



Third Session - Thirty-Sixth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Economic Development

Chairperson
Mr. Mervin Tweed
Constituency of Turtle Mountain



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON ECONOMIC DEVELOPMENT

Tuesday, June 24, 1997

TIME – 10 a.m.

Mr. Cec Muldrew, Co-ordinator, Sustainable Development Coalition, United Nations
 Ms. Anne Lindsey, Private Citizen

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Mervin Tweed (Turtle Mountain)

WRITTEN SUBMISSIONS:

Bill 61–The Sustainable Development and Consequential Amendments Act

Mr. Brian Kohler, Winnipeg, Manitoba

VICE-CHAIRPERSON – Mrs. Shirley Render (St. Vital)

Bill 12–The Manitoba Water Services Board Amendment Act

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Elizabeth Fleming, Chair, Councils of Women Urban/Rural Issues Committee

Hon. Messrs. Cummings, Derkach, Pitura

Messrs. Ashton, Evans (Interlake), McAlpine, Mrs. Render, Messrs. Rocan, Struthers, Tweed, Ms. Wowchuk

MATTERS UNDER DISCUSSION:

Bill 12–The Manitoba Water Services Board Amendment Act

Bill 36–The Wildfires and Consequential Amendments Act

Bill 44–The Municipal Amendment Act

Bill 53–The Local Authorities Election Amendment and Consequential Amendments Act

Bill 59–The Conservation Agreements Act

Bill 61–The Sustainable Development and Consequential Amendments Act

Bill 300–The TD Trust Company and Central Guaranty Trust Company Act

Bill 301–The Bank of Nova Scotia Trust Company, Montreal Trust Company of Canada and Montreal Trust Company Act

APPEARING:

Ms. Becky Barrett, MLA for Wellington
 Mr. Marcel Laurendeau, MLA for St. Norbert
 Ms. Shirley Strutt, Legislative Counsel

WITNESSES:

Bill 12–The Manitoba Water Services Board Amendment Act

Ms. Valinda Morris, Provincial Council of Women of Manitoba

Bill 59–The Conservation Agreements Act

Mr. Stuart Briese, Union of Manitoba Municipalities

Bill 61–The Sustainable Development and Consequential Amendments Act

Mr. Stuart Briese, Union of Manitoba Municipalities

Mr. Harry Mesman, Manitoba Federation of Labour

Mr. Chairperson: Order, please. Will the Standing Committee on Economic Development please come to order. This morning the committee will be considering Bill 12, The Manitoba Water Services Board Amendment Act; Bill 36, The Wildfires and Consequential Amendments Act; Bill 44, The Municipal Amendment Act; Bill 53, The Local Authorities Election Amendment and Consequential Amendments Act; Bill 59, The Conservation Agreements Act; Bill 61, The Sustainable Development

and Consequential Amendments Act; Bill 300, The TD Trust Company and Central Guaranty Trust Company Act; and Bill 301, The Bank of Nova Scotia Trust Company, Montreal Trust Company of Canada and Montreal Trust Company Act.

To date we have had a number of person registered to make presentations to the bill this morning, and I will now read aloud the names of the people who are preregistered: Valinda Morris on Bill 12; on Bill 53, the City of Winnipeg, yet to be determined; Bill 59 John Nicol; Bill 61, Harry Mesman, the City of Winnipeg, John Nicol, Cec Muldrew and Anne Lindsey.

* (1010)

If there are any persons in attendance today who would like to speak to the bills referred this morning and whose name does not appear on the list of presenters, please register with the Chamber Branch personnel at the table at the rear of the room, and your name will be added to the list. In addition, I would like to remind the presenters wishing to hand out written copies of their briefs to the committee that 15 copies are required. If assistance in making the required number of copies is needed, please contact either the Chamber Branch personnel or the Clerk Assistant and the copies will be made for you.

We have an out-of-town presenter registered to speak to Bill 59 and Bill 61 today. I ask, is it the will of the committee to allow that to occur first? [agreed] Last night in this committee, and I do not know what the rules are, we tentatively set a time limit of 10 and five with the discretion of the Chair. We did not run into any complications or problems, and I would ask for that direction from the committee.

Ms. Becky Barrett (Wellington): I appreciate that. I am wondering if the discretion of the Chair goes towards both the length of the presentation and the time for questions?

Mr. Chairperson: What I did last night, Ms. Barrett, was acknowledge the people at the 10-minute time limit to give them an idea of where they were at. I had allowances of anywhere from about four to seven

minutes, and most people were complete in that period of time, and the same thing with the questions. Okay? Great.

I guess we are going to start with our out-of-town presenters, and in that regard I would call on John Nicol. He is also registered for Bill 61. We are going to start with Bill 59. I also see that you are registered to speak to Bill 61. Is it your desire to do them both while you are standing there?

Bill 59—The Conservation Agreements Act

Mr. Stuart Briese (Union of Manitoba Municipalities): Yes. I am Stuart Briese. John Nicol could not attend today.

Mr. Chairperson: Yes, okay. Last name?

Mr. Briese: Briese. B-r-i-e-s-e.

Mr. Chairperson: Okay, for the record. Please begin.

Mr. Briese: The Union of Manitoba Municipalities appreciates the opportunity to appear before the Standing Committee on Economic Development considering Bill 59, The Conservation Agreements Act. The UMM represents 170 municipalities including 118 rural municipalities and 52 urban municipalities. The mandate of the UMM is to act on behalf of our members to bring about changes, whether through legislation or otherwise, that will enhance the strength and effectiveness of the municipalities.

As many of you will be aware, Manitoba municipalities have traditionally been strong supporters of conservation programs, particularly through their involvement in conservation districts. Easement agreements will be an important addition to the conservation policy of Manitoba and are therefore of great interest to the UMM.

For over two years we have been discussing conservation agreement legislation with the province, and we are pleased to be able to provide our comments today. While we have publicly expressed reservations about conservation agreements in the past, the UMM feels confident in supporting the provisions of Bill 59. The legislation will provide a mechanism for

conservation organizations to reach agreements with landowners to register an interest in a parcel of land for conservation purposes. The use of easements will provide for the protection of habitat areas on private land without conservation organizations having to purchase large parcels of land. They can be viewed as a third option between the purchase of land and the use of short-term leases. While easements will probably affect a relatively small amount of land, it is nevertheless important to recognize that they could still have an impact on the rural land base. Property on which conservation easements are placed will have restrictions placed on its use which could affect future planning and economic activities in rural areas.

Under The Conservation Agreements Act, the agreements will be registered in the Land Titles Office as an easement against the property. They will run with the title of land meaning that easement will remain in place regardless of changes in ownership of the property. As well, the agreements between the conservation organization and landowner can last for any length of time, including perpetuity. During the initial discussions with the province, it was these features of conservations easements which were of primary concern to the Union of Manitoba Municipalities.

Over time, significant changes can occur in planning and land use policies, agricultural practices, and conservation practices. What a landowner and conservation organization believed to be a sound agreement on a particular point in time could become inappropriate for future landowners. It is also conceivable that conditions set out in conservation agreements could significantly hinder future activity on certain parcels of land. In fact, this problem has already arisen in southern Manitoban near the American border where a project involving the local conservation district has been affected due to restrictions in a conservation easement in neighbouring North Dakota.

So, while the Union of Manitoba Municipalities has never questioned the value of conservation agreements, we have certainly been concerned about the potential for the agreements to be too rigid and inflexible. During consultations with the province and conservation organizations, we consistently highlighted the need for conservation agreements legislation to

contain provisions for reviews and, where needed, for termination of agreements. We also stressed the importance of municipalities receiving notification of an impending agreement and having the opportunity for input prior to the caveat being registered at the Land Titles Office. If a municipality had reason to think that the agreement was not in the best interest of the landowner of the municipality, they would then have the opportunity to state their concerns.

We are pleased to say that we believe these issues have been addressed in Bill 59. For instance Section 7(3) states that the holder of the proposed easement will notify the municipality in which the land is located. The municipality, along with other parties which are notified, will then have the opportunity to register any objections with the Conservation Agreements Board. If the problem remains unresolved, there is another opportunity to apply to the Court of Queen's Bench for the caveat not to be registered.

A particularly significant part of the legislation is in regard to the termination of agreements. This process can occur by mutual consent between the landowner and agreement holder or the landowner can apply to the court at any time that the holder or the conservation interest ceases to exist. Another key section is 9(3) which allows the landowner to apply to the board and later the court to terminate the agreement on the grounds that it is causing an unreasonable hardship for the landowner. The grounds of hardship can only be used once every 20 years to terminate the same agreement. This particular part of the legislation is still a concern to the Union of Manitoba Municipalities as some of our members would prefer to see a new landowner given the opportunity to apply to the board for a review of the agreement. We acknowledge that a purchaser of the property should be aware of the easement agreement prior to buying. Nevertheless, municipalities still believe that a change in ownership warrants at least the opportunity to initiate a review of the agreement.

Perhaps the most positive feature of Bill 59 is the establishment of the Conservation Agreements Board. Whether an interested party wishes to oppose an agreement or a landowner wishes to terminate an agreement, they can apply to the board in an attempt to settle the dispute. There is still an opportunity to apply

to the court if the dispute persists. It is hoped, however, that the board process will act as an inexpensive and nonadversarial option for solving disputes without the parties having to use the court system. To our knowledge, this is the first such board in Canada and we feel it is an innovative solution for the problems that may arise from the agreements. We would also like to thank the province for providing the UMM the right to approve the municipal representative on the board.

We note that Section 10 allows the minister to make regulations regarding eligible conservation agencies, the form of conservation agreements and the responsibilities and functions of the board, among other items. These represent important elements of conservation agreements legislation, and we recommend that the appropriate parties, including the UMM, have input into these regulations.

Overall, the Union of Manitoba Municipalities feels that Bill 59 strikes a balance between the need for conservation organizations to have protection for their projects, the need for municipalities to have input into the use of land and the need for landowners to have flexibility when dealing with their own property. The Union of Manitoba Municipalities participated in many meetings regarding the legislation, and we appreciate the difficulties that were involved in reaching this consensus position. We thank the province for the consultation process and their efforts in developing Bill 59.

* (1020)

We would like to conclude by pointing out that conservation agreements is just one of the many ongoing conservation issues of direct interest to the Union of Manitoba Municipalities and our member municipalities. More attention is being focused on conservation programs as organizations such as the Manitoba Habitat Heritage Corporation and Ducks Unlimited continue to acquire more land in rural Manitoba. Similar to our initial concerns over conservation agreements, these purchases raise questions about the effect of conservation programs on land values and land-use practices. These areas will continue to require more attention and discussion on

the part of municipalities, the province and conservation organizations.

In recent years, our member municipalities have passed a number of resolutions expressing concern about land purchases by habitat organizations and crop damaged caused by wildlife and waterfowl. As was stated earlier, municipalities understand the importance of conservation programs, but there is also a need to recognize their impact on municipalities and the rural land base. The Union of Manitoba Municipalities is currently reviewing some of these issues with a committee involving habitat organizations, Keystone Agricultural Producers, the province and the Farm Lands Ownership Board. It is hoped that through such continued consultations we will all reach an improved understanding of conservation issues in rural Manitoba.

Once again, thank you for the opportunity to provide our comments on The Conservation Agreements Act.

Mr. Chairperson: Thank you, Mr. Briese. Questions?

Mr. Stan Struthers (Dauphin): Mr. Briese, I want to congratulate on a well-presented, well-written brief. I want to start by picking out one phrase that you used, "consensus position." This may be one of those rare times in this House when there is a consensus position, including members of the opposition, because we concur with what you have stated. We have concurred with the minister, and we support the legislation that we are dealing with today.

I have a couple of questions though. You mentioned in your brief one of the areas that has been under a lot of discussion between yourselves and the current minister is the whole concept of perpetuity. I think what people have come to understand is that for us to be serious about setting aside land to be used for conservation, if we are going to be serious about it, there has to be an element of perpetuity involved, but I also understand the problems that landowners run across when we talk about putting land aside and using the word "perpetuity."

Do you have any suggestions for us and for the minister today that could improve Bill 59 in the area of perpetuity, or has enough flexibility been built into the bill to satisfy the UMM?

Mr. Briese: I think we have reached the point where we are satisfied with it. We were asking for a five-year review originally where at the end of five years it would be reviewed. Our feeling was that if it was a good program that would just be an exercise. If there were problems with it, it gave the opportunity to be out of it. But we are satisfied with what is in this now.

Mr. Struthers: Yes, just one more question. In your brief, as well, you mentioned a concern that I share with you about Ducks Unlimited and Manitoba Habitat Heritage Corporation and other groups buying up a lot of land in rural Manitoba. Through my office, through my constituency office, I have had people phone and complain about exactly that, a lot of land being developed for reasons other than agriculture. While we all recognize the importance of putting land aside for conservation, is the UMM concerned about what happens to the land once it is set aside, and is the UMM suggesting to us here a way in which we can control the activities that take place on the land that is set aside?

Mr. Briese: We always have concerns in that direction, but it is our feeling that this particular legislation will probably take some of the pressure off for them buying—for Ducks Unlimited and groups like them—large parcels of land, and we do have some concerns about that. I think they can take a small package now under conservation easement, and it will take some of that pressure off.

Mr. Chairperson: Seeing there are no further questions, I will ask you to move on to Bill 61, The Sustainable Development and Consequential Amendments Act. We have a copy of your presentation and when you are ready to go with that, please proceed.

Bill 61—The Sustainable Development and Consequential Amendments Act

Mr. Stuart Briese (Union of Manitoba Municipalities): Thank you, Mr. Chairman. The Union of Manitoba Municipalities appreciates the opportunity to appear before the standing committee considering Bill 61, The Sustainable Development and Consequential Amendments Act. The Union of Manitoba Municipalities represents 170 municipalities, including 118 rural municipalities and 52 urban

municipalities. The mandate of the UMM is to act on behalf of our members to bring about changes, whether through legislation or otherwise, that will enhance the strength and effectiveness of municipalities.

Last year, the province released a white paper which outlined the government's sustainable development strategy for the economy and the environment. Many of the proposals in the white paper had far-reaching consequences for our member municipalities, particularly in the area of land-use planning decisions. The legislation before us today incorporates some of the concepts from the white paper but is more limited in scope and detail. The province has indicated that Bill 61 is only the first step in the development of sustainable development legislation, but it is an important step nonetheless. The Union of Manitoba Municipalities would like to provide our comments in support of this bill and also discuss some of the broader, more significant aspects of sustainable development policies in Manitoba.

Bill 61 sets out a framework for implementing the principles and guidelines of sustainable development, including provisions for the integration of these guidelines into the activities of public sector organizations. In particular, Section 15 states that the province will develop by regulation financial management and procurement guidelines for use by municipalities, as well as health and education authorities. The guidelines will be incorporated in manuals and procedures and will be used to evaluate the sustainability of programs and activities undertaken by local government. As well, the province will have the ability to direct an organization to undertake an internal review and provide a progress report on the implementation of sustainable development practices.

The UMM is pleased that the legislation specifically states that the province must develop the regulations in consultation with local authorities within a five-year time frame. This consultation process is important to ensure that the purpose and use of the guidelines are clearly understood by municipalities. It is also critical that the regulations do not create an onerous administrative burden, especially for smaller municipalities. Our members are already making significant changes to the procedural by-laws of financial management practices as a result of the new

Municipal Act. They will also soon be modifying their procurement practices in accordance with provisions of the internal agreement on trade.

In addition, it is important to note that the new Municipal Act just reduced the number of provincial approvals which municipalities needed in regard to their financial and policy management activities. Therefore, rather than adding another layer of reporting requirements, we hope that the province uses the consultation process to develop sustainable development reporting practices that can be incorporated with procedures already in use by the municipalities.

In regard to the development of future policies, the Union of Manitoba Municipalities supports the decision of the province to delay implementing those parts of their sustainable development strategy dealing with land use policies and development approval processes. The white paper proposed extensive changes to current municipal and planning legislation, and we agree that this will require further discussion and consultation.

The Union of Manitoba Municipalities remains strongly opposed to changes which would fundamentally weaken municipal jurisdiction over local land use decisions. For instance, when amending zoning by-laws, development plans or planning statements, the white paper suggested that municipalities be required to make any changes to a by-law which the minister deemed necessary. The Union of Manitoba Municipalities cannot support the substitution of a ministerial decision for a council decision with municipalities having no opportunity for recourse. More importantly, we strenuously object to the suggestion that appeals be allowed for municipal decisions on local plan amendments, local authorizations, the placing of conditions on local authorizations and the granting of development permits.

* (1030)

In our opinion, many of the proposals that were contained in the white paper will not improve the decision-making process for developments. The idea of an appeal provision for municipal decisions has been raised periodically in the last number of years, specifically in connection to the debate over livestock

operations. We have always felt that this option would not address the problem surrounding the location of livestock operations and other developments. We continue to believe that local councils are in the best position to understand land use issues in their own municipalities. It may be appropriate to co-ordinate environmental development processes with local land use processes. However, the final determination on land use policy must remain with the local authority.

The Union of Manitoba Municipalities does recognize the need to streamline and simplify the development approval policies at both the municipal and provincial level. Along with proponents and other participants in the development application process, municipalities are also frustrated with some of the procedures and time frames contained in planning legislation. However, we very much believe that there are ways to address these problems without weakening areas of municipal jurisdiction and authority. In fact, we have already raised some of these issues with the Department of Rural Development while discussing a possible review of The Planning Act. We hope that the processes used to devise future sustainable development legislation can be co-ordinated with a comprehensive review of The Planning Act to avoid conflicts or a duplication of effort.

In conclusion, the Union of Manitoba Municipalities would like to state our appreciation for the government's commitment to design sustainable development regulations and legislation in consultation with municipalities and other interested parties.

Thank you for considering our comments today, and we look forward to further discussion and debate on this topic in the coming months.

Mr. Chairperson: Thank you, Mr. Briese. Questions?

Mr. Stan Struthers (Dauphin): Mr. Briese, again, thank you for your brief to this committee. Again, you seem to have covered the bases, and I think it is a job well done.

A couple of areas that I would like to get some comments from you on, though, have to do with the possibility, I suppose, that further work done in the area of sustainable development could be done in a number

of ways. It could come through the Legislature in the form of another bill. It could come in the form of an amendment to, say, The Planning Act, or this bill, should it get approval of the Legislature. In that way, the discussion will take place in the House. You mentioned in your brief that the procurement guidelines could come in through regulation.

One of the things that concerns me generally about the government that we have in power now, not just in the area of natural resources or environment, is the number of decisions that are made through Order-in-Council. Is it a concern of the UMM that decisions in the area of sustainable development be made through Order-in-Council, as opposed to coming through the Legislature for discussion with all the MLAs? Is that a concern that the UMM has?

Mr. Briese: I am not sure how to answer that honestly. I am not sure that I really understand how Orders-in-Council work.

Mr. Struthers: With an Order-in-Council, a group of cabinet ministers get together and make a decision and then that decision becomes law. The opposite of that would be to have an amendment come before the Legislature, or another bill, which would have discussion of all the MLAs within the House. My worry is that we go into discussions on sustainable development and we make decisions that really matter behind closed doors and just a few people making those decisions. What I suppose I am leading to is, I want to make sure that all the groups interested in the province in sustainable development, including the UMM, have a say in future decisions that are made having to do with sustainable development. So I was just wondering if the UMM had any discussions at all about procurement guidelines being kind of foisted on you through regulation or through Order-in-Council.

Mr. Briese: We have not discussed that, but it is our understanding that anything further on this act is going to be open for our discussion.

Mr. Struthers: Good. To the minister's credit, he has stated publicly that there will be consultation on several areas of The Sustainable Development Act. The only other area that I wanted to ask you about, Mr. Briese, was you mentioned that you were in favour of the

decision-making delay in the land use policies. Maybe you have answered this already, but has the government guaranteed the UMM that they would be involved in the consultation in those different areas?

Mr. Briese: I do not know that these mean a guarantee, but we have been told that we will have input into the land use part of the act.

Mr. Chairperson: No other questions? Thank you. Oh, I am sorry, Mr. Cummings.

Hon. Glen Cummings (Minister of Natural Resources): Two things. First of all, on both presentations I want to thank UMM for the input that they have had into what you see as the final structure of the bill in front of you. I would like in part to respond to the issue that was just raised, however, because it is a legitimate question, but that is the very reason that the bill is in two parts. Any future legislative changes that were included around the discussion of Part 7 will have to be legislatively managed. They cannot be introduced by regulation or by the backdoor, as my critics would like to intimate.

Secondly, any amendments for—pardon me, any implications for regulatory imposition regarding future codes of practice, et cetera, is after a specific specified time frame in which consultation must occur. I would like to put on the record that we have clearly understood that one of the basic tenets of sustainable development is that there be a consultative and as much as possible consensus agreement on decision making. Ultimately, given executive government, somebody has to take responsibility for a decision no matter what their political stripe, but I want it on the record again that we are not interested in doing anything other than through the consultative process.

Mr. Chairperson: Thank you for taking the time to come in to today and make your presentations.

Mr. Briese: Thank you.

Bill 12—The Manitoba Water Services Board Amendment Act

Mr. Chairperson: Thanks. Okay, we will move back to Bill 12, and I would like to call Valinda Morris and, as you are coming up, I will ask you if you have any

handouts for the committee. Seeing that you do, I will get that process started. This is on Bill 12, The Manitoba Water Services Board Amendment Act, and I will ask, whenever you are ready you may begin.

Ms. Valinda Morris (Provincial Council of Women of Manitoba): All right. What happened to Mr. Cummings? A new minister.

Good morning, Mr. Minister, members of the Economic Development committee, interested citizens and staff. I am here today representing the Provincial Council of Women and I have with me the president of the Local Council of Women, Mary Scott, and the past president of the Provincial Council, Leonora Saunders.

The Provincial Council of Women is a voluntary, nonpartisan, nonsectarian organization of women which works toward improving the quality of life for women, families and children and society. It has 24 federate member organizations representing over 75,000 people in Manitoba. It is part of the National Council of Women of Canada, which belongs to the International Council of Women. The latter represents us all at the United Nations level. You all have a brochure there that outlines our objectives and so on. You can read it later.

Today, the council wishes to state its objections to the proposed Bill 12 which would add a clause to subsection 6(1) of The Manitoba Water Services Board Act. We reiterate the policy resolution of the National Council of Women which opposes the privatization of water distribution systems and asks that the government withdraw this bill. It is on the fourth page of this submission, and I think maybe I should read it to you.

* (1040)

This was passed at our annual meeting in Ottawa a week ago, Sunday, and it goes as follows:

Whereas the water distribution system infrastructures presently in place and use in established jurisdictions, usually municipalities or regional governments, have been installed and maintained by the public; and

Whereas these installations and systems would be turned over to private businesses to operate; and

Whereas private businesses consider water to be a naturally occurring resource or commodity to be exploited for profit; and

Whereas experience in other developed countries where privation has already taken place has resulted in an increased cost to the citizen taxpayer such that poor families have been unable to afford at all times the water necessary for health and hygiene; and

Whereas Canada took a leading role in the United Nations Conference on the Environment at Rio (1992) and in the development and signing of Agenda 21 and in the subsequent Beijing conference and Platform for Action, thereby supporting the principle that all peoples should have equal access to water at all times with concomitant responsibility to conserve and protect this life-giving resource.

Therefore be it resolved

That the National Council of Women of Canada adopt a policy of opposition to the privatization of water distribution systems; and

Be it further resolved

That the National Council urge Provincial Councils of Women and local Councils of Women to urge respective provincial and local governments to place a moratorium on all plans to privatize existing or future water distribution systems.

So here I am.

One reason that we object is that we endorse the principles of the Agenda 21 which regards water as a common good—not a commodity exactly, there is a difference—that must be available to everyone for their health and hygiene. We must ensure that water will be safeguarded for future generations and not allow costs or market-driven decisions to jeopardize this principle. We should be aiming at free water for all, not a system that is based on full costs being shared by all consumers. The original concept of a public utility was to protect this principle, but by allowing—and this is a quote from the act—persons, partnerships or unincorporated associations to own and operate the water distribution infrastructure, we would be putting this common trust at risk.

Experience in Britain shows that private owners do not maintain or improve the infrastructure. Costs there rose 84 percent in seven years. Privately operated utilities are not transparent, accountable or even responsible. The British infrastructure was not maintained or improved causing added expense and waste of precious water resources.

Here in Manitoba we have the Cartier Regional Water System Proposal already approved at an estimated cost of \$12 million, half of which is to be paid by the province. Would it be appropriate for the government to hand over the building, ownership and operation of this system to a group or individual? As we, meaning our council, do not know the conditions of licensing, which will be decided under The Water Rights Act, it is hard to judge, except that we are opposed to any setup which includes a profit, however modest, and does not provide complete accountability.

The Provincial Council of Women is on record as being opposed to urban sprawl but in favour of integrated planning and decision making and proper land-use planning. We have attached a copy of our 1993 resolution which we draw to your attention as it covers the full policy from which we speak. We cannot approve this bill, as it creates a method of sidestepping this whole process. The council supports the province's sustainable development strategies.

In Applying Manitoba's Water Policies, which were approved in 1990, they state that, quote, all Manitobans have a stake in water management. This water management was and still is being, quote, approached in a reactionary manner to address only the short-term benefits. This was a reference to the way, supposedly, we used to do things when Applying Manitoba's Water Policies was written, and it does not seem to us that there is much change.

What we need now is strong leadership to provide a capital regions strategy, one that is debated, approved and understood by us all and includes a comprehensive plan for water management.

That is all I have here. I can cite some examples of where we have run into problems. You might wonder, also, how we know this. We have an urban regional joint committee of our two councils. We have been studying and tracking land-use policy issues since the

early 1990s, so we are not just doing this off the top of our heads, and you can see that it is well founded in the two policies, the national one and the provincial one. Thank you.

Mr. Chairperson: Thank you, Ms. Morris. Questions?

Ms. Becky Barrett (Wellington): Thank you, Ms. Morris, for making a very cogent, well thought-out presentation on very short notice. I just want, brief comment, to put on the record yet again the wonderful work that the Provincial Council of Women and the National Council of Women and the local Councils of Women do in this area and every other. You are a vital resource that the democratic process here in Manitoba and throughout Canada appreciate very much. You have done an enormous amount of work on these kinds of issues and appreciate this very much.

I would like to, because we do not have a lot of time, ask you in particular if you could expand a bit on page 2. The second to last paragraph, you talk about the issues of urban sprawl and how we should be integrating our planning and decision making with regard to land use planning. Could you give me an example of how you think this bill, if enacted, would sidestep a good process in this regard.

Ms. Morris: I am not sure I can answer that very well, Ms. Barrett, because I do not know how the licensing procedure works in The Water Rights Act. I assume that there is another act which safeguards the water resource and would license. I presume there would be a licence for anybody like this, and there would be limits put on it, but the point is that we have to do this in an intelligent and affordable and economic way, and if you just allow anybody to offer water services you have no guarantee that they will be able to sustain it over the long run, and it could cause urban sprawl if somebody has the bright idea that they can provide water in a certain area. Then what happens if in 10 or 15 years they are wrong?

When I got thinking about it I realized that in our presentation in the Selkirk district, the Water Resources branch came out and said, we do not know how much ground water there is there. Then we have clay soil problems that cause septic tank leakages in other areas. Think about East St. Paul and what happened there.

They were relying on ground water and septic tanks. It did not work, and they had to turn around and do a whole piped system. So it is a tie-in with urban sprawl indirectly.

I do not think I need to get into the problems with Headingley, whether it is going to buy water from Winnipeg, or is Winnipeg going to even sell water? The Shoal Lake resource is finite. It is predicted to be up to capacity I think it is in 2030 or something like that, and then we have the problem of whether we twin the aqueduct or resort to Natalie Lake and who is going to pay it. At the moment that utility has a built-in factor to cover capital maintenance and improvements, but this could get out of whack. So there is a lot of concern, and what we really need is a Capital Region strategy worked out so that we know whether it is better for Headingley to look east or west.

* (1050)

How much water can the Assiniboine provide? Does anybody know that? How many diversions can you have off the Assiniboine? You have already got one down to the south and, you know, we need to really look at this and we need all those statistics and forecasts that we currently have, and I hope they will not be cut, because it is so necessary. We need really long-range planning. It is not up to politicians, in my opinion, to make these decisions on the short term. This is long term. We are thinking of, you know, what is it the native people say, the seventh generation. It is that kind of thinking you need. It even frightens me.

I did not know what the name of this committee was, and I find out it is Economic Development. Well, where is the balance between economic and environmental? We need good, solid, unbiased thinking, and that is what our councils stand for. There, that is my preach for today.

Ms. Barrett: Just one final comment, thank you again. You have shown in your response to this question the depth and breadth of understanding, and I think you have made some excellent points, particularly about the need for very long-range planning. So thanks again for that.

Ms. Morris: If you have not all read this booklet, try it.

Mr. Chairperson: We have one more question, a final question from Mr. Cummings.

Hon. Glen Cummings (Minister of Natural Resources): Yes, thank you for your presentation. I was just going to ask, for the record, if you agree with full-cost accounting for the delivery of water whether it is either public or privately owned.

Ms. Morris: Well, I do not agree with privately owned. So full-cost accounting, yes, we are very much in favour of full-cost accounting, but that does not mean that you apportion the costs to individuals who cannot afford to pay. I think we want the full costs reflected at all time, but if you just use the user-pay system without thought about who this is, we could run into difficulties. I think there has to be a human face, a social aspect to that, and we would like to explore that further but, for sure, we want full-cost accounting. We want it right up there. We would suggest that if the government is paying half of the Cartier proposal, it is already encouraging urban sprawl and underwriting it. So, you know, did we all agree that the whole province should pay half that cost? I am not sure. Was that an appropriate way of doing it? So there is a lot at stake here, and I do not think that we can just say that the user has to pay no matter what, because there are some people who cannot, and they have to have water. That is why water is different and must be treated differently from a bridge. I mean, it is not like the PEI link or our Charleswood Bridge. It is not the same thing at all.

Mr. Chairperson: Thank you, Ms. Morris, for your presentation today.

We will now move to Bill 53, and it is a presenter from the City of Winnipeg. Is there a presenter here on behalf of the City of Winnipeg to The Local Authorities Election Amendment and Consequential Amendments Act? Seeing none, I will call that name again at the end of the list.

Bill 61—The Sustainable Development and Consequential Amendments Act

Mr. Chairperson: We are going to now move to Bill 61, The Sustainable Development and Consequential Amendments Act, and I would call Harry Mesman. Do you have a presentation to hand out?

Mr. Harry Mesman (Manitoba Federation of Labour): Yes, I do.

Mr. Chairperson: Okay, we will get that looked after, and whenever you are comfortable, Mr. Mesman, please proceed.

Mr. Mesman: I cannot believe I have a presentation to hand out actually. I am gaining appreciation for that old saw about hot dogs and legislation being two things you do not want to witness the making of, and I am sure you people being right on the wiener line, so to speak, appreciate that even more. Today was the day I was going to work on our brief on The Sustainable Development Act, and I got a call within the hour, I guess, telling me that now is the time, so I will have to stop off at the florist on the way back to the office and bring something back to the support staff person who did manage with—together we cut and pasted something together here, anyway. We do have a presentation.

We, the Manitoba Federation of Labour that is, Mr. Chair and committee members, represent some 85,000 workers in the province and we have long recognized the logical connection between our struggle for safe and healthy workplaces and efforts to maintain—to regain, probably more to the point—a safe and healthy environment.

The labour movement has attempted for well over a century to protect its members from exposure to poisonous chemicals in the workplace. We did not join the environmental movement; we were it. After all, worksites are the conduits for the contaminants that pollute the planet; workplace pollution does not stop at the plant gate. Through sewers, smokestacks, and by transportation, workplace hazards become environmental hazards.

Our members make their living in toxic production and various endeavours that are part of the problem. Working people are caught in the confrontation that sees industry moving public policy in one direction and environmentalists in the other. We are sympathetic to the one side, but dependent on the other. As the Canadian Labour Congress statement on the environment puts it: Our members will either be painted into a corner as opponents of changes needed

to save the planet, or be required to sacrifice their jobs in the struggle for a cleaner environment.

There is a good excerpt along that line in the appendix that you have, a presentation of Brian Kohler of the CEP union given at the Persistent Organic Pollutants Conference in Chicago last year. On that same topic he states, the second last paragraph there: “Remember that our members make their living working in so-called 'toxic production', and therefore this debate means more to us than just an academic discussion about economics and the environment. The sustainable operation of these facilities is as important an issue to us, as it is to any other group. We are stakeholders, and important ones, in this question, and we are pleased to participate in your process.”

In recent years, that is, since the Brundtland Commission, organized labour has accepted the concept of sustainable development as a possible means of avoiding polarizing environmental issues into jobs versus environment, which we consider to be a false dichotomy. The limited success of this approach to date is in no small part due to the unwillingness of governments to effect legislation that will back up the lip service paid to the concept. For this reason we commend this government for taking the idea of sustainable development seriously enough to recognize that there is a need for legislation. Unfortunately, we find that Bill 61 falls far short of what we consider necessary to ensure meaningful implementation of sustainable development in Manitoba.

Bill 61 appears to be little more than a policy statement masking as legislation. There are no targets set for real change and one cannot really answer the question, what does it do, with anything more than the flippant response, it generates reports. The object, apparently, is to ensure that the public sector in Manitoba keep the concept of sustainable development in the back of its collective mind as part of the routine of their activities. As the act itself puts it in Section 3(2), “the government shall have regard to sustainable development.” What an odd thing to put into legislation “shall have regard to”—not very quantifiable.

Despite the lack of meat on the bones of this legislation, it does lay the groundwork for some potential action via the development of a provincial

strategy which will set out actual goals and the establishment of sustainability indicators. We can do nothing but wish the best that that has some meaningful results. These efforts are to be done in consultation with the round table established by this bill. The round table could have as many as one-third of the membership being cabinet ministers. We would prefer to see criteria which ensures representation from different sectors and geographic areas and limits cabinet representation to three.

We note that many of the concerns we raised with the white paper version of the bill have been addressed, and we appreciate the drafters attentiveness to these concerns. Certainly we had a number of meetings, as the minister and others know, and I am quite serious in what we say there. We are appreciative of the fact that a lot of the concerns were raised, were addressed and are reflected in the current draft.

Still missing, however, are a number of elements essential to labour. These are: the definition of sustainable development, which is appropriately the classic definition of the Brundtland Commission, and one of the changes from the previous draft that was essential I think. But this definition, in turn, calls for a definition of the word "needs." It should be made clear that this term does not just mean economic and environmental needs, but also social needs.

* (1100)

There must be a commitment to a just transition period for workers whose livelihood is affected by environmental decision making, and that "must" is emphasized for a good reason. This is the core and essential for getting workers onside on environmental issues. They very much take the approach that a job in the hand is worth two in the plan, if you like, and that they are simply not going to be on side if they see that they are going to become victims of what may be positive for the environment, but I do not believe it is if it creates poverty and devastation in communities. If this act is not the place for spelling out what that would consist of, it is the place to make that commitment. We cannot tell workers their jobs will be eliminated for the good of the environment without telling them what they will be doing afterwards. To do so is to guarantee conflict, possibly of a violent nature.

Nothing in this bill addresses pollution prevention. We need to embrace the zero-emission philosophy in which all technical means are employed to reduce toxic emissions to zero. There may indeed be areas where zero emission will never be possible, but just as we take the position of zero exposure to carcinogens in the workplace, we can only ensure continuous progress if we retain zero emission as our goal.

In addition, while Bill 61 may not be the appropriate place for all of our wish list, we encourage you to move towards legislation that creates the following rights:

1. The right to joint union-management environment committees. These committees would have the same rights, function and authorities as joint health and safety committees. This would include the right to participate in workplace environmental audits, which would be required by law, as well as the right to participate in framing pollution prevention control plans and a toxic use reduction plan. As is the case with health and safety committees, these would complement and not be instead of union committees.

2. Whistle-blower protection. The right to divulge information to the public, the media or the government concerning pollution, excessive energy use or waste of natural resources should be entrenched in law. This right would be exercised only after internal efforts to resolve the problem have failed. This same act or regulation would provide for full legal protection and effective redress if the employer takes sanctions. We may experience considerable resistance from the employer on this one, as it flouts the traditionally sacred right to manage and the supposed duty of loyalty to the employer, but we can be confident that the community would not support such rights and duties permitting environmental law breaking.

3. The legal right to refuse to pollute. At the very least this should mean the ability to allow work stoppage when the worker has reason to believe that the pollution is illegal, reckless, deliberate or in excess of the norm of the enterprise.

4. The right to environmental information. Obviously, the ability to carry out the first three rights is dependent on full knowledge about the nature and extent of pollution. This right can only be effective if

there are laws requiring the testing and measurement of emissions and effluent. Possibly a new category of environmental protection information relating to the safe use and disposal of the product can be added to the WHMIS MSDS sheet, and that is the Workplace Hazardous Material Information System and the material data sheet that is in place in law now in occupational health and safety law where workers have a right to know what chemicals they are working with and what the risks of working with those chemicals are. We would suggest the same in terms of the safe use and disposal of the product.

5. The right to fair judgment regarding job loss. The elimination of jobs should only be accepted when proven science fiction—scientific fact, an interesting faux pas, based on proven research methods determine that a process or activity is harmful. Job loss shall not be based on public perception of whether an industry is good or bad environmentally.

Actually science fiction is an interesting faux pas, because another thing, as I think of it, missing, not in our brief—it would have been had I done it today—is the precautionary principle we think should be entrenched, and it sort of is under prevention. There is kind of a precautionary principle light there, I guess, under the Schedule A, but we cannot emphasize enough the importance of that precautionary principle being in there, and there is something I wanted to note on that which appears to have disappeared from sight. Well, basically, it is our experiences as occupational health activists, if you like, that we have been taught that when scientists disagree, the worst case scenario usually is closer to the truth further down the road. So I think there is historical evidence for that and reason to enshrine the precautionary principle in the act.

These rights alone are only part of what is required for workers to make sustainable development succeed. Other requirements would include, but not be limited to:

1. Protection for the victims of environmental change. Again, we are back to having some just transition period, social safety nets, if you like, that have to be in place to catch workers economically and to retrain those who have been displaced from ecologically unsustainable employment. This would include recognizing full compensation in all

government grant and regulatory programs dealing with environmental questions as well as a special workers' environmental defence fund to compensate workers for adjustment costs resulting from environmental enhancement and environmental protection regulations.

2. Government subsidies to economic sectors that result in wasteful use of natural resources should be eliminated.

3. Tax structures and production expenses should be in place that reflect the full cost of resource and environmental use.

4. Tough environmental standards accompanied by tougher penalties, including criminal penalties for those whose actions degrade the environment.

5. Energy conservation. In other words, producing the same levels of energy services with considerably less than the current energy supply. For example, the report *A Brighter Future: Energy Efficiency and Jobs in Manitoba*, prepared for the United Brotherhood of Carpenters and Joiners, Local 343, here in the province, is an excellent document on how energy conservation can enhance the job market for our members.

6. We have emphasized already the zero-emission philosophy.

7. An economic strategy that focuses on the development of clean industrial high-tech industries that reduce environmental pressures.

8. A charter on environmental rights and obligations of individuals. This, I grant, would be more of a national endeavour hopefully, but a charter nevertheless on individuals, groups and organizations which includes protection for workers who refuse to obey employers' orders to pollute and/or who blow the whistle on employers who violate environmental regulations.

9. Meaningful consultation with the public, labour included, on all relevant legislation. That is happening to a fair degree in this province, I would say.

10. We have to give priority to waste reduction over recycling and reusing. While the latter two are

important elements, what we need first and foremost is to reduce the amount of needless waste and junk that is produced.

11. We have to adopt a transportation policy that leads to significant reductions in the energy level use of all modes of transportation, and we appear to be heading in the other direction on that, unfortunately.

If sustainable development is to be more than just a perceptual fog or, worse still, a device to promote a free market global free trade agenda, then it must include the foregoing elements. These elements present a fundamental challenge to the free enterprise business ethic that has dominated the modern day politics of western industrialized nations. It is this fact that should make our ability to embrace the environmental agenda a relatively easy one, and this is when I say "our," I am speaking of our membership. This last section is taken from our policy statement on the environment, part of that cut-and-paste process I referred to.

This agenda meshes with labour's. In fact it is ours because it flies in the face of the current emphasis on competition, exploitation of comparative advantage and deregulation as the means to stimulate world economic growth. When the so-called invisible hand of the marketplace is choking us, surely it is time for intelligent people to take another tack. As you can see, speaking of tack, I have tacked on that paper that I mentioned from Mr. Kohler, and I would recommend reading that. It is very worthwhile, headed, Sustainable Development - A Labour View. Thank you very much.

Mr. Chairperson: Thank you, Mr. Mesman, for your presentation today. Questions.

Mr. Stan Struthers (Dauphin): Yes, Mr. Mesman, thank you very much for your presentation. I found it thorough, and I also enjoyed listening to some positive suggestions that you made that I think should be undertaken by various levels of government including the one across the table from us here today.

I also wanted to express my thanks for your work in the last number of years, actually, in terms of the environment, and congratulate you on the work that you have done for us to get to this point so far. One thing

that kind of perked my ears up when you were going through some of your suggestions was No. 2, "Government subsidies to economic sectors that result in wasteful use of natural resources should be eliminated." Could you give me an example, a good hands-on kind of example, of one sector that would be hit by this kind of a suggestion?

Mr. Mesman: Off the top, no, and yet I do know they exist. Again, we scrambled to throw this together, and I am searching through my mind now for the examples that existed at the time this particular statement was developed, which would be '94-95 thereabouts. They are rampant. There are certainly no restrictions in terms of government subsidies that have been issued to date, and perhaps that will change with this act also to some degree. There certainly are no restrictions placed on the use of natural resources for the recipients of those subsidies, and that is what we are suggesting, but a direct single example, I am not able to provide now.

* (1110)

Mr. Struthers: Another part of your presentation, you had mentioned that Bill 61 falls short of what you would see as being the minimum for protection of our environment. You made reference to the term "shall have regard to" in Section 3(2). Can you make a suggestion as to a more strong wording or can you make a suggestion as to what should be done with that term?

Mr. Mesman: Well, I do not know about specific wording of that section, but certainly—and I defer to the experience at this table in terms of legislation, but I am not aware of another act that tries to ensure that people have good thoughts almost, if you like. You know, please keep this in mind, but there is nothing—in fact there are sections that even preclude that from being translated into action to some degree where we see Section 8(2) and so on about the development of regulations made under this act and the rules pertaining thereto.

Then we get to 8(4) and it says, well, despite all that we have said so far, the current regulations will still take precedence. So, again, we do not see a real effect in this thing, and I am not sure exactly what the wording should be. It is difficult when you are dealing

with a concept to begin with that is constantly—it is a living concept, if you like, that seems to change. Probably one of the reasons it has been as embraced by the business community as it has is that it is so adaptable. That said, we have embraced it ourselves and we endorse it, but just having regard to sustainable development, I guess, one has to refer back to the definition, and there again it is so broad that it is very difficult to see just what exactly this is directing the people who it is aimed at to do. It is quite nebulous.

Mr. Struthers: Mr. Chair, just one more question. One of the things that we can say that has come out of the whole process involving the debate and the discussion and the presentation of Bill 61 is that it has got us focused talking on the processes that are involved in making environmental sustainable development decisions.

Part of what I see has been a problem in past years is the unfair playing field that has developed with proponents on one side with a huge amount of resources and in some cases, many cases actually, the backing of this provincial government and its resources, as well, all on one side and a small guy on the other trying to take on these huge forces.

One of the concepts that has been talked about to make that playing field a little more fair is intervenor funding. Is that something that would receive approval?

Mr. Mesman: Intervenor funding was, as a matter of fact, in our brief to the white paper on this act and would have been in this one had we finished the job today, so, yes, very much so.

Hon. Glen Cummings (Minister of Natural Resources): I wanted to thank the federation for their presentation and, in fact, you, Harry, for the work that you have done in this area. I know there are things that you would like to see that we have not yet achieved in this act, but your comments are fair. I would only maybe, and not mischievously at all, but, in fact, you pointed out the classic dilemma, jobs versus the environment, and one which we are very conscious of.

While this act does not directly deal with that issue, I think that is part of the debate as we go into the next

half of the act. In fact, we realize that this act puts in place an action that is more directive on government itself than it is on broader aspects in the community, but the next debate will be much more rigorous and will, in fact, cause us to confront some of the issues that you have raised.

I note, however, on the piece by Brian Kohler that you have attached, that working within the organization, setting our own house in order and educating our members and building alliances is—his second page near the top—all part of what I think will make sustainable development, within the framework we are trying to put here, work, so thank you.

Mr. Mesman: Thank you, and having drawn attention to that paper of Mr. Kohler's again, I really do urge the committee to read it because he gives a fine example of that squeeze that workers find themselves in, using a worker in a chemical plant.

Mr. Chairperson: Thank you today for—Mr. Struthers, for a short question?

Mr. Struthers: Yes, Mr. Chair, just a procedure. The paper presented by Mr. Kohler added here, will that be part of Hansard as well?

Mr. Chairperson: If it is the will of the committee to include the add-on to the presentation. [agreed]

Mr. Struthers: The Provincial Council of Women, as well, the addendums that they had on?

Mr. Chairperson: I have no problem recommending that if that is the will of the committee. [agreed]

Just for the record then, the addendums added by the Provincial Council of Women and the Manitoba Federation of Labour will be added to the back of the report.

Thanks, Mr. Mesman.

We have the City of Winnipeg. Seeing that there is no one here, we will move them to the bottom of the list, and they will be called one more time.

Cec Muldrew, I will ask if you have a handout for the committee? Seeing you do, we will present that, and as soon as you are ready to start, please proceed.

Mr. Cec Muldrew (Co-ordinator, Sustainable Development Coalition, United Nations): Good morning. I got a call to come this morning at a quarter after 11 last night, and I was out at Traverse Bay in my cabin, so I had to hustle around and not get much sleep. My printer was broken, so I had to come in and print out a disk and get it copied and get here. I had a flier off my bike the other day, and I am kind of stiff and in pain, so please be patient with me.

I am Cec Muldrew, and I am co-ordinator of the Sustainable Development Coalition. For the 50th anniversary of the United Nations, its local Environment and Development Committee organized many interested individuals and groups into a coalition to follow up on the 1992 Rio Conference. We held five public meetings on sustainable development topics, interviewed many politicians and distributed reports. We have been less active since our grant ran out but continue to take an interest in the legislative process.

To look at Part 1 of Bill 61 first, I cannot accept sustainable development as it is a contradiction in terms. To most people, development signifies growth. Your definition—sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs—is impossible under the present situation. At the rate we are using nonrenewable resources and destroying the resources we should be taking care of, air, water, soil, forests, fish, future generations will inherit a much depleted world. I believe we should be living in a sustainable society which a free-market economy just cannot provide. We cannot turn society around overnight, but we can take steps toward a realistic sustainable society.

* (1120)

Instead of being just so many consumers in our materialistic-oriented society, we must learn to do with less. There is opportunity for a full enjoyable life if we substitute nonmaterialistic activities such as social and cultural events, athletic and leisure activities and home entertainment in a simpler lifestyle. There is no need

for salaries in the six-figure range and above, especially while 20 percent or so of us are living in poverty, and child poverty is a national disgrace. Good lives can be lived without the economic growth that comes from maximum human consumption.

As an example of our rotten system, I was doing an elderly friend's income tax and noticed that her mutual fund amount last year went from \$144,000 to \$170,000 without her adding anything. So I phoned Investors Group saying they must have made a mistake. Oh, no, they said, we just had a good year. So I checked my credit union ethical fund, 12 percent, good, but other ethical mutual funds had returns of 20 percent, 25 percent, 30 percent. Where did all that money come from? Corporate profits, corporations make the banks look like pikers. They take the money from all consumers and give it to those who can afford to buy mutual funds. So I move my money into the 30 percent fund and I will give the earnings to some worthy cause.

Last fall I moved out to a cabin that I had built myself and, because I am on my own, I am able to live simply without most household appliances. I get my water from a nearby well by buckets in the wintertime. I cut wood from my half acre of trees to heat the cabin, and other chores keep me active. My car sits idle three days out of four, and my vegan diet is good for the environment, the economy, my health and the animals. I am able to give over a quarter of my gross income to worthy causes.

The role of government, as I see it, especially in a sustainable society, is looking after its people. Each person has a right to basic needs, health services, education, and a job. Our governments fall far short. We must not forget that we are global citizens and must consider our resources as part of the human carrying capacity of the earth. We depend on imports for much of our needs, but we export more. Canada's environment industry had annual sales of over \$14 billion, predicted to be 40 percent more by the year 2000. Are we conserving our natural resources and bringing them back to levels that are adequate and renewable?

Let us go back to Bill 61. In the definition of the Interdepartmental Planning Board established under The Planning Act, is the board appointed, and what

does it do? The provincial public sector organization stands for many bodies that are appointed and to which the act has been made applicable by regulation. Will many interested individuals or organization be represented? The short one sentence purpose outlines the largest task of the act. To implement sustainable development in the provincial public sector and promote it in private industry and in society generally means to turn our consumer society right around and to change our economy from competitiveness to co-operation.

In Part 2, will the appointments to the round table represent society's broad views, and will the members really try to implement the wonderful statements of principles in Schedule A? If they do, Manitoba will really be an example to the rest of the world.

In Part 4, Sections 8(1) and 8(2) read like government by regulation. Will the Legislature have any input into these matters?

In Part 5, could the indicators be set up by a group other than the Manitoba Round Table? The International Institute for Sustainable Development or an interprovincial committee would set broader expectations.

In Part 6, 14 (c) does not read right. I can see a code of practice required from each of the provincial departments and from Crown corporations, but is it up to the province to demand a code of practice from education and health organizations and perform inspections and audits? What about municipal boards and urban councils? Will they be free to develop in their area? Will the Public Utilities Board and the Clean Environment Commission continue as they were?

In Part 7, will grants be made for intervenor research and expenses when environmental assessments are made?

Part 8 again sounds like government by regulation. Should not the Legislature have a say? The principles are excellent right down to the last, Global Responsibility, and the Guidelines too. If only they would be put into action, what a wonderful world this would be.

If the government cannot make the environment, the economy, health and social programs sustainable, who can?

Let me close with the scariest thing I have ever read about. The Organization for Economic Cooperation and Development, composed of 29 of the richest countries, is quietly drafting the Multilateral Agreement on Investment, the MAI. This extends rights for corporations as investors beyond the FTA, NAFTA, WTO, GATT. Corporations will then have equal rights as nation-states. Investment is given a broad definition, all kinds of assets and rights, even intellectual property. Corporations may sue for noncompliance with the MAI, but governments are not given reciprocal rights. All of this applies to provincial and municipal as well as federal governments.

Governments will have limited capacity to guard the health of its environment and citizens. The MAI is a charter of rights and freedoms for corporations. Rights for governments, citizens, and protection for the environment and culture are excluded. Negotiations are secretive and mainstream media are oblivious. In practice this means that people anywhere on the globe could wake up one morning and find that a local business, a forest, farm, or even an entire communications system or an entire employment sector had been bought and was now controlled by a transnational company with no interest in the well-being of the community. Thank you.

Mr. Chairperson: Thank you, Mr. Muldrew. Questions?

Mr. Struthers: Mr. Muldrew, thank you very much for taking the time on short notice to come in and make your views known on Bill 61. I am sure I join with all members of the committee to wish you a speedy recovery from your bicycle accident. We are hoping you are feeling much better soon.

You mentioned in your brief that the concept of sustainable development does not make sense, that it contradicts each other, the two words within that term. I have some constituents in Dauphin who rely on resource extraction for their livelihood. I have constituents who contact me who would not take the same view as what you have expressed here this

morning. If you were the minister and you could offer an alternative to some of my constituents, who tell me they depend on resource extraction for their livelihood, what kind of alternative could you offer them?

Mr. Muldrew: The alternative really is to use things as they are readily available and not deplete the resources we have by clear-cutting, using a lot of the trees and then reforestation. We are not replacing the natural forests. It is very much different than what we have cut down. So I think a slower use of things—we do need those items—but consumerism really is far too high. We cannot continue with the consumerism that we have, and we do not need all the many products that we are producing. If we do things, we should do them that will last. One of the worst expressions that I can think of is planned obsolescence, where cars and fashions and furniture and so on are made to last a couple of years and then fall apart, so that others can be sold.

Now, I know that those jobs are necessary, but could we not possibly have some jobs that are in less time, like fewer days of the week, fewer hours in the day and still make our society work?

Mr. Struthers: Thank you for that answer. I think quite often proponents of different projects try to force us into this phoney argument about jobs versus the environment. You mentioned some of the external factors like the MAI, NAFTA, and the World Trade Organization that are making it easy for larger corporations to push us into that silly debate where you pit jobs against the environment. What can you see this government doing, you know, building upon Bill 61, to resist that kind of influence that these world trade agreements are having on our province and on the sustainability of our resources here in Manitoba?

* (1130)

Mr. Muldrew: Certainly working with the other provinces, the federal government, the United Nations, in trying to make a better society—for instance, if the government would think more of giving jobs in tourism, using our wonderful northland resources, infrastructure jobs, there is so much work to be done. There is no shortage of work even though there is a shortage of jobs. I think we can reorganize things so there is work

for everybody, and it is work that does not deplete our natural resources. We are making a mess of things, really.

Mr. Struthers: One more question. We, on this side of the House, the NDP, have been talking about an environmental bill of rights, and I notice that is something that has been talked about this morning, and also an environmental ombudsman. Do you see a role for a bill of rights and do you see a role for an environmental ombudsman in this province?

Mr. Muldrew: Yes, very much so. So often people feel that they have not got a good response when they want to appeal or they want to get freedom of information. It is kind of difficult, so that certainly, as you say, we—what did you say? I am sorry, I lost my train of thought.

Mr. Cummings: I just want to thank Mr. Muldrew for his presentation. I wonder if, for the record, you would tell us how the local chapter, the United Nations coalition, has been organized.

Mr. Muldrew: We were having meetings of our environment and development committee. I was chair. We thought what can we do for the United Nations for the 50th anniversary. This was in '95, two years ago. We said, let us see how we are doing in sustainable development, let us see if we are meeting the agenda on commitments. So we contacted other organizations. Very often, the organizations worked in their own little interest, and this sustainable development is so interdependent that we made an effort to contact university people, unions, and all kinds of peace and environment groups, and we got about 300 names and invited them to the meetings. The ones who came to meetings, we continued to have meetings. I think our efforts were worthwhile. We made reports and distributed them and had interviews with politicians in which we expressed our views.

Mr. Chairperson: Thank you very much for your presentation today. I will now call Anne Lindsey and, as you are coming up, I will ask if you have a presentation for the committee.

Ms. Anne Lindsey (Private Citizen): No. Did not have time. I do not own a photocopier.

Mr. Chairperson: Whenever you are ready, please proceed.

Ms. Lindsey: Okay, I am doing this presentation as a private citizen not on behalf of any organization. Thank you for the opportunity to present to you.

We are gathered here at a historic juncture. I guess you are all aware that the second Earth Summit is underway in New York. So this proposes an excellent opportunity to pass what I believe is the continent's, perhaps the world's first Sustainable Development Act. This could have been a really good opportunity to show the world that Manitoba is really serious about sustainability. I say "could have" because the bill we have in front of us is a sad attempt at window dressing the status quo with some high-sounding words. At best, it is a guideline or a policy document, but as legislation, I fear it is timid and all but meaningless.

The bottom line when it comes to sustainability is the future. My three children may have children of their own, they may have children, and what kind of earth will they inherit? The way things are going now—and there are even reports coming out of the Earth Summit about this—they will inherit a world in which global climate has changed dramatically and drastically from what we know today, with all the natural disasters that the international panel on climate change tells us can accompany such a change, possibly including more Red River floods of the magnitude seen this year.

The earth's forests will be a sad remnant of what currently exists which is, in itself, a sad remnant of what the forests should be. Fossil fuels will be depleted, biodiversity will be further decimated. Who can tell what the state of human health will be if current trends in cancer and immune system compromise continue? Even vaster numbers of the world's people will live in poverty, including in Canada, while a very few greedily guard their riches. In short, I think that our children's children will lack the very building blocks of a sound economy, and that may sound very dramatic but I think that is the path that we are on, and what we are doing today in this world is not sustainable, period.

You may say that Manitoba is a small player. What difference could we possibly make? After all, to

paraphrase one civil servant speaking about the Louisiana-Pacific situation, I think he said something like we have cleaner air here to start with so we can afford to pollute it a little more. This is unacceptable. Any government which seeks to legislate in the area of sustainability is taking on a mammoth task, one which will require courage and vision. Its moral obligation is to do nothing less than it possibly can to halt the march of today's trends towards disaster. Stand in the face of progress, you say? Yes, because as environmental elder, David Brower, put it, we must progress as if survival mattered.

If we are going to legislate in the area of sustainability, then we have to be prepared to stick our necks out, be different, refuse to follow the rest of humanity to a devastated future. Take steps now to remedy the mistakes. Set an example; otherwise, why bother? I cannot take this government very seriously when I see the developments such as the Pine Falls Paper Company, east side Lake Winnipeg road building and forest cutting proposal. It is barely being looked at for its environmental and social and cultural impacts. This proposal could be an excellent opportunity to get sustainable development right but, so far, the government does not appear up to the challenge. Pretending to be sustainable is like the story called "The Emperor's New Clothes." We can hope against hope that words will save us from ourselves, but in the end it is the actions that count.

Minister Cummings sent out a letter recently, and I have to paraphrase, I do not have a copy of it. He stated something like more and more Manitobans are embracing the concept of sustainable development. Well, at this point, I kind of feel like getting off. I, for one, cannot go along with the sustainable development charade unless it starts to mean something, especially now that I look at this bill which embodies so cleverly in Clauses 8(3) and 8(4) the disclaimer that was present in the white paper, that the principles and guidelines are general in nature and must be interpreted with common sense and discretion and are not intended, nor should they be interpreted or applied as a mandatory regulation or a rigid standard, et cetera.

Speaking to the bill itself, I am very pleased that the government saw fit not to introduce the draconian and labyrinthine measures represented by Parts 7 and 8 of

the white paper. If anything became apparent during the discussions on the white paper, it was that while environmental licensing may not be perfect, it does not require the kind of changes that the white paper proposed. I, myself, and I am sure other members of the environmental community will be pleased to continue discussions of how to improve Manitoba's environmental licensing system.

* (1140)

With respect to the principles in Schedule A, I note that they have evolved in a very positive way from those which were laid out in the white paper. It is here in these principles that the bill approaches what could be a meaningful act of legislation. For example, principle 4 calls on us to anticipate, prevent, mitigate significant adverse economic environmental, et cetera, effects of decisions. This principle says clearly to me that we should do everything in our ability to slow global warming and climate change, but the principles are just principles. After all, this bill is careful to ensure in 8(4) that we cannot hold anyone accountable for them.

In Section 4(4), the round table, I believe that it should compromise a variety of sectors of the population. Sorry, did I—I meant comprise. Its members should be elected by its constituency and should have accountability. The large number of cabinet ministers on this committee makes it just another committee of the government. In fact, I note that you could have quorum with a majority of say—if you had a round table of 21 members, you could have a quorum with 12 people, the majority of whom are cabinet ministers, and that is totally inappropriate.

In Section 5(c) sub(iii) and (iv), I note that the unit will now have responsibility for developing sustainability indicators and preparing the sustainability reports, yet there is no requisition given for expertise or background within the unit. I think that is a serious mistake and needs to be rectified.

Section 10(1), the phrase, quote, or at other times as may be decided by the minister—I think this is in relationship to the number of times sustainability reports need to be made—gives too much discretion to the minister. Such reports should be made at minimum

every two years. With respect to the fund, we believe that—sorry, I keep saying “we” and I have worked together with a number of people on this issue, as most of you know, but this is my own presentation. I believe that the funds should undergo each year not only a review but an independent audit of the fund disbursements in accordance with clearly laid-out criteria.

Finally, I just wanted to mention a connection with The Freedom of Information Act, the hearing which I sat in on last night. I am not completely familiar with what might happen with that act and now I understand new amendments have been brought forward, but there is a great concern, I think, that it may affect the public registries and the access to the public of information about environmental assessments, and that is something that absolutely should not happen and in accordance with the principles which are laid out, we need very, very clear and meaningful access to everyone in the public for timely information, especially on all these developments. That is my presentation.

Mr. Chairperson: Thank you, Ms. Lindsey. Questions?

Mr. Struthers: Ms. Lindsey, I appreciate you coming out and making the presentation to this committee and expressing your views on sustainability and presenting your problems and concerns with this particular act. Would it be fair for me to characterize this act as at least thinking globally but not acting locally?

Ms. Lindsey: Yes, I suppose so. It is like Harry said in his comments, that it is like trying to encourage people to think better, and I applaud that. I think it is great. Education is very important, but as a piece of legislation, it really does not make much sense.

Mr. Struthers: The government has backed down quite a bit from its vision as presented in the White Paper on Sustainable Development that it introduced obviously in 1996, to produce a bill that is pretty much watered down from what it originally intended to present to the people of Manitoba. What can this government do in particular, some tangible things that this government can do? If Bill 61 is voted on and is proceeded with, becomes law, what can this

government do next in order to strengthen Bill 61, in your view?

Ms. Lindsey: To strengthen the bill as it now stands?

Mr. Struthers: Yes.

Ms. Lindsey: Well, I would say to strengthen the bill as it now stands, we have to work very hard to maintain, make sure that those principles somehow get to be evolving into actual law, into things that when an action is taken, somebody can hold whoever takes that action accountable using those principles as criteria and not be told, well, sorry, but they do not really count. That is my view, that the best thing that could be done to strengthen this act, along with some of the other recommendations that I just made regarding the fund, the composition of the round table and that kind of thing. I am not, at this point, speaking to any potential legislation that might come forward regarding development licensing.

Mr. Cummings: I just want to thank you for your presentation, and I hope that your comments about you feel like dropping out of the process are said only in frustration, because I think we would be missing a strong voice if you did not continue to have input in this area.

The one concern that I have, however, about the process as it has evolved, would you agree, because the white paper concept has been used very seldom in this province, that perhaps it is not well enough understood out there, that it was meant to be for discussion and bring out the very arguments that it did and that perhaps, if that process is to be used, it might be better understood in the future? I do not mean that people did not deliberately understand it, but simply because it is not used, some people saw the first drafts as being legislation in making as opposed to draft legislation for discussion.

Ms. Lindsey: Yes, I would agree with you. I do not think that people are very familiar with the white paper process. That particular white paper was scary; it scared a lot of people, as you know. You have met with many people from different constituencies that were very concerned about it. In some ways, I think that the idea of putting forward a white paper is a very

good one, and I would have liked and still would like to see that happen on The Freedom of Information Act. I know the same committee is hearing discussion on that right now as well, so I will just throw that in.

Yes, I believe a lot of people did look at that white paper as legislation in the making, but I think some of the things in the process of discussion of that white paper made that impression more tangible. Those were things like what looked like a real artificial limit on time for discussion; the timing of the public hearings right before Christmas, you know, things like that, where I think there was a lot of frustration around that process. If we are going to have a system of developing white papers and opening it up for public discussion, then I think that process needs to be amended to be more open, to have better timing, and then perhaps people will enter.

Well, the other part of it too is, I think in terms of the agenda setting, people need to feel that they have some power to help influence the agenda of a white paper, especially in this area where there is so much talk and lip service given to consensus building. So unless people feel very much in on the ground floor, that process will not happen.

Mr. Cummings: Not to prolong the discussion, but I think for the record it should be known that that in fact was one of the issues that we were the most sensitive to. We felt that after four years of having had an ongoing discussion about sustainable development, that we had engaged the public. One of the very concepts and basic tenets of sustainable development is that there has to be some buy in and at least a comfortable opportunity to be involved in the process. That is why the second part of this bill will be into a further discussion, and it cannot be seen to be top down. It will be seen to be built on consensus.

Ms. Lindsey: Fine. I do not have any further comments.

Mr. Chairperson: Thank you for your presentation today.

Back to Bill 53, for the second and last call, the City of Winnipeg. Seeing as they are not here, their name will be removed from the list. Back to Bill 61, the City

of Winnipeg, and as they are not here, their name will be taken from the list also.

That concludes the presentations, but I will canvass the room to see if there are any more persons wishing to speak to the bills that are referred to the committee this morning. Seeing none, is it the wish of the committee to proceed with clause-by-clause consideration of the bills? Agreed?

Mr. Struthers: Yes, just for how long will we be doing clause by clause, until what time?

* (1150)

Mr. Chairperson: It is my understanding there was an agreement with the House leaders that we would stay here—I do not know—I guess until we decide that we have to move on. Does anybody want to set a time?

Mr. Steve Ashton (Thompson): We are obviously before the normal hour of adjournment. I would suggest we start the process. I can indicate there has been some willingness to schedule clause by clause concurrent with the House. We are doing that with a number of other bills. So rather than push right through the lunch hour and into the House time, I suggest we perhaps reassess about 10 after 12 or so.

Mr. Chairperson: Okay. Reassess at a quarter after for even numbers. Agreed? [agreed]

We have two bills that I understand there is a bit of an urgency because of staffing, but would it be the will of the committee to just hear the opening statements in Bills 300 and 301? Agreed? [agreed]

I would ask Mr. Laurendeau to come forward. Prior to hearing the opening statements, we are asking to hear from the Legislative Counsel. I welcome Shirley Strutt to the table, and I would ask her to make her comments on Bill 300.

Bill 300—The TD Trust Company and Central Guaranty Trust Company Act

Ms. Shirley Strutt (Legislative Counsel): Mr. Chairperson, members of the committee, as required by Rule 108 of the Rules of the House, I now report that I

have examined Bill 300, The TD Trust Company and Central Guaranty Trust Company Act, and would note for the committee the following:

The bill is designed to transfer trusteeship and agency business from one company to another. In such bills, the rights of third parties are usually stated to continue as against the successor. However, subsection 6(2) of this bill reads as follows: “6(2) TD Trust Company is not liable for any debts, liabilities or obligations arising out of any act or omission on the part of Central Guaranty Trust Company in respect of a document or trust to which section 3 applies that occurred prior to the first day of January 1993.”

The committee may wish to ask counsel for the petitioners for an explanation of that subsection and its relationship to Section 7 which provides: “7 Nothing in this Act changes or otherwise affects the law with respect to the rights, liabilities or obligations of TD Trust Company as successor trustee to Central Guaranty Trust Company.”

I would note also for the committee that a bill substantially in this form, including the provisions just noted, has been enacted by several other Legislatures. I also have a list of those Legislatures if committee members are interested in that.

Mr. Chairperson: Thank you. Does the sponsor of the bill have an opening statement?

Mr. Marcel Laurendeau (St. Norbert): My only remarks, Mr. Chairman, are that we gave the reasons for the bill in the House yesterday. I have given to the Leader of the Opposition (Mr. Doer) and the other critics and the members of the committee the legal opinions to verify against Section 108 of the act. That would be my opening statement.

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, I just briefly want to say that we have received the information that the member has indicated. We have looked at the information, and we are prepared to pass this legislation, particularly in light of the fact that other provinces have already passed identical information, and, more recently, since Saskatchewan has seen no objection to pass this legislation, we are also prepared to give our support to it.

Mr. Chairperson: Thank you for those opening comments. In consideration of a bill, the preamble and the title are postponed until all other clauses have been considered.

Clauses 1 and 2(1)—pass; Clause 2(2)—pass; Clause 3(1), 3(2) and 3(3)—pass; Clauses 4(1), 4(2) and 5(1)—pass; Clauses 5(2), 6(1), 6(2), 7 and 8(1)—pass; Clauses 8(2), 8(3), 8(4) and 9—pass; preamble—pass; title—pass. Bill be reported.

**Bill 301—The Bank of Nova Scotia Trust
Company, Montreal Trust Company of Canada
and Montreal Trust Company Act**

Mr. Chairperson: Now we are going to move on to Bill 301, and, again, I ask Ms. Strutt to make her opening comments.

Ms. Shirley Strutt (Legislative Counsel): Mr. Chairperson, members of the committee, as required by Rule 108 of the Rules of the House, I now report that I have examined Bill 301, The Bank of Nova Scotia Trust Company, Montreal Trust Company of Canada and Montreal Trust Company Act, and would note for the committee the following:

The bill is designed to transfer trusteeship and agency business from one company to another. However, the transaction itself has not yet been concluded as between the companies. The Legislature is being asked to enact this bill in anticipation of the transaction being completed.

Section 1 of the bill provides us as follows: “1(1) In this Act, “effective date” means the date on which The Bank of Nova Scotia Trust Company completes the transaction to acquire the personal trusteeship and personal agency business of Montreal Trust Company of Canada and Montreal Trust Company.”

“1(2) The Bank of Nova Scotia Trust Company shall publish a notice in *The Manitoba Gazette* setting out the effective date and advising that the provisions of this Act take effect as of that date.”

I would note for the committee also that a bill substantially in this form, including a provision like

Section 1, has been enacted by several other Legislatures.

Mr. Marcel Laurendeau (St. Norbert): Mr. Chairman, I have made my statements in the House on this bill. We have brought to the attention of the members that for legal opinions that we have received from Saskatchewan, we will be making an amendment on subsection 1(2), and I will introduce that motion at that time.

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, again with this bill, Gary Doer, our Leader, spoke on the bill yesterday and stated our position, and, just as I indicated earlier, similar legislation has been passed in other provinces, most recently in Saskatchewan. They are in support of the bill, and we are prepared to hear the amendment that the member is bringing forward that will address the concerns that the Saskatchewan government had and are prepared to pass the bill.

Mr. Chairperson: Thank you, Ms. Wowchuk. As in all cases, the preamble and the title are postponed until all other clauses have been considered.

Clause 1(1)—pass. Clause 2.

Mr. Laurendeau: Mr. Chairman, I move

THAT subsection 1(2) be amended by adding “, and shall file a copy of that notice with the Clerk of the Legislative Assembly” after “that date”.

[French version]

Il est proposé d'amender le paragraphe 1(2) par adjonction, après “la présente loi”, de “et en dépose une copie auprès du greffier de l'Assemblée législative”.

This will make it the same as the legislation in Saskatchewan.

Mr. Chairperson: Amendment—pass; Clause 1(2) as amended—pass; Clauses 2(1) and 2(2)—pass; Clauses 2(3), 3(1) and 3(2)—pass; Clause 4(1), 4(2) and 4(3)—pass; Clauses 5, 6(1) and 6(2)—pass; Clauses 6(3), 6(4), 7(1)—pass; Clause 7(2)—pass; Clause 7(3) and

Clause 8—pass; preamble—pass; title—pass. Bill be reported.

Bill 12—The Manitoba Water Services Board Amendment Act

Mr. Chairperson: Now we are going to move on to Bill 12, The Manitoba Water Services Board Amendment Act, and I will ask the minister if he has an opening statement.

* (1200)

Hon. Leonard Derkach (Minister of Rural Development): Mr. Chairman, this bill is primarily of a housekeeping nature in that it proposes changes enabling the government to use fresh water for the benefit of Manitobans. Basically, the amendments enable the province to deal with a specific need and that is in the Cartier region, and it is the construction and operation of a regional water supply system for the R.M. of Cartier, St. Francois Xavier, Headingley and Portage la Prairie.

The municipalities themselves are requesting a partnership involving both public and private financing. This is an innovative partnership and would allow for the use of the most innovative technology in water distribution. As a result, capital and operational costs are shared, achieving the common goals in an efficient and cost-effective way. Amendments enable us to look at future partnering to develop water systems with other R.M.s as well. Regional water systems are prime examples of neighbours working with neighbours to achieve a common goal, in this particular case, fresh, clean water for its residents.

I do not think it needs to be stated that water is very important in attracting development which is vital to the future growth and health of our rural communities. For instance, the Cartier water supply system will service the Isobord plant near Elie, and it requires a guaranteed supply of water in order for it to proceed. In addition, this and future agreements will aid our government's plan to increase value-added exports by \$1 billion within the next decade. The Water Services Board Amendment Act will also help to ensure our communities have access to water. This is an area, Mr. Chairman, that has a fairly desperate need for fresh, clean water.

The proposed partnering approach is consistent with the mandate of Manitoba Rural Development. This same approach has been successful in the construction of the Charleswood Bridge in the southwest of Winnipeg, and it is our belief that regional water systems will one day be looked upon like rural hydro or telephone infrastructure that provide the basic amenities, in this case water, at a reasonable cost to all our residents. The act before us will pave the way for this to take place.

Mr. Chairman, I certainly endorse this piece of legislation as a way of addressing the needs of a large population base in Manitoba, which is at this present time in dire need of fresh, clean water for their communities, for their farms, for their homes and for economic development.

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

Mr. Clif Evans (Interlake): Mr. Chairman, just a very short comment: We are concerned with this amendment.

The minister indicated it is a housekeeping issue. I would think that—in his opening statement he made mention of the Elie Isobord operation that is also requiring the water system to be provided to them—the privatization opportunity that this housekeeping amendment provides is something that we should very much be watching and be careful of, so that in the future we do not see the people who are in need of water be susceptible to increases of cost to them, those that can and cannot afford it.

The minister talks about agreements and also about this bill being able to provide the municipality to have the treatment plant turned over to them. My concern, our concern, is that I would like to see these agreement when they do come into place. We would like to see them here in the Legislature, to see these agreements and how they are put together, how they are drawn up to guarantee, that there are guarantees in these agreements, that the people of these communities have the opportunity at, again, a decent cost and decent proper usage and availability, that they are not having to get down the line somewhere, five, 10 years, six years, all of a sudden costs go up to them. We would

like to see these agreements. We want to make sure that this act of privatization is going to be cost effective to the communities and that these communities and the people of the communities are not going to be at risk of having to pay a lot more either for maintenance or for profit for these consortiums. I am hoping that the government of the day makes sure that these agreements are proper for the benefit of everybody. Thank you.

Mr. Chairperson: Thank you, Mr. Evans.

During the consideration, the preamble and title are postponed until all other clauses have been considered in their proper order.

Clauses 1 and 2—pass; Clause 3—pass; preamble—pass; title—pass. Bill be reported.

Bill 36—The Wildfires and Consequential Amendments Act

Mr. Chairperson: Moving on to Bill 36. This is The Wildfires and Consequential Amendments Act. Does the minister have an opening statement?

Hon. Glen Cummings (Minister of Natural Resources): Only to indicate that this is largely a cleaning up of a number of outstanding issues, and I think the discussion in the House has pretty well covered all the issues, and I leave it in the hands of the opposition.

Mr. Chairperson: We thank the minister. Does the opposition have an opening statement?

An Honourable Member: No.

Mr. Chairperson: Bill 36. As always, the preamble and the table of contents and the title are postponed until all other clauses have been considered.

Clause 1—pass; Clauses 2, 3, 4, 5—pass; Clauses 6, 7(1), 7(2) and 7(3)—pass; Clauses 7(4), 7(5), 7(6), 7(7) and 7(8)—pass; Clauses 7(9), 7(10), 7(11), 7(12), 7(13), 7(14)—pass; Clauses 7(15), 7(16), 7(17), 8 and 9—pass; Clauses 10, 11, 12(1) and 12(2)—pass; Clauses 12(3), 12(4), 13(1) and 13(2)—pass; Clauses 14, 15, 16, 17(1) and 17(2)—pass; Clauses 18(1), 18(2), 19(1), 19(2),

19(3) and 19(4)—pass; Clauses 19(5), 20(1), 20(2), 20(3)—pass; Clauses 20(4)—pass; Clauses 21, 22 and 23(1)—pass; Clauses 23(2), 23(3), 23(4), 24 and 25—pass; Clauses 26(1), 26(2), 26(3), 26(4) and 26(5)—pass; 27(1), 27(2), 27(3), 28(1) and 28(2)—pass; Clauses 29, 30, 31(1) and 31(2)—pass; Clauses 32, 33(1), 33(2), 34 and 35(1)—pass; Clauses 35(2), 35(3), 35(4), 35(5)—pass; Clauses 36(1), 36(2), 36(3) and 36(4)—pass; Clauses 36(5), 36(6), 36(7), 36(8), 36(9)—pass; Clauses 37, 38—pass; Clauses 39(1), 39(2)—pass; Clauses 39(3), 39(4), 39(5), 39(6), 39(7), 39(8), 39(9), 39(10) and 39(11)—pass; Clauses 39(12), 40(1), 40(2), 40(3), 41, 42 and 43—pass; Clauses 44, 45, 46 and 47—pass; table of contents—pass; preamble—pass; title. Bill be reported.

Bill 44—The Municipal Amendment Act

Mr. Chairperson: Okay. We are moving along to Bill 44, The Municipal Amendment Act. Does the minister have an opening statement?

Hon. Leonard Derkach (Minister of Rural Development): Mr. Chairman, in accordance with the recommendations from the Municipal Employees Benefits Board, the government is proposing to provide the Municipal Employee Benefits Board with the authority for the administration of municipal employee pensions.

Now, the amendment intends to transfer responsibility for employee pensions to employers and employees under a trust agreement that will be administered by the board. The amendments were first suggested by MEBB when the new Municipal Act was being drafted for introduction in the 1996 session of the Legislature. Unfortunately, it was not possible at that time to draft the appropriate legislation.

The Municipal Act moved forward with municipal employee pension provisions from the old legislation with the understanding that the amendments would be introduced as soon as possible, and what has been carried forward are some 70 pages of regulations to the Municipal Act which deal with the structure and operations of the Municipal Employee Benefits Board. This legislative amendment that is being proposed would eliminate regulations and put in place a trust

agreement that will be operated by the Municipal Employee Benefits Board.

The trust agreement will be constructed in such a way to streamline operations and allow the plan to be more responsive to its contributors. Mr. Chairman, I have to also indicate that the employees and employers are both in agreement with the amendments that we are making and are very supportive of the direction that this is taking.

Mr. Chairperson: Thank you. Does the critic have an opening statement?

Mr. Clif Evans (Interlake): Just a few words in saying that we have indicated that we do support Bill 44 and are pleased that all the organizations and, of course, the employees are in co-operation with each other in making this a reality and certainly hope that the new agreement and the process benefits all, and, hopefully, we will see a brighter future for the municipal employees. Thank you.

* (1210)

Mr. Chairperson: In the consideration, the preamble and title are postponed until all other clauses have been considered.

Clauses 1, 2 and 3(1)—pass; Clauses 3(2) and 4—pass; Clause 5—pass; preamble—pass; title—pass. Bill be reported.

Bill 53—The Local Authorities Election Amendment and Consequential Amendments Act

Mr. Chairperson: We are now going to move on to Bill 53, The Local Authorities Election Amendment and Consequential Amendments Act. Does the minister have an opening statement?

Hon. Leonard Derkach (Minister of Rural Development): Yes, I do. Mr. Chairman, the amendments to this bill come before us as a result of requests being made of government by municipal groups. Specifically, the initiation of this was done by the City of Winnipeg through the Department of Urban Affairs and is being presented to include all Manitoba municipalities.

The national register of electors is an automated voters' list which will be continuously updated. Elections Canada has confirmed to Manitoba Urban Affairs that it is prepared to enter into arrangements with any municipality wanting access to this register. The intent of this act is to use the register to replace the requirement for municipalities, including Winnipeg, to conduct a house-to-house canvass of electors. Municipalities may continue with such a canvass if they so choose, and many rural municipalities will indeed do that because they are small enough where they can do an enumeration in a matter of a day or part of a day. The intent of the changes is to enable local authorities to take advantage of the new and emerging technologies and to benefit from any related cost savings, and I am told that some of these costs are significant, especially in a city the size of Winnipeg.

We have agreed that appropriate amendments be introduced to allow use of the national register of electors in the 1998 local elections. If the amendment is not passed, municipalities will not have access to the register for the 1998 general election and will have to rely on their traditional means of complying to electors' lists, and we are confident that this legislation will pass and allow them to use that in their next round of elections.

We require this revision at this point in time in order for municipalities to become ready for the 1998 elections and to be able to use this. Now, Mr. Chairman, I have to reiterate once again that this is an enabling piece of legislation which allows them to use the register if they so choose. If they decide to proceed with the traditional method, that is up to that particular municipality. We understand that there were problems with the first list that came through and that corrections are being made to the register and the register will be updated, and we expect that municipalities will be using the most current and updated version of the register rather than relying on the one that had errors in it.

Once again, the municipal corporations have the right to be able to check these lists to ensure that they are accurate and that they can be used with some reliability, and that is really the purpose of the amendment today, to ensure that we are using the technologies that are available to us, that, indeed, we have an opportunity to

see whether or not they benefit us as a municipal corporation, and then it gives that municipal corporation the right to either choose or not choose to use that register.

Mr. Chairperson: I thank the minister. Does the critic have an opening statement? Seeing none, thank you.

As in all other considerations, the preamble and the title are postponed.

Clauses 1, 2(1)–pass; Clauses 2(2), 3, 4, 5(1), 5(2), 5(3), 6–pass; preamble–pass; title–pass. Bill be reported.

Bill 59–The Conservation Agreements Act

Mr. Chairperson: Now moving on to Bill 59. I would ask the minister if he has an opening statement.

Hon. Glen Cummings (Minister of Natural Resources): Only to point out that I believe we have consensus on this bill, and I also appreciate the input of the opposition in getting to where we are today.

Mr. Chairperson: Mr. Evans—I am sorry, Mr. Struthers. Just habit.

Mr. Stan Struthers (Dauphin): I have been called worse, Mr. Chairperson. It is okay.

Mr. Chair, we on this side of the House support any measures on the part of this government or any government to be serious with conservation and setting aside land to be used for conservation purposes. We would encourage the government to continue to work on a consensus model which we see happening with Bill 59, and any other ways that the government can come up with that makes sense as Bill 59 does, we will be fully supportive of. So with just those few remarks, I think we can move on.

Mr. Chairperson: Thank you, Mr. Struthers.

As always in the consideration of a bill, the preamble and title are postponed until all other clauses have been considered.

Clauses 1, 2(1) and 2(2) and 2(3)–pass; Clauses 3(1), 3(2), 4, 5–pass; Clauses 6(1), 6(2), 7(1), 7(2), 7(3)–pass; Clauses 7(4), 7(5), 7(6) and 7(7)–pass; Clauses 7(8), 8(1), 8(2), 8(3)–pass; Clauses 8(4), 8(5), 8(6) and 9(1)–pass; Clauses 9(2), 9(3), 9(4) and 9(5)–pass; Clauses 10, 11, 12 and 13–pass; preamble–pass; title–pass. Bill be reported.

The hour is 12:15, I am asking for direction from the committee. We have one bill left, Bill 61 to consider. What is the will of the committee?

Mr. Cummings: Is there understanding among the House leaders that this committee could reconvene this afternoon to consider that bill? I understand there is some debate on a couple of amendments. Therefore, I would agree, committee rise.

* (1220)

Mr. Chairperson: The hour now being 12:20, committee rise.

COMMITTEE ROSE AT: 12:20 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 61–The Sustainable Development and Consequential Amendments Act

Addendum

SUSTAINABLE DEVELOPMENT– A LABOUR VIEW

(Paper given at Persistent Organic Pollutants Conference, December 5, 1996, Chicago, Illinois)

I think we often fail to understand each other's positions because we don't try to put ourselves in their shoes. So, I'd like to start by asking you to imagine yourself in this hypothetical situation. The example is deliberately stereotypical—any resemblance to real persons is entirely coincidental.

Imagine yourself to be a worker in a chemical plant. You have a steady job that pays well and twenty years

seniority. If you lose this job, you know in your heart that you will not get another like it; in fact you will be lucky to retain half your present purchasing power and you will lose your pension, benefits and the dignity and pride that go with being able to provide for your family a reasonably comfortable life. You have been told by the company in meetings that the success of the new production facilities under construction are the only hope that this plant will remain open at all. On the other hand, you also have some health concerns related to the production of certain materials at the plant and you don't know if you entirely trust the management to protect either your health or your job. There do not seem to be many options open to you, however. Your understanding of production economics, labour relations and occupational health is highly effective, but generally at a practical get-the-job-done level. You have not necessarily given a lot of thought to political decision-making processes or environmental ethics.

One day you arrive at work to find several million dollars' worth of construction equipment sitting idle and a couple of hundred construction workers standing around, unsure of what to do next. You hear that an environmental group has won a court order halting the new production facility from being built. How would you react?

This debate is only partially about who is right, and who is wrong, about toxic pollution levels or economic impacts. Much more fundamentally, it is about how society will make decisions about sustainability, and who will pay the price of those decisions. Will it be those who have the deepest pockets or will it be those who can get the best press?

To those of you who feel most sympathetic with environmental activists, I would say this: We in the labour movement are your best friends and your strongest allies in the search for a sustainable future. Workers have been the "canaries in the mine" for society, and the corpses of our brothers and sisters have identified most of the chemicals that you are now campaigning to rid the environment of. However, if you attack us in our workplaces, if you fail to understand the jobs issue, you will create a confrontation that you cannot win. You will force us into an alliance with our employers and you, we, society and the environment will all be the losers.

To those of you who sympathize most strongly with the business side, I would say this again: We in the labour movement are your best friends and your strongest allies in the search for a sustainable future. Workers depend on your economic success for our jobs and our future. We understand that as long as there is industrial activity, there will be an environmental impact: There is no "clean" production; only "cleaner" production. The second law of thermodynamics will get us in the end. However, if you continue to treat us as commodities instead of human beings, if you continue to shed jobs at every opportunity using the excuses of globalization, automation, downsizing, mergers, and contracting out, if you continue to poison our bodies and then fight our attempts to obtain even workers' compensation in return, you will have to forgive us for being somewhat skeptical when you promise to save our jobs.

At the recent National Convention of the CEP, a resolution was passed calling for the creation of a "Just Transition Program". If society must make some tough choices about which economic activities we are willing to continue and which we are willing to forgo, a structured transition or "just" transition program is necessary, if the costs of those decisions are to be shared fairly. For it is absolutely clear that without such a plan, the people that will pay 99 percent of the price of change will be the workers in the affected industries and the communities that rely on the income of those workers. Capital can write off losses, collect insurance in some cases, and reinvest elsewhere. Workers do not have their kinds of options. Without a "Just Transition Program" you guarantee conflict and possibly violent conflict. That is your choice.

There is no future for our unions and the legitimate interests of our members by throwing our lot in blindly with either environmentalists or employers. We have our own legitimate perspective. We must however, do a better job of articulating it.

If we fail to preserve the environment, we face global catastrophes. On the other hand, if we ignore economic and social needs, we will face catastrophes of a different sort. It is clear that major structural changes in the way society and the economy operate must take place if we are to move towards sustainability. These changes will cause massive shifts in employment

patterns. Workers, their families, and their communities must not be asked to bear 100 percent of the costs of a transition to sustainability.

What would such a "Just Transition Program" provide for?

1. Protect the purchasing power of workers and their families.
2. Facilitated transition of environmentally displaced workers to new employment.
3. A redefinition, if necessary, of the term employment to reflect the principles of sustainability.
4. Support for communities dependent on sunset industries.

How will we win a just transition? First, by setting our own house in order. Second, by working within the organizations we already have, or belong to, or are affiliated with. Third, by explaining our position to the public. Fourth, by educating our members and finally, by building alliances with environmental groups or employers who accept the "Just Transition" concept as a pre-condition to debating any question of environmental change.

Since we all still rely on an economic system that rewards production, consumption, and growth over sustainable practices we may have to find a way of defining the "value" we place on the environment as well as on social needs. This value may or may not be fixed in terms of dollars, but somehow, it must be real value in "God's currency" if you will.

Our present governments seem unresponsive to environmental concerns and certainly to labour's concerns. Yet, environmental issues consistently place high in public opinion polls asking people what is important to them. We have a problem if industry is moving public policy in one direction, while environmentalists are moving public opinion in the opposite direction. This is a recipe for confrontation, and possibly a violent one. Working people are caught in this confrontation, "sympathetic to the one side, but dependent on the other."

Are some environmentalists just alarmists? Does "good science" show us that our problems are really minor? Experience in the occupational health field has

taught trade unionists that when scientists disagree, the worst case scenario usually turns out to be closest to the truth. In any case, if we want to guarantee the worst case scenario, the best way to do that is to pretend that problems do not exist.

Sustainable development theory says that we must meet the "needs" of today's generation without compromising the ability of future generations to meet their needs. "Needs" does not just mean economic needs and environmental needs, but includes social needs as well.

What we are asking for, fundamentally, is that public policy be set by the public and not just by those with the best press or the deepest pockets. The debate about what exactly we mean by sustainability is also a debate about what we mean by democracy.

For example, sustainability does not mean that economic concerns override all others. But neither does it mean that environmental purity is the only consideration when we make decisions as a society. Suppose that I discover a drug that will cure cancer, or AIDS. Suppose that the manufacture of this drug will create an extremely toxic waste that I cannot dispose of, that I can only store. Do you suppose that society will tell me not to make it? Would you?

People who are desperate are not worried about the environment. Right now, Canada and the U.S. have a lot of desperate people, the result of deliberate government policy decisions. Are we going to tell desperate and worried people and communities that their factories, mines and mills must close for the good of the environment? Perhaps we can, but only if we can tell them what will happen, and what they will be doing, afterwards. And what happens when the generation and accumulation of wealth by the few no longer produces jobs so that the rest can earn a small share in that wealth? Perhaps we need some new ground rules for society, again in the form of public policy set by the public.

Remember that our members make their living working in so-called "toxic production", and therefore this debate means more to us than just an academic discussion about economics and the environment. The sustainable operation of these facilities is as important

an issue to us as it is to any other group. We are stakeholders, and important ones in this question, and we are pleased to participate in your process.

The planet Earth has been compared to a spaceship. It is a finite environment, with finite resources on board and no new supplies coming in. I will therefore conclude with this thought: On spaceship Earth, there are no passengers, only crew. You, me, all of us—we are that crew. It is time for some decisions. We must decide wisely, for this may be our last chance to do so.

Brian Kohler
Winnipeg, Manitoba

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Resolution #1

INTEGRATED DECISION MAKING IN LAND USE PLANNING, ENVIRONMENTAL MANAGEMENT AND PROTECTION IN MANITOBA

A. Leadership

Whereas we have a global responsibility for the environment that requires international, national, provincial and local co-operation, and

Whereas the government of Manitoba's vision of environmentally sound and sustainable economic growth of Manitoba is governed by the principles of sustainable development and achieved through fundamental guidelines of sustainable development, and

Whereas land use and settlement patterns can be designed to anticipate and minimize environmental damage, to reduce the cumulative impacts on air, water and land, and to use resources efficiently, and

Whereas the government of Manitoba minister with responsibility for The Planning Act has specific power to order, amend and submit development plans to the Lieutenant-Governor-in-Council for approval; therefore be it

Resolved that the Provincial Council of Women of Manitoba urge the government of Manitoba to continue to pursue a leadership role in land use planning, environmental management and protection.

B. Protection of Manitoba's groundwater resources

Whereas the best possible public information of the province's groundwater resources is necessary to ensure the quality of groundwater is suitable as potable water and as a pure recharge source, and

Whereas specific information on groundwater is difficult to obtain; therefore be it

Resolved that the Provincial Council of Women of Manitoba urge the government of Manitoba to ensure that the following information is readily available to the public in the form of maps and associated reports:

1. Delineation and evaluation of the hydrological, geological, chemical and geographical attributes of the province's groundwater resources; and
2. Identification of existing and potential threats to groundwater resources, for example, residential development, landfill sites, industrial and commercial practices.

C. Standards for sewage treatment and septic

Whereas in Manitoba there are numerous recorded cases of septic systems with operational difficulties causing sewage water to pond and/or run into the drainage ditches or waterways, and

Whereas Ontario has recognized sewage treatment to be a major planning problem, both in communities with sewage treatment plants and in communities relying on private, conventional septic systems, and to address these and other water-quality problems the Ontario government has undertaken the Municipal-Industrial Strategy for Abatement

program and is considering the Sewell commission recommendations for a system of licensing, approvals, time-limited permits, and inspections for the installation and maintenance of septic systems; therefore be it

Resolved that the Provincial Council of Women of Manitoba urge the government of Manitoba to submit regulations, proposed regulations, and ministerial variances to regulations pertaining to private and communal sewage disposal systems to comprehensive review under The Manitoba Environment Act.

D. Integrated decision making and planning

Whereas The Environment Act, The Public Health Act, The City of Winnipeg Act, The Planning Act (including the Provincial Land Use policies, Manitoba Regulation 217/80) and The Municipal Act fall under the jurisdiction of four different ministers and their various departments, and

Whereas numerous planning districts and municipalities throughout the province have an important role at the local level in land use planning, environmental management and protection, and

Whereas early in the Plan Winnipeg review process, the Province of Manitoba forwarded to the City of Winnipeg and the general public a "Statement of Provincial Interests in Plan Winnipeg Review" and, later, "Directions for Plan Winnipeg," and

Whereas other municipal plan by-laws in the province do not benefit from similar timely and open leadership from the Province of Manitoba; therefore be it

Resolved that the Provincial Council of Women of Manitoba urge the government of Manitoba to:

1. Amend The Planning Act so that municipal or planning district decision making is supported by:

- (a) timely, publicly available "Statement of Provincial Interests" and "Directions" for development plans (including plan reviews, significant plan amendments and local improvement districts which do not conform with existing plans or the Provincial Land Use policies, and subdivision approvals), and

- (b) the groundwater information in Resolution C above, and

- (c) data on the demand and supply of the various proposed land uses, and

- (d) full cost accounting data, and

2. Amend The Environment Act and The Public Health Act to ensure that environmental and health hazards or potential hazards which should be factored into future decision making are routinely reported and mapped, and

3. Amend The Municipal Act so that proposed local improvement districts must comply with existing development plans and the Provincial Land Use policies, and

4. Encourage the use of sunset clauses in land use approvals in such a way as to promote orderly, staged development that makes the most efficient use of resources.

E. Public participation and access to adequate information

Whereas although public participation is part of the approval process for sustainable development strategies, environmental licences for certain classes of development, development plans, amendments to plans, and local improvement districts, without a clear sequence of approvals - from the broadest concept to the specific project - public participation is not meaningful, and

Whereas information is produced by a number of agencies which collect relevant data and are capable of carrying out professional analysis; therefore be it

Resolved that the Provincial Council of Women of Manitoba urge the government of Manitoba to designate a minister responsible for co-ordination and/or a lead agency to ensure that the public has timely access to relevant information, including staff reports, and is encouraged to participate in a clear sequence of approvals, from the broadest concept of the specific project.

Background

Leadership is the responsibility of the provincial government through existing legislation, such as the provincial land use policies, environmental regulations, et cetera. If these wise policies and regulations were followed, the wider Manitoban public interest would be served. However, unless all the parties involved know that, as a condition of approval the province will insist that the regulations be followed, they will be ignored.

If the many Settlement policies and actions suggested in the Capital Region Strategy workbook were the sole responsibility of the provincial government instead of, as suggested, a shared responsibility between the Manitoba and municipal governments, effective implementation would be more likely. Without clear provincial leadership, urban sprawl in the Capital Region will continue to increase.

Groundwater mapping is best co-ordinated through the departments of Natural Resources and Environment. The research and technical expertise can be used to collect the data from the regions of Manitoba and to prepare it for policy and planning purposes. We were dismayed that it took two letters, a number of phone calls and four (4) months to receive information about groundwater and pollution sites in East St. Paul. The relevant information should have been available for a municipal board hearing but the reply materialized months later.

Sewage treatment and septic field failures are well known, especially on the clay soils around Winnipeg. Piped services are expensive for low density residential development, but failure to deal with the problems raises the risk to public health. The grey water and black water lessons should also be given high priority in future planning.

Integrated decision making. The Provincial Land Use Committee of cabinet and the interdepartmental

planning board are designed to co-ordinate and integrate land use and environmental issues. What went wrong in the cases of East St. Paul and Headingley development plans, we wonder? Neither of the municipalities had any direction from the province (compared to the detailed and lengthy Provincial Directions to the City of Winnipeg concerning Plan Winnipeg).

In memos and letters the Manitoba government's own policy analysts in the Departments of Rural Development and Urban Affairs pointed out where the respective draft development plans strayed far away from the land use policies. These memos and letters never went to the Municipal Board. In July, 1994, before the East St. Paul draft plan went to the Municipal Board, no one in Rural Development could tell us whether or not the draft plan conformed with the PLUP. We had to apply, under The Freedom of Information Act, to get the answers. Timely, public access to information is essential for public participation.

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Passed by P.C.W.M. November 1993.

Elizabeth Fleming
Chair, Councils of Women Urban/Rural Issues
Committee