

**Third Session – Forty-Second Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Mr. Jon Reyes*  
*Constituency of Waverley*

**Vol. LXXV No. 11 - 6 p.m., Wednesday, April 21, 2021**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-Second Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Wednesday, April 21, 2021**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Jon Reyes (Waverley)**

**VICE-CHAIRPERSON – Mr. Shannon Martin (McPhillips)**

**ATTENDANCE – 6 QUORUM – 4**

*Members of the Committee present:*

*Hon. Messrs. Eichler, Helwer*

*Messrs. Brar, Lindsey, Martin, Reyes*

**APPEARING:**

*Mr. Dougald Lamont, MLA for St. Boniface*

**PUBLIC PRESENTERS:**

*Bill 3 – The Public Service Act*

*Mr. Kevin Rebeck, Manitoba Federation of Labour*

*Mr. Bruce Gammon, Legal Aid Manitoba*

*Ms. Michelle Gawronsky, Manitoba Government and General Employees' Union*

*Bill 12 – The Crown Land Dispositions Act (Various Acts Amended)*

*Mr. Evan Balzer, private citizen*

*Mr. Ian Robson, private citizen*

*Ms. Anastasia Fyk, National Farmers Union*

*Mr. Bill Uruski, private citizen*

*Mr. Glenn Hudson, Peguis First Nation*

*Mr. Tom Nevakshonoff, private citizen*

*Mr. Dean Harder, private citizen*

*Mr. Don Sullivan, private citizen*

**WRITTEN SUBMISSIONS:**

*Bill 12 – The Crown Land Dispositions Act (Various Acts Amended)*

*Constance Menzies, private citizen*

**MATTERS UNDER CONSIDERATION:**

*Bill 3 – The Public Service Act*

*Bill 12 – The Crown Land Dispositions Act (Various Acts Amended)*

\* \* \*

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

Our first item of business is the election of a Chairperson.

Are there any nominations?

**Mr. Shannon Martin (McPhillips):** I'd like to nominate Jon Reyes.

**Clerk Assistant:** Mr. Reyes has been nominated.

Any other nominations?

Seeing none, Mr. Reyes, please come take the Chair.

**Mr. Chairperson:** Our next item of business is the election of a Vice-Chairperson.

Are there any nominations?

**Hon. Ralph Eichler (Minister of Economic Development and Jobs):** I would nominate Mr. Martin.

**Mr. Chairperson:** Mr. Martin has been nominated.

Are there any other nominations?

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

This meeting has been called to consider the following bills: Bill 3, The Public Service Act; Bill 12, The Crown Land Dispositions Act (Various Acts Amended).

I'd like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause-by-clause of a bill, except by unanimous consent of the committee.

A written submission from the following person has been received and distributed to committee members: Constance Menzies, private citizen, on Bill 12.

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

I would like to draw members' attention to Mr. Fred Tait, who is No. 5 on the list of presenters to Bill 12. He is joining us this evening by calling in from a landline.

Is there leave of the committee to allow Mr. Tait to be the first to present to tonight's committee? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members.

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

The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Also, if any presenter has any written materials for distribution to the committee, please send them by email to the moderator, who will distribute it to all committee members.

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

As agreed, I will now call on Mr. Fred Tait. Mr. Tait, and the moderator, if you could link them to the committee members. Okay. So we're just waiting in this case from the screen to signify that Mr. Tait is ready.

This is the Chair. If you can unmute yourself by pressing \*6 and that will allow you to give your presentation. Can you hear me, Mr. Tait? Mr. Tait, if you can hear me, press \*6. Mr. Tait, if you can hear me, press \*6 and speak.

Mr. Tait, please proceed with your presentation. You have 10 minutes. If you're there.

Hi, Mr. Tait, I think we can hear you. Can you hear us? Mr. Tait, if you can hear me, please proceed with your presentation.

Mr. Tait, if you can hear me, we are just checking our end.

Honourable Minister Helwer, can you please just test your speaker, if we can hear you. Thank you.

**Hon. Reg Helwer (Minister of Central Services):** I can hear you now, Chair. I could not hear you earlier. I hope you can hear me.

**Mr. Chairperson:** Yes, we can hear you now.

Mr. Lamont, test, one, two. Can you just give me a test?

**Mr. Dougald Lamont (St. Boniface):** I can hear you. Can you hear me?

**Mr. Chairperson:** Thank you, Mr. Lamont. Yes, we can hear you, thank you.

Mr. Tait. Mr. Tait, can you hear us?

Since we are having issues with Mr. Tait, we will proceed to the next presenter, that presenter being Mr. Don Sullivan.

However, is it the will of the committee to have Mr. Tait join back in once technical issues are resolved? Is that the will of the committee? *[Agreed]*

Mr. Tait, if you can hear me, if you can disconnect from the call, and one of our Assembly staff will be in touch with you. Thank you.

### **Bill 3—The Public Service Act**

**Mr. Chairperson:** I will now call on Mr. Don—*[interjection]*—sorry, I will now call on Mr. Kevin Rebeck, Manitoba Federation of Labour, and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Mr. Rebeck, please proceed with your presentation.

**Mr. Kevin Rebeck (Manitoba Federation of Labour):** I'm pleased to speak to Bill 3, The Public Service Act.

The Manitoba Federation of Labour is Manitoba's central labour body, made up of 30 affiliated unions and representing the interests of more than 100,000 unionized workers in our province.

While there are some provisions in the bill that make sense, the heart of Bill 3 is yet another attack on the people who provide critical provincial public services to Manitobans, and we therefore urge the government to withdraw Bill 3.

I want to start off saying that there are some parts of the bill which we agree with. The changes that highlight the values of public service and implement

anti-harassment language and processes as they pertain to both the core public service and broader public service are measures we support. These initiatives could be pursued and implemented separately from this bill, rather than being included in such a fundamental attack on collective bargaining rights of provincial civil servants.

There are problematic elements to this bill that would remove critical processes that allow civil servants and their employer to reach fair collective agreements without work stoppages that could impact services that Manitobans rely on.

Currently, upon the request of the union or the employer, The Civil Service Act requires the appointment of an impartial third party arbitration panel to hear both sides and determine a settlement. This ability to engage in binding arbitration creates an incentive for both the employer and the union to negotiate in good faith and to reach agreements that both sides can live with, rather than having one imposed by a third party, which one side may not like.

\* (18:10)

We do note that the Finance Minister has been refusing to appoint an arbitration panel and was directed to do so recently by the Court of Queen's Bench. This ruling follows last summer's Court of Queen's Bench decision that struck down provincial wage-freeze legislation as unconstitutional and which called that legislation draconian.

When it comes to attacking—attacks on worker rights, this government has a low batting average in court. It makes us wonder why this government's choosing to spend more time and money on appealing the provincial wage-freeze decision.

Fairly bargaining contracts in good faith is in the interests of the employer, government, the dedicated public servants who are employed in the civil service, and it's good for all Manitobans. And, explicitly, this bill would eliminate this provision that's helped ensure successful collective bargaining for so many years. Simply put, if it ain't broke, don't fix it.

Bill 3 also removes another long-standing tool to encourage harmonious labour relations. The Civil Service Act currently establishes a joint council, a forum, where the government and the union can get together on a regular basis to discuss ongoing issues, to consult, to problem-solve, and to work together to improve public services. Historically, joint council has been a venue for free and frank discussion and has

helped strengthen the working relationship between the government and the MGEU.

Manitobans know the best way to work through our differences is to discuss them and try and find common ground and work towards solutions. It makes no sense to eliminate a tried and tested forum for the employer and employees to meet, discuss, and solve problems together.

I want to end by saying that this government has consistently made decisions to impede collective bargaining, to attempt to strip away worker rights and to disregard the very real needs and priorities that working families have in our province. Funding cuts, privatization of services, wage freezes and layoffs are not the answer as we face the unprecedented challenges of the COVID-19 crisis.

Manitobans are a fair-minded people, and we want employers and employees to work together to settle fair deals that are good for our economy. It's unfortunate this government does not share that goal.

Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Are there any other—do members of the committee have questions for the presenter?

**Hon. Ralph Eichler (Minister of Economic Development and Jobs):** Thank you, Mr. Rebeck, for your presentation.

As I'm sure you know, The Civil Service Act was first enacted in 1885, so this act will replace that act. I imagine that you well know that labour unions did not exist at that time and we had to make several amendments all the way along. So this is a new act that modernizes the civil service and modernizes how we deal with the civil service.

You mentioned harassment—a harassment legislation, which we have been very proactive in not only bringing in, but also making sure that people had the access, multiple access opportunities for that, and collective bargaining continues to be an underpinning of our relationship with the various unions and many unions that we deal with. We continue to promote the collective bargaining that is in place in Manitoba and this act will continue to do that.

Thank you.

**Mr. Rebeck:** Yes, but this bill doesn't do that.

This bill creates more problems than it solves. What it does is it eliminates the ability to come to a

conclusion when differences are met at the bargaining table. The act, as it currently stands, has asked for binding arbitration, where a neutral third party can settle labour disputes and not end up in positions where there's long strikes or lockouts. And this act eliminates that opportunity.

Further, it eliminates a tried and true practice of working together and collaborating, having frank discussions and problem-solving together through a body that has employer and employees finding solutions that work and make sense. That's just wrong and we should step away from this act.

**Mr. Tom Lindsey (Flin Flon):** Well, thank you for coming out again tonight to present on another bill that attacks labour.

You talked some about the changes to the arbitration panel and the arbitration process. There's other things within this bill that venture into the realm of collective bargaining, such as seniority when it comes to recruiting and selecting. It talks very specifically about merit issues to be the main driver.

Does anywhere in this act, does it talk about seniority and the rights that really should be there?

**Mr. Rebeck:** I think this act is just fundamentally flawed.

I'm not sure if there wasn't enough—or any—consultation and discussion with the parties involved. It eliminates a bunch of tried-and-true practices that have led to good, positive labour relations between MGEU and the government. It set a framework that allowed for disputes to be handled in a way that was fair and reasonable and allowed both workers and employers to work together and find win-win solutions.

This bill, as it stands, eliminates those opportunities, and that's not what Manitobans want. And, frankly, not what they need in times of crisis like this.

**Mr. Lindsey:** So, we heard the minister talked about how this particular—or the act that this was been replacing has been in place since, I think he said 1885. I'm sure you're well aware that there's been any number of changes, amendments, updates that keeps the core values of what was there and updates it for modern reasons.

Can you think of any reason why that couldn't have been done this time, where if there was something specific that needed to be updated, why you would throw the baby out with the bathwater in this case and introduce something completely new?

**Mr. Rebeck:** The only conclusion someone can come to, seeing this bill as it stands, is that there's a concentrated effort to eliminate the path to collective bargaining, arbitration to allow a mechanism that works and solves disputes.

They're doing it in this bill. They're doing it in Bill 16. They are attacking collective bargaining rights and it eliminates the ability for employers and employees to problem-solve together.

There's no reason that they couldn't have made some adjustments or amendments that dealt with the harassment and valuing public services. This does the opposite of that. It devalues them by not allowing arbitration, by not allowing collaboration.

**Mr. Chairperson:** Are there any other questions from the floor?

**Mr. Dougald Lamont (St. Boniface):** Just to be clear, I mean, you haven't—you weren't consulted on this, clearly.

If you can say a word—do you know of any consultation that happened prior to this bill being introduced?

**Mr. Rebeck:** I'm not aware of any consultation being done by this government in regards to this bill.

I think workers need to be part of building these solutions together. This seems to be a pattern with this government, that often these ideas come forward.

If there is collaboration, it really just means they gave some notice that they were making changes and they're very light on the details. The changes, then, result in dramatic changes to collective bargaining rights that limit and worsen things for working families.

**Mr. Chairperson:** Thank you, Mr. Rebeck. This concludes the time for questioning.

I will now like to recall Mr. Tait. If Mr. Tait is on the line, I believe you press \*6 and we will be, hopefully, able to hear you. Mr. Tait, please proceed with your presentation.

Mr. Tait, this is the Chair. We still are unable to hear you. We're just wondering if you're on hands-free or if you actually have your phone by your face, there, so that we can hear you, may be better versus the hands-free option. I don't know if that's the case, but if you could say a few words so that we can hear you, that'd be great.

\* (18:20)

Mr. Tait, we are still experiencing technical difficulties, so we are going to drop you to the bottom of the list, to hopefully still allow you to speak.

And, therefore, just want to—is it the will of the committee to have the next speaker present? *[Agreed]*

I will now call on Mr. Bruce Gammon of Legal Aid Manitoba, and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Mr. Gammon, please proceed with your presentation.

**Mr. Bruce Gammon (Legal Aid Manitoba):** Hello, can you see and hear me?

**Mr. Chairperson:** Yes, we can. Please proceed—your presentation, Mr. Gammon.

**Mr. Gammon:** I want to begin by acknowledging my presence on Treaty 1 lands, the lands of the Ojibwe and Dakota peoples, the Oji-Cree, Cree, Dene and Métis peoples of Manitoba and the debt due to—all of us—to these First Peoples who helped us survive settlement and provided a place for us in this land. We wouldn't be here but for their generosity.

My presentation to the committee today will be restricted to section 103(2) of Bill 3. This provision—as I've indicated in the documents which have been provided as a presentation brief—this provision of the act specifically changes The Legal Aid Manitoba Act, and the effect of the change would be to bring the employees of Legal Aid Manitoba within the department—a department of the government of Manitoba—and have them fall under the workplace management of the department of the government of Manitoba.

In the presentation brief—can I just confirm that the committee has received the brief? I understand it was circulated. In the presentation brief, you'll find a chart of the various provisions of the act which outlines the changes in particular and demonstrates that the deputy minister of what—of the department assigned would be involved in the hiring, recruiting and setting policies and standards for employees, the promotion and transfer of employees, the layoff of employees, including layoff without cause, the suspension of employees, the demotion and reclassification for disciplinary reasons of employees, the establishment of a civil service code of conduct—I assume in addition to the one that is already in place—and to oversee and manage other employees within the department.

All of these are powers which are either held by the Civil Service Commission in the current provisions of our act or are provisions which Legal Aid Manitoba is entitled to have authority over through its management council or through its executive management, I would say that these—the removing of the employing authority provisions in The Civil Service Act and the designation of staff at LAM as core civil servants is a very significant change, one which provides a substantial risk to all of the activities that LAM provides to persons who qualify for our services. And it has the potential to cause substantial confusion, litigation and to potentially threaten the rule of law in Manitoba and bring the administration of justice into disrepute, as I've indicated in the materials I've provided for you.

My comments—I hope to assist the committee members to understand the legal issues and risks caused by removing the arm's-length status of LAM and limiting control over its resources, as would result from section 103(2) of Bill 3, and that this creates a serious legal problem.

Legal Aid—in order to do that, I will outline briefly how Legal Aid operates and manages the provision of counsel to persons, because that's significant to workplace management and how these provisions would impact Legal Aid Manitoba.

Legal Aid Manitoba hires lawyers for people in Manitoba that are entitled by law to a lawyer to assist them with a significant legal issue. The vast majority of these legal issues involve a government department, a government agent or another government actor, whose action against the proceedings has mandated a legal proceeding—against the persons has mandated a legal proceeding. The legal interests affected are as significant as their right to liberty, the right to keep their children with them at home and retain their family integrity, their right to public assistance, to health care, social services, food, shelter for themselves and their children.

This is not a small portion of what Legal Aid Manitoba does. Those various forms of legal assistance we provide involve—are involved in 80 to 90 per cent of the cases that we authorize. About 35,000 persons are given a lawyer for this type of coverage every year, and that legal coverage for those 35,000 cases goes right from the beginning of those cases to the end of them.

Over 80 per cent of LAM's applicants have incomes below \$10,000 a year. I think it's fair to say and not an exaggeration in any form to say that LAM

provides lawyers to the most legally vulnerable people in our society. And we take what we do very seriously. If a lawyer was not provided to these people to challenge the often one-sided set of facts marshalled against them—not with malice, but in the course of doing their work by police officers, social workers, Crown attorneys, assistance workers, agency lawyers—they would have no voice to speak up against government actions that affect their basic human rights, their basic human needs. The justice system in Manitoba would be unfair and would be brought into disrepute.

Legal Aid Manitoba also provides lawyers to challenge the decisions of government actors, agencies and corporations that affect many people at the same time—for example, government of Manitoba actors or agents that are acting contrary to legislation, contrary to their purpose or contrary to the public interest. Those cases seek to ensure systemic issues are not ignored, that the government of Manitoba and its agents behave lawfully and that they treat all people in Manitoba fairly. In each of these cases, LAM assesses whether an applicant qualifies for coverage financially and also whether their case has legal merit. If the assessment is positive, a lawyer is provided to assist them from the beginning to the end of their case.

In some areas of coverage or in some geographical areas, there are no private bar lawyers or staff lawyers to take on Legal Aid cases, and in these areas, LAM hires more staff lawyers or makes special contracts with private bar lawyers to ensure our mandate is fulfilled. Legal Aid Manitoba and other government departments are often competing for a small pool of qualified job applicants in these areas. So interests can conflict.

After a lawyer is provided for a Legal Aid case, some decisions must be made about conduct of that case; providing coverage and funding for motions; challenging evidence, including costly expert evidence; experts to test forensic evidence and conclusions. These all fall to the administration of cases by senior management at Legal Aid Manitoba. Each of these decisions requires assessment and authorizations. The decisions are sometimes very costly. They're often critical to the ability of a lawyer, nonetheless, to challenge the evidence in a way that a judge can fairly assess it and decide the case impartially.

Not infrequently, expert evidence assessments and decisions must be made very shortly before a trial.

New evidence often arises or is disclosed a short time before the trial, and the time it takes to request access and authorize or deny a request is critical. The staff available to make such assessments and the procedure to get a commitment for funding, authorize funds and retain an expert—these processes, which are all vulnerable to workplace management decisions, can either create or remove the possibility of a fair trial for those we provide services to.

The senior managers at LAM who would answer to a deputy minister, if section 103(2) of Bill 3 is passed, are all actively involved in these decisions, assessing applications for coverage; finding lawyers for successful applicants; managing certificates by assessing and authorizing additional coverage for experts, travel, transcripts; recovering costs from applicants; taxing and paying lawyers' bills and dealing with clients and lawyer appeals.

Where there is merit, LAM provides experts to challenge DNA results, forensic expert evidence, private investigators to look into specific areas of a case, psychiatric and psychological testing and reports. LAM provides authorizations to challenge and sanction improper conduct of government of Manitoba officials, Crown attorneys, judges, the actions of a deputy minister and the validity of laws passed by this Legislature. Every one of those authorizations creates a problem for a lawyer representing the government of Manitoba and a potential conflict for a deputy minister involved in managing the workplace at Legal Aid Manitoba.

\* (18:30)

All aspects of Legal Aid Manitoba cases are subject necessarily to solicitor-client privilege. By law, Legal Aid Manitoba cannot disclose a request or authorizations to a government of Manitoba representative where the case is against the government of Manitoba. Can it—they disclose them to a deputy minister of a government of Manitoba department? There's no apparent way a deputy minister could effectively be responsible for workplace management as anticipated in Bill 3 in this conduct—context.

Furthermore, lawyers and LAM administrators—cases rely upon the decisions of LAM staff as independent assessments of merit. If they reasonably thought the decisions on any of these matters was being disclosed or influenced by the government of Manitoba, or a deputy minister of the government in a manner that affected their client's interest or fair representation, they would be obliged to advise their



clients of this and to fight for the legal benefit that flows from raising it in court.

The appearance that the deputy minister or the department of the government of Manitoba was trying to affect the fairness of their hearing by interfering with the lawyer's ability to do an effective job, whether through workplace management—

**Mr. Chairperson:** Mr. Gammon? Mr. Gammon, thank you for your presentation. Your allotted ten minutes are actually up.

So, do members of the committee have questions for the presenter?

**Hon. Reg Helwer (Minister of Central Services):** Thank you, Mr. Gammon, for your presentation on Legal Aid and how it functions. There's information there, of course, that I did not have because I have never used Legal Aid, and would have to be briefed by—that would be the Minister of Justice (Mr. Friesen), I suspect, would deal with that.

So, I think that this is a big change, this act, changing things from, you know, couple centuries ago to this century. And I think your apprehension about the act will—you'll come to see that it is not something to be worried about. Currently, the employers and employees are listed under the previous act, and their appointed under the Civil Service Commission now, it will be referred to under this act, it sets—so, this act sets the legal employer and status of the employee, but doesn't direct how particular lawyers can handle their cases.

We'll take your—what you've said about the privilege and sharing comments, and refer that to Justice to make sure that we can make sure that it is maintained. But in terms of the independence, this is not the forum to look for that. That would be under other acts.

Thank you.

**Mr. Gammon:** I would simply respond by saying that as the act makes clear, in terms of the authority of deputy ministers over departments and employees under their conduct, the act has a variety—as I set out in the chart attached to my thing—attached to my presentation—the authority to manage employees of Legal Aid Manitoba in a way that is now only present under act 6 of The Legal Aid Manitoba Act, and that is reserved to the management council of Legal Aid Manitoba.

Now, that significantly affects the independence of Legal Aid Manitoba. It directly comes about as a

result of the section 103(2) alteration in the manner in which Legal Aid is—functions, and I think is a proper subject on this act.

Our request is that the government of Manitoba set aside section 103(2) of the act and allow Legal Aid Manitoba, along with all the other agencies and independent arms, like the agencies of the government of Manitoba, to fall under the broader public service, rather than under the core public service.

**Mr. Lindsey:** I want to thank you for your presentation, Mr. Gammon.

It's unfortunate that you ran out of time before you really got to flesh out exactly the changes you would like to see. Now, you've touched on it again with the answer to the minister's question.

Maybe just go over that once more to help me understand exactly and concisely what it is you'd like to see change, specific for your group.

**Mr. Gammon:** Well, the recommendation of Legal Aid Manitoba is that it be maintained as an independent statutory corporation and a reporting organization as that is defined in the fiscal administration—The Financial Administration Act, and that its employees be classified as members of the broader public service, as provided for in Bill 3, 3(3)(e).

In this context, we would continue to be accountable as a government agency through the statutory mechanisms already in place through our reporting to the Legislature and our accountability to them for fiscal and employee management and through other applicable legislation.

**Mr. Lindsey:** What would the cost difference to the government be, as opposed to what they've suggested in Bill 3, as opposed to what you're suggesting it should be? Is there any cost difference?

**Mr. Gammon:** There would be a cost difference to Legal Aid Manitoba in the sense that we would probably be obliged to hire employees and put in place the various mechanisms that co-operate with the Public Service Commission for that purpose.

**Mr. Lindsey:** You're suggesting with—what the government has proposed in Bill 3 would actually increase your costs or the government's costs, not stay neutral or decrease the cost.

Is that what I'm hearing you saying?

**Mr. Gammon:** I can't fully speak to the government's cost under Bill 3. If the provisions they put in place come through, the deputy minister of a department

will have to manage the human resources at Legal Aid Manitoba and the various portions of our operations.

I can't speak to the additional cost that might cause them.

**Mr. Chairperson:** This concludes the time for questioning.

I will now call on Michelle Gawronsky, president of the Manitoba Government and General Employees' Union, and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Ms. Gawronsky, good evening. Please proceed with your presentation.

**Ms. Michelle Gawronsky (Manitoba Government and General Employees' Union):** Good evening, Mr. Chairperson and honourable members.

The Manitoba government and general employees represents 32,000 working Manitobans—just as a reminder to the minister and others of exactly what we are about. MGEU members live and work throughout Manitoba and in a wide variety of workplaces, including members employed directly by the provincial government, Crown corporations, universities, colleges, health-care facilities, social service agencies and arts and cultural organizations, to name a few.

Our members provide services like testing for COVID-19, flood control, forest fire suppression, public health inspections, resource enforcement—which has definitely been made of use of lately by this government—workplace safety and health enforcement, highway maintenance and corrections, to name a few of the services.

While the MGEU is in general agreement with some provisions of the bill, the intent of Bill 3 is a further attack on the very people that provide critical provincial public services to Manitobans. MGEU urges the government to withdraw Bill 3.

MGEU supports the broad application of those legislative changes that espouse the values of public services and implement anti-harassment language and processes as they pertain to both the core public service and the broader public service. However, Bill 3 also includes several very concerning provisions.

First and foremost, the bill removes the critical process for reaching fair bargaining settlements without work stoppages. Currently, The Civil Service Act enables either the employer or the union to bring

in an independent third party arbitrator to settle contact–contract disputes. This provision creates an important, practical incentive for both the employer and the union to negotiate in good faith. If they do not, they risk having a neutral arbitrator impose a settlement not of their choosing.

Even when an arbitrator is brought in, both sides continue to have an obligation to bargain in good faith. This arbitration mechanism, which Bill 3 would eliminate, has played a key role in avoiding work stoppages for Manitoba's civil service and critical provincial public services.

In a recent decision, the Court of Appeal recognized that the arbitration provision was originally introduced to avoid damaging the effects of a work stoppage in the civil service, something I would propose this government would want.

In the past, when the union has sought arbitration, this has had the effect of kick-starting bargaining, resulting in a deal being reached between the parties without the need for an arbitrator. Although this government has tried to avoid the binding arbitration provisions in The Civil Service Act, we find it difficult to understand why any government would seek to eliminate a provision that has encouraged successful collective bargaining for so many years—a fair and true process.

\* (18:40)

Bill 3 also removes another long-standing legislative provision that encourages harmonious labour relations. The Civil Service Act currently establishes—as my brother, Kevin, said—joint council: a forum where the government and the union can get together on a regular basis to discuss ongoing issues, to consult, to problem-solve, to work together to improve public services. Historically, joint council has been a venue for free and frank discussion and has helped strengthen the working relationship between the government and MGEU. The move to eliminate joint council is not entirely surprising, since the current government has chosen not to schedule any joint council sessions, but it does not square well with the government's self-professed commitment to extensive and broad consultation with stakeholders and the public. If joint council is not considered the best way to work together, I don't know what will be.

Finally, I want to point out that Bill 3 was drafted without any meaningful consultation with the MGEU. At the only meeting where it was discussed with the MGEU, we were told simply that the changes would

be modest and of little concern to the MGEU and our members. Bill 3 contradicts that statement, contradicts even this vague government assurance.

If the government truly wants to improve services, improve morale and go forward in good faith, we strongly urge this committee to amend this bill before it is passed to restore the right to 'instrest' arbitration for civil servants and re-establish joint council. Please respect your employees.

This legislation comes at a time when our members have had their constitutional rights stripped from them at the bargaining table, morale in their workplaces is the lowest it's—has ever been. They are being asked to do the job of two, three and four people as vacancies continue to go unfilled, and some have seen their colleagues laid off, private companies coming in to do their work.

Public services are only as strong as those delivering them. In its current state, this bill will negatively impact the people who provide those critical services to Manitobans, and we call on this committee to improve this bill and improve public services. Do not water down our acts in Manitoba.

Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Helwer:** Thank you, Ms. Gawronsky, for your presentation. Always a pleasure to see you.

And thank you for your assistance in the past, getting The Civil Service Superannuation Amendment Act passed, Bill 43. I know it was of great interest to you and your members, even though we had a challenge with some of the other entities that weren't helping it—helping us getting done. So I appreciate the time that you took to make sure that it was done, even not when we wanted it done, but it get done.

And also, please pass on my thanks to your members for their work during this challenging pandemic. I know it's a trying and emotional time for all of us, and they have certainly done an excellent job. We see the work that's been done throughout not only the collection sites, the testing sites, the vaccination sites, and we're getting there, but we do appreciate all the work that's been done.

And so in terms of the points you brought up, you know, we have the arbitration—interest arbitration continues to be accessible by mutual agreement

between the union and employer, where it's necessary, to resolve lengthy strikes or lockouts. And that's under The Labour Relations Act. So, same protections that other Manitobans have.

And, in terms of joint council, that's something that has to be negotiated rather than legislated, so we're happy to discuss that at the bargaining table.

**Ms. Gawronsky:** Thank you, Minister Helwer, for bringing up—I'm really glad that you actually brought up the superannuation. And that just goes to show the benefits of consulting, talking to each other, working with each other, educating each other on how to move forward in the best interests of Manitobans. It's a perfect example of exactly what Bill 3 is going to kill for Manitobans.

When it comes to the interest arbitration, that would be something that would have to be agreed to. Right now it is actually a way to stop any work shortages. I don't condone strikes, and when you don't have the ability to get the attention or to be—actually be able to negotiate in a way that is beneficial for Manitobans to provide those services, strikes will end up being the only way we can go. I would rather not have that. I would rather keep us with what we've got where we can get to a third party and have them make the decision when you and I can't come to an agreement on something.

So, thank you for that.

Joint council: again, I'm not sure that should be something that's negotiated. All I hear all the time is how the door's always open and we can always talk, and yet many of my letters of request to be able to speak to any of the ministers is either ignored or denied. So, again, joint council would have allowed us to have the way to move us forward to have that open communication.

**Mr. Lindsey:** Well, thank you very much for your presentation tonight, Ms. Gawronsky, and you've talked a little bit about the arbitration issue and speakers previous to you had spoken about that, so I won't spend a lot of time on that.

But there's other things within this particular piece of legislation that seem to me, at least, to get the government's fingers directly involved in the collective bargaining process. Things where it talks about merit as opposed to seniority, redoing a classification plan that's going to be decided by the minister, I guess. There's just a bunch of other things.

So are there other specific issues in this legislation that you think infringe on your members' rights to bargain freely and collectively?

**Ms. Gawronksy:** Thank you. It's an interesting question. I will say there's many things in this bill, and of course, any bill that I look at that is actually going to water down what 100 years of Manitobans have taken to build scares me.

When we start looking at dismantling things that have been put into place that actually protect both government and gives the government the right to govern, but also takes away any of the rights of Manitobans to move forward in a way that's productive for them scares me.

When we're talking about seniority rights, when we're talking about many things, I don't believe any one entity or any one office should have sole propriety over making a decision over anything, whether it's the Premier (Mr. Pallister) or anyone else.

I think it takes all of us to build our province, and that's what we should be maintaining. It took all of us to build a civil service act. I'm not saying some of the things don't need to be modernized and updated, but to gut them, water them down and actually hurt what is going to be provided for the services of Manitobans and hurt Manitobans, I don't believe that's in the best way to move forward for Manitobans.

**Mr. Chairperson:** Ms. Gawronsky, this concludes the time for questioning.

**Floor Comment:** Thank you.

**Mr. Chairperson:** You're welcome.

I will now call on—recall Mr. Tait, if he is on the line, and see if he can proceed with his presentation.

Go ahead, Mr. Tait. Please proceed with your presentation.

Mr. Tait, can you please—we can barely hear you. Can you say a few words?

Mr. Tait, I don't know if you can hear us, but we can barely hear you, so I'm still taking advisement from the clerk on how to proceed. Thank you. Just please stand by.

\* (18:50)

**Mr. Shannon Martin (McPhillips):** I would suggest that Mr. Tait be dropped to the bottom of the list for technical reasons, that we proceed through the list as it's presented, and then we return to Mr. Tait at the end

and hopefully those issues will have been resolved at that time.

**Mr. Chairperson:** Is it the will of the committee to drop Mr. Tait at the bottom of the list for technical reasons and we can proceed on to the first speaker on Bill 12? Is that the will of the committee? *[Agreed]*

### **Bill 12—The Crown Land Dispositions Act (Various Acts Amended)**

**Mr. Chairperson:** I will now call on Mr. Don Sullivan, private citizen, and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Mr. Sullivan is not present, so we'll drop him to the bottom of the list.

I will now call on Mr. Evan Balzer, private citizen, and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Mr. Balzer, please proceed with your presentation.

**Mr. Evan Balzer (Private Citizen):** Well, hello, everyone. Just going to get Zoom sorted out here. This is at the absolute perfect time for the lighting to be bizarre, so here we are.

Well, first off, it's great to see you all. I see—is it possible to share screens in these meetings?

**Mr. Chairperson:** No, it is not.

**Mr. Balzer:** Great. My learning experience continues. I have a PowerPoint presentation here, so I will use it as a script.

So first off, I guess, thank you all for your time, for being available this evening. I'll be speaking to amendments on Bill 12.

And so, to kick things off, some context about who I am: I am a graduate from the University of Manitoba with a bachelor of science honours degree. I'm an angler, a camper and an advocate for biodiversity in the province.

And one of the reasons why I'm taking this time out of my graduate studies experience—what you can't see right now because I'm not showing a presentation is a photo of me holding a bat. I presently study endangered bats at the University of Waterloo. And one of the reasons why I study bats and why I'm taking time to speak today is because of my encounters with the province of Manitoba's beauty, its biodiversity and its nature.

And so given, you know, my academic questions and my personal motivations, one of the questions that I find myself asking in light of a biodiversity crisis, a climate crisis, is how do we as Manitobans, as leaders, maintain sustainability in the province? And so, by the end of this presentation, I hope that I can clarify some of the amendments and their impacts in Bill 12 towards biodiversity and development in our province.

So, I can't see all you very well, but I was wondering if you could raise your hand if you've gone backcountry camping in Manitoba. Okay, I've had no—yes, awesome. Okay. And now perhaps an easier question. Raise your hand if you have access to a cottage in Manitoba. Awesome.

So, some of you folks, I think, have had some experiences that I share. I'm an avid backcountry camper. I—you know, through my partner, we go to a cabin every summer. And these are things that are, you know, important to us, opportunities that are fun and interesting.

And the access that we have to those spaces begs another question, which is: how does the Province facilitate those kinds of experiences? How does, you know, Manitoba make that happen?

And the answer is variable. We've got provincial and national parks, places like FortWhyte Alive, Oak Hammock Marsh. Indigenous communities represent vast swaths of natural spaces in our province, and there's private land and Crown land. And all of these different categories are ways for Manitobans to engage and to experience the benefits of natural spaces in our province.

But today, because of the bill we're talking about, I wanted to focus on Crown land in particular.

And so, as it stands, the way I understand Bill 12 to function is that there is low oversight on the designation and sale of Crown land in cases where Crown land is inexpensive. And the number given as it stands is \$25,000. And what this means is that, at present, it's hard to sell Crown land. Central Services may be challenged because those parcels are of greater value than 25 grand.

And so, if the Province wants to sell them, you know, that's a tricky thing, and, in response, we see amendments to this bill which shift that value, that threshold, from 25 to 200 thousand dollars. And this means is—that parcels are much more easily sold because now as you look at the province, okay, what do we have available to us—many more will qualify at

that \$200,000 mark as compared to the \$25,000 previous one. And, in addition, this bill also has some provisions which allow the designation to shift within the Province, between departments.

And so, in general, we have the situation where Crown land can be more easily sold, and that begs the question: what are the implications? And I had a lovely conversation last evening with someone from Central Services, who explained this to me, because I'd been on the phone trying to get a hold of folks to speak to for actually almost two months, to understand how this legislation works.

And I found out that the motivation for this bill is in cases where a project has been done, let's say the Province wants to build a ditch. And so we purchase the land, but we think we're going to build our ditch. We build our ditch and then, after some time, you know, maybe we find out, okay, so there's these strips of land beside the ditch and they're not ditch at present. We're not using them. How do we sell them off? And so this bill will allow more parcels, like those edges, those table scraps, to be sold because they'll now fall within a much more general \$200,000 bracket.

So, in short, parcels are more easily sold and, in addition, more parcels will become immediately eligible within the province. And so this obviously—and, you know, I'm coming at this from a perspective of the natural spaces in the province, but I also want to recognize I understand the utility here. I understand the vision to more easily commodify some of these parts of our province. But I think that that mechanic is dangerous and it doesn't take quite take into account all of the roles of the land in our province.

And so I wanted to speak briefly then, take a short case for Crown land, because when we talk about—and the bill specifically discusses whether or not land has fulfilled its purpose, and when designations should be shifted according to the function, like, what is this land doing for us. And Crown land, even when it isn't designated for a specific project, is doing good work for Manitobans.

So, the first thing here—I've got a photo that you can't see but I'm sure you can imagine, of the marsh just south of Lake Winnipeg. That area is doing great work for all of us every day. And we know there are issues with the nutrient overload in Red River, and all the reeds and marshes in that area are cleaning our water for us. They're doing an economically valuable job for Manitobans and for the province.

And second, Crown land, it provides an accessible source of nature for us, as well. If you or someone you know tried to book a campsite over the last few weeks, you know how hard it is to get a designated spot in the outdoors. Crown land is freely accessible, and that's great. And it's only really valuable for that natural experience if it is used for natural spaces.

And lastly, you know, something that we can't put a dollar value on as easily is the biodiversity and ecosystem integrity that Crown land represents. You know, our province has a large amount of parkland, designated wildlife reserves, ecologically protected areas. But even, like, dwarfing that, at huge quantities, are Crown land, which is not protected but does the same job as those parks.

And so, when we talk about whether or not land has, you know, done its job for the province, we should consider what Crown land is already doing for us as Manitobans.

And so, you know, before I wrap up here, I checked out Crown land sales in the news, just the other day, to see kind of what the context was and ran across an article which I think exemplifies my concerns; which is that near Rivers, Manitoba, there's a parcel of land which is going to be converted from its Crown land designation to use as a gravel pit. And residents there are concerned that, you know, we're going to lose the ecosystem value that's there. And I think that's exactly it.

When we make it easier for the Province to sell this land, we make it easier to lose the value that exists, for economic reasons as well as just for the ones that matter because of the inherent value of nature within our society.

And so, to summarize, Crown land represents an important source of biodiversity in Manitoba, but the amendments to this bill will make it far easier for the Province to commodify that land and convert it from its natural work into something that is a little bit less valuable from biodiversity perspective.

And so I, as a passionate citizen, as a somewhat educated—not necessarily in Crown land use but, instead, on ecosystem goods and services—I don't know what the recommendation here is. But a shift from \$25,000 to \$200,000 seems to open a slippery slope for the Province. It opens doors to sell this land much more easily than what might otherwise be advisable.

And so I simply say, consider the implications here, and let's make these amendments wisely.

Thank you.

\* (19:00)

**Mr. Chairperson:** Thank you, Mr. Balzer, for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Reg Helwer (Minister of Central Services):** Thank you, Mr. Balzer, for your presentation. We're still working out how we do this virtual presentation at committees, so it's a learning experience for all of us. And some, like yourselves, learn much quicker, I'm sure.

So, I guess to start out, you know, thank you, as I said, for a very good presentation. I want to emphasize to you that, you know, several of our ministers have emphasized that our parks are not for sale and that is a basic start to the whole premise.

What I found when we first formed government was we looked back at—well, we looked at land sales that weren't occurring, and what was happening was it was taking five years—95 per cent of time, was taking 5 years to get to no, you can't buy the land; the other 5 per cent was—took a little longer. In fact, the first land sale that I came across when we were in government took 20 years for not a very big parcel of land. The next one took 15 years.

So those are some of the things that when land is deemed to be surplus and no longer serves a purpose for the government, that we can, in fact, use this type of legislation to make it available to the public, to treaty land entitlement, to municipalities for their use. And usually when someone wants to buy a piece of the land, they might have a much better idea of what it can be used for than we might as a government.

**Mr. Balzer:** I think that, you know, part of why I'm presenting and why I wanted to raise this issue is because I think the term parks are not for sale, reflects specifically on designated areas within the province and that, because of the way this legislation is worded, that we should consider what it means to be a park, and again what that job—those parks—are doing.

And so my concern, then, is that this is finding a way to sell things that work like a park but aren't protected like a park. And that, to me, I guess is the gut of this question.

That said, I completely understand what you're saying and that there are, you know, a variety of cases where it is important for the province to make those sales or make land available. But I think that the designation and job between parks and other land is a very important one and that they do perform the same job for Manitobans.

**Mr. Diljeet Brar (Burrows):** Thank you, Mr. Balzer, for your presentation, and I appreciate your passion for biodiversity and your academic input in this field.

I agree to your point about the threshold, that it make the things easier and it centralizes the powers while selling the Crown lands once this bill passes.

Do you think this is the only reason which is a threat to the biosecurity through the Crown lands, or are there other steps that could be taken in Manitoba to protect biosecurity on Crown lands?

**Mr. Balzer:** So I can't speak specifically to Crown lands. I've spent a lot of time trying to understand how designations work within the province. I think, quite simply, based on the mechanics of this bill, it seems as though the best way to protect biodiversity within the province is to provide more land with a park designation with official protections, because the change of designation from park to non-park—which then allows for Crown land sales—is a challenging process.

And so all of this Crown land, as it stands, if it's not in a park or protected area, is much more easily sold.

And so the best step forward, then, at least to my understanding, would be to designate more Crown land as park; give it that official designation and thus put more checks and balances in place.

As it stands, the Crown land that's doing a park's job is not as easily protected as parklands as they are.

**Mr. Chairperson:** Are there any other questions from the floor?

Seeing none, we will now move on to the next presenter.

The next presenter is Ian Robson, private citizen, and ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on.

**Floor Comment:** Hello?

**Mr. Chairperson:** Hello Mr. Robson; if you could—yes Mr. Robson, could you turn your video on please.

**Floor Comment:** Am I coming through on voice?

**Mr. Chairperson:** We can hear you on your voice.

**Floor Comment:** Okay, I'm having trouble finding the—

**Mr. Chairperson:** Your video option is on your bottom left-hand corner, Mr. Robson.

**Floor Comment:** I don't see it. It was there, and now I don't see it. Anyway, I guess I'll try to proceed if that's right; I can try to proceed?

**An Honourable Member:** I'm fine with it.

**An Honourable Member:** I'm fine.

**Mr. Chairperson:** Okay. It is the will of the committee for you to proceed with your presentation without video. So please proceed with your presentation, Mr. Robson.

**Mr. Ian Robson (Private Citizen):** Yes, sorry about that. I did have a video connection, but for some reason the button has moved somewhere else.

My name is Ian Robson. I farm at Deleau, Manitoba. I'm a fourth-generation farmer. This is Treaty 2 land.

I looked at the Bill 12 and I'm concerned about the provisions. It's been a long-standing practice that the minister does have the power to sell Crown lands, and that's provision No. 6. And it goes along in the amendments to explain that the minister can basically do as he wishes and sell a parcel of Crown land.

However, as was mentioned in the last presentation, Crown land has a lot of value to everyone in Manitoba, and it's important to recognize that value before there is a Crown land sale made. So, I think we need to consider a number of other things.

If we look at the use of the Crown land, there are different uses. There's parks, cottages, agricultural Crown land, and in the case of agricultural Crown land, there is a leasing system already in place for that. And it turns out, recently, there was an auction system in place to transfer a lease from one holder to another.

This has resulted in a huge lease increase—lease fee increase to anybody ranching on agricultural Crown land. The problem is the livestock market is not covering ranchers' costs, making it very difficult for ranchers.

If some of this land is made for sale, it's still a problem for ranchers—very difficult for them to afford possibly to buy agricultural Crown land.

And it was mentioned, there's a lot of good things that can happen with ranching on Crown land, but if there's forest and sensitive plants and sensitive wildlife involved, that's a responsibility of the Crown.

And those are provisions that are important to all of us in Manitoba. And I think because of the increase in the lease rate fee, it should be easier for the Province to provide advice and assistance to agricultural Crown landholders and ranchers, when making use of their land and looking at their wildlife situations.

So it's important to really get a grasp here: are we going to commodify the land, just take it over and do what we wish, as humans? All of that land, even my private land, is important for everyone on earth, here, considering the climate change challenge that is before us. And so, it's really, really important.

So all of that power is vested in the hands of the minister, who can pick and choose who it is that he might decide to sell a parcel of Crown land to.

\*(19:10)

Is there any—my question, I guess, is there any provision or any way that this bill can be amended that the minister must advertise a piece of Crown land for sale by tender or put a piece of Crown land up for auction.

It seems reasonable that if the government is interested in auctioning Crown land leases for agricultural purposes, that a private system of Crown land sale would go out by a tender process, so that a market value could be established.

There's a number of dangers with that, because they are sensitive lands, places where you don't want to do forestry, or at least try to do forestry that might be more of a sustainable method. Mining comes to mind. We look at Alberta, and they're proposing the eastern slope of the Rocky Mountains to be mined for coal. And this could be damaging to a lot of farmers downstream, not to mention Manitoba, who is downstream from Alberta.

So, with that, I think I'll wrap up some of my comments and invite questions.

Thank you.

**Mr. Chairperson:** Thank you, Mr. Robson, for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Helwer:** Thank you, Mr. Robson, for your presentation. Good to hear from you, even though we can't see you, but that's a learning for all of us that we can't always make technology work.

Obviously, when we look at selling land, there's a variety of ways we can do it. And, you know, as government, we believe that the public advertisement of the sale of land and the real estate through that—sale through that market is probably the best way to ensure that there's value in the land sale and also in the transparency of the sale, so that many people as possible know about that potential sale.

It doesn't behoove the government to try to sell it for the lowest cost to an individual. We want to get the best return for the public. It's obviously Crown land; it is owned by the public and we want to make sure that we get that value out of it if it does indeed go to sale.

So I want to give you some confidence that we will make sure that we can get good value for money there, and also that, when the land would be sold, if it is deemed to be sold, that, you know, there are other departments that have a say in what happens on that land after. I mean, Conservation and Climate still sets conditions on any development that might occur on that land, and MR—Municipal Relations—also has a role in that as well.

So it's not that, you know, once you purchase this Crown land, you can do anything and everything that you want on it. There's a lot of other departments that still have a say on what might—what it might be used for in the private hands.

**Mr. Robson:** If I might, I appreciate that you've already read in the amendments that you will notify when a piece of Crown land has been sold. However, when we look at the past practice where a—Manitoba Telephone System was not to be sold and then was sold, it was—turned out it was sold for less than market value.

And we're talking about a piece of land here. Some people might want to use that for various purposes. Case of a gravel pit: is there only one company that's interested in a gravel pit?

There's a lot of questions here. There's a lot of power that's been in this act. You might say that it's an ancient act, because the minister has had this power for years and years and years, and, in fact, the minister, over the years, has probably made some fairly easy deals.



Maybe there has not been more than one buyer for a piece of Crown land, but it still behooves the minister to put into place a practice where there is value actually seen to be realized, an accountability system is actually there, and you've admitted that there is no accountability system there, Mr. Helwer.

Thank you.

**Mr. Helwer:** Thank you, Mr. Robson.

I ask you not to put words in my mouth. I did not, indeed, admit that there's no accountability. There is even more accountability under this in terms of who can buy the land. We never used to have any accountability in terms of civil servants or their relatives, and there is—that stipulation is now in this act, that there has to be oversight so that anything of that nature—if a civil servant or a close relative wanted to buy some land, that deed has to have even more oversight than it does at this point.

**Mr. Robson:** Well, thank you kindly for that.

I do read those points—I read those points within the act, and you're just—Mr. Helwer has just reiterated what's already written in the act and has not responded to the idea of an auction or tender system, which is completely different from what Mr. Helwer's answer to me was and is different from what's proposed in the amendment.

**Mr. Brar:** Mr. Robson, thanks for your presentation.

As it's mentioned in this bill, that the powers would be centralized by increasing the threshold of the piece of land that could be sold just by one person, which is the minister.

Do you think this change would encourage land consolidation? Because if a piece of land which is worth \$1 million versus the one which is just \$25,000, that would be a bigger piece of land. So would that encourage consolidation, which is already a big problem in Manitoba?

**Mr. Chairperson:** Mr. Robson, if I can have you answer briefly, as your allotted time is actually over, but I will allow you to respond but very briefly.

Thank you.

**Mr. Robson:** This certainly is a concern because there could easily be consolidation of—in the case of agricultural Crown land. And, also, the rules were changed regarding who could buy a lease. Out-of-province people can now be eligible to lease Crown land for agricultural purposes, and so it's not clear in

this act whether this land sale is for only Manitobans or for anybody from anywhere.

So, apparently, there is some major holes within this act, and I know it's an amendment, but at the same time it's amendment that's in line with past practices, and I'm just saying that there needs to be a greater accountability than what this amendment proposes.

**Mr. Chairperson:** Thank you, Mr. Robson. This concludes the time for questioning.

I will now call on Anastasia Fyk of the National Farmers Union, and ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on.

Good evening, Ms. Fyk. Please proceed with your presentation and just unmute yourself.

**Ms. Anastasia Fyk (National Farmers Union):** Yes, I'm unmuted. Can you hear me?

**Mr. Chairperson:** We can hear you. Please proceed with your presentation.

**Ms. Fyk:** Okay. Hi, everyone. Thank you for having me.

I am—just like to acknowledge that I'm calling in from Treaty 2 territory in Garland, Manitoba—

**Mr. Chairperson:** Ms. Fyk? Excuse me.

**Ms. Fyk:** Yes? Can you hear me?

**Mr. Chairperson:** Ms. Fyk, if you could just be closer to your microphone so that we can hear you more clearly, thank you.

**Ms. Fyk:** Can you hear me now?

**Mr. Chairperson:** Yes, we can. Much better. Please proceed with your presentation.

**Ms. Fyk:** Okay. First of all, I would like to acknowledge that I am calling in from Treaty 2 territory in Garland, Manitoba. I am a representative of the National Farmers Union, which is one of two general farm organizations in Manitoba. And I would like to urge the government to withdraw the amendments to Bill 12.

First of all, we know that this bill is in relation to the government moving from the point system to an online auction bid, going from the highest buyer without taking into consideration the people who were previously on the land. What we don't understand is why there is such a push to push people off the lands that they've been occupying for years. There seems to

be a theme with—it seems like there's a lack of respect for community, for farmers and for democratic process.

\* (19:20)

There's a concern of farmers, especially next-generation farmers, losing their livelihood and access to local land with—if, you know, if there's somebody that comes in and outbids the person.

Does the government feel that selling the land will create better access for local and next-generation farmers, like, truthfully? Or is the government looking to make some quick cash to balance this year's budget?

*Mr. Vice-Chairperson in the Chair*

As with any privatization, with—we must be extremely cautious.

What is defined as agricultural Crown land exactly, and are—is there any leeway? What is the transparency on this? There seems to be a lack of accountability when it comes to the sale of the land itself: the definition of what land is to be sold; if someone does buy this land, will they be obliged to use it for agricultural purposes or what accountability will be there; will they use it to extract the resources from this land and completely wreck the ecosystem that is presently there?

Crown land belongs to all of us, and for two ministers—or whoever is making the decision—to believe that they can sell land on behalf of the public is demonstrating a lack of accountability and—to every person in this province.

Also, when it comes to Indigenous rights, local nations have always had a constitutional right to hunt and to practice out their traditions on these lands. When they are—when these lands are privatized, what will happen to these rights? Since the minister determines the price, will—does this mean that the minister also determines the buyer? And if Indigenous people are—no longer have the right to hunt on their—on this land, who will compensate for the costs and the loss of food system? Will it have to go to the public in another way or will they be able to continue to sustain themselves through their traditional methods?

That's all I have for now. Thank you.

**Mr. Vice-Chairperson:** Thank you very much, Ms. Fyk.

Are there any questions for the presenter?

**Mr. Helwer:** Thank you, Ms. Fyk, for your presentation and appreciate you taking the time to come and meet with us and present.

I want to assure you that any Crown land sales are still subject to treaty land entitlement and consultation, and other departments, such as the Crown—or—the government—other government departments still have oversight on the land in terms of what can be done with it.

So, it's not like you can just go out and put an open-pit mine without applying to the government to do so. So, there continues to be a lot of oversight in the use of the land, even in the private sector.

We would also have other people who'd say that there should not be—that it's too much oversight but we maintain that we do have to have that type of oversight so that you don't get things that the public wouldn't want to see happen there.

*Mr. Chairperson in the Chair*

**Ms. Fyk:** I would like to know if there will be—those clauses will specifically be stated, because right now there are no—there's nothing stating these specific things.

So, all of the continued rights to treaty, for example, will there be clauses stated?

**Mr. Brar:** Anastasia, I want to say thank you for your presentation.

And you're a part of an organization which is called National Farmers Union, so when any legislation is in process, normally consultations are done.

So, how you and your group members feel about the consultations, if they were done before framing this legislation? Did you see anybody approach you for your input on this matter?

**Ms. Fyk:** There were no consultations with the National Farmers Union.

**Mr. Chairperson:** Are there any other questions from the floor?

Seeing none, we will now call on the next speaker, which is Chief Rod Travers.

Mr. Travers, if you are online, please unmute yourself and turn your video on.

Chief Rod Travers is not on the line right now, so will move to the bottom of the list.

I will now call on Mr. Bill Uruski, private citizen, and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Good evening, Mr. Uruski. If you could unmute yourself and then please proceed with your presentation.

**Mr. Bill Uruski (Private Citizen):** You can hear me now? Just a minute.

Thank you very much. I also am a resident on the Treaty 2—

**Mr. Chairperson:** Mr. Uruski.

**Mr. Uruski:** Yes.

**Mr. Chairperson:** Just a second, Mr. Uruski. If you can actually turn your other device off because we'll get feedback if you have two devices on simultaneously.

**Mr. Uruski:** Yes, just a minute. I'm trying to do that.

Is that better?

**Mr. Chairperson:** We're still hearing an echo, Mr. Uruski.

**Mr. Uruski:** I turned—

Is that better?

**Mr. Chairperson:** No, it's still on.

**Mr. Uruski:** I'll try and come back. Is that better?

**Mr. Chairperson:** That's much better, Mr. Uruski. Please proceed with your presentation.

**Mr. Uruski:** Mr. Chairman, I am having—I also am a resident on Treaty 2 lands, and I know that my neighbours from Peguis and Fisher River and Jackhead and Lake Manitoba, none of whom were aware of these changes, nor were they consulted. I want to—because of my past experience—these changes, I am presenting and asking that the government clearly clarify how they intend to operate, because the amendments that are in place gives the Minister of Agriculture, or the minister who's going to be selling the Crown land, total control and designation as to how these lands will be sold, the terms and conditions and the sale of each—of these—of this Crown land.

It is—I've heard the minister who's representing this bill indicate that there are oversights. Clearly, there were oversights from all departments. There were, as I understand, a committee within government, of all departments involved, and if there were

any—if there was any Crown land to be sold that they had full input as to whether or not any of these lands be sold.

\* (19:30)

I come from the premise that if we're selling a public asset to—as—such as Crown lands, that they be advertised and the public receive the highest return possible for those lands. And allowing, in the way the amendments are put forward here, clearly gives the minister, whoever is going to be doing it, very great political clout and influence all over the sale of these Crown lands.

And I want to leave you with a little story, because now at least you're putting into legislation that there can be favoritism, there can be political influence, and all those kind of nasty things that can happen now publicly because the minister has full control and able to sell up to \$200,000 worth of Crown land, and up to \$1 million if he consults with the Minister of Finance.

If they're going—if you're going to sell Crown land, there ought to be a public tendering system, that these lands are available and that the public be notified well in advance that these lands are being sold, and those amendments should be put into this act. Otherwise, whether it's park land or any other land, deals can be made. The minister has sole discretion as to set the terms and conditions of each sale so that there is really no transparency or no oversight that's included in these amendments.

And I wanted to leave you with a little story. In the previous Conservative government, the minister of Agriculture was prepared to sell Crown lands and did sell Crown lands under the table to a friend, a political friend in our area, and without any tender, he set the price. These lands were taken out of the Crown land bank and now, who has—when there will be a settlement of treaty land entitlement, all of the bands in the area of these lands, who will be the beneficiary of the value of these lands? The private deal that the minister made quietly when Crown lands weren't to be sold.

Crown lands, as been stated before, belong to all the people of the province of Manitoba. They ought to be held for all their intrinsic values, whether it's park land, whether it's agricultural land for farmers.

It is hypocritical on behalf of the government to say we're going to set the price and the terms and conditions to whom we wish to sell Crown land, while at the same time they've put the cow-calf farmer in the

western part of the province—the northwest region, the Interlake region—those people, they've been reduced from having a lifetime lease down to 15 years, and they have to bid against one another or against an out-of-province buyer to continue to hold those Crown lands. Very hypocritical on behalf of the government to do for one group, put them into the marketplace to bid against each other, and on the other hand give the minister sole discretion as to the setting the terms and conditions on Crown land.

And so, Mr. Chairman, I would urge that the government, if they're going to proceed with this bill, the very least that they should do is clarify how they intend to deal with a public asset such as Crown lands, wherever they occur, and how they will handle it and what the oversight will be.

The minister said there's oversight. There was a governmental committee of all departments, that if any one of them had some concern over the use of Crown land or may have it—or their department may have an interest, land was not sold. That's taken away. It is now under the sole discretion—as I understand the amendments, under the sole discretion of the minister responsible for selling this Crown land.

So I recommend, from my point of view, is withdraw this bill, but at the very least, bring in amendments that will assure the public of Manitoba that if they're going to be—if public assets are going to be sold that a—that the mechanism for achieving the highest return be within the legislation.

Thank you.

**Mr. Chairperson:** Thank you, Mr. Uruski, for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Helwer:** Thank you, Mr. Uruski, for your presentation.

I find it interesting that you want value for land sold but not value for land leased. So, I'm a little confused by that. I want to assure you that there is, you know—the market will determine the price, you know. All available land is geo-located on our Real Estate Services Branch's website and it's there for the public to see what might be for sale and it also details what land is sold.

So, we want to make sure that the public has access to any land that might be available for sale and want to assure you that that will be the case, that it'll be a very, very public process. It doesn't behoove the

government to try to, you know, sell land for less than its value.

**Mr. Uruski:** Then why is there a difficulty of putting that process into an amendment in the act as to what the process shall be? Because that's not what the act says: the minister to set the terms, the sale price of Crown land being sold and the terms and conditions of each sale, exchange or transfer of Crown land.

If you're prepared to make amendments, to put what you indicate is your intent, then put them into the act.

**Mr. Brar:** Thank you, Mr. Uruski, for your presentation and sharing your experiences and some—even some irregularities or favouritism in the past. That was one example.

Do you think you have other examples where some favouritism was witnessed by Manitobans in the past, and how do you suggest we can make sure that does not happen in the future?

**Mr. Uruski:** There are a number of cases in which Crown lands were sold through what one would constitute or at least allege the very great favouritism, and that happened to be Crown lands within our park system. Hecla Island was one example, and there was a major investigation into the sale of those cottage lots and that was done also under the previous government, in which—that I had alluded to.

And so, unless there is clearly outlined, in amended form, as to what the process shall be, these amendments allow a minister sole discretion as to how land will be sold, to whom it will be sold and at what price it will be sold, notwithstanding the assurances given by the minister that land will be advertised and anyone has an opportunity to bid on it or how it will be sold.

You can assure me all you want; it's not in the act. The sole discretion is with the minister.

**Mr. Chairperson:** Are there—oh.

**Mr. Helwer:** Just a clarification: this is—we'd make sure that we wouldn't have another Hecla.

And I want to clarify that that took place under an NDP government, not a Conservative government. And we want to make sure that, in this act, the changes do make sure that won't happen again.

**Mr. Uruski:** It came about as a result of deals made by civil servants and contacts that were within the Conservative government of the day.

**Mr. Chairperson:** Are there any other questions from the floor? Seeing none, we will now proceed to the next presenter.

I will now call on Chief Glenn Hudson of Peguis First Nation. If Chief Hudson is on the line, I'll ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on. Good evening, Chief Hudson. Please proceed with your presentation.

\* (19:40)

**Mr. Glenn Hudson (Peguis First Nation):** Yes, I just want to, first of all, give thanks for being here this evening. I haven't participated in these in a long time, and normally it's done by our consultation branch, which, obviously, is out practising our constitutional right of trapping. They're checking their traps right now. Our lead consultant looks after those things. But I do want to give thanks for being here. Certainly give thanks for being able to present.

I guess I'll be presenting on three things: our constitutional rights, as affected by this bill, our treaties and a reminder of the treaty obligations, as far as treaty land entitlement is concerned and how this impacts.

I myself, I represent over 11,000-plus members, so our First Nation, the largest First Nation in Manitoba, which has the right to select treaty land entitlement throughout the entire province. Under our TLE, we have 23 First Nations that are signatory—the treaty land entitlements in which the Province is a signatory. And, within those number of First Nations, that's well over 100,000 individuals, as far as our First Nation members.

I first of all want to say Bill 12 is unconstitutional. There has been no consultations to this bill, which is typical government practice. Our treaty rights of 1871, which I belong to as Treaty 1—and just want to welcome everybody to Treaty 1 lands, historically where our people have resided for many, many years going back.

I guess I just want to begin by speaking to the issue of our constitutional rights in terms of the proposed lands and changes. What the Province is proposing to do greatly offends the natural transfer resource act of 1830, where at paragraph 11, the Province agreed, in this constitutional document, the Province will from time to time, upon the request of the Superintendent-General of Indian Affairs, set

aside out of the unoccupied Crown lands, to fill obligations under treaties with First Nations.

By alienating Crown lands or dispossessing them, it takes away the rights of First Nations by treaty or by section 35 of the constitutional rights. And it takes away the opportunity to select and acquire Crown lands, whether they're occupied or not. The doctrine of priority rests with First Nations and the ability of First Nations to select and acquire these Crown lands, which must be paramount.

Furthermore, the Province, along with Canada—Peguis just signed a treaty land entitlement agreement in 2008 and the Province agreed to abide by section 11 of the Natural Resources Transfer Act. In the—Peguis—and notice area of TLE agreement, this notice covers much of the Crown lands that will be affected by this new bill or new act, in the essence of breaching a number of sections of our TLE agreement, which the Province is signatory.

And by alienating Crown lands, the Province is contravening the hunting, trapping and gathering rights of First Nations people; and found in paragraph 13 of the natural resources transfer agreement of 18—of 1930, sorry—in hunting rights, gathering and trapping rights are abrogated through this process. This, in turn, is offence—section 35 of the Canadian constitution of 1982.

I did want to speak on other items, in this presentation, as far as the land disposition. Treaty 1 was signed in 1871 at Lower Fort Garry—on August the 3rd of 1871. Assurances were given by the treaty commissioner during the discussions with the people gathered. There was significant layout of the foundation that people believed a trust relationship between them and the Queen-mother. One of these was the following recognition: When you have major treaty, you will stand free to hunt over much of the land included in the treaty area.

It was stated by treaty commissioner, Wemyss Simpson, the Indians of both parties have a firm belief in the honour, integrity, of Her Majesty's representatives. What I trust and hope we will do is not for today or tomorrow, only what I promise and what I believe and hope will take us through, as long as the sun shines and the rivers flow, we have the right to fish, hunt and trap. The right to fish, hunt and trap was not given by treaty, and it was not a point of consideration for negotiation.

In the Marshall Supreme Court of Canada decision of 1999, in approaching the terms of treaty, the

honour the Crown is always involved, and no appearance of sharp dealings should be sanctioned.

Sorry, I'm having technical difficulties here—I have my presentation. Okay.

The Natural Resources Transfer Act of 1930, under paragraph 13, the government of Manitoba has a legal obligation to signatories of Treaty 1, although First Nations were not consulted when the terms of the agreement were being negotiated between Canada and Manitoba: In order to secure to the Indians of the province the continuance of the supply of game and fish for their support and sustenance, Canada agrees that the laws representing game in force in the province from time to time shall apply to the Indians with the boundaries thereof, provided that the said shall have the right to assure them of hunting, trapping and fishing, and fish for food on all unoccupied Crown lands, that any other lands to which the said Indians have right of access.

Manitoba's NRPA dependencies to the Constitution Act, 35.1, affirms the existence of Aboriginal and treaty rights of the Aboriginal peoples of Canada is thereby recognized and confirmed.

Crown lands are vital to First Nations. People continue to access natural resources. This includes the designation of wildlife management areas, shooting grounds, Crown agricultural leases, provincial parks and other Crown lands not designated, considered to be vacant. Without this access, which was guaranteed by a treaty commissioner in 1871 at Lower Fort Garry, where any people could go and gather food for sustenance of the treaty right guaranteed by the Constitution Acts of Canada, this becomes meaningless. And Alexander Morris promised in 1876, as long as sun shines and the rivers flow. It becomes a broken promise, unlike the promise given in 1871 at Lower Fort Garry, to give it to its people gathered to sign Treaty 1.

Under the current act, section 7.1.1(3) gives some assurance that Aboriginal treaty rights will be considered in managing Crown lands. Comments disrespecting Crown lands disposition act, the Sparrow Supreme Court decision of 1990 prescribed out by—must follow when there is a potential for infringement on Aboriginal or treaty rights. Governments are obliged under law to make meaningful consultation before any decision is made to affect Aboriginal and treaty rights.

The sale or disposition of Crown land, which supports natural resources, basically ends First

Nations peoples to access these resources. Further, the ability of any minister of the Crown to prove the sale of Crown lands, which is valued at less than \$25,000, likely includes marginal lands which still support wildlife populations.

And the minister may change a designation of wildlife management act—area, sorry—our public shooting ground's an example of—and dispose of those lands—further infringes on First Nations people's access to these lands by eliminating habitats.

Section 6.2(1): the minister shall sell Crown land, and is only the minister, or can this be delegated to others in the department, like directors?

\* (19:50)

**Mr. Chairperson:** Chief Hudson, thank you for your presentation. Your allotted 10 minutes is—are up.

Do members of the committee have questions for the presenter?

**Mr. Helwer:** Thank you, Chief Hudson, for joining us tonight. As a new minister a year and a half ago or so—it might be longer, given what we're in these days—I was very honoured to meet with the Premier (Mr. Pallister) and the grand chiefs and several of the chiefs over an hour and a half, usually meeting with each grand chief.

And we explored a number of topics during that time, and TLE was, indeed, one of those topics, and it is first and foremost an obligation by the government in any transfer of land.

So I want to assure you that TLE obligations are in no way altered by the proposed amendments. They only speak to the sale of surplus land and any land that is for sale goes through that TLE lens first to see if or when, how we would make it available under TLE. So we don't make any changes in that regard.

It is a—constant communications in our government and—or in our department—and Minister Clarke's department to make sure that we live up to TLE requirements and exceed them, even.

We have transferred, and Minister Clarke will know the numbers—I don't have them at hand—but the number of TLE acres that have been transferred since 2016, since we became government, probably dwarfs anything that happened during the previous administration—the entire administration.

So, we want to assure you that that will continue and that that is the first area that is dealt with when we

look at any land that may be deemed surpluses—that TLE is the first consideration.

**Mr. Hudson:** Well, I certainly give thanks for that.

I just want to provide a couple of examples, I guess. When, you know, in terms of this change from \$25,000 to \$200,000 as far as the shift in purchasing these lands, when we negotiate a treaty and our treaty land entitlement agreements, which were ours, that Peguis has ratified in 2007 and during that time the price of land fell within that range of \$25,000. Now it's been up eight times the amount.

So does that mean we—rather than receiving \$64 million, that we are entitled to a further eight times that amount, or a half a billion now in terms of being able to purchase lands in question?

And I guess the other thing is, the primary obligation is to provide, overall, in the TLE settlements, 1.2 million acres of Crown lands and that's, you know, how this is going to impact us in a couple of ways. So, those obligations, obviously, with the rise in value of land, does that mean that we have, again, four times the amount of land that should be outstanding to us, given some of these changes?

That's how I see it right now.

**Mr. Brar:** Thank you, Chief Hudson, for your presentation and thanks for the reminder about the treaty obligations. That's very important and we should be respecting whatever we committed in the past, and that's the mutual respect we should have for all the communities living together in this country.

What are your thoughts—when I say your thoughts, means the 11,000 members in your First Nation community—what are your thoughts about this government's general approach in inclusion and consultations on various decisions that are taken here in this Chamber? Like, how much efforts they are making?

Are you impressed? Do you want to suggest something? What's the total in general impression of this government on inclusiveness of First Nations in general and in particular to this bill when it was designed?

**Mr. Hudson:** Well, I certainly give thanks for, you know, the opportunity to be able to sit and talk tonight, obviously, to the committee. And I think that needs to be represented through this government, in terms of being able to come and sit with us and remind what the obligations are outstanding on how this—these

changes are going to impact us, and, to date, consultation hasn't happened.

As First Nations, when we signed treaty, we sat and worked with the government of the day and helped the people of the day, actually, survive the elements here in this territory. And, you know, we certainly have put our best efforts forward to understand the needs of the people when they were coming to this land, and I think that's something that needs to be done with First Nations.

So I would recommend that we withdraw this bill and that you consult with First Nations, especially surrounding the impacts to our constitutional rights, because they are protected in the Canadian constitution, which supersedes the Province of Manitoba.

**Mr. Chairperson:** Thank you, Chief Hudson.

This concludes the time for questioning.

I will now call on Mr. Tom Nevakshonoff, private citizen, and ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on.

Mr. Nevakshonoff, if you can hear me, please turn your video on and unmute yourself.

Good evening, Mr. Nevakshonoff, please proceed with your presentation.

**Mr. Tom Nevakshonoff (Private Citizen):** Good evening, everybody. I want to begin by thanking the members of the committee. You've put in a very long day here, and it's not over yet. And I would extend my thanks to all of your staff and as well to the clerk assistants there. Everybody's looking at an 18-hour day and have to come back to work tomorrow.

So just for some perspective, I've had the honour to be in that room myself. I was the MLA for the Interlake for 17 years and finished off as the minister of Conservation and Water Stewardship, so I have some experience when it comes to the topic of Crown land. And I should add that I'm now a municipal councillor in the RM of Fisher. I'm not speaking on behalf of the RM this evening, but I wanted to make the point that I have that perspective as well.

To begin, I would just like to stress how important to me, personally, Crown land is. I've spent a good part of my life in the bush, whether it's hunting or fishing or working at remote sites. I've been a farmer and all that, and I have a high appreciation for Crown land. In my retirement now, I spend a lot of time in the

woods, either on my quad or snowmobile, hunting or picking mushrooms or berries or what have you, and we're truly blessed in this country, in this province, to have this abundance of Crown land.

In my opinion, the Crown land that we have is the very definition of our freedom, and I'm concerned about this bill. I see that system under threat. I mentioned the time I spent in the previous administration, and I know how we did business when it came to the disposition of Crown lands. When we first came into office, we were bombarded with the stories of all the deals that took place in Crown land sales over the years. Mr. Uruski alluded to some of that, and I can—I remember some of those occurrences as well.

\* (20:00)

And one of the first things that we did as the government was we put a moratorium on the sale of Crown land until such time that we could get a better handle on it. And following that, we constituted a group of esteemed civil servants. We—it was called the Crown Lands Property Agency and it had a number of deputy ministers that sat on it, either from Conservation or Transportation, Agriculture, Municipal Affairs, what have you.

All of those ministers vetted any potential sale through their department. Any one of them could veto a sale. And the end result was that decisions were made professionally, not politically.

Politicians that step on this slippery slope, that are going to enter into the business of selling Crown land, will be subject to all kinds of influence seekers, party supporters that think that they should be rewarded in terms of getting possession of their Crown lands.

So, I think my one point here would be politicians would be well advised to leave the decision in the hands of professional civil servants, with some oversight, rather than taking this upon themselves as they seem to be doing with this bill.

My second concern is with the consultation. I served as the chair of the NDP Legislative Review Committee of caucus for over a decade, and the first question we always asked people coming forward with the potential bills was have they done the consultation.

And I think having listened to Chief Hudson just a few moments ago, I think he was unequivocal that, frankly, it sounded like no consultation was done, that the very essence of this bill could be challenged on a

constitutional basis. So again, this government should go back and do proper consultation.

And I would include municipalities as well. I know that municipalities are a creation of the provincial government, but we're on the front lines here and we're the ones that have domain over property. And yet I have seen numerous examples of the provincial government basically imposing its will upon us; and this is another example of that.

The municipalities used to have first right of refusal, for example, on any transfers of Crown land to the private sector. That seems to be gone now and we have to compete with god knows who, large corporate conglomerates. So it's unclear who would have access to Crown land. So, as a municipal councillor, I have concerns.

I look to a good example of the Province imposing itself upon us when they took away the final decision-making powers in terms of planning and development within our municipalities. In times past, council's decision was final. Now it's—a proponent can appeal that to the municipal board, which is politically appointed, and the final say rests with them instead of the municipal government.

You know, bundling of the wide range of programs into one fund has created a lot of confusion for us. The Province has intruded in the field of drainage, for instance. You know, now they can override private property landowners and impose drainage upon them.

So I would just urge the government to be a little more circumspect, that they would be more open to consultation and communication as opposed to—I don't want to use the word dictating, but as I said, imposing their will seems to be the order of the day, and I fear that may end badly for you. It's certainly ending badly for a number of us out in the rural areas.

So I think I would just maybe wrap up my comments and that, remarks, on that note. I think probably close to my time anyway, and would relinquish the mic to you, Mr. Chair, for questions, if there are any.

Thank you very much for the opportunity to present today.

**Mr. Chairperson:** You're welcome, and thank you for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Helwer:** Thank you, Mr. Nevakshonoff, Tom. Good—very good to see you, Tom. You're looking



well. We don't see each other very often anymore like we used to in the House. I'm a little greyer too, so.

It's, you know—I always enjoyed speaking with you when we were in the Legislature and, of course, now we can't even meet with AMM in person. So, we'll get there again someday, but.

You covered a lot of ground in there and I want to, you know, give you some assurance that the pricing of land transferred to municipalities still remains at market value; there's no real change there. We have put some clarifications in, in terms of which government employees require approval 'before'—before taking an interest in Crown land and how they seek that approval.

We want to make sure that there's no inside influence on—and that all land sales are open and transparent and readily available to the public, and adding ministers and senior public servants to the list of people who need approval before taking an interest in Crown land—that never existed prior to this.

So, when—as I mentioned earlier tonight—when I first looked at this several years ago when we formed government—similar to when you formed government—you look at what was done, and 95 per cent of the time, it took five years for the agency to get to know. In the meantime, someone had wanted to buy the land. And the other 5 per cent of the time, there was additional information required and the first land sale that we actually undertook had been in the works for 20 years.

I don't think that's acceptable to the public, I don't think that's acceptable to the government. But we still need to make sure that there is good oversight there, and I'm confident that this will allow that to happen and that the public can see what is going to happen.

And also in the consultation side, I did mention to Chief Hudson that, you know, I was indeed honoured—I'd never had that experience as a backbencher, but—to meet with the grand chiefs and many of the chiefs and have discussions—wide-ranging discussions—and this was part of that discussion as well.

**Mr. Nevakshonoff:** Yes. Well, thank you, Reg, for that.

I think Chief Hudson might tell you that meeting with grand chiefs, that doesn't necessarily constitute consultation with the chiefs themselves who are in the field and in control of the individual communities.

Secondly, in regard to the sale of Crown land, I would really urge you to be very reticent, too, in that

regard, because most of this land, most of the good land has, frankly, already been privatized in times past. What's left is very marginal, it's a lot of marshland and rock ridge that may be suitable for pasture and the cattle sector and—just doing a good job with that land. But they have to leave it virtually in a natural state; they can't clear it, they can't start digging big drains into it and so forth, so I think you should just be cognisant of that, that the Crown land that's left—really, the value in selling it might be marginal.

I think that might be negative when it comes to looking at the ecological goods and services that a lot of that land provides. And, you know, I would go back to the ranchers and maybe sit down with them again. I know they're not happy with how things have gone with the changes to their long-term leases and all that, and I can relate to that.

I represented a great number of ranchers over my 17 years, and I think leaving that land in the hands of the Crown in the care of the ranching sector, where the public has access to it for a good percentage of the year to hunt, to hike, to gather berries and mushrooms and what have you—I think that might be a better course of action.

So, I just want to close by suggesting caution and move slowly and make sure that the long-term public good is maintained. So, thank you.

\* (20:10)

**Mr. Chairperson:** Mr. Brar, and we're going to allow for one more question and as you're aware, we're on a time limit here.

Go ahead, Mr. Brar.

**Mr. Brar:** Mr. Nevakshonoff, thank you so much for sharing your experience and contents of your presentation: impressive.

My question is, do you think Manitobans needed this bill at this time or do you think at—do you think that this legislation is a demand-driven or a supply-driven legislation?

**Mr. Nevakshonoff:** Well, no, I don't think this bill was necessary. I think that returning to a more responsible way of dealing with Crown land, as I described before, with professional people, the deputy ministers from conservation, transportation, municipal affairs, agriculture, mines; all of these peoples should vet these types of deals.

Politicians should be isolated from dealing directly with the public in this regard. That's the

beauty of democracy, is to have the administration that stands between politicians and the public, who are always pressuring them for political concessions, for interventions. Having a professional civil service is the very essence of our democratic system. That's the true value that I think is being jeopardized and potentially lost here when we take away that decision-making power and put it in the hands of politicians, who are answering to the people who elected them.

So, thank you for that.

**Mr. Chairperson:** Thank you, Mr. Nevakshonoff. This concludes the time for questioning.

I will now call on Mr. Dean Harder, private citizen, and ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on. Mr. Harder, if you could just turn your video on.

**Floor Comment:** Can you hear me?

**Mr. Chairperson:** Yes, we can hear you. Can you turn on your video, please?

**Floor Comment:** Okay. It is on. It's too bad you can't see me.

**Mr. Chairperson:** Mr. Harder, do you have a cover on your camera? It seems dark.

**Mr. Dean Harder (Private Citizen):** It looks that way.

**Mr. Chairperson:** You've got a cover on there.

**Mr. Harder:** Okay. Sorry about this. I'm not sure. All right—

**Mr. Chairperson:** Mr. Harder, good evening. Welcome. Please proceed with your presentation.

**Mr. Harder:** All right, thank you for having me. My name's Dean Harder from Lowe Farm, Manitoba. I'm a farmer.

And I, Mr. Chairman, I have a—is it possible to ask a point of information at this beginning?

**Mr. Chairperson:** Mr. Harder, yes, it goes against your time, but go ahead.

**Mr. Harder:** Sure. My simple question, I guess that I'm not too *[inaudible]* can. Under the act it says: minister means the members—Executive Council charged by Lieutenant Governor-in-Council with the administration of the act. Is that always necessarily the Ag Minister, is my first question? Does anybody know?

**Mr. Chairperson:** Mr. Harder, this is your opportunity to present and you can ask that question once you have question period, which will—you will have an allotted five minutes for, where the minister can answer that question. So please proceed with your presentation.

**Mr. Harder:** Okay, well then please keep that to the side so someone can answer. And I guess the other question I will have, for whoever, is who was consulted on this? How many groups were consulted: First Nations, farmers, farmer groups, hunting groups, municipalities? It would be good to know those numbers.

And as we read some key parts in the act—I know some people pointed this out and if I've—pointing it out again, I think it is important—where it reads—in 6.3, it says the minister may sell, exchange or transfer Crown land without the authorization of the Minister of Finance or the Lieutenant Governor-in-Council if (a) in the opinion of the minister, the value of the Crown land is equal to or less than \$200,000 or the Crown land is held in trust for a municipality or local government district that is approved. So—or, that's—yes. So that's what we're dealing with.

So what I see in that written—even though we're being told differently, is that it is—the value is in the opinion of the minister, which seems to me odd. It seems the minister holds a lot of power. So, what is so bad, instead of having an arm's-length committee whose job it is to be accountable with a deadline, if expediency is an issue? Set deadlines for decision-making. To me, that makes sense.

I hope this bill gets redone in such a way that has elected or even board oversight.

I would prefer this government get back to a point system when selling or leasing land. At least there is a process and oversight that is very clear and defined. The act as I read it, that I see, does not define that, as others have pointed out.

The—it seem—there's a process here of tiers where the Ag Minister gets to decide a lot, which can change who can—we've asked about heavy influence from whomever gaining favour; can that—can someone gain favour? The minister decides, yes, you get this land for this lower amount. I'm told it doesn't, but the act doesn't really point to that, or in fact—it's the Ag Minister, then the Finance Minister, then the Lieutenant Governor at certain levels of price cost. But then that's, like, a triumvirate, and they are the ones that get to decide, so it becomes, like—so

someone gets to decide who plays Pompey, Julius Caesar or Crassus in this instance.

It's—that's not real accountability, and it doesn't matter if it's this—you know, this government or another party that forms government. It's these individuals. So that's—then—I just—change that. And I can't understand how that would be thought of as acceptable.

There—it doesn't—like, there's standards—highest bidder, even, not mentioned that way, even though perhaps that's how it's done now and they think that'll just be the routine. Well, there's no guarantee that I see that is the routine.

What about locality? You know, locality should mean something. Like, it's not just if you want it the most, then you should get the land. If you're local, maybe you will. Maybe you'll fork out whatever cash you can. That doesn't—but that all has a major, major cost and it doesn't speak to new farmers. New farmers are important, and they don't have cash. They—maybe they come from their parents, but if you're starting out fresh, what guarantees if it's Ag Crown land that, you know, a young farmer will have access over someone who, you know, who's—has that extra land, they've been able to gain that money over the years, or someone who isn't even close or connected to the land or the area whatsoever. So that's all dangerous to me.

And how much is the government looking to sell? It looks like they could sell as much as they want. There's no—I see no limits. Is it, you know, a quarter of our Crown land right now in a certain period of time? Half? How much?

What is—yes. So, accountability, stop measures. That—they're—I just don't—I don't see it. And what determines land value to the minister? What everything else is going on, or—you know, it seems like they—it seems—it's written there, like, they can decide what the land value is. It's their opinion—opinion. Just an opinion. Why? Opinion should be stricken. It shouldn't be just the opinion. I don't get it.

Will this be a way for farmers who are now leasing land instead to—who aren't happy with the current system to say, great, now you can buy the land? This is great, this is how we can get out of this new auction-leasing system. Instead, you can buy since you're close. Is it a way to get out of that? Because we know the system there isn't—farmers are not excited about that either. So is that why this is being done? Why is this being done now, and does it

have to be this way in terms of to increase expediency? I don't see that it has to be.

\*(20:20)

These are some of my points. There were some of my questions there at the beginning. Very concerned for this, even how the prior one was written, in terms of the minister having the sole authority; that just seems unconstitutional. Well, it's undemocratic, for sure, and those that are closest to the land know it the most, so—but they—but there is nothing to oversee they—oversee that they have a say, you know.

So those are some of my points that I see it. I appreciate all the presenters and this committee's work. Thank you for allowing me to have some questions that I hope you will consider. That is all I have.

**Mr. Chairperson:** Thank you for your presentation, Mr. Harder.

Do members of the committee have questions for the presenter?

**Mr. Helwer:** Thank you, Mr. Hammond [*phonetic*], for your presentation, your questions. I don't know that I can answer all of them in the time and space that we have here.

So, land is currently held by a number of departments: Agriculture; Conservation and Climate; Central Services. And it's not just raw land; it includes—sometimes includes buildings as well that we may deem that are surplus or for sale. The financial transactions of this nature can't be authorized by a civil servant; they—unless that is delegated to them by a member of the Executive Council, and those are, of course, ministers. So all of those financial transactions, including the sale of assets, must be authorized by a member of the Executive Council.

Sorry, did I—if I misspoke. Did I call you Mr. Hammond [*phonetic*]? I meant Mr. Harder. I'm sorry if I misspoke there.

So, we want to make this open and transparent.

What was happening before is land sales weren't occurring, and that includes land that when we have, say, a highway development we do buy a lot of the land necessary for that highway, and then when the highway is constructed we have pieces of land that are left over that we bought that we need a process to dispose of them to usually the landowner we bought it from and at a different price, usually because it's not

as viable land. Those types of things would be enabled under this.

And I'm sure you probably saw the Minister of Infrastructure (Mr. Schuler) announce that, you know, there's \$500 million of highways to be built over the next year, so there's a lot of that happening in terms of acquiring land and determining what we need.

So I hope that gives you a little bit of guidance to some of your questions there and some comfort.

**Mr. Harder:** No, I'm sure there's various reasons. Yes, I mean, I was focused on—it's, you know, ag Crown land, but I know the bill goes beyond that as it's written.

I guess one question I didn't have answered that is just simple is who—it says the minister but it—who defines which minister that is, is I guess my one question I haven't had answered yet.

**Mr. Chairperson:** Minister Helwer, would you care to respond?

**Mr. Helwer:** Well, one of the reasons it's written that way, Mr. Harder, is because we do change ministers and portfolios and responsibilities in those portfolios from time to time. For instance, my ministry didn't exist prior to a year and a half ago: Central Services. And we do administer some of the land and most of the government buildings. So if we named a minister in there, any time a minister changed in terms of creating a new ministry or changing the name of a ministry, we would have to take up the Legislature's time to amend that piece of legislation.

**Mr. Harder:** That makes—okay, that clarifies that.

I don't understand, as is written in there, that it is in the opinion of the minister the value of Crown land is equal to or less than \$200,000. So, it is the opinion, as is written. But I understand it sounds like there is other processes to get to that opinion, but where are they written?

**Mr. Brar:** Mr. Harder, thank you so much for your presentation. You made real good points about this bill.

Are you aware of any consultation process before this bill was brought forward, if that happened at all?

**Mr. Harder:** I found out yesterday that this was happening, so I'm not aware. I'm a member of more than one farm organization. I had not heard anything earlier on.

And, yes, it didn't get answered how many groups were consulted. I still—I think many are wanting to know, and clearly, others have said please consult, please go further with this. Many groups are really concerned about that.

So what is clear is this is not—it is meant for pure efficiency, but not democratic process. I understand five years is a lot, but just hanging on that note, it seems to me that there's a difference between one to five than can be squeezed by still using democratic processes.

So, yes, the consultation is still worthwhile and helpful, and clearly, there's some major change that should be made if this bill should pass at all. Because as it stands, I would hope not.

**Mr. Chairperson:** Thank you, Mr. Harder.

This concludes the time for questioning.

I will now go back to the list of those who were placed on the bottom. I will now call on Mr. Don Sullivan, private citizen, and ask the moderator to invite them into the meeting.

Please unmute yourself and turn your video on.

**Floor Comment:** We should be good to go, but I'm not getting any video.

**Mr. Chairperson:** Okay.

**Floor Comment:** Can you hear me?

**Mr. Chairperson:** I can hear you, Mr. Sullivan.

**Floor Comment:** Okay. For some reason, this has happened on the occasions when I'm doing Zoom. I don't know what's going on, but I—at least you can hear me, and I can still make a verbal presentation.

**Mr. Chairperson:** Please proceed with your presentation, Mr. Sullivan. Go ahead.

**Mr. Don Sullivan (Private Citizen):** Yes. I'm speaking—thank you and—Mr. Chair, and I'd like to recognize all the other honourable members sitting around the committee table and the other members who are not.

So, we're talking about the Crown disposition act and various acts amended. In my opinion, this act should be the Crown disposition and evisceration act. And it's essentially, this is what—this bill is designed to give the minister—whomever that may be, but right—for The Crown Lands Act, it's the minister responsible for the act—the ability—and I'm going to

read section 6.2(2)—the minister is to determine the sale price of the Crown land.

I don't think any minister should be 'termining' the sale price. Yes, he should—or he or she should—be able to approve or authorize the sale of land, but in no way should they be determining the sale price. That is open to all sorts of abuses and conflicts of interest.

Now, I'm particularly concerned about all the sections that are inserted, particularly 6.2(1), 6.2(2), 6.3(1), 6.3(2), 6.3(3), 6.3(4), 6.3(5), 6.3(6), 6.3(7), 6.3–6.4(1) and 6.4(2) and 6.4(3) and 6.4(5). Now, all of these are new insertions into the existing Crown Lands Act. Essentially, what this does is gives the minister who—the authority to sell—sole authority to sell land that is \$200,000 or less. If it's between \$200,000—if it's between \$1 million and \$200,000, then he simply needs to walk over to the Finance Minister and get his approval. And anything that's over—Crown land that needs to be dispossessed as sold can be—over \$1 million can be done so by authority of Cabinet.

\* (20:30)

So that—and I might add, all of those sections are then inserted into The Expropriation Act, The Public Works Act, The Land Acquisition Act, oh, The Transportation Infrastructure Act. We're also included in The Water Resources Administration Act. So, essentially, you can sell just about every asset that this Crown owns, including Hydro-line dams, any infrastructure included with the dams, all of the Hydro vehicles, every piece of building, any park that you wish to sell, any infrastructure in that park, including roads, just anything that you own, period. And if you don't own it, well, then you can then use The Expropriation Act to expropriate the property and then sell it.

The next thing is, if you don't expropriate it and you decide to do—to acquire the land under The Acquisition Act, well then, you can do that and then sell it using these various sections within The Crown Lands Act.

In terms of accountability—none. Zippo. The only thing that I see in terms of any possible remote sense of accountability when selling this land and to whom you're selling this land to is contained in section—I think it's 51. Thirty—sorry, here we go. Section 34.1, which is called the disclosure of names of purchasers. And it says the government may—may, not shall, may; that's a big difference—may publish, on a website or through other public means, the names of purchasers

of Crown lands. So, may is not—doesn't warm the cockles of my heart; shall does.

And then we go on to all of these other five acts in which all of the selling features of the Crown assets under Crown lands are inserted into the other five acts. So essentially what you got here is the legal mechanism to sell off parts, to sell everything that's related to Hydro, any asset that the Crown land—that the Crown owns.

To me, this whole entire bill needs to be—either die on the Order Paper or withdrawn. There is no provisions in here to undertake meaningful, bona fide consultation with section—with First Nations under section 35. I can't even believe that you even introduced this act without consulting First Nations. I mean, we're dealing with unoccupied Crown land. That is a treaty. That's your fiduciary obligation. I'm absolutely appalled.

You know, and trust me, I've spent 30 years working on the east side of Lake Winnipeg, I spent seven years as a special adviser to the government. I've been in those tables. I've been developing policy myself and legislation. And this is an appalling piece of legislation—bar none.

And I would like to ask my esteemed friend Mr. Lindsey over there—if he's still here—if, should they happen to be elected in 2023 that they—as soon as taking office that they repeal every amendment to this act. Quite frankly, well, we know what this—I know what this is designed for: it's designed so that you can just leave office and sell it all, sell everything you own.

And that's all I have to say. I handed a handout; I wrote an article that's been published. You know, I'm going to pretty well stop there, because the more I think about it, the more adjectives I have that are inappropriate to describe this act. And so I'll just leave it right there.

Thank you very much.

**Mr. Chairperson:** Thank you, Mr. Sullivan, for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Helwer:** Thank you, Mr. Sullivan, for your presentation, for taking time to be with us this evening. I know it's been a long evening for many people, and we appreciate you sticking it out and coming to give us those words, and we certainly take them under advisement.

And I've spoken previously this evening about when we met with the grand chiefs and the chiefs that were involved in those meetings, and this was one point of discussion. And TLE is not addressed in this particular act because it is addressed elsewhere, and we abide by it and we follow it and we have, indeed, transferred more acres of land under TLE responsibilities than the previous government ever did.

Thank you.

**Mr. Sullivan:** Yes, I'm not talking about treaty land; I'm talking about unoccupied Crown land. So, you sell unoccupied Crown land, you're infringing on section 35 rights. You're infringing on people's traplines. Yes, you are. Don't tell—shake your head at me, because I've been in this business a long time.

If I was First Nations, I'd be lining up with my lawyers in court and I'd be in a huge battle with you folks because, you know what, I've seen you guys, and your idea of proper section 35 consultation leaves little to the imagination.

**Mr. Brar:** Thank you, Mr. Sullivan, for your presentation.

Did you get any chance to send any inputs for—during the consultation process?

**Mr. Sullivan:** No, never been consulted. I talked to a number of First Nations that I've known; they've never been consulted on this—these amendments to these six acts. And they are unaware of the scope and nature of this wholesale selling of Crown assets.

**Mr. Chairperson:** Are there any other questions from the floor?

Seeing none, we will now—oh, Mr. Lindsey.

**Mr. Tom Lindsey (Flin Flon):** Thank you for your presentation, Mr. Sullivan, and I can assure you that there are so many bad pieces of legislation that this government is introducing and we're going to have a big job trying to repeal each and every one of them and get this province back on track.

But I guess that's the mandate that we'll have is to fix everything that this bunch has broken.

Thanks.

**Mr. Sullivan:** Yes, I appreciate you confirming that you would repeal the amendment to—or repeal Bill 12 in its entirety. I think it's absolutely a regressive piece of legislation that will literally sell the baby with the bathwater.

**Mr. Chairperson:** Are there any questions from the floor?

Seeing none, this concludes the time for questioning. Thank you, Mr. Sullivan.

I will now call on Mr. Fred Tait, private citizen, and we'll see if we can connect with him via telephone. Stand by.

Mr. Tait, if you can hear me, if you can unmute yourself by pressing \*6 and then we can hopefully hear your presentation this time.

Mr. Tait, we actually can hear some noise, background, but however, we cannot hear your vocals.

Mr. Tait, we are still having the same issues. I am just waiting for assistance from our technical staff.

**Hon. Ralph Eichler (Minister of Economic Development and Jobs):** Mr. Chair, I wonder if there'd be leave of the committee if we could ask the Clerk's office to contact Mr. Tait and have a presentation—that he write a presentation. It could not be entered into Hansard, is my understanding, but it could be distributed to the members of the committee.

I wonder if that would be agreeable to the committee.

**Mr. Lindsey:** Sure. Perhaps the Leg. staff could contact the gentleman and record an interview with him if he doesn't have the wherewithal to write a written statement and prevent—present that to the committee for consideration. Something entirely new and different, but hey, this whole process is.

\* (20:40)

**Mr. Chairperson:** From the suggestion of the Honourable Minister Eichler, is it the will of the committee to contact Mr. Tait given of the nature of the technical difficulties that we're having, that the clerks contact him so that he can provide a written presentation? And we all do understand that will—that it will not be included in Hansard?

Is it the will of the committee to agree to that?  
[Agreed]

I will now call on Chief Rod Travers to proceed with his presentation. But before I do that, I just want to say thank you for—Mr. Tait, for his patience, and the committee is looking forward to your written presentation, and the clerks will contact you.

Chief Rod Travers from the Kinonjeoshtegon First Nation, if you are on the line, please unmute yourself and turn your video on.

Chief Travers is not present, so he will be struck from the list. That concludes the list of presenters I have before me.

\* \* \*

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

**Mr. Eichler:** We'll go in numerical order, is my suggestion, Mr. Chair.

**Mr. Chairperson:** Is it the will of the committee to proceed in numerical order? *[Agreed]*

### **Bill 3—The Public Service Act**

*(Continued)*

**Mr. Chairperson:** We will now proceed with clause-by-clause of Bill 3, in numerical order.

Does the minister responsible for Bill 3 have an opening statement?

**Hon. Reg Helwer (Minister of Central Services):** I just have a few words—comments in regards to Bill 3. Thank you to everybody for their presentations tonight and for bringing forward a lot of information for us to continue—consider as we get ready to implement this new act and this framework, should it pass.

If many of the presenters are still online, I hope to explain a little bit about the process that we're going to go through now. We did have the public presentations, and that's a very critical part of our committee process. We are now going to kind of move from the public process, although you can still see it, to the legislative process, where we have to consider each clause of the written legislation, whether it passes or is not passed or is amended, in order for the bill to be reported to the House, to the Legislature.

So, it may go very fast, or it may go slow, but it will look a little bit foreign if you're not used to that type of—watching that role. So I just want to make sure that the comments that people made tonight, we certainly do give them serious weight in the formulation of the bill and how it's enacted, and that they are certainly not ignored and we have staff that are making notes and will be giving me advice as we move ahead here.

So, The Public Service Act will advance our public service into the modern era. And it is a platform setting and articulates the role and purpose of the public service in serving Manitobans. The bill was crafted with the understanding that time really does

march on and transformation is one of the keys to success. We know there is an ongoing necessity for the public service to reflect the times and in the environment in which it operates. I'm very proud that Bill 3 does this. It establishes a framework for an ethical and effective public service for Manitoba by setting out long-held principles and values, such as integrity and respect for others, to ensure that they are consistently applied to the modern era.

The act also fosters alignment beyond our core government departments and across our public service and they will be guided by the principles and values in the act.

Now, The Public Service Act does include some transitional provisions which have time restrictions or a time limit to—in order to facilitate the transition from old legislation to the new legislation, and we will be putting forward a couple of amendments to those transitional provisions tonight. I'm—apologize that I'm not able to be in person there tonight due to some family issues, but Minister Eichler, I believe, will be presenting them on my behalf there.

So thank you, sincerely, to everyone that's involved in the legislative process around this important bill. It took a lot of time drafting, we know that, and lots of considerations moving it ahead.

Thank you, Mr. Chair.

**Mr. Chairperson:** We thank the minister.

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

**Mr. Tom Lindsey (Flin Flon):** Where is it? Okay, here we go.

So, Bill 3 replaces The Civil Service Act and creates three categories of civil servants: the core public servants, the broader public service and the allied public service. Most concerningly, Bill 3 eliminates the provisions for arbitration.

The existing Civil Service Act requires the minister to call an arbitration board upon request under section 48(1). MGEU requested arbitration in July 2019 and, by law, the minister should've established an arbitration panel within seven days.

MGEU has been without a contract since March 2019 and the Pallister government has been trying to apply their unconstitutional bill 28. It took a decision of the courts for the minister finally apply the law and allow arbitration.

The minister clearly knew what the law meant. That's why now, after the fact, they're introducing Bill 3 to remove their legislative responsibility to appoint arbitration.

This bill also dissolves the Civil Service Commission, replacing it with the Public Service Commission. This is concerning because it removes a neutral and arm's-length body which oversees the civil service.

I note that the government has put out requests for proposal to review the steps and levels of compensation within the civil service. Such classification reviews should only be done in a fair and transparent manner. Handing such functions to an external private consultant and then pulling back the autonomy of the Civil Service Commission, as this bill does, that leads me to believe that the Pallister government has ill intent here.

I warn the minister that meddling with the Civil Service Commission and outsourcing classification review is a recipe for disaster. The Pallister government is setting up a major confrontation with its civil service.

Bill 3 politicizes the public service and takes what are supposed to be two separate entities, the civil service and the ministers' offices, and blends them together. This decision opens up many opportunities for abuse of power and reverses a system that was carefully implemented in order to curb the potential for political interference.

With Bill 3, the Pallister government is undoing a model for professional civil service, opening the door for bad outcomes.

And I wish to thank all the presenters that were here for their patience in the technical difficulties and just for showing up to share their valuable input on Bill 3.

I really hope that the minister will listen to Manitobans and stop attacking their right to arbitration. Certainly, the presenters that were here tonight asked the minister to stop this bill, to reconsider what he's doing. So I would encourage the minister to really listen to what those presenters had to say. Withdraw this bill.

**Mr. Chairperson:** We thank the member.

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

Due to the size and structure of this bill, the Chair—myself—would like to propose the following order of consideration for the committee's consideration. For your reference, we will provide copies of this outline for committee members, with the understanding that we may stop at any point where members have questions or wish to propose amendments.

\* (20:50)

I propose that we call the bill in the following order: Part 1, comprising of clauses 1 to 3; part 2, comprising of clauses 4 and 5; part 3, comprising of clauses 6 to 31; part 4, comprising of clauses 32 and 33; part 5, comprising of clauses 34 to 41; part 6, comprising of clauses 42 to 51; part 7, comprising of clauses 52 to 55; part 8, comprising of clauses 56 to 60; part 9, comprising of clauses 61 to 64; part 10, comprising of clauses 65 to 138; part 11, comprising of clauses 139 to 141; the schedule; the preamble; the enacting clause; the bill title.

Is that agreed as an appropriate order of consideration for Bill 3? *[Agreed]*

Shall part 1, comprising of clauses 1 to 3, pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. Which clause would you like to speak to first?

**Mr. Lindsey:** I would like to speak to clause 1 first.

**Mr. Chairperson:** Shall clause 1 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** So, just in the definitions, which is really what we're talking about here, it talks about what the definition of pay is, and so many of those things that it includes there are things that should be through the collective bargaining process.

So my question is: I wonder how things such as additional remuneration and allowances and bonuses and premiums—does that interfere with the collective bargaining process or is it merely an attempt to cobble everything together that may be included as pay, and does it affect it somewhere else down the road?

**Mr. Helwer:** So, the collective bargaining is not affected.



**Mr. Chairperson:** Clause 1—pass; clause 2—pass.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** Wait, wait, wait, wait, wait, wait. Slow down.

No.

**Mr. Chairperson:** Shall clause 3 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** So, there's all sorts of parts and pieces in this that cover various aspects. It talks about things such as merit. It talks about the mobility of the operate—workers within the department.

So my questions are: (1) does this in any way impact the rights of union members when it comes to seniority? When we talk about merit for appointments of the core public service, they ought to be made free from political influence, but merit won't necessarily do that; what does that is seniority clauses that are fundamental to unions.

The other question I have is around the mobility. Does this mean that civil service workers will be expected to bounce from department to department rather than having departments fully staffed and able to perform their functions properly? Will workers be moved around constantly and never know exactly where they're supposed to be working?

The next question I would have would be around the classification plan that the minister must establish and maintain. Those kind of things should probably be negotiated, not just driven by the minister.

**Mr. Chairperson:** Mr. Lindsey, are your questions directed to clause 3 or part 3?

**Mr. Lindsey:** Good question. Probably part 3.

**Mr. Chairperson:** Mr. Lindsey, we're currently on clause 3.

**Mr. Lindsey:** All right, I'll back up. My apologies.

**Mr. Chairperson:** Mr. Lindsey, go ahead.

**Mr. Lindsey:** Then it should pass.

**Mr. Chairperson:** Clause 3—pass.

Part 2, comprising of clauses 4 and 5—pass.

Shall part 3, comprising of clauses 6 to 31, pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Which clause are you—would you like to speak on first?

**Mr. Lindsey:** First, I would like to speak on clause 8, where it talks about the principles of diversity, inclusion, fairness, merit and mobility.

**Mr. Chairperson:** Clauses 6 and 7—pass.

Shall clause 8 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** My questions are around a couple of things in clause 8. The first is around the principle that is expounded here on merit.

My question is: does the merit provision override the principle of seniority?

And while this provision talks about appointment to the core public service ought to be made on merit and free from political influence, the surest way to ensure that is to follow seniority, as opposed to merit, where somebody decides I like you, I don't like you, and that's how people get appointed.

So, does this override the principles of seniority?

**Mr. Helwer:** So, as I see here, seniority and its applications is generally negotiated between the union and an employer, and that's not a matter that's typically legislated. Nothing in The Public Service Act prevents the government and its unions from negotiating seniority provisions or, in the case of excluded employees, a non-bargaining unit, the government from enacting processes and policies that recognize length and—of service.

**Mr. Lindsey:** I recognize that seniority is something that's negotiated by the unions and the employer, but specifically, when you add a clause in to this that talks specifically about merit, it leaves the door open for favouritism and all kinds of other issues that seniority was developed to override those concerns. And I didn't hear the minister say that the overriding principle for appointments and promotions and all the rest of it will be seniority first and merit second.

**Mr. Helwer:** I think if the member has patience and lets us get to, say, 12(2), he will see where that is addressed.

**Mr. Lindsey:** I have an abundance of patience. I hope the minister does, because we're going to be here a while, but—so, I'll wait for that part. But then my next question is around mobility.

So we know that there's already a shortage in many departments with people working there. Does the provision now being put in here about mobility mean that people that work for the civil service or whatever it is we're calling them these days—does that mean they may be working in one department today, another department tomorrow, and be bouncing all over the place—which leads to less accountability, less knowledge, less service to the public.

So, is that what's happening here with this mobility, that the minister's contemplating being able to employ less workers and just moving them all over the place?

**Mr. Helwer:** So, mobility, in terms of this act, is very aspirational. It's a principle. It's about supporting the professional development of our civil service. It will not direct people to different jobs.

**Mr. Chairperson:** Seeing no further questions, clause 8—pass.

Shall clauses 9 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

\* (21:00)

**Mr. Chairperson:** I hear a no. Which clause would you like to speak on first, Mr. Lindsey?

**Mr. Lindsey:** Clause 9.

**Mr. Chairperson:** Shall clause 9 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** When we're talking about the classification right now, I'm assuming that that classification plan for how workers get paid within the civil service has been developed in consultation with unions over the years and is a plan that really works for everyone; but now it says the minister must

establish and maintain a classification plan for positions in the core public service.

Does that mean that the minister will be deciding and developing the classification plan without involving the workers' representatives, the unions, in the establishment of the classification plan?

**Mr. Helwer:** No.

**Mr. Chairperson:** Seeing no further questions, clause 9—pass.

Shall clauses 10 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Which clause would you like to speak on, Mr. Lindsey?

**Mr. Lindsey:** Clause 10.

**Mr. Chairperson:** Shall clause 10 accordingly pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** Again, it's—the minister must establish policies about all these different things: a diverse and inclusive workforce, respectful workplace, employee conflict of interest, workforce planning. Those are all good things that should be developed and put in place, but they should be developed in consultation with unions and the workers that are involved there.

Is that the intent of the minister, to develop those policies in collaboration, consultation and agreement with the various unions that may represent those workers?

**Mr. Helwer:** That is some of the processes we do undertake. I know from watching the previous NDP government, they fled from responsibility, and I witnessed it several times. But the minister is ultimately responsible.

**Mr. Chairperson:** Seeing no further questions, clause 10—pass.

Shall clause 11 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Which clause would you like to speak on first?

**Mr. Lindsey:** Clause 11.

**Mr. Chairperson:** Shall clause 11 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear an no. The floor is open for questions.

**Mr. Lindsey:** It talks about the commissioner must develop and implement policies for recruitment, flexible work, accommodation.

So, once upon a time there was a Civil Service Commission. Now there's merely a commissioner that's appointed by the government. So, they've got all this power now in the commissioner's hand and, again, it doesn't talk anything about developing any of these policies in consultation with the unions, the workers, because we've done away with the commission that was quasi-independent. Now, it's strictly the government that's going to develop these things like flexible work arrangements, including hours of work and settings of work.

So, is it the minister's intent to involve the union in those discussions and negotiate these things into being? Or is it his desire to have the commissioner merely mandate them?

**Mr. Helwer:** This supports the non-partisan piece of the legislation by putting the administrative policies into the purview of the public service commission. Section 12(2) still applies, so where negotiation would be required, yes, it would—we would negotiate.

**Mr. Chairperson:** Seeing no other questions, clause 11—pass.

Shall clauses 12 to 31 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** Wait; wait, wait, wait, wait. No.

**Mr. Chairperson:** Shall clauses 12 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Which clause would you like to speak on, Mr. Lindsey?

**Mr. Lindsey:** Very briefly on clause 12(2).

**Mr. Chairperson:** Shall clause 12(2) pass? *[interjection]* Correction: shall clause 12 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** So, just my question to the ministers around 12(2): Despite subsection (1), the terms and conditions of employment for represented employees may be established by a collective agreement.

So I just want to confirm that the collective agreement will take precedence and be the guiding principle, as opposed to a regulation that may offer something less than or anything that applies to those people covered by the collective agreement, that the collective agreement overrides legislation unless the legislation offers something greater than.

So, basically, whichever one offers either the best protection or the greatest benefit would be the one that applies, not necessarily just the legislated requirement.

**Mr. Helwer:** Perhaps if I read the clause, it may be clear. I'm not sure how to answer his question any other way.

Despite subsection (1), the terms and conditions of employment for represented employees may be established by a collective agreement. If a term or condition of the collective agreement is inconsistent with a term or condition established by regulation, then the term or condition in the collective agreement applies to the represented employees.

**Mr. Chairperson:** Are there any other questions?

**Mr. Lindsey:** Yes, I read that too. I just want to make sure that the union has the ability to negotiate things over and above what's in the legislation or the act, to ensure that they're covered by doing that.

**Mr. Helwer:** The collective agreement, as it says there, applies; it prevails. I don't know how to be any clearer than that, than what it says in black and white there.

**Mr. Chairperson:** Seeing no other—seeing no further questions, clause 12—pass.

Shall clauses 13 through 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Which clause would you like to speak on, specifically?

**An Honourable Member:** Fourteen.

**Mr. Chairperson:** Clause 13—pass.

Shall clause 14 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** Clause—I hear a no. The floor is open for questions.

**Mr. Lindsey:** So, when we're talking about the competitive process, the policies for recruitment and selection must provide for a competitive process designed to establish the merit of candidates. The factors to be considered in merit include education, skills, knowledge, experience and competencies.

Is there a ranking factor when it comes to determining the merit factor? So, it talks very broadly about all these things that go into the merit, but does—is there like a point system that says education, you get this many points; experience, you get that many points; seniority, you get a certain number of points; or is it just vaguely encapsulated in it?

**Mr. Chairperson:** Minister Helwer? Go ahead, Minister Helwer.

**Mr. Helwer:** So, The Civil Service Act contemplates merit. I'm not sure if the member's ever applied for a civil service position, but there are, you know, a variety of ways that points are attributed to various areas.

In terms of how we run a competitive process with interviews and such, there are a lot of factors that are at play and not all of them are black and white.

**Mr. Lindsey:** To answer the minister's question: no, I have never applied for a civil service position, but I have applied for positions in the private sector where it was clearly spelled out through the negotiation process how all these different aspects were considered in awarding jobs for people, and experience, seniority, was one of the guiding principles. And these other things kind of went along with it, but there was a ranking system for each one of those that allowed people to know that the system was fair and open.

\* (21:10)

Is that a similar system to what's contemplated or what's in place now?

**Mr. Helwer:** So, if I can go back to 12(2): Despite subsection (1), the terms and conditions of employment for represented employees may be established by a collective agreement. If a term or condition of the collective agreement is inconsistent with a term or condition established by regulation, then the term or condition in the collective agreement applies to the represented employees.

**Mr. Chairperson:** Seeing no further questions, clause 14—pass.

Shall clauses 15 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. Which clause would you like to—

**An Honourable Member:** Fifteen.

**Mr. Chairperson:** Okay.

Shall clause 15 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** Clause—I hear a no. The floor is open for questions.

**Mr. Lindsey:** We're talking about direct appointments in clause 15(2), and it says that the commissioner, who now is really someone appointed directly by the government—there's no commission anymore that has the separation, if you will—so it talks about the individual who can be appointed has specialized skills, knowledge and experience—I get that—the urgency of staffing requirements renders the competitive process impracticable and direct appointment is necessary for effective deployment of workforce resources.

That seems that this commissioner now has way too much power to tell employees, well, I'm hiring somebody to fill this position rather than using the normal bulletin procedure that would allow employees to progress and use their skills and keep learning new skills. And the direct appointment is necessary for effective deployment is really what concerns me the most because it's kind of a catch-all phrase that this commissioner, at the direction of the minister, no doubt, could use for directly appointing

people in positions all over the place with no real reason for doing that.

So is there anything that's going to spell out in more detail these clauses so that people have some understanding and comfort with them? Because right now it just seems like this commissioner is the powerful Oz behind the curtain.

**Mr. Helwer:** So, again, I go back to the collective agreements. But perhaps, I don't know, the member hasn't been paying attention to the last year and a half of what's happening. During the pandemic, we used this several times. You know, you have to have people with the knowledge and ability to do the things that we needed done in a very quick time frame. And that would be a great example of when you might use a direct appointment. They are still subject to all the other areas, and they must be qualified.

**Mr. Lindsey:** I guess the pandemic is a great example of an emergency that would require—but this doesn't just talk about emergencies that might require; this talks about for effective deployment of workforce resources. So I'm short staffed in one department; I'm going to take people and direct them that now, today, you're working in this department. And we know already that the government is short staffed in so many departments. So just kind of robbing Peter to pay Paul is not going to be the right answer, and yet that's exactly what this particular provision will allow.

So is there anything that will really spell out when this commissioner would be able to exercise these great powers that they're going to have? Is it just for an emergency situation, or is it every day of the week, just in somebody's determination of effective deployment of workforce resources, as it says here?

**Mr. Helwer:** Again, I think a thorough reading of all the words there answers the question. It's pretty clear to me when and how this might be applied. You know, there are circumstances in certain areas of the province where we might find difficulty filling a position, and that might be one way or one time that this might be used. But it talks about—well, again, reading the clause, I think, makes it clear.

**Mr. Chairperson:** Seeing no further questions, shall clause 15 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clause 15 is passed, on division.

Shall clauses 16 to 31 pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** Clauses—

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

Which clause would you like to specifically speak on, Mr. Lindsey?

**Mr. Lindsey:** Oh, let's start at clause 20.

**Mr. Chairperson:** Clauses 16 to 19—pass.

Shall clause 20 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** Well, really, for me to talk about clause 20, I have to talk about 21 as well and 22; they're all kind of tied in together as to suspension for cause.

So, the commissioner, again, seems to have this superpower to start laying people off based on their decisions around the performance, but there's really nothing that spells that out anywhere as to what exactly just cause will be.

Is it strictly the commissioner's opinion, or will there will—be something—and I get that it—a union or a worker that has a union will obviously have the grievance procedure and all the rest of it to go through, but what about workers that don't have a union? What will their recourse be when the commissioner just decides today that, yes, you're gone; we don't need you anymore?

**Mr. Helwer:** So, I hope you're not equating layoffs to just cause. I don't think they're equal. But I think if you go down to clause 23, matters dealt with by the collective agreement, the discipline, suspension, dismissal or layoff of a represented employee must be dealt with in accordance with the applicable collective agreement if provided for in the agreement.

**Mr. Lindsey:** If the minister had listened to my question, I said I realized that people that are represented by a union will have recourse, but what about employees that are not represented by a union? What is their recourse when the commissioner, the all-powerful commissioner, decides to suspend them and says it's with cause?

**Mr. Helwer:** So, the excluded employees that the member refers to have the same rights in common law as other employees, and the act—and that the act gives them, and clause 31 allows us to put that into regulations.

**Mr. Lindsey:** Soon, soon enough. I'll move on from that.

**Mr. Chairperson:** Seeing that there are no further questions, clause 20—pass.

Shall clauses 21 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Which clause?

**An Honourable Member:** Twenty-one.

**Mr. Chairperson:** I hear a no. Floor is open for questions on clause 21. *[interjection]* Shall clause 21 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** Clause 21—oh, I hear a no.

Go ahead, Mr. Lindsey.

**Mr. Lindsey:** So we've talked a little bit about suspension and dismissal for cause, but now we're getting into grounds for dismissal without cause.

So, again, this all-powerful commissioner or a deputy minister can start dismissing public service employees without cause simply by giving them notice. Somehow this seems to be an overreach on the part of the government that just because they don't like somebody they're going to get rid of them without cause. And, yes, they may have to pay them some severance pay, but it seems that without the commission there anymore, with just this all-powerful commissioner, that that power and authority is vested in one individual who's pointed—appointed strictly by the government, and there doesn't seem to be the oversight that there should be to protect people that work in the civil service.

\* (21:20)

**Mr. Helwer:** So, Mr. Lindsey—or Mr. Chair, sorry—so this currently exists in The Civil Service Act, and we already have rights as an employer to manage staff, including performance and discipline.

**Mr. Chairperson:** Do you have any other questions, Mr. Lindsey? No?

Seeing no further questions, shall clause 21 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clause 21 passes, on division.

Shall clauses 22 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Which clause?

**An Honourable Member:** Twenty-two.

**Mr. Chairperson:** Shall clause 22 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** Again, it seems that the government is giving itself and the commissioner an awful lot of authority, that they're going to start laying people off, potentially, due to a shortage of work or funds.

So all the government has to do is underfund a certain ministry or part of the government, which we've seen them do on any number of occasions where, even though certain funds are budgeted, they don't spend that fund. And I know, looking at things like a health region, for example, where funding was really short, and then workers became short as well. So that particular part of this clause is concerning due to the shortage of funds.

So can the minister expound on that as to what would cause there to be a shortage of funds, other than just direct action of the government?

**Mr. Helwer:** This clause exists in The Civil Service Act and is drawn from there.

**Mr. Chairperson:** Seeing no other questions, shall clauses—shall clause 22 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clause 22 passes, on division.

Shall clauses 23 to 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Clauses 23 to 30—pass.

Shall clause 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** It's a relatively simple question, I guess. We're talking about the regulations that are developed by the government, really, that they're going to make regulations respecting the pay plan, respecting classification plan and all these other things that should be developed in consultation with unions. And once upon a time, I'm sure the commission would have had a hand in developing this, as opposed to just the government itself, now, that is going to get involved directly in developing these things.

Is there, again, any consideration being giving to making sure that all of these things that are being developed in regulation will be developed in consultation with selected unions that represent members of the civil service?

**Mr. Helwer:** So, the current conditions of employment regulations under the CSA cover most of this.

**Mr. Chairperson:** I see no other questions.

Clause 31—pass; part 4, comprising of clauses 32 and 33—pass.

Shall part 5, comprising of clauses 34 to 41 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Lindsey:** Let the minister go first because he's probably going to amend what I'm going to ask questions about.

**Mr. Chairperson:** Clause 34—pass.

Shall clauses 35 to 41 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 35 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** My questions are around the entire political activities that it—it seems painful to go through this clause by clause to bring up, really, a lot of the same questions, but that's the system we have, so I guess that's where we are.

So, the purpose of this part is to recognize the rights of employees to engage in political activities while maintaining the principle of political impartiality in the core public service. And I guess I don't so much have a problem with clause 35 as I do with everything that comes after it that really starts getting in the way of people's ability to become political.

So, can the minister assure us that it's not the government's intention in any way, shape or form to prevent a member of the public service from running for political office?

**Mr. Helwer:** I think I can pretty much give you confidence that political activities were contemplated in this CSA, but this clarifies it a little bit more.

I did have a circumstance of a civil servant that was helping me in a campaign and his director was questioned by an NDP minister, if that employee was using any government resources or if the employee's activity working with me impaired his work for the director. And I think that's definitely grounds for a harassment claim under our current situation, and those are the types of things that we want to avoid.

I think it was absolutely untoward of that NDP minister to make that request of the director and it certainly made that employee feel very uncomfortable and questioned the intent of the minister.

**Mr. Chairperson:** Seeing no further questions, clause 35—pass; clause 36—pass.

Shall clause 37 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** In clause 37(2), on receiving the employee's request, the deputy minister must grant the employee a leave of absence without pay for any part of the period before the election that the deputy minister considers appropriate.

How does the deputy minister get to decide what's appropriate for the person taking leave? Should it not be the candidate or should there not be some sort of impartial body that makes that determination? It's a civil servant that's running for the political party that I happen to be a part of, so as deputy minister, I give them more time off; if it's somebody that's potentially running in opposition maybe they get less time off. It really comes down to the deputy minister considering what's appropriate. That somehow seems like maybe there should be something spelled out in regulation that determines the appropriate lengths of time for candidates—depending on various election periods and nomination periods and all the rest of it—as opposed to just leaving it up to the deputy minister to decide, no, you can only have a week off, when in reality you should be getting a month off.

\* (21:30)

**Mr. Helwer:** This is also drawn from The Civil Service Act.

**Mr. Lindsey:** So there's probably things, as you've pointed out, Mr. Minister, that need to be updated within the current act and we've never once said there are things that shouldn't be updated.

And maybe this is one of the things that needs some attention in the current act, as opposed to throwing the current act out and bringing in this wholesale change.

**Mr. Helwer:** We drew the things from The Civil Service Act that were working well and we modified those that we had to modernize. This is one that we drew across from The Civil Service Act in its—as excuse me—as it exists.

**Mr. Chairperson:** Seeing no further questions, clause 37—pass.

Shall clauses 38 to 41 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Clause 38—pass; clause 39—pass.

Shall clause 40 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** So, an employee ceases to be employee on the day the employee is declared elected. I know in the private sector, for example, when I was first running for an MLA position, my job was guaranteed upon my either not being elected or the term of office ceasing to be.

I'm wondering why civil servants are treated less, that if they run for an elected office, they don't have a job to come back to.

**Mr. Helwer:** So, if someone wins an election, that is seen as a change of employment.

**Mr. Lindsey:** But there should be provisions in there that, when their term for the elected office, if they no longer—if they don't win the next election, they choose not to run—that their job is still there.

It is in private sector. I know, certainly, in the workplace I came out of, it was there. Now, that was something that was negotiated by the union and maybe the unions representing civil servants have negotiated something in a collective agreement around this.

But again, it seems to limit an employee's ability to run for political office that, if they are successful, and in four years, or three years, or two years, depending on what a certain Premier decides to do, all of a sudden they get unelected and now they don't have a job to go back to. That just seems wrong.

**Mr. Helwer:** I think the member has answered his own question. It may be encompassed in a collective agreement and this does not override the collective agreement.

**Mr. Lindsey:** And as much as I wish every working person belonged to a union, they don't. So, to put something specifically in an act that inhibits a person's ability to run for political office seems probably unconstitutional.

So I would suggest that that provision should be removed.

**Mr. Helwer:** I hope the member's not suggesting that we hold a position for someone who is perhaps the length of term of a Mr. Maloway, for instance. I do know that there are other members that were elected



and their provisions and their collective agreements were that they had a time limit. Often, it was two terms. If the individual was elected a third term, then they didn't have rights to come back to that employer. So, it really does depend on the collective agreement.

**Mr. Lindsey:** Well, I guess I was very fortunate to have a strong union that negotiated something for me, because there was no length associated with it. My employer, I guess, recognized the importance of democracy in allowing their employees to take part in it.

And, really, I think I find this particular clause undemocratic, to say the least.

**Mr. Helwer:** I think we're going to have to agree to disagree on this one. The collective agreements are the ones that will determine the length of that. We're not going to override the collective agreement with this clause.

**Mr. Chairperson:** Seeing no further questions, shall clause 40 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** Clause—I hear a no.

**An Honourable Member:** A recorded vote.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

**Mr. Chairperson:** All those in favour of clause 40, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 40 is—the—clause 40 is accordingly passed.  
[interjection]

#### Recorded Vote

**Mr. Lindsey:** Now, a recorded vote, please.

**Mr. Chairperson:** A recorded vote has been requested.

For the information of the—all members of the committee, recorded votes will take place in a similar way to those in the Chamber.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 2.*

**Mr. Chairperson:** Clause 40 is accordingly passed.

\* \* \*

Clause 41—pass; part 6, comprising of clauses 42 to 51—pass.

**Mr. Chairperson:** Shall—[interjection]

#### Recorded Vote

**Mr. Chairperson:** Okay, we will revert back to clause 40 for the recorded vote, as the recorded vote has been requested.

For the information of all members of the committee, recorded votes will take place in a similar way to those in the Chamber.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 2.*

**Mr. Chairperson:** Clause 40 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Shall clause 41—shall part seven, comprising of clauses 52 to 55, pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Clause 52—pass.

Shall clause 53 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

\* (21:40)

**Mr. Lindsey:** Well, I look at this part, where we're talking about consultation and collaboration, and it clearly says the clerk of the Executive Council and the commissioner may consult and collaborate with employers and establish a council of employers, but nowhere in here does it ever say they're going to consult with their workers, their unions, the people that represent, which seems—how the heck are we ever going to have a consistent, co-ordinated approach to ensuring ethical and effective public services if we don't involve the people that are expected to carry out those duties?

We're going to consult and collaborate with employers and form an employers' council. Let's consult with the unions that represent those workers.

So why is that part not included in here, in the consultation part?

**Mr. Helwer:** So, the various organizations can consult with the unions, and that is the consultation process. It would be improper for us to consult on behalf of those broader public sector organizations. I think they would see it as a clear intervention into their rights and responsibilities.

**Mr. Lindsey:** Well, I go—guess, if you're going to individual employees to consult, which I'm sure somewhere else in here it does talk about some of that, but I'd be surprised if the unions representing people that work in the civil service would be opposed to consulting and collaborating on ways to make the civil service better. It just seems to fly in the face of the whole point of what you've suggested here in this part. You're going to consult with everybody except for the people that represent the workers.

So I'd suggest, again, that perhaps maybe you should relook at this part, because it seems to be missing the boat.

**Mr. Helwer:** It's a little disturbing to me that the member doesn't like collective agreements. I—he—both in clause 40 and here he wants us to ignore collective agreements, and we can't do that.

**Mr. Lindsey:** Well, unfortunately, the minister is confused. He's confused in what I asked him to do. He's confused in the concept of consultation and collaboration. There's nothing that would go against a collective agreement to sit down with a union and discuss things.

When I was a union representative, we sat and consulted and discussed any number of issues. It didn't interfere with collective bargaining. In fact, sometimes we negotiated and discussed and came up with letters of understanding outside the collective agreement because something came up that hadn't been contemplated at the time the collective agreement was negotiated, which worked for the betterment of everybody. It made a better workplace; it made for better employees.

So I don't see where consultation and collaboration with the union is contrary to collective bargaining principles, but the minister seems to be confused about what consultation means. And maybe that's the root cause of the problem here.

**Mr. Helwer:** Well, perhaps we can go back to Hansard, but I distinctly recall the question being consulting with employees, not unions.

**Mr. Chairperson:** Seeing no further questions, shall clause 53 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

**Mr. Chairperson:** All those in favour, please say aye.

**Some Honourable Members:** Aye.

**Mr. Chairperson:** All those in favour, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

#### Recorded Vote

**Mr. Lindsey:** A recorded vote.

**Mr. Chairperson:** A recorded vote has been requested.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 3.*

**Mr. Chairperson:** Clause 53 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Clauses 54 to 55—pass.

Shall part 8, comprising of clauses 56 to 60 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 56 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** So my quick question is: clause 56(1) where it talks about the appointment of the Clerk at the Legislative Assembly. The Lieutenant Governor-in-Council must appoint and fix remuneration of the Clerk of the Leg. Assembly

Who does that now?

**Mr. Helwer:** Again, this is drawn from The Civil Service Act, so it is done this way now.

**Mr. Lindsey:** Is that position not appointed and the remuneration set by the Legislative Assembly Management Commission?

**Mr. Helwer:** I do not believe so.

**Mr. Lindsey:** Can the minister tell us which section of the current act says this?

**Mr. Helwer:** I think we'll have to get the exact clause from the previous act, if the member wants that. I don't know if he—I don't know. I just don't know how to respond or why you need the particular clause from the previous act. If we drew it from that act, is it not sufficient? You want the side-by-side during committee here? I'm kind of lost on this one. Can I—can the member please help me out?

\* (21:50)

**Mr. Chairperson:** Seeing no further questions, clause 56—pass; clauses 57 to 60—pass.

Shall part 9, comprising of clauses 61 to 64, pass?

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The Honourable Minister Eichler. [*interjection*]

Clause 61—pass; clause 62—pass; clause 63—pass.

Shall clause 64 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Hon. Ralph Eichler (Minister of Economic Development and Jobs):** I move

*THAT Clause 64(5) of the Bill be amended by striking out "not represented by a bargaining agent (as that term is defined in The Labour Relations Act) or excluded from a bargaining unit".*

**Motion presented.**

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

**Mr. Lindsey:** I'd just like some clarification on what the purpose of this amendment is and what its intended consequences are.

**Mr. Helwer:** To go back to the member's previous question, we can clarify for him that that clause, it was under 32(a) of The Civil Service Act and now this portion here allows all employees to continue to use the existing board process for appeals in a process when the act is proclaimed. So, if those appeals are—have started, they will continue through the appeal process with the board. If there is something after the

proclamation of the act, then it would follow a different process.

**Mr. Lindsey:** So, just so I understand exactly, right now the way you've worded the act itself or the Bill 3 is that if something that had started before this came into being would carry on for an employee not represented by a bargaining agent and by your removal of "not represented by a bargaining agent" it treats all employees the same now that if something had been commenced before this comes into being, that that carries on. Is that correct?

**Mr. Helwer:** I think, if I listen to his verbiage, that that is correct. If someone appeals today and the act is, let's say, passed tomorrow, that appeal would follow the current process as opposed to a new process, so it's not orphaned; it's not abandoned. It continues in the current situation that just enables that.

**Mr. Chairperson:** Seeing no further questions, is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question for the committee is as follows:

*THAT Clause 64(5) of the Bill be amended by striking out "not represented by a bargaining agent (as that term is defined in The Labour Relations Act) or excluded from a bargaining unit".*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Amendment—pass.

Shall clause 64 pass, as amended?

**An Honourable Member:** No.

**Mr. Chairperson:** Shall clause 64 as amended pass?

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Eichler:** I move

*THAT the following be added after Clause 64(6) of the Bill:*

*Exception – appeal to commission*

**64(6.1)** *Subsection (6) does not apply to a reference to the former Act or a 'pecific' provision of it in relation to an appeal that is commenced after the coming into force of this section under a collective agreement described in that subsection. For greater certainty, a provision of collective agreement that provides for an appeal to The Civil Service Commission is of no force and effect—The Labour Relations Act applies instead.*

*Reference to the commission in a collective agreement*  
**64(6.2)** Despite subsection (6) but subject to subsection (6.1), any reference to The Civil Service Commission in a collective agreement entered into before the coming into force of this section is deemed to refer to the Public Service Commissioner appointed under subsection 26(1) of this Act.

**Mr. Chairperson:** Can the minister please repeat and resay the amendment?

**Mr. Eichler:** I move

*THAT the following be added after Clause 64(6) of the Bill:*

*Exception – appeal to the commission–*

**Mr. Chairperson:** The Honourable Minister, if you can just read exactly what is on the amendment.

**Mr. Eichler:** I move

*THAT the following be added after Clause 64(6) of the Bill:*

*Exception – appeal to commission*

**64(6.1)** Subsection (6) does not apply to a reference to the former Act or a 'pecific' provision of it in relation to an appeal that is commenced after the coming into force of this section under a collective agreement described in that subsection. For greater certainty, a provision of the collective agreement that provides for an appeal to The Civil Service Commission is of no force and effect and **The Labour Relations Act** applies instead.

*Reference to the commission in collective agreement*  
**64(6.2)** Despite subsection (6) but subject to subsection (6.1), any reference to The Civil Service Commission in a collective agreement entered into before the coming into force of this section is deemed to refer to the Public Service Commissioner appointed under subsection 26(1) of this Act.

\* (22:00)

**Mr. Chairperson:** Is there leave of the committee to have the amendment appear as written? [Agreed]

*THAT the following be added after Clause 64(6) of the Bill:*

*Exception – appeal to commission*

**64(6.1)** Subsection (6) does not apply to a reference to the former Act or a specific provision of it in relation to an appeal that is commenced after the coming into force of this section under a collective agreement described in that subsection. For greater certainty, a provision of the collective agreement

that provides for an appeal to The Civil Service Commission is of no force and effect and **The Labour Relations Act** applies instead.

*Reference to commission in collective agreement*

**64(6.2)** Despite subsection (6) but subject to subsection (6.1), any reference to The Civil Service Commission in a collective agreement entered into before the coming into force of this section is deemed to refer to the Public Service Commissioner appointed under subsection 26(1) of this Act.

**Mr. Chairperson:** It has been moved by Minister Eichler,

*THAT the following be added after Clause–*

**An Honourable Member:** Dispense. [interjection]

**Mr. Chairperson:** –after–

It has been moved by Minister Eichler,

*THAT the following be added after Clause 64(6) of the Bill:*

*Exception – appeal to commission*

**64(6.1)** Subsection (6) does not apply to a reference to the former Act or a specific provision of it in relation to an appeal that is commenced after the coming into force of this section under a collective agreement described in that subsection. For greater certainty, a provision of the collective agreement that provides for an appeal to The Civil Service Commission is of no force and effect and **The Labour Relations Act** applies instead.

*Reference to commission in collective agreement*

**64(6.2)** Despite subsection (6) but subject to subsection (6.1), any reference to The Civil Service Commission in a collective agreement entered and before the coming into force of this section– [interjection]–I repeat–I say again–

*Preference to commission in collective agreement*

**64(6.2)** Despite subsection (6) but subject to subsection (6.1), any reference to The Civil Service Commission in a collective agreement entered into before the coming into force of this section is deemed to refer to the Public Service Commissioner appointed under subsection 26(1) of this Act.

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

**Mr. Lindsey:** So, for clarification, the way the bill is worded at present, if someone had started–filed a grievance, whatever–gone to the Civil Service Commission, even though, by terms of the act, the

commission is going to cease to exist, if somebody had started a process prior to this amendment, the commission would have to stay in place until they had dealt with that specific issue.

But with this amendment now, even though something had been started under the existing act, this amendment means that they don't go to the commission anymore; they only go to a commissioner.

**Mr. Helwer:** Close. It's after this act, if there is an appeal after the act, it can't go to those commissioned, because the commission doesn't exist anymore for new complaints or grievance processes in place. And that's why it refers to The Labour Relations Act.

So the commission will complete appeals that took place prior to the act, but not after the act. They have to have a process to end eventually. And it refers to collective agreements because in some collective agreements it does refer to that appeal process. So, it's—you know, we—when we're with—we've got this sort of fine line where the act comes in to force, so we can't have appeals go to the commission that technically doesn't exist anymore under the new act.

**Mr. Lindsey:** I get that a collective agreement that says something would be sent to the commission. After the act comes into being, the commission doesn't exist, so I get that you've got to change that. But if something has—in motion now, that the commission, under the current collective agreement and under the current act, is where an issue would be dealt with by the commission, is this—it hasn't—the commission hasn't resolved the issue yet, but now when this act comes into being with this amendment, the commission doesn't stay in place to deal with any outstanding issues that are before it. They are immediately done away with, and the commissioner steps in and deals with this. Is that correct? *[interjection]*

**Mr. Chairperson:** Mr. Helwer.

**Mr. Helwer:** The—sorry. Not quite. The previous amendment dealt with existing appeals so that the commission would continue to exist for those appeals. But if something occurs after this act is in place, those appeals don't go to that commission. They only deal with the old appeals, not new ones—anything active. So that's the two differences here. And there are grievances in place under collective agreements and Labour Relations Act to deal with the other issues.

**Mr. Lindsey:** So there are some things that are in the works now that the commission has to rule on even

though the act may come into force before the commission has made their ruling. But what you're talking about is right now, where existing collective agreements say the commission would have to deal with something, now that would change to say just the commissioner.

But anything that's in the works prior to the amendment to the bill coming into force, would they still have to be dealt with by the commission? Would the commission stay in place to deal with—to finalize any issues that are under their purview before the act comes into force? So would they stay in place to deal with those issues even though the act says they don't really exist anymore when it comes into place?

I'm not sure I'm explaining.

**Mr. Helwer:** Yes, no, you—yes, I think you've got the gist of it, yes. If I file an appeal today, the commission will stay in place to deal with that appeal, even if this act passes tomorrow. If I file an appeal two days from now, after this act passes—not that that's when it's going to happen—that won't go to the commission, even if my collective agreement says it goes to the commission, because it doesn't exist after the act. So I think we're saying the same thing, yes.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question for the—before the committee is as follows:

*THAT the following be added after Clause 64(6)—*

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Dispense.

Amendment—pass; clause 64 as amended—pass.

Shall part 10 comprising of clauses 65 to 138 pass?

**Some Honourable Members:** Pass

**Mr. Chairperson:** Clauses—

**An Honourable Member:** I'd request a moment please. Up to what number? *[interjection]* Then, no.

**Mr. Chairperson:** Clause 65—pass; clauses 66 to 102—pass.

Shall clause 103 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

\* (22:10)

**Mr. Lindsey:** We had quite an interesting presentation by the gentleman from Legal Aid Manitoba that talked about, specifically, provisions of this 103 and how it's basically attacking democracy at its very heart. So I believe that we should stop and listen to what the gentleman had to say. He seemed to have some knowledge about how it's going to affect Legal Aid and all of that. So I think, specifically, we should remove this section or amend it in some way, shape or form to recognize what the presenter had to say on this specific issue.

**Mr. Helwer:** Thank you for the question, Mr. Chair.

We did receive that submission early on from Legal Aid and reviewed it, and they're asking for things that aren't really part of this act.

And, yes, they are named in this act as a part of it. They are essentially asking for independence, which this act can't give them; it has to be done through a different process. And if that occurs, then this act may have to be amended. But in the current way that it stands is the way it is necessary to be written in their current status.

**Mr. Lindsey:** Well, I certainly don't claim to be a lawyer; I'm assuming that the gentleman that presented probably was a lawyer and therefore has some knowledge about that which he's speaking.

So, again, I would certainly say that we need to relook at this section and, if nothing else, go back to the presenter or back to Legal Aid and have them clarify or further explain what their concern is, because they were very specific—he was very specific about this particular section of the act. So, certainly, I would suggest that maybe there's a way to put a provision in there that this part doesn't come into force when the rest of it does; have further consultation and come up with the right answer.

**Mr. Helwer:** So, this is the only section that refers to Legal Aid. This maintains the current relationship that we have today with them. We can't change that relationship through this act. If the relationship changes through the Department of Justice, then we can come back to change the relationship in this act. But we can't do so before that relationship changes. This just maintains what is currently in existence. He was speaking about a much larger issue that this act does not speak to.

**Mr. Chairperson:** Seeing no further questions.

Clause 103—pass.

Shall clauses 104 to 138 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Mr. Lindsey, which—

**Mr. Lindsey:** I believe we'll be down to section 111.

**Mr. Chairperson:** Clauses 104 to 110—pass.

Shall clause 111 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** So, there's couple things in this under section 33(2). It quite often says he or she where it probably should say they or them. So that's one concern that should be relatively easy for the minister to introduce an amendment to clear that up and use the proper pronouns and proper current language usage.

**Mr. Helwer:** Well, it's a very good question. I have not read the entire act under that light, I do have to say. So I don't know if this is the only place that that issue would become an issue, and I think that all of our legislation is—would have to be reviewed in that light. So can we take that back and talk to the drafters about what might—what the wording might be?

And, you know, this is a—as small as that change may seem, it has—does have significant issues throughout all the legislation. So, we do currently use gendered references.

**Mr. Lindsey:** I think that's why this really stood out to me is because most of the legislation, certainly the new legislation as it's written, talks about the minister or they or them. It really jumped out when I read this part, that it used the old verbiage of he and she.

So, I mean, if there's a way for the minister to take it back to the drafters and get it changed, if the minister can introduce an amendment that specifically addresses this section but also looks at other parts of the legislation to make sure that the same thing doesn't exist there before this becomes law, then I certainly wouldn't be opposed to that. I don't know if it's possible, though.

**Mr. Helwer:** So can we maybe take a five or 10-minute recess? Would be an appropriate time, probably. And we can see what we can—guidance we can get in that meantime?

**Mr. Eichler:** I do think I have some clarity for the committee. I hope I get this right and that I don't have to repeat it several times for our Leg. folks. But my understanding is that, because this act is repealing an old act—amending an old act, because current legislation does write it as they—this is amending old legislation. So it's trying to blend old with new. Is that—I'm explaining it correctly, the language—they're using what's in local government legislation, in that perspective.

**An Honourable Member:** If I could raise a point of order.

#### Point of Order

**Mr. Chairperson:** Mr. Lindsey, on a point of order.

**Mr. Lindsey:** I've sat here and watched Minister Eichler all night not wear a mask. He's got staff moving in close to him to talk; he's still not wearing a mask. So I would request, at this point in time, that he puts that mask on and leaves it on.

**Mr. Chairperson:** It's not a point of order, as the minister has now put on his mask.

\* \* \*

**Mr. Lindsey:** I appreciate the attempt to clarify, and our staff has also clarified that because this is—it's changing just—or talking about just one part of an existing act, it's using the language in the existing act, which is separate to this act. But it just becomes confusing. And, I don't know, can you change the other existing act, or does that have to go through, like, the minor amendments and corrections somewhere down the road?

\* (22:20)

**Mr. Eichler:** It wouldn't be part of the existing amendments to the act. It would be part of a future—*[interjection]*

**Mr. Chairperson:** Honourable Minister.

**Mr. Eichler:** It would be part of a larger amendment to a larger part of the act, is the way my understanding of it is, for clarity for the member opposite.

**Mr. Lindsey:** I think I understand the problem. So, move on.

**Mr. Eichler:** I thank the member for Flin Flon (Mr. Lindsey) for his courtesy with that.

**Mr. Chairperson:** Clause 111—pass.

Shall clauses 112 to 138 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Lindsey:** Clause 112.

**Mr. Chairperson:** Shall clause 112 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** So, I have a question around 112(3), where it's striking out a mining recorder and substituting assistant deputy minister, director of mines, director of geological survey and mining recorder.

So, I'm just asking, why have we added all those other folks into the mix? What's been missing—or is there anything missing there? Just for clarification.

**Mr. Helwer:** So, that's something we have to check with the drafters in the current language that they're speaking of, they're probably looking it at it now.

**Mr. Chairperson:** Seeing no other questions, clause 112—pass; clauses 113 to 138—pass.

Shall part 11, comprising of clauses 139 to 141 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 139 pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** Clause one-nine—139 is accordingly passed. Shall—

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Lindsey:** The reason I'm saying no here is that I believe the entire act, this Bill 3, should be withdrawn, as was suggested by some of the presenters, and back

to the drawing board. So there's no point repealing the existing Civil Service Act.

**Mr. Helwer:** Well, I think modernizing the legislation as opposed to the hodge-podge of what it is and with some antiquated references that the member brought up that we still can't change in our current situation, means that we need to move ahead with this legislation.

**Mr. Chairperson:** Clause 139—pass; clauses 140 to 141—pass; schedule—pass; preamble—pass; enacting clause—pass; title—pass. Bill, as amended, be reported.

**Bill 12—The Crown Land Dispositions Act  
(Various Acts Amended)  
(Continued)**

**Mr. Chairperson:** We will now continue on with Bill 12 clause-by-clause.

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

**Hon. Reg Helwer (Minister of Central Services):** Yes, but I also have a response to one of the member's questions about the mining; that combined a couple of sections with all those job titles, and some of them may not be in use anymore anyway. But that was the answer for that one.

And now we'll move on to Bill 12 here.

All right. So, The Crown Land Dispositions Act, various acts amendment. In 2018, the Treasury Board Secretariat undertook a program review that found the process for land sales to be inefficient and ineffective. Treasury Board directed that a new governance model, policy reform and a red tape reduction initiative be undertaken by the newly created Real Estate Services Division.

The current proposal is foundational to this initiative. The key changes in this bill include new delegated authorities to approve land sales that are \$200,000 for the department minister, \$200,000 to \$1 million for the Minister of Finance, and Cabinet over \$1 million. Currently, it is \$25,000 and, in fact, in one statute, only \$500. And I'm sure you know that the prices of land are going up all the time.

This bill allows dispositions to designate an employee to be authorized by ministers and allows land to be transferred between ministers by agreement, both of which currently require Cabinet approval. But this—these changes will reduce the number of transactions that require Cabinet approval, thereby freeing up our time for other Cabinet business.

And the amendments to the bill are primary to The Crown Lands Act. The other acts amended are The Expropriation Act, The Land Acquisition Act, The Public Works Act, The Transportation Infrastructure Act and The Water Resources Administration Act.

Real Estate Services Division has consulted with its main stakeholders in sustainable development, Infrastructure, Agriculture, Indigenous and Northern Relations and Finance, all of which support this initiative.

None of the current proposed changes will impact on the government's commitment to fulfill its treaty land entitlement obligations, and, you know, we did have some questions about that from the presenters, and I want to be clear that these changes do not impact on treaty or Indigenous rights in any way.

We will—Manitoba will continue to consult in a meaningful way with Indigenous communities wherever a decision to sell a Crown land would result in an adverse impact to constitutionally protected rights.

And as well, consistent with the various treaty land entitlement agreements, Manitoba will continue to provide notification to entitlement First Nations notifying them that land is available. And in fact, Manitoba has—is committed to increase the area of land transferred to entitlement first area—First Nations.

Thank you, Mr. Chair.

**Mr. Chairperson:** We thank the minister.

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

**Mr. Diljeet Brar (Burrows):** Bill 12 is the Crown land disposition amendment act, various acts amended.

Bill 12 reduces accountability and oversight on the sale of Crown lands. Previously, sales of lands worth more than \$25,000 required Cabinet approval. Now, the minister can approve sales up to \$200,000 on their own and up to \$1 million with the Finance Minister's sign-off. Only sales over \$1 million require Cabinet approval.

With the stroke of a pen, they could easily increase this threshold through regulation, and millions could be sold with just one minister's signature.

\* (22:30)



These changes are being introduced so this government can fulfill their previously announced goal selling of \$200 million worth of Crown land and property. The government's goal here is to quickly and with lessened accountability offload Crown lands to private hands.

This bill also allows transfer of control of Crown lands to another minister besides the minister responsible for the control and management of Crown lands.

We have strict controls on the sale of Crown lands and for good reason. This government should remember land scandals that occurred under the Filmon government. The scandal at Hecla led to many of the controls, which this government is now intent on loosening.

We are concerned that municipalities are losing out with Bill 12. The previously—they previously had the first rate of refusal in a circulating process, which gave them priority notice for surplus Crown lands up for sale. This allowed municipalities to logically develop future plans for our communities, whether it be in the development of parks, schools, recreational centres and other vital structures that contribute to the growth of Manitoban communities.

These new amendments will eliminate that and force municipalities to become bidders directly against the private sector.

While we don't see provisions directly on this in Bill 12, we are also concerned that the Pallister government is moving towards the sale of agricultural Crown land. We know this has been the case in Saskatchewan.

We are also concerned about what this government has in store for community pastures. Bill 12 makes it easier for government to dispose of land. We are quite concerned about a fire sale of lands held in common that benefit all of us.

This government needs to put the brakes on their privatization agenda and stop to think about what Manitoban producers need.

I'd like to thank all the presenters for providing their valuable input on Bill 12 and I hope that the minister will listen to Manitobans and withdraw this bill to protect Manitobans.

Thank you, Mr. Chair.

**Mr. Chairperson:** We thank the member.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

Shall clauses 1 and 2 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** Clause—I hear a no.

Shall clause 1 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** No questions, Mr. Chair.

**Mr. Chairperson:** No questions.

#### Voice Vote

**Mr. Chairperson:** All those in favour, say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 1 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Shall clause 2 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**An Honourable Member:** No questions.

**Mr. Chairperson:** No questions?

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 2, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 2 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Shall clauses 3 through 5 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** Clause 3(1) under subsection 5.1(a) to (c), (h), (k) and (i)–(l), sorry, are repealed.

Just curious to know that these regulation powers are taken away here and then spelled out a little later in the act, but some do not reappear.

Can the minister explain the intent of this section and why specifically subsection (h) is being repealed?

**Mr. Helwer:** So, it has to do with out–old and out-of-date language, refers to swamp line and drainage that is no longer occurring.

**Mr. Chairperson:** Shall clause 3 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 3, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 3 is accordingly passed.

\* \* \*

Clauses 4 through 5–pass.

Shall clause 6 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** My question is regarding sections 6.2(1) to 6.5. All these sections diminish the sign-off needed for disposal of Crown lands.

It's my understanding that such controls on the sale of Crown assets were put in place in part because of a scandal involving the inappropriate lease of Crown lands.

Did the minister or his department consult with the Auditor General regarding the diminishment of these standards?

Thank you.

**Mr. Helwer:** So, the–so, Treasury Board did conduct an extensive review with all departments on what was and what was not working with the sale of Crown land–mostly not working, I have to say. There was very, very little transfer of Crown land except for TLE. We did transfer a great deal through Treaty Land Entitlement. So it was found that this was the best process to approach this sale of Crown land and this is why this legislation is here, today.

**Mr. Chairperson:** Any other further questions?

Shall clause 6 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clause 6 is accordingly passed, on division.

Shall clause 7 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** On division.

**Mr. Chairperson:** I hear a no–clause 7 is accordingly passed–[interjection]

Clause–shall clause 7 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 7 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 8 through 10 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 8 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

\* (22:40)

**Mr. Brar:** No questions.

**Mr. Chairperson:** No questions.

Shall clause 8 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 8, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 8 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 9 through 10 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 9 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** On division. Clause 9 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 10 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour, please say aye.

**Some Honourable Members:** Aye.

**Mr. Chairperson:** All those in favour, please say aye–nay. All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** On division. Clause 10 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 11 through 13 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 11 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 11, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 11 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 12 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour, please—of clause 12, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

\* \* \*

**Mr. Brar:** I have a question.

**Mr. Chairperson:** Mr. Brar has a question.

**Mr. Brar:** Regarding clause 12(1), my question is: the clause reduces authorizations for government employees to purchase land. Currently, it requires Cabinet approval for all. Now it will require just a single minister's signature, with senior officials requiring Cabinet approval.

I ask again, did the minister or the department consult with the Auditor General with regards to this lessened standard?

**Mr. Helwer:** So, again, Treasury Board did a thorough review of the analysis of what was not happening in Crown land sales, and discovered a lot

of problems that were mounting up. And the public was beginning—quite disgruntled in their requests to purchase land, and rightly so, because no land was being sold. So, in their analysis that this was an appropriate way to handle land sales—not only to the public, but also to our current staff—and to make sure that the disclosure was necessary to the minister in that particular department, so the minister knew what was happening with staff purchasing land. Currently, that may or may not happen. So this makes it clear that if a member of a department wants to purchase some land, the minister, indeed, does have to be aware of that.

**Mr. Chairperson:** Mr. Brar?

**Mr. Brar:** No questions.

**Mr. Chairperson:** Shall clause 12 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** On division. Clause 12 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Clause 13—pass; clauses 14 through 17—pass; clause 18—pass; clauses 19 through 21—pass; clauses 22 through 24—pass.

Shall clauses 25 and 26 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 25 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

Mr. Brar? I hear no questions.

Shall clause 25 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 25, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 25 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 26 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** No questions, Mr. Chair.

**Mr. Chairperson:** No questions.

Shall clause 26 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour, please—of clause 26, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** On division. Clause 26 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 27 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** No questions, Mr. Chair.

**Mr. Chairperson:** No questions.

Shall clause 27 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 27, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 27 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 28 through 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 28 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** No questions.

**Mr. Chairperson:** There are no questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 28, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 28 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 29 through 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 29 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** No questions, Mr. Chair.

**Mr. Chairperson:** There are no questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 29, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 29—oh. Mr. Brar?

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 29 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 30 through 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 30 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 30, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 30 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 31 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. The floor is open for questions.

**Mr. Brar:** No questions, Mr. Chair.

**Mr. Chairperson:** No questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 31, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 31 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 32 and 33 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 32 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. All those in—the floor is open for questions.

**Mr. Brar:** No questions.

**Mr. Chairperson:** There are no questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 32, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division, Mr. Chair.

**Mr. Chairperson:** Clause 32 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 33 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. All those in—are there any questions?

**Mr. Brar:** No questions.

**Mr. Chairperson:** There are no questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 33, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

Clause 33—oh, question? Mr. Brar?

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 33 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 34 and 35 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 34 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 34, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 34 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 35 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. Are there any questions?

**Mr. Brar:** No questions.

**Mr. Chairperson:** No questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 35, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 35 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 36 through 38 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 36 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 36, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division, Mr. Chair.

**Mr. Chairperson:** On division. Clause 36 is accordingly passed, on division.

\* \* \*

\* (22:50)

**Mr. Chairperson:** Shall clause 37 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

Floor is open for questions.

**An Honourable Member:** No questions.

**Mr. Chairperson:** No questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 37, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 37 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 38 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. Any questions?

**An Honourable Member:** No questions.

**Mr. Chairperson:** There is no questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 38, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.

**Mr. Brar:** On division.

**Mr. Chairperson:** Clause 38 is accordingly passed, on division.

\* \* \*

**Mr. Chairperson:** Shall clause 39 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no. Floor is open for questions.

**Mr. Brar:** No questions.

**Mr. Chairperson:** No questions.

**Voice Vote**

**Mr. Chairperson:** All those in favour of clause 39, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Ayes have it.



**Recorded Vote**

**Mr. Brar:** A recorded vote, please.

**Mr. Chairperson:** A recorded vote has been requested.

For the information of all members of the committee, recorded votes will take place in a similar way to those in the Chamber.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 2.*

**Mr. Chairperson:** Clause 39 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Enacting clause—pass; title—pass. Bill be reported.

The hour being 10:52, what is the will of the committee?

**Some Honourable Members:** Rise.

**Mr. Chairperson:** Committee rise.

*COMMITTEE ROSE AT: 10:52 p.m.*

**WRITTEN SUBMISSIONS**

Re: Bill 12

I am wondering if passing this Bill 12 will enable the Province of Manitoba to privatize (privatize services) and divest part or whole any of Manitoba's provincial parks?

If so, I am in opposition of Bill 12.

We need the role of government to be the full and only stewards of our Crown Lands designated as parks and natural places in perpetuity and to ensure our taxes are apportioned appropriately for this. With 92 Provincial Parks in Manitoba, we need to not only keep this fully within our domain, but to keep these areas well maintained solely by the Province of Manitoba (and expand upon this to even more provincial parks)!

Park passes (vehicle permit) increased in price last year—I was/am happy to pay particularly if these fees go directly to park maintenance (versus new elicencing going forward) etc. If the fee at \$44.50 was to increase to closer to \$50 to further maintain our cherished parks, I would support this—and I believe most users would also!

Please reply back to me on this matter.

Thank you~

Constance Menzies, MNRM

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

**<http://www.manitoba.ca/legislature/hansard/hansard.html>**