

Third Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Ms. Erin Selby
Constituency of Southdale

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

Thursday, September 17, 2009

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Erin Selby (Southdale)

**VICE-CHAIRPERSON – Mr. Mohinder Saran
(The Maples)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Allan, Hon. Mr. Lemieux

Messrs. Dewar, Goertzen, Maguire, Ms. Marcelino, Messrs. Pedersen, Saran, Ms. Selby, Mrs. Taillieu, Mr. Whitehead

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

WITNESSES:

Bill 26–The Apprenticeship and Certification Act

Mr. Peter Wightman, Construction Labour Relations Association of Manitoba

Bill 31–The Manitoba Floodway Authority Amendment Act

Mr. Ron Evans, Grand Chief, Assembly of Manitoba Chiefs

Mr. Donovan Fontaine, Chief, Sagkeeng First Nation

MATTERS UNDER CONSIDERATION:

Bill 26–The Apprenticeship and Certification Act

Bill 31–The Manitoba Floodway Authority Amendment Act

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Clerk Assistant (Ms. Monique Grenier): Good evening. Will the Standing Committee on Legislative Affairs please come to order.

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

Mr. Gregory Dewar (Selkirk): It's my pleasure to nominate Ms. Selby.

Clerk Assistant: Ms. Selby has been nominated. Are there any other nominations? Hearing no other nominations, Ms. Selby, will you please take the Chair.

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

Mr. Dewar: I nominate Mr. Saran.

Madam Chairperson: Okay. Mr. Saran has been nominated. Are there any other nominations? Hearing no other nominations, Mr. Saran is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill No. 26, The Apprenticeship and Certification Act, and Bill No. 31, the Manitoba flood authority amendment act.

We have a couple of presenters registered to speak this evening as noted on the list before you.

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

Also, for the information of the presenters, while written versions of presentations are not required, if you're going to accompany your presentation with written material, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from the committee members.

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

I would also like to inform all members in attendance some provisions regarding the hour of adjournment and consideration for our business tonight. In accordance to a sessional order adopted in the House, as we currently have less than 20 presenters registered, if this committee has not completed clause-by-clause consideration of these bills by midnight, a number of rules will apply, including sitting past midnight to hear presentations. If they are not already finished concluding presentations at 1 a.m. and interrupting proceedings to conclude clause-by-clause on this bill at 3 a.m.

How late does the committee wish to sit tonight?

Mr. Larry Maguire (Arthur-Virden): Until we've heard the presentations and as long as it takes, Madam Chair.

Madam Chairperson: Is it agreed that the committee will hear all the presentations and carry on with the bill as long as it takes? *[Agreed]*

Prior to proceeding with the public presentation, I would like to advise members of the public regarding the process for speaking in committee.

The proceedings of our meeting are recorded and in order to provide a verbatim transcript, each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name, and this is the signal for the *Hansard* recorder to turn the mikes on and off. Thank you for your patience. We will now proceed with the public presentations.

Bill 26—The Apprenticeship and Certification Act

Madam Chairperson: We will now deal with Bill No. 26, and I will call Peter Wightman to present, please. Do you have any written materials to distribute to the committee?

Mr. Peter Wightman (Construction Labour Relations Association of Manitoba): No, it's purely oral.

Madam Chairperson: Then please begin.

Mr. Wightman: I'm Peter Wightman. I'm the executive director of the Construction Labour Relations Association of Manitoba. The association, some 40-plus years as an association representing contractors in Manitoba, represents the significant, large industrial, commercial and institutional contractors that build the infrastructure projects for Manitoba. As an association, we've been primarily the main organization that's been appointing management individuals, contractor individuals to

the various current provincial trade advisory committees as well as a variety of other governmental type committees.

I myself am the co-chair, or, excuse me, management caucus chair of the Labour Management Review Committee, a government committee. I also chair the current insulation provincial trade advisory committee. I also sit on The Construction Industry Wages Act Review Committee.

Our association has done a review of Bill 26 and I want to say right up front, from a review of the act, we support the concept that this act is bringing forward. Primarily my presentation today is going to be one of critiquing specific sections of the act with the hope that the critique will reach the right ears and adjustments will be then made towards it.

Our association and the contractors we represent are the, one may say, the primary customer of apprenticeship in construction in Manitoba and have been for many, many years. We're one of the primary groups of contractors employing apprentices and have been doing so for decades in this province.

Construction apprenticeship in Manitoba has been very much driven by the construction, excuse me, by the CLRAM and our members. The various regulations that are on the books today have been, again, driven by industry, primarily by the membership of the CLR.

So I'd just like to just jump, dive right into this and there's a few articles I'm going to draw your attention to and quickly just draw some points to it. The first one I want to draw your attention to is section 3(d). Section 3 is the mandate of the board, the new mandate of the board, and subsection d(ii) advise the minister in respect of the present and future needs of the Manitoba labour market for skilled and trained persons. That's a major function of the CLR. We negotiate all of the building trade contracts here in Manitoba representing unionized contractors, contractors that employ unionized personnel from all the various building trade unions. We sit down as an organization. One of my primary functions is negotiating those contracts.

* (18:10)

So we have a very tight and very specific view of future needs for Manitoba with respect to the labour market. One of our concerns is, and you'll see this is a continuing theme—I shouldn't say is a concern, perhaps as a point that we'd like you to

consider in the legislation. Our association, that's one of the jobs that we do year in and year out, is reviewing the future needs of the labour supply needs of our province in our industry. We're concerned that the folks that are on the board itself may not have that expertise, and to give the board that mandate may be a bit of a broad mandate, rather flowing from another subcommittee, which I'm going to get to in a second.

The next issue I want to raise is the committees of the board, section 9(1). There's a variety of committees that this legislation lays out. These points are—the point I'm going to make here is applicable to all of the subcommittees of the board, the standing committees they're called.

There should be additional people that are brought into these standing committees. The way the legislation is written, as we understand it, the standing committees are made up of the membership from the actual board, the apprenticeship board, not external people coming in with certain expertise. That's a concern that we have. We feel that you have your board structure and if you have standing committees that then provide advice to the board, that it's incumbent then that you bring in external experts. There are many contractor associations in the construction industry that you can rely upon that have specific expertise and issues and you should be inviting them to participate. So that provision should be amended in that regard. So that would be affecting article subsection 9(1) and all the way through that whole section. There's also section 10 and so on.

Section 11(2), the composition of the PTAC members. Again, it stipulates that the nominations for the PTACs will flow from one of the nominating committees, which is one of the standing committee's subcommittee of the board. Currently the branch reaches out to the industry and asks the industry to generate some qualified individuals to then be put forward to the board for approval to sit on a Provincial Trade Advisory Committee. This structure seems to circumvent that process of reaching out in consultation with the industry at large, rather it flows directly through the board.

Now that may be a very literal reading of it, but we wanted to draw your attention that. That, again, in order to ensure that your PTACs have the right people on them, and those are the folks that drive the apprenticeship regulations and the various testing models that are being used even right down to the

examination-type questions, you should be going out to the industry rather than just to the nominating committee. So the current process, we feel, is a better one.

Section 12(2), consultations by the provincial advisory committee—we just want to make the point that again, the same theme again, the advisory committee should still be seeking out the position of the various industry association representatives with respect to the issues of the day that they're looking at. They shouldn't be working just as a singular committee. They should be reaching out to the broader industry for better consultation. And that's been proven time and time again currently that that's the best model.

We have a question with respect to section 13(2)—or 13(1), 13(2)—it references other committees. In 13(1) the board may establish a committee to advise the board or a provincial advisory committee about matters that come under the act. Is this an industry oversight committee? One of the issues our industry has really been pushing with apprenticeship over the last number of years is there should be industry oversight committees to review regulatory changes, particularly if they are systemic in nature. If they're minor changes, we have PTAC people that we have confidence can handle those. But, if we're dealing with, for example, changing the plumbing apprenticeship from five years to four years, those kinds of issues should go to an industry oversight committee which would be comprised of industry representatives, industry association representatives, such as myself and my colleagues. We have a broad constituency. We can quickly reach out and get information back in a very efficient fashion, and that should be utilized.

15(1) executive director, responsibilities of executive director: Again, we just think there's a missing duty or responsibility for the director and that's to seek out the advice from industry association stakeholders with respect to the various PTAC issues and regulatory issues that are coming up. Should they exist, there are other trades or, excuse me, other apprenticeship programs that are outside the construction industry, but particularly in the construction industry, it's a very focussed industry, highly organized, and—

Madam Chairperson: Mr. Wightman, I just want to warn you have about a minute left in your presentation.

Floor Comment: Fair enough.

Madam Chairperson: Please continue.

Mr. Wightman: Thank you.

18(4) Prior learning assessment–trade qualifications. The manner in which the executive director will manage that issue, as well as 19(2), you feel that those issues should first be addressed by the Provincial Trade Advisory Committees. They are in a better position to be making assessments with respect to where apprentices fit into the system, rather than just the sole position of the executive director. They should make recommendations to the director. He should be a second level of check to the Provincial Trade Advisory Committee position, so you have a two-tiered system. They provide the direction, and if the executive director feels that there's some untoward decisions being made, he's there as a second check level as opposed to the primary one.

Madam Chairperson: Mr. Wightman, I just wanted to let you know that we've run out of time for the presentation.

Mr. Kelvin Goertzen (Steinbach): I wonder, Mr. Wightman has put a lot of time into bringing forward substantive suggestions and there aren't a lot of people currently registered for either bill tonight, if there would be leave of the committee to allow him to finish his presentation without impeding upon the time for questions.

Madam Chairperson: What is the will of the committee? Is there leave? Agreed? *[Agreed]*

Mr. Wightman, please continue.

Mr. Wightman: Same point for section 19(2), it should be the PTACs that make the initial assessment and provide those to the executive director for his approval, final approval; 22(4) same issue again, same concept. PTACs make the decision, forward it to the executive director. That's with respect to advanced standing, where someone fits into the system, what level they're gonna go into as an apprentice. That should first be run by the Provincial Trade Advisory Committee members; they are in a better position. These are folks that work in the trade. They make an assessment, they make a decision, they pass it on to the executive director for his approval.

Twenty one, I'm just bouncing back to article 21. We notice that there was no reference in this, at least none that we could see, to the concept of pooled agreements for apprenticeship. In our industry,

particularly in the unionized side of the construction industry, a pooled apprenticeship agreement is effectively the norm. It's the way the industry actually manages apprentices. A pooled agreement is something that the various building trade unions have taken on the responsibility of handling the administrative side of the apprenticeship, and there's a hiring hall and the young men move from company to company as opposed to a specific apprenticeship agreement with each contractor and each employee. We point out it's—we don't see it in here and it's a fundamental way the way we do business. We'd like to see that obviously addressed in a positive way.

Sections 28, excuse me, section 28, 29(1), (2), (3) and subsections (4), subsections (1), (2), (3) and (4).

28 Prescribed partial examinations: This is dealing with the—there's an opportunity for the minister to essentially remove compulsory certification on a particular trade once it's been established for a reason that does not—it's not really fleshed out. Our position is once the trade is considered compulsory, then that's the end of it. You're either an apprentice or you're a journeyman. That's the only two opportunities you have to work in that trade. There's no watering down of a compulsory certification after it's been achieved, and same with temporary permits. So we're opposed to these notions in 28, 29(1) as an industry, (2), (3) and (4) subsections. We see those as non-starters, and for lack of any evidence within the industry that these are essential, our position is no, just leave it alone. Remove those out of the legislation, please.

* (18:20)

Madam Chair, 32(1), just on a technical standpoint, 32(1) says: The minister may appoint an employee of the government as a director to enforce this Act and the regulations in relation to the compulsory certification trades.

Compulsory certified trades has been a huge issue in our industry. There are some in our industry that feel that all the trades should be compulsory certified. We don't support that position. There obviously is a criteria that needs to be used and the one that's being used to date has worked quite well.

Our concern here is why would the executive director of Apprenticeship not be the individual who would have the responsibility of enforcing it. Why is there another unnamed individual that the government could put in there? We're not sure where

that fits in with respect to the overall scheme of governance within the act. So that's a question that we have. Hopefully, that question, at some point, will be answered.

Madam Chair, 36(3), it's with respect to hearings where there's no—where there's a compliance order, the director is not required to hold a hearing. Again, we're concerned about industry oversight. That's been a big issue with us with the current apprenticeship system, and the branch has been really working diligently over the last half-dozen months, to deal with industry oversight, to meet with industry on a regular basis.

Our point here is there should be industry oversight. Again, at earlier committee, the one we asked in section 13, I believe it was 13(1), is that the industry oversight committee that would review these issues with respect to non-compliance orders before the executive director makes his final decision. Reason for that is the industry's got its ear to the ground. It knows what's going on in the industry. It's a relatively small industry in Manitoba. We know the players. We know the jobs they're bidding. We know the connections from an economic standpoint. You should go to industry and ask us for our advice. We're happy to provide it, and insight, more importantly.

Section 37(1), administrative penalties, failure to comply: Again, should there not be industry oversight prior to a fine being levelled? 13(1), the committee in 13(1) would probably be a good connection there.

And section 40, my last point, public disclosure of administrative penalties, it indicates that, should the executive director administer an administrative penalty, the director has the discretion as to whether he makes the details of the penalty public. Well, an administrative penalty in this regard is referring to a company that is purporting to be using compulsory certified tradesmen when they are not. That's the—that's the connection within this section.

So our view is, from a public interest standpoint, a great way of enforcing—our industry is really a self-enforcing industry. You publicize companies that are misleading the public and their clients with respect to the trades and the tradesmen that they bring to their—to their site. That will be a very positive way of creating self-enforcement within the industry. To give it as a discretionary view for the executive director, I think, is a mistake. Either if they're found guilty, then publicize it. Let the industry know which

players, which contractors are not playing by the rules with respect to apprentices and are passing themselves off to other industry stakeholders as legitimate when they are illegitimate.

So we would like to see that as a—as a public—for instance, the executive director may make the details; it should be shall make the details public.

And that's the only points we'd like to make. Thank you very much.

Madam Chairperson: Thank you, Mr. Wightman. We now, as agreed, still have five minutes of question.

Mr. Blaine Pedersen (Carman): Thank you for your presentation, Mr. Wightman. You have quite a number of suggestions in here. Were you at all consulted when this bill was being drafted?

Mr. Wightman: We were not formally consulted. We were not contacted by the current government or by the representatives of the Apprenticeship branch, the executive level, to review this piece of legislation. So we're kind of working in a void here. Many of the points and the questions we have, probably could have been answered prior to tonight and maybe it would have been a more focussed presentation. At this stage we're a little bit unsure as to the scope of the sections that we laid out. So we raised them in that regard, but no, we were not appropriately consulted, no.

Mr. Pedersen: I kinda gathered that because you came up with 16 different suggestions on a—on a fast 10-minute presentation; well, a little more than 10-minute presentation.

So there is still time for the government to at least consider some of these. We also have the issue of the former Minister of Competitiveness, Training and Trade out on a particular campaign trail right now, so the Minister of Labour (Ms. Allan) has stepped in to pick this up.

If this bill goes through as written—they don't take any of your suggestions—are there, are there, what's the consequences of that as you see them, from your organization's point of view?

Mr. Wightman: Consequences would be further alienation. Let me make—let me make my point clear.

There were—there was a review of the apprenticeship system that was done a year ago, a year and a half ago. And our association, again, representing contractors who are the main customers

for the construction side of the industry, and 40-year stakeholder. I mean, apprenticeship has become in vogue with some other contractors and other groups in the last two or three years, but the CLR has been representing employers that have been dedicated to the system for 40-plus years, and there was a great concern that we were not invited to be one of the main stakeholders in that review.

We approached the government—the minister, Minister Swan. We spoke with him about it, but it seemed to fall on deaf ears. We would hope, in this regard, with respect to this act, that the same would not occur.

Our contractors drive this apprenticeship system. We negotiate contracts that set the wage and benefit standards for this province for all construction workers. We would hope that—sincerely hope that—and we believe the government will, at one point, sit down with us to talk to us about what our concerns are, what our issues are.

Our view of this is, as I said at the outset: this is positive. This is not a negative thing. This is positive, and the things that we've raised—I think you can see we're reaching out, saying, I think we can make this better, not shelve it. We do need something like this. We do need a revisionary view, and this act, I think, is going to do that. But there are some tweaking that needs to be done and we hope the government will sit down and give us that opportunity and take our points seriously.

Hon. Nancy Allan (Minister of Labour and Immigration): Thank you very much, Peter, for coming to the meeting this evening. It's nice to see you again. As many people in this room know, you and I had the opportunity to work together as the Minister of Labour and, as you mentioned, you are on our Labour Management Review Committee and have done excellent work on that particular committee.

I just wanted to inform you and make sure that you know that every one of the issues that you raised this evening and every one of your concerns—we would certainly look forward to setting up a meeting with you to address them, because none of them are concerns, or should be concerns that you have, because I think if you sit down with our staff in our department, you will realize that each and every one of the issues that you have raised and what you want to see happen in the legislation will occur. One of the things that this legislation does is, it provides, I think, a structure and a mandate in the department

that will provide us with a better opportunity to consult with our stakeholders, and that's absolutely critical. So a lot of the issues that you've raised here—I could go into them one by one for all of the committee members tonight, but I can guarantee you that once you have sat down with staff and had an opportunity to go through all of the issues that you will have a comfort level with the legislation.

Mr. Wightman: I appreciate that, Madam Minister. Thank you. I look forward to that opportunity.

Madam Chairperson: Seeing no further questions, Mr. Wightman, I thank you for your presentation.

Seeing no more presentations on Bill 26, we'll now move on to Bill 31.

* (18:30)

Bill 31—The Manitoba Floodway Authority Amendment Act

Madam Chairperson: We have just been advised that there is an additional presentation—presenter added to the evening; Chief Donovan Fontaine will be presenting second.

I now call our first presenter to the stand, Grand Chief Ron Evans, if you could please come forward.

Hello and welcome. I see you have some written materials for the committee that we'll distribute.

Mr. Evans, you can begin.

Mr. Ron Evans (Grand Chief, Assembly of Manitoba Chiefs): Thank you, Madam Chair. I just wanna, before I begin, I say greetings to you and to the honourable members of the Legislative Affairs Committee. Good evening, and also I just want to acknowledge Chief Fontaine who is here to do a presentation on this particular issue.

Thank you for the opportunity to provide my thoughts on the amendment to Bill 31 which speaks to the development of the authority to oversee the road to the east side of the province. The east-side road offers both potential benefit and challenge.

The potential benefit can be profound to have the access enjoyed by most other Manitobans to be there for our remote communities, to improve the quality of life, to improve access to medical and other services, to reduce transportation fees which can and will bring the outrageous price of medicine and food more in line with that of the rest of Manitoba.

The challenges are daunting but they're manageable. To balance development with the stewardship of the environment. To protect the interests of First Nations in their traditional territories. To ensure that the lines of communication, consultation and accommodation of these interests are practised and not merely rhetoric. To ensure that First Nations have a—have an active and meaningful opportunity to share in the business and employment opportunities available.

As you know, the Assembly of Manitoba Chiefs is mandated to speak on behalf of all Manitoba First Nations. The ability to achieve the benefits and meet the challenges is within reach. Due to the long call for development of the road by our remote First Nations on the east side, the demonstrated abilities shown by Mr. Ernie Gilroy and the Manitoba Floodway Authority during that endeavour, it was the case that communication was active. It was not reactive.

If we could not agree, at minimum we had the forum to discuss these differences in a respectful—in a respectful way. We expect this to continue with the east-side road development. We have had the occasion to speak with the authority on some of their objectives. We have the following observations and recommendations.

Community engagement: It is heartening to note that it is envisioned that active community engagement will occur with every community. This must be done and it must be done locally. This ensures transparency but, moreover, it allows the project to achieve maximum results. We'll support the fact that the product of these meetings will be community benefit agreements with each First Nation.

Procurement: It is important that opportunities for First Nations' businesses be an integral part of the procurement strategy, that the elements of training and employment of our people be part of this strategy. This is where the lasting legacy of the project can demonstrate that the road's benefits will outlive its construction through development of businesses and the opportunity for maintenance and other projects in the years to come.

Communication: As mentioned before this is integral. I cannot stress enough it must be seen at the local level through various media but also through a public presence. Networking as done with the floodway project must continue. To bring First

Nation and non-First Nation together is what produces mutual benefit.

Economic development policy board: It is envisioned that the board have appointments from the chiefs. We recommend that this be done through the Assembly. You will agree that the progress and opportunities of the east-side road development are not just for the people who live in our remote communities, though they stand the most to gain. However, contractors and businesses are interested because of—because of their interests in pursuing business opportunity. The public will be concerned about environment stewardship. These interests of all Manitobans are no different than the views of our First Nations. All First Nations will follow the development of this project which underscores the need for substantial involvement of the Assembly.

I would like to reiterate that this project has both benefit and challenge, but I say together we can maximize the benefit and reduce the challenge.

I would like to thank the committee for its time and their attention, and I will be happy to answer any questions at this time. With that, I thank you for allowing me to present this to you.

Madam Chairperson: Thank you, sir.

Hon. Jon Gerrard (River Heights): Thank you, Grand Chief, for your presentation, and, I gather from your comments that the relationship on the building of the—or the expansion of the floodway had worked quite well, and that the elements of that in terms of consultation and the involvement of Mr. Gilroy are something that you want to continue. Is that right?

Mr. Evans: That's correct. I—that is correct, responding to the question.

Mr. Larry Maguire (Arthur-Virden): Thank you very much, Grand Chief Evans, for your presentation, as well. I share your want and need for the road up the east side of Lake Winnipeg, that's for sure, and a lot of the opportunities that arise from it.

I wanted to just ask a question in regards to, I suppose, the—one of the things that's on my mind is that if this expansion were to take place, is this the only mechanism that you see feasible in making the project come to fruition?

Mr. Evans: It is the one that—the one that is currently in place. It's a current structure that's active and, therefore, would take away the need to establish another structure that would work. There's already a

structure that's in place, and has proved beneficial for our First Nations, Aboriginal communities.

Mr. Maguire: And just a follow-up, I know you've worked with the department of transport on many issues in the past as well, and I'm just saying that the authority has done the work on the floodway and, of course, it has an option for the east side, and you mentioned putting another structure in place.

What would your view be of the department handling that more directly as well?

Mr. Evans: Well, I think because of the relationship and the beneficial arrangement that we had with the east-side authority we would see no—and the people are in place. Rather than to rebuild a relationship and try to put another structure in place, we'd rather support one that's already produced results.

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): Well, thank you very much, Grand Chief, for your presentation. It's much appreciated and, of course, after decades of inaction we're really proud to be moving forward with this, and we thank you very much for your comments. And I'm sure all of the 34,000 people that live on the east side as well as the many different communities thank you as well for your presentation.

Mr. Evans: Thank you, Minister. Thank you.

Madam Chairperson: Seeing no further questions, I thank you very much for your presentation, and call the next presenter up. Chief Donovan Fontaine, if you could please come forward.

Chief Fontaine, do you have any written presentation to give to the committee?

Mr. Donovan Fontaine (Chief, Sagkeeng First Nation): Just Grand Chief's notes; I'm making my own notes from his notes.

Madam Chairperson: Then please begin.

Mr. Fontaine: Straight from the heart, as usual, and I'm basically—my basic knowledge, what I know about the project.

First of all, good evening to all the members of the panel here: Dr. Gerrard, Frank and Grand Chief and observers.

* (18:40)

First of all, as we know, there's this concept, duty to consult, and this project has been talked about for numerous years. It's been mentioned in two, if not three throne speeches, and so it's a project

that's obviously needed. It's a project that's obviously endorsed and recognized by the sitting government, current government.

So—east side—you've had some rumblings on occasion about the opposition about the project. And, for obvious reasons, it's the concerns about overdevelopment—things not being done in a sustainable way and others getting the benefits. So those are obviously legitimate concerns and something we are aware of and always brought to the table in our meetings, so they're tied to consultation in a meaningful way.

And we've talked about structure, board—how is this gonna pan out? How's it gonna look under the regime of the floodway, Ernie Gilroy? How's decisions gonna be made? Who's got veto? What's the structure? What's the make-up gonna be like in this board? Is it gonna be controlled by unions? So, obviously, those concerns are good and I don't think they're any different that any other community or any other area, region would ask, right? You'd ask what's, who's coming into our neighbourhood? Who's in charge here? And that's the questions we've been asking as leaders.

And I concur with the Grand Chief and I concur with my colleagues Chief Kent, Chief Barker on the east side that it's a project well overdue.

And just by observations and—every other day and—I guess in my dealings with some of the people in the floodway, the late Barry Mulder, very close friend of mine—so I knew how this thing unfolded and—I'm basically saying I've developed a sense of confidence in the floodway project as managed by Ernie.

And I know this is—it's a non-partisan, it's non-political, it's—as I've always said, I don't pay \$8, my people don't pay \$8 for four litre of milk, two litre of milk—it's not for me to stop a project when it's needed in the north. And I've always supported my First Nations' brothers and sisters in the north, and this project is no different.

I'd like to endorse it—support the structure that's proposed under the Floodway Authority on Bill C-31. Bill C-31—Bill 31, no "C." Don't take notes.

I support Bill 31. So I'd like to, obviously, go past rhetoric. I want to see results and I want tangible, practical results for our people, and I look

forward to this project going. I look forward to not hearing it in another Throne Speech.

Thank you, meegwetch.

Mr. Maguire: Thank you very much, Chief Fontaine, for your presentation this evening and you taking the time to be here with us to make your presentation this evening. And, of course, as I mentioned to Grand Chief Evans, I certainly concur with your concern and energy to be put towards building of the east-side road to maximize the opportunities and accessibility of the region on the east side of the lake, as well as the people of the east side of Lake Winnipeg.

And so the one of the points that I asked before was just in regards to the only way of doing this particular project. And I guess I would just ask—probably—there's probably a simple answer, but—I see the floodway as a project that had some definition to it, two, three years and a need there to do that project, perhaps, within a certain amount of time. And it's been indicated by the government that this might take decades to build the road up the east side of Lake Winnipeg. I would hope it wouldn't take that long, but—what would be your thoughts in regards to the contrast between the two projects and the need to perhaps look at mechanisms and how to proceed in that area? Not to say that the Floodway Authority isn't the way to go, but do you see as urgent a need for that style of management on this type of project?

Mr. Fontaine: First of all, any project should be managed in a, you know, responsible way. Any time you're dealing with the public funds, fiscal purse, obviously, it should be managed in a good way.

And I do know that, from time to time—a lot of this has to do with inertia and obstacles and bureaucracy and delays and so forth. And I just believe that if the political will's there, if time lines can be established, and I think they'll make the targets.

And I do believe that First Nations' ducks, for lack of a better word, are in order. We know what—we know what we want to achieve out of this project, and it's been talked about it again for far too long. And I know there's a bit of difference—it's almost apples and oranges here. There's a bit of—it was a lot of—moving dirt, so to speak. Right? The floodway is moving a lot of dirt and a few bridges and stuff. This, it's straight clearing, and as we know, we, our people have no problems with that, clearing and so. Thank you.

Mr. Gerrard: Thank you, Chief Fontaine, and for your comments and your insight. I just would like to give you an opportunity, because your community, your First Nations, is really at the starting point or the launching point of this road, and just tell us a little bit about your, sort of, hopes and dreams in terms of the benefits coming to your own community.

Mr. Fontaine: Well, again, I just want to say that, you know, it's a seasonal road. There's a lot of traffic when it does come through. It's traffic, and if I could have any benefit for our community, it's only that it would be the first stop. There'd be some tax exemption. Other than that, I don't want to say that I'm doing this for benefit—right. I'm doing it for support, and I want to stress that first and foremost, that we're doing it—it's obviously for the north and, basically, that's it, I think. Yeah.

Mr. Lemieux: Well, thank you very much. It's nice to see you again, Chief Fontaine. Thank you very much for your counsel in months and days passed with regard to this project on, and with regard to many others that you've passed on to us for the benefit of all First Nations people, not just only your own community. So we respect that very much, and we thank you for taking the time for coming out tonight and passing on your views to us. Thank you.

Madam Chairperson: Thank you very much for your presentation.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes the public presentations.

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

Mr. Gregory Dewar (Selkirk): As listed on the order paper.

Madam Chairperson: Is that the agreement of the committee? *[Agreed]*

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

Also, if there is an agreement from the committee, I will call clauses in blocks that conform

to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

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

Bill 26—The Apprenticeship and Certification Act

Madam Chairperson: We are on the clause-by-clause by Bill 26. Does the minister responsible for Bill 26 have an opening statement?

Hon. Nancy Allan (Minister of Labour and Immigration): I would just like to say how thrilled I am to have this opportunity to pass this, The Apprenticeship and Certification Act, that I've worked on for so long. This came out of the Apprenticeship Futures Commission that was established in '07, and there was a consultation with stakeholders, and there was 23 recommendations in that report. And the legislation has been built on those recommendations in that report, and we look forward to having the opportunity to discuss it further as we move forward.

* (18:50)

I understand the opposition has a couple of amendments, and I would like to take this opportunity to introduce the staff that are with us this evening. Hugh Eliasson, the deputy minister; Bob Knight, the senior executive director of Labour Market Skills Division; Scott Sinclair, the executive director of Apprenticeship Manitoba; and Karine Levasseur, the policy analyst with Apprenticeship Manitoba.

Madam Chairperson: We thank the minister.

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

Mr. Blaine Pedersen (Carman): It's kind of ironic that I have more experience on this bill than the minister does.

But Mr. Wightman certainly brought forward a number of concerns about this. Obviously, these should have been addressed before, but, having said that, and we know it wasn't and now we're here, let's—the minister has told me across the table that she's going to take on these points that Mr. Wightman's brought up and she will provide me with the responses.

And I do have some amendments drafted already. We weren't going to do them tonight at

committee. We were going to do them in report stage, but—I would just like to know what the time line is for this, and, certainly, we need to work with House leaders because it's going to take you some time to work through this, and if you're going to bring forward some amendments—all I'm looking for is some assurance that you will take—we will have the adequate time to look at any changes to the bill.

Madam Chairperson: We thank the member.

Ms. Allan: We will probably be able to get you the information on the points raised by Mr. Wightman in a couple of days so you can have that information.

Madam Chairperson: Mr. Pederman, Pedersen. My apologies.

Mr. Pedersen: It's okay, Madam Chair. I've been called a lot worse.

That's fine, and as long as we work with the House leaders so that this bill is not brought forward until those—and I trust we'll both work with our respective House leaders. Thank you.

Madam Chairperson: Clause 1—pass; clauses 2 and 3—pass; clause 4—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; clauses 9 and 10—pass; clause 11—pass; clauses 12 and 13—pass; clause 14—pass; clause 15—pass; clause 16 and 17—pass; clauses 18 and 19—pass; clauses 20 through 22—pass; clause 23—pass; clause 24—pass; clauses 25 and 26—pass; clauses 27 through 29—pass; clause 30—pass; clauses 31 through 33—pass; clause 34—pass; clause 35—pass; clause 36—pass; clause 37—pass; clause 38—pass; clause 39—pass; clause 40—pass; clause 41—pass; clause 42—pass; clauses 43 and 44—pass; clauses 45 and 46—pass; clauses 47 and 48—pass; clause 49 through 51—pass; clauses 52 through 56—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 31—The Manitoba Floodway Authority Amendment Act

Madam Chairperson: We shall now carry on with Bill 31, clause by clause.

Does the minister responsible for Bill 31 have an opening statement?

Mr. Ron Lemieux (Minister of Infrastructure and Transportation): I do.

Madam Chairperson: Please go ahead.

Mr. Lemieux: Well, I would just like to make a just brief comment that this bill really extends the

mandate of the Manitoba Floodway Authority to include the construction of an all-weather road on the east side of Lake Winnipeg, and the title of The Manitoba Floodway Authority Act is amended to reflect that extended mandate.

And, as was pointed out by the speakers we had tonight, they're very much in favour of having the authority be the agency responsible for making sure that this all-weather road takes place. And I certainly understand it, being also the minister responsible for MIT that has raised the budget by about 30 percent this year to \$545 million, and all the construction work that they have to do. They are very, very busy. And, also, the Floodway Authority, having built the floodway on time, on budget, is the perfect agency to build an all-weather road that's been long overdue. Thank you.

Madam Chairperson: We thank the minister.

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

Mr. Larry Maguire (Arthur-Virden): Thanks, Madam Chair. I just wanted to say as well that the, our side of the House is very adamant that a road be built up the east side of the, of the lake, as I mentioned in my comments to the presenters tonight. I wanted to thank them as well, Chief Ron Evans, the Grand Chief Ron Evans and Chief Donovan Fontaine for being here and making their presentations. And I wanted to as well say that it's quite something when we have a bill that changes the name of an act. And, of course, that allows the authority to take over the control of the project on the east side of Lake Winnipeg as well.

And I have a couple of questions that I'll perhaps raise as we move into some of the clause by clause on this particular bill, and I'm—Speaker, but, or Madam Chairman, but other comments that I have, I'll reserve for the time being. And so, with that, I have no problem with proceeding with clause by clause.

Madam Chairperson: We thank the member.

Clauses 1 through 3—pass. Shall Clauses 4 through 8 pass?

An Honourable Member: No.

Madam Chairperson: Mr. Maguire.

Mr. Maguire: We will pass them, I'm assuming. But I just wanted to make a comment in regards to clause 5(2). I see that (a), (b) and (c) are qualified quite

well. They're both pertinent to the floodway as well as an east-side road.

And this is, you know, it's not a concern. It's just an issue that (d), of course, establishes arrangements with the Department of Water Stewardship for just the floodway, of course, because it wouldn't have the same impact on the east-side road. Could I just get clarification on that?

Mr. Lemieux: Yes, I've been advised that that portion, that language applies to the construction of the floodway, and that's why it was kept in the act. It applies to the floodway portion, because one portion is the floodway (a) and the (b) piece is referring to the east-side road, the construction of the east-side road. So the Water Stewardship piece applies to the floodway, the floodway work.

Mr. Maguire: Was it still the minister's intention that the Floodway Authority would begin the construction of the east-side road once the floodway was finished in the fall of 2010?

Mr. Lemieux: Well, we've already entered into arrangements that the Floodway Authority be involved now. We've budgeted \$27 million to start the east-side road, and the agreement that was announced in June already has begun the actual construction of the east-side road.

* (19:00)

Mr. Maguire: Yes, I appreciate that.

I look at the, you know, one of the—section 5(d) is to—of course to—that we all agree on, maximize the benefits of the floodway and the east-side road will provide, and I just wanted to know if the minister had taken—I know he's brought the bill forward, so I'm assuming that this is the way he wants to go. And I don't recall whether I asked in our briefing that we had as to whether you had actually looked at other work being done directly by your department or how much would be done directly by your department or will it be completely turned over to the Floodway Authority and East Side Road Authority if this bill goes through.

Mr. Lemieux: The East Side Road Authority, or the Floodway Authority responsible for the east-side road, is going to be responsible for all of it. There's a portion that MIT is doing on the Rice River Road piece, but really the road itself, the east-side road as we know it, is really going to be the authority that we're talking about this evening that's going to be responsible for it.

Madam Chairperson: Clauses 4 through 8—pass; clauses 9 through 11—pass.

Shall clauses 12 through 15 pass?

Mr. Maguire: Just a question in regards to 21.1(c) in regards to the authority becomes the proponent in proposal under The Environment Act seeking a licence to construct the east-side road.

Would the minister's department have been in touch with the environment minister in regards to this—or Conservation Minister in regards to this particular clause? And what kind of discussions has he had with the Minister of Conservation (Mr. Struthers) to move forward with the environmental aspects on this particular road?

Mr. Lemieux: Well, indeed, my critic does raise a couple of points, that the environment piece is important, not only with navigable waters but with Fisheries and Oceans, and the intent, certainly, is that I would want to engage the federal minister with regard to this project. It's a huge project. There are many bridges that are going to have to be put in place and many crossings. It is an important portion or component of this.

And through the dialogue we've had with the First Nations—over 80 meetings on the east side—the First Nations people are adamant that they want to do everything possible, of course, to preserve the environment overall, and so it's an important piece and there has been a number of conversations taking place already and the relationship—and I might add, one of the reasons that has not been mentioned tonight of the importance of why the Floodway Authority is the—a perfect agent, as was mentioned by Chief Fontaine and Grand Chief Evans, is that they want that continuity. There's an organization in place, a structure in place now that worked well, had a lot to do with training Aboriginal people and First Nations people on the floodway and a lot of the jobs went to First Nations people already on the floodway. So there's a great experience, good experience, there on behalf of Mr. Gilroy and the Floodway Authority working with First Nations.

And also the piece I'm referring to is the environmental piece, which the Floodway Authority had to deal with on the floodway. And they have great experience dealing with those issues, and there's much better continuity to have an organization like this deal with those issues that

they've already dealt with, many of the environmental issues, on a previous project they had worked on.

Mr. Maguire: Just a follow-up to that. I would assume that roads that have been built in the province to date, the minister's department has done the same environmental responsibilities on, at least—I don't know if that's the right word, responsibilities—but, certainly, the enactment of, before a road is built, you got to go through the same type of process.

Mr. Lemieux: Yes, there's no—I mean, in the conversations that I've had with Minister Baird—and we have a very good working relationship with Minister Baird, as we did with Minister Cannon. When they dealt with the Building Canada Fund and all the monies going into infrastructure, one of the things that came from Ottawa was that they don't want the duplication process or the red tape that many proponents had to go through on the environment side. No one wants to see the environment harmed in any way, shape or form. Minister Baird doesn't, Minister Cannon didn't. But what they're saying is that they want to be able to address this in a way that is prudent but also expedited in a way to move things ahead and not slow a project like this down, or any other project, infrastructure project, in the province. We agree with them.

And so, I guess, I want to just to reiterate the continuity of the floodway having that experience dealing with the environmental issues—or the Floodway Authority—that they are familiar with it, they have the staff that dealt with it and to go to the environmental issues related on the east side, they're very familiar with those types of issues and they already have that experience, dealing with the environmental issues overall.

Madam Chairperson: Clauses 12 through 15—pass; clause 16—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 7:05, what is the will of the committee?

An Honourable Member: Rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 7:05 p.m.

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