCrae, for your presentation.

Next presenter we have is on Bill 12, Eric Reder, Wilderness Committee.

Good evening, Mr. Reder.

Mr. Eric Reder (Wilderness Committee): Good evening.

Mr. Chairperson: Do you have a written presentation, sir?

Mr. Reder: I do not.

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

Mr. Reder: Okay. How does that sound? Is that—first off I'd like to thank the signatories of Treaty 1 for an opportunity for us to meet here today.

My name is Eric Reder. I'm the director of the Wilderness Committee. We are the largest environmental citizens group in Canada. There is 70,000 members in supporters across the country. In Manitoba there's anywhere between eight and 10 thousand people every year who support us so that we can keep doing the things we're doing.

I'm here to speak with the voice of these members and supporters of the Wilderness Committee, and I'm here to speak as an ally of the First Nations who are asking to preserve the lands and waters of their traditional territory on the east side.

I'm presenting in support of the government's effort to preserve the east side, the heart of the boreal and in support of Bill 12.

I'd like to talk just for a second about the importance of the forest on the east side of Lake Winnipeg. This doesn't really help for the record, but we have a map that, hopefully, some of you have seen—a lot of you were familiar with.

The area on the east side of Lake Winnipeg is the largest intact forest in the northern hemisphere, roadless and intact, and that's a wonderful—I guess that's a wonderful description to describe it to people and say that we have this—but the underlying value of that other—that we might need to stress as well is the ecological services that come out of an area like this. Boreal forest is the largest source of fresh water on earth. It's also the largest terrestrial carbon storage on the planet.

So this really is the lungs and the heart of our continent and our healthy ecosystem. So that's why the Wilderness Committee feels it's so important that we talk about the opportunities to preserve it. There are few places on Earth that offer the same kind of opportunity as the east side.

Short-sighted economics which don't take into account the fact that the Earth has finite resources cannot be applied to our east-side considerations. Just as the communities that have lived in this area for generations don't have that same philosophy with regards to how they respect their land. The communities are looking forward, and they realize that they want the heart of the boreal to be intact for generations going forward into the future.

I want to mention a couple of recent current news items that reflect on what can happen if we don't take care of the east side—heard an announcement from the Manitoba government last week or two weeks ago that moose hunting is cancelled in a lot of areas in southern Manitoba, specifically in Nopiming, which is the southern edge of the heart of the boreal, and that has to do with declining populations of 60 percent in the last decade.

Scientists will tell you a lot of the reasons why this is. There's—some of it's disease. Some of it's predation, but we know that a lot of it—the disease and the predation happen because we're fragmenting our forests. So it's very simple to look at what can happen if we don't take care of the east side. The cases in Ontario—south where they still have roads, we look at areas of the heart of the boreal that are 10,000-hectare clear cuts, which is more than we allow in Manitoba, but they are massive, massive swaths that destroy the forest. And, as much as the forest grows back, the trees grow back, we still impact that forest for generations.

*(19:50)

Part of the World Heritage Site flows into Ontario. It doesn't really respect provincial borders and that's why it's important to look what's happening over there when we talk about how we're moving forward with a large block of wilderness, that frankly, Manitobans can get behind as a gift to the world.

Another troubling study came out just today. It talked about the fact that U.S. and Canada have deforested more of the planet than a country like Brazil, which is known as a country with a lot of illegal logging. And so, that doesn't cast a very good light on our government—governance of the wild and natural areas in Manitoba and Canada.

And so, what the east side, and the World Heritage Site nomination, and the work towards preserving the traditional territory of these

communities—it just shows that it's so much more important to support that so that in generations, we will still have intact forests.

If the rate of logging keeps going on in the Amazon rain forest, which is currently the largest forest in the world, at some point we will have, the greatest, most intact forest left on the planet. And that's something that will drive economies and will drive people to Manitoba and to Canada, and to say, look, this is leadership, this is international leadership.

I want to mention one more threat that we have to deal with. For the last quite some time now, it's been stated that, given an opportunity, a hydro line would be pushed through the east side of Lake Winnipeg, to save some dollars, quite a lot of dollars, it said. Again, going back to the fact that the earth is finite and if we cut a hydro line through the middle of the greatest intact forest on the planet, then it's no longer the greatest intact forest and we lose something that Manitoba has to give to the world.

So, with the passage of Bill 12, Manitobans will affirm that we are responsible global citizens. And it will be great to say that, when presented with the opportunity to preserve one of the greatest natural areas on the planet, we are seizing this opportunity; we took that opportunity and thought of the greater vision for all people.

And just one more comment to follow up. Over the last couple of years, the Wilderness Committee, along with the Canadian Parks and Wilderness Society, who wasn't here to speak today, we collected letters that were addressed to the government—13,000 letters, like this, were signed and hand delivered to the government. And these letters were asking for east side protection.

I'm going to read out what it says here. It's the east side we're asking for: most of the boreal region becoming a large, interconnected, protected areas; ecologically sustainable, community-driven economies; Manitoba government's World Heritage Site commitment that grants First Nations land protection requests; meaningful community consultations and community-based lands plans; and First Nations consent before industrial development in traditional territories.

As I said, 13,000 people in Manitoba, going door to door, have signed these letters and sent them to government. And we feel that that's one of the reasons why Bill 12 is before us and why last

session's Bill 6, the traditional lands use act, as well came forward, because Manitobans do support protection of our environment.

And to close—this is directly from the act, as written right now: The purpose of the fund is to protect, preserve and celebrate the natural features and cultural landscape of an area east of Lake Winnipeg. And, whether or not the World Heritage Site nomination is successful, we should still keep pushing for exactly what's asked for, for the purpose of this fund so that we do protect this valuable landscape.

Thank you.

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

Questions?

Mr. Maguire: Thanks very much for your presentation, Eric, for being here and making your presentation tonight to us as well.

Just in support of your presentation, the fund, of course, as you have heard tonight, has \$10 million in it. You know that the government has put that forward. It's hoping to top it up with donations, that sort of thing, to \$20 million.

Are you concerned that—and you just, I think, answered the question in your last two comments—the UNESCO designation going forward. If it did not, for some reason, go forward, and these funds were in the—in an account, what would be your assumption or recommendation that should happen to those funds on the outside chance that UNESCO didn't provide a designation on the east side for us? I mean, we need it whether or not they do. But what would be your recommendations to do with those funds. I'm assuming that if there wasn't one, that a lot of the donated funds, as the previous speaker said, would be pledges that would go back to them. But there would be the government funds there, and what would be your recommendation to do with those?

Mr. Reder: I would say that we have, if we do have private pledges that have been put forward towards preserving the east side of Lake Winnipeg in a large World Heritage Site commitment, that the individuals who've pledged those funds would probably say the same thing, is that they want to see that area protected. And so, once we have the opportunity of this fund and the interest that it's going to generate to move forward with protecting more of this land, we have to keep that work going.

Now, I'm going to reiterate a point that was raised earlier by my colleague, Gaile Whelan-Enns. The World Heritage Site designation does not guarantee protection for any lands and waters in Manitoba. It is entirely up to the Manitoba government to put legal protection in place. So, no matter whether or not we win the World Heritage Site nomination, we can lose that designation and a future government or anybody else can decide to do any development they want, until we put legal protection in place.

Of course, there's recent examples of this. The—Germany, the Elbe River Valley just lost the World Heritage Site designation because they decided to build a bridge across the Elbe River inside this World Heritage Site. Now, just because we get the site designation doesn't mean it's still not our responsibility as Manitobans to make sure that this great gift to the world isn't properly protected. And I think we would continue to spend the money to make sure that happens.

Mr. Maguire: Just a final one. What's your take on the fact that the government is building a road through the boreal forest up the east side right now?

Mr. Reder: Are you familiar with the road plan? So the road, as it sits right now, goes to the Bloodvein River. You're familiar with that? Have you been, have you driven this road?

Mr. Maguire: I've flown over the road, and I have also, you know, looked at the presentations that they've had publicly in regards to the expansion of the road to Bloodvein and up to Berens River. And, perhaps as well, I know that there has been an increase of about, of up to about 6,000 miles of winter road through the boreal forest area—had a lot, good deal of it in that area and the DC lines are presently there. And I just wonder if you could comment on those.

Mr. Reder: The all-weather road that's been announced by the Manitoba government, it will be serving Berens River. Right now you can drive a truck to the Bloodvein River. So the new road that they're talking about constructing, I believe, is 40 or 45 kilometres long from the Bloodvein to Berens River. The length and breadth of the east-side area, just driving up to say Norway House in a direct shot, is perhaps for 600 kilometres. The road is being built purposefully to serve Berens River, and the bridge is being over the Bloodvein River to serve Bloodvein.

So I think it's, it seems like a complaint against the opportunities being presented to these communities, to question whether or not that road should be going in. Now, if the community of Bloodvein has decided they want access and Berens River has access and they're having the small impact because the road is running down the east side of the lake or directly along the lakeshore, then I feel that that road, and it's the thought of the Wilderness Committee, that we do not stand in the way of the opportunities that communities want.

Mr. Gerald Hawranik (Lac du Bonnet): Thank you very much, Mr. Reder, for your presentation, and a couple of times during your presentation you used the words, intact boreal forest on the east side. You're aware that there is an existing winter road already on the east side. Have you ever travelled it?

Mr. Reder: Yes, I've been on the winter road before.

Mr. Hawranik: Then, obviously, you would have noticed the 300 kilometres of transmission line that the road follows already on the east side?

Mr. Reder: Yes, obviously, I would have noticed that was there, a specific—sorry, the difference between a transmission corridor and a hydro line, I guess, if you wanted to, we could discuss that, the difference between the two of them. Or, if we wanted to, we could also bring up the appropriate point as to whether or not a road and a hydro line can actually go together—a hydro transmission corridor—and they can't. Unfortunately, most of my work in the last little while in discussions of the east side have been clearing up the myths that are being perpetuated by people.

So the hydro transmission corridor doesn't really have much to do with a road, and the existing hydro lines aren't putting at risk the most intact forest left in the northern hemisphere. However, further development of a hydro transition corridor may put that at risk.

* (20:00)

Ms. Sharon Blady (Kirkfield Park): Thank you so much for being here. As a member of the Wilderness Committee, I first must apologize that my membership has been limited over the past three years to sending in my annual membership fees. I will, hopefully, find time to do more volunteer work for the committee, but thank you, as a member of the Wilderness Committee, for coming and bringing forth the values and the perspective and the education on this issue that those of us in the general

membership really appreciate you doing. Thank you for spending the time, and I'm sorry to see that CPAWS wasn't able to make it, so extend also my thanks to them for the work that they do. So thank you for being here tonight.

Mr. Chairperson: Mr. Reder, did you have further comments here?

Mr. Reder: Thank you very much.

Mr. Chairperson: Thank you very much for your presentation this evening, sir.

We have two individuals whose names were dropped to the list on the first call, so I'll repeat the call for a second time.

On Bill 12, we had called Mary Granskou, Canadian Boreal Initiative. Mary Granskou. Mary Granskou's name will be struck from the list.

On Bill 15, The Franchises Act, we had called, for the first time, Gary Sands, Canadian Federation of Independent Grocers. This is a second call for Gary Sands. Seeing that Gary Sands is not with us this evening, his name will be struck from the list.

That concludes the list of registered speakers that we have that wish to make a presentation. Are there any other members of the public who wish to make a presentation to any of the bills listed this evening? Seeing none, that will close public presentations on all the bills.

Committee Substitution

Mr. Chairperson: For the information of committee members, we have a substitution: Ms. Braun for Mr. Jha.

* * *

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

Mr. Chomiak: As printed, Mr. Chairperson.

Mr. Chairperson: Is it the will of the committee to proceed as numeric sequence, as printed on the order? *[Agreed]* Thank you.

Bill 4—The Workplace Safety and Health Amendment Act

Mr. Chairperson: We will then proceed with Bill 4, The Workplace Safety and Health Amendment Act.

Does the honourable minister responsible for Bill 4 have an opening statement?

Hon. Nancy Allan (Minister of Education): Yes, I'm pleased to—thank you, I'm pleased to put a few comments on the record in regards to Bill 4.

This is a change—this is amending The Workplace Safety and Health Act, and the current fines for The Workplace Safety and Health Act were set in 1997 and have not increased since that time. The Manitoba fines are amongst some of the lowest in Canada and these new fines will bring the—their—the fines into the Canadian mainstream. The minister's—of Labour and Immigration's Advisory Council on Workplace Safety and Health, which consists of 12 members from the employer community and the labour community and technical advisors, unanimously recommend that these fines be put into place, the maximum fines be increased to \$250,000 for a first offence and \$500,000 for a second or subsequent offence. And we will believe this will strengthen our workplace safety and health culture in the province of Manitoba.

Mr. Chairperson: We thank the honourable minister for the opening statement.

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

An Honourable Member: No.

Mr. Chairperson: Seeing no opening statement, we will then proceed with a clause-by-clause consideration for Bill 4.

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 6—The Manitoba Association of School Trustees Amendment Act

Mr. Chairperson: We'll now proceed with the next bill, Bill 6, The Manitoba Association of School Trustees Amendment Act.

Does the minister responsible for Bill 6 have an opening statement?

Hon. Nancy Allan (Minister of Education): No.

Mr. Chairperson: Does the critic for the official opposition have an opening statement?

Seeing no opening statements, we'll proceed with clause-by-clause consideration of Bill 6.

Clauses 1 through 3—pass; clauses 4 through 7—pass; clauses 8 through 10—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee for your work on Bill 6.

Bill 9—The Electricians' Licence Amendment Act

Mr. Chairperson: We'll now proceed with Bill 9, The Electricians' Licence Amendment Act.

Does the minister responsible for Bill 9 have an opening statement?

Hon. Nancy Allan (Acting Minister of Labour and Immigration): Changes to The Electricians' Licence Act are required to bring it into compliance with The Labour Mobility Act. Currently, The Electricians' Licence Act allows electrical journeypersons licensed in other Canadian jurisdictions to obtain temporary Manitoba licences. The ELAA will extend this to other electrical licences issued for specialized electrical work.

The proposed amendments will ensure that Manitoba complies with the obligations of Chapter 7 of the labour mobility under the Agreement of Internal Trade and The Labour Mobility Act.

Mr. Chairperson: I thank the honourable minister for the opening statement.

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

Seeing none, we'll proceed with clause-by-clause consideration of Bill 9.

Clause 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to committee members.

Bill 10—The Proceedings Against the Crown Amendment Act

Mr. Chairperson: We'll now proceed with Bill 10, The Proceedings Against the Crown Amendment Act.

Does the minister responsible for Bill 10 have an opening statement?

Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade): Certainly, we're pleased to present The Proceedings Against the Crown Amendment Act to the committee. Under the amended act, in the event that a penalty is assessed against Manitoba in a government-to-government dispute, under the AIT, or Agreement on Internal Trade, this legislation will provide that the panel's order for a monetary penalty be filed with the Court of Queen's Bench in Manitoba and would be

enforceable as an order for the payment of money made by the court against the Crown.

And this amendment will fulfil Manitoba's obligations under the Agreement of Internal Trade. We are the co-signatory, along with the other provinces, territories and federal government to a new dispute resolution chapter under the agreement, and this chapter provides for monetary penalties and adds provisions for compliance and appeals processes. Manitoba, along with the other parties, has agreed to take the necessary steps to make sure that monetary penalties awarded in government-to-government disputes are enforceable within their jurisdictions, and we are fully committed to honouring our commitments under the AIT. Having a stronger dispute resolution process will ensure other parties to the agreement also honour their obligations as well.

Thank you, Mr. Chair. That concludes my opening comments.

Mr. Chairperson: We thank the honourable minister for the opening statement.

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

Mr. Rick Borotsik (Brandon West): Just a comment, Mr. Chair. Thank you. As a comment to the legislation, we have no objections to the legislation being in compliance with the AIT. The remedies, obviously, against Manitoba, should it happen, would be in the amount of about \$1.5 million, as was mentioned in debate, and we've debated this bill a number of times, that it's a substantial fine, but certainly one that I probably don't feel is sufficient enough to make sure that the Province does stay in compliance. However, the legislation is necessary and we will agree with the legislation.

Mr. Chairperson: We thank the critic for official opposition for the opening statement. We'll now proceed with clause by clause for Bill 10.

Clauses 1 and 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of committee.

Bill 12—The Pimachiowin Aki World Heritage Fund Act

Mr. Chairperson: We'll now proceed with Bill 12, The Pimachiowin Aki World Heritage Fund Act.

Does the minister responsible for Bill 12 have an opening statement?

* (20:10)

Hon. Bill Blaikie (Minister of Conservation): I think, thanks to the witnesses this evening, we've had a fulsome discussion about the bill and all the things that are involved in it and see no need for any further comment.

Mr. Chairperson: I thank the honourable minister for the opening statement.

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

Seeing no opening statement, we'll proceed with clause-by-clause consideration of Bill 12.

Clauses 1 through 3—pass; clauses 4 through 6—pass; clauses 7 and 8—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Mr. Larry Maguire (Arthur-Virden): Just before you put it into report stage, I wonder if the minister can just answer that question about what his expectations are in regards to the possibilities of UNESCO designating the area as a UNESCO designation there that we're talking about. The funds go into this account, but is it true that if—and so there's that question that I asked earlier tonight. If there's a question, I mean I don't know what would happen to those funds if UNESCO, for some strange reason, didn't provide a boreal forest with a UNESCO designation, what then would happen to that \$10 million that the minister's *[inaudible]*

Mr. Blaikie: My understanding is that the fund would continue in any event and be available for the funding of projects related to the development of the communities on the east side and other goals set out in the legislation itself—that it would be a fund for the east side if it turned out not to be a fund for Pimachiowin Aki, technically speaking.

Mr. Maguire: Final question. So then the minister—can he confirm for me that some of those funds are being used in the development process now? Because the act states that they shouldn't be.

Mr. Blaikie: My understanding is that no funds are being used from this fund, because the fund isn't created yet. That's what this bill is all about.

Mr. Maguire: And so the development funds that are being used, is that coming from the government today and will it come out of the fund later?

Mr. Blaikie: My understanding is that the money which is being used now to build, to help the communities prepare their land use management plans, et cetera, that's money that's being provided from the Manitoba government. It's not something that will be recouped later from this fund. This will be a separate thing set aside for the purposes outlined in the legislation. But what is being spent now is being spent in a separate category, if you like.

Mr. Chairperson: Any further questions?

Shall the bill be reported? [*Agreed*] The bill will be reported.

Thank you to members of committee for work on Bill 12.

Bill 15—The Franchises Act

Mr. Chairperson: We'll now proceed with Bill 15, The Franchises Act.

Does the honourable minister responsible for Bill 15 have an opening statement?

Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade): Indeed I do, and it's a pleasure to speak to Bill 15, The Franchises Act, which will ensure that potential franchisees have access to adequate information before making an investment decision in a franchise business and will increase protection from unfair treatment for all parties.

Franchising is recognized as a business form that has a significant economic impact on the Canadian economy. And in 2005 the Uniform Law Conference of Canada developed a model Franchises Act and regulations to promote uniformity in legislation throughout Canada. Franchise legislation has been enacted in Alberta, Ontario, Prince Edward Island and New Brunswick. And the Manitoba Law Reform Commission recommended franchise legislation for Manitoba following a study of the Uniform Law Conference of Canada model act.

Research of franchise legislation in other jurisdictions, in consultation with franchise industry stakeholders through a discussion paper on franchising in 2007, and a franchise symposium at the University of Manitoba in 2008. Bill 15 is based on the Uniform Law Conference of Canada model act and legislation in other provinces, and key provisions of Bill 15 include the requirement for franchisors to provide prospective franchisees with a disclosure document to a prospective franchisee; the duty of fair dealing for all parties in performing and

enforcing the franchise agreement; the right to associate with other franchisees without penalty; and restriction of legal proceedings for dispute resolution to a venue within Manitoba.

Amendments to Bill 15 are also being brought forward this evening as a result of some of the input that we've had from the CFA.

Those are my concluding response—remarks, pardon me.

Mr. Chairperson: I thank the honourable minister for the opening statement.

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

Mr. Rick Borotsik (Brandon West): As was indicated this evening with the presenters of the CFA, it is best to have standardized legislation across the country in order to have franchisors to comply on a standardized basis with their ability to do business in all provinces across the country. So that standardization is laudable, as was indicated by the CFA. However, the model act was deviated from, and in Manitoba's legislation—and we have to wait to see what the amendments are that come forward—I would just simply suggest that, had the government discussed this legislation with the CFA, with franchisors and franchisees, prior to putting this legislation forward, amendments wouldn't be required and we could've probably got the legislation right in the first place. So we'll wait and see what the amendments are.

And I do thank the presenters for making those comments, and certainly I believe a lot of what you have identified as being shortcomings of this legislation will be identified in the amendments, we hope. So we'll soon find out. Thank you.

Mr. Chairperson: I thank the critic for the official opposition for the opening statement. We will now proceed with clause by clause, Bill 15.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—

Mr. Bjornson: I move,

THAT Clause 5(2)(b) of the Bill be amended by striking out "the prospective franchisee" and substituting "or on behalf of the prospective franchisee to the franchisor or franchisor's associate".

Mr. Chairperson: It's been moved by the Honourable Minister Bjornson

THAT Clause 5(2)(b) of the Bill be amended—dispense?

An Honourable Member: Dispense.

Mr. Chairperson: The amendment is in order. Comments?

Mr. Bjornson: This amendment makes the bill's language more consistent with the model act, and it clarifies which payments trigger the timing obligations for receiving disclosure documents.

Mr. Chairperson: Any further comments, questions? Is the committee ready for the question? Do you wish to have the motion reread?

Some Honourable Members: No.

Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed.

Mr. Bjornson: Another proposed amendment,

THAT Clause 5(8)(b) of the Bill be amended by striking out "the prospective franchisee" and substituting "or on behalf on the prospective franchisee to the franchisor or franchisor's associate".

Mr. Chairperson: It's been moved by the Honourable Minister Bjornson

THAT Clause 5(8)—dispense?

An Honourable Member: Dispense.

Mr. Chairperson: The amendment is in order. Comments, questions?

Mr. Bjornson: Just for clarification, this amendment is similar to the first amendment, and this amendment makes the bill's language more consistent with the model act.

Mr. Chairperson: Further comment? Committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed.

Mr. Bjornson: A third amendment proposed this evening,

THAT Clause 5(14) of the Bill to be replaced with the following:

Interpretation – fully refundable deposit not included

5(14) For the purpose of clauses (2)(b) and (8)(b), the payment of any consideration relating to a franchise does not include the payment of a fully refundable deposit that

(a) does not exceed the prescribed amount;

(b) is refundable without any deductions; and

(c) is given under an agreement that in no way binds the prospective franchisee to enter into any franchise agreement.

Mr. Chairperson: It has been moved by the honourable Minister Bjornson,

THAT Clause 5(14) of the Bill be replaced with the following:—

* (20:20)

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Thank you. Comments?

Mr. Bjornson: This amendment clarifies the type of fully refundable deposit that does not trigger the time limit for receiving the disclosure documents.

Mr. Chairperson: In case I forgot to mention, the amendment is in order.

Any further comments? Seeing none, is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass; clause 5 as amended—pass; clause 6—pass; clause 7—pass; clause 8—pass; clauses 9 through 13—pass; clause 14—pass; clauses 15 and 16—pass; table of contents—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Thank you to members of the committee. The bill will be reported as amended.

Bill 17—The Biofuels Amendment Act

Mr. Chairperson: Next bill for consideration of the committee is—clause by clause—is Bill 17, The Biofuels Amendment Act.

Does the minister responsible for Bill 17 have an opening statement? Honourable Minister Chomiak—no.

Does the critic for the official opposition have an opening statement? Seeing none, thank you to both members.

We'll now proceed with clause-by-clause consideration of Bill 17.

Clauses 1 and 2—pass; clause 3—pass; clauses 4 and 5—pass; clause 6—pass; clauses 7 and 8—pass; clauses 9 through 11—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee for your work on Bill 17.

Bill 18—The Communities Economic Development Fund Amendment Act

Mr. Chairperson: We'll now proceed with clause by clause consideration of Bill 18, The Communities Economic Development Fund Amendment Act.

Does the minister responsible for Bill 18 have an opening statement?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Very briefly—this amendment to the current bill is simply in four areas. Firstly, to amend the section of the act that indicates that CEDF as a lender of last resort, to more accurately reflect the current practice in alternate lending including CEDF encouraging other capital sources to participate in deals. And also to remove the requirement that CEDF accept early repayment of loans without penalty and to change how CEDF can accept and manage funds from other sources. And also renumbering the sections of the act to improve the flow and regroup related items, in addition to redrafting of the objectives and definitions, to reduce the need for regulations to clarify the intent of the legislation.

With those few remarks, Mr. Chair, those are just highlights of the proposed legislation.

Mr. Chairperson: I thank the honourable minister for the opening statement.

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

Seeing none, we'll proceed with clause-by-clause consideration of Bill 18.

Clauses 1 and 2—pass; clauses 3 through 6—pass; clauses 7 and 8—pass; clauses 9 through 13—pass; clauses 14 and 15—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to the members of the committee for your work on Bill 18.

Bill 24—The Aboriginal Languages Recognition Act

Mr. Chairperson: We'll now proceed with clause-by-clause consideration of Bill 24, The Aboriginal Languages Recognition Act.

Does the honourable minister responsible for Bill 24, have an opening statement?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Yes, Mr. Chairman. Very briefly.

Again, I believe that I'm on record as indicating that the issue of the loss of Aboriginal languages spoken in Canada is in dire straits and in danger, in fact, of becoming lost. And I think that we have to do everything in our power to try and make sure that we retain the languages of Aboriginal people.

And I think that this is really fitting that this, this week, that the Truth and Reconciliation Commission, happened to be meeting in Winnipeg at this time. And I know that I'd like to welcome all MLAs to the Oodena Circle tomorrow at 3 o'clock with the arrival of the horses, when the commissioner, Littlechild, will be addressing the Premier (Mr. Selinger) of our province. And the Premier of our province will be addressing the commissioners and the First Nations people that have come to Winnipeg to—for the first time—talk about some of the abuses that they experienced in residential schools. And one of the keys areas that they've identified is a lost of languages.

And the committee also heard me earlier say that in some areas of the province, some of our languages are virtually dead. And I think that this is a tremendous—I applaud all MLAs that have supported this bill and have encouraged its passing in the Legislature.

And I would have to say, as well, that we're the first Legislature in Canada to recognize and acknowledge the existence of these Aboriginal languages in the province of Manitoba. Of course, they include: Cree, Dakota, Dene, Inuktitut, Michif, Ojibway and Oji-Cree.

So I applaud all MLAs in this committee and also of this Assembly for supporting this groundbreaking bill, if you will, because we are the first provincial Legislature in Canada to recognize

Aboriginal languages and the importance they play in the lives of Aboriginal people.

Mr. Chairperson: We thank the honourable minister for the opening statement and the comments.

Does the critic for the official opposition have an opening statement? Seeing none, we'll proceed with clause by clause. Sorry. Mr. Maguire. Sorry.

Mr. Larry Maguire (Arthur-Virden): I'm not the critic for this area but I just wanted to commend the minister for talking about the Truth and Reconciliation forum that's taking place at The Forks tomorrow.

I know I spoke with the Chief High Eagle and—with Gus and the—and some of the folks from Canupawakpa and Sioux Valley the other day. And when they were coming through Virden, I actually stopped on Highway No. 1 coming in on Monday afternoon and had a conversation with them as they were riding by as well.

And so, I look forward to having the opportunity to being there tomorrow and invite all others to be there as well. Thanks.

Mr. Chairperson: Any further comments? So, seeing none, we'll proceed with clause by clause of Bill 24.

Clauses 1 to 3—pass; preamble—pass; enacting clause—pass; title—pass. Bill will be reported.

I thank the members for the committee for your work on Bill 24.

Bill 32—The Protection for Persons in Care Amendment Act

We will now proceed with clause-by-clause consideration of Bill 32, The Protection for Persons in Care Amendment Act.

Does the honourable minister responsible for Bill 32 have an opening statement?

Hon. Theresa Oswald (Minister of Health): Very briefly, I want to express to the workers in The Protection for Persons in Care Office, my thanks for their dedication and the dignity and grace with which they apply their craft.

I wanted to also thank members of the official opposition and members of the Liberal Party who have, I believe, expressed support for these changes.

There were some questions during our briefing. I wanted to very quickly just signal that, indeed, this legislation will capture the patient journey from the emergency room to being admitted. This was a question posed by the member for River Heights (Mr. Gerrard) and, indeed, I can confirm, as I said in the briefing, that that is so.

There has also been a question concerning its application to group homes, and I wanted to assure the member that asked that question that these kinds of issues of protection and investigation are captured under legislation within Family Services, so these particular individuals would be covered. But, again, would reiterate that the amendments to this legislation that are being brought forward also add an additional ability—or our ability to add additional out-patient programs through regulation, and this will help us expand the mandate of the office in future. Thank you.

* (20:30)

Mr. Chairperson: I thank the honourable minister for the opening statement.

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

Mrs. Myrna Driedger (Charleswood): Just a few short comments, one being that we do support the legislation. We've always been supportive of the legislation from inception. We support the amendment that is now coming forward.

I would reiterate the concerns I raised the other day in the House about the lack of independence of the investigators. That is something that still does trouble me, and I have noted that, since their independence was taken away, the number of founded reports have dropped dramatically, and I don't think that that is a coincidence. I think there are some problems here, and some issues, and I think the minister needs to have a closer look at what's happening in this office.

But, certainly, I am very supportive of the amendment that is being put forward today.

Mr. Chairperson: I thank the critic for the official opposition for the opening statement.

We'll now proceed with clause by clause of Bill 32.

Clauses 1 and 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of your committee—of the committee for your work on Bill 32.

Bill 203—The Coat of Arms, Emblems and Manitoba Tartan Amendment Act (Provincial Soil Designated)

Mr. Chairperson: And we'll now proceed with Bill 203, The Coat of Arms, Emblems and Manitoba Tartan Amendment Act (Provincial Soil Designated).

We'll proceed with clause by clause of Bill 203.

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of your committee for work on Bill 203.

Bill 225—The Public Health Amendment Act (Regulating Use of Tanning Equipment)

Mr. Chairperson: And we'll now proceed with Bill 225, The Public Health Amendment Act (Regulating Use of Tanning Equipment).

Does the bill sponsor have an opening statement?

Ms. Erna Braun (Rossmere): On behalf of the member for St. Norbert (Ms. Brick), who introduced this bill, I am pleased to make a brief opening statement.

This is a very important bill that seeks to protect the health of our youth and increase the awareness about cancer risks. We want to provide appropriate tools for parents so they can help their children make appropriate health choices. Emerging science suggests use of tanning beds can increase the risk of cancer, and parents and their children need to be made aware of what that risk is before using them.

We will also require operators to post warning signs about health risks of using tanning equipment to raise this awareness. This will ensure adults, also at risk, receive appropriate information about the risks of indoor tanning, and medical advice will be sought to develop parental consent practices—to develop parental consent practices and warning signs, and representatives from the tanning industry will also be invited to participate in the working group to develop the regulations.

So, with that, thank you very much.

Mr. Chairperson: I thank the sponsor for the bill for the opening statement.

Does anyone else from the committee wish to make an opening statement?

Seeing none, we'll proceed with clause by clause for Bill 225.

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you to members of the committee for your work on Bill 225 and, indeed, for all of the bills we had before us. I believe that concludes the work of this committee for this evening. And thank you to members of our support staff for all the work that you do for us and, on behalf of members of the Legislative Assembly, thank you very much.

And the hour being 8:34 p.m., what's the will of committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Thank you to members of the committee. Committee rise.

COMMITTEE ROSE AT: 8:34 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 12

Honourable members of this committee, I thank you for the opportunity to make a presentation today on Bill 12. My name is Alex Peters and I am a member of the Pikangikum First Nation and President of Whitefeather Forest Management Corporation. Pikangikum is one of the five partner First Nations, along with the governments of Manitoba and Ontario, that are leading the nomination bid to have the Pimachiowin Aki area inscribed on the UNESCO World Heritage List.

The partners have formed the Pimachiowin Aki Corporation to build consensus, complete the necessary studies, support the completion of the necessary land use plans, and prepare the nomination document. I co-chair the Corporation's Board of Directors with Manitoba Conservation. I want to convey to this committee that Board members and staff of the Pimachiowin Aki Corporation are currently at an Elder's camp at Weaver Lake, Manitoba. Gatherings such as this are critical to the overall success of the world heritage site initiative, and I am pleased to make this submission today on their behalf.

We appreciate the legislative commitment and initiative taken by the Government of Manitoba to establish the Pimachiowin Aki World Heritage Fund. On several occasions over the past few months, the Pimachiowin Aki partners have reviewed and discussed Bill 12. We fully support Bill 12 as it is currently before the legislature.

It is our view that a world heritage fund act will strengthen our nomination bid. The UNESCO World Heritage Committee will have confidence that the necessary resources will be in place to support a world heritage site into the future.

The ultimate benefits of a Pimachiowin Aki World Heritage Fund for First Nations, Manitoba, Ontario—and for the world—are considerable. The Fund will support our efforts to protect, preserve and celebrate our ancestral lands: for their own sake; for the benefit of the people who live here; and for all humanity.

In the words of the Accord that Pikangikum and our partner First Nations signed in 2002:

"Each of our First Nations has proposed and developed initiatives designed to protect and care for our respective territories. Each of these initiatives incorporates the priority of cooperation and collaboration with other First Nations, other governments and the larger society. Taken together, the respective initiatives of our First Nations to protect and care for our lands and resources represent a unique and internationally significant opportunity."

We recognize that the Fund will also support future governance and operation of a world heritage site if we are successful in our bid to have the Pimachiowin Aki site designated. We acknowledge that the Fund will continue to exist even if no UNESCO designation is received.

We appreciate Manitoba's efforts to recognize the outstanding value of the Pimachiowin Aki area by establishing the Fund and enabling legislation. On behalf of the Pimachiowin Aki Corporation, I thank you for your time today. Miigwitch.

Alex Peters
Co-Chair, Pimachiowin Aki Board of Directors

* * *

Re: Bill 17

June 16, 2010

Bill 17: *The Biofuels Amendment Act* seeks to replace the current tax exemption on biodiesel with a producer grants payable from the Biodiesel Fund which this act will create.

The Green Party of Manitoba (GPM) does not support biofuel subsidies and are therefore opposed to this bill.

Fundamentally as a society we need to reduce our energy demand, regardless of the type of energy being used. It is not feasible for us to produce enough biofuels to replace fossil fuels at current consumption levels, and utilizing agricultural land for fuel will drive the prices of food and feedstock up. Hurting both consumers and livestock producers.

Jumping on a supposed "green" bandwagon will not make out society sustainable. The real question we need to be asking ourselves is how do we get people to reduce fuel consumption period, regardless of whether they are using fossilized fuel, biological fuel. In short, conservation needs to come first regardless of the type of energy used!

Most studies also show an increase in nitrogen oxides (NOx) emissions from the combustion of both biodiesel and ethanol. An Environment Protection Agency showed 2% more NOx emissions in a B20 biodiesel blend compared to conventional diesel.

Nitrogen oxides has a wide variety of health, and ecological effects, including:

- Causing respiratory problems such as asthma, emphysema and bronchitis
- Aggravation of existing heart disease
- Damage to lung tissue
- Premature death
- Contributing to in ground-level ozone and smog
- Contributing to acid rain
- Combines with particles to reduce visibility
- Is a greenhouse gas, with 298 times the global warming potential of carbon dioxide
- Leads to oxygen depletion in bodies of water, upsets chemical balance to aquatic wildlife, creates acidic lakes and stream
- May contribute to biological mutations

The Manitoba Government's claim that bio-fuels reduce greenhouse gas (GHG) emissions is dubious and requires further examination. "A 2% biodiesel

mandate in Manitoba will reduce GHG emissions by 56,000 tonnes annually," claims a Government of Manitoba *Biodiesel Factsheet -GHG Emissions* factsheet on biodiesel.

But has the government considered the impacts of the fertilizer use and production, increased nitrous oxide emissions, and the perpetual depletion of soil carbon by current agricultural practices?

The production of synthetic fertilizer uses vast quantities of natural gas, and release large amounts of GHGs. To this end, it seems worth noting that the largest emitter in this province is the Koch fertilizer plant in Brandon according to Environment Canada's annual *National Inventory Reports*.

Table 2-2 Canadian Nitrogen Fertilizer Data

	2003	
Production	6,985,577 tonnes	
Energy Consumed	59,217 TJ	
Energy Intensity	8.5 GJ/tonne	3,640 BTU/pound
Natural Gas	53,000 TJ	3,258 BTU/pound
Electricity	5,799 TJ	356 BTU/pound
Fuel Oil	54 TJ	3.3 BTU/Pound
Propane	36 TJ	2 BTU/pound
Other	324 TJ	20 BTU/pound

Source: NRCAN 2005

In a Science Magazine article, *How Green are Biofuels?* The authors argue that while most research on biofuels has focused on the GHG impacts there are numerous other external ecological costs that also need to be considered. "Corn or rapeseed, can be a significant source of nitrous oxide, an important greenhouse gas that also destroys stratospheric ozone. When nitrous oxide emissions are compared...corn or canola may be worse for global warming than simply burning fossil fuels."

A study published in the February 2009 edition of Human Ecology demonstrated that, once external factors like synthetic fertilizer use were added into the equation that there was a 58% net loss of energy inputs, and the biodiesel would be costly. "Rapeseed and canola are energy intensive and economically inefficient biodiesel crops," concluded the authors.

Additionally applications of synthetic fertilizer also cause the release of GHGs. According the Climate Change Connection, 56% of 2007 of Manitoba's agricultural GHG emissions resulted from soil management practices, mostly from the application of synthetic fertilizer (especially if applied just before a rain).

Natural Resources Canada (NRCAN) notes: "[s]ixty percent of the net emissions of the production of canola are in the category of land-use changes and cultivation. These are emissions from the soil as a

result of fertilizer application (primarily N20) but also small amounts of methane, and changes in system carbon as a result of sequestration in the soil and in the above ground biomass during growth."

There is also the issue of the carbon being removed from the soil from our current agricultural practices of continuous cropping. According to the International Federation of Organic Agricultural Movements:

"Soil carbon losses caused by agriculture account for a tenth of total CO2 emissions attributable to human activity since 1850."

However solutions exist! We can change our agricultural practices to be more sustainable. Agriculture can be less dependent on synthetic chemical inputs like fertilizers and pesticides, and moving away from monoculture cropping could also help us to restore our wetlands.

This Broughton Watershed study recently conducted by Ducks Unlimited showed that nearly seventy percent of our wetlands have been drained in the province. Restoring only one-quarter of the wetlands in South-western Manitoba will not only reduce nutrient run-off into our waterways 59,000 tonnes of carbon (approximately 217,000 tonnes of CO2 per year) – the same as taking 40,000 cars off the road"

Why then are subsidizing biofuel operations? Why not subsidize our agricultural producers to reclaim wetlands? Such a strategy would reduce GHG emissions, reduce nutrient run-off and restore habitat for wildlife.

Given the shortcomings of biodiesel outlined in this paper, hopefully, the Government will consider withdrawing this bill and removing all subsidies to the biofuels industry. The savings of removing such subsidies can then be used to promote an alternative, low-entropy, organic food system.

Feel free to contact me should you have any questions.

Respectfully Submitted,

James R. Beddome,
Leader, Green Party of Manitoba

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Re: Bill 24

June 15, 2010

Manitoba Greens welcome the Aboriginal Languages Recognition Act, especially considering the opening of the Truth and Reconciliation Commission's first national event this week in Winnipeg. However, recognition of which Aboriginal languages are spoken in Manitoba is only worthwhile if it is a starting point for a vital funding of the education of Aboriginal languages and their integration into the general curriculum of all Manitoban schools.

Key to the process of enabling healing for Aboriginal people, communities, and our society-at-large is recognition of the truth of the damage done by the residential schools policy, and the implementation of public policies designed to remedy some of its cultural and economic effects.

Among the worst effects of the residential schools policy was the intentional severing of Aboriginal youth from their indigenous culture, especially their spoken languages and the cultural, social and ecological values embodied within the languages. It has been well-documented that physical abuse was often visited upon youth who were caught speaking their traditional languages.

Furthermore, after time at residential schools, youth would often return to their communities unable to communicate in their traditional tongues, severing the lineage of cultural transmission from parent and grandparent to children. This socially-manufactured disconnection not only created emotional and psychological scars, but on the pragmatic material level made the passing on of traditional practices more difficult, leading to economic hardship and social disunity.

Cutting off a generation from their language was part and parcel of a policy to cut off Canada's Aboriginal peoples from their traditional land use, making their lands and communities subject instead to centralized government policies and to industrial exploitation, the result of which has been a cultural decay and economic impoverishment of many Aboriginal communities.

Towards achieving reconciliation between Aboriginal peoples and the Canadian society at large, government policy around recognition of Aboriginal languages must include a serious implementation strategy to enable and enhance the broad teaching of Aboriginal languages at various levels of the educational process.

The Green Party of Manitoba thus would inquire with the Government of Manitoba with regard to its commitments to implement more education of Aboriginal languages in Manitoba. Our inquiries are as follows:

- 1) What new funding does the government intend to dedicate to the teaching of Aboriginal languages in Manitoba?
- 2) Will funds be set aside for the training of more Aboriginal language teachers?
- 3) Will funds committed to teaching Aboriginal languages recognize the importance not only of teaching youth to speak Aboriginal languages but also the need to fund Aboriginal language recovery programmes for lifelong learning/continuing education, in recognition that the reclamation of Aboriginal languages is

part of the communal need to heal from the impacts of the Indian Residential Schools policies and of colonialism more generally? Will adults seeking to recover their languages be afforded the necessary means and supporting tools to do so?

- 4) Does the Government of Manitoba, in recognizing Cree, Dakota, Dene, Inuktitut, Michif, Ojibway and Oji-Cree as languages spoken in Manitoba, recognize the value of these languages to the cultural fabric not only of Aboriginal communities but as vital to the history and culture of all Manitobans? To that effect, will the Government of Manitoba commit to an increase in the offering of Aboriginal language education throughout Manitoban schools, both in early years and in secondary schools—by way of a cultural introduction to the first peoples of Manitoba in the former case and as a commonly available credit course in the latter?
- 5) Will the Government of Manitoba commit the necessary monies and political will to an Aboriginal languages research centre at any of Manitoba's universities, in recognition of the role of Aboriginal peoples as founders of the province and in the belief that a strong Aboriginal culture is of benefit to all Manitobans—towards a healthy, integrated and truly multicultural Manitoban society?

The Green Party of Manitoba advocates 10 principles for sustainable societies, adopted from the

International Forum on Globalization's principles by the same name. One of those key principles is diversity, including social, cultural and economic diversity, along with biodiversity. Our statement advocating *diversity* is here included:

"Diversity: We honour the diversity of life on our planet. An eco-centric world view values Earth's diversity in all its forms—the non-human, as well as the human. Cultural, biological, social and economic diversity are central to healthy, functioning communities."

We look forward to further policies from the Government of Manitoba that will offer redress to the injustices perpetrated upon Aboriginal peoples through the Indian Residential Schools policy and through other policies aimed at stripping Aboriginal peoples of their culture, language, land and traditional practices, while hoping to support all efforts at reconciliation aimed at integration and not assimilation of Aboriginal people into the fabric of Canadian society at large. We also support Aboriginal efforts at self-determination, a key component of which is the preservation but especially the active reclamation of Aboriginal languages as living components of thriving Aboriginal cultures.

Submitted with respect,

Alon Weinberg, diversity advocate, on behalf of the Green Party of 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>