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Thursday 8 June 2006

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Jeudi 8 juin 2006

**Standing committee on
the Legislative Assembly**

Provincial Parks and
Conservation Reserves Act, 2006

**Comité permanent de
l'Assemblée législative**

Loi de 2006 sur les parcs
provinciaux et les réserves
de conservation

Chair: Bob Delaney
Clerk: Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Thursday 8 June 2006

Jeudi 8 juin 2006

The committee met at 1015 in room 151.

**PROVINCIAL PARKS AND
CONSERVATION RESERVES ACT, 2006**

**LOI DE 2006 SUR LES PARCS
PROVINCIAUX ET LES RÉSERVES
DE CONSERVATION**

Consideration of Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2006, repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts / Projet de loi 11, Loi édictant la Loi de 2006 sur les parcs provinciaux et les réserves de conservation, abrogeant la Loi sur les parcs provinciaux et la Loi sur la protection des régions sauvages et apportant des modifications complémentaires à d'autres lois.

The Chair (Mr. Bob Delaney) Good morning, everyone. Welcome back. This is the standing committee on the Legislative Assembly. We are here to resume our deliberations on Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2006, repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts.

WEENUSK FIRST NATION

The Chair: We have one deputation this morning, from the Weenusk First Nation. Our presenter is Mike Wabano, Chief. Is that just Chief or Grand Chief, Mr. Bisson?

Chief Mike Wabano: Chief.

The Chair: Just Chief, okay. Just making sure. We want to make sure the protocol's correct.

Mr. Wabano, it's fairly informal. You'll have 15 minutes to make your deputation. In the event that you don't use all of your time, I'll divide it among the parties to ask you questions. Just begin by identifying yourself for the purposes of Hansard and then proceed.

Chief Wabano: My name is Mike Wabano. I'm the Chief of Weenusk First Nation. I'm here to make comments on Bill 11 about the new Provincial Parks and Conservation Reserves Act.

From a historical perspective, the Weenusk—Polar Bear Provincial Park in the beginning was not what you call it today, when it comes to our provincial regimes. For example, in 1967 the order in council passed a go-

ahead to do with the Wild River Park, which is along the river from Webequie all the way down to the mouth of the Winisk—the Weenusk First Nation. Back then, we had a reserve up the river, which is about 90 miles from where we are currently situated.

There is a discrepancy about how this park was created when it comes to our reserve. For example, our reserve was not surveyed until about 1971, but in the meantime the creation of those provincial regulations started in 1967. Polar Bear Provincial Park itself, as it is known today, was created in 1970 and, from our understanding, the purpose of this was to preserve the land and the environment.

I would like to make comments on the park itself and the way it was created. There's some kind of discrepancy as to what First Nations understand when it comes to the boundaries in the agreement that was made, what we agreed to when the park was made. For example, when the park was made, as far as the band was concerned, the park started from Ekwan River which is on James Bay to the south, all the way to the north at Cape Henrietta and all the way to the Kenushio toward Hudson Bay. That was the agreement that my people are familiar with and understand, but when changes were made back in 1972, somewhere in there, the province thought there was a potential for a mineral deposit on the Ekwan River, so they moved the park boundaries from Ekwan all the way up north and expanded all the way to Shagamu, which now stands at over 7,000 square miles. I don't know what that is in kilometres, but it's quite a bit.

1020

One of the areas that we're really concerned about—as you know, a good portion of our traditional land is the Polar Bear Provincial Park. Nowhere have we seen our hunting rights—treaty rights, some people call them. Nowhere have we seen in those regulations a guarantee of our right to go hunting, to trap in that park. It's a big park, and a good deal of our traditional land is inside that park. For example, when we start hunting this summer, we all hunt in the park. In the summer, we hunt caribou inside the park. We basically go around the bay all the way to Fort Severn to the tip of James Bay.

To this day, we have constantly asked the province to make our treaty rights guaranteed under this regulation; so far, we have not received that, and that's still a concern. If this bill is passed, our request from the past to

this day is, are our treaty rights going to be considered in this regulation? It's not mentioned.

It's kind of critical for the culture of the people in that area. We don't have supermarkets where we can buy our stuff. We get our food from the land, basically, and if they were to contest which is better—the food from the land is way better. It makes us healthy. So when you look at our culture, if those regulations are imposed on us, if our hunting rights are not recognized, you're threatening the very existence of this culture, because we're healthy people. We had our first case of diabetes in the mid-1970s. If you were to do a survey of other communities, they had it quite a while longer than us. I guess it's basically, when it comes to the park, an issue with the land, where our rights have to be protected, and it's not considered even in this proposed bill. It says our treaty—even aboriginal issues are not mentioned. There's not even a simple clause to state that our treaty rights will be protected. It's not even included in this proposed bill. So we're very concerned about that in light of the Mekisew and the Supreme Court of Canada case. It should be clear now that when you propose legislation, aboriginal people have to be consulted and our input to this policy has to be addressed, and so far it hasn't been done.

Overall, I guess our position with this park is—we don't have an issue with the way they define parks, which is to preserve and protect the environment, but we've been living there for centuries and our traditional ethics, to put it simply, is about managing sustainability when it comes to wildlife. We have done that to this day. We don't threaten animals, we don't threaten the environment; but when you look at the park, those mid-Canadas are there. Fifty years they've been contaminating the land. Our people are getting sick from that. The animals that we eat are getting sick, so naturally we get sick from that because we depend on food from the land. So if there is a concern about the environment, I think the first thing you should do is clean up those sites, because they're affecting my people.

Our rights should be defined through these policies; our treaty rights and our aboriginal title of the land has to be considered, because right now—for example, we did the winter road this year. It's a simple economic development project for us; we haul fuel and supplies to the community by winter road because it's simply more economical and cheaper than a charter. How we went about that was for three years we consulted Ontario Parks and they said, "The policy does not say that you can do projects of this magnitude in the park." For two years we negotiated, and finally, at the discretion of Minister Ramsay, he approved the winter road. That's just at his discretion. What we want is a guarantee that says that we have a right to economic development and planning, to practise our treaty rights. Right now, that's not stated. That's a really serious concern for us. Basically, those are the main points of my presentation. Thank you.

The Chair: Thank you very much. We should have time for one brief question from each caucus, beginning with Mr. Miller.

Mr. Norm Miller (Parry Sound–Muskoka): Thank you very much for making the trip down here to present to us today. I appreciate you making it. I know it's a long way, and I appreciate you coming in to speak.

The last point you were talking about, economic development and concerns with this bill limiting your opportunity as a First Nation for economic development—what sort of opportunities do you see for yourself in economic development that the park would limit you being involved in? Is it water power, or—?

Chief Wabano: Wind energy; there's a lot of potential for wind energy up north, especially in the Hudson Bay area. That's one example.

Mr. Gilles Bisson (Timmins–James Bay): Tell them how much you pay for electricity per kilowatt hour.

Chief Wabano: Sixteen cents per kilowatt.

The Chair: Mr. Bisson, you're out of order. It's Mr. Miller.

Mr. Miller: So wind energy is one example. Have you got any other examples of concerns you'd have about your economic opportunity being limited by the park?

Chief Wabano: Tourism, for example. They're putting a limitation on the kind of vehicles that can be used inside the park.

Mr. Miller: Do you know what class Polar Bear Provincial Park is? Is it a wilderness class park?

Chief Wabano: Yes.

The Chair: Thank you. Mr. Bisson?

Mr. Miller: I'd like to ask more questions.

Mr. Bisson: Yes, he's a pretty tough guy.

First of all, welcome to the committee. As members know, Chief Mike was coming down for another thing, so we appreciate you accommodating, allowing him to present today and not having to do it last week, because it would have been a separate trip altogether.

I guess I pretty well know what the situation is, but just for the benefit of the committee, the issue is—and maybe you can just elaborate on this—as both the waterway park was created and the Polar Bear Provincial Park was created, could you elaborate a bit on what happened as far as the lack of consultation with the First Nation and what the end result was?

Chief Wabano: The water park was not discussed with us when it was created; just Polar Bear park.

Mr. Bisson: That's one of the amendments that you'd like to have, something in there that there is an obligation on the part of the province to consult First Nations on creating parks.

Again, just to give the committee a bit of a sense, your particular community is smack-dab in the park, per se, as most of your traditional territory. Is that correct?

Chief Wabano: Yes.

Mr. Bisson: Is this classified a wilderness park? I'm not quite sure about that.

Chief Wabano: Yes.

Mr. Bisson: So that means to say that under this bill, all of your traditional practices would cease, because in a wilderness park, you can't use motorized vehicles etc.

Chief Wabano: That's right. The Wild River Park itself—I think it's about 60 to 100 feet on each side of the river that you're not supposed to cut trees to make your camp. It's just the way the regulation is. If this becomes law, we're impacted a great deal.

Mr. Bisson: Okay.

Mr. David Oraziotti (Sault Ste. Marie): I appreciate you coming here, Chief Wabano. I have had the pleasure of travelling to Polar Bear Provincial Park in Peawanuck and Attawapiskat and the area, a beautiful part of the province that many people don't have the opportunity to see. Certainly, thank you for making the trek here. It's a significant distance.

The concerns that you've raised—I just want to touch on a couple of things. First of all, the ministry had extended consultation opportunities for all First Nations across the province—one of the reasons why you're here today—and we thank you for being here today.

Your concern around respecting aboriginal or treaty rights with respect to this bill—that is definitely our intent. We will be introducing an amendment this morning to do that in section 3, so that this bill would take into consideration, obviously, all of those rights that are currently in place. All of the existing treaty and aboriginal rights in the province would be respected. This would be subject to those rights as well. So I appreciate your comment on that.

With respect to section 7, we'll also be introducing an amendment that will allow exceptions for the use of motorized vehicles in the parks that you're making reference to so that you can continue to do those traditional activities that you have been doing.

Also, with respect to the development of electricity, you mention wind power. I know in my area of Sault Ste. Marie, we're developing wind turbines on the shore of Lake Superior. I appreciate the northern perspective on this, that there is considerable capacity for wind generation. I just wanted to also let you know that in section 20, we will be making an amendment to address the issue around the lowest cost being a factor for development and the ability to develop wind energy and other electricity forms of generation that would obviously take into consideration your concerns.

I don't have any questions for you, but I just wanted to address those three specific sections that you made reference to and again thank you for taking the time to be here.

The Chair: Chief, we wish you a safe and pleasant stay here and a pleasant journey home.

Chief Wabano: Thank you.

Interjection.

The Chair: Hansard will so note. This committee stands in recess for 10 minutes.

The committee recessed from 1032 to 1052.

The Chair: The standing committee on the Legislative Assembly is back in session. We are at clause-by-clause consideration of Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2006,

repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts.

Are there any comments, questions or amendments to any section of the bill, and if so, to what section?

Section 1: Mr. Bisson.

Mr. Bisson: I move that section 1 of the bill be amended by striking out “ecologically sustainable recreation” and substituting “ecologically sustainable recreation and research.”

The Chair: Questions and comments?

Mr. Bisson: This is based on the presentations that we've had by various people. The motion recognizes the important role Ontario parks play as research sites, and it gives us an opportunity to entrench within the legislation not just trying to sustain our parks for ecological reasons, but also that we're able to become world leaders in developing the sciences around parks management and how we approach that.

The Chair: Further questions and comments? Shall the amendment carry?

Mr. Bisson: You guys have got nothing to say?

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): We wanted to speak earlier, before you spoke, but—

Mr. Oraziotti: Mr. Chair, we've just got all the amendments. I'm going to need 15 or 20 minutes to go through them with the caucus and ministry staff, rather than just proceeding right now.

The Chair: It is your privilege to request a recess.

Mr. Oraziotti: That's what we're requesting, then.

The Chair: Then the committee stands in recess for—do you need 20, or would 15 do?

Mr. Oraziotti: As soon as we can get back here, we will, but we may need up to 20.

Mr. Bisson: Can I make a suggestion? We've all blown our flights for this afternoon. This is really crazy, trying to deal with all of these amendments. This is a technical bill. We're trying to deal with amendments. I don't expect you to understand the rationale of all of mine; I'm just looking at your first one, and I don't understand the rationale of yours. Can we break and come back this afternoon?

Mr. Miller: We may need the time this afternoon. I'd just as soon we take as much time as we need to look over the amendments, but leave available the maximum amount of time to actually work our way through them.

Mr. Oraziotti: Part of why we're in the situation right now is that we certainly wanted to accommodate the chief, who could have been heard earlier, but given this day, we obviously couldn't start clause-by-clause before we heard the last presenter. So here we are today, trying to review each other's amendments to the bill at the last minute. Do you think we could take 20 minutes and come back?

Mr. Bisson: We'll do as much as we can. That'll get us to lunchtime, and then we can work on our amendments over lunch. My only suggestion is—we had kept aside two days for possible hearings. Sometimes we try to truncate these hearings and clause-by-clause in a very short time span, and I think that's the problem. You need

time between the last hearing and the actual amendments, but that's all water under the bridge now.

Mr. Oraziotti: About 20 minutes, if that's acceptable to everyone.

The Chair: The committee stands in recess until 11:15 a.m.

The committee recessed from 1056 to 1134.

The Chair: Welcome back. We are set to begin clause-by-clause consideration of Bill 11 following our brief recess. Just before we left, we were at Mr. Bisson's resolution as an amendment to section 1.

Mr. Bisson: Just to recap quickly—I won't read it again—what we're trying to do here is to add research as part of the management plan, so that we look at parks in the management plan as not just what we have traditionally in the definition but we also look at research, so that we are able to do cutting-edge work towards developing good policies, good methods of being able to preserve our parks and enhance our understanding of them. Hopefully that will put us in a position in future years to become, as we are now, world leaders; just keep us at the cutting edge, on the cusp, of managing parks.

The Chair: Further questions and comments?

Mr. Oraziotti: I appreciate the proposed amendment from the NDP. In paragraph 2(1)4 of the bill, there is an existing reference to objectives which contains research: "To facilitate scientific research and to provide points of reference to support monitoring of ecological change on the broader landscape." It's also referenced in paragraph 2(2)3. So I appreciate the amendment but it is redundant and we won't be supporting it.

Mr. Bisson: Just for the record, it's not redundant because it's in the purpose clause. The purpose clause sets out what the bill is all about. You can hardly say it's redundant, adding it to the purpose clause. If it's in the purpose clause, it applies to the entire bill. If it's somewhere else in the bill, in certain clauses, it only applies to part of the bill. So it was in order to make sure that we understand that the purpose of this bill is to do what it set out, but also to look at the issue of research in all sections of the bill.

The Chair: Further questions and comments? Shall the amendment carry? I heard a no.

All those in favour? All those opposed? I declare the amendment lost.

Interjection.

The Chair: In this business, it doesn't matter whether you've been scored on first or whether you got the first goal.

Mr. Bisson: Tell that to Edmonton.

The Chair: They didn't get a goal at all.

Shall section 1 carry? Carried.

Mr. Bisson: No.

The Chair: No? Was that a no?

Mr. Bisson: I want to vote.

The Chair: A show of hands. All those in favour of carrying section 1? All those opposed? Section 1 is carried.

Section 2: Questions and comments?

Ms. Jennifer F. Mossop (Stoney Creek): I move that paragraph 2 of subsection 2(2) of the bill be struck out and the following substituted:

"2. To provide opportunities for ecologically sustainable land uses, including traditional outdoor heritage activities and associated economic benefits."

The Chair: Questions and comments?

Mr. Bisson: Could you just explain that, because you're taking out the words "outdoor recreational opportunities." Explain the rationale.

Mr. Oraziotti: The rationale is to ensure that we're able to include those traditional activities that have been taking place in our parks. It makes the definition a little bit broader.

Mr. Bisson: You see this as making it broader? Currently it reads "sustainable outdoor recreational opportunities," and we're removing "outdoor recreational opportunities" and just calling them "heritage activities and associated economic ... " development. So does it limit—

Mr. Oraziotti: Part of the rationale is that the—

Mr. Bisson: Can we bring the ministry here? Is that possible, on the really technical ones?

Mr. Oraziotti: Yes, they're here.

Mr. Bisson: Can we have somebody maybe come and explain this? Is it "limit" or is it "expand?" That's what I'm trying to figure out here. I appreciate your explanation, Mr. Oraziotti.

Sit down. Give your name, please.

1140

Mr. Robert Moos: Bob Moos, Ministry of Natural Resources. In essence, the Ontario Federation of Anglers and Hunters was concerned that some of their traditional activities weren't recognized by the current language. So we're trying to use language that is a bit more inclusive, that would give them comfort that the activities they engage in are included within this objective. That is essentially the reason.

Mr. Miller: So does your taking out "recreational opportunities" in any way change the recreational opportunities?

Mr. Moos: No, because traditional "recreational opportunities" is not clearly defined in the legislation and we believe it's as broad basically as "recreational activities."

Mr. Oraziotti: It's consistent with what they had suggested.

The Chair: Further questions and comments?

Mr. Bisson: Just in regard to, let's say, Weenusk First Nation, as far as heritage activities, does it include all of their activities, in addition?

Mr. Moos: It could be construed as including some of those, but those are also dealt with under the Constitution Act and have a separate life of their own.

Mr. Bisson: Let me give you this as an example. One of the parks that I visited in northwestern Ontario, Pikan-gikum or one of those communities, was next to a park. The issue was that they were limited in some of their traditional activities by the creation of the park. So does this expand that ability?

Mr. Moos: No, but I think there's another motion that may give some comfort there.

The Chair: Further questions and comments?

Shall the amendment carry? Carried.

Shall section 2, as amended, carry? Carried.

Section 3.

Mr. Bisson: I move that section 3 of the bill be amended by adding the following paragraph:

"3. An ecosystem management approach based on the greater provincial park ecosystem or the greater conservation reserve ecosystem shall be employed to maintain or restore ecological integrity within provincial parks and conservation reserves."

The Chair: Questions and comments?

Mr. Oraziotti: The minister has publicly committed to a policy to review this. It falls, really, outside of the scope of this particular act, so we cannot support it.

The Chair: Further questions and comments?

Mr. Bisson: That's rather regrettable.

Mr. McMeekin: At this time.

Mr. Bisson: At this time. So you'll get a promise for the next election. Is that what it is?

Interjection.

Mr. Bisson: Hang on, hang on.

Mr. McMeekin: You don't want to agree to consultation and then prejudice the consultation.

Mr. Bisson: Oh, my God.

Mr. Mario Sergio (York West): Mr. Chairman, let's get on with it.

The Chair: Mr. Bisson is entitled to his questions and comments.

Mr. Bisson: We heard a number of deputations on this whole issue of the good neighbour clause. I understand there are two sides to this particular story, but there's a good point to be made. If you have a geographical boundary that's here and some activity just on the outside of the park is going to have an effect on the park itself, it seems you need some kind of mechanism to be able to deal with that.

Mr. McMeekin: That's what we're looking at.

Mr. Bisson: You're not looking at it, because you're voting the motion down.

Mr. Oraziotti: The act itself does not deal specifically with land use planning issues. That would obviously be dealt with in other land use planning issues around municipalities and consultation. So that's not specifically part of the purview of this act and that's the reason why we can't support it.

Mr. Bisson: Again, I appreciate what you're saying, which is that you're going to vote against the amendment, but let's be clear. There were a number of presentations that were made to this committee and they were pretty unanimous on this particular issue. We need to recognize what the bill does. Number one, it deals with how we deal with the parks management system. We bring the policy into legislation, which is a good thing. We've said that in the House; we're in support of that. But we certainly have to take into consequence what happens outside of the park to a degree, because you can

have something that happens as an activity outside the park that may very well impact. For example, if you have a development upstream on a river that flows through the park, if you have some kind of activity that's happening upwind from the park, you have to be able to look at that stuff so that whatever happens doesn't migrate into the park and create a problem. So I would just understand your rationale a little bit more, why you want to vote against it.

Mr. Oraziotti: Mr. Bisson, you're absolutely right in terms of the overall framework here and considering what is in the interest of the park system in the province, but that is not dealt with in this bill. That's a land use planning issue. It's something that needs to be taken into consideration. Let's not forget that we also heard presentations from individuals who wanted no type of framework around parks or outside of parks and those who would have this legislation go further and regulate other areas well beyond the boundaries of the park. Let's stick with the focus of the bill. That's the reason we can't support it.

Mr. Bisson: But you could have amended the other bill through here. There's no reason why you can't, when drafting a bill, deal with that issue. Well, it's your vote; you stand on your votes.

The Chair: Shall the amendment carry? I heard a "no."

All those in favour? All those opposed? I declare the amendment lost.

Shall section 3 carry? Carried.

Section 3.1.

Mr. Miller: I move that the bill be amended by adding the following section:

"Existing aboriginal or treaty rights

"3.1 Nothing in this act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the Constitution Act, 1982."

We certainly heard from many First Nation groups that were concerned that this bill would affect their treaty rights. This is meant to address that situation, and I note that there are some other similar amendments put forward by other parties as well.

Mr. Bisson: The amendment presented by the Conservative caucus is identical to ours, so we will support it.

Mr. Oraziotti: As members can see in the package, the government has an amendment addressing this issue. As I mentioned this morning to the presenter, we would be making reference to the act not superseding First Nations treaty rights. So we will not be supporting this amendment. We will be supporting the next amendment, which—

Mr. Bisson: Hang on a second; I'm a little bit lost here.

Mr. Oraziotti: It's covered; it's taken care of.

Mr. Miller: It's up to you. All you do is support this one, just to be nice to me, and then yours are done.

Interjections.

Mr. Miller: This is important. Then we don't have to vote on the next two.

The Chair: If the Chair can interject, we have three identical motions. If this motion is defeated, the other two will be ruled out of order because they are identical. So I put it—

Mr. McMeekin: Would you entertain a motion then, Mr. Chairman, that in the spirit of moving this forward we would roll all three motions together, with all-party consensus, and vote on them as a block?

The Chair: That would be out of order. We are in fact considering Mr. Miller's motion. Mr. Miller's motion is, word for word, identical to the following two motions.

Shall the amendment carry? Carried.

Mr. Sergio: For clarification, we have an NDP motion, we have a government motion and we have a PC motion. Unless the professional people—staffers, lawyers—can tell us here that two identical motions, even though they come from different political parties, should be treated the same, then I have a problem with this. They may be identical, but they come from three different political parties. Can we have some clarification on this?

Mr. Bisson: It's called the standing orders, and the standing orders are that if you vote against an identical motion, it kills all the others. That's what the issue is.

Mr. Sergio: Excuse me, can I hear from the—

Mr. Bisson: But that's what the standing orders are. You won't even accept my explanation; you have to hear it from—my God.

The Chair: Okay, let me reiterate it: Under the standing orders that govern the procedures of this committee, if the first of any number of identical motions is turned down, the balance are indeed out of order. The version of this bill, once adopted, will not show which party put forward the motion.

Mr. Sergio: For the benefit of Mr. Bisson, during our briefing this morning, there were two identical motions, and one came from the opposition. To be courteous to the opposition, we should support their motion, all right?

1150

The Chair: Splendid.

Interjections.

Mr. Oraziotti: That's fine. I was just checking. We've spent some time going through these. The package is quite lengthy. I was concerned that, although the spirit is there and the wording was identical, there was not some other change. We're dealing with First Nation issues that are impacting on this bill and it's important that our motion be identical; it's just to have an opportunity to verify that it is identical and not simply the same in spirit.

Anyway, that's fine. We'll support both of these motions—or all three of them.

The Chair: Mr. Oraziotti, you're just going to have to take unanimity on this one.

Mr. Bisson: Anonymity can be so difficult.

The Chair: The amendment, as I understand it, has carried.

We're considering section 4. In your package of amendments that would be number 3(c).

Mr. Bisson: I move that subsection 4(1) of the bill be amended by adding the following definition:

“‘First Nation’ means a band as defined in the Indian Act (Canada);”

It's under the definitions of that particular section. We take it directly from the Constitution Act, just for the purpose of the subsequent amendments, so that we're clear what the definition is.

Mr. Oraziotti: I think we have an identical motion in the package, if members want to take a look at page 33 in the package, section 52(4). I'm just checking the wording here to make sure it is identical: “‘First Nation’ means a band as defined in the Indian Act (Canada).” So I think we're—

Mr. Miller: There is this NDP motion and then there are some other motions that have fairly similar wording that deal with other sections. Do they work together? Are they compatible? I would ask legal counsel.

Mr. Bisson: Yes.

Mr. Oraziotti: It's in a different section.

Mr. Miller: I assume they are, but just not being a lawyer—

Mr. Oraziotti: We're prepared to support it, but it needs to go in another section.

The Chair: If the Chair could interject on this, in Mr. Bisson's proposed amendments his definition applies to global definitions for the entire bill. In Mr. Oraziotti's later motion, his definition would apply to section 52 of the bill only.

Mr. Bisson: Which is regulations only.

The Chair: That would be the difference.

Mr. Bisson: That was my point. They are similar but their effect is different. Your amendment, which we would support, would deal with all the regulations and the powers of the minister to make regulations under the act. Ours doesn't deal with just the regulations, it deals with the act in its entirety. So as I understand it—and maybe we're going to get good clarification here. Do you have something you want to add?

The Chair: Would staff like to provide clarification? Please identify yourself for Hansard.

Ms. Krystine Lintell: Krystine Lintell, counsel, legal services, Ministry of Natural Resources. The reason is that that's the only place where the term “First Nation” is used. In order to—

The Chair: Could you please lean a little bit closer to the microphone.

Ms. Lintell: In order to properly position it in the interpretation section, it needs to be used in more than one provision of the act.

Mr. Bisson: But we have a number of amendments that deal with First Nations. That's why we put it in definition. In fact, we just dealt with the non-derogation clause where the term “the aboriginal peoples of Canada” is used. Our point is that we have further amendments coming in the bill that deal with First Nations. In order to

make that consistent, that's why we have that particular amendment.

Ms. Lintell: Would we not have to determine whether your motions carry in order to—

Mr. Bisson: The problem is that the rules don't allow us to do that. We're going through clause-by-clause of the bill in order. We've looked ahead at what our amendments are, and our amendments deal with a number of First Nations issues. Therefore, we've got a definition for that. I can't go and deal with the amendments—we've got to do this in order.

Ms. Lintell: I understand.

Mr. Bisson: You follow?

Ms. Lintell: Yes.

The Chair: Further questions and comments? Shall the amendment carry? Carried.

Interjections.

The Chair: Order. I did not hear a dissenting vote. Let's try it again: Shall the amendment carry? I heard a no. All those—

Mr. Bisson: On a point of order, Mr. Chair: You asked for the question. There wasn't a no. It was to the affirmative, so therefore it's dealt with.

Interjection.

The Chair: Order. Mr. McMeekin, I asked very clearly, "Shall the amendment carry?" I heard "carried"; I did not hear a no.

Interjections.

Mr. Bisson: But you have to say no. It was like the other day. You didn't know how to vote on the opposition day motion.

Interjections.

The Chair: Order. All those—

Mr. Bisson: On a point of order, Mr. Chair: The voting procedures are clear. They're set out in the standing orders. You called the question. If I am opposed, I have to say no when you call the question. There were no noes, so therefore it's a yes. You're not going to vote twice on the same motion.

Interjections.

The Chair: Hold on. Mr. Miller.

Mr. Miller: The motion obviously carried, and the government didn't realize they needed to speak up. Maybe the clerk could clarify the process if the government wants to address it again, or how they can address it.

The Chair: The Chair rules that the motion has carried. Thank you.

Mr. Oraziotti: Excuse me, Mr. Chair. I spoke in opposition to this amendment very clearly. We've also had a legal opinion in opposition to this. You called for the vote—

The Chair: Mr. Oraziotti, I've ruled that the motion has carried. If you choose to oppose a motion when I ask, "Shall the amendment carry," please say no. This amendment has carried.

Mr. Sergio: On a point of order, Mr. Chair: Perhaps not to encounter the same problem as we move on, in-

stead of "carries" or "not carries," can you please say, "in support" or "not in support"?

Mr. Bisson: That's not the way it works.

Mr. Sergio: Are you the Chairman, Mr. Bisson? I would ask that the Chair call "in support of the motion"—

The Chair: Order. Mr. Sergio, I will run the meeting pursuant to the standing orders. I will ask, "Shall the amendments carry?" And in the event I hear a no, I will ask for either "All those in favour" or "opposed," or, upon request, a recorded vote.

Mr. Sergio: When do we call for a recorded vote, Mr. Chairman?

The Chair: Mr. McMeekin.

Mr. McMeekin: Mr. Chairman, with all due respect, and I may have heard you wrong, but what I—

Interjection.

Mr. McMeekin: Do I have the—I'm speaking.

The Chair: Mr. McMeekin.

Mr. McMeekin: Mr. Chairman, I may have misheard you, but I say with respect that I distinctly recall—

The Chair: Mr. McMeekin, you cannot challenge a ruling by the Chair. The Chair has ruled that the amendment carried.

The committee stands in recess until after routine proceedings.

The committee recessed from 1158 to 1600.

The Chair: Good afternoon and welcome back to the consideration of Bill 11. At the recess we were just beginning consideration of a PC motion on page 4 in your package. This is pursuant to section 4. Mr. Miller?

Mr. Miller: I move that subsection 4(3) of the bill be amended by striking out "and" after clause (a), by adding "and" after clause (b) and by adding the following clause: "(c) ecologically sustainable recreation."

Section 4 is the "Definitions and interpretation" section. In section 1 of the bill, the "Purpose" of the act, it states, "and provides opportunities for compatible, ecologically sustainable recreation." In section 2, which is "Objectives," it says, "To provide opportunities for ecologically sustainable outdoor recreation." This amendment is necessary to ensure explicit consistent application of this.

The Chair: Questions or comments?

Mr. Bisson: A question to Mr. Miller: Does that, in your opinion, weaken the legislation as far as protection is concerned?

Mr. Miller: No, I think it's consistent with the purpose and the objectives. I think it's just clarifying, not weakening.

Mr. Oraziotti: We will not be supporting this amendment as it does, in our opinion, weaken ecological integrity. It's obviously the issue "sustainable recreation" that would do that. We feel this is covered in paragraph 2 of subsection 2(2). Those are our comments.

Mr. Miller: I'm not likely to convince the government members, but I would like to point out that it's stated virtually identically under the purpose of the bill and in the objectives of the bill. If anything, this just

clarifies what the purpose and objectives state and makes it clearer.

The Chair: Further questions and comments? Shall the amendment carry?

All those in favour? Those opposed? I declare the amendment lost.

Amendments to section 4.

Mr. Miller: I move that section 4 of the bill be amended by adding the following subsection:

“Same

“(4) The ecological integrity and sustainability of crown forests outside of provincial parks and conservation—”

Sorry, this is the one I wanted to change. I’ve spoken to the clerk and given her the exact wording of it. I’ll start over to give you the exact amendment.

Under subsection 4(4) of the bill:

“Same

“(4) This act does not apply to crown forests outside of provincial parks and conservation reserves.”

This is to make it clear that outside of protected areas, the Crown Forest Sustainability Act governs forestry activities. Just so it’s clear what the actual amendment is, it is, “This act does not apply to crown forests outside of provincial parks and conservation reserves.”

The Chair: Questions and comments?

Mr. Bisson: Again, just a question: I take it it’s just to keep us in compliance with the CFSA, is what you’re getting at.

Mr. Miller: Yes.

Mr. Bisson: Is it your fear this bill will impact on those forests?

Mr. Miller: This is an amendment that has been sought by the Ontario Forest Industries Association. They’re concerned about park creep affecting their activities, and they feel the Crown Forest Sustainability Act does its job.

Mr. Bisson: If it’s good enough for Jamie Lim, it’s good enough for me.

Mr. Oraziotti: This is beyond the scope of the act. What we’re doing today applies to the parks act. We cannot support this amendment.

Mr. Miller: If I may add another comment, the wording is very similar to wording used in the Crown Forest Sustainability Act that states, in the case of the Crown Forest Sustainability Act, “This act does not apply to a crown forest in a provincial park within the meaning of the Provincial Parks Act, 1994,” so it’s basically saying that, but from the other side. I think it is within the parameters of what this bill is dealing with.

The Chair: Further questions and comments? Shall the amendment carry?

All those in favour of the amendment? All those opposed? I declare the amendment lost.

Shall section 4, as amended, carry? Carried.

Section 5: Amendments?

Mr. McMeekin: I move that section 5 of the bill be struck out and the following substituted:

“Parks dedicated to the public

“5. Ontario’s provincial parks and conservation reserves are dedicated to the people of Ontario and visitors for their inspiration, education, health, recreational enjoyment and other benefits with the intention that these areas shall be managed to maintain their ecological integrity and to leave them unimpaired for future generations.”

The Chair: Questions and comments?

Mr. Bisson: Basically, all you’re doing is going from “benefit” to “benefits.” Maybe you could just explain that a little bit. I think I know where you’re going.

Mr. Oraziotti: I think it’s fairly straightforward. By adding “other benefits,” the amendment makes it clear that protected areas can provide a range of benefits, such as scientific or economic benefits to the province. It’s been recommended by the parks board.

Mr. Bisson: Just a question: Do you have the feeling that if you left it in the singular, you can only have one benefit, that it would have made it contrary to the act to have two benefits?

Mr. Oraziotti: I’ve made my comments, Chair. Thank you.

Mr. Bisson: So you’re in favour of multiple benefits, not single benefits?

Mr. McMeekin: That’s right.

Mr. Bisson: That’s all I wanted to know.

The Chair: Mr. Bisson, as always, can split semantical hairs in two languages.

Shall the amendment carry? Carried.

Shall section 5, as amended, carry? Carried.

Section 6: Amendments?

Mr. Bisson: I move that section 6 of the bill be amended by adding the following subsection:

“Existing agreements continued

“(2) All agreements made in respect of provincial parks and conservation reserves in existence when this act is proclaimed in force shall continue and shall be deemed to be authorized under this act.”

Just by way of explanation, you will know that there has been a number of agreements that have been negotiated by MNR and various individuals—First Nations and other users—when creating some of the reserves, conservation areas and even some of the parks. We need to make sure that those agreements that were negotiated stay in place.

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For example, in the creation of a conservation reserve, there might have been a First Nation community that was using part of that reserve as part of their trapping grounds, so we needed to negotiate agreements about what can and can’t be done. Some of that stuff was done; it was fairly intense negotiation in some cases. I know there were cases in Quetico Provincial Park, when it was created, where existing users would not be isolated from utilization of their areas by the creation of the park and the park boundaries. This is to make clear that those agreements that were negotiated in the existing parks stay in place when this act is proclaimed.

The Chair: Further questions and comments?

Mr. Miller: I would support this amendment. I know the minister has stated to many groups that the status quo would be maintained with this legislation, so I will be supporting it.

Mr. Oraziotti: We will not be supporting this amendment. This is already covered in subsection 13(3): “Commercial agreements, leases, land use permits and licences of occupation made in respect of the use or occupation of land in provincial parks or conservation reserves before this section is proclaimed in force shall continue according to their terms and shall be deemed to have been made under this act.” We feel it’s covered. Those are our comments.

Mr. Bisson: To that point: We saw that in the act, and like you, we were alerted to subsection 13(3). But as we read this, we were contacted by a few people who happened to be in situations where they don’t have a commercial agreement, they don’t have a lease, they don’t have a land use permit, and they sort of fall outside of this. It’s a bit grey where they’re at, because they were agreements that in some cases had nothing to do with commercial operations. So they were seeking to have a more general section put in the act in order to make sure they don’t fall between the cracks.

The Chair: Further questions and comments?

Mr. Bisson: Can I twist your arm? How about if I give you five jujubes?

The Chair: With that as a prelude, shall the amendment carry?

All those in favour of the amendment? All those opposed? I declare the amendment lost.

Shall section 6 carry? Carried.

Section 7: Mr. Bisson, you have another section.

Mr. Bisson: I move that subsection 7(1) of the bill be amended by adding the following paragraph:

“3.1 First Nation Cultural Heritage Class Parks.”

This speaks directly to a presentation that was made by Grand Chief Stan Beardy from Nishnawbe Aski Nation and a few others with regards to recognizing that First Nations have a lot to contribute when it comes to the whole issue of creating parks. They thought it would be appropriate that we have an additional description under section 7 so that we could also develop what’s called a First Nation cultural heritage park, which would probably be quite a nice thing to do on behalf of First Nations. I know that the government wants to support First Nations, so they will support this motion.

The Chair: Questions and comments?

Mr. Oraziotti: I appreciate the recommendation here. As the member knows, the minister is working with Pikangikum First Nation to develop protected areas. I think what may be a bit misleading, though, is the suggestion that all First Nations are in agreement with the types of cultural areas or parks that could be created. There is not agreement among First Nations. They need further consultations, and we’re certainly prepared to do that.

I’d also draw your attention to subsection 7(4), which has cultural heritage class parks inclusive of all cultures

in the province of Ontario. So we can’t support the amendment.

Mr. Bisson: Further to that, first of all, to say that there’s no unanimity within the First Nations communities—that’s kind of the case with the rest of society. I have yet to see any particular individual language or cultural group to be in unanimity. God, we don’t even have unanimity in this room; imagine that. So if we’re going to paralyze ourselves on the basis of somehow or other we have a different standard when it comes to First Nations and the only way we move forward is by everybody being on the same page, we’ll never get anywhere. Imagine having that in the Legislature. We’d never get anywhere for sure.

In regards to your comments about Pikangikum, I’ve been to Pikangikum a couple of times. As you know, there’s great consternation there within the community in regard to what happened to them with the creation of parks right around their community. There’s certainly a sense on the part of many First Nations that if you don’t put this in the legislation, it’s a little bit like waiting for Santa Claus to show up. Santa Claus is promised, never comes down the chimney and Christmas never comes. They’re just waiting for something in the legislation to know that Christmas can come early this year and David Oraziotti can deliver it. So if you change your mind, Christmas will come early for many people in northern Ontario.

The Chair: Shall the amendment carry?

Mr. Bisson: To the point about Christmas, you’ve got to say yes.

Mr. Lorenzo Berardinetti (Scarborough Southwest): No to the amendment, Mr. Chair.

Mr. Bisson: No to Christmas.

The Chair: All those in favour of the amendment? All those opposed? I declare the amendment lost—there, however, being at least two potential Santa Clauses on the committee.

Mr. Bisson: Well, some of us can fit in the suit.

The Chair: Further amendments?

Mr. McMeekin: I move that subsection 7(2) of the bill be struck out and the following substituted:

“Objectives: wilderness class parks

“(2) The objective of wilderness class parks is to protect large areas where the forces of nature can exist freely and visitors travel by non-mechanized means, except as may be permitted by regulation, while engaging in low-impact recreation to experience solitude, challenge and integration with nature.”

The Chair: Questions and comments?

Mr. Miller: I note that this change would effectively discriminate against those who rely on things like wheelchairs, for example, so against disabled people. Also, it would mean that mechanized devices like bicycles or canoe portage carts would not be allowed. I received a letter from a lawyer on this specific issue raising that concern. He notes that he called the MNR to learn that—he called three wilderness parks, and they all welcome bicycles at the current time. This change—going from

travel primarily by non-motorized means to travel by non-mechanized means—means that bicycles or wheelchairs would not be permitted in parks. As I say, I think this would certainly be discrimination against the disabled, and not necessarily something that we want to see happening.

In the letter I received from this lawyer, he points out as well that in terms of the way the legislation is drafted, it's inappropriate to draft it and then look at exceptions. He specifically said to me, "It is inappropriate for the Ontario Legislature to place a restriction on the use of specific vehicles such as bicycles and wheelchairs in a section setting out the objectives for wilderness parks. This is so particularly in the view of the fact that bicycles are currently allowed in Ontario wilderness parks. It would be more appropriate for a rule regarding restrictions on the use of bicycles and wheelchairs to be dealt with specifically in regulations," versus in the bill itself. So based on that, I won't be supporting this.

The Chair: Further questions and comments?

Mr. Oraziotti: It's certainly the intent of the government to ensure that things like bicycles, boat lifts, wheelchairs and the like will be made available and accessible for parks that currently allow those. That amendment will be put forward by the government in section 52. If members care to look, that's on page 32 of your package.

The Chair: Further questions and comments? Shall the amendment carry? Carried.

Further amendments to section 7?

Mr. Bisson: I move that section 7 of the bill be amended by adding the following subsection:

"Objectives: First Nation cultural heritage class parks

"(4.1) The objective of First Nation cultural heritage class parks is to protect elements of First Nations' distinctive cultural heritage in open space settings for their intrinsic value and to support interpretation, education and research."

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The Chair: Questions and comments?

Mr. Oraziotti: We discussed this earlier, and we gave a rationale for this. We won't be supporting this amendment.

Mr. Bisson: First of all, it's out of order. You guys aren't paying attention.

Mr. McMeekin: You made an out-of-order motion. Shame on you.

The Chair: It must be Thursday, late in a sitting.

Shall section 7, as amended, carry? Carried.

The eagle eye of the clerk's staff would definitely have picked up all of these, had the amendments been tabled with at least one long evening to go through them.

Mr. Bisson: You've got that right.

The Chair: That said, the Chair accepts the "gotcha."

Section 8: Are there amendments to section 8?

M. Bisson: J'ai un amendement que j'aimerais mettre en place.

I move that subsection 8(1) of the bill be struck out and the following substituted:

"New parks and conservation reserves

"8(1) The Lieutenant Governor in Council may by order set apart as a provincial park or a conservation reserve any area in Ontario, may increase the area of any provincial park or conservation reserve and may prescribe the boundaries of any provincial park or conservation reserve, consistent with the purpose, dedication, objectives and principles of this act."

The Chair: Questions and comments?

Mr. Oraziotti: We cannot support this amendment. We need the ability to decrease the size of a provincial park, and obviously there are ways to purchase other land to add to that park for various reasons or to correct errors in the transference of land. So we won't be supporting this motion.

Mr. Bisson: It's rather sad, because this is sort of like marking the continuation of what are floating boundaries. We've seen with the greenbelt legislation the government's willingness to move on these floating boundaries. You have a greenbelt or you don't have a greenbelt. You're not quite sure, depending on where you are at any minute of the day. What we're trying to do here, as you'll see through the various parts of section 8, is to make clear that once a park is established, the only way we can undo the park is by an act of the Legislature.

As we know, there's a fairly strong sense in the province that parks are an important part of our heritage, that we need to make sure at the end that we protect those parks. I always thought the reason we're doing this whole bill in the first place is to protect parks, and what better way to do that than to say, "If there's going to be an amendment to the boundary, you have to come to the Legislature to get approval"? If there's a good reason, members in their infinite wisdom will vote in favour, and if not, they will reject it.

The Chair: Further discussion?

Mr. Oraziotti: Just on that, I'll add these comments: We're prepared to lower the threshold to 1% or 50 hectares. Anything that is that amount or less would be subject to the approval of cabinet and the minister. Burdening the Legislature with many minor amendments is somewhat excessive. So we're not going to support the amendment.

Mr. Bisson: I'm not going to belabour this, but just say that it's never a burden for legislators to do their job. I don't have an aversion to having a bill come to the House to be debated on the change of the bill.

Interjection.

Mr. Bisson: What do you mean "bogged down"? It's democracy. Either this government believes in democracy, or they don't. I'm so disappointed.

The Chair: Shall the amendment carry?

All those in favour? All those opposed? I declare the amendment lost.

Further amendments to section 8? Mr. Bisson.

Mr. Bisson: I move that section 8 of the bill be amended by adding the following subsections:

"Same, identifying and consulting First Nation communities

“(1.1) Before the Lieutenant Governor in Council sets apart any area in Ontario as a provincial park or conservation reserve or increases the area of any provincial park or conservation reserve, the minister,

“(a) shall identify all First Nation communities whose lands or traditional territories may be affected by the establishment of the provincial park or conservation reserve or by the increase in the area of the provincial park or conservation reserve; and

“(b) shall consult with such First Nation communities.

“Same, involvement of First Nation communities

“(1.2) As part of the process of setting apart an area in Ontario as a provincial park or conservation reserve, the minister shall ensure that,

“(a) opportunities for co-management with local First Nation communities are considered;

“(b) traditional ecological knowledge of First Nation peoples is considered; and

“(c) a First Nation person with traditional ecological knowledge is included among the individuals who are charged with establishing the new provincial park or conservation reserve.”

This particular amendment speaks to what was said by Chief Mike Wabano, Grand Chief Stan Beardy, Chief Arthur Moore from Constance Lake and others who came before us. It's unfortunate that we have a very long history in this province of creating parks and not consulting First Nations. Mike Wabano from Peawanuck—Winisk, as it used to be known—was here to say that when they created the Polar Bear Provincial Park, it was done without the knowledge of the First Nation. The First Nation was sort of the last to know. When they created the waterway park, it was the same story. We have the same story in Pikangikum, Constance Lake and a number of places, you name it, where the crown has gone in and created a provincial park without going to the people who are the traditional utilizers of the land to say, “A provincial park is being built.” So the very first part of the amendment says you've got to consult with the First Nations if you're going to create a park.

The second thing is something where we really have an opportunity to do what's right here, and that is the use of traditional knowledge. Mr. Orazietti rightfully talked about the process in Pikangikum, where Pikangikum is trying to deal with developing its own approach to land use planning. They're involved with the Ministry of Natural Resources to do that. In this particular project, they're using traditional knowledge, the knowledge of the elders about how you use the land, what the natural cycles are, where the various burial sites are and all those things that are traditional knowledge that First Nations people would know, but are not written down in any book somewhere at Queen's Park or in our archives. It allows us to make sure that we're able to bring in traditional knowledge in developing our parks.

The last part is to make sure that happens by putting on the parks management group somebody who is basically knowledgeable of the traditional values and is able to take part in the process right from the beginning.

The Chair: Questions and comments?

Mr. Orazietti: We will not be supporting the amendment. The amendment deals also with land use planning issues, and we don't feel that's within the purview of this act. The minister has made it clear that we're prepared to consult with First Nations and we're going to continue to do that. The minister is already doing that in a number of instances and we don't feel it's appropriate to bring these particular criteria into this bill.

Mr. Miller: I'd say the main complaint from the various First Nations groups we heard from was that they haven't been consulted; I think just about every group that presented to us stated that they were not consulted.

I'll ask a question of Mr. Bisson: I assume this is to do with new parks being created, not existing parks?

Mr. Bisson: Yes, new parks, but also, where we have existing parks and we're doing park planning, that we use traditional knowledge and we bring a First Nations person onto the team who has that knowledge.

The Chair: Further questions and comments?

Mr. Bisson: I'd just say to Mr. Orazietti, the problem is that if we have to rely on the whims of the minister—in this case, maybe David Ramsay's trying to do the right thing. I don't argue that for a second. But you may have at one point the current minister changing his mind, or a new minister changing their mind and saying, “I'm not going to live to that principle of first of all consulting with First Nations,” which they should do, according to the Supreme Court decision, but deciding not to involve First Nations as far as use of traditional knowledge. This puts it in the act. We're not talking about land use planning outside of the park. We're talking specifically in subsection (1.2)(c) about “a First Nation person with traditional ecological knowledge is included among the individuals who are charged with establishing”—and that is the key word—“the new provincial park or conservation reserve.” We're not talking about land use planning outside of the park; we're talking about the park.

Mr. Orazietti: Let's not forget that when we began this process, all three parties here agreed that we were going to have an amendment to this bill where we would respect the existing treaty rights of aboriginal peoples. Obviously, their input is going into this process. We're all consistent in our agreement with that, so this bill is not going to do anything to infringe upon those traditional treaty rights as they currently exist. It requires our consultation, obviously, if there's going to be an additional park created that may impact upon First Nations communities. Those are our comments, and we can't support the amendment.

Mr. Bisson: Well, a non-derogation clause and this section are two different things. Non-derogation clauses say that this park can in no way infringe upon aboriginal treaty rights. It is not an aboriginal treaty right to be consulted on the creation of a park. What you have is the Mikisew decision of the Supreme Court that says governments should consult; not “must,” but “should” consult. What we're trying to do by way of this particular amendment is a totally different thing, which is to say, “Let's

recognize that First Nations have a contribution to make when it comes to the development of a park plan in an area where they're affected."

For example, it seems to me to make ultimate sense that if we're going to have a park plan for the Polar Bear Provincial Park, who better to be on the park planning committee than people who are from the First Nation who live there? As Chief Mike Wabano said this morning, they've been there for hundreds of years. They understand the natural cycles of the land.

I was in Peawanuck a couple of weeks ago with one particular individual on the river, who was explaining some of the natural occurrences that happen to the landscape there because of the herds of caribou coming through, and basically how various flowers pollinate because of all of the stuff that goes on with birds and whatever else—I'm digressing. My point is, they understand this stuff because they've been doing it and they've been living it for hundreds and hundreds of years. What we're trying to do is say, please, let's make sure that we first of all consult when creating a new park and then put them on the park's planning committee so that they can use their traditional knowledge and we can benefit from that.

The Chair: Further questions and comments? Shall the amendment carry?

All those in favour? Opposed? I declare the amendment lost.

Mr. Bisson: Chair, can I ask for about a three-minute recess? I need to check on my mother for a second.

The Chair: The committee is in recess for three minutes, give or take.

The committee recessed from 1632 to 1633.

The Chair: Is everything okay?

Mr. Bisson: Yes.

The Chair: All right. Resuming consideration of amendments to section 8. Mr. Bisson.

Mr. Bisson: Subsection 8(3) of the bill: I move that subsection 8(3) of the bill be struck out.

This is fairly straightforward. It removes the ability of the Lieutenant Governor in Council to remove any area from a provincial park solely via regulation. It speaks to what I said before: We've either got a park or we don't have a park, but we should protect the integrity of the park. The best way to do that is to make sure that any changes to the boundaries have to come to the Legislature.

The Chair: Questions and comments?

Mr. Oraziotti: Only that we spoke to this previously and we won't be supporting it.

The Chair: Shall the amendment carry? I declare the amendment lost.

Amendments to section 8? Mr. Sergio.

Mr. Sergio: I move that subsection 8(3) of the bill be struck out and the following substituted:

"Disposition of land, less than 1% of the area

"(3) The Lieutenant Governor in Council may by order dispose of an area of a provincial park or conservation area that is less than 50 hectares or less than 1% of the

total area of the provincial park or conservation area, whichever is the lesser."

The Chair: Questions and comments?

Mr. Oraziotti: I think it's fairly straightforward. It lowers the threshold for deregulating portions of protected areas from 100 hectares to 50 and from 2% to 1%.

Mr. Bisson: Here's the game; this is how it's going to work: You want to all of a sudden float the boundary of the park at the north end, which you're going to be able to do, just add possibly additional—let's say that you want to get above the 1%; you want to move 2% or 3% out of the park. What the government is going to be able to do by way of this amendment is say, "I'm going to basically add a little bit of geography at another part of the park," and then, conversely, go and basically remove what they want at the other end of the park. In other words, increasing the size of the park 1% gets larger.

You're trying to make us believe that this is better, but at the end of the day we're still where we're at now. If you're trying to get the 2%, you can still do it with this particular amendment, because all you've got to do is increase the size of the park by whatever percentage you want somewhere else and basically have the same geographical area that you wanted to get in the first place. I just want to let you know, we know what you're up to, and this is not protecting parks. That's exactly what it is.

The Chair: Further questions and comments? Shall the amendment carry?

All those in favour? All those opposed? I declare the amendment carried.

Further amendments to section 8?

Mr. Bisson: Bonjour, monsieur le Président de notre comité. C'est donc un plaisir d'être ici avec vous aujourd'hui.

Subsection 8(4) of the bill: I move that the portion of subsection 8(4) of the bill before clause (a) be struck out and the following substituted:

"Disposition of land

"(4) The Lieutenant Governor in Council may not order the disposition of an area of a provincial park or conservation reserve unless"—and we'll get into the "unless" later.

The Chair: Questions and comments?

Mr. Bisson: It's the same argument that we've been making all along. We either have a park and we're going to protect it or we're not. That's really what it comes down to. We shouldn't play games, trying to pretend we're doing anything different. We either decide we're going to protect existing parks and that if there's going to be a change to the park boundary, you've got to come to the Legislature to get the change, or we play a game. The choice is yours.

The Chair: Further questions and comments? Mr. Oraziotti?

Mr. Oraziotti: No, Chair; we spoke to this—other than we're not supporting the amendment.

Mr. Bisson: So then, for the record, you're playing the game. Okay.

The Chair: Shall the amendment carry? I declare the amendment lost.

Amendments to section 8? Ms. Mossop.

Ms. Mossop: I move that that subsection 8(4) of the bill be amended by striking out the portion before clause (a) and substituting the following:

“Disposition of land, 1% or more of area

“(4) The Lieutenant Governor in Council may not order the disposition of an area of a provincial park or conservation reserve that is 50 hectares or more or 1% or more of the total area of the provincial park or conservation reserve, unless,”

The Chair: Questions and comments? Shall the amendment carry?

All those in favour? All those opposed? I declare the amendment carried.

Amendments to section 8? Mr. Bisson.

Mr. Bisson: I move that subsection 8(5) of the bill be struck out and the following substituted:

“Exception

“(5) Despite subsection (4), the Lieutenant Governor in council may order the disposition of an area of a provincial park or conservation reserve if,

“(a) the disposition is made as part of a settlement of a claim in respect of aboriginal rights; or

“(b) the land being disposed of is being added to a national park under the Canada National Parks Act.”

It's fairly straightforward. This would basically mean to say that the Lieutenant Governor in Council wouldn't have the right to bring the disposition before the Legislature if they're adding land to a park or part of a park or First Nations land claim.

The Chair: Further questions or comments?

Mr. Oraziotti: We won't be supporting the amendment. We need the ability for land trades or swaps, for transference of land, and that's why we need the 1%/50 hectares. We won't be supporting it.

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The Chair: Further questions and comments? Shall the amendment carry?

All those in favour? All those against? I declare the amendment lost.

Amendments to section 8.

Ms. Mossop: I move that subsection 8(5) of the bill be struck out and the following substituted:

“Exception

“(5) Despite subsection (4), the Lieutenant Governor in Council may order the disposition of an area of a provincial park or conservation reserve that is 50 hectares or more or 1% or more of the total area of the provincial park or conservation reserve if,

“(a) the disposition is made as part of a settlement of a claim in respect of aboriginal rights;

“(b) the land being disposed of is being added to a national park under the Canada National Parks Act or a marine conservation area under the Canada National Marine Conservation Areas Act; or

“(c) the disposition is being made as part of a transaction that increases the size of the provincial park or conservation reserve and enhances ecological integrity.”

The Chair: Questions and comments?

Mr. Bisson: This partly does what we wanted to do in the previous amendment, and I'm of two minds on this one. What it does in (c) is basically close the loop on what I was explaining before: If you wanted to add land on the north end of the park, to be able to take land away from the south side of the park, this allows you to do it by regulation or ministerial approval—or the cabinet, I should say. If you're willing to strike out (c) and do it separately, I'd be prepared to support this, but (c) itself is the problem.

Mr. McMeekin: We don't want to play that game.

Mr. Oraziotti: Call the question, Chair.

Mr. Bisson: This is just awful hurling.

Mr. Oraziotti: Call the question. I've asked the question be called.

Mr. Bisson: Can I continue, or is the question being called?

The Chair: Questions and comments. You can continue.

Mr. Bisson: I just make the point, seriously, that part of what you're doing here I can support because it's somewhat where we wanted to go with our previous amendment, but I have a problem with the concept of saying, “We have a part, but it's not really a part.” So for example, if we want to take a piece of land of so many hectares in size out of the park in order to do something else, we can do it by adding land of another part of crown land into the park, and then basically rejigging the boundaries. That's the problem I've got. It's either we're going to have a parks act or we're not. That's my position. So if you're prepared to separate it, I will support the first part of the amendment.

Mr. Miller: I will be supporting this amendment. Sometimes there are valid reasons for making minor changes in parks. For example, in the case of Dokis First Nation, I was speaking with Mr. Moos, and he suggested that for their decision about wanting to generate electricity, one way of accomplishing it might be for them to take a very small part out of the park they're currently surrounded by to accomplish that goal that they have.

Mr. Bisson: I agree with Mr. Miller. There are cases where we would want to do that, but also it could be that a developer wants to develop something that is just inside a park, and you can do the very same thing. I'm saying that we either have a parks act or we don't.

The Chair: Further comments? Shall the amendment carry? Carried.

Shall section 8, as amended, carry? Carried.

Amendments to section 9.

Mr. Bisson: I move that clause 9(3)(c) of the bill be struck out and the following substituted:

“(c) shall include a management statement or a management plan.”

Just by way of explanation, management planning is central to achieving ecological integrity of the objective.

That's the objective of the act and should be mandatory for all parks and conservation reserves. What we would do by this is the bill would require MNR to prepare a management direction, but a management direction does not include a management statement or a management plan. The amendment would make it include in the statement the plan itself. It's fairly straightforward.

The Chair: Questions and comments?

Mr. Oraziotti: Section 9(1): "The minister shall ensure that the ministry prepare a management direction that applies to each provincial park and conservation reserve." So we're not supporting this amendment.

The Chair: Shall the amendment carry? All those in favour? All those opposed? I declare the amendment lost.

Amendments to section 9.

Mr. Bisson: I move that subsection 9(4) of the bill be struck out and the following substituted:

"Management statement

"(4) A management statement is a document approved by the minister that provides a policy and resource management framework that,

"(a) identifies key natural and cultural heritage features and processes;

"(b) identifies current and expected internal and external impacts on ecological integrity; and

"(c) addresses a limited number of non-complex issues or proposals or both for limited capital infrastructure or resource management projects for one or more provincial parks or conservation reserves or for a combination of them."

This is following on the previous amendment that would change the definition of management statement and ensure that objectives of managing protected areas in terms of ecological integrity would be part of the planning for those parks.

The Chair: Questions and comments?

Mr. Oraziotti: We're not supporting the amendment. Subsection 9(9): Reference to the minister being required, and the ministry to "prepare and make public" within two years that this is "in force, a planning manual to guide the preparation of management statements and management plans for provincial parks and conservation reserves."

The Chair: Further questions and comments? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment lost.

Amendments to section 9.

Mr. Bisson: I move that subsection 9(5) of the bill be struck out and the following substituted:

"Management plan

"(5) A management plan is a document approved by the minister that provides a policy and resource management framework that,

"(a) identifies key natural and cultural heritage features and processes;

"(b) identifies current and accepted internal and external impacts on ecological integrity; and

"(c) addresses substantial and complex issues or proposals or both for substantial capital infrastructure or resource management projects for one or more provincial

parks or conservation reserves or for a combination of them."

This follows the previous amendment; basically, the same argument.

The Chair: Just for clarity, on statement (b), you meant to read "identifies current and expected," correct?

Mr. Bisson: I meant "expected." Excuse me. I stand corrected. Thank you for being vigilant.

The Chair: Questions and comments?

Mr. Oraziotti: We're not supporting it for the same reason previously stated.

The Chair: Questions and comment? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment lost.

Shall section 9 carry? Carried.

Section 9.1.

Mr. Bisson: I move that the bill be amended by adding the following section:

"Provincial park and conservation reserve planning, First Nation involvement

"9.1 In addition to the requirements set out in section 9, the minister shall ensure that in creating each management direction and management plan,

"(a) opportunities for co-management with local First Nation communities are considered;

"(b) traditional ecological knowledge of First Nation peoples is considered; and

"(c) a First Nation person with traditional ecological knowledge is included among the individuals who are charged with preparing the management direction or management plan."

Again, it's fairly straightforward. We're either serious about involving First Nations or not. Mr. McMeekin can roll his eyes and think it's not important, but if you live in Pikangikum or Winisk or many of the other communities, this is a very serious issue.

First Nations have been traditional caregivers, have been traditionally responsible for caring for this land for a millennium. They've done a fairly good job of it. It's still there. It was pristine when we got here. What they want to do is to be partners in their own destiny, that first of all we make sure there is an opportunity for First Nations to co-manage parks. Why not do that in the case of Polar Bear Provincial Park? They're the only people there. There's nobody else living in or around Polar Bear Provincial Park but First Nations. Why wouldn't we involve them in the co-management of the park? Under (b), "traditional ecological knowledge" would be used or considered.

It only makes ultimate sense. They've been there for centuries. They understand the land. Why wouldn't we want to bring that into our parks planning and make sure they're part of that? We're asking the government to support this. This is one that we feel very strongly about, and would ask you, if there's one amendment you can support, this is one that you would seriously give some consideration to.

1650

The Chair: Questions and comments?

Mr. Oraziotti: We won't be supporting the amendment. Subsection 9(9) clearly indicates that the planning manual be developed. We expect to be consulting anyone who will be impacted by the development of parks or planning for parks. Those are our comments.

Mr. Bisson: That's currently what the parks manual says now, and the problem is that it doesn't happen. As you well know—you're from northern Ontario; you understand this stuff as well I do—there are many First Nations that have had parks created around them. First of all, they never found out, but when they found out, they said, "We want to be at the table. If you're going to create this park, make us part of the process of how we manage that park." I don't think it's something that's all that much of a leap to do. They're human beings. They understand the territory. Why, in God's name, would we not want to consult and work with them in the management of those parks?

The Chair: Further questions and comments? Shall the amendment carry? All those in favour?

Mr. Bisson: Recorded vote.

Ayes

Bisson.

Nays

McMeekin, Miller, Mossop, Oraziotti, Sergio.

The Chair: I declare the amendment lost.

Mr. Sergio: When a recorded vote is requested, can that request be made prior to the call being made for a vote?

The Chair: A recorded vote is normally requested when the question is put.

Mr. Sergio: Yes, and a recorded vote should be made when the vote is being called, not afterwards.

Mr. Bisson: On that point, how would I know to call a recorded vote unless I know if you say "aye" or "nay." I can't call for the recorded—

Mr. Sergio: It doesn't matter if it's yes or no. If you want a recorded vote, you call for a recorded vote.

Mr. Bisson: You've been in the Legislature how long, Mario? Come on. Jeez.

The Chair: Order. Mr. Bisson's call for a recorded vote was made pursuant to the standing orders and was in order.

Mr. Sergio: Not after the fact.

The Chair: Section 10: Amendments.
Interjection.

Mr. Sergio: Gilles, come on. Don't play games.

Mr. Miller: I move that subsection 10(2) of the bill be struck out and the following substituted:

"Report contents

"(2) The reports shall provide a broad assessment of the extent to which the objectives of provincial parks and

conservation reserves, as set out in this act, are being achieved, including ecological and socio-economic conditions and benefits, the degree of ecological representation, number and area of provincial parks and conservation reserves, threats to ecological integrity and ecological health and socio-economic benefits."

Six words are changed in this amendment. They are: "as set out in this act." It's a change requested by the Ontario Forest Industry Association to clarify that the report shall deal with the objectives very specific to this act, the Provincial Parks and Conservation Reserves Act, 2006.

The Chair: Further questions and comments?

Mr. Oraziotti: We won't be supporting this motion. The following motion is similar but not identical. In this case, we won't be supporting the one that's presented.

Mr. Miller: Similar but not identical?

Mr. Oraziotti: The point being that this morning when we had this discussion, if we voted down an opposition motion that was identical to ours, our motion would be lost. In this particular case, that doesn't seem to be the issue, so we're not going to be supporting it, because it isn't the same.

Mr. Bisson: It's a different motion.

The Chair: Let's leave the splitting of semantic points.

Mr. Oraziotti: May I clarify—

Mr. Miller: Does your motion accomplish the same as this is going to accomplish?

Mr. Oraziotti: In effect, the spirit is the same.

Mr. Bisson: You'd better read it.

Mr. Miller: What number is your—

Mr. Bisson: The next one.

The Chair: Further questions and comments? Mr. Bisson?

Mr. Bisson: No. I'll let the PC amendment—they can argue it.

The Chair: Shall the amendment carry? All those in favour? All those opposed? I declare the amendment lost. Further amendments to section 10.

Mr. Sergio: I move that subsection 10(2) of the bill be struck out and the following substituted:

"Report contents

"(2) The report shall provide, but shall not be limited to, a broad assessment of the extent to which the objectives of provincial parks and conservation reserves, as set out in this Act, are being achieved, including ecological and socio-economic conditions and benefits, the degree of ecological representation, number and area of provincial parks and conservation reserves, known threats to ecological integrity of provincial parks and conservation reserves and their ecological health and socio-economic benefits."

The Chair: Questions and comments? Shall the amendment carry? Carried.

Mr. McMeekin: I move that section 14 of the bill be amended by adding the following subsection—

The Chair: Hold on, don't get ahead of the Chair yet.

Shall section 10, as amended, carry? Carried.

May I have unanimous consent to consider sections 11, 12 and 13 as a block? Carried.

Shall sections 11, 12 and 13 carry? Carried.

Section 14 amendments. Mr. McMeekin.

Mr. McMeekin: I move that section 14 of the bill be amended by adding the following subsection:

“Hunting, exception Algonquin park

“(1.1) Despite subsection (1) and the repeal of The Algonquin Provincial Park Extension Act, 1960-61, hunting is permitted on the public lands in the geographic townships of Bruton and Clyde that were added to Algonquin Park by section 1 of The Algonquin Provincial Park Extension Act, 1960-61.”

The Chair: Questions and comments?

Mr. Miller: I know this is an amendment that the Ontario Federation of Anglers and Hunters were asking for, to recognize activities that have been going on in recent years, so I will be supporting it.

The Chair: Shall the amendment carry? Carried.

Shall section 14, as amended, carry? Carried.

Section 14.1: Mr. Miller.

Mr. Miller: I move that the bill be amended by adding the following section:

“Trapping in provincial parks and conservation reserves

“14.1(1) A person may trap in a provincial park or a conservation reserve in accordance with the Fish and Wildlife Conservation Act, 1997.

“Entry without charge

“(2) A person who holds a licence to trap under the Fish and Wildlife Conservation Act, 1997 in a trapline area that is situated in a provincial park or conservation reserve or a person authorized by the licence holder may, without charge, enter the provincial park or conservation reserve and operate a vehicle or a boat anywhere in the provincial park or conservation reserve, but only to the extent that it is necessary in order to access the trapline area for the purpose of trapping.

“Existing trapline trails continued

“(3) Trapline trails within a provincial park or conservation reserve that exist on the day this section is proclaimed in force may continue to be utilized and maintained by a person who holds a licence to trap under the Fish and Wildlife Conservation Act, 1997 or a person authorized by the licence holder, but only to the extent that it is necessary in order to access the trapline area for the purpose of trapping.

“Existing trapline buildings

“(4) Trapline buildings on land within a provincial park or conservation reserve that exist on the day this section is proclaimed in force may continue to be occupied, maintained, repaired and replaced.”

The Chair: Questions and comments?

Mr. Oraziotti: This issue is, in part, regulated by the Fish and Wildlife Act, and while there are many permitted uses in our parks, such as ATVs or fishing, a whole range of activities that take place, this would be singling out one specific activity to be put into the act.

This is going to be dealt with in regulation and policy, so we’re not going to be supporting this amendment.

Mr. Miller: I hope the government is going to recognize the activities that are currently going on. I was asked to put this forward by the Ontario Fur Managers. I would note that there is a long history of trapping within provincial parks and conservation areas, and that trapping in Ontario is heavily regulated, with many requirements. I would also like to point out that trappers are often the first to notice and sound the alarm when there are changes happening with fur-bearing animals and populations begin to decline because of disease, for example. So I think Ontario’s trappers are very much the original, and still practising, conservationists.

1700

I hope that if you’re not going to support this amendment, you will, in regulation, recognize the existing trapping operations that are going on in conservation reserves and parks and allow them to continue, including the access required by trappers to get in to their traplines. I note that currently there are 36 registered traplines in Algonquin park. There’s trapping in the majority of Ontario’s parks and conservation reserves at this time. I hope you will recognize that.

Also, just doing recreational reading, I happened to be reading a book called *Along the Trail with Ralph Bice* in Algonquin park. Ralph Bice is no longer with us, but he spent 60 years guiding in Algonquin park, and his grandfather was one of the first trappers on the west side of Algonquin park; he happened to be from Kearney in my riding. So I’m reading it with interest and noting some of the history of the trapping activities that have gone on for a long time.

The Chair: Questions and comments? Mr. Oraziotti?

Mr. Oraziotti: No further comments.

The Chair: Shall the amendment carry? All those in favour?

Mr. Miller: Recorded vote.

Ayes

Miller.

Nays

McMeekin, Mossop, Oraziotti.

The Chair: I declare the amendment lost.
Section 15: Amendments to section 15.

Mr. McMeekin: Did you want to approve section 14, as amended?

The Chair: We did that. Section 14, as amended, carried.

Mr. McMeekin: Okay. We’re in your hands, Mr. Chairman.

I move that subsection 15(2) of the bill be amended by striking out “16 to 18” in the portion before the definitions and substituting “16 to 19” and by striking out the definition of “prospecting” and substituting the following:

“‘prospecting’ means the investigating of, or searching for, minerals for the purpose of developing mineral interests. (‘prospection’)”

The Chair: Questions and comments?

Mr. Miller: Just an explanation of why you’re making this minor definition change would be good.

Mr. Oraziotti: The purpose is to ensure scientific purposes are considered in making it consistent with the Mining Act.

The Chair: Questions and comments? Shall the amendment carry? Carried.

Shall section 15, as amended, carry? Carried.

Shall section 16 carry? Carried.

Shall section 17 carry? Carried.

Section 18: Amendments.

Mr. Sergio: I move that subsection 18(1) of the bill be struck out and the following substituted:

“Exception, existing hydroelectricity generation sites

“18(1) Despite section 15, facilities for the generation of electricity located in a provincial park or conservation reserve that exist on the day this section is proclaimed in force may continue to operate and be maintained and, with the approval of the minister, may be improved, rebuilt or altered.”

The Chair: Questions and comments? Shall the amendment carry? Carried.

Amendments to section 18.

Mr. Miller: I move that section 18 of the bill be amended by adding the following subsection:

“Exception, First Nations

“(2.1) Despite section 15, First Nations may develop facilities for the generation of electricity in provincial parks and conservation reserves for use within their communities and may sell surplus electricity, if any, to the IESO-controlled grid.”

The Chair: Questions and comments?

Mr. Oraziotti: This proposed amendment does give us some cause for concern, although I appreciate why the member is bringing it forward. We’re prepared to work with First Nations, as we have said and as we are currently doing, on a case-by-case basis for development of hydroelectric resources. Presently, the position is that if they’re off grid, we’re looking for that type of development to allow communities to be self-sufficient. But what we don’t want is to open it up so it’s open season on park development for hydroelectric projects.

By application there’s an opportunity to deregulate or separate from a provincial park a section of that park to be developed for the purposes of hydroelectricity. We’re certainly prepared to deal with that on a case-by-case basis but we don’t want to, at this point in time, leave it open-ended where individuals and developers may perceive this to be—and it certainly would be, in the government’s mind, the wrong message to be sending to the province that it’s open season on development of hydroelectric resources in park areas. For that purpose, we’re not supporting it, but we are mindful of the concern and the origins by which Mr. Miller is raising this issue.

Mr. Miller: The reason I put this amendment forward is that we heard from the Dokis First Nation, which is on the French River in the northern part of my riding. For that First Nation, the economic opportunities are few and far between. They have forestry south of their reserve. They need access across the park to access the crown timber to get to the forestry operations they have. They have challenges there, I might add, with the state of some of the bridges, to be able to carry out the work that they’re doing. Also, there are existing dams and potential for generating some economic activity for the Dokis First Nation by generating electricity. There are already existing structures there. The federal government is involved as well.

If you’re going to vote down this amendment, all I would ask of the government is that you work with Dokis First Nation specifically—

Mr. Oraziotti: Absolutely.

Mr. Miller: —because it’s really one of the few ways that they can generate some economic activity that they very much need. And they are on the grid. They aren’t that remote. As I said, they are on the French River.

We also heard from some more remote First Nations that also see potential. Maybe Mr. Bisson will speak to this, because I think some of them are in his riding. They also came to the committee and raised concerns about having their economic opportunities. When you get into the far north, the opportunities for some of these locations are few and far between, so we need to be mindful of that.

The Chair: Mr. Bisson?

Mr. Bisson: I think Mr. Miller has summed it up quite well.

The Chair: Shall the amendment carry?

All those in favour? All those opposed? I declare the amendment lost.

There has been a PC amendment filed relating to the definition of “First Nation.” Legislative counsel advises that we have earlier defined “First Nation” and therefore that amendment is out of order.

Interjection.

The Chair: You’ve got to take yes for an answer.

Mr. Bisson: I take yes for an answer all the time.

The Chair: Shall section 18, as amended, carry? Carried.

Consideration of section 19.

Mr. McMeekin: I move that paragraph 2 of subsection 19(1) of the bill be amended by striking out “timber” and substituting “crown timber”.

1710

The Chair: Questions and comments?

Mr. Bisson: Mr. McMeekin, if you can explain that one.

Mr. McMeekin: I yield to my esteemed colleague.

Mr. Bisson: I thought I’d try.

Mr. McMeekin: The difference between timber and crown timber?

Mr. Bisson: No, no. Why you're putting it in. I know the difference between the two, but I want to see if you know why you're doing it.

Go ahead, Mr. Orazietti. Please.

Mr. Orazietti: I appreciate the opportunity to clarify this. You never know whether or not Mr. Bisson is being serious in his questions. The issue is with respect to crown timber, and the point is that we're not using roads and trails to cross parks for access to private timber. That's the purpose of it.

Mr. Bisson: I just wanted to see if Mr. McMeekin was okay with that.

The Chair: Shall the amendment carry? Carried.

Amendments to section 19.

Mr. Miller: I move that subsection 19(1) of the bill be amended by adding the following paragraph:

"3. Roads and trails that provide access to conservation reserves on the day this act is proclaimed in force continue to exist to support ecologically sustainable recreation."

This is about clarity regarding access to conservation reserves, and it's something that the Ontario Federation of Anglers and Hunters is quite concerned about and has been asking for this amendment. I would also like to get on the record that they were assured by the minister that the status quo would remain, and I think this amendment maintains the status quo.

Mr. Orazietti: The government recognizes the comments from Mr. Miller with regard to this and the industry. Page 22 in the package, subsection 19(6), will provide further elaboration on this and do that in spirit. It just gives more detail in our amendment. We won't be supporting this particular amendment, but hopefully the member will recognize that an amendment that will be coming here on page 22 of the package will address that concern.

The Chair: Further questions and comments?

Mr. Miller: Recorded vote.

Ayes

Bisson, Miller.

Nays

Mossop, Orazietti, Sergio.

The Chair: I declare the amendment lost.

Amendments to section 19.

Ms. Mossop: I move that section 19 of the bill be amended by adding the following subsection:

"Definition

"(6) In this section,

"resource access roads and trails' means roads or trails constructed for or used to support,

"(a) timber harvest, or

"(b) prospecting, staking mining claims"—

The Chair: Hold on.

Ms. Mossop: Am I one ahead?

The Chair: I think you may be a little ahead of us. Try page 21.

Ms. Mossop: Oops. I'm getting ahead. Sorry. I'm a step ahead of you.

The Chair: Okay. Let's start over again.

Ms. Mossop: Not that I'm anxious or anything.

I move that subsection 19(4) of the bill be struck out and the following substituted:

"Existing roads, etc.

"(4) Authorized resource access roads and trails and utility corridors in provincial parks or conservation reserves that exist on the day this section is proclaimed in force,

"(a) are deemed to comply with the policies under this act and to have the approval of the minister; and

"(b) are not subject to subsection (3)."

The Chair: Questions and comments?

Mr. Miller: Just if you can clarify how that's different from what's in the—

Mr. Orazietti: On the day that it is proclaimed, the purpose is to not close down existing forestry or mining roads within parks, and allow those existing uses that some of the groups that made presentations are interested in seeing continue.

Mr. Miller: Can you tell me if this affects recreational trails or trails that might be used by a trapper or—

Mr. Orazietti: It'll continue to allow existing uses, absolutely.

Mr. Bisson: What does it do about rehabilitation, as far as the roads themselves?

Mr. Orazietti: Nothing further.

Mr. Bisson: I had a question to Mr. Orazietti; I'm sorry. I guess I've got two questions. First one: Are existing roads being exempted from rehabilitation with this particular section?

Mr. Orazietti: Existing are, but ones that are in the future may be remediated again back to park or wilderness.

The Chair: Further questions or comments?

Shall the amendment carry? Carried.

Amendments to section 19.

Mr. Sergio: I move that section 19 of the bill be amended by adding the following subsection:

"Definition

"(6) In this section,

"resource access roads and trails' means roads or trails constructed for or used to support,

"(a) timber harvest, or

"(b) prospecting, staking mining claims, developing mineral interests or working mines,

"but does not include roads or trails constructed for or used for recreational purposes or other resource access purposes."

The Chair: Questions and comments?

Mr. Miller: An explanation, please.

Mr. Orazietti: This is addressing the concern raised by the OFAH around prohibiting resource access roads except for mining and logging. It will allow those activities to continue consistently.

Mr. Bisson: I notice you leave the word “crown” out of “timber,” which is a bit off what you did in your previous amendment. I’m just wondering if that’s on purpose or an oversight. Can we just double-check with staff to see? I’m just curious, if anybody knows the answer to that question.

Mr. Oraziotti: Very good for clarification—page 22, clause 6(a) where it says “timber harvest,” the reference is whether it should be “crown timber harvest.”

Mr. Bisson: I’m just curious. Should it have been “crown”?

Mr. Oraziotti: Right.

Mr. Bisson: So now we’re in a position where we’d like to put the word “crown” in front of “timber;” right? Because it’s inconsistent with what you did in the other section. Just to let you know I’m paying attention. You’re glad I’m here. I do things to help you.

Mr. Oraziotti: What would we do without you? The government will make an amendment if it’s acceptable to opposition members.

Mr. Bisson: You can ask for unanimous consent.

Mr. Oraziotti: Unanimous consent that clause 6(a) read, “crown timber harvest.”

Mr. Albert Nigro: My name is Albert Nigro. I’m from the office of legislative counsel and I have a role in keeping at least the motions and what happens to the legislation somewhat in order. What I think you need to do is to move a motion to amend the motion, and I need to write that out.

Mr. Bisson: That’s what he was doing.

Mr. Nigro: Yes, but I haven’t written it out and you do need to do it that way, so that when it’s reported back to the House, the record shows what happened at the committee.

Mr. Bisson: We’re amenable. Whatever way you want to do it.

The Chair: Do we have a motion to amend the motion?

Mr. Oraziotti: So moved, Chair. Do you want to come back to that?

The Chair: Mr. Oraziotti moves that the word “crown” be added before “timber harvest” in clause 19(6)(a).

Mr. Oraziotti: Correct.

The Chair: Shall the motion to amend—we will recess momentarily while the clerk gets some copies.

The committee recessed from 1717 to 1728.

The Chair: Before we recessed, we were considering a motion by the government to amend section 19. We had discussed whether or not a motion to amend the motion might be appropriate. Mr. Oraziotti.

Mr. Oraziotti: It appears at this point that it is not necessary to amend further the original amendment that is in the package, page 22. The reference to crown timber was added and has been passed as a limitation. This is a definition that does not need to be changed at present, so we’re fine with the motion as presented.

The Chair: Comments?

Mr. Bisson: Interesting. I just point to the following: The amendment we did two or three amendments ago

amended paragraph 2 in section 19. That was dealing with resource access roads—that whole section 19 is about resource access roads—specifically, resource access roads and utility corridors. Previously, you amended paragraph 2. You had, “Roads and trails that are required to access minerals or timber outside of a provincial park,” and you added the word “crown.” As I understood it, it was to prevent—let’s say you have crown land, you have a park that’s here, and next to it you have private land. What you wanted is that you couldn’t have private timber coming from private land go across the park. As I understand it, that’s what that paragraph 2 was all about, correct? That’s what you were trying to get at.

Interjection.

Mr. Bisson: Okay. The reason I flagged it is because as I look at what you’re doing with this particular amendment, you’re putting a definition within that particular section 19, and in that definition you’re saying, “‘Resource access roads and trails’ means roads and trails constructed for or used to support ... timber harvest.” It seems to me that if you just say “timber harvesting,” it leaves it open that you can use the access corridor to haul that private timber across the park if you don’t put “crown” in front of it in this section. I know there was some consternation by the lawyers, because some lawyers agree with me and some don’t, so that kind of puts us—well, maybe now they’ve changed their minds. Can you please come and explain it so that I clearly understand? Are we still talking about the corridors?

Interjection.

Mr. Bisson: You guys can get all excited over there if you want, but this is—

Mr. McMeekin: Who’s excited? We’ve got all day.

Mr. Bisson: Good, we’ve got all day. That’s exactly the point.

The Chair: Is staff needed to provide an explanation to Mr. Bisson’s question? If so, please come forward, sit down and introduce yourself.

Mr. Bisson: I wouldn’t mind an explanation just to understand the logic of where you’re coming from, if we could have one of the legal people come and explain that. I guess my question is, if you’re going to put a definition clause in 19 and talk about a definition that deals with timber, doesn’t that include crown and private timber? Explain to me the rationale.

Ms. Lintell: Krystine Lintell, counsel, Ministry of Natural Resources. When we reflected further on the section, specifically the limitation that was imposed earlier in subsection (1)—which I have to find again.

Mr. Bisson: You just put the word “crown” in front of “timber.”

Ms. Lintell: Yes, we added the word “crown” in front. If you look at what subsection 19(1) currently says, it says, “Subject to the policies of the ministry and the approval of the minister, with or without conditions, resource access roads and trails for non-provincial park and conservation reserve uses in provincial parks and conservation reserves are permitted in the following circumstances....” We amended that in order to ensure

that they're permitted in circumstances where it's the harvest of crown timber as opposed to privately owned timber.

Mr. Bisson: We're in agreement.

Ms. Lintell: All right. If you look, we just talk about resource access roads and trails, so by definition we're saying that these are roads that mean roads or trails constructed for timber harvest. But the only ones permitted are the ones that are for the purpose of harvesting crown timber, so the definition does not come into play in terms of the permitted use. The use of a road to access timber that is not crown timber would remain prohibited.

Mr. Bisson: Okay, but let me just ask you—you might be right, but I'm still having a bit of a hard time with that. What you're doing in this specific section 19 is putting in a definition; I hear exactly what you're saying with 19(1). So what you're arguing is that these are the prohibitions in the first part of it, right?

Ms. Lintell: That's correct.

Mr. Bisson: If you put this in the definition, and it says, "Resource access roads and trails' means roads and trails constructed for or used to support ... timber harvest," wouldn't that then allow you to transport private timber across that trail?

Ms. Lintell: No.

Mr. Bisson: Because you figure that the prohibition catches it?

Ms. Lintell: Because the prohibition catches it, that's right. This is a definition section that basically provides—we wanted to ensure that recreational purposes or other resource access purposes were not captured.

Mr. Bisson: But if the definition of timber is not crown timber, isn't paragraph 2 a bit of a moot point?

Ms. Lintell: Not really.

Mr. Bisson: If I have a definition clause and my definition clause says, "This is what this means," it's fairly clear that's what you want it to mean. It seems to me now that we're contradicting ourselves in the prohibition part of the legislation.

Interjection.

Mr. Bisson: What is the matter with you, Mario? If you've got to go home, go. We'll do it without you.

Interjections.

The Chair: Order. In questions and comments, Mr. Bisson is entitled to ask his questions.

Mr. Bisson: My question is that if you put it in the definition clause, doesn't it then run counter to what is in the prohibition? You're saying not? All right. I guess we have a difference of opinion.

The Chair: Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Shall section 19, as amended, carry? All those in favour? All those opposed? I declare section 19, as amended, carried.

Section 20: Amendments.

Mr. McMeekin: I move that the portion of subsection 20(1) of the bill before paragraph 1 be struck out and the following substituted:

"Conditions for approval

"20.(1) In approving the development of a facility for the generation of electricity under subsection 18(3) or (4) or approving a resource access road or trail or a utility corridor under section 19, the minister must be satisfied that the following conditions are met:"

The Chair: Questions or comments?

Mr. Miller: Yes. Maybe you could explain what the purpose of this amendment is.

Mr. Oraziotti: Concern around lowest cost not being the overriding justification, we want to allow, obviously, that the cost of development for electricity and use could be a factor. We're supportive of the amendment that would allow for that.

Mr. Bisson: If I can have the lawyer come back, I have a question, just so that I'm clear on something. In the operation of a power dam, they have to have a water management plan, right?

Ms. Lintell: Yes.

Mr. Bisson: So does this in any way infringe on that water management plan or have any effect on it?

Ms. Lintell: No.

Mr. Bisson: Okay. I want it for the record.

The Chair: Shall the amendment carry? Carried.

Shall section 20, as amended, carry? Carried.

Section 21: That would be Mr. McMeekin.

Mr. McMeekin: I move that subsection 21(1) of the bill be struck out and the following substituted:

"Work permits

"21.(1) Except in accordance with the terms and conditions of a work permit issued under this act, no person shall, in a provincial park or conservation reserve, cause or permit,

"(a) the construction, expansion or placement of any building, structure or thing;

"(b) the construction of any trail or road;

"(c) the clearing of any land;

"(d) the dredging or filling of any shore lands; or

"(e) any activity permitted under section 16, 17, 18 or 19 that causes, results or is expected to result in a major disruption or impairment of the ecological integrity of a provincial park or conservation reserve."

The Chair: Questions or comments?

Mr. Bisson: Just a question to Mr. Oraziotti. This is new to me. Does it mean, if that section had not been amended, that somebody could have actually done work without a permit?

Mr. Oraziotti: There is a concern around the enforcement of that. We expect that within the parks those permits and the criteria or specifics under which they are conducting work will be within that framework, and anything that's outside would be in violation. So this is the accountability portion of issuing those work permits.

Mr. Bisson: Because basically all you're adding in the previous section are the terms and conditions of, right? So it just makes it clearer. OK, I get what you're doing.

The Chair: Shall the amendment carry? Carried.

Shall section 21, as amended, carry? Carried.

Amendments to section 22. Mr. Sergio.

Mr. Sergio: I move that section 22 of the bill be amended by striking out “provincial parks” and substituting “provincial parks or conservation reserves”.

The Chair: Questions or comments?

Shall the amendment carry? Carried.

Shall section 22, as amended, carry? Carried.

Shall section 23 carry? Carried.

Section 24: That would be Ms. Mossop.

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Ms. Mossop: I move that subsection 24(1) of the bill be struck out and the following substituted:

“Gifts

“24.(1) The minister may receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest in property, to support research, monitoring, education or any other related purpose in respect of a provincial park or conservation reserve.”

The Chair: Questions or comments?

Mr. Bisson: It’s something, but it’s not quite where we wanted to go. We were asking earlier in our amendments to deal with the whole issue of making parks the area where you can study the science of managing parks. I take it what this does is allow, if a benefactor would want to endow the park with some funds in order to do that, that it could be done voluntarily. That’s basically all you’re getting at here.

Mr. Orazietti: Right.

Mr. Bisson: Well, it doesn’t go where I want to go, but it gets me partway there, so I guess I’ll be magnanimous. Christmas has come early. I’ll support your amendment.

The Chair: Questions and comments?

Shall the amendment carry? Carried.

Shall section 24, as amended, carry? Carried.

Shall section 25 carry? Carried.

Section 26.

Mr. McMeekin: I move that paragraph 4 of subsection 26(1) of the bill be struck out and the following substituted:

“4. All other revenues generated by provincial parks.”

The Chair: Questions or comments?

Mr. Bisson: I’m sorry; I should have paid closer attention. Maybe you can explain, Mr. Orazietti.

Mr. Orazietti: It simply ties the two of those together and includes other revenues generated by provincial parks that could be used for special purposes.

Mr. Bisson: Okay. Thank you.

The Chair: Shall the amendment carry? Carried.

Shall section 26, as amended, carry? Carried.

Shall section 27 carry? Carried.

Section 27.1.

Mr. Sergio: I move that the bill be amended by adding the following section:

“Collection of personal information

“27.1 The minister may collect personal information within the meaning of the Freedom of Information and Protection of Privacy Act for the purposes of this act.”

The Chair: Questions and comments?

Shall the amendment carry?

Mr. Bisson: Hang on; whoa.

The Chair: Sorry.

Mr. Bisson: It’s your call, Chair; I came in under the line. It’s your call.

The Chair: Shall the amendment carry? Carried.

Shall section 28 carry? Carried.

May I have unanimous consent to consider sections 29 through 43, inclusive?

Mr. Bisson: Whoa.

The Chair: There are no amendments. Block consideration of sections 29 through 43, inclusive.

Mr. Orazietti: So moved, Chair.

The Chair: Shall sections 29 through 43, inclusive, carry? Carried.

With one stroke, you’ve just done a big chunk of the work.

Section 44.

Mr. Sergio: I move that clause 44(1)(b) of the bill be amended by striking out “21(2) or (4)” and substituting “21(1) or (4)”.

The Chair: Questions and comments?

Mr. Miller: Just an explanation, please.

Mr. Orazietti: It’s basically a technical amendment to correct the subsection reference numbers. Section 44 defines what constitutes an offence under the bill, and 22(2) is not an offence whereas 21(1) is supposed to be. So it’s technical in nature.

The Chair: Further comments? Shall the amendment carry? Carried.

Shall section 44, as amended, carry? Carried.

May I have unanimous consent for block consideration of sections 45 through 49, inclusive? Agreed.

Shall sections 45 through 49, inclusive, carry? Carried.

Section 50.

Ms. Mossop: I move that subsections 50(1) and (2) of the bill be struck out and the following substituted:

“Penalty

“50. (1) A person convicted of an offence under this act or the regulations is liable,

“(a) for a first offence, to a fine of not more than \$50,000, to imprisonment for a term of not more than one year, or to both; and

“(b) for a second or subsequent offence, to a fine of not more than \$100,000, to imprisonment for a term of not more than one year, or to both.

“Commercial offences

“(2) Despite subsection (1), a person convicted of an offence under this act or the regulations is liable,

“(a) for a first offence, to a fine of not more than \$100,000, to imprisonment for a term of not more than two years, or to both, if the offence was committed for commercial purposes; and

“(b) for a second or subsequent offence, to a fine of not more than \$200,000, to imprisonment for a term of not more than two years, or to both, if the offence was committed for commercial purposes.

“Penalty re monetary benefit

“(2.1) The court that convicts a person of an offence under this act, in addition to any other penalty imposed by the court, may increase a fine imposed upon the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, despite any maximum fine elsewhere provided.”

The Chair: Questions and comments?

Mr. Bisson: Just one question: I think I know the answer, but in the case of a commercial offence, if it's a corporation, who would have to do the jail time if the fine was not paid? Would it be the directors? How does that work? I'm just curious about how it works with other acts, if I can get the lawyers? It's just for knowledge; I have no idea how that works.

Mr. McMeekin: It's anyone who was on the ice at the time.

Mr. Bisson: Does anybody know the answer to that question?

The Chair: If so, please come forward.

Mr. Bisson: Legislative counsel knows; it looks like he does. I'm just curious. How would that work?

Mr. Nigro: Many years ago, I did some prosecutions. If you prosecuted a body corporate, a legal person as opposed to a natural person, they are liable to a fine; they are not liable to imprisonment. You can't imprison a corporation. The only way you could get a term of imprisonment against an individual, director or officer of a corporation is if the statute permitted that they could be charged as a director or officer, they were then convicted, and the sentencing justice of the peace or provincial court judge decided to impose a term of imprisonment.

Mr. Bisson: Then my understanding is correct: Under this particular section, if I'm an individual business, where I'm the sole owner and I'm the one who's done the offence, you could imprison me. Is that correct, leg. counsel?

Mr. Miller: In a sole proprietorship.

Mr. Bisson: In a sole proprietorship?

Mr. Nigro: If you are charged as an individual, yes; if you're charged as a corporation, no. There's a legal difference between you as an individual, as the sole proprietor, and you as the individual who owns the entity. If you own it as the corporation and that corporation is charged and convicted, it's the corporation that's liable to the penalty. Legally, you're not the same person.

Mr. Bisson: I'm trying to figure this out. Let me ask the question so that I'm clear. I own a skidder, all right? It's my skidder; that's how I make my living. If I go in the bush, if I wander into the park and say, “Oh, look at those big trees I can go and get,” and I get charged, in

that case I'm an individual who went in with my skidder to make some bucks. Can I go to jail?

Mr. Nigro: If you're charged as an individual, yes.

Mr. Bisson: If I was working for someone as a corporation and went out and did it—I could be charged as an individual if I did it on my own and just used the company's equipment, but if I was directed to go and do it, then who would be liable? No one, right?

Mr. Nigro: No. The decision as to who is liable in law when the matter would be investigated—and this happened all the time when I was prosecuting. There was always the decision of whether you charged the individual, the supervisor or the corporation, just because of the statute under which I did my prosecutions. In that case, in the example you just gave, depending on the way the statute is written, the individual who went into the forest and illegally harvested things could be charged as an individual. If he was working for a corporation, the corporation can be charged, and indeed both of them could be charged.

Mr. Bisson: But in the case of the corporation, they would not go to jail; you couldn't put a corporation in jail. So what does the commercial offences do then? Give me an interpretation, Mr. Nigro.

Mr. Nigro: Basically, it allows for a greater monetary penalty to be imposed on the corporation.

Mr. Bisson: That's the long and the short of it. The imprisonment thing really doesn't mean anything, right?

Mr. Nigro: Subsection (2.1) doesn't reference anything about imprisonment.

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Mr. Bisson: Maybe I misread it. It says: “(a) for a first offence, to a fine of not more than \$100,000, to imprisonment for a term of not more than two years....”

Mr. Nigro: I'm sorry, I misunderstood your question. You said, “greater monetary benefit”: That's subsection (2.1). It's on the next page and it doesn't refer to imprisonment. In terms of a greater or subsequent offence, the penalty to a corporation is merely a fine; it is not imprisonment.

Mr. Bisson: So I did understand it correctly. Thank you.

Mr. Miller: To clarify that further, under “Commercial offences,” it is talking about imprisonment under point (a): “for a first offence, to a fine of not more than \$100,000, to imprisonment for a term of not more than two years....” That would be somebody involved in a commercial business, but it's not a corporation.

Mr. Nigro: I'm sorry; I'm not sure which section you're referring to.

Mr. Miller: “Commercial offences,” clause (2)(a).

Mr. Nigro: I see what you're saying. What was your question again?

Ms. Mossop: Clause 2(a) refers to a person—

Mr. Miller: So it's a commercial offence, but it's a person.

Mr. Nigro: Yes, but a “person” in law includes a legal person, i.e., a corporation. So if a corporation is charged here, the increased penalty would be the increased fine. If a natural person or an individual is charged, the increased penalty would be an increased fine or possibly an increased term of imprisonment.

The Chair: Further questions and comments?

Shall the amendment carry? Carried.

Shall section 50, as amended, carry? Carried.

Shall section 51 carry? Carried.

Section 52.

Ms. Mossop: I move that subsection 52(2) of the bill be amended by adding the following clause:

“(j) governing travelling by mechanized means in wilderness class parks.”

The Chair: Questions and comments?

Mr. Miller: I’d certainly like an explanation. I assume this means an exception can be made to the amendment I was talking about previously to allow for disabled people or those in other situations to be able to use some type of mechanized assistance.

Mr. Oraziotti: Yes, it does. It allows for those exemptions and it also supports the amendments to subsection (7.2) that we’ve already made.

Mr. Bisson: Basically, what it means, then, is that we have a wilderness park and, just to be clear, by regulatory power, we can allow various mechanized means to access that wilderness park.

Mr. Oraziotti: As discussed earlier, yes.

Mr. Bisson: Does it give the minister the ability to say ATVs?

Mr. Oraziotti: It does in terms of keeping consistent with existing uses.

Mr. Bisson: So “mechanized” is an ATV, a pedal bike, a boat motor—whatever it might be, right?

Mr. Oraziotti: Yes.

Mr. Bisson: That’s all I wanted for the record.

The Chair: Shall the amendment carry? Carried.

Further amendments?

Mr. McMeekin: I move that section 52 of the bill be amended by adding the following subsection:

“Regulations re mechanized travel in wilderness class parks

“(2.1) The minister may make regulations with respect to travel by a mechanized means in a wilderness class park under clause (2)(j) if the minister is of the opinion that travel by mechanized means addresses one of the following circumstances:

“1. To permit uses associated with land occupied in accordance with this act and the regulations.

“2. To permit existing non-conforming uses to continue, pending the approval of a management direction applicable to the park.

“3. To permit access through access zones identified in the management plan applicable to the park.

“4. To permit access to privately owned or leased land that is surrounded by, but is not part of, the park.

“5. To permit First Nations to address their needs.

“6. To permit commercial aircraft to land in order to allow visitors to access remote areas, in accordance with the management plan applicable to the park.”

The Chair: Questions and comments?

Mr. Bisson: As a pilot, I’ve got to ask why we put “commercial aircraft.” There are all kinds of people with private aircraft. Are we saying that we want to allow commercial activities to happen in the park by way of outfitters—“outfitters” wouldn’t be the right term. If you want to go in and take a look at a particular area and you want to do some canoeing, we’re going to allow you to bring your canoe in with a caravan, provided it’s a commercial airplane, but if you have a private airplane, you couldn’t do that, if I understand that correctly.

Mr. Oraziotti: Yes, that’s correct.

Mr. Bisson: What’s the logic?

Mr. Oraziotti: The logic is economic rationale as opposed to every individual flying into a park with their aircraft. The number of exceptions here are obviously to ensure that all of those activities that currently take place, as well with First Nations, are addressed in the bill.

Mr. Bisson: I understand that; section 5 deals with my concern. Can I ask somebody from MNR to come in for a couple of questions about current policy, because I’m not quite clear. Under current policy, can a private pilot take a float plane and land in a park?

Mr. Moos: Bob Moos, Ministry of Natural Resources. Current policy is that private landings are prohibited, but policy would allow someone to land if they had, say, a hunt camp or a lodge or something like that. We allow commercial landings associated with lodges and with access to parks; for instance, at Wabakimi, getting into the centre of the park, allowing commercial operators to drop people off and start their canoe trip. That’s an overview of the current policy. These exceptions that the minister could do are consistent with our current policies. We tried to scope them so that we could keep doing what we’ve been doing, which is limited motorized access and mechanized access.

Mr. Bisson: So the current policy is basically what they’re saying?

Mr. Moos: Yes.

Mr. Bisson: So why do we allow commercial aircraft? I don’t understand; just explain.

Mr. Moos: In many wilderness parks there are outfitters who fly people into the park for the purpose of starting canoe trips. That basically allows the commercial operator or the charter operator to bring people in, as they do now.

Mr. Bisson: So if a private pilot wanted to do a canoe trip, would there be a way of getting permission?

Mr. Moos: Not under our current policies.

Mr. Miller: Can I follow up on that?

Mr. Bisson: He’s a float plane pilot, so he’s even more worried

Mr. Miller: I have to give my conflicts up right now; yes, I am a float plane pilot. So currently you can't land a seaplane in a provincial park?

Mr. Moos: Not a private pilot; we have a restriction now. If you were accessing a hunt camp or a holding of private land, you could.

Mr. Miller: You could. So you're saying you can fly a private plane in if you are accessing a hunt camp in a park with permission?

Mr. Moos: That's right.

Mr. Miller: Although that isn't specified anywhere here.

Mr. Moos: There is a condition that allows people to access existing holdings. That's one of the exceptions.

Mr. Miller: So you're saying it could be by seaplane?

Mr. Moos: Yes.

Mr. Miller: Okay. I think I understand the rationale of allowing commercial operators, because my other bias is that I quite like going canoeing. In Lady Evelyn park, for example, I hope some day to get flown in to a pretty remote area and paddle out. I assume that the idea of allowing commercial operators is to limit the number of flights in, and also, recognizing the economic activity, I assume, an access for those who want to travel by non-mechanized means in quite remote areas?

Mr. Moos: That's correct and, as well, the provision would require that there be some authorization in the management plan which will identify which lakes and any conditions on that.

Mr. Miller: In the case of First Nations, I don't know whether they might want to use a seaplane to access a park for their traditional activities. Does that happen anywhere right now?

Mr. Moos: The objective for wilderness parks pertains to visitors travelling by non-mechanized means, so that wouldn't apply to First Nations exercising treaty rights. We wouldn't, I think, consider them visitors per se. That would be in their traditional territory, and they wouldn't be visitors.

The Chair: Further questions and comments?

Shall the amendment carry? Carried.

Shall section 52, as amended, carry? Carried.

Shall section 53 carry? Carried.

Shall section 54 carry? Carried.

Have we forgotten one amendment here?

Interjection: It was withdrawn because it was out of order.

The Chair: Okay. Section 55, Ms. Mossop.

Ms. Mossop: I move that section 55 of the bill be struck out and the following substituted:

“Subsequent amendments

“55.(1) On a day to be named by proclamation of the Lieutenant Governor, subsection 7(1) is amended by adding the following paragraph:

“7. Aquatic class parks.

“(2) On a day to be named by proclamation of the Lieutenant Governor, section 7 is amended by adding the following subsection:

“Objectives: aquatic class parks

“(8) The objectives of aquatic class parks are to protect aquatic ecosystems and associated natural and cultural features for their intrinsic value, to support scientific research and to maintain biodiversity.

“(3) On a day to be named by proclamation of the Lieutenant Governor, subsection 52(1) is amended by adding the following clause:

“(b.1) prescribing the objectives for aquatic class parks;”

The Chair: Questions and comments?

Mr. Miller: What's different? I assume it's the 52(1) versus—can we have an explanation, please?

Mr. Oraziotti: The reference is to ensure that aquatic class parks are recognized on the day that it comes in force. It also is consistent with ensuring that Clyde and Bruton townships are grandparented immediately rather than being proclaimed separately at a later date. I support the amendment.

The Chair: Further questions and comments?

Mr. Bisson: I just disagree with that interpretation. I see it as basically giving cabinet the ability to do it later, but that's fine.

Mr. Oraziotti: With respect to aquatic class, correct.

The Chair: Shall the amendment carry? Carried.

Shall section 55, as amended, carry? Carried.

Shall section 56 carry? Carried.

Shall section 57 carry? Carried.

Shall section 58 carry? Carried.

Section 59: Ms. Mossop.

Ms. Mossop: I move that section 4 of the Historical Parks Act, as set out in section 59 of the bill, be struck out and the following substituted:

“Application

“4. Subsection 11(1), section 12, subsection 14(1), paragraphs 2 to 5 of subsection 15(1), subsection 15(2), sections 22, 24, 27, 31 to 37, 41 and 43, clauses 44(1)(a), (c), (d) and (g), subsections 44(2) and (3) and section 52 of the Provincial Parks and Conservation Reserves Act, 2006, apply with necessary modifications to historical parks.”

The Chair: Questions and comments?

Mr. Miller: Explanation, please.

Mr. Oraziotti: This request was made by the Ministry of Culture. Some provisions of the current provincial parks apply to historical parks established under the Historical Parks Act. The HPA provides that some sections of the current Provincial Parks Act apply to historical parks, and this amendment corrects the applicable section numbers as well to parks that are particularly affected by this: Sainte-Marie among the Hurons and Old Fort William. So it's for consistency and somewhat of a technical amendment.

The Chair: Further questions and comments?

Shall the amendment carry? Carried.

Shall section 59, as amended, carry? Carried.

Shall section 60 carry? Carried.

Section 61: Mr. McMeekin.

Mr. McMeekin: I move that section 31 of the Mining Act, as set out in section 61 of the bill, be amended by striking out “in provincial parks” and substituting “in provincial parks and conservation reserves”.

The Chair: Questions and comments?

Shall the amendment carry? Carried.

Shall section 61, as amended, carry? Carried.

May I have unanimous consent to do block consideration of sections 62 through 66, inclusive? Agreed.

Shall sections 62 through 66, inclusive, carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 11, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

We have one very short item remaining for the committee: Shall I present the final report on members' use of portable technologies in the legislative precincts to the House and move the adoption of the report? Agreed.

Thank you very much, ladies and gentlemen. We are adjourned.

The committee adjourned at 1804.

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Mr. David Oraziotti (Sault Ste. Marie L)

Also taking part / Autres participants et participantes

Mr. Robert Moos, strategic planning officer, Ontario Parks, Ministry of Natural Resources

Ms. Krystine Lintell, counsel, legal services branch, Ministry of Natural Resources

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