Fourth Session - Thirty-Fifth Legislature

of the

Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PUBLIC UTILITIES
and
NATURAL RESOURCES

42 Elizabeth II

Chairperson
Mr. Marcel Laurendeau
Constituency of St. Norbert

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON

PUBLIC UTILITIES AND NATURAL RESOURCES

Wednesday, July 21, 1993

TIME — 9 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Marcel Laurendeau (St. Norbert)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Mr. Enns

Ms. Cerilli, Mrs. Dacquay, Messrs. Gaudry, Helwer, Laurendeau, Penner, Reimer, Sveinson, Ms. Wowchuk

Substitution:

Ms. Gray for Mr. Lamoureux at 9:40 a.m.

APPEARING:

Reg Alcock, MLA for Osborne

WITNESSES:

Ray Rybuck, Association of Private Land Owners in Manitoba Provincial Parks

Ivan Balenovic, President, Manitoba Timber Quota Holders Association

Brian Pannell, Canadian Bar Association

Ian Greaves, Private Citizen

Walter Matlashewski, Private Citizen

Herb Peters, Private Citizen

Heinrich Mayer, Private Citizen

Carol Willson, Private Citizen

Barney Kovacs, Executive Director, Mining Association of Manitoba

Lyla Shingleton, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 41—The Provincial Parks and Consequential Amendments Act

* * *

Mr. Chairperson: Will the Standing Committee on Public Utilities and Natural Resources come to order. When the committee last met, it was hearing presentations on Bill 41, The Provincial Parks and Consequential Amendments Act.

I have before me a list of persons' names registered to speak to Bill 41. For the committee's benefit, a copy of the list has been distributed to each member; also, for the public's benefit, a copy of the list is posted on a board just outside the committee room.

For persons making presentations, please check the board for where you are on the list. If there is anyone else in the audience who is not registered to speak to Bill 41 and would like to do so, please let the staff at the back of the room know and they will add your names to the list.

Just a reminder for the committee members and members of the public, the committee has agreed at its previous meeting last night to have a 20-minute time limit on presentations, including the question-and-answer part as well. I would appreciate the co-operation of committee members and the public in following the limit in order that we may effectively hear from all persons registered to speak.

As well, the committee agreed last night to hear from out-of-town presenters first. If there is anyone here today to speak on Bill 41 and is from out of town, could they inform the Clerk and we will call their names first.

I would like to call upon Prasad Gowdar at this time to bring his presentation forward. Prasad Gowdar? Kim Monson. Kim Monson? John Krowina. John Krowina? Ian Greaves. Ian Greaves? Ray Rybuck.

Mr. Rybuck, do you have a written presentation?

Mr. Ray Rybuck (Association of Private Land Owners in Manitoba Provincial Parks): Yes, I handed it in last night.

Mr. Chairperson: We will just be one second. Go ahead, Mr. Rybuck.

Mr. Rybuck: Good morning, Mr. Chairperson, ladies and gentlemen.

My name is Ray Rybuck, and I am president of the Association of Private Land Owners in Manitoba Provincial Parks. Our association was formed to protect property rights which the Parks Branch of Natural Resources has been attempting to take away from us since 1984 when they began to assess service fees to private landowners without offering any services, without providing any, without consultation and without a vote.

I might add that in 1984 and to the present there has been no attempt to define the services or to recognize that property owners have rights that are different from those leasing Crown land.

While there are less than 400 private landholdings in the parks, taking into account the immediate family members, extended families and property owners in general, our cherishment of property rights is shared by many thousands of people all over the province. After all, if the government is prepared to deny property rights to us cottagers without any just cause or even a strong excuse, what are they likely to do next and to whom? We feel strongly about this matter; we feel our democratic rights are threatened.

If department bureaucrats can foist legislation like Bill 41 on their ministries and obtain their blessing, then indeed democracy is in danger. It is no surprise that the public has lost respect for the political system and public institutions. I believe that, although what I am going to say to you is on behalf of the members of our association, it could also be taken as the view of fair-minded democratic people and property owners in general throughout Manitoba.

Just for a bit of an historical overview, in 1984 the Parks Branch prevailed upon the minister to provide, by regulation under the parks act, that private landowners be subjected to the same service fees as cottagers and Crown leases. Even though Parks did not provide us with any services and did not consult us, they could not see any difference between the rights of lessees and private landowners. On a number of occasions, when we met with park managers to arrive at some understanding and resolution, we were called fat cats. Some of the park management really believe that all cottagers are wealthy. Their overzealous attitude, often over petty matters, betrays their belief that the people are their servants and not the other way around. Private landowners organized to oppose the fees because they did not regard them as legal or even fair, and certainly they could not trust the Parks Branch to be fair.

The private lands in question date back prior to 1930 when the Province of Manitoba obtained jurisdiction over lands from Ottawa. Many of the properties were acquired as federal land grants, while others were derived under homestead laws, mineral claims, et cetera. All of the holdings predate the setting up of provincial parks.

Most of the current owners have acquired their lots at fair market value, which carried a high price due to the fact the land was not taxed. The private lands in the present park boundaries were never taxed because there was no municipal jurisdiction and consequently no costs and no services. Services such as park roads and boat ramps, which are provided to the general public with funding from the Consolidated Revenue Fund, were not and are not a service to the landowner, but we were willing to pay the park pass where applicable, even though that too was restricting our rights of free access to our properties.

Private landowners hold the right to elect the representatives as a sacred right and are not prepared to accept taxation without representation. After all, property taxes, even if they are called service fees, are a tax for service within the community and exclusively for the benefit of the people taxed and not to be used to operate provincial parks. Landowners have been told on numerous occasions by park field staff as well as directors and program managers that they are not entitled to any service. One simple example: every time that Parks is grading roads or snowplowing, they systematically avoid the same service to roads in private subdivisions. They simply pass by the subdivisions and have always done that.

* (0910)

Having been unable to obtain and having been denied public services, landowners formed community associations long before 1984 for the purpose of governing themselves and assessing themselves for services required, and that way we do pay taxes. Admittedly, they are low by comparison with most municipal jurisdictions, but that is because we physically do most of the work ourselves. Taxes vary among municipalities as well based upon the level of service, economic activity and quality of administration. There has

never been a notion that municipal services and taxes must be equal across the province. We built and maintain our own roads, spent hundreds of thousands of dollars worth of material and labour for shoreline protection and development, docking facilities and ramps.

Absolutely none of these expenses are incurred by lessees. Landowners do not want a free ride. They merely want to be treated like all other property owners in the province, that is, the right of representation and to govern themselves in the most efficient way possible. If good management leads to low costs, that is to our advantage. It does not qualify for sharing with Parks Branch or anyone else unless we choose to make a donation. Service fees under the method implemented by Parks are, in fact, picking our pockets.

Service fees by agreement: While the New Democratic government initiated the service fees in 1984, they later recognized the shortcomings and the unfairness, and in September '87 directed the Parks Branch to ask our association to negotiate an agreement for services and fees. Negotiations in late '87 and early '88 were conducted between Parks Branch and our association in good faith. Key elements of the agreement reached were: private landowners would be entitled to the same services available to cottagers on leased lots, and no new services would be introduced without consultation and agreement; unoccupied lots would not be subject to a fee; agreement was for a term of 10 years and to be renewable; fees agreed upon were somewhat lower than those set by regulation and subject to adjustment not more than once each year according to the change in the Consumer Price Index.

Having reached agreement, we were prepared to pay the agreed fees upon approval by provincial government cabinet. The government was defeated in March 1988, and we learned in early '89 that the agreement was not referred to the cabinet or the minister. The reason given by the director of parks was that he had no idea what their services cost, and therefore could not support the fees we negotiated nor the higher fees provided by regulation. So there is an indication that the department has no control of its costs, cannot provide accounting, even though the present act requires that cost of services be recovered. Which means that you have to know what the costs are if you are going to recover them. Yet they unceasingly attempt to administer and tax our property without representation.

Mr. Prouse indicated in 1989 that a study of costs and changes in accounting would be undertaken. He assured us that we would be permitted to participate in the study, but that has not happened. Instead, they continued to strive to obtain new powers.

During '89 to '92 we continued our efforts to arrive at some mutual understanding with the minister. We were told that there would be a review of the Parks' requirement for service fees and that the government wanted to have Parks concentrate on operation of parks and leave the matter of cottage services to others. That is the way it should be. We indicated that we would be willing to enlarge the local associations to cover an entire park or significant portions of it, and in that way democratically administer the service program to cottagers. We were led to believe that a system of self-government would be developed, and we were ready to participate in its formation.

We always recognized that we would need to co-operate with Parks, because being within the park we understand that there are certain standards to be met and certain things could not be done. So we understand that very well. Such was not to be, however, because Parks Branch had its own agenda. They did not seem to, and do not seem to, want to have their empire constrained. They want to grow in status and power even at the cost of people's property rights.

We had Bill 21 last year. This bill to amend the parks act was introduced by the current minister in February 1992. Honourable Harry J. Enns then stated it was necessary to provide the government with authority to collect service fees and additional fees to those whose chief place of residence is in a provincial park. He complained then that people living within parks did not pay any property tax and utilized services at the expense of others. Nothing could be further from reality, because the facts on park services, municipal services and public school funding tell an entirely different story. Bill 21 was eventually withdrawn.

Let us look at services by Parks Branch. They provide garbage collection, waste disposal sites and road maintenance to cottagers on leased land. Only waste disposal sites are available to cottagers on private land, but usually they take their garbage

bag home. Garbage collection, road construction and maintenance of roads, including spring snowplowing, have been refused to private landowners. Private landowners have formed organizations within their subdivisions to provide themselves with services they require. Assessments are made and works organized.

Parks Branch collects service fees from cottagers leasing Crown land, and they are the only landlord that gets away with charging a service fee on top of the land rent. All cottagers that obtained a lease in order to build a cottage were provided with a road and were promised basic services when the lease was initiated as part of the rented property. This practice continued until 1983 when service fees were introduced to Crown lessees.

In a few areas within the parks, private land is adjacent to leased cottage subdivisions, and in such cases, a few private landowners receive basic road service and garbage collection but not by design, rather it is by an inability to omit.

Services that are provided to lessees are minimal. Costs of the parks are incurred for the benefit of the general public and tourists and are the responsibility of all taxpayers and not just cottagers. The real value of cottage services is less than the service fees collected, and that is demonstrated by the fact that parks had agreed to lower fees when we negotiated with them in 1987-88.

Municipal services. This minister and parks people before him have suggested that additional fees related to a chief place of residence are required because such people obtain free municipal services at the expense of taxpayers within those municipalities. The fact is that nonresidents do not and cannot avail themselves of any services unless they purchase them. Usually those are commercial services. Municipalities and businesses within them are only too glad to have nonresidents come in to do business with them, because it results in an economic benefit for the community.

There is one exception, however, and that is schools. Residents living within parks, on both private and leased lands, are mostly retired people or government employees. Many retirees may be considered as having their chief place of residence within the park, but in reality they spend much of their time in warmer climates. With few exceptions, they do not have children attending schools, so student populations are not a significant factor. Most nonresident students who obtain free education at the expense of the Provincial Treasury come from unorganized territories outside of the parks, many of them from families who lease lots from Indian bands and are therefore not taxed.

There are students from provincial parks attending public schools as follows: From Falcon Lake-West Hawk area, 42 students attend Falcon Lake of Frontier School Division, and from the same area, eight students attend Steinbach. From the north side of the Whiteshell Park, 10 students attend Agassiz School Division, and from Clearwater Park and surrounding areas 131 nonresident students. Only 25 of those are from Clearwater Park. They attend Kelsey School Division at The Pas.

* (0920)

Most of the students from the Falcon Lake-West Hawk area are the provincial government employees who are required to live there due to their employment. Other students from the Whiteshell are from families engaged in providing commercial services. Families from Clearwater have, on numerous occasions in the past, offered to pay tuition fees to Kelsey School Division and have been refused. There have been instances where students attended Flin Flon schools and were charged tuition fees.

In the case of students from government employees, the government is required legally as well as morally to ensure educational facilities are available to them. It can do so by directly funding the schools or by adequate remuneration in their salaries. It apparently chose direct funding through the Frontier School Division which operates the Falcon Lake school and compensates Steinbach and Agassiz schools for the other students of the Whiteshell.

Now the reason why Kelsey School Division has been turning down tuition fees that were offered is because under an agreement between the province and Kelsey for students from Clearwater Park and other areas around The Pas, which is mostly students outside of the park, the province has since 1964 provided special funding to Kelsey School Division to cover that portion of the costs which ordinarily would be raised through local taxation if the student was from a resident family.

Because of deliberately choosing to fund the schools directly, school divisions cannot charge tuition fees to nonresident students from parks or elsewhere for that matter. Students from within parks account for a minute fraction of all nonresident students funded by the province. I have just named a few.

Legislating fees on some families through the parks act will not bring about any fairness or equality with respect to education costs, because the bulk of the education budget is funded through the Consolidated Revenue Fund to which park residents already contribute. In addition, the parks act would not ensure a contribution to education by families who receive free education but live outside of provincial parks. So it is the wrong way to go.

School funding. In the 1991-92 school year, the provincial government spent approximately $750 million to support 68.6 percent of the total of all of the 55 school divisions operating budgets. In addition, the capital budgets are exclusively funded by the province except for insignificant items which the province would not approve. In such cases the cost is handled by fundraisers and interfund transfers within the school division.

Provincial funding principally comes from the Consolidated Revenue Fund, which is generated from taxes of every kind, which all citizens are required to pay. It is, therefore, obvious that legislating a special tax which only a few families would be required to pay could hardly bring about fairness in light of the many thousands of students who are funded by the province but live outside of provincial parks.

Example: Frontier School Division operates 37 schools with an operating budget of $48 million, of which it raises only $625,000, or 1.3 percent, through local taxation.

Back to Service Fees. About four years ago, provincial Parks initiated a case in Small Claims Court to collect service fees from an individual. When defence counsel arranged to elevate the trial to Court of Queen's Bench, Parks refused to proceed with the case, presumably satisfied that the case would be lost.

On numerous other occasions, Parks officials stated they lacked the necessary authority to collect service fees. The minister, in a news release on February 19, '92, introducing Bill 21 to amend The Park Lands Act, admitted that the government lacked authority to collect service fees.

After such an admission, the government continued the billing in 1992, followed by threatening letters and phone calls from the Parks Branch to those who refused to pay. These efforts of coercion and blackmail were made knowing that the services fees were illegal. There have been instances where Land Titles coerced the owner to pay up the illegal service fees before they would register a land transfer.

One particular transfer involved 30 acres of bush land under one title. This land is totally undeveloped, unused and certainly did not and could not utilize any services. Where and how did Land Titles obtain the authority to refuse registration of a transfer and thereby aid by blackmail the illegal collection of service fees?

Mr. Chairperson: Order, please, Mr. Rybuck. I would just like to inform you, you have two minutes remaining.

Mr. Rybuck: This amounted to some $1,700.

On March 30, '93, a decision in Small Claims Court in Winnipeg, on application of a Margaret McShane, ruled the service fees illegal, thus confirming our contention since 1984. Given that blackmail and the coercion were applied in many ways and because the minister admitted they did not have authority, all fees collected should be refunded.

Sustainable development. The agenda of the Parks Branch aimed to enhance its status and power at the expense of property owners has been suspected for a long time. It was hidden behind the service fee regulations and was made much more obvious in '92 when the Minister of Natural Resources (Mr. Enns) distributed the work paper and questionnaire representing it to be about sustainable development. This document was supposedly put together by the Manitoba Round Table on Environment and Economy, and is entitled Sustainable Development Workbook on Natural Lands and Special Places.

This work paper has six policy areas and recommendations, the last one having to do with changing The Provincial Park Lands Act. A review of the document reveals that the first five policy areas are contrived to provide the reason for changing The Park Lands Act. Clearly, it was written for and by the Parks Branch. The Manitoba

Round Table would appear to have been hijacked and manipulated to stand behind something the Parks Branch wanted. The hearings conducted all over the province during late 1992 were attended by and, with the exception of the round table panel, were organized by Natural Resources and Parks Branch in particular.

The real purpose of the hearings was to assist the Parks Branch in demonstrating that there was a province-wide consultation. They have analyzed the presentations of those hearings and produced a what-you-told-us booklet, but a request to the minister by our association on May 17, 1993, to provide us with a copy of the full transcript has not been answered. I did get a letter just a few days ago from the minister telling us where it may be seen, but we do not think that is good enough. We should be provided with a copy, especially when one was requested.

We believe that the entire exercise about sustainable development is one orchestrated to satisfy whims that have nothing to do with sustainable development. If it were otherwise, why do we not see real progress on issues directly related to sustainable development first rather than the relatively minor, although repulsive, legislation like Bill 41, designed to allow the unelected to trample over and wipe their jackboots on property rights.

Now Bill 41, derived from the very expensive proceedings of producing the work paper and the hearings about sustainable development. After such an exhaustive process, taxpayers who constantly hear about financial constraints can justifiably accept solid legislation by which our parks could be governed. Such is not the case, however.

The legislation proposed in Bill 41 is therefore written like a long list of ideas and suggestions but nothing that binds the Parks Branch or the minister to any particular mode of operation. There is nothing in it to ensure that our parks will in fact be protected or enhanced, and there is nothing that will set out at least the ground rules of resource or commercial activity within the parks. None of the undefined and uncommitted suggestions or ideas contained in Bill 41 are prohibited by the existing Park Lands Act, so it merely depends on whether or not there is a will and commitment to the good intentions. Even though the minister has said that a new act would improve direction and accountability, it is not there.

The only parts of Bill 41 that are clear and confirm the long suspected agenda of the Parks Branch are those dealing with private property. Here are some examples: the private lands act and the regulations under it apply to private land as well as Crown lands. That is Section 2.

Section 7(1) provides that the Lieutenant-Governor-in-Council may by regulation designate a land as provincial parks. It does not exclude private land, which may therefore be designated as provincial parkland. This is totally undemocratic, unless the private land is expropriated, under laws now in place.

* (0930)

Section 17 provides for powers to control and limit the use of lands and buildings but that such restriction does not constitute a loss or deprivation or a taking of property by government for which a compensation is payable.

Now, here is a way to regulate private property into abandonment without need for expropriation, for which compensation is payable.

Section 18 pays lip service to the insistence by property owners that they have a voice in the administration of property, servicing and taxation.

Section 18(1) hints that the Lieutenant-Governor-in-Council may, but is not bound to, by regulation designate provincial parks or areas of provincial parks as park districts.

Section 18(2) says when, and this may be never, a park district is established, the minister shall provide owners and occupiers an opportunity to review the estimates and the costs of services in that district. Great, but the minister is not bound to listen.

Furthermore, Section 18(3) provides that estimates of costs of services, direct and indirect, including costs of administration, shall be used to determine service fees. So it is all and sundry, anything can be thrown in—

Mr. Chairperson: Mr. Rybuck, could I have you stop for just one minute?

I would like to advise the committee that Mr. Rybuck has passed the 20 minutes. Is it the will of the committee to allow him to just finish his three pages?

Some Honourable Members: Yes.

Mr. Chairperson: Okay, carry on, Mr. Rybuck.

Mr. Rybuck: With all these additional indirect elements of cost, which may have nothing to do with services, a review of the minister's estimates may be meaningless.

Section 19. After pretending to give the owner and occupants of land a say in the setting of service levels and fees and then obfuscating that process with a reference to indirect and administration costs in Section 18, Section 19 provides that the Lieutenant-Governor-in-Council may make regulations respecting service fees and adjustments thereto for deficits of prior years. So there is no limit on how the bureaucracy can milk the system.

Section 20 provides that financial statements shall be maintained for review of owners and occupiers of land in the park district, which may or may not be established, but does not provide for any criteria as to what would constitute a meaningful accounting. We should be suspect because the present act requires that Parks recover the cost of service, but they have no idea what the cost is. Here is a violation of the present act, so what is the point of again requiring accountability that is not defined?

Section 21 provides that owners and occupiers of a chief place of residence within a provincial park should pay a levy to the minister as prescribed by regulation. The regulation, when made, will also define what may constitute a determination of a chief place of residence, interest payable on arrears and requires owners and occupiers to provide any information that the minister may require respecting occupation of land in provincial parks.

This surely could be defined in legislation and need not await a regulation. Requirement to provide information smacks of a police state.

Section 21(3) states that a levy for a chief place of residence need not be related to the cost of providing services or defraying expenses. In other words, this would be a tax for general purposes, a tax not applied to all property owners in the province. This is extortion from a minority.

Section 22. No matter how unfairly or dishonestly service fees may be prescribed, this section would enable the minister to issue a certificate for registration in the appropriate Land Titles, a lien against the property for which a fee or levy remains unpaid. The certificate would be registered without due process of the courts, without an affidavit of execution, and the resulting lien may be realized as if it were a mortgage. Here is a process for dispossessing an owner of real property without reference to the courts and without any encumbrance or action taken by the owner to incur such an outstanding.

Section 23 to 26. These sections provide extensive powers for the enforcement of the act and its regulations. Considering that it is also intended to apply to private property which, under this act, would be treated as public property, i.e., provincial parks, it is an unwarranted intrusion into private affairs and a circumvention of common law as well as property laws. It exceeds the powers contained in The Municipal Act, which are operated through the elected administration, as compared to Parks Branch, or unelected and certainly untrained to be masters of the universe.

Section 40. This section provides for the amendment of the existing Park Lands Act by making the new provisions of Bill 41 respecting application, collection and enforcement of service fees retroactive.

This measure is taken even though The Park Lands Act did not provide for services to private property and did not authorize service fees. A court decision on March 30 confirmed that the collection of service fees was illegal. Furthermore, the minister knew before then that the fees were illegal.

A step in this direction tells us that the government of Manitoba does not consider itself bound by any laws because if at any time it is proven to operate outside of the law, it will merely alter the law retroactively to make it suit its purpose.

Well, can you imagine the implications if such a procedure was used for a government who was proven in court to be in breach of the law for shooting individuals who oppose certain illegal action by the government and the government subsequently changes the law to make such shooting legal when done in support of its own agenda?

In conclusion, Bill 41 is by no means satisfactory to democratic-minded people and certainly not for the administration of private property. It far exceeds reasonable bounds of authority within government without any justification for doing so.

A refusal to pay the service fees could never be demonstrated to be an action of disobedience or one of thumbing our noses at government. Rather, it was a refusal based upon our genuine desire to protect our property rights and the rights of generations that follow us.

We cannot be blamed for problems the Parks Branch may be having in its financing. Our actions in refusing to pay the service fees were and remain reasonable. We have demonstrated repeatedly over the last nine years that we are paying our way and are willing to negotiate an agreement for an arrangement at least that meets the needs and aspirations of the Parks Branch as well as private property owners.

We have consistently strived to do that but with little or no response from government or Parks. The only exception was in September '87 when we were invited to negotiate.

Bill 41 is very one sided, single purpose and a ruthless piece of legislation that has no place in a democratic society. It should be recognized as such and should be withdrawn promptly. Our members are fair minded and reasonable people. They have always and remain ready to come to terms with government through their association. All that is needed is we be given a change. In the last few days, there has been indication that we may indeed be negotiating, and we welcome that.

Service fees should be eliminated throughout the parks. Lessees and landowners should elect councils through which services can be bought from Parks Branch or others. We should be allowed to participate in decisions respecting park planning, development and operation. In that way, people would be committed to the decisions they have bought into.

The government may feel awkward about backing away from the path it embarked upon and that it is more important to collect the $250,000 it believes is outstanding compared to refunding a similar amount which it collected illegally. Resolution of this matter should not be determined by desire to save face. Instead, it should be resolved by genuine good will and good intention on the part of both sides to the issue. There are many more significant examples of waste and poor administration, and these can occur in any government, whether intentionally or otherwise, but to regard private landowners within provincial parks as ones who are freeloaders and who have a special advantage of not having to pay taxes to support a high-cost administration is not a matter worthy of major dedication of effort.

There are many other particular kinds of advantages enjoyed by other specific segments of our society which are not available to all segments. To try to correct every kind of known or perceived difference from the norm is beyond our abilities. Even if we as a society attempt to go back to the beginning and attempt to reinvent the wheel, we will fail to achieve an absolute balance. The Soviet Union tried it and failed. Let us dedicate our efforts to more noble options. At the very least, the overzealous ambitions of parks management must be reigned in. If ministers do not control their departments, we certainly cannot allow the departments to govern them. Thank you.

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

* (0940)

Committee Substitution

Mr. Neil Gaudry (St. Boniface): Mr. Chairperson, I move, seconded by the member for Crescentwood (Ms. Gray), with the leader of the committee, that the honourable member for Crescentwood replace the honourable member for Inkster (Mr. Lamoureux) as a member of the Standing Committee on Public Utilities and Natural Resources, effective July 21, with the understanding that the same substitution will also be moved in the House to be properly recorded in the official records of the House.

Mr. Chairperson: Is that agreed? [agreed]

* * *

Mr. Chairperson: Thank you, Mr. Rybuck, for your presentation. There were no questions. We have one out-of-town presenter. We have agreed to hear the out-of-town presenters. So at this time we are going to hear from this out-of-town presenter, Mr. Ivan Balenovic.

Mr. Ivan Balenovic (President, Manitoba Timber Quota Holders Association): I have had a fairly rushed morning. We had about a 30-knot headwind, so I was running late. Thank you very much for seeing me first.

I am here on behalf of the Manitoba Timber Quota Holders Association. My name is Ivan Balenovic. I am the president of that association.

Our membership includes the southeast, the Interlake, the mountain quota holder associations, and we represent timber quota holders throughout the province. In Manitoba our industry is responsible for one job in 45. This number is significantly higher in rural Manitoba.

We understand that this committee will hear many concerned and interested Manitoban's during this process, and we will therefore try to be brief and concise. Our comments will be limited to issues as they pertain to harvesting of timber in provincial parks.

Timber quota holders in Manitoba are generally supportive of Bill 41. On the surface it appears to address concerns of many groups that have an interest or a stake in provincial parks. It is, of course, one of those issues that may have conflicting points of view. There are many different types of values within a park. Some values are easier to identify and quantify than others, but that in itself is not necessarily the deciding factor.

We in the forest products industry fully understand many of the values and benefits of parks. Most of us live in rural Manitoba in close proximity to one or more parks. Our families spend much of their leisure time enjoying the recreational benefits that parks have to offer.

We also understand the important economic benefit that provincial parks offer to our industry and to the province. The majority of our employment is in rural areas where job opportunities are limited. The primary wood products industry is a vital component to the economic base of a number of rural Manitoba communities.

The second paragraph of the Preamble in Bill 41 refers to the principles of sustainable development. We support the concept that sustainable development is a common-sense approach to economic growth, environmental protection and human health which recognizes the strong connection between the health and well-being of people, the environment and the strength of the economy. It meets the needs of the present without compromising the ability of future generations to meet their own needs.

As operators, we continue to be sensitive to the principles of sustainable development. Many of the now provincial parks have been logged by our industry for over 100 years. For them to still be considered as natural and pristine areas is indeed a compliment to our industry.

Sound forest management techniques are required both within and outside provincial park boundaries. When a tree becomes mature, diseased, damaged by wind or hail or infested by insects, it should be harvested to generate jobs instead of being left to die and become a fire hazard. Let us be sure to continue to benefit with the wise use of our forest resources rather than allow them to deteriorate to a point where they will become an economic burden. Sound forest management based on the principles of sustainable development can and will enhance opportunity for new growth and generally contribute to a healthy forest, while at the same time reduce the risk of wildfire.

Bill 41 provides for the classification of provincial parks. Restrictions in parks that are currently important to the forest industry could have a devastating impact on the social and economic conditions in certain regions. These classification decisions carry with them enormous consequences that must be made responsibly. Because it is our lives that may be most directly affected, we must be involved in that process.

The bill also provides for land use categories, and we are certainly cognizant of the fact that there are specific sites that should be protected because of their natural, cultural, recreational or heritage value. We will continue towards helping to identify these areas and recommend appropriate land use categories.

We note that under Section 9 the bill provides for an opportunity for public consultation and will seek advice about proposed regulations. The Manitoba Timber Quota Holders Association makes itself available to the process in the hopes that we can play a key role in helping to shape the future of Manitoba's provincial parks.

We appreciate this opportunity to address the committee. The wise use of our natural resources based on the fundamentals of sustainable development can meet the needs of all Manitobans now and in the future. We must work together to achieve and maintain the goals of sustainable development. Our collective future depends on it.

Thank you.

Mr. Chairperson: Thank you very much. Would you mind taking just a couple of questions?

Mr. Balenovic: No, not at all.

Ms. Rosann Wowchuk (Swan River): Thank you very much, and thank you for making the trip in from Swan River to make your presentation.

When we were hearing presentations last night, there were people who said that this legislation would lead to more conflict between those people who were involved in the logging industry and those who were opposed to activity in the parks. Do you see this bill as leading to conflict, and also a second part of the question is, how do you see this bill benefitting those people who are in the logging industry?

Mr. Balenovic: Currently many companies, such as the company I work for, are dependent on resource extraction from provincial parks. The Duck Mountain Park, which is an area that you are familiar with, Ms. Wowchuk, is an area that has been harvested, in one of my examples, for over a hundred years.

The potential threat, that that type of activity might cease, is probably more harmful to industry because it makes us a little bit weary of capital investments, in the area of not knowing if that resource will be available to us in the future or not. That to me is probably the largest benefit if the park is determined to be classified as a natural park, for example, and limited resource extraction is allowed. I think that the confidence in resource availability to the company would help industry invest in their companies, whether it be expansion or modernization or value added or just being able to better utilize the resource.

Ms. Wowchuk: One of the concerns that has been raised is the need for the 12 percent set-aside, and I know that there has been a lot of work done by groups in the area to identify areas that can be set aside in their natural state in the Duck and Porcupine Mountains. Is your association in support of setting—are you doing any work to identify areas that can be set aside, that will not be logged at all in the future?

Mr. Balenovic: The 12 percent is an issue that we are in support of in concept. Whether it is exactly 12 percent, we do not believe that is a number that people should hang their hat on. In some instances, in some regions, perhaps it should be more; in some regions, perhaps it should be less. Again, a region that you are familiar with is the western uplands surrounding Swan River, encompassing the Duck Mountain, the Porcupine Mountain and the Riding Mountain. In that example, I think the Riding Mountain National Park, which should qualify under the Brundtland Commission as under the 12 percent rule, it encompasses more than 12 percent of that region. We do not believe that that should be the limiting factor.

We know that there are areas in the Duck Mountains, like the Roaring River Canyon, for example, that our people are familiar with, our quota holders, I should say. We believe that those areas should also be set aside. So I think the reverse would also be true in perhaps other areas, where it may be a little under the 12 percent.

* (0950)

Ms. Wowchuk: Did your association spend much time lobbying the government to bring in this bill? Did you feel it was so difficult to work under the previous parks act that you had to have changes, and did you do work with the government? Did you lobby for these changes?

Mr. Balenovic: Well, as the president of the association, I wish I could take credit for doing that. Unfortunately, we were not involved in the process at all and none of the quota holders that I am familiar with were involved in the process.

The area of concern has always been the threat of the possible restriction of logging in provincial parks. That is one issue we have probably lobbied fairly strongly on, being sure that areas that rely on resource extraction from provincial parks are not adversely affected by the restriction of logging in the parks.

Ms. Wowchuk: I am looking through trying to find a previous presenter. I cannot find the presentation right now, but one of the people who spoke last night also indicated that it was unrealistic to have parks called parks and still have logging in them. She suggested that they perhaps should be called resource reserves and that parks should be moved, have parks designated in another area.

Do you think that by identifying areas that would be used for logging it would be more useful to identify them as resource reserves rather than trying to identify them as parks and have the conflicts but also identify certain areas as parks that would not be logged at all?

Mr. Balenovic: Well, the naming of the specific area, I am not sure how significant that is. I would again use an example of the Duck Mountain Provincial Park, which was initially a forest reserve established for the purpose of sustaining industry in the Swan Valley region, Roblin, in that whole area.

Had the industry had an inkling back then that today there was a possible question of restricting logging in that area, I am sure that there would have been a lot of lobbying taking effect to make sure that the area was never called a park, but the park was postage stamped right in the middle of the forest reserve. The industry respected that.

There are certain regions that are high recreational use zones that the industry stays away from and respects other areas that there are conditional type of harvesting activities taking place. We have not had a problem with that.

If the thinking is that all parks should be zero commercial resource extraction activities, then I would suggest that there are many parks that should not be called parks, and they should be called forest reserves or resource reserves.

Ms. Wowchuk: I would just like to thank Mr. Balenovic for his presentation. I want to say that I understand. I have lived in the area for all my life and I understand the need for these activities and the economic value to the area. There will be difficulties in working out how we can continue to have both the economic development and also have recreational areas.

Hon. Harry Enns (Minister of Natural Resources): Thank you, Mr. Balenovic. Was it not just about a year ago that you and I were on the banks of the Seal River at this time of the year, at the end of the session? Good to see you again, Ivan.

Mr. Balenovic: Good to see you.

Mr. Enns: Just a clarification on the question that the member for Swan River, Ms. Wowchuk, raised. It was indeed suggested by another member, Mr. Storie from Flin Flon, late last night that industry, or we would be better served if we just carried on as we currently are carrying on if the act simply remained silent about resource extraction in the parks. In fact, we are being criticized for being, quite frankly, up front and honest about it, and I am interested in the concept of—and I do not particularly take umbrage at the fact that perhaps we should not call these regions parks anymore.

So, if there is serious consideration by the community that we depark these areas and call them resource areas, that is going to be given serious consideration, but the question I want to ask you as a representative of the forestry industry: How does that impact on your industry whether it is, in this case, forestry or mining, whether or not we kind of salve our collective conscience about it and are silent about it, but knowing all the time that it is an activity that is frowned upon and is being challenged? Does that add to any stability within your industry? Does that give you any degree of confidence to make the necessary investments to maintain the industry as you require it from time to time?

Mr. Balenovic: Mr. Minister, as I mentioned in my presentation, do not undervalue the fact that our industry has been logging for over 100 years in certain parks, and as I said in my presentation, that if those parks are the areas that are now considered as natural and pristine, we believe that could continue for the next 100 years, and 100 years from now they would still be considered as natural and pristine areas.

The fact that there is any question at all about the possible restriction of logging in the parks makes the industry very insecure. I know that, for the company that I work for, it would have an impact of several jobs and would make us a part-time operation. We currently run 12 months of the year. We would probably end up running eight months of the year. I am not saying that we would close down and all go home, but 75 percent of our employees certainly would. In just our company alone that represents maybe 150 people when you consider the contractors.

Unless we are misunderstanding the process in regard to Bill 41, we are under the impression that by putting this on the table there will be a decision made once and for all that, yes, this park is a park where you can extract resources, and we can count on that and plan on that in the future. I think if they said you cannot do it, well, then we will plan accordingly, and we will just scale down and we will do that. But living in that area of not knowing is probably the worst thing.

Mr. Enns: Thank you, Mr. Balenovic.

Ms. Marianne Cerilli (Radisson): Thank you for your presentation. It is interesting, the comments that you just made at the end, that if an area was

designated as prohibited from resource extraction, then you would just look elsewhere. I am interested in seeing how your organization views this bill changing the way that competing interests or land use allocation will be designated.

Mr. Balenovic: Just to clarify. When I said we would look elsewhere, I was not referring to that we would look for resources elsewhere because that is not a possibility in most any region of Manitoba. I mean, you are limited to a certain proximity to your mill in order to keep product coming in at a reasonable cost. What I meant by looking elsewhere is, I meant we would have to look elsewhere as a business concept.

In regard to the second part of your question, I think that we have been involved in—and I am not sure I want to use the words "conflicting interest," because I think we have been able to work side-by-side with many of the other interests in parks currently, whether it is recreational use or sites, as I mentioned, that have a heritage value or cultural value. So I do not necessarily see that any of that would change. I only see that now it would be something that we could—it would be on a piece of paper and we could look at it and say, you know, we know where we are going in the future.

Mr. Chairperson: Thank you, Mr. Balenovic.

Mr. Balenovic: Thank you very much.

Mr. Chairperson: I would like to advise the committee that when I opened up the committee proceedings, I advised the committee as well as the presenters that I was going to be dealing with out-of-town presenters first, and we had two presenters who left the room to take care of some business, thinking that we would be a few minutes before we started on the actual list, and that was Mr. Ian Greaves and John Krowina. Mr. Krowina was not here, but he was being represented by Mr. Pannell, representing the Canadian Bar Association, Manitoba Branch, Environmental Law Section.

At this time I would ask if it is the will of the committee that I just revert to those two names.

* (1000)

Point of Order

Mrs. Louise Dacquay (Seine River) Well, just on a point of order, Mr. Chairperson, our rules have always been that we go through the list in the order here, and that the names then move to the bottom of the list. I have no problem hearing Mr. Pannell this morning, but in the interest of fairness there were people sitting in this room at 10 to nine and then he would supersede their presentation. I think, in the interest of fairness, my preference would be that we continue through the list, and we agree to hear Mr. Pannell closer to the time when we have committee rise, or at least as one of the presenters this morning.

Ms. Wowchuk: I think, as you indicated, you had said that you were going to hear out-of-town presenters first, and it was anticipated that it would be some time since there were two out-of-town presenters. You read through the list anyway before you heard those out-of-town presenters, so I think it would be fair to revert to those two names since we were of the impression that out-of-town presenters would be heard first, and then we would begin the list.

Ms. Cerilli: I think last night there was also an example where someone was just out in the hall and missed their name being called and then came back right away, and they were allowed to speak. I think, rather than keeping people here who were up on the list, that we can hear them.

Mr. Chairperson: So it is agreed then that I will call these two names back? [agreed]

* * *

Mr. Chairperson: Okay, at this time I will call on John Krowina, but I understand that it is Mr. Pannell representing the Canadian Bar Association. I apologize to you for before, but there is an order that we do operate the committee, and I appreciate your assistance.

Mr. Brian Pannell (Canadian Bar Association): I understand, and it is hard for us to figure out how to break in and get your attention, so you have done very well. I appreciate the consideration that you have given.

Mr. Chairperson: We have the presentation.

Mr. Pannell: Yes. Let me begin by saying that because the Bar Association has not been able to move with the same swiftness as the Legislature, this must be considered a draft at this point in time, and if you wish to consider it the work of John Krowina and myself, that is fine. It will be considered by the Manitoba environmental subsection of the Canadian Bar Association, and when it is finalized, I will send copies to you.

Let me begin by saying that overall I think this bill is unfortunate. It does not really represent the kind of legislation that one would like to see entering the 1990s or close to the next century. It is anthropocentric, that is, human-focused. There is really no emphasis on animals and plants for their own right. One would expect a change for a parks act in the direction of giving more intrinsic value to things that are not human. It has very little in the way of protection of those plants and animals in the park. One would have thought a parks act would have done those things.

Its restrictions on activity even in the most restricted areas, which is wilderness areas, is quite modest. You can still, for example, set up a manufacturing plant in a wilderness area. One wonders why that would be, you know. Should we call it, rather, industrial parks instead of wilderness parks. I think these are reasonably debatable issues, given the way this act presently reads.

The brief that you have before you sets out mostly suggested amendments, and I might say that we did not come to these amendments from an idealistic perspective. We tried to incorporate what the government's agenda is and make suggestions which were consistent with what the government is attempting to do, even though, for the most part, we do not agree with that. So these amendments are attempting to improve an act consistent largely with government policy and principles and direction.

I would like to go through them in some detail so that you understand them. Recommendation 1 deals with two new WHEREASes that might be added to the beginning of the act. The first one would be, WHEREAS nonhuman biota are valued both intrinsically and for their contribution to sustaining human existence.

So what this would do is add a value to animals and to plants that presently does not appear anywhere in the act. So instead of having the present anthropocentric act that we have, it would say, there is a value to plants and animals all by themselves. That is what that WHEREAS would do.

The second WHEREAS reads, and WHEREAS the provision of wilderness habitat undisturbed by consumptive human use is a necessary prerequisite to the well-being of Manitoba's biota and people. That is along the lines of the same one, just saying that not only is biota intrinsically valuable but, therefore, the wilderness and the habitat that supports it is also intrinsically valuable.

Going on to recommendation 3, because recommendation 2 is just a language correction, assuming you adopt the first recommendation, recommendation 3 incorporates the goal of the 12 percent protected areas. Nowhere in the act do we find a place where the 12 percent, which I might add is supposed to be a minimum, is actually stated.

Now, the policy of the province of Manitoba is in fact to comply with the Brundtland Commission Report and try and find at least 12 percent of lands to set aside for protected purposes. One would have expected the parks act, which is our, parks are to the extent that they provide some protection for our most protected areas. They are not very protective, as you know from the discussions here. Some of them provide some protection, but they are as close as we get as a society.

Since parks are that, one would have thought that we would try and build in this notion of trying to get protection for 12 percent into the parks act at least as a goal. So this WHEREAS reads, and WHEREAS the province intends to protect at least 12 percent of our natural lands as recommended in the United Nations report, Our Common Future, and parts of the provincial parks system will offer this protection.

You will note, I have said that parts, because it is clearly the government's intention to differentiate amongst parks, and some parks will offer extensive protection and others will not. Consequently I have left it as parts of the park system. It would seem to me that is consistent with government policy and capable of being incorporated into the act.

Recommendation 4 deals with the last WHEREAS that is presently in the act, and it suggests deleting the last phrase which reads, and appropriate economic opportunities are provided. I think it is fair to say that the environmental community considers the high emphasis on economic opportunities in the park, while consistent with what the government expects to be happening in the park, too much. It is too much emphasis and sounds like you want the parks to be economic drivers of the nation. That, perhaps, is more emphasis than is necessary.

In that WHEREAS, there is already a reference to sustainable development, and one wonders

whether that might suffice. So I have deleted the phrase, and appropriate economic opportunities are provided, and rely instead on the phrase, sustainable development, which is already in that WHEREAS. Later, I make a recommendation to define sustainable development and draw the definition directly out of the Brundtland Commission Report and hope that that will suffice to set the goals along economic development lines, but less harshly than this wording does.

* (1010)

Recommendation 6 on page 2 deals with the dedication in the act. The act is presently dedicated to the peoples of Manitoba and peoples visiting Manitoba. Just as before in the WHEREAS clauses, I recommended that we take a less anthropocentric view of things. Similarly, in the dedication paragraph, perhaps we could dedicate the parks as well to biota, since that is, in fact, what we are trying to protect. That suggested wording is, provincial parks are dedicated to the biota and people of Manitoba and the world and should be maintained and made use of so as to leave them unimpaired for the benefit of future generations of biota and people.

Recommendation 7 is a technical change in the wording. It deals with Section 5 of the act. Section 5 is the purposes of the act. Just to make sure that it is very clear that the purposes are not all to be ascribed to every park, because not every park is expected both to be a place for the preservation of genetic diversity and for economic development, I have changed the wording so that it reads, the purposes of the provincial parks system are. So there is only really the parks system as a whole that is expected to carry all four of these purposes. Any one park would only carry some fraction of these purposes.

Similarly, I have made a change to item (d) which is, again, the economic opportunities purpose. I have suggested that the economic opportunities purpose be written so that it is made consistent with the previous three purposes. So the recommendation reads, to provide restricted economic opportunities consistent with (a), (b) and (c). In fact that is what the act does later in Section 7(3)(c).

Remember that a variety of economic opportunities are not available in wilderness parks, and certain designations of categories are not available for wilderness parks, and for all the remaining category designations, they must be consistent with the purposes of the act, pursuant to 7(3)(c). So better to be up front about it in 7(d) and say that the economic opportunities must be consistent with the other purposes of the act. This is really no change, but it puts it further up in the act.

The one change that is added here is the word "restricted," and I think it would be a useful modifier to your use of economic development. It is in fact what you do through the act. You are restricting development in a number of ways and it would again take the harshness out of the constant emphasis of economic development in the parks.

Recommendation 9 would be changes to Clause 7(2)(a) and it would read, a wilderness park, if the main purpose of the designation is to preserve or recreate wilderness areas.

I refer you to the bill, and 7(2) is that provision which sets out the classifications of different kinds of parks. However, there is some problematic wording, I think, in a number of these descriptions.

The first one says, a wilderness park. If the main purpose of the designation is to preserve large areas of our natural region, well, I do not understand why it would be limited to large regions. I do not even know what large means. Large is a relative term, very difficult to use in legislation. It has to be relative to some reference point to know what large is. If you do not have a reference point, then large has virtually no meaning, but even if you could have a reference point, why would you restrict wilderness parks only to large areas? Why would it not be whatever area is deemed appropriate by the professionals in the field?

So I would highly recommend you remove the modifier "large." That is partly what the recommendation does, but it also goes further and says, you do not just want to preserve wilderness regions, there are some that you want to recreate. We have examples in Manitoba of wilderness areas that have been recreated, so why not use that kind of language—recreate, rehabilitate.

The result is again, and I will read the recommendation, a wilderness park, if the main purpose of the designation is to preserve or recreate or rehabilitate wilderness areas.

The last change there, so you note, is, I have changed the wording "natural region" to "wilderness areas."

Recommendation 10 deals with the same section, but (b), which is the natural park description. Here I think it is fair to say that while you have taken generally a step process, calling one region one thing and then when its characteristics change calling it something different, there are sorts of jumps made and this is the first jump. Here you not only have a goal of protecting preserved areas, but you also want to permit resource use and recreational opportunities. Well, resource use is a step up from recreational opportunities. I would have thought that the next category excluded resource use and dealt with only natural areas preservation and recreation. You give a name to that and then you would have another categorization for those two things, plus resource use. So you are actually taking a stepped approach. This one jumps over and adds two categories, instead of one at a time.

My suggestion therefore would be that national parks only permit natural region preservation and recreation. You create instead a third category of park, that then goes on to have resource use in addition, so you actually have an incremental approach, because I think that there will be parks where you do not want to have both recreation, resource use and the protection of the species in the park.

So that comes through recommendation 11, and I suggest we call it a multiple-use park, which I guess is the issue that has been circulating around the committee for a little while. I do not care what the name is, frankly, but it should be different and it should be less in stature than a natural park because you are adding resource use.

Recommendation 12 takes us to subsection 7(5), or what I would propose to be 7(5), added immediately after 7(4) in the bill.

7(4) tells us that land in a wilderness park may be categorized only in the wilderness, heritage or access land use categories.

Again, assuming that we restrict natural parks to only protection of the park itself and recreational opportunities, then I would think you also want to restrict the land use categories that would apply to natural parks, and so 7(5) would restrict the land uses in a natural park to the same list in 7(4) but with the addition of recreational uses and then what is not permitted again in natural parks would be resource use.

I believe all these changes to be consistent with the thesis that the act sets out but to be decided improvements on the way it is carried out.

Recommendation 13 refers to what is presently Clause 7(5)(a) and that sets out a list of things that cannot happen in wilderness parks and that list includes logging, mining, development of oil, petroleum, natural gas or hydroelectric power. The first comment is that this is a very short list. Wilderness parks are going to be at the top of the parks pyramid and granted the greatest protection. If this is as short as the list is, it is very poor protection indeed—very poor protection.

Again, I gave the example right at the beginning of this discussion of manufacturing. Is there any real good reason why you want to permit manufacturing in a wilderness park? If not, let us add it to the list. Is there any real good reason why you want to put multilane highways through a wilderness park? If not, let us add to the list any highway greater than two lanes. Is there any reason why you want to put 500 kv power lines through a wilderness park? If not, then let us add electrical lines, you know, greater than 60 kv. There is a whole host of things that you should consider adding to this. I have limited my comments to those three. I think you should press yourselves, because if you do, you will get some credit for it. Right now the bill is considered, essentially, an abomination by the environmental community. Why not try and smooth some feathers.

Adding to this list, which is the most protected area, would go some ways toward doing that. I do not know if you want to go as far as hunting and that sort of thing, but that, of course, would be—those would be big changes favourable to the act.

Again, assuming that you want to limit natural parks and create another category when you add resource use, limit natural parks to environmental protection and recreation opportunities, then you should have a list and, I would say, the same list that applies to natural parks. That would be consistent with the suggested amendments of creating a different approach for natural parks.

* (1020)

Section 9 of the act sets out an equivalency process for using the Clean Environment Commission when a development in a park will cause The Environment Act to come into effect. I think that is a good provision, but I think that we should use The Environment Act more frequently than that, and in particular when you want to downgrade the status of a park. You would have heard a number of occasions now when people said, is this act a place to remove parks? There was a fellow here, who works for the department, last night, in the heritage department. He said, I am suspicious about the combination in Section 35, Section 7, Section 8; is this a way of pillaging parks, of getting rid of parks? He apparently thought that was a significant possibility, and the act does permit that possibility. Whether it is true or not is inconsequential.

It is an important decision when you increase the number of uses that park permits, and if you are going to do that, I suggest to you, that is a significant enough decision that it should attract The Environment Act. So I propose adding a provision that says—well, I will read it first—any redesignation of a provincial park from one to another of the classifications pursuant to subsection 7(2) or from one to another of the land-use categories pursuant to subsection 7(3) that increases the permitted land uses in the parks shall be considered a Class 2 development for the purposes of The Environment Act.

I think here this is the idea. I do not believe it actually captures the fellow's concern whom I am referring to. The point is, if you are going to increase the uses in a park, whether it is an existing park under the present act or whether it is a park created under these regulations, if you are going to increase the uses by regulation then that regulatory decision should go off to Clean Environment Commission as a development. If you do that, you will create a great deal more happiness because it will be deemed as an objective control and subjective decision making to decrease the functioning of parks.

Recommendation 15 concerns paragraph 10. Paragraph 10 sets out regulations that can be made by the minister. These regulations have a wide impact potentially, and so I recommend adding an objective test to the minister's discretion. The objective test would be added right at the end at the conclusion of the paragraph and read: "provided that such regulations conform with the main purpose of the park classification as described in subsection 7(2)," so that the minister's power to make regulations would be curtailed to the extent that they had to be consistent with the purpose of the park. That is not inconsistent with the theme of the act and is again one of the things that gives comfort to people concerned about this act. I do not think it is different from the intention of the drafters of the act either.

Recommendation 16 would go a long way to making this act a more positive act overall and again giving comfort to the environmental community without, I do not think, prejudicing the intention of government. What it would do is create an offence to take out plants or animals from the park. There is nowhere in this act that says it is an offence to remove plants or animals from provincial parks. If these are protected areas, that is what we want to make them and that is what we have been talking about, even though it is not codified in the act that we are trying to make these protected areas. If that is the practicality, why do we not make it an offence for people who are tramping off with plants and animals? Then if you want to have exclusions, you have it already built in, the regulatory power to create exceptions, and then you are beginning to have an act that maybe sounds like it is in the 21st Century.

Mr. Chairperson: Mr. Pannell, I just wanted to advise you, you have two minutes left of the 20, but carry on.

Mr. Pannell: Thank you. The text that you have on this point reads, no person shall remove any plant or animal from a park except in accordance with this act. And I might add, which you do not have before you, something else that reads, nor plant nor introduce a foreign species, which is the reverse side of the coin. You do not take them out and you do not bring them in.

Those would be my recommendations. I understand you are on time limits, but I have noticed in the past you have been prepared to amend those time limits and for the purposes of questions only, if you have them, I would be prepared to answer any questions.

Mr. Chairperson: We have time for one question. Is there a question for Mr. Pannell?

Mr. Enns: I will certainly defer to the members of the opposition to ask the question. I just wanted to

express my appreciation to Mr. Pannell for his presentation. My Parks director is present and we have, of course, the availability of the transcript of these comments to peruse and from that we will look at them with a great deal of seriousness.

I also appreciate that, as you indicated in your introduction, you probably are among those who consider this bill an abomination. I regret that. It is not a view universally shared, I might say, within the environmental community, but I appreciate nonetheless, in my judgment, your approaching your job before this committee in the proper way, that is, still giving your best advice as how to make a bill a better bill, without compromising your position with respect to your acceptance or nonacceptance of the bill. I appreciate that kind of a presentation. Thank you, Mr. Pannell.

Ms. Cerilli: Thank you for your presentation. I am interested in hearing more about the difficulties or the results of some of the conflicts in the bill, some of the things that you outlined where part of the bill is saying to protect a certain area and then there are also provisions for economic development. What kind of results can we expect from this bill if it was challenged in court?

Mr. Pannell: Well, I think the problem is that this bill is not easily challenged in court, and it offers very little protection for parks. The list, as I said in I think it is Section 7(5), is extremely short. Yes, you could go to court and you could keep a mine out of a wilderness park, maybe, because there are other provisions that say that there is discretion to set land uses, and maybe there is some uncertainty in some of the provisions there, but I do not know why you want to create a system that works that way.

* (1030)

I think that the government has said there should be a hierarchy of parks. All right. Let us accept that. There should be a hierarchy of parks from the most protected to the least protected. Well, then, let us actually do that. Let us set the most protected and let us make sure the most protected are protected from just about everything, at least everything big—this list does not even hit everything big and significant—and then go on down the list.

That is why I had suggested that there are more incremental stages than this bill permits as you go from most protected down the list. So there is very little protection the bill presently offers and there is very little that anyone could do to go to court to obtain greater protection. One would hope that changes will be made to correct those things.

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

Mr. Pannell: Thank you very much.

Mr. Chairperson: We will now call on Mr. Ian Greaves. Sorry I missed you the first time, Mr. Greaves.

Mr. Ian Greaves (Private Citizen): That is fine.

Mr. Chairperson: We have already got your presentation being handed out. You can just carry forward.

Mr. Greaves: Good morning, ladies and gentlemen. My name is Ian Greaves.

In Manitoba, as elsewhere in North America, lands that once supported wildlife are increasingly being converted to agricultural, industrial, commercial and residential uses. As a result, plant and animal populations are rapidly diminishing.

One way that Canada and the Province of Manitoba has acted to safeguard portions of our remaining wildlife is to establish parks. Some of these parks are managed for the needs of flora and fauna that depend on them. The intention is to provide an abundance and diversity of wildlife services in perpetuity for the use and enjoyment of all Canadians.

I am here this morning because I view Bill 41 as a threat to our Manitoba provincial parks. If this bill becomes law, Manitoba parks will become, without a doubt, endangered spaces. Bill 41 is a legal mandate to log in our natural parks. Passage of this bill could doom large parts of Nopiming, Duck Mountain, Whiteshell, Grass River and Asessippi Parks.

Section 7.2(b): "a natural park, if the main purpose of the designation is both to preserve areas of a natural region and to accommodate a diversity of recreation and resource uses." With the greatest areas in a number of our parks coming under this definition, a large percentage of our parks will be threatened. This makes the whole act a big concern to me, and I feel that we should scrap our provincial park system with words like "resource uses."

Section 5(d): "to provide economic opportunities in accordance with park classifications and land use categories." This is not an appropriate

management principle for parks. Economics should be a by-product from parks, not the sole purpose. All Manitobans should have the enjoyment of parks, not the economic purposes to which they have to offer.

Asessippi Provincial Park is such a park where a commercial development will degrade it from a natural to a recreational park. This park is located in the Westman Parkland of Manitoba. At present, sections of this park are under a threat by a proposed ski hill. This ski hill is planned for the southeast section of the park. As I have mentioned earlier, economics should be a by-product of a park, not the sole purpose of its existence. This proposed ski hill will have nine ski runs; these are 75-to-100-foot-wide cross-country ski trails, a 75,000-square-foot parking lot, 6,000-to-8,000 square-foot ski lodge, and to be developed later in the life of this project, year-round facilities to enhance the cultural history of the region.

The proposed site of this ski hill is an excellent habitat for birds. Such a site is rare in the rest of the province, and indeed, in the country. As part of the environmental impact assessment study, a breeding bird survey was done by George Holland of Planned Environment Services Ltd., and this was completed in June of '92. This survey discovered that of 93 species of birds recorded in the park, 35 of these species had 152 established and defended territories within the area of the proposed development.

A large number of these species are neotropical songbirds. These are species that breed in the temperate North America, then migrate south to spend their winters in what is known as the neotropics or New World tropics: the Caribbean Islands, Mexico, Central and South America. There is evidence that there had been at least 43 species nested in the area. The tall, old forest canopy offered ideal habitat for woodpeckers, vireos, orioles, great crested flycatchers and hawks. The ground cover and understory offered optimum habitat for these birds. Along the river bottom land, the habitat provided a suitable environment for a number of species. The dense understory is an area ideal for sheltering and protecting small songbirds.

All across North America, scientists have determined that the population of neotropical birds is steadily declining. Many of the forest songbirds have declined at a rate of 2.3 percent per year, a rate that will rapidly deplete their populations.

Several explanations have been suggested: a) habitat loss and increase in habitat fragmentation in the breeding range due to increased human impact, especially agricultural, residential, and urban development; (b) increased nest predation, cowbirds and predators; c) deforestation in the wintering grounds in neo-tropical immigrants; (d) complexes of factors that predispose certain taxonomic groups to decrease in response to several kinds of human-caused environmental changes.

In the appendix, I provide a listing of the 35 species found in the area of the proposed ski hill. I included the species name, yearly median, as well as the overall percentage increase or decrease of that species in Manitoba from '66 to '89. This data was provided by the Breeding Bird Survey, an organization of professional and amateur birders across North America who have systematically and diligently collected information on bird abundance each year for 27 years, up to '93.

The Breeding Bird Survey had confirmed the basic link between bird and forest. Our massive global removal of forest is depleting our bird life. Please note that a very large percentage of the birds in Asessippi have shown a downward trend in Manitoba for the past 23 years. For example, the yellow-bellied sapsucker, minus 87 percent; the veery, minus 72; the white-throated sparrow, minus 69 percent.

You might well ask if any of these birds are endangered, threatened or uncommon. Some of these species fit into all three of these categories. The Bachman warbler fit into all three of these categories. This bird is now extinct.

Individuals have asked me, if the trees are removed to accommodate the ski hill, could the birds go somewhere else? Well, the area adjacent to the proposed ski hill is similar terrain. It must be assumed that similar habitat in close proximity is already used to capacity by other individuals of the same species. Therefore, these birds will be under more stress by fighting for territory and competing for food.

Why should we care about this wilderness in Asessippi, Duck Mountain, Nopiming, Grass River or Porcupine Provincial Parks? For one thing, you cannot create wilderness; you can only destroy it.

That which exists today in Manitoba and elsewhere is all that there will ever be. What we see fit to save now is all that there is, all that will be left of the forces that have brought about the incredible richness and diversity of this park and particular bird habitat.

At present, there are many forms of wildlife where their sole existence depends on large tracts of wilderness. There is no substitute for Arctic wilderness for the existence of polar bears or musk oxen. There is no substitute for forest wilderness for the existence of animals such as wolverines, cougar, lynx, or woodland caribou. Some animals need great spaces, remoteness from humans and their works. They are not like raccoons, grey squirrels or even white-tailed deer. Some of these songbirds listed in the appendix need remoteness. These birds are not like robins, grackles, or black-capped chickadees. Some of these birds are not able to nest in human-altered habitats, for example, the yellow-throated vireo, chestnut-sided warbler, American redstart, or even the mourning warbler.

* (1040)

I have talked a bit today about this habitat because it is worthy of protection. We know that we could lose it if this development is allowed to proceed. What have we already lost in areas that did not have proper environmental impact assessments?

Canadian naturalists play a crucial role in monitoring our migratory birds. The results of many years of scientific studies have given us a clear message. If we want to continue to enjoy a diversity of bird and wildlife, we must act on what science is telling us. We must conserve what remains of our intact forests. Thank you.

Thank you.

Mr. Chairperson: Thank you, Mr. Greaves. Are there any questions? If not, thank you very much.

We will now move on to Walter Matlashewski.

Floor Comment: This Frenchman sure is having trouble.

Mr. Chairperson: This Frenchman has trouble with Ukrainian names. I had trouble with the French names last night. Do you have a written presentation? It is being handed out, Mr. Matlashewski. You can carry on.

Mr. Walter Matlashewski (Private Citizen): Mr. Chairperson, ladies and gentlemen, my name is Walter Matlashewski. I am secretary-treasurer of the Association of Private Land Owners in Manitoba Parks. I speak today as a member of the association and as a concerned Manitoban who lives in Winnipeg and owns land inside one of Manitoba's provincial parks.

My presentation will deal with my experience as a private land cottage owner within a provincial park. I spent 1966 and '67 attempting to lease a lot within the Whiteshell. None were available. In 1968 I purchased a private lot. My friends who were living in cottages built on leased land laughed and jeered me for being a sucker for paying a large amount of money for a private lot which had no infrastructure. Their infrastructure had been provided for by Parks Branch. They were leasing their lots at the time for $30 a year. These were lakefront lots, while mine was only a back lot.

(Mr. Jack Penner, Acting Chairperson, in the Chair)

A public road allowance existed for access to my lot, but there was no road. My neighbour and myself banded together and formed an association, elected executives to run the association, put monies into it and constructed roads with accompanying ditches, culverts, gravelling, et cetera, all at our own expense. We were turned down by Parks personnel, who said it is private land.

At the lakefront there is a public reserve approximately a three-quarter acre in size. We requested Parks to maintain this public reserve. Of course, we were turned down. Our association took up the slack and turned this reserve into a little park with chairs and tables and picnic areas. To this day we maintain this park. We even bought a community lawnmower to cut the park grass.

The same lakefront park is on the Winnipeg River system, and because of erratic water levels it was rapidly eroding. Again we approached Parks to shore up the shoreline using prisoners at Bannock Point. Of course, our request was refused as usual. We bought truckloads of rock, formed work parties of men, women and children and we shored up the lakefront so that today there is no further erosion. While my friends on leased property were having this done by Parks, we had to do so at our own expense. We bought truckloads

of gravel in order to construct a beach. Ladies and gentlemen, if you want to see real democracy and co-operation in action come to our meetings or join our work parties.

While the Whiteshell is sitting on a huge pile of rock and gravel, there have been years when we had to haul gravel for our road from a distance of 30 miles outside the park because Parks people would not allow our trucker to use park gravel.

Parks, during summer months, operates toll gates on highway entrances to the Whiteshell. This means that our sons, daughters, brothers, sisters, parents and friends are charged a gate fee on a public highway to visit us at our cottages at the lake.

For years, we ourselves had to pay this toll. The monies raised in this way do not even pay for the wages of the employees who operate the gates. What I said about our road association is typical of others who banded together to build and maintain necessary roads, provide street lighting, public reserve maintenance, neighbourhood watch, digging wells, building boat ramps and docks, contracting for snowplowing, all this with their own resources and funds.

In 1983, the provincial government woke up suddenly and announced that all lands in provincial parks were subject to The Park Lands Act. However, in all the years prior to 1983 whenever we asked for permits with regards to construction of cottages or of other facilities on private land, we were told by Park administrators and representatives that it is private land, and we have no jurisdiction.

One of my neighbours had his boat stolen. He asked the park ranger for assistance in recovering it. He was refused because he was a private land vacationer, and Parks was not obliged to provide or give any assistance.

In 1984, Parks proclaimed their service fee or tax on all cottage lots, whether privately owned or leased. They monkeyed with Manitoba Regulation 97/84. Previous to this, all cottages on leased property paid a rental. Starting in 1984, in order to tax private land, they changed the leasehold rental into two parts, service charges and a rental fee. Landlords in the rest of the province who attempted the same method of rent collection were struck down by Queen's Bench court and appeal court of Manitoba. However, the biggest landlord of all in Manitoba continues to break the law and collects a service fee and a rental fee.

The service charge or tax was brought about without any consultations or holding any information meetings. In itself, these service charges were ill conceived. They are structured for various lakes. My back lot, on a nonregulation homemade road without sewer or water, was assessed at $100. Falcon Lake site, with sewer and water services and paved roads, was assessed at $210. Anyone on private land would gladly have paid that amount for a deal like that.

Private landowners held various meetings and discussions and formed the Association of Private Land Owners in Manitoba Provincial Parks in 1985. We concluded that because we had deeded-land, had never entered into any contract with any government for any services, that service charges were and are illegal. We would pay either by some sort of agreement or where we could exercise our franchise.

It must be remembered that we asked the Natural Resources minister whether we would get any services. The reply was no services. You must continue to maintain your roads, provide your own snowplowing of roads, maintain the public areas, et cetera, as before, with absolutely no services from us. To prove it, they gravelled all the roads in the Whiteshell except the private roads. They did the same thing this summer. These roads are on Crown land designated for that purpose and in reality are public roads. The public at large cannot be denied access to them.

With the above as background, we had our first meeting face to face with a Minister of Natural Resources in the spring of 1986. This meeting was not very fruitful. One of the first things that we were told by the then top bureaucrat when we explained our position was, if you do not like it, why do you not leave? In my astonishment, I addressed the Natural Resources minister as follows: Mr. Minister, where would like me to go? The minister apologized for his bureaucrat. This attitude prevails among the bureaucrats in the Parks department to this very day. They have told various people, we will get you. The last incident of which I have knowledge was made in the spring of this year on our road in the Whiteshell.

Notwithstanding the hostile attitude of the bureaucrats, we continued to hold meetings with

them, expressing our willingness to pay service charges only by agreement because we could not forfeit our right to vote. In late 1987, the then New Democratic Minister of Natural Resources told the bureaucrats to negotiate an agreement. By the end of February 1988, such an agreement was hammered out. Before cabinet could approve, the government was defeated and the succeeding Conservative government has refused to honour the agreement. Instead they persisted with attempts to collect under the pretense of a law which Mr. Enns, Minister of Natural Resources, recently admitted, and a court has ruled, that he has no legal right to levy service charges on private land.

* (1050)

In the fall of 1989, during a meeting of our association with Mr. Prouse, Director of Parks, stated that his department has no idea what their operating costs are. He promised us that we would partake in such a study to be undertaken shortly. That was the last we heard of the study. Similarly, his superior, Mr. Harry Enns, Minister of Natural Resources, wrote Mr. Ray Rybuck, the President of the Association of Land Owners in Manitoba Provincial Parks, and I quote from his letter of May 14, 1990:

> As mentioned previously, my department is undertaking a study that will examine fees for the vacation home lot program in all provincial parks. This study will include vacation homes that are located on crown land, as well as privately owned land, and will include a number of concerns that your association has raised, such as assessment and taxation, chief place of residence, local services, and park gates.
>
> Once we are further along in the review, your association will have an opportunity to provide input.
>
> I look forward to a future meeting with your association to discuss these important issues.
>
> Yours truly,
> Harry J. Enns,
> Minister

Mr. Enns, like Mr. Prouse, did not keep his promise. The next time we heard from them was the hammer which was Bill 21. Bill 21, brought to amend The Park Lands Act, proposed collection of service fees—property taxes—on both leased and private lands and cottages in provincial parks. In addition, a special tax would be collected from those—primarily seniors—who might be considered to have a permanent residence within the park boundaries. All the taxation will be without the right to vote and have some influence over services and expenditures. Thus the Parks bureaucracy proposed to install itself as the almighty. The minister has not revealed to the public or to the Legislature that landowners have always been ready to pay by agreement, which he has refused to implement.

Withdrawal of Bill 21 was followed by the Manitoba Round Table on the Environment and Economy study. Among other aspects of this study was a so-called review of The Park Lands Act. Our association presented a brief and I attended all the meetings in Winnipeg. Bill 41 is nothing like what I heard at these meetings.

Now I come to the reason we are here, it is Bill 41. Bill 41 is a Jekyll and Hyde bill. It cannot be allowed to pass in its present form. It tramples democracy into the ground and it gives unlimited power to the bureaucrats. It takes away all our rights, including our dignity. Among the many other insults and indignities proposed in Bill 41, the government is by way of this act, No. 1, attempting to validate past service charges which a court has declared ultra vires, No. 2, attempting to register liens against properties for service charges without due process of a writ. Service charges referred to in this act are civil debts, therefore this government must not be allowed to circumvent present civil law by direct registration of liens.

Mr. Enns, Minister of Natural Resources on June 2, '93, on second reading of Bill 41 said, the government consulted with Manitobans and what they wanted in a new Park Lands Act. The Association of Private Land Owners in Manitoba Provincial Parks has been consulting with Parks since 1986 and submitted a nine-page brief to the round table, and yet I see nothing of their submission or consultations in Bill 41. The government may have consulted but were wearing earplugs.

I now wish to speak about democracy and Bill 41. This bill is not democratic. It gives the minister responsible the power to dictate what taxes and service fees he will dictate and impose on occupants in a park who may be private-titled landowners, lessees or full-time occupants.

This bill flies in the face of democracy, and in a democracy the process is to elect the people who tax you. The principle here is taxation without representation.

In a democracy there is a process of assessment of property, whether you occupy that property occasionally, full time, lease the property or have title to the property.

In a democracy there is a process of appeal known as the Court of Revision where you can appeal your assessment. Bill 41 denies this process and leaves it to the mercy of a dictator, the minister of Parks.

In a democracy the people who tax you are accountable to the people they tax, how the tax money is raised, how it is spent and where and when it is spent.

Under Bill 41 taxes will be placed in a Consolidated Revenue Fund with no accountability to the people who paid it. This is undemocratic and an unethical abuse of power. We all know that power corrupts and absolute power corrupts absolutely.

Bill 41 must be withdrawn or at least held up till a more democratic process is developed. Together with the minister of Parks and his staff and in conjunction with the Association of Private Land Owners in Manitoba, provincial parks work out this process.

There is a more democratic way and I refer to co-management. Co-management is not something new. It exists in all forms of regulations between the government and taxpayers and has resulted in accomplishing results that were never successful before.

Before we find ourselves losing our democratic rights, let us give co-management a try.

I have added a short codicil to my presentation. In our meetings with Parks Branch, we heard a lot about user fees for private landowners. I would like to zero in on user fees as it applies to Parks Branch campgrounds. I will only talk about my observations of the campgrounds at Nutimik Lake.

The Nutimik campgrounds were built at enormous cost to the taxpayers, and still are very costly to the taxpayer, as approximately a $220 seasonal camping fee must be only about 5 percent of the operating costs with no return on infrastructure. These campgrounds are classy. They have 24-hour-a-day maintenance and policing, manicured campsites, children's play areas, flush toilets, hot and cold showers, either paved or our roads, dock and boat launch areas, dump stations for those camping in mobile homes, winter storage areas, and the list goes on.

(Mr. Marcel Laurendeau, Acting Chairperson, in the Chair)

Compare this with a private landowner at Nutimik Lake. He had to build his own road, provide his own hot and cold water showers and flush toilets, provide his own children's play area, no policing. We had two boat motors on our road stolen about two weeks ago. One of the motors was worth more than $2,000. Parks Branch is throwing a lot of stones at the private landowners. The cottages on private land were built on heavily forested plots of land, had no infrastructure at all. Any infrastructure that now exists was put in place and is maintained by the landowner himself. In comparison, the Parks Branch built and maintained all the infrastructure for cottages on leased land as well as for the campers.

I will just mention the word Hecla Island. All of you know the cost to the taxpayer of this operation. Where are the user fees there? The government thinks of private landowners as a future milking cow. It could be that this cow could dry up, too. Private landowners at Nutimik Lake are not millionaires. They build their cottages themselves. They provide local employment instead of taking winter holidays to exotic places like Hawaii. We build our cottages in Manitoba and not in Ontario. So we provide, and continue to provide, local employment, unlike the large migration of Winnipeggers and Manitobans that flock to Ontario. I am sure that there are members of this body that own cottages and vacation in Ontario.

* (1100)

I wish to say, again, that private landowners are here today because this government is trying to provide itself with sweeping powers to charge private landowners and occupiers including leaseholders any fee they deem necessary without justification or representation. The contents of this bill actually state that its intention is to make the cottage occupiers pay for all service within park boundaries which would include paying for all public campsite costs, labour and wage costs, tourist attraction, forest fire and police protection, et

cetera, and anything else that they deem necessary, at their discretion. I wish to repeat that there is a more democratic way, and I refer to co-management.

Thank you.

Mr. Chairperson: Thank you, sir, for your presentation.

We will now hear from Mr. Herb Peters. Your presentation is being handed out, Mr. Peters. You can go ahead.

Mr. Herb Peters (Private Citizen): My name is Herb Peters of Winnipeg, and I own property on the Steeprock Road in Nutimik Lake area. My property is surrounded by the Whiteshell Provincial Park.

Although I am speaking principally for myself, since I have been president of the Steeprock Road Association for six years, which has 22 cottages, I also carry messages from them.

Since 1984 when service fee billing started, I have had many meetings and discussions with Parks department officials as well as Parks staff at Nutimik Lake. I am also vice-president of the Land Owners Association in Provincial Parks and have, together with our president and secretary-treasurer and area reps, twice visited the Minister of Natural Resources, the Honourable Mr. Harry Enns.

I am also the author of "The Ghost of Jessie Lake" which appears in the History of the Whiteshell North, and a copy of it is attached. I will make reference to this later on.

Although there are many areas of Bill 41 I disagree with, I want to draw your attention to one specific area in your thought process when studying this bill, simply, service fees and private land. Some of that you have already heard.

During my conversations with Parks or government I have always been appalled at the realization that nobody seems to understand, or refuse to admit it, that the private landowner does not get the services given to leaseholders. Even Mr. Enns seems not to understand. He says to the media that a complete inequity exists, one pays and one refuses to pay for identical services.

Let me show you what he said in the Legislative Assembly as late as June 18, 1992, in answer to the question from Clif Evans, and see copy attached of Hansard, and I will read just the underlined section of this attachment No. 1: " . . . then, we have another group who have isolated little islands of private land, particularly in the Whiteshell area, whose land was never absorbed as part of the park but live right within the park and enjoy all the services that we provide, and pay nothing at all for that privilege.

"Once they have found out that, in fact, by law we do not have the ability to collect, our list of uncollectibles is growing, particularly at a time when every dollar"—I lost my place here, I am sorry, but you can read what he says about all the many dollars. He says, "I mean, I am getting calls from other people who pay $400 or $500 regular park fee to the department . . . . " He does not say that these are service fees. He just throws that out because he wants you to believe what he wants you to believe.

Okay, this inequity, he says, "needs to be corrected." I will refer to that line later on.

So you see that in spite of us, the Land Owners Association, on two occasions, telling Mr. Enns that we were not getting any of the services that leaseholders are getting, he still pretends that we are getting them, and he is telling other people the same thing. The Whiteshell District Association, he keeps on badgering them that the reason theirs are going up is because we refuse to pay. Mr. Enns simply did not listen, or if he listened, he did not hear; or if he heard, he did not comprehend; or if he comprehended, he did not care. All we know for certain is that we told them that we were not getting any services.

I also have repeatedly mentioned this absence of service, some of it in writing—you will see some in an attachment—to the ever-changing Director of Parks—first Mr. Gordon B. Davidson, Mr. James Potton, Mr. Gordon Prouse, Mr. Richard Goulden, and Acting Director Claudia Engel.

I will read the letter that I wrote to Mr. Potton dated January 16, 1986, and you will see that you cannot say it any simpler than that. If you look at attachment No. 2 to Mr. James Potton:

This is in reply to your letter dated June 26, 1985, where you attempt to persuade me to pay the $100 service charge on my Nutimik Lake property.

You quote Manitoba Regulation 97/84, which does not apply. My land is not part of the provincial park. The park is around my property. The property was purchased in fee simple prior to the existence of the park and is subject only to the grant from the Crown, which clearly indicates that

my right to the enjoyment of my property is paid for and also clearly states for which purposes the Crown may trespass my property, and pretending to give me unwanted services is not one of them. Until you purchase the property from me, I simply am a neighbour to the park.

You also attempt to impress me with the services that you have provided and how the charges are the same as for leaseholders of Crown land. However, you do not seem to understand that I have not received any of the services, nor do I want any.

Mr. Potton, as Director of Parks, you know or should know that the five specific benefits that you mention are simply not true, and if you cared at all, you would check it for yourself.

First you mentioned refuse disposal area and water wells. The nearest well, which is contaminated due to sewage entry from the park camp, is 2.3 kilometres away. There is a good well 6.5 kilometres away on Highway 307. The refuse disposal area is 3.5 kilometres distance. The bear cage disposal area is 1.5 kilometres distance. Very simply, I must take my drinking water from Winnipeg and cart my garbage back to Winnipeg.

Next you mention forest fire surveillance. I think I will leave that part out.

You mention park supervision and regular patrolling. Now that is a laugh. The last regular patrol was about three years ago. His only purpose was to count the number of boats that I could park at my boat dock. I now pay $10 per stall per year. Four years ago someone stole my boat from my locked boat port. I called the park ranger within hours of the theft. The answer I received was that private properties are not in his jurisdiction, and I should call the RCMP at Whitemouth. Needless to say, I never saw the boat again. I will leave out the part about wildlife and fisheries.

You mentioned response to emergency situations. I, for one, can only judge your performance as no response. See two paragraphs back. In the last five years, I have had occasion to rescue the occupants of two boats that overturned in Sturgeon Falls. No park ranger or RCMP ever bothered to see what was going on, despite everyone at Nutimik Lake knowing about it.

Entry permits. I have always paid for mine and will continue to return one sent to me, even though I agree that I should not have to pay to use a provincial highway to get to my own property. Mr. Potton, I have built my own road. I have dug my own drainage ditches. I have planted trees. I have built my own ramp and docks. I have paid for many yards of sand and gravel for beach and road. I have moved large boulders to improve the lakefront. So why would you want to charge me for services that are not available to me and that I have not asked for or received? You can add my name to the many private landowners who refuse to pay.

* (1110)

I realize this is before the present minister's time, and also before the present government. I added, on page 3, to the honourable Premier Howard Pawley, the following message:

> There are 314 private land owners in the Whiteshell Park alone, at last count. Each one is of course affected in a different way. I have talked to many of them, even some that have paid. All, however, agreed that they were very noticeably discriminated against by the Park people.
>
> I will give you one example. Two winters ago, my neighbour had his highway approach road and culvert damaged by equipment clearing snow on Highway 307. When spring arrived he found the damage was so severe, he could not enter his property. He called the local Park ranger, who promptly sent out a work crew to the location. When the crew arrived, the foreman realized that this was a road going into private property—so they refused to make the repairs. The ranger supported their decision because it was not Park property.

Can you imagine that?

Also attached are photocopies of two of the total of eight invoices that I have returned with messages advising I was not getting any services. You can take a look at 3 and 4, and I want to draw your attention to the notes that I wrote on there when I sent them back: "Have not ordered or received any services. There will not be any fee paid for services not rendered." On the other one, the same note. In addition, I "am also returning the park pass herewith. I have purchased one for $10 at the gate." And they still think that they are giving me services.

Although government was unable to collect from us due to an omission in the text of The Park Lands

Act, it should also not be able to collect for services that are not provided. Please note, for example, that I, and most of the 22 cottages on my road, returned the park passes which might be perceived as acceptance of a service from the park.

Here are some of the examples of lack of service:

(1) The leaseholder property had roads built in gravel and periodically graded, usually spring and fall, by the Parks department staff and equipment. We built our own roads, gravelled them and graded them at our own cost with equipment from outside; worse yet, we are not allowed to get gravel from a pit from inside the park. We must haul it from outside—an additional cost for gravel and a much longer haul.

(2) The leaseholders have garbage collection cages at the end of every block road, easy walking distance from each cottage, and the cages get emptied by Parks staff and hauled away by them. We have no cages and therefore must keep our garbage in the garage or in the trunk of a car to keep the bears away until we can drive to the dump 6.5-kilometre distance or take it back to the city.

(3) Leaseholders have wells for drinking water within easy walking distance from their cottages. We must drive many kilometres to get to a well. Usually we bring jugs of water from the city with us.

I will read one paragraph from The Ghost of Jessie Lake (Nutimik). I will read only the underlined section on page 243. I have added the rest of it, so you can gain the benefit of some of the excellent history of Nutimik Lake:

> Life on these properties is very different from living on leasehold land. The owners are all fiercely independent yet very cooperative in communal affairs. Each road has its own village structure. They vote for their management team each year and also democratically decide on what services they require and also what their fees will be for the year. Since all the work including road building, drainage, boat ramps, dock maintenance are self-supplied and do not come from the Parks Department, a high degree of cooperation becomes necessary.

Mr. Enns is correct, an inequity exists. One gets service and the other gets nothing, and both get billed. When I first read Bill 41, I was delighted, especially reading 18(1), we will get our own district; 18(2), the government will consult us; and then 18(3), the realization suddenly sets in that this is the same old crap tax. The district will just keep on pretending that they give us service that we do not want or get, as they have done for the last nine years.

It gets worse: 22(3), the billing without court action will become a lien on titles; worse yet, 31(1), someone who contravenes a provision of this act or regulation is subject to a $10,000 fine or six months in jail or both; still worse, Section 40(4), a law that makes an invalid act retroactively valid and enforceable.

Ladies and gentlemen of the standing committee, if such an act can be enacted in this country, then I am out of here.

Mr. Chairperson: Thank you, Mr. Peters, for your presentation.

We now go to No. 8, Heinrich Mayer. Have you got a written brief, Mr. Mayer?

Mr. Heinrich Mayer (Private Citizen): Yes, I do have.

Mr. Chairperson: The Clerk will pass it, and you can carry on.

Mr. Mayer: Mr. Chairperson, members of this committee, Mr. Minister, I wish to thank you for this opportunity to appear before you to address this committee.

My name is Henry Mayer, and I am a cottager on privately owned land situated within the boundaries of a Manitoba provincial park that came into being well after such private land was granted, documented and registered.

I appear before you today to express my personal opinions and opposition to certain proposed regulations, primarily those dealing with private lands by Natural Resources and parks.

So as not automatically to be tagging along with or accepting Bill 41's totally false fundamental premise, namely, that for administrative simplicity and convenience, all lands within the boundaries of provincial parks automatically are the prerogative of the ministry and parks, to be dealt with at their pleasure and discretion. No way. Let us be quite clear about this from the beginning that in this country and in this province, we do enjoy the concepts of private property and certain associated rights and privileges, and private landowners intend to defend their rights.

Now Bill 41. This bill appears full of generalities and lip service regarding sustainable development, protection of the environment, promised systems plans, classification of parks, land use categories, management plans. However, if you notice, it defers specifics or details for later development by the minister. In other words, it seeks broad, general powers immediately to allow implementation by way of regulation and decree of what it cannot or will not disclose or wishes to subject to the scrutiny of a political process. Some examples are Section 6(1), 6(2), 10(1), 10(2) and 11.

* (1120)

By the sleight of hand techniques proposed in 40, 41, 42 and 43, it is quite clear that this bill primarily zeroes in on and seeks to enforce fees and levies on cottagers, especially on private lands, immediately following Royal Assent of the bill. However, other parts, such as the detailed specific systems plan, the parks classifications, the land use categories, the management plans, which one would think are supposedly the primary priorities of this bill, appear of no great urgency at this time. In other words, they are to be developed later by the minister without saying how or when.

Clearly, these tactics represent a colossal sham, pretending to represent the harbinger of a great new era for provincial or Manitoba parks. It was a comprehensive parks plan, supposedly developed utilizing much public input, when in reality, all Bill 41 represents is a disguised, crude quick fix on enforcement of various fees and levies, especially those found previously as not legally enforceable by Natural Resources or Parks under the existing act.

Clearly, those who drafted this bill and those who are trying to force it onto the public as is either do not understand some of the serious implications, or they are simply willing to look the other way for the sake of expediency, as this minister tries to implement harsh Draconian legislation that is, in reality, totally unwarranted and, I might say, in a less than sincere or forthright manner at that.

For example, Parks Districts: Service Fees, 18(1) to 18(3). While Bill 41 states that owners and occupiers of land shall have opportunity to review the levels and costs of services, it coyly or maybe inadvertently omits the key requirements of approval or rejection by those who would be directly affected.

As well, our experience to date with this minister and this director of Parks shows they do not really seek or value input from those affected. They do, however, proceed through the motions for appearance's sake via surveys and hearings whose results are then simply shelved while a preconcluded, predetermined agenda is followed.

As well, Bill 41 is open-ended. It states, but need not be limited, referring to direct and/or actual costs and amounts required to defray administrative and other costs; in other words, it is open-ended, really whatever is decided by the minister of parks, which is completely unjust and unacceptable.

The problem with all that vagueness and open-endedness is that normally accepted valid concepts of matching fees to real or actual costs of services contracted for and provided are completely obliterated and in reality taxes are extracted from cottages without providing or allowing them the customary and required proper legal structure for democratic representation and the voting right.

Actually, the sham was and is completely unnecessary, ladies and gentlemen, especially vis-à-vis the private landowners, who in fact negotiated and concluded an agreement with Parks Branch under the auspices of the then-Deputy Minister of Natural Resources in late February of 1988.

There is an addendum for your overview clearly setting out the specific terms and conditions regarding the services and related fees which, upon the change of government in April of '88, the new and present administration through this minister and this director of Parks have refused to honour and thereby have prolonged and are compounding an unnecessary dispute. It is really not necessary at all.

Regarding the termination of real services and related fees upon private lands within parks, as well as the orderly collection of legitimate and agreed to fees, the addendum, if you study it, clearly sets that out.

Chief place of residence levy 21(1): Whatever the real intended rationale, which incidentally is not spelled out, nor is a clear, valid status definition given, this must be viewed by all cottagers, private or Crown land occupants, with alarm and for what it really represents, namely, a nefarious money grab, pure and simple.

It is completely unjustifiable and totally foreign to our established order and democratic process, and with reference to private lands, it amounts to serious interference with and restriction of private property rights. Even the draft itself admits in Section 21(3) that it need not be related to the provision of service or the defraying of expenses. So I might ask, if that is the case, just what are the justifications supposedly for the rationale for this demand? We simply do not understand.

Then we come to the certificate of debt and lien, 22(1) through 22(3). It appears that this minister, via this act, proposes to change Canada's Constitution single-handedly, if you think about it, in other words, doing away with due process completely that now exists under established law. Simply stated, this minister wants to empower himself to bypass established laws and our court system for the sake of administrative convenience, to enable the ministry to simply declare or decree things, including a debt, on his mere say so, and then to give such certificate the same power of legal enforcement as a court judgment. Unbelievable! Think about this one and its possible wider implications. I mean, what is next? It may sound overdramatized, but it is not. What is next, detention camps? That is inconceivably the democratic process, ladies and gentlemen.

Then we come to enforcement, 24(1)(b), 24(2) and 24(3): All of these present, really, uncalled for opportunity for possible abuse by the minister or Parks. We are not saying that they would, but they present an opportunity, including such things as pressure tactics in money or other disputes vis-a-vis cottages where new or revised codes, standards and regulations could now be brought or applied on structures that were erected a long time ago under prior or even nonexistent earlier codes or standards.

27(1), 27(2): These require clarification that any closure of parks or parks districts and obvious resulting inconveniences or restrictions as to access to one's own property should be or must be reserved to only serious and threatening emergency situations. I think that follows. There is logic in that.

(Mr. Jack Penner, Acting Chairperson, in the Chair)

32(d): It is objectionable to propose to allow regulations to set arbitrary service fees by decree on land not in a park or even within a park as any actual or real services and related fees must be negotiated, that is the practice throughout the country and most other countries I know of, and contracted for between the provider and the user, and not simply imposed by one side.

* (1130)

Ministerial Regulations 33(j): Prescribing minimum and maximum periods of stay. As I stated in my opening remarks, in this country and in this province, we do and we hopefully will hold on to long-established traditions of private property and of associated rights. However, think about it. If others, including this ministry of parks, can tell us how long we may stay or when we may visit our private property, then that is tantamount to expropriation without due process or compensation. It is not right, and it is not acceptable.

(q) This proposed regulation is in the same vein, and while private landowners have never made a big issue of it in the past, in reality the imposition of a pass also impedes a private property holder's rights to free and unrestricted access to one's private property.

The Provincial Parks and Consequential Amendments Act, I do not agree with, and I do oppose the principles and methods implied by 40(2) (j.2), (j.3), (j.5) respecting the setting of service fees, prescribing rates of interest on arrears and governing the enforcement or collection of fees. Here, as well as elsewhere, this proposal would equate privately owned property to Crown lands. That is simply not right and not acceptable. There is a difference, ladies and gentlemen.

Validation of regulations 13.1(1), fees 13.1(2), Certificate of debt and Registration in land titles office 13.2(1), (2), (3), (4):

Proposal for such unnecessary and draconian legislation would appear to indicate a certain lack of respect for the traditions of our democratic process. It says, in fact, that that which was not legal or legally enforceable under the existing Park Lands Act, such as extracting or enforcing arbitrary fees for services, undefined and in reality generally not provided, from private landowners at the whim of the ministry of parks, will now retroactively be decreed as having been legal so as to help extract the ministry from its embarrassing predicament of past wrongdoings and from having to do the

obvious, the correct and honourable things, which would be refunding the monies that were collected unauthorized, entering into real dialogue negotiations and proper agreements regarding the provision and costs of services where needed or wanted by possible users.

Now I understand that some of the terms of these ideas are in the present bill, but past experience over the nine years that we have been negotiating and thought we had agreements have made us somewhat suspicious of what is really going on.

As Bill 21 before it, this Bill 41, really, to me pretends to be much more and mostly something else than it really is, namely, simply a crude attempt to allow this minister and this director of parks to empower themselves, without much of the customary accountability, to enforce their own, possibly highly questionable and suspect agenda, without regard for the rights of others or indeed for established legal and democratic processes by replacing a few select parts of existing legislation, in other words, the current act, under the pretext of bringing in a new, comprehensive long-term plan and Park Lands Act.

I urge you to recognize this attempt for what it really represents and to send it back for redrafting in a more open process and under real public input, not just some pretentious surveys or hearing whose input and conclusions have been simply ignored.

I would like to draw your attention to the addendum that I previously mentioned because it is important. It does show that these individuals, be they represented by a group called the Private Land Owners or by someone like myself, are not the kind of moochers that we are sometimes made out to be or perceived to be. We have a long tradition of trying, through various governments since 1984, to come to a rational and reasonable mutual agreement. We thought we had such a thing in February of 1988. It is spelled out right here.

These documents that you see attached here were not printed by us. They were printed by the Parks department in negotiations under the auspices, as I said earlier, of the then deputy minister, had approval right up to the minister, were to be placed before the Legislature for final approval, et cetera, to become law.

So it is not something that we dreamt up. Here it is. After long negotiations, finally a document that attempts to spell out and identify services that could be deemed to be services, even if they were only privileges, such as, say, the garbage dumps. Not everybody avails themselves of them, especially if they are six and a half miles away or so, but they are privileges. They are being utilized, and our members recognize that they should only be paying their fair share and not expect others to pay for them.

These are real services. These are services that were mutually agreed upon. Rates were set under mutual agreement, and there you have them before you which is proof that, as a group and as individuals, we have made many, many attempts and continue to this day to arrive at a solution that is satisfactory to everyone. We are not trying to simply shirk our responsibility and offload onto others.

I hope that this committee, the minister and his staff will reconsider the draconian legislation represented by Bill 41 and make a more sincere attempt, especially with regard to this section. I cannot express an informed opinion on the other five sections that have not been dealt with under the economic developments plan, et cetera, but certainly in this particular section, not just out of mere selfishness, but because that is the area with which I am familiar, to deal with us in a more evenhanded way and to recognize that our complaints and our representations through all the years have been valid ones and to work with us to resolve the problem.

Thank you.

The Acting Chairperson (Mr. Penner): Thank you, Mr. Mayer.

Mr. Enns: Mr. Acting Chairperson, I have listened with interest and concern to the expressions that have come to us and to me this morning about the problems of the private owners in the cottage lots. This is not the time or opportunity to enter into a debate with the cottage owners, but I do have an important question to ask you.

I am somewhat reluctant to even engage in it, because I do understand that there is some dialogue taking place with the Parks officials now, and it is my sincere hope that, despite your current interpretation of some of the clauses in Bill 41, properly brought together they can in fact work. I

appreciate the point that you are making about services or taxation, and I do not want to inflame the situation by reminding you that you are the only property owners in the province of Manitoba upon which no taxation is levied.

Now, I do not like being taxed. Nobody particularly likes to be taxed, but when we tax private, we use private property as a means of taxation. To support our universities, we do not ask people how many kids they have going to university to support universities from our taxation.

You say you get no services. You get services by the fact that you are getting reasonably good health care. You get services when you drive on the Trans-Canada to get to your lovely cottage lake economically. Those are the services. You are the only people in Manitoba that have enjoyed the privilege of not having your property taxed.

Now, I want to resolve that. I do not wish to empower myself. I do not want to be a dictator. My parents left a country some years ago—I am a first-generation Canadian—to get away from totalitarianism. I do not want to empower myself. I do not want to be called anti-democratic, so I am going to make a deal with you right here and now. I do not want to do any of those things. I want to support your call for having a voice because I listen to it.

People should not be taxed without representation, and it came to me by a submission made on behalf of private property made last night before this committee, from the Harbottle family, one of whom described his acquisition of the private property much like others here, though perhaps not yourself, that when he bought the property over 36 or 40 or 41 years ago prior to the creation of the park, he then felt that in time, as time progressed, an LGD or municipality would be formed: I would be taxed, and, in turn, I would be granted the same rights as other property owners in the province of Manitoba. I could vote for my council, I could vote for my reeve, and I would have representation before taxation.

I will make the private property owners a deal. If they want to be transferred to the LGD of Lac du Bonnet, your neighbouring, local municipalities, I would be happy to accommodate them, and I will instruct my Parks director to make that accommodation. The LGD of Lac du Bonnet will come out; they will assess your property rights; you will pay their fair share of education costs whether you send children to school or not that the LGD of Lac du Bonnet imposes; and you will be finally rid of this terrible minister who wants to empower himself.

You would be rid of my uncompassionate, terrible bureaucrats that you have had to fight with. You will just get rid of the whole Parks system, and you will not have to put up with us anymore, because I really do not want to be that mean and nasty person that you make me out to be. I do not want to be that, and I will accommodate you. I do think that, and I am listening with care about the draconian measure that I am proposing, asking a modest $200, $300 fee, where my Premier pays $1,400 for his cottage on Lake Winnipeg. I have 400 private cottage owners in my constituency, my backyard, Lake Manitoba. They pay $1,200, $1,400, $1,700, $1,800 to support the R.M. of Lac du Bonnet where they happened to be erected, and they get very little services.

* (1140)

If you are that unhappy with this minister, with this government and with my Parks administration, I will ask the Minister of Rural Development (Mr. Derkach), formerly the Minister of Municipal Affairs, to effect a transfer of your property to the neighbouring LGD or municipality so that you can have that democratic representation that is so important to you, which, I acknowledge, is important; that before any minister or any arm of government imposes any kind of user fees on you, you have the opportunity to democratically express your opinion by voting for a reeve, by voting for a council and then fighting with them as to the level of services you get.

So my question to you, Mr. Mayer, is: Would you indicate to me, to the committee, would you like to be transferred out from under the Parks systems jurisdiction?

Mr. Mayer: Mr. Enns, your knowledge of the situation of us as a group and individuals is much better, and your display at the moment, emotional as it was, does not do you credit. I will tell you why, because you are better informed as to what our real situation is, and this was more grandstanding than anything else. I am sorry to accuse you of that but it is true, that is what it is.

We have often discussed with you and you had in principle agreed with us that this is a unique

situation. I mean, what would be the purpose of transferring us to an existing municipality that is 50 miles away, that cannot do anything for us? You know the concept and you originally supported it, that people, be they on Crown land or be they on private land, within parks are a unique situation.

When you refer to me as not paying taxes and others have to pay taxes, I might remind you I pay my taxes, Mr. Enns. I pay a substantial tax bill here in the city on my property. I pay a substantial income tax—[interjection] No, I know but you made it sound so I and we do not pay our taxes and that is why our universities and our health care system will suffer. Well, I beg to differ with you because that is an unfair categorization of us as a group of moochers. We pay our taxes fairly and squarely, every cent of it. I will be glad to prove it to you. I have never been in arrears on my taxes, either federally or within the municipality, the city of Winnipeg, so I pay my taxes.

Now the point is this emotional display of yours—why do you want the other parks and so on. Mr. Enns, you know better than that. I am really disappointed because the very thing that you did not want here is an exchange of arguments, and I did not want that either, but the point is that you opened it up.

You know darn well that we proposed for years that unless you people, meaning Parks and the department, are able to deliver real services on a negotiated basis—call them taxes, call them services, the end result is the same—we will pay our fair share. The addendum indicates that we are not what you make us out to be, namely moochers, and I resent the implication.

The next thing, the answer for myself as an individual, I do not speak for the 300 others, is that no, I do not want to be transferred out of parks. The property was there before you formed the park around me. I do not belong to Pointe du Bois or to Lac du Bonnet or to anyone else. They are not providing anything for me.

If Parks is willing with its setup, capital structure, its equipment and its people to provide services, real services as outlined in the addendum, Mr. Enns, we will gladly pay our share. Maybe these fees are not the right ones, those are the ones that were mutually agreed to at the time. That is not the argument. We are not arguing about $50; we are not arguing about $100; we are not even arguing about $200 without indicating whether we would pay one or the other.

The point here is one of principle. I mean, you and your department—and your display just now proves it—have some sort of antipathy against private landowners because we stand up for our rights. There is no need for that, Mr. Enns.

The Acting Chairperson (Mr. Penner): I will interject here and inform the committee, as well as Mr. Mayer, that we have gone over time now by almost eight minutes. I had wanted to allow the exchange between the minister and Mr. Mayer to take place in order that the issues be brought to the table on both sides. I think I have done that fairly. I thank you for your presentation, Mr. Mayer.

Mr. Mayer: I would like to add one thing if I may, that we still support the negotiations. This display aside, on either side of the motion, I think that was unnecessary. However, it did come out, and that is human nature and is understandable. We want negotiations. We want a fair resolution to this problem. We do not need to go to the extremes that were just displayed.

The Acting Chairperson (Mr. Penner): Thank you, Mr. Mayer.

Mr. Mayer: Thank you.

The Acting Chairperson (Mr. Penner): I will now call Mr. Bill Kocay. Mr. Bill Kocay? Mr. Ed Johanson. Mr. Ed Johanson? Ms. Margaret Reid. Ms. Margaret Reid? Ms. Gloria Koch. Ms. Gloria Koch? Pamela Koch. Pamela Koch? Walter Fast. Walter Fast? R. A. Mitchell. R. A. Mitchell? Mr. and Mrs. Atkin. Or maybe I pronounced that wrong. Mr. and Mrs. Atkins, I believe that is. Cathy McIntyre.

Cathy, have you a written presentation for distribution, please?

Ms. Carol Willson (Private Citizen): My name is Carol Porath. Cathy McIntyre is my sister.

The Acting Chairperson (Mr. Penner): Okay. Would you proceed, Carol.

Ms. Willson: Okay. We originally had three people call in from our family, and we decided to do a joint thing.

I would like to thank the Honourable Mr. Harry Enns and the committee members for allowing me to speak today. My name is Carol Willson, and I represent my family, the Willsons; my parents' family, the Poraths; and my sister's family, the

McIntyres; and two brothers. I will be presenting this as a joint report rather than the individuals coming up.

The Poraths have owned land at West Hawk Lake for over 23 years. This land has always been private land and has not been part of the public park land. The initial land they purchased as well as our present land is located at Penniac Bay in the Whiteshell Provincial Park.

We as a family have reviewed the proposed Bill 41 and The Provincial Parks and Consequential Amendments Act. We have some concerns that I would like to outline when it comes to the legislation that is proposed in the bill. Our concerns centre around the Sections 17 to 22 in that proposed bill and Chapter P20 of the proposed legislation.

We are very concerned that the bill has not taken into account our rights as citizens to be consulted on the proposed present legislation and any other legislation that might occur from this proposed bill. We feel that this bill is basically a taxation without representation. We also feel that it leaves too many unanswered questions and too many open areas that could lead to abuses in future years. It will impose a levy that will be decided upon by an arbitrary fee to be charged by the province based upon their figures and calculations and not upon the representations of the group of citizens that hold the private land.

In Section 18, dealing with service fees, the minister and his department have absolute rights to impose upon private citizens any fees and levies that they see fit at the time. This is not open for discussion, and we are only allowed to review it. The fees are based upon direct and indirect costs to the provincial government and do not just reflect the services to the private landowners. People who pay the $14 per year entrance fee receive the same services. Since we receive no more services than the general public, this levy seems unfair, especially when we now pay, as this year, $100 per cottage owner to maintain our private road and $42 per hour for snow removal in the winter. This work is commissioned privately by the owners in our area.

We will be charged a fee based upon the services that the park will provide, but we have no input into the services or the associated costs. These costs could rise dramatically, and we would have to pay for these escalating costs, but have no say in the matter since we are not represented at any level of government in these decisions. In a municipality, we elect representatives. Here we have no election and no say.

(Mr. Chairperson in the Chair)

* (1150)

Also, Section 21(3) states that the levy of fees does not have to be related to the cost of the government of providing the services or defraying the expenses. That one clause lends itself to abuse under this system since the costs upon which the levy will be based are not limited to the direct costs incurred in providing the services to the private landowners.

To date, the government has not been able to collect fees for private land because the private landowners have a very strong legal case against the fees.

We are also alarmed with the arrears aspect of Section 19(1). This section would give the Lieutenant-Governor-in-Council the power to charge interest on arrears. Since we in the association have stated from the beginning that these fees were not legal, we feel none of the private landowners are in arrears. We feel this section is an attempt by the government to obtain the fees to which they are not legally entitled. If this bill passes as is, Section 22(2) further cements their illegal attempts by giving them the power to place a lien against our private lands.

In addition to these fees, Section 21(1) and (2) would give the Lieutenant-Governor-in-Council power to determine who were permanent residents of the park and to levy another fee on these persons. We would have no say in what constitutes a permanent resident. Would it be one of those who live in the park only six or seven months a year? Who knows, because this bill does not state how this will be determined.

In regard to The Provincial Park Lands Act, Chapter P20, Section 13.1(1) states: "Every regulation made under this Act before the coming into force of clauses 13.1(j.1) to (j.5) and subsection 13(4)"—so any regulation made under this act before the coming into force of these clauses—"which would have been validly made had those provisions been in force at the time, is hereby declared to be and always to have been validly made." What a way to try to make something legal that never was legal.

Section 13.1(2): Any fee imposed by regulation under this Act before the coming into force of the aforementioned clauses is deemed to be valid to the extent that it would have been valid had those provisions been enforced at the time the fee was imposed.

Again, another attempt to validate illegal fees.

This is unacceptable legislation. It is like saying because we forgot it 25 years ago, now we have got to pay for those 25 years. This type of backdated legislation is unacceptable both morally and ethically.

In regard to Clause 10(5), we feel that it leaves too much of a loophole that could stop year-round use of homes that are owned and lived in year-round at the present time. We have an example of this in the Riding Mountain National Park where they can no longer use their cottages in the winter months and where the fees they pay are comparable to city taxes for only part of the year's use.

Due to these issues, myself and our respective families oppose this Bill 41 on these issues in regard to private landowners.

Thank you for your time and consideration in this matter.

Mr. Chairperson: Thank you very much. Could I get your name?

Ms. Willson: Carol Willson.

Mr. Chairperson: It is Carol Willson then. Okay. Would you mind just answering a couple of questions, Ms. Willson?

Ms. Willson: I can.

Mr. Enns: Ms. Willson, I, if I may, through you, apologize to members of your group. I ought not to have made some of those intemperate remarks. I just display my humanness from time to time. If over the period of the morning I personally am being accused of doing all these dreadful and draconian things, I acknowledge that I perhaps allowed myself some licence that I ought not to have, and I do hope—I have the greatest respect for, as stated by a previous presenter, the fierce independence of your group and your organization, and I want you to know that I do not hold that kind of bias or hostility, which you reflected in your comments, towards you as a group. I take this opportunity to apologize.

You make a specific indication in your brief about the validity or the—why are we passing the kind of legislation with respect to fee collection that has this retroactivity to it? I will be very direct with you. It means upwards to $250,000 to $300,000 revenue to this department. I indicated last night, that represents a great deal of money for the operations of our system, of the running of this department, and I am simply asking you whether you do not recognize it.

I do not know whether you are among those who have withheld paying the fees in the past year or so, but it has created a difficult situation for me as minister to have half of the people paying, sending in the fees, half the people not paying their fees, the Provincial Auditor commenting on whether or not I should be refunding those who have paid their fees. Legal advice tells me and my department that I do not have to refund those fees. So there is, obviously, a desire on the part of myself and my administration to clean up this untidy mess.

Now, I hope over the course of the next few months we can indicate to you that Section 20 of this act will, in fact, come very close and perhaps maybe even be an improvement on what was negotiated by your association in '88. I intend to hold my senior departmental officials to the principle of this act. This is not just an exercise of us telling you what we intend to do. When we indicate that we will look and open the books as to what kind of service costs are being applied to your situation, that they will vary from different park settings because we have different demands for different services and that you will have a very direct say in the kinds of services that ought to be applied to you and what you are prepared to pay for them.

What has perhaps disturbed me the most in the presentations this morning is the kind of examples of, they are what I call pettiness, quite frankly, on the part of some of my Parks officials, in refusing to acknowledge and to come out with a more harmonious working relationship with the private property owners within our parks system. Perhaps with the dialogue we will now start under the aegis of this bill, we can correct that. That is my hope, anyway.

Ms. Willson: It is also my hope that our association president and our elected officials will be listened to, and their views will be heard on this matter, and not just listened to, but acted upon.

Thank you.

Ms. Wowchuk: Thank you very much, Ms. Willson.

You and other presenters have indicated a great deal of frustration with the way the private landowners are being dealt with and your concerns with this bill and what it will do to your rights.

I want to ask you if you think this bill can be amended in any way to address your concerns, or do you believe this bill has to go back to the drawing board and be redrafted again?

Ms. Willson: I think from the sections I quoted, it would have to be changed dramatically.

Ms. Wowchuk: Have members of your association looked at possible amendments that would change the act to such an extent that it would be more satisfactory to the private landowners within the parks?

Ms. Willson: I cannot comment on that because I do not know what has gone on. All I can say is we had an agreement almost in place, and we thought it was acceptable to the government side and to the landowners side. That did not go through, and I think that is where the association would like it to be, is with that agreement.

* (1200)

Ms. Wowchuk: So it would be your preference then, as I understand it, that you would want to go back to negotiating an agreement, as was presented by Mr. Mayer, the previous agreement, rather than have it drafted into legislation and stay with—negotiate an agreement as private landowners and stay with the existing parks act?

Ms. Willson: I think I am the wrong person to be asking that question because we have an elected association. They have spoken, and I believe you have heard what they have said on the matter. I would like to leave it at that.

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

Ms. Willson: Thank you.

Mr. Chairperson: Ray Knowles, No. 18. Ray Knowles. Vallen and Irene Melnick. Vallen and Irene Melnick. C. Porath. C. Porath. Am I to understand then that C. Porath has presented with your—and has dropped off the list. John M. Walker, Mary and Robin Carpenter, Peter Thiessen.

Dale Willson. Am I to understand Dale Willson was to drop off the list as well? He was part of your presentation.

Jack McMahon, Donald Robert Manych, Bernice Hilton, Joe Kelly, Stewart Corbett, Ruth Johnson, Joe Melnick, Donald Thompson, Walter Burdeny, Gerald and Marlene Johnson, Marjorie V. Stevenson, Robert Henley, Elen Carpenter, Horst Kaulfuss, Robert Hutton.

Barney Kovacs. We will distribute your presentation, Mr. Kovacs. We have got it here already. You can go ahead, Mr. Kovacs.

Mr. Barney Kovacs (Executive Director, Mining Association of Manitoba Inc.): Mr. Chairperson, distinguished members of the committee, I did not anticipate being called this morning. It is most fortunate that I stayed.

I represent the Mining Association of Manitoba as executive director of the association.

The mining association has been in existence for 53 years. Our mandate is to pursue the interests of the mining association and the mining companies. We are committed to full collaboration with all governmental agencies and we seek public support for pursuing the economic activities of our members in an environmentally and socially sustainable manner.

Members of our association include all major mining and exploration companies in Manitoba. A number of our members have chosen to make direct presentations to this committee. Others who are not able to be here provided input for my presentation and I hope to represent the viewpoints of our companies.

As you are undoubtedly aware, mining is fundamentally important to the prosperity of Canada. The industry produced $17 billion worth of minerals in 1991, which represents 4.5 percent of our gross domestic product. However, it generated 17 percent of our exports, earning a positive trade balance of $11 billion.

Manitoba's mineral production in 1991 was valued at over $1 billion, and this represented approximately 30 percent of Manitoba's merchandising export. I would like to mention that Manitoba's mining sector is vertically integrated by virtue of having smelting and refining within the province. Only Ontario and Quebec have higher base metal smelting capacities than Manitoba.

Many opinion leaders would suggest that the economic base of our nation is shifting from resources to the so-called service and knowledge-based industries. The mistaken perception is that mining is a sunset industry that gobbles up vast tracts of land and ravages the environment. The reality is that mining has a minimal impact on the environment and that it is one of few sectors in Canada which can maintain its competitive advantage internationally. The simple fact is that Canada lacks the population density, and past investments in research and development have not been sufficient to dominate international markets in manufacturing and high technology. Canada is a resource-based country, and we should not emulate the economic strategies of overdeveloped nations that have no resources other than manpower.

The Canadian mining industry owes its pre-eminent position to an enviable inventory of mineral deposits coupled with impressive human and technological resources and modern infra-structures. Predictable regulatory requirements and supportive political organizations were also favourable factors in the past. Unfortunately, the continued health of the mining sector is now in jeopardy because of diminishing support from the public and undue regulatory pressures.

Current metal prices are at an all-time low which is placing a very heavy burden on our industry. In addition to economic pressures, responding to environmental regulations is becoming a daunting task. An avalanche of environmental regulations has been passed in response to public expectations which are often based on old perceptions. Nevertheless, we expect high environmental standards. However, the regulations have to be predictable and the permitting procedure has to be prompt.

One of the most acute concerns of mining is that the security of land tenure is diminishing due to various parks programs and other land use restrictions. Unfortunately, we cannot pursue development projects without generating conflicts. These factors have a drastic effect on the level of mineral exploration in Canada.

According to the Prospectors and Developers Association of Canada, exploration expenditures in this country reduced from $1.5 billion five years ago to less than $500 million today. The corresponding level of reduction in Manitoba was from $50 million to $30 million. This reduction is much less significant in any other provinces because of the supportive role of this government. The overall result of the disincentives to the mining sector is that the inventory of mineral deposits is not being replenished with new discoveries.

* (1210)

One of the latest trends, which is regrettable, is that Canadian exploration companies are transferring their activities to other countries where the investment climate is more favourable.

Traditionally, Canadian mining companies allocated 80 percent of their exploration expenditures to Canada. This level has now diminished below 50 percent, although I personally believe that the phenomenon of transferring investment capital to other countries is temporary. I firmly believe that the regulatory concerns and land issues in Canada must be addressed in a pragmatic fashion to regain the mining sector's international competitiveness.

The mining industry is unique in that it is not amenable to a process of arbitrary land use planning, because mineral discoveries simply cannot be confined to designated areas. The industry must explore vast territories in search of viable mineral deposits.

The search for deposits is comparable to a treasure hunt in a systematic manner. On the average, over 10,000 properties have to be examined at a cost of $100 million to identify a world-class mineral deposit. However, once a deposit is discovered, the land area occupied is miniscule. My two colleagues last night mentioned that all of the mines in Manitoba occupy only 34 square kilometres, which represents only 6 percent of greater Winnipeg's land area.

In the absence of scientific criteria, a country's mineral potential has to be related to its land mass. In addition to Manitoba's land mass, we also have other factors such as the intensity of exploration and also the occurrence of certain rock formations, such as the Precambrian Greenstone Belts, which are prevalent in Manitoba.

I would like to direct your attention to a map which is attached to my presentation. This is the last page. I had a colour-coded slide prepared for this to illustrate the geologically significant areas of Manitoba. I think it is self-explanatory. It is

indicated in relation to parks and also the explorational leases.

I spoke about the Greenstone Belts, which are shaded. There are two significant features in Manitoba. One is the Manitoba nickel belt, which dissects the province in a northwesterly direction. It goes through Thompson, it turns east, it dips below Hudson Bay and resurfaces again in northern Quebec.

Equally it continues south through the Interlake region. In addition to that you have significant greenstone formations to the west of this belt.

Now, you will notice that the Grass River Provincial Park is located in the geographic centre of this greenstone formation. You can also note that the small dots indicate claims and leases. The density of mineral claims and leases is heaviest in and around Grass River Provincial Park. Those dots represent genuine commitment by companies and individuals. Those are the genuine stakeholders in this issue. They invested millions and they stand to lose their investments if you should redesignate this park as a single-use park.

So definitely this was not a fortunate selection. I would not accuse anyone of poorly planning this process, however, evidently, when this park was established ecological objectives were of no concern, nor were geological objectives. This park was established for a recreational purpose. Ecological objectives became a factor only in recent years.

Concerning the Endangered Spaces Program of designating 12 percent of the province as endangered spaces, we are fully supportive of this initiative. It is indeed commendable. I believe also that Manitoba has enormous resources to satisfy the concerns of everyone and, as you can judge from my map, it is quite easy to identify 12 percent of Manitoba as having minimal mineral potential. This, in my opinion, should not be an issue whatsoever. We should simply proceed with the process of designating these areas and settle the land claim issue.

Finally, I would like to address myself to the specific clauses of Bill 41. Bill 41 provides the mining sector with a measure of optimism regarding the resolution of land issues. The overall thrust of the act should satisfy the interests of all legitimate stakeholders as it incorporates the principles of sustainable development. We agree that it is indeed appropriate to assign priority designations to park areas, depending on the ecological requirements, recreational needs and economic interests of society.

Nevertheless, we have some apprehensions, not objections, merely apprehensions. The act effectively refers all land use decisions to a regulatory process. This can have favourable as well as adverse implications for industry. As an example, if a mineral deposit should be found in a restricted area, the zone could indeed be reclassified without changing the legislation. However, no funds will be committed to exploration in regions where mining rights are not guaranteed. Discoveries are therefore highly unlikely.

Secondly, the act has no provisions whatsoever for compensating the owners of mineral claims in areas which may be placed off limits to mine development. We are confident, of course, that is, it is not our intent to designate wilderness and back country areas in zones where there are significant mineral holdings.

Thirdly, given our experience with Grassy River Park we very much hope that the process will not be repeated in the future. We would like to see some sort of a provision which would simply state, for example, that regions of high geological potential will not be targeted unnecessarily as ecological reserves.

Fourthly, I do not have a positive opinion or a firm opinion about the public hearing process. We certainly support the concept. Nevertheless, it could lead to conflicts which could worsen the investment climate, but I cannot recommend a better process.

Finally, we consider the protection for economic development of geological regions so significant that we would like to see the parks act linked not only with The Environment Act but also The Mines Act.

Industry, of course, is fully prepared to defend its interests at the upcoming public hearings and looks forward to an ultimate clarification of land issues in provincial parks. However, I would mischievously the note that key people in industry would prefer to use their expertise for generating wealth instead of coping with the political issues.

Concerning the future prospects of mining, the ultimate goals of society should be the perfection of production techniques so that our needs can be

satisfied in perpetuity without affecting the natural environment. Recent developments in mining technology point to unlimited possibilities in achieving this objective.

I would like to point out, finally, that Canada is far better prepared than most other countries to provide the mineral needs of society in an environmentally acceptable manner. Our fundamental need for metals and minerals is indisputable. As one of my colleagues at the conference in Toronto pointed out, if there is a need, minerals will be produced. The question is by whom?

If Canadians can be persuaded to abdicate their heritage of being a global leader in mineral production, other nations with inferior technology will readily fill the gap. The result will be diminished economic prospects for Canadians and increased global pollution.

In conclusion, I would very much like to leave the committee with a perception of the scale by pointing out that the mining sector—the value of nickel production in Manitoba is higher than that of wheat, which may be a surprise to some of you. This wealth is extracted from a deposit which is comparable in size to a few city blocks. In my opinion, no legislation should be passed which could lead to society being deprived of such wealth unnecessarily.

Thank you very much, Mr. Chairperson.

* (1220)

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

Mr. Kovacs: No questions?

Mr. Chairperson: Are there any questions from the committee? There are no questions, Mr. Kovacs. Thank you very much.

Lyla Shingleton. We have a written presentation. The Clerk has put it out. You can go ahead, Ms. Shingleton.

Ms. Lyla Shingleton (Private Citizen): Good morning, Mr. Chairperson, the honourable minister and committee members. I am Lyla Shingleton, a private landowner in the Whiteshell Provincial Park since 1956. In reference to the proposed annual billing by the Department of Natural Resources for service fees on privately owned lots, I question the validity of this billing for these reasons.

First, The Provincial Park Lands Act, under which the Natural Resources department was attempting to assess this fee, relates to public parklands and not private land. Therefore, it is my understanding that this billing is illegal.

Secondly, what is the explanation detailing the reasoning or necessity for this service levy? On what criterion will these proposed service fees be assessed? No assurance that funds would be spent in the areas they are collected—quite probably they would go into the general coffers.

If the proposed legislation is passed, can I expect (1) to elect our own council to fairly assess fees and to provide services for which the said fees are being collected; (2) that fees cannot be collected retroactive; (3) that the minister has no authority to place liens against properties, as the service fees were declared illegal?

In closing, I would suggest that private landowners through the personal development of their own properties have made priceless contributions to Manitoba's provincial parks due to their caring and concern for resource management and forest fire protection.

That is my presentation, but it really upsets me that I am making a presentation and people are speaking in the committee at the same time.

Mr. Chairperson: Thank you very much, Ms. Shingleton. Are there any questions of the presenter? Would you mind answering some questions?

Ms. Shingleton: Not at all.

Ms. Wowchuk: Thank you very much, Ms. Shingleton, and thank you for making your presentation. You also have expressed the concerns that have been expressed by many other private landowners within the parks, and I want to just ask you, a previous presenter talked about an agreement that was being negotiated between government and the cottage owners associations whereby you would have a structure to pay your fees. Are you familiar with that agreement, and do you feel that service fee program was adequate and could be implemented rather than having these changes right in the act?

Ms. Shingleton: I am a member of the Association of Private Land Owners, but today I am speaking as a private citizen, as a personal landowner, and I would not care to comment on that. I do not have all of that information in front of

me. I have not seen Bill 41. I tried to get a copy of it after I was called, and they told me I had to go to the Queen's Printer and pick up a copy. So I do not have a copy of it, and I could not really comment on that.

I do have some questions, if I may, to the committee.

Mr. Chairperson: It is not the practice of the committee, Ms. Shingleton, that they will answer your questions, but I am sure there is going to be a question put to you very shortly, and I think you might have the opportunity to put some of those questions on the record.

Mr. Jack Penner (Emerson): Ms. Shingleton, I am interested in the proposal that you put before the committee, and that is to elect your own council to fairly assess fees and provide services for which the said fees are being collected. The minister, not too long ago, in this committee this morning indicated his willingness to allow the private lands to become part of the LGDs in which they are situated, and therefore give the private property owners the same rights that other private property owners have in those areas that are governed now by local government districts and local government councils. Are you proposing that this is the kind of system that you would welcome?

Ms. Shingleton: Well, I believe previous presentations made by the Private Land Owners executive indicated that would probably be a fair way to assess fees. Right now I have before me a threatening letter from the Parks board when they sent the assessment for fees, which the others have indicated that we do not get in the park. I am prepared, if the executive feel that this is a fair and just way for the fees to be assessed, then I would go along with that.

In the meantime, for instance, when the minister mentioned about other property owners, particularly the Premier who spends $1,400 on taxes, I am not sure where his cottage is, but I have just renewed my insurance on my cottage. There is no fire insurance in the park; consequently, my fire insurance on my property is very high. I am willing to pay that because I realize that there is not that facility offered.

Ms. Wowchuk: Just getting on to the question Mr. Penner asked about, electing your own council. First of all, in the area where you have your cottage, how many cottage owners would there be in that area approximately?

Ms. Shingleton: I have been there since 1956, and I am not really sure. I could not guess how many there are. I am at Red Rock Lake. Mr. Mayer, I guess, is not here. He would probably have an idea how many there are.

Ms. Wowchuk: What I am trying to get at, you are talking about an elected council, and are you suggesting a cottage owners association or some sort of body like that, that you would have input into the affairs of the area and levying fees? I realize what you are saying, and I know that if people are paying taxes they should have a voice in where their taxes are going, as do all other people. In municipalities when taxes are levied on you, you have a process where you can appeal those taxes if you are not satisfied, so I wonder when you talk about an elected council, whether you are talking about a loosely formed structure that would be like a cottage association, or are you talking about something more formal?

Ms. Shingleton: Well, right now, through the Private Land Owners association, we do have an executive, and each one of the areas has a representative on that association. I am not really sure which would be the best method. I think this is something that we would have to probably discuss through the Land Owners association whether it indeed would be, as you put it, a more loose committee of cottagers or cottage owners, or whether it would indeed be a municipality or a designated district. I think that is something that we would have to discuss within the Land Owners association because there could be areas where there are many more cottage owners than the area I am speaking of.

I feel, too, as the others have presented, we are willing to pay, but we would like to know what the services are for. Like for this bill that I got, I have no idea what that billing is for. It is just classed as a service fee, but what does that service fee cover? That is what my question would have been to the committee.

Mr. Reg Alcock (Osborne): Thank you, Mrs. Shingleton. Actually, that was what I was wondering about. Even though it is not the practice to respond to questions at the committee, you could pose the various questions that you want, and we may be able to get the answers to those when the

bill moves to clause by clause. So, if you have others questions you would like to pose, maybe you could take advantage of the time you have to do that.

Ms. Shingleton: You mean at this time?

Mr. Alcock: Yes.

Ms. Shingleton: Thank you. I must admit that after—it was such a quick call that I did not have very much time to get my thoughts down on paper, so they are not too formal. I was going to ask the committee to explain what the service fee does cover because many of the private landowners already provide whatever services they need at their expense and that was heard earlier this morning. That was one of the questions that I had to ask, what service do we get for this fee that is being charged? The other one was really, is the committee prepared to sincerely assess these presentations that have been made?

I sort of got the general feeling that we are making these presentations, but I also had the feeling that nobody was really listening and hearing what was being said.

* (1230)

Mr. Enns: Just for Ms. Shingleton's information, it has been my privilege to have been sitting on these committees over a number of years. I would estimate that about 60 percent of the bills that arrive at this committee, after having been approved in principle in the Legislature, are in fact changed, amended or, indeed, totally withdrawn. While it may at any given time appear that no one is listening or that change is not taking place, and I am not suggesting—I believe I am presenting a good bill before this committee.

I am hearing very different and differing views on it, as you have during the course of the morning listening to this, and that, of course, makes it difficult. But just as a direct response to your question about whether or not it is the practice of this committee to listen and to effect changes to the proposed legislation, when I say this, it often surprises presenters just how often governments make substantial amendments in changes to proposed legislation as a result of this.

As I have said last night, a very unique situation. No other province, no other government in Canada provides its citizens this opportunity for directly telling their legislators what they think or how they think a piece of proposed legislation ought to be changed—or should it be withdrawn? If they wish to come, believe it or not, there are occasions when presenters simply come to say, this is good legislation, government. Carry on.

It is a unique opportunity that we have here in Manitoba, one that I am very proud of, and it is incumbent upon us as committee members to take this task very seriously. It is difficult. I appreciate the imposition that it imposes on the general public when you get 24-hour notice or late calls of when we sit, but that is the nature of the way the Legislature operates.

We cannot give you a precise date when a piece of legislation will pass on to committee. That is determined very often on very short notice on our own part. We have now been sitting for over 100 days, well into July, when the tradition of this Legislature is to perhaps recess, so we need to get on with the business. I provide that for your information, Ms. Shingleton.

Ms. Shingleton: Well, I certainly do appreciate the opportunity to be able to come before the committee, and I thank you most sincerely.

Mr. Chairperson: And we thank you, Ms. Shingleton.

The hour being 12:30, what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise. Thank you. We will be back tonight at seven o'clock, by the way.

COMMITTEE ROSE AT: 12:35 p.m.