



Second Session - Thirty-Sixth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. David Newman
Constituency of Riel



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
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MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
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WOWCHUK, Rosann	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS**

Wednesday, October 23, 1996

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. David Newman (Riel)

**VICE-CHAIRPERSON – Mr. Marcel Laurendeau
(St. Norbert)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Driedger, Gilleshammer, Hon. Mrs.
McIntosh

Ms. Cerilli, Ms. Friesen, Mr. Laurendeau, Ms.
McGifford, Ms. Mihychuk, Messrs. Newman, Pitura,
Tweed

APPEARING:

Mr. Tim Sale, MLA for Crescentwood

WITNESSES:

Bill 32–The Council on Post-Secondary Education Act

Mr. Alden Turner, University of Winnipeg Faculty
Association

Mr. Allen Mills, Private Citizen

Ms. Shannon Slater, Canadian Federation of Students
(Manitoba)

Mr. Danny Blair, Private Citizen

Mr. Chris Dooley, Choices

Mr. Mark Golden, Private Citizen

Mr. Colin Murray, Private Citizen

Mr. Vaclav Linek, Private Citizen

Mr. Elliott Levine, Private Citizen

Ms. Kemlin Nembhard, Private Citizen

Mr. Linwood DeLong, Private Citizen

Mr. Douglas Arrell, Private Citizen

Mr. Ed Byard, University of Winnipeg Senate

Ms. Keith-Louise Fulton, Private Citizen

Mr. Richard Noble, Private Citizen

Mr. Blake Taylor, Private Citizen

Mr. Brent Stearns, Private Citizen

Mr. Jim Silver, Private Citizen

Mr. Donald Bailey, Private Citizen

Mr. William Seymour, Private Citizen

Ms. Jennifer Suss, Private Citizen

Ms. Elizabeth Carlyle, Private Citizen

Mr. Don Sullivan, Private Citizen

Mr. Paul Phillips, Private Citizen

Ms. Shannon Slater, Private Citizen

Mr. Tim Babcock, Private Citizen

WRITTEN SUBMISSIONS:

Ms. Elizabeth Carlyle, Canadian Federation of
Students (Manitoba)

Mr. Alden Turner, University of Winnipeg Faculty
Association

MATTERS UNDER DISCUSSION:

Bill 32–The Council on Post-Secondary Education Act

Mr. Chairperson: Good evening. Will the Standing
Committee on Law Amendments please come to order.

This section of the Standing Committee on Law
Amendments will be dealing with Bills 32, 33 and 47.

The first order of business for the committee this
evening is to elect a Vice-Chairperson. Are there any
nominations?

Mr. Frank Pitura (Morris): Mr. Chairman, thank you.
I would like to nominate Mr. Laurendeau, representing
St. Norbert.

Mr. Chairperson: Mr. Laurendeau has been nominated.
Are there any other nominations? Seeing none, Mr.
Laurendeau is elected as Vice-Chairperson for the
committee.

When this committee last sat, we were hearing public presentations on the following bills: Bill 32, The Council on Post-Secondary Education Act; Bill 33, The Education Administration Amendment Act; and Bill 47, The Public Schools Amendment Act. This evening the committee will continue with hearing public presentation on these bills. A new list of presenters should be before all committee members and posted at the back of the room for each of the three bills.

Before we continue with the public presentations, I would just like to remind committee members and the public present this evening that at the meeting of October 21 a motion was passed which set a time limit of 10 minutes for each presentation and five minutes for questions and answers. As well, at the same meeting, the committee did agree to the process whereby if a person's name was called and they were not present their name would drop to the bottom of the list. This procedure would occur on a second call, and then after a third call the person's name would be dropped off the list. As an indication of persons who have had their name called once already, they are on the current list with a # sign by their name.

Finally, which bill did the committee wish to hear presenters on first, 32, 47 or 33? Which bill do you want to—[interjection]—32 has the longest list. Mr. Laurendeau is suggesting that we proceed with that one. Is that agreed? [agreed]

I would now like to call upon Alden Turner to come forward and give his presentation to the committee. Professor Turner, you may begin your presentation while your brief is being circulated.

Mr. Alden Turner (University of Winnipeg Faculty Association): Thank you. I would like to take a few minutes of this committee's time this evening to talk about changing universities. In 1970, when I was a Grade 12 student at Kelvin High School, I studied English with Miss Griffiths, an irascible and formidable, yet dedicated and passionate woman nearing the end of her public school teaching career. We liked our other teachers more in part due to their support for our nascent political consciousness and activism. Miss Griffiths' affection for Victorian novels and rigorous, for us, at times unreasonable expectations seemed burdensome and

anachronistic. One afternoon several students interrupted her reading of passages from Thomas Hardy's *Tess of the D'Urbervilles* and demanded she make her teaching more relevant to our career aspirations and day-to-day lives. Miss Griffiths frowned, so much so I thought her heavily lacquered, pancake makeup was cracking, and she offered us some advice: One should not ever make changes in anything unless one has something better to put in its place.

Premier Gary Filmon and Education Minister Linda McIntosh should heed Miss Griffiths' advice and give a sober second thought to Bill 32, The Council on Post-Secondary Education Act, during these public hearings. Bill 32 has been discussed widely at all levels within the post-secondary community in Manitoba. As these hearings progress, you are realizing that an unprecedented and broadly based consensus exists among faculty, administrators and students, you must make meaningful and significant amendments to the COPE legislation if the integrity, quality and accessibility of university and community college education in Manitoba are to be ensured.

Most of the high school students sitting in Miss Griffiths' English class at Kelvin that afternoon in 1970 were sons and daughters of Winnipeg lawyers, doctors, dentists, professors, teachers, church ministers, politicians, architects and chartered accountants. We went to university the next year, and after many more years of undergraduate and graduate school study in Manitoba and elsewhere, most of us took the places of our parents in law, health care, education, social services and business. The universities we attended offered us an education in intellectual traditions and knowledge required of productive and responsible citizens. They contributed to our academic preparation as professionals and leaders in every area of industry, business, government, science, technology and culture.

Contrary to some uninformed assumptions, including those in a recent Free Press editorial Universities must change, Manitoba universities are changing and changing for the better as we prepare our students for the challenges of the 21st Century. What has changed during the past 25 years? Our universities have become less elitist and more accessible, less tradition bound and more innovative, and increasingly accountable and fiscally responsible.

At the University of Winnipeg, for example, extensive and broadly based consultative reviews of our teaching, curriculum, student services and administrative processes have been conducted by the President's Task Force on Student Accessibility, the President's Committee on the Future of the University and the Board of Regents Committee on Equity. Those members of the Department of Education sitting here tonight who have been with the department for some period of time know of the extensive nature of all of these reports. In addition, department and faculty committees are at work every year conducting performance reviews of faculty teaching and research as well as revising and updating our academic curriculum and programs. These measures are why, in fact, universities are changing and changing for the better.

What has not changed during the past 25 years? Since 1967, when the Universities Grants Commission was established, successive provincial governments have failed to develop any comprehensive framework for policy and planning in post-secondary education. As a result, universities have been impeded by bureaucratic and ministerial uncertainty and inaction on our initiatives for co-operation, innovation and change.

In their December 1993 report entitled *Doing Things Differently*, the University Education Review Commission, chaired by the distinguished former Conservative Premier Duff Roblin concluded that, quote, the provincial structure of post-secondary education governance now in place is inadequate for the formulation and implementation of post-secondary education policy; and that there needed to be, quote, a greater focus on post-secondary education within the provincial cabinet—unquote.

* (1910)

Last December, Education Minister McIntosh appointed an interim transition committee to recommend legislation on post-secondary education, but the ITC proposals contained in Bill 32 bear only a superficial resemblance to a few of Mr. Roblin's 41 recommendations. Are you aware of the fact that the ITC made little, if any, attempt to meet with boards, senior administrators, faculty and students during their deliberations? I found it rather hard to take last Monday evening when we discovered that they had spent one hour

with each of the university's presidents and board chairs last December and consulted for about six hours in all. Are you aware that they also ignored repeated requests for subsequent consultation? Given that Mr. Roblin's report stressed improved communication and interface with government and the institutions, the ITC's process was unacceptable. The ITC and Education Minister McIntosh simply did not do their homework before these hearings began. As a result, Bill 32 is deeply flawed.

Accountability is a two-way street. If we see that bureaucrats and politicians are failing, then we must correct their errors and demand significant improvements in their performance. You owe us no less than what our students come to expect when we tell them that certain basic requirements must be fulfilled.

A council on post-secondary education was indeed one of the 41 recommendations of the Roblin University Review Commission, but Mr. Roblin maintained that the council should be a co-ordinating, mediating and linking agency—look it up on page 69—to facilitate greater communication and consultation between the government and post-secondary institutions. The recent COPUM proposal for amending Section 4 underlines this fact. Under Bill 32, and contrary to the Roblin commission, post-secondary program priorities and policies will be determined by the Minister of Education and Treasury Board. In other words, they will be harmonized with Mr. Filmon's own political agenda.

My colleagues at Charles University in Prague, where I taught Canadian studies several years ago, as well as many of my friends and colleagues in the German, Polish, Ukrainian and Mennonite communities, among others in Manitoba, could tell you some very troubling stories about their experiences in schools and universities under centralized state control.

Bill 32 lacks any statement of what actual government policies and priorities this legislation is designed to achieve. It refers only to some indeterminate framework of accountability established by the minister and some unspecified priorities the council should follow. What accountability? What priorities? Nonetheless, Bill 32 allows Education Minister McIntosh to integrate services and facilities, intervene in academic policy-making processes and bodies such as university senates and boards, set academic program priorities, target funding

and regulate academic programs within institutions as well as within the post-secondary system.

Mr. Chairperson: Two minutes left in the 10-minute presentation.

Mr. Turner: The real and ongoing effects of Bill 32 on our universities and community colleges in Manitoba will be largely unknown until COPE is appointed and operational. Are you willing to wager the futures of your families, your children and grandchildren, on Bill 32? In the public interest of enhancing the academic integrity of our universities and colleges relative to national and international standards and practices, Manitobans have a right to expect something better in place of the proposals presently contained in Bill 32.

The Council of Presidents of Universities in Manitoba, senates and faculty councils at the University of Winnipeg, the University of Manitoba and Brandon University, faculty associations, student associations, MOFA and CAUT have all endorsed mutually compatible amendments being presented to you during these public hearings, and it is my privilege to refer some modest amendments to this committee on behalf of the University of Winnipeg Faculty Association. These are contained in the appendix to my presentation, and I would ask that they be recorded in the public record.

In the history of Manitoba universities and colleges there have been many great success stories, including the research of plant geneticist Baldur Stephansson, the father of canola cited in the recent Free Press editorial.

However, our future capacity to maximize the potential of our investment in post-secondary education requires more careful consultation, thought and planning rather than more ministerial power, regulation and control. If we are to prepare our students appropriately for the 21st Century, your judgments should reflect the needs of the entire community in a climate of change.

One of my former professors, Dr. John J. McDermott, a distinguished philosopher who specializes in pragmatism, once wrote: We stand today on the edge of a great battle, that between humanistic learning in our nation and in our universities on the one hand and the shallow, opportunistic and personally aggrandizing character of the appeal to the bottom-line principle of

sheerly economic accountability on the other hand. Philistines and purveyors of the shallow are everywhere. They pervade the university as well as the marketplace. It is our task to sustain and celebrate the wisdom of the past on behalf of our obligation to make possible the wisdom of the present. More than 70 years ago, William James said philosophy bakes no bread. True enough. Nor does it build bridges or clone cells, yet a society that only builds bridges or clones cells is a society that has failed to realize its deepest mission.

As our democratically elected guardians of the public interest, you need to make a commitment to the profound academic, ethical and social imperatives at work in changing universities. Otherwise you should be content to accept Miss Griffiths' advice: One should not ever make changes in anything unless one has something better to put in its place.

Mr. Chairperson: Thank you, Professor Turner.

Ms. Jean Friesen (Wolseley): Thank you, Professor Turner, for your presentation. I take note of your emphasis upon the way in which universities have changed in the last decade and particularly take note of the number of instances and processes of accountability that you have talked about that universities constantly are involved in, because I think it does get at some of the underlying assumptions that lie behind this particular piece of legislation, that universities are unchanging and unaccountable.

I think you may already know that the minister is proposing some amendments, and I wondered if you will be prepared to comment on them and suggest whether they meet some of your concerns or whether we need to look further. I am particularly referring to the ones where the minister is proposing to insert "in consultation with universities and colleges," and I think it is at the beginning of Clause 12(e).

Mr. Turner: First of all, we welcome the change to Section 4 that reinstates the word "policies" as it appeared in The UGC Act. However, this does not solve the problem. Under Section 11, I think it is important to remember that the UGC had responsibilities to study post-secondary education in the province with reference to a number of issues, and the COPE bill similarly gives the government-appointed members of the council the

responsibility to conduct a similar assessment. However, Bill 32 makes no reference to educational resources normally available at universities. This is the reference that appears in Section 15 of The UGC Act. Instead, Bill 32 specifies that the council shall, within a framework established by the minister, determine priorities in the provision of post-secondary education and then allocate funding in accordance with those priorities. In other words, without reference to educational resources normally available at universities, the minister is afforded the power to set academic programs and priorities and target funding both within the post-secondary system and within the institutions, and there are clear dangers in this lack of reference to educational resources normally available at universities.

Mr. Chairperson: Just one minute left in this section.

Ms. Friesen: I wonder if you could elaborate on that. What are the dangers? If you were framing an amendment in that context, should we be going back to the UGC wording, or is there something that we should be looking for even beyond that?

* (1920)

Mr. Turner: As you will see in the amendments being proposed by the University of Winnipeg Faculty Association as well as other associations and organizations appearing before this committee, we would like to see the reference in 11(b) to read that the council shall work within a framework established by the council in consultation with the universities and colleges. In other words, it should be the council that again, to quote Roblin, is serving as a mediating and linking agency, not in response to ministerial directives. Secondly, I think it is very important under 14(2) to recognize, and this is contrary to what the minister suggested to Mr. Bruneau when he presented on Monday night, that all we are asking for under 14(2) is that the UGC language be reinstated. We want what was in the UGC language. What presently appears does not refer to new programs; it refers to any programs that the university might wish to establish, expand or reduce, and there is a huge difference.

Mr. Chairperson: Your time is now expired. Is there leave of the committee to read into the record the last four pages of this submission which constitute the

amendments? [agreed] Leave of the committee to have those printed in Hansard is given.

Dr. Allen Mills is the next presenter.

Mr. Allen Mills (Private Citizen): My name is Allen Mills. I am a professor at the University of Winnipeg. I have been a professor there for over 25 years. I am here as an individual. I thank the committee for the opportunity to appear. Let me make clear, since I have in the past had certain political involvements, I am not a member of a political party, nor have I been for close to 10 years. I am a professor, and I speak on behalf of myself.

My research has taken me into an investigation of the politics of Manitobans, as it turns out. I think the committee might be happy to hear that, although maybe they are not the Manitoban politicians that most of the members of this committee would approve of. One of my more recent research interests has been to work with Charles University in Prague, in the Czech Republic, and I think this committee will be happy to know that there is someone within the universities of Manitoba who has both studied and has maybe aided and abetted the political and economic transformation of the Czech Republic.

I am happy this evening to be associated with the university community and its many individuals who have done so much to make life in this province varied, pluralistic, intellectually rigorous, cosmopolitan and, I think, democratic. I am pleased to represent universities who embody, I think, traditions of independence, intellectual freedom, cultural pluralism and public service.

To the matter at hand, Bill 32. Bill 32 clearly is to replace the arrangements roughly governed by the Universities Grants Commission system. Let me suggest two things about the UGC that is about to be replaced. The UGC Act successfully places universities, I believe, at arm's length from the government; and, second and importantly, I think there have evolved over the 25 years or so traditions of operations on the part of the UGC that mean that it has produced, or at least appointees to it have been informed, diligent, nonpartisan people who I believe consistently have respected the independence and integrity of the universities. We might say then, why

change this system at all? What does the government want to do with universities and colleges that they cannot do under existing legislation? Why is Bill 32 necessary at all?

I have undertaken my own comparison of the UGC Act with Bill 32, and it seems to me, as far as I can discern, these are the three important areas of difference and change. In the first place, I note a continuing of elimination of overlap under the guise of co-ordination and integration. Second, I see a theme of eminent greater universities and colleges collaboration. Thirdly and most importantly, what I see is a theme of greater government intervention in the name of planning. Now I think this last purpose is seen in a number of sections, and maybe I can quickly highlight them.

I think this theme of government intervention and planning is seen in Section 4 where the minister has the power to establish a framework of accountability, general directions, priorities, co-ordination of the council's work with government. We see the theme in Section 11 which reiterates the minister's power to establish a framework for councils. We see it also in 14(3). Pre-eminently we see it in Section 25(1). This is an especially broad ministerial power to appoint a person or committee to review and report on the mandate of the council or any other matter concerning the council or this act. This is a broad power that you could drive a coach and four through.

Essentially, I submit to this committee, Bill 32 is the politicizing or ministerializing of the universities and colleges of this province. This is a fundamental change that Bill 32 brings about compared to The UGC Act. Now given that these are the substantial instrumental changes wrought by Bill 32, what are the government's goals and purposes? Here the legislation is silent. Bill 32 gives the government power to plan, power to co-ordinate, power to establish priorities, power to provide frameworks. But to what purpose? What are the government's priorities and framework for higher education? What are the purposes behind its would-be powers? As to these, Bill 32 is silent. Yet these purposes and policies are clearly the other shoe that must surely be dropped before we become aware of the full extent of this government's plans for the universities. All of creation and especially the universities in Manitoba tremble and are in travail as we await the plans that this

government has in store for us. However, it is clear that the minister and this government feel that they need a statutory replacement of the UGC system. The minister and the government clearly believe that governments have had insufficient impact on the universities, but what is available to her already under the existing system even without the additional powers of Bill 32?

The government presently has an unlimited power of the public purse. The minister meets with the presidents of university. The minister meets delegations from the universities and colleges. The government appoints members to the boards of governors. The minister meets and deliberates with the Grants Commission and so on. These are significant powers, it seems to me, but all these existing powers and possibilities are not enough, apparently. The minister wants power to set frameworks, to review decisions of putative post-secondary councils, power to provide general directions and priorities and co-ordination. In short, I submit, the minister asks for additional powers under Bill 32 essentially to impose her will, if need be, on the universities of this province.

The solution she proposes is the delegation to her, under legislation, of an open-ended, unspecified, unfocused discretionary power to establish her priorities. This is the traditional response, I would argue, of an executive-dominated system of government: Seek additional open-ended powers and then exercise them in actuality without reference to the approval or consent of the Legislature. Understandably, the universities and colleges feel decidedly uncomfortable over such a degree of untrammelled powers delegated to a minister of the Crown, yet the minister complains. How can she introduce to the system matters of public priority and public interest? Apparently, she cannot do this under the existing UGC arrangements. Perhaps she is admitting that she is the sort of politician who cannot work within a system based upon consent, consultation, negotiation and remonstrance. Since she evidently desires powers to countermand and override whatever resistance or inertia may be present in the system, let me offer another alternative.

She claims she does not wish to micromanage the universities and colleges, and that the powers she seeks, she wishes to use only sparingly. If she is so exercised, she has a clear alternative available to her: introduce legislation with specific purposes in view, whatever these

may be, perhaps to establish a trunk line for electronic information in the whole system or whatever. Such individual legislative initiatives will have clear and specified purposes. Instead, what the minister seeks are open-ended powers without limits, without focus and, indeed, without end until they are changed by a future Legislature.

* (1930)

Mr. Chairperson: You have two minutes left in your 10-minute presentation.

Mr. Mills: Thank you. The post-secondary community is understandably loath to give the government such an unmitigated, unbalanced power to interfere. I hope the committee understands then the need to amend Bill 32. Better again, withdraw the bill and amend the existing Universities Grants Commission Act.

In conclusion, I ran into an old acquaintance the other day. He is a professor and a lifelong supporter of the Conservative Party. I was curious over his opinion of Bill 32. His answer, I thought, was instructive. He said he would support the federal Conservatives, but he would not vote for the provincial party. He characterized the provincial government's posture as meddling. I think that that is an appropriate characterization. I do not fear that this government will use its broad additional powers under Bill 32 in an authoritarian or totalitarian way. This, after all, is Manitoba in 1996, not Berlin in 1938 or Prague in 1976, but I do think that this government is capable of a meddling, fussy and intrusive interference in the affairs of universities and colleges. For that reason, I counsel this committee to make substantial amendments to Bill 32. Thank you for your attention.

Mr. Chairperson: Questions?

Ms. Friesen: Professor Mills, I wish I shared your confidence about the absence of authoritarianism in this government. My sense is that there is an authoritarian direction in much of the legislation that we are seeing in this session, and I think Bill 32 is one aspect of that.

I also take your point of the contribution of the universities to Manitoba life and particularly to the studies of Manitoba because, again, I think that offers an important corrective to the kind of assumptions which lie behind this bill, and which, unfortunately, I think, also

lay behind the Roblin commission as well. You pointed to one particular section, 25(1), which, I think, you said something that you could drive a cart through. It is one of those types of sections of a bill which, I think, enables a minister, in this case, to go on a fishing expedition. In fact, given the powers under this, it is more of a deep trawling expedition, I think.

The Manitoba Association of Rights and Liberties offered us some suggestions there for protections, particularly for the inquiries that might use personal records of individuals or groups of individuals. I wondered if you had seen those amendments or whether you would support or think that that was sufficient to be protective under this particular section.

Mr. Mills: Well, Ms. Friesen, I have not seen those amendments; I have not seen their brief. My point is a broad and general one. I am looking at the gist of this legislation. I am looking at what I see as the thrust of it, given certain crucial important sections. Section 25(1) is, I think, the most egregious example of what I see as this tendency to establish an overseeing ministerial authority that essentially can be exercised in a completely discretionary way; that is to say, without reference to Parliament, without reference to the Legislature, except in regard to the normal kind of stuff. I do not like the idea of legislation giving an open-ended authority to ministers to make policy on the trot, and I think this legislation does that in regard to the universities and colleges of this province.

Ms. Mary Ann Mihychuk (St. James): I would like to ask you if you have considered or studied other jurisdictions, other provinces in their relationships with university and colleges, and could you summarize or compare this legislation with other jurisdictions? Are we considered on par, or is this considered extreme legislation or moderate? Have you got a view?

Mr. Mills: Look, I am not here as an expert on the laws governing universities in this country. I consider that I have an understanding experientially and from reading the legislation proposed by this committee, proposed by this government and referring it and comparing it to The Universities Grants Commission Act.

I am a political philosopher and a political theorist whose interests are in political ideas in this country and

political change in the Czech Republic. I think I understand a good deal about legislation, the way parliaments work and issues to do with freedom in our society. What I am trying to emphasize in my presentation is that there is this hugely significant historical achievement in regard to the autonomy and independence of universities. It is something that is accountable to public authorities in various kinds of way, and yet it is this precious kind of thing. I see danger to it in the kind of overriding ministerial authority granted under Bill 32. That is my point. That is my reason for being here.

Mr. Chairperson: Mr. Sale and the honourable minister, we have a minute and 15 seconds.

Mr. Tim Sale (Crescentwood): Mr. Chairperson, you, however, did have some experience in Czechoslovakia, and I wonder if you could comment on your sense of government's ability to give useful direction to something as complex as post-secondary education and the many, many elements that comprise a modern community college or university. Do you have any sense of the experience in other jurisdictions with the kind of intrusive powers that you are speaking of here, or speaking against here?

Mr. Mills: Of course, in the Czech Republic or at least under Czechoslovakia, it is an atrocious example. I mean I met this genial gray-haired old gentleman, who was the Czech authority on Shakespeare and because he was not a communist was sent to the computer centre to sort of shuffle cards all his working life. I met a professor of economics, because he would not march in the Communist Party May Day rallies was sent to some kind of boondocks arrangement to teach English to primary school children. I mean these are examples that sort of kind of pierce you to the heart and cause you to understand that sometimes politicians get it very, very wrong when they deal with things like matters of the mind and research and intellect and inquiry.

Mr. Chairperson: The time is up. Sorry, Madam Minister. Thank you very much, Dr. Mills.

Next, Elizabeth Carlyle, please. You may begin your presentation, Ms. Carlyle.

Ms. Shannon Slater (Canadian Federation of Students (Manitoba)): Actually, I am Shannon Slater.

Elizabeth Carlyle is unable to come here tonight. She has to work this evening, unfortunately. I have been co-vice-president with Elizabeth Carlyle at the University of Winnipeg Student Association for the past two years. Our term ended last spring. We have talked extensively about legislation, so she asked if I could make the presentation for her.

Mr. Chairperson: Your written presentation or Ms. Carlyle's has been circulated, so you may begin your oral presentation.

Ms. Slater: As a student at the University of Winnipeg and as a representative of the Canadian Federation of Students, I am pleased to have an opportunity to speak to this committee on Bill 32, The Council on Post-Secondary Education.

I only wish I could come to you today with a more positive commentary than what I am about to make. However, after witnessing the extraordinary combination of disregard and active malice of this government for post-secondary education, and for so many other vital social programs, it would be a lie to pretend that students at the schools represented by CFS in this province are appreciative of what the current government has done to them.

To begin with, I am compelled by the sheer volume of complaints from students to raise the issue of the process through which we learned of this hearing. How is it that a government which has presumably spent thousands of dollars advertising a long-overdue tax credit for Manitoba students could not have scraped together some resources to launch an informational campaign about the proposed bills in the House on post-secondary education?

Admittedly, student associations in the province bear some of the responsibility for getting information about things like Bill 32 out to the students. However, CFS has ample reasons to believe that the route the current government has taken in presenting Bill 32, and the 75 other bills put before the House this fall, goes against basic principles of public participation and fair opportunities for citizen involvement, what we here in Canada call democracy. Among these reasons:

The current government has put forward a huge number of bills, many of them portending major changes to

everything from education through health care, labour relations and MTS to social assistance. Yet, despite the obvious importance of these changes, government representatives have characterized them as administrative exercise. Was there ever any intent to allow full input from the citizens of Manitoba?

Not only has the current government put forward a veritable legislative assault on many of the equalizing, communitarian mechanisms and services in this province, but it has tried to rush these bills through the process. I understand that the current government has graciously given Manitobans the summer months to peruse the hundreds of pages of bills before the House, but you must surely be aware that neither hide nor hair of the vast majority of students is to be found on campuses from April to the end of August. This has left us with little over one month since the beginning of term to begin to share information with students. Obviously, for a proposal of such import as Bill 32, this is not enough time, and students have been making this clear.

* (1940)

I cannot reiterate enough that grave changes to law in this province should be accompanied by an equally serious approach to consulting in a meaningful way the full diversity that constitutes the public. By meaningful, I mean actively distributing easily decipherable information about the changes proposed and soliciting public opinion, especially from participants in the various systems affected. This would include going out to rural and northern areas to hold hearings and other consultations. The Filmon government has failed students and many others in this regard.

On a more personal note, I have served as Canadian Federation of Students Liaison, Vice-President Student Services and Vice-President Advocate of the University of Winnipeg Students' Association. I have been a student representative on the University of Winnipeg Senate and have been involved in numerous student groups and clubs. With these more than three years experience, it is important for me to go on the record as saying that I have some problems with the government's claims about having consulted with students.

In fact, I recall that as recently as last spring, Arlan Gates, the University of Winnipeg Students' Association

president, and I, as V-P Advocate, attempted to make an appointment with the Minister of Education (Mrs. McIntosh). Our calls were not returned and we had to make a total of 12 calls in order to arrange a meeting. When we actually did meet, the minister was dismissive, not seeming to be very interested in student opinion that diverged from her own. If this is what she means by consultation, then students have much to fear in Bill 32. During the year prior, we had also made a number of attempts to meet with the minister but with little success, but if it is any consolation, we suffered even worse reception from Minister Manness.

Moving now to the substance of Bill 32 itself, it is important for me to premise the analysis that follows with some words about CFS's mandate. The Canadian Federation of Students is Canada's largest and longest-standing student organization. Founded in 1981, after a history of student organization dating back to 1946 and built on individual student memberships and participation, CFS now counts over 400,000 members across the country. The scope of CFS's work includes direct student services such as ISIC and StudentSaver Cards, as well as indirect services such as advocacy work and campaigns on student issues.

Here in Manitoba, students at the University of Winnipeg, Brandon University and the Collège-Universitaire de Saint Boniface are members of CFS. CFS has a history of proactive, constructive involvement in post-secondary education in this province, having been instrumental in calling for a 5 percent cap on tuition fees, no taxes on student loans and student involvement in university and college decision making at all levels.

Since classes commenced this fall, the Canadian Federation of Students has been soliciting student input on Bill 32. We have been working with students and in conjunction with administration and faculty on several campuses, as well as community organizations, to assess the import of Bill 32 and other bills relating to education, as well as the entire package of legislation before the House.

In consultation with its members and member locals, CFS has concluded that while we welcome in principle the notion of some sort of council on post-secondary education for Manitoba, indeed for the whole country as well, we have too many reservations to enable us to

endorse the legislation. First, however, I will note that we applaud the reference in Bill 32 to the COPE's role in facilitating the implementation of appropriate credit transfer arrangements between universities and colleges (11(f)). We also appreciate the minor changes the government has agreed to in Sections 3.2, 11(b), and 12(e) of Bill 32. Additionally, we hold out hope that the intent of establishing policies for tuition fees charged by universities and colleges (12(e)) is to either cap or freeze increases to tuition fees in Manitoba, accompanied by adequate funding to institutions, so that they will not be forced to cut back in other areas. It would be a more positive item, however, if policy on grants, bursaries and loans were also to be formulated.

Finally, CFS applauds any efforts to increase accountability of all participants in the post-secondary education system. However, we find the vague reference in Bill 32 to performance evaluation to be disconcerting. In fact, while many students want accountability from the system, they have also become frustrated when indicators employed are one-sided, limited in scope, often only to faculty teaching functions, essentializing or focused on punishment rather than improvement when it comes to teaching in particular. Students certainly want accountability, but we also want fairness and equal consideration of all roles faculty play.

In moving to consider several amendments to Bill 32, I will briefly preface my statements. I know that you may be hearing different from other student representatives during these hearings, but I think the weight of experience is behind CFS in these matters. If we think of student unrest during last year's faculty strike in which students demanded fair and expedient treatment of the conflicts there, if we think of January 25, 1995, and February 7, 1996, CFS Days of Action across the country, if we think of student concern about the loss of the cap on tuition fee increases, if we think of the outrage of students at the CUSB over the near loss of their technical college, if we think of all the signs over the past several years, we can see that students are, by and large, not happy with the current government's direction on post-secondary education.

What follows are some amendments to Bill 32 that will help make students more willing to work with the current government to change post-secondary education. Firstly, CFS supports all the proposed amendments brought

forward by the Manitoba Organization of Faculty Associations. I will not go over the MOFA amendments in detail here. Suffice it to say, their amendments, which aim to reflect the role of PSE in the creation and sharing of knowledge, the necessity of institutional autonomy, academic freedom and collegial decision-making arrangements regarding policies and standards, collegial and community-based decision making regarding intercampus funding distribution, and provisions to expand, not reduce, services, facilities and programs—all these are well received by CFS.

It follows that CFS does not endorse the increased decision-making power over post-secondary education accorded the Minister of Education and the Council on PSE in Bill 32 as worded without these amendments. Students want more grassroots involvement in post-secondary education. It also follows that CFS challenges the current government to put more, not less, resources into post-secondary education. For mechanisms for doing so, in spite of the economic realities facing the province, you need only look so far as to the locally produced Choices alternative budget to get some ideas to get started.

2. Add a definition of "student" in the definition section—

Mr. Chairperson: Your 10 minutes is up, so you are encroaching on the question period. Do you want to continue?

Ms. Slater: Maybe I will just—

Mr. Chairperson: We have your brief, so if you want—

Ms. Slater: Okay, that will be fine. Thank you.

Hon. Linda McIntosh (Minister of Education and Training): Mr. Chairman, I assume the whole brief will be recorded in Hansard so that it is there.

Mr. Chairperson: Is there leave from the committee to have the whole brief recorded in Hansard? [agreed]

Mrs. McIntosh: Thank you. I just wanted to just clarify something that is on page 2 in your brief because I think it is important for the record to note something that could be misinterpreted. Indeed, I did only have one meeting

that I am aware of with Ms. Carlyle, but Arlan Gates and I had 10, 12, 13 meetings. I will get my secretary to get my calendar and have that recorded in the minutes because you have left the impression that Arlan could not get an appointment with me, and Arlan was free to come to my office at any time and, indeed, did sometimes come even without an appointment to spend an hour with me. So we have had at least 12 meetings together, Arlan and I, from the time that I became minister until his presidency concluded.

I do not know the reference here to your calls not being returned, because I think my secretary also keeps a record of incoming calls, and I would be very upset if a call was made to my office by a student leader that was not returned. I am not aware of any calls not being returned. I know sometimes that it does take a lot of calls to get calendars coincided if it is to be a large meeting, but I can assure you, and I wish the record to show, that Mr. Gates and I had innumerable, regular meetings, all of which were at least an hour in length, as well as many phone calls where we chatted at length, as well as letters going back and forth. In fact, Arlan and I stay in touch with each other to this day.

I also wish the record to show that I consult regularly with the students from other post-secondary institutions and, indeed, took with me the vice-president and president of the University of Manitoba to the National Consultation on Education in Edmonton where we spent two days together, breakfast, lunch and dinner, talking about student affairs, and those students do not share your opinion.

Do you feel that as president of CFS that the University of Manitoba Students' Union disassociated itself from your organization for a particular reason, or do you know why they disassociated themselves from your organization?

* (1950)

Mr. Chairperson: Ms. Slater, I believe you are co-vice-president at the University of Winnipeg Canadian Federation of Students. Is that your title?

Ms. Slater: She is the representative for Manitoba and on the executive council. As to the question or the

remarks about meeting with the minister, I do believe that when the budget came down, I spoke with you in the hallway and explained to you—[interjection] Liz and I have phoned your office quite a few times, and I think I explained to you then that Liz and I, as the co-vice-presidents, have a different approach, which is something that Arlan, our president, and I both, we understood, and that it was important for us to also meet with you, because a lot of the information that got filtered through the president was not—and to yourself, was something that we would have liked to have consulted with you about. I think that I had mentioned that to you, and we still had difficulty with meeting with you after that time.

Your question? I am sorry.

Mrs. McIntosh: My question was, what in your opinion is the reason that the University of Manitoba Students' Union chose consciously not to belong to the organization that you are co-vice-president of?

Ms. Slater: Not co, but a representative of. I believe that the University of Manitoba in my students' union—I question their commitment to their students. The University of Manitoba Students' Union chose to become a member of CASA which is a newly-formed group. They chose to become a member of that group right after one of their members was being investigated for defrauding the CASA organization and was being investigated by the RCMP, so I really do not think that UMSU's position in who it aligns itself with has very much to do with the best interests of its students.

Mr. Chairperson: Time is up. Thank you very much for your presentation. Ms. Slater, can I just confirm, you are listed as No. 33 as well. I take it your presentations are now complete?

Ms. Slater: Will I have an opportunity to speak for myself? Is that irregular?

Mr. Chairperson: So you are saying that this was as a representative of the Canadian Federation of Students?

Ms. Slater: Manitoba, yes.

Mr. Chairperson: And you wanted to speak as an individual and make a different presentation as No. 33 on the list.

Ms. Slater: Please.

Mr. Chairperson: Understood.

Ms. Slater: Thank you.

Mr. Chairperson: The next presenter is Danny Blair. You can make your presentation, and I would just remind committee members to please address your questions through the Chair as we proceed, and presenters as well. You may begin, Mr. Blair.

Mr. Danny Blair (Private Citizen): My name is Danny Blair, and I appear before you today to voice my opposition to Bill 32, particularly that part of it which interferes with the academic integrity of our universities. Over the last several years this government has done much to damage the quality and the reputation of the universities in this province, largely by refusing to fund them at the levels which they so desperately need and deserve, but nothing this government has done to date compares to the damage which will occur as a result of Bill 32. Should this bill be passed in its present form and should this government implement this bill in the way that I fear that it will, Manitoba's universities will be widely recognized as third-rate, last-resort, one-star institutions. Anybody who knows anything about how our universities operate, which is how all universities operate and must operate, and how they contribute to the social and cultural fabric of Manitoba, Canada and the international community as a whole, will realize that Bill 32 will demote Manitoba's universities from the big league down to the minors. They will, as they say, be riding the bus.

Much to the chagrin of this government, universities are unique institutions in that they function with a large amount of freedom, but freedom within universities is essential. It is especially important that the governing bodies of a university be free to make their own choices about who to hire, who to retain and what courses and programs to offer to its community of students and, through it, the community at large. This is a long-standing practice within universities, a practice that has been developed over many years and indeed centuries of public service and public accountability. It is a system that works and works well.

Nevertheless, this government seems to think that it is necessary to isolate Manitoba's universities from all

others in the western world by giving the government the power to decide what gets taught and by whom. It seems to think that the experts within the university system are out of touch and that it, without effective consultation with the universities, should determine the nature of the academic programs within the universities. I disagree.

One problem I see is that the government, like most governments, is extremely myopic. By this I mean that it is temporarily short-sighted, seeking short-term windfalls rather than long-term progress largely within the confines of a four- or five-year cycle of elections. Even worse, it sees what it wants to see. When it looks towards the universities, it chooses to see the proverbial ivory towers in which students are taught irrelevant courses. This is just not true, and if the members of this government would take the time to come across the moat they erroneously assume is there to sincerely discover what it is that universities do, they would undoubtedly be impressed by the degree to which university courses are relevant.

University courses do indeed prepare our students for the job market. They provide them with specific skills needed to get specific jobs, whether these jobs be in banks, hospitals, courtrooms or classrooms, or whatever. More importantly, they provide them with general skills valued in all employment positions including the ability to write and communicate effectively; the ability to think logically and critically and the ability to learn no matter what the circumstance might be. These are the kinds of skills that our students will need to survive and thrive in the globalized community to which this government likes to refer.

Furthermore, it is absolutely essential that students entering our universities have the freedom to choose from a wide range of courses so that they might explore and discover the world around them. Most students start university without really knowing what they want to do with their lives, and many of those who do come in with a defined goal find themselves changing that goal as they discover new disciplines and new ideas. Consequently, it is imperative that students have choices within universities, choices that will nurture an environment in which students can discover who they are and what they have to offer to society. This government must not unduly restrict those choices. It must not convert our

universities into education factories in which graduates are stamped out like Tupperware.

This government also chooses to see ivory towers full of overpaid and underworked professors. This, too, is simply not true. Again, if the members of this government were to cross their moat, they would find in fact a large number of overworked and underpaid professors. Unfortunately, it is generally not recognized or appreciated that an enormous amount of time is involved in the education and training of professors. Most have spent at least 12 years studying to obtain their bachelors, masters and doctoral degrees so that they are qualified to teach in a university.

Once hired, perhaps after years of postdoctoral research or teaching in a very competitive market, they must prove themselves to be effective teachers and researchers publishing scholarly work within the process of pure review, wherein the quality of one's work is judged by professionals from around the world. Then, to obtain full-time status within the university, the professor must be judged by his or her colleagues and accepted as a valued member of the university community, and, to be promoted, a professor must continue to be a high-quality teacher and researcher.

In addition, the professor must contribute to the administration of the university by sitting on departmental and faculty committees. All of this requires an enormous sacrifice and commitment from the professor. Unfortunately, this government chooses to base its opinion of professors on erroneous information of the sort that is often discussed on radio talk shows. The truth is that professors are not lazy. They do not have four months of downtime in the summer. Their performance is assessed on a regular basis; they are not overpaid.

Sadly, the fiscal policies of this government and their treatment of the University of Manitoba professors during last year's strike have sent a clear message to professors which is that the government does not respect their years of training, and it does not trust their professionalism. Consequently, it is increasingly difficult for our universities to attract and keep the best and brightest scholars, and Bill 32 will make it almost impossible in my opinion.

This government also seems to think that the aforementioned research within universities is a luxury despite the fact that research is one of the most important activities within universities. Research is yet another means by which universities contribute to society as a whole. This government seems to think that much of the research going on within universities is a waste of time and does not contribute substantially to the well-being of society and the economy of Manitoba in particular.

* (2000)

What this government does not seem to understand or respect is that those within universities must be free to conduct research without undue restriction or fear of reprisal. They must not be forced to restrict their studies to areas in which there is likely to be an immediate payoff to the local economy. They must not be forced to research only that which has been approved by the government in power.

Bill 32 provides a mechanism for direct interference in the academic activities of university professors. It provides a means by which the government can directly interfere with the discovery of the truth. This is not acceptable.

I know a good deal about what goes on within universities because I am a professor in the Department of Geography at the University of Winnipeg. I started going to university in 1975 and continued to do so full time till 1987 when I was hired at the U of W. I received my Ph.D. from the U of M in 1989. I teach a variety of courses related to climatology, meteorology and natural hazards and the environment. I publish research on prairie tornadoes and hailstorms, the flood hazard in Carman, the causes of unusually wet summers in the North American interior, tropical cyclone disasters in Bangladesh, Manitoba's frost hazard and the climate of Manitoba in general.

My current research activities include studies of the July 16 hailstorm, changes in prairie climate variability over the last 100 years or so, the detection of long-term climate changes using precipitation isotopes and the potential impact of global warming on prairie wetlands. I attend conferences and workshops. I serve on a large number of university committees. I provide information to local and national media outlets and to a large number

of private citizens. I am also a mentor of junior high and high school students who need encouragement to attend university through the Cub program. I just hope I do not have to tell these students that they will have to leave the province to attend a good university. In short, I work very hard, as do all professors with whom I am associated.

I love my job, but I am appalled at the lack of respect that this government seems to have for me, my colleagues and Manitoba's universities as a whole. I am especially appalled that this government thinks it can and should tinker so significantly with the academic integrity of its universities without due consultation with those of us who work within them. This government's arrogance and its disrespect for the democratic process are disheartening, to say the least. I am also puzzled that this government has so eagerly endorsed deregulation in so many other sectors, yet it chooses to micromanage its universities. This leads me to think that this legislation is mean-spirited, punitive and, at the very least, ill-conceived.

In conclusion, I must reiterate that it is entirely inappropriate that the Minister of Education of this government or any government should have the power to interfere with university affairs to the degree that this bill will allow. This province must not relegate its universities to the minors. Should it do so, it will quickly find itself the government of a bush league province. Thank you for listening.

Mr. Chairperson: I thank you for that presentation.

Mrs. McIntosh: Thank you very much, Professor Blair. You are obviously not happy with the bill, but you do not make specific references to any clauses. I am interested in your opinions of the universities today and your experiences and so on, but I would just like to get a little more definition around exactly what it is you do not like and why. You indicated on your first page, for example, that we will be giving the government the power to decide what gets taught and by whom. Could you tell me where in the bill that it says that we can decide what gets taught and by whom?

Mr. Blair: I do not have the bill in front of me and I have not memorized the section numbers, but I believe it is Section 25(1), which has been referred to many times

tonight, in which the minister is given, in my opinion and in many other people's opinion, the power to directly interfere with the policies and procedures within the university. I appreciate that some amendments have been added in the last couple of weeks which refer to consultation and policy, but with that clause wherein you or whoever the Minister of Education and Training might be at that time has a very large amount of power to interfere or to determine at the very least what the programs are, what the directions might be. I think there is an authoritarian process there which may very severely interfere with what gets taught in a university and by whom.

Mrs. McIntosh: Mr. Chairman, through you to Professor Blair, Section 25(1) reads: the minister may appoint a person or a committee to review and report on the mandate of the council or any other matter concerning the council or this act, and that refers to the council, the make-up of the council, et cetera. Section 3(2) you may be interested in reading. You could do the same, if you wish, for the one or two few other points you actually referred to specifically in your brief, but when you say that we will be giving the power to government to decide what gets taught and by whom, Section 3(2) says that "the council may not interfere with . . . the basic right of a university or college to formulate academic standards," and we will be putting in the words "and policies," "the independence of the university or college in fixing standards of admission and of graduation; or . . . the independence of the university or college in the appointment of staff."

Specifically by law, the minister is forbidden to do that which you say we are giving the power to the council to do. It seems a little contradictory, and I wonder if you could clarify why you say that we are going to be giving the government power to do that which we have expressly forbidden them to do in this new act.

Mr. Blair: I believe I was referring to—and I did say that I was not sure which one it was, so I pulled 25(1) out of the hat, but I guess it was the wrong one—I am referring to, on the print-out here of the bill on page 4, Section 4, Direction from the minister: "In carrying out its mandate, the council shall operate within a framework of accountability established by the minister and may give the council general direction on matters that relate to its mandate and that are in the minister's opinion of

significant public interest, including but not limited to . . . priorities the council should follow; and . . . co-ordination of the council's work with the programs, policies and work of the government" et cetera. I think that section and other sections give you or whoever might be in whatever government too much power to determine what goes on within the council and thereby what goes on within the universities if the power of the council is abused.

Mrs. McIntosh: Mr. Chairman, I would ask the professor if he would agree with the interpretation that legal counsel gives to such a bill when the minister can, within a framework of accountability, give a broad, general direction on matters of significant public interest to a council, not the university, when the council itself by law will be subject to the limitations I have identified in the clause above which is set down first saying in 3(2) the council cannot by law do any of these things. It can receive broad, general direction of the minister, but that direction cannot instruct the council to break the law set out in Clause 3(2) which expressly forbids them to do the things that in your brief we say we are giving them the power to do. How do you explain that apparent contradiction?

Mr. Blair: Well, the legal opinion that I have had access to on this bill has interpreted the bill and its policies and the power of the committee and your affiliation with it such that there is far too much power in your hands or whoever the minister might be at that time, as I said repeatedly.

Mr. Chairperson: Sorry, Madam Minister, time is up for the presentation.

Mrs. McIntosh: I just wonder if he could table that legal opinion, because we would need it. It is so different from . . .

Point of Order

Ms. Friesen: A point of order, Mr. Chairman.

With respect, I want to draw to your attention that the last two presenters the minister has taken up the entire time for questioning. I wondered if, for a sense of fairness, you would take account of that and perhaps keep an eye on it as we go along. Thank you.

Mr. Chairperson: Yes, and if there is a situation where this happens, one can ask for leave of the committee to extend the time. That was not done before. You are certainly invited to do that now if you feel compelled to ask a question now.

Mrs. McIntosh: On the same point of order. I, too, would like the record to show that the opposition members took the entire question period for the first two presenters, and I assumed that perhaps, in the interests of fairness, you were now allowing me the same privileges that they were allowed with the first two presenters. So I figure, now we have a quid pro quo, we can go back to the regular time limits, and I thank you very much for showing fairness and letting me have the same opportunity you gave them.

Mr. Chairperson: I will rule it is not a point of order, but it is a point of fairness of procedure and the solution is, if the committee wishes to extend any time, it has to do so unanimously. To do so is going to encroach on the time of others. It is going to be up to this committee to decide.

* * *

* (2010)

Mr. Sale: Leave?

Mr. Chairperson: Leave is sought by Mr. Sale. Is leave granted?

An Honourable Member: Leave.

Mr. Chairperson: Leave is granted for one question by Mr. Sale.

Mr. Sale: Mr. Chairperson, I thank the committee for leave.

To the presenter, I wondered actually why you would not have cited Duties and Powers in Section 11 as the section that seems to me to be the most problematic. Did the legal opinion that you sought or read suggest that one of the problems might be the ability of the government to direct funding towards specific areas and, thereby, without actually doing any of the things contemplated and forbidden in Section 3, in effect achieve the same goal?

Mr. Blair: That was what I was getting at. Especially through funding, the government can determine the

priorities within the university, what it is capable of providing to the community of students and the community at large. We fear, I fear, that by restrictive funding, we will see the elimination of departments of programs that it sees as irrelevant, that it sees erroneously, I believe, as irrelevant and not directly relevant to the market that they are so concerned about. So most definitely, I thank you for that clarification. It is through the funding, Madam Minister, that I am especially concerned about your interference or the government's interference or participation in the university affairs and programs.

Mr. Chairperson: Thank you very much, Dr. Blair. Time is up and no more leave has been granted.

I will now call on Chris Dooley. Proceed, Mr. Dooley.

Mr. Chris Dooley (Choices): Mr. Chairman, Minister and members of the committee, my name is Chris Dooley and I am before you to speak on behalf of Choices, a coalition for social justice. I should also identify myself as a student in a graduate program at the University of Manitoba and thus a direct participant in the university community.

As a spokesperson for Choices, I represent on the order of 900 stakeholders in this province's universities and community colleges. I say this not because all of our members are direct participants in post-secondary education, although I and many of our members are, but because we as Manitobans recognize that a vigorous and independent post-secondary education system, and especially university system, is essential to the social, cultural and economic vitality of our society.

I am here today because we recognize that the bill before this committee, the proposed Council on Post-Secondary Education Act, in its present form, would compromise the basic principles that define a university. A university is the custodian of a society's culture, heritage and values and, to an extent, its conscience. When a government intrudes and imposes its political agenda on a university, it is not just the university community that suffers but the community as a whole.

On a functional level, a university exists for the advancement and creation of knowledge through scholarly and scientific research, for the extension of this

knowledge through teaching and graduate, undergraduate and professional programs, for the preservation of knowledge in libraries and archives and the diffusion of this knowledge through scholarly and scientific publication.

These functions take place in an institutional context, a context guaranteed by conventions, practices, arrangements and laws which ensure that the university will not be hampered in fulfilling these roles. Fundamentally, these conventions exist to guarantee university faculties the freedom to think, to teach, to publish and to criticize without fear of penalty or reprisal.

The role of government here is specific and limited. Government's role is to secure those arrangements which guarantee the autonomy of the institution and the academic freedom of the faculty, not just in the abstract, but in law and convention.

At the most basic level, a university must be free from the control and undue influence of external bodies corporate. These include commercial and corporate interests, community and religious groups, and, indeed, the government of the day. Faculty members at a university must be able to exercise autonomy in research, publication and teaching. They must have the protection of the institution from reprisal for publishing or otherwise disseminating the results of scholarly research which may offend powerful interests, including commercial and corporate interests, the government of the day, community groups, and even their own colleagues within the university. It is precisely these freedoms which the creation of the Council on Post-Secondary Education imperils.

As declared stakeholders in the existence of a strong university system in this province, Choices favours a move which enhances community participation in post-secondary education. Indeed, Choices has long advocated for the creation of a council on post-secondary education and has advocated for the enactment of a post-secondary education act that would guarantee strong, accessible and independent universities.

The advancement of knowledge, the enhancement of community participation in education, and the protection of academic freedom and institutional autonomy, however, are clearly not the intent of this legislation. On

the contrary, central to this legislation is the augmentation of ministerial authority at the expense of the duly constituted and democratic university senates and the extension of ministerial authority so deeply into the institutional administrative structures so as to threaten academic freedom.

The Council on Post-Secondary Education Act makes clear the intent of this government to integrate services and facilities, intervene in academic policy-making processes and bodies, set program priorities, target funding within institutions at the departmental level, and regulate academic programs within institutions, all of which should be the precinct of the senate or the college council.

Section 4 of the proposed act directs the council to operate "within a framework of accountability established by the minister, who may give the council general direction on matters that relate to its mandate . . . , including, but not limited to, (a) priorities that the council should follow; and (b) co-ordination of the council's work with the programs, policies and work of the government."

The intent of this section is clear. By this legislation the Council on Post-Secondary Education becomes a body whose mandate is to develop policies at the direction of the Minister of Education which will harmonize the activities of the university with the political agenda of the incumbent government. This is nothing less than an attack on the fundamental freedoms of autonomy and self-governance of the institution, and, in its implementation, on the academic freedom and intellectual independence of those who teach and those who learn in our universities.

The crux of this attack is embedded in Sections 11 and 12 of the bill, which, in the name of elimination of waste and duplication, give the government the power to withdraw or increase funding down to the level of individual programs and departments. By these sections the Minister of Education is afforded the power to set academic program priorities into target funding within the post-secondary education system and within its institutions.

Because the council will be an essentially political body appointed by the Lieutenant-Governor-in-Council and working within a framework established by the

Minister of Education, it is inconceivable that such decisions can be made in a fair and nonpolitical fashion. Critics of the government or other powerful interests which have the ear of government have genuine cause to be fearful that they could watch their funding vanish or experience other retribution. Programs which do not meet the immediate economic and political needs of the incumbent government, irrespective of their social or intellectual value, may find themselves victim to reallocations of resources in the name of the elimination of duplication. Unfettered by democratic and collegial processes, we fear that the possibilities for undertaking political actions in the name of eliminating waste are infinite.

While Choices finds this bill to be flawed and has due cause to be suspicious of its intent, we nonetheless continue to support the creation of a council on post-secondary education. Indeed, this may be accomplished within the general framework of the bill that is before this committee, but only if the council is guaranteed its independence from direct political control and the power to define its own framework of accountability.

In this regard, we would propose the following amendments to the act:

First, that the preamble of the act be amended to recognize the importance of institutional autonomy and academic freedom in the collegial system. We suggest the following language be appended to the preamble: Whereas the creation and sharing of knowledge is contingent on the securing of institutional autonomy, academic freedom and collegial decision-making arrangements.

Second, that the amendments to modify Section 3(2)(a) to make explicit reference to the word "policies" go forward.

Third, that the council should establish its own framework of accountability rather than being entirely an instrument of the minister of the Crown and that Section 4 be deleted in its entirety.

Fourth, that Section 5(1) be amended to read: The council is to consist of 14 members, one member to be elected by and from the senates or college councils of each of the seven post-secondary institutions in

Manitoba, an additional seven members to be appointed by the Lieutenant-Governor-in-Council in consultation with each of the seven post-secondary institutions in Manitoba—

Mr. Chairperson: Two minutes left in your 10-minute section.

* (2020)

Mr. Dooley: —and that Section 6(1) of the bill must be amended to allow the council to elect its own executive from among its members rather than accept as chair and vice-chair ministerial appointments.

Fifth, that Section 11(b) be amended to read: To carry out its mandate, the council shall (b) within a framework established by the council in consultation with the universities and colleges.

The council must be able to set its own framework in consultation with the senates and boards of post-secondary institutions. In this way, a body corporate can be created which will allow the legitimate concerns about access to universities and colleges, academic priorities, responsiveness, duplication and waste to be analyzed and solved in a fashion which involves the whole community.

Choices cannot accept the present amended version of Section 3(b) even with the inclusion of the requirement on the minister to consult. A reference to unspecified and nonbinding consultative process does nothing to change the fact that under the present language the council is accountable only to the government of the day.

Sixth, in the belief that it is the role of the university senates and the college councils, in co-operation with professional accreditation bodies, and not the council which should develop criteria for performance measurement, we recommend that Section 11(e) be truncated to read: To carry out its mandate, the council shall (e) develop and implement, in co-operation with universities and colleges, accountability requirements for each university and college for the core functions of teaching, research and service.

Finally, seventh, Choices furthermore endorses and supports the Manitoba Organization of Faculty

Associations in its petition for specific changes to Sections 14(2), 14(3), and Section 19.

Without such changes, this bill shows a disturbing congruence of purpose with many of the other bills in this legislative package. This government has repeatedly given sign that its vision of a good education system is one that meets the immediate needs of business, and without amendment, this bill is another affirmation by this government that the needs of business must be satisfied at the cost of the vitality and freedom of the community. Thank you, Mr. Chair.

Ms. Friesen: Thank you for your presentation, Mr. Dooley. I want to start from where Professor Mills left off, and that was with the inability of the bill to express the goals or purposes of the government.

My assumption is that as a student and as a graduate student that you have concerns about accessibility, and I wondered if you could perhaps comment on the bill's approach to that and perhaps some of the changes you have seen over your period as a university undergraduate and graduate student in accessibility to Manitoba institutions.

Mr. Dooley: Unfortunately, I did not have the privilege of hearing Dr. Mills's presentation, so I am at something of a disadvantage here. With respect to accessibility and with respect to the address that this bill has, one of the things that I find disappointing about this bill is that it is in very few ways an affirming piece of legislation. In very few ways does the government, even in the introductory clauses, affirm its ongoing commitment to post-secondary education as we have defined it.

I believe that I provided quite an extensive definition of where we as an organization and, indeed, I as an individual believe a university should find itself as an institution delivering post-secondary education. We are very disappointed that the government has not chosen to affirm the values of academic freedom, the values of institutional autonomy, the values of collegial decision making in this process. Indeed, we are also disappointed that the government has not adequately addressed issues of accessibility and adequately addressed issues of that sort, and as a student myself, speaking not as a member of Choices but as a member of Choices who is a student, certainly have observed any number of individuals of

students who have seen their academic careers, both as academics seeking teaching positions in Manitoba and as students looking at their prospects as students in Manitoba, had their prospects truncated and disappointed by changes we witnessed within the system.

Mr. Chairperson: Thank you for your presentation and responding to those questions.

I would now like to call on Mr. David Gratzer. Mr. Gratzer, not here, will go to the end of the list.

Mr. Mark Golden. You may proceed, Mr. Golden.

Mr. Mark Golden (Private Citizen): I will be very brief and rather personal, if I may. I am from here and my mom and dad graduated from university in Manitoba. My dad actually was a Rhodes scholar and now holds an honorary Doctor of Law at the University of Manitoba, of which he is very proud. He is just as proud of the fact that he did not have to give them any money to get it.

When my sister died young, my cousins and I got together and we sponsored a bursary at the University of Manitoba. I get letters every year from the kids who get that bursary, and we are happy about that too. So I have got roots here. Manitoba's institutions mean a great deal to me and to my family and we have a vested interest in their excellence and in their reputation for excellence. My concern with this bill is that I do not think that the possibility that the government could directly involve itself in the internal arrangements of universities is desirable, and I do not think the perception that they may wish to do so is desirable either.

Now I also have a connection with Manitoba's universities because I have been teaching for 15 years at the University of Winnipeg. I teach in a very small Department of Classics. There are four of us. We offer an interdisciplinary program in all aspects of the Greek and Roman world. It is a standard liberal arts program. I make no apologies for that; in fact, I am very proud of it. We have a little slogan: Five Cs make one A. I taught kindergarten once, too, so I like to think about little slogans. We try to teach our students how to read critically, to think creatively, to write cogently and correctly and concisely, and sometimes we succeed. We have had some very good students. We have had students who have won national recognition in

competitions sponsored by our association; in fact, we have more of those winners per capita than any university in the country and we have some students who go further. For example, one of our students is now a Rhodes scholar himself, studying Greek history at Oxford.

We also do quite a bit of research. My colleagues and I write articles and books. These have been published in Canada, the United States, England, Germany, Holland, Belgium, France, forget this stuff, and we are also asked to speak and invited and paid to do research in—well, in my case, in parts of Canada, the United States, the United Kingdom and Australia. There are places in the world—these are the places where people think Winnipeg is spelled with two Es, the people who can spell it right but think it is called Winnepeg, like Peter Ustinov. There are places in the world who know of our city and our province through our students and our work. You can think of us the way people used to think about the Winnipeg Jets, except I am a lot cheaper than most of the guys who played for the Winnipeg Jets, and I do my job a lot better too.

So what do I conclude from this about the situation as I see it? All the things that we do, and I think we do well, have been done under the present arrangements in which the government provides some money—not enough in my view, you have heard that before—and decisions about the allocation of that money are basically made within the institutions themselves. I do not think it is broke, and I do not see the need to fix it in that regard. Secondly, if it were the case that something was broken, it does not seem to me that the minister with all her gifts or her department with all their experience and wisdom is really best placed to identify what is in fact broken. Thirdly, if they should happen to discover what was broken, in most cases there is one way to fix something right and many ways to fix it wrong, and I would be very nervous about the possibility that they would fix it wrongly, because getting things wrong has serious consequences, especially in this area.

So I would urge the minister and her colleagues to accept the amendments which have been suggested by a number of speakers before you in the last two days, in particular in alleviating the concern that the government may intend—this or some other government—to manage the affairs of universities internally.

* (2030)

Mrs. McIntosh: Thank you for your presentation, because you have a nice easy style of presenting. You were pleasant to listen to, and I appreciate that.

I just want to reassure you and some of the others who have made presentations tonight and at the earlier hearings; they stand up and—you did not, but most of the other presenters have repeatedly said that it is the government's intention to hurt the universities and harm them because they do not believe the universities have any worth in our society, or words to that effect, certainly that implication. Just so you know that I too have attended university. My husband is a university graduate from a Manitoba university. My daughter has a degree in music performance which is not—as you all seem to apply that we only want them to be able to prepare for careers that are going to be demanded by corporations. Believe me. I mean, she has been living 10 years as a musical performer with a degree in music performance from the university, and it is certainly not something that is in high demand by corporations. You know, we have lawyers, priests, doctors, engineers, teachers, musicians coming out of our family from the faculty.

So I wanted to ask you, if in your impression of our intent, if you believe that it is our intent to, as some of the others have implied, slash research, for example. If you do believe that, could you indicate where in this new wording we would be given the opportunity to do that that is not already in the Universities Grants Commission? I refer you specifically to your opinion on the Universities Grants Commission Clause 16(3) comparing the old powers to the new ones where it says that the Universities Grants Commission may require, by written order, a university or college to cease to provide or offer, or to withdraw, any service, facility or program of studies involving moneys at the disposal of the Universities Grants Commission which, in the opinion of the Universities Grants Commission, is already adequately offered or provided by another university or college or for which, in the opinion of the commission, there is no substantial justification; and the university or college, as the case may be, shall comply with the requirement.

We have removed that, and in its place we have got a very generic clause that is similar again to what is in, asking that they get written approval before they expand,

create, and that is also in the old one, by the way. How is the power that they currently have different from what is being offered? I think it is stronger in the old one than it is in the new.

Mr. Golden: Well, first let me congratulate you on your daughter's success. Secondly, let me say, I am not really here to fuss about that, to be quite honest with you. I am no expert on this legislation. I certainly have no intention of making any conclusions about your intent, which I will accept nothing but good and honourable, but people are upset. You can see that. I mean, I am not keen on coming to these kinds of meetings and talking in the evening; I have got stuff to do. I have a kid to put to sleep. I have stuff to do for my classes tomorrow.

People are worried. If some of the amendments that people are suggesting to you can alleviate what may be just a misunderstanding, why not accept the amendments?

Mrs. McIntosh: So, in other words, you are not familiar with whether or not The Universities Grants Commission Act was stronger or weaker than what we are proposing. What we are proposing is a consolidation of colleges and universities under one council. Your concern is the perception that people have, that you are wanting to ask us to make sure that perception is not real.

Mr. Golden: Yes. I cannot judge the reality of the future, but I can see the perception.

Mrs. McIntosh: I appreciate that.

Ms. Diane McGifford (Osborne): Professor Golden, this is perhaps a bit of an unfair question, but I wonder if you could spell out quickly the contribution and role of Classics to our culture and society.

Mr. Golden: Well, it changes. When I was a student at the University of Toronto, gosh, starting 30 years ago, all we did was do Greek and Latin, because at that point what Classics was was basically a gatekeeper. It was a way to decide who would get into certain professions which were desirable and had power and influence and money attached to them.

Then, by the time I graduated, really, that was no longer the case. Classics had reinvented itself and redefined itself for changing circumstances, so I would

say, in the '70s and '80s, we taught a lot of courses to students who knew no Greek and Latin, as we do now. We taught big courses in mythology and classical civilization and so on, and our justification was that we were making clear the basis of what we called western civilization.

Then, in the '90s, people walk into a class, and more than half our students are women. Many of them are students of colour from all parts of the world, every imaginable background. It does not make much sense for me to stand up and say, I am going to teach you about the basis of western civilization. It is not a bad thing, but a lot of these students have different backgrounds. The ancient world means something different to them than it does to us, so we have remade ourselves again in terms of changing our curriculum.

Now, for example, we are just introducing a course on the Hellenistic period, which is a period of ancient history in which, again, people from all over the world came together in big cities and made something new, so we think this is the kind of thing that all of our students can relate to. We are always doing different stuff. That is what we do now.

Ms. McGifford: Thank you. I appreciate your outlining the changing role of Classics for us this evening. I wonder if you feel that small departments like Classics are particularly threatened by the proposed legislation.

Mr. Golden: Well, we worry about any decisions being made by people who are not as familiar with what we do as they might be. The closer to us people are, the more they are aware of us as individuals and our programs.

If I might say a word, it might be that you think that there is a Classics department at the University of Manitoba, there is a Classics department at the University of Winnipeg, and why would you need two of them? The truth is, they are too small because there is nobody in town who is a specialist in ancient philosophy, for example, but even aside from that, we have an entirely different kind of program than they do. We stress social history and cultural history. They are very strong in archeology, and that is just great.

They are, in fact, quite different programs. We cooperate; I am teaching a course for them this year, and

they are teaching a course for us. We get along, but we are very different. I think, at a distance, you might not see that.

Ms. Friesen: Professor Golden, one of the things I took from your comments was your concern about the perception that the government was wanting to interfere in universities, and whether or not that is the case, your concern is the perception both nationally and, I assume, internationally as well.

I think that is a very important point to make. We can look at the comparison of the old and the new act, but what we have, whether we like it or not, is a national and perhaps international perception that this is a government that does want to intervene.

So I wonder if your recommendation might be that the government should take this legislation off the table, go back to the drawing board, reconult, if it had consulted at all, but consult and rethink the legislation. Is that perhaps where you would suggest we go?

Mr. Golden: I do not like to be in a position to suggest that you do anything, but that sounds like it might help. Maybe it would be possible to come up with a piece of legislation which made more people happy.

Mr. Chairperson: Thank you very much for your presentation, Professor Golden, and responding to those questions.

Professor Elliott Levine is the next individual. There was a phone call made by Professor Levine to say he had a class that would not be over until nine o'clock. The question was raised by him through the Clerk as to whether or not leave would be given to have him moved, not to the bottom of the list, but less down. That would require unanimous consent of the committee.

Mrs. McIntosh: Mr. Chairman, I move that Professor—Levine, is it?

Mr. Chairperson: Yes.

Mrs. McIntosh: —Professor Levine be allowed to be heard when he arrives.

Mr. Chairperson: Is leave granted by the committee? [agreed]

Colin Murray, please. Do you have a brief to distribute?

Mr. Colin Murray (Private Citizen): Yes, I do.

Mr. Chairperson: While it is being distributed, you may make your submission, Mr. Murray.

Mr. Murray: Okay. Colin Murray. I am a member, I guess I am a student at the University of Winnipeg. I also sit on the University of Winnipeg Student Association Board of Directors. I just want to highlight, I guess, about five points.

Bill 32: The Destruction of Quality Post-Secondary Education in Manitoba. Five major hazards of Bill 32 that need to be amended:

Point No. 1, the reference to ensuring institutional autonomy. The intention of Bill 32 is made decisively clear to me by this omission. The creation and sharing of knowledge that Bill 32 holds in high regard in its preamble is seriously compromised by this omission. The quality of post-secondary education is conditional on institutional autonomy. Universities and colleges will not be able to formulate or influence the formulation of academic policies.

Point No. 3, investing the Minister of Education with the power to solely determine the priorities and policies that COPE will follow. Those who know what priorities and policies are needed to maintain quality post-secondary education in Manitoba—

* (2040)

Mr. Chairperson: Mr. Murray, it would helpful if you could just speak up a bit for the sake of the people at the back of the room, if not the transcriber. Thanks very much.

Mr. Murray: Those who know what priorities and policies are needed to maintain quality post-secondary education in Manitoba are those who do the job, those being the colleges and universities. Bill 32 will leave colleges and universities to the mercy of the government of the day. This is a dangerous centralization of power since governments, as history shows only too well, do not always act in the best interests of the citizens it was elected to represent. Checks and balances of power are

present to prevent private and ill-conceived agendas from damaging the quality of post-secondary education in Manitoba. Bill 32 seeks to destroy that balance to the peril of quality post-secondary education in Manitoba.

Number 4, the composition of COPE. Eleven members appointed to the council by the Lieutenant Governor equals 11 politically appointed council members. If Bill 32 is not amended so that half the members are college and university representatives and three additional appointments are not created for students, then I amend that the council be abolished altogether and the Minister of Education rule by decree. This would not calm my anxieties, but it would save about 100,000 times 11 precious tax dollars.

Point No. 5, the colleges and universities have no influence in the process that determines what programs or services are considered wasteful or unnecessary duplications. Bill 32 seems to deprive the colleges and universities of the power to influence this process in general. A program or service that is considered wasteful or an unnecessary duplicate in economic terms may be extremely valuable in qualitative terms. It is a mistake to think that one party, the Minister of Education and the council, can accurately determine the qualitative merits of a program or service. Bill 32 does not recognize this, and therefore it should be amended. Qualitatively, duplication allows a greater degree of critical thinking, free thought and expression and a greater generation and sharing of knowledge. Bill 32 seeks to constrain what it was intended to do, and that is to promote excellence in post-secondary education.

In conclusion, the Minister of Education said that her government would not interfere in university policy. Whether I believe her or not is irrelevant. What is relevant is that the potential still exists in this bill despite the current amendments and that can be exploited to the detriment of post-secondary education by this government or by others. For example, it does no good to amend Bill 32 and allow colleges and universities to input into policy creation when the present composition of the council is not amended.

That is why I recommend to the committee that all the amendments presented in this package, already accepted by the Manitoba Organization of Faculty Associations, be accepted.

Mr. Chairperson: Thank you, Mr. Murray.

Mrs. McIntosh: Mr. Chairman, right now, of course, the universities have The Universities Grants Commission Act doing the current duties that the council will take over with the addition of colleges. It is essentially the coming together of the Universities Grants Commission and The Colleges Act.

Are you familiar with the composition of the Universities Grants Commission and the powers that it holds?

Mr. Murray: I thought it would probably be the same as what you have proposed in the bill.

Mrs. McIntosh: Thank you very much, because it is very close and it is an appointed board of qualified laypeople appointed by government. To my knowledge, we have never had a complaint about the fact that the Universities Grants Commission is made up of government appointees and always has been. Are you aware of any complaints that the government appointees to that board or that commission have caused, given that they had the power to demand written approval for changes in programs, adding new programs and all of those things?

Mr. Murray: I am not aware of anything, but I think the potential still exists for that to occur.

Mrs. McIntosh: Last question. If the potential for great, irreparable harm that will destroy quality post-secondary education in Manitoba, as your brief says, is inherent in Bill 32, then it was also inherent in The Universities Grants Commission Act, and I am wondering why nobody rose to complain to government when that act governed Manitoba all these decades. Do you know why they may not have complained about those powers?

Mr. Murray: I would think that maybe no one complained because there was actually a balance of power in place where the Grants Commission discussed with the universities and colleges and there was the interaction between the two instead of what seems to be despite the amendments that they would be directed by the government, by the Minister of Education itself, and

it would seem as though the universities and colleges would just, I guess, propose things to be changed, yet they might not be taken as seriously as what they once were because before they had the power, it seemed, to do that.

Mr. Marcel Laurendeau (St. Norbert): Mr. Murray, I have been hearing the concern about the minister and powers. What do you think the responsibility of the minister around the university should be?

Mr. Murray: I would think that the minister could—the minister, I do not think, has the—the minister could probably do direction of policies and submit to the council what the minister thinks are adequate priorities and policies for the universities to follow. However, I think that is what has happened in the Universities Grant Commission, but it seems as though that at this point in time with the bill it would make it so that the universities and colleges cannot, I guess, respond to those policies in any sort of effective manner.

Mr. Laurendeau: Are you aware that under the existing act of today that the minister does not have the powers to do that consultation?

Mr. Murray: Are you talking about the Grants Commission?

Mr. Laurendeau: Do you believe that the minister has the ability to consult with the existing system today without this act?

Mr. Murray: Yes, but she also appoints the people to the board, I would think.

Ms. McGifford: I wonder, Mr. Murray, if you could tell us if you are here tonight speaking for the UWSA. I notice that in your presentation you list yourself as Colin Murray, UWSA Science Director.

Mr. Murray: No, I am not. Right now I am talking as a private citizen because the UWSA board has not reached any formal position for this bill.

Ms. McGifford: Could I ask, then, if you have discussed the position you have outlined for us tonight with students at the University of Winnipeg?

Mr. Murray: I have discussed it at different tables and I have discussed their concerns, and from that I have gotten some information and other stuff I have picked out of the bill myself.

Ms. McGifford: Could you tell us if there was consultation between the UWSA and the ITC, the interim transition team which drafted the legislation, which did the consultation to draft the legislation?

Mr. Murray: I do not know.

Mr. Chairperson: Thank you very much for your submission, Mr. Murray.

Ms. Kemlin Nembhard. Is Vaclav Linek here? You may come forward. My apologies. You may proceed with your presentation.

* (2050)

Mr. Vaclav Linek (Private Citizen): I am not terribly well prepared. The reason I came here is because typically what I do at university is complain a lot about what goes on here in the Legislature, and it gets very upsetting. I had all this fire in me and I was ready to rip into some people, but I just do not have the heart to do that when I am standing up here. I have seen a lot of that going on here, so I think maybe my role would be to try and conciliate somehow. One problem that I see—I am supposed to be talking to Bill 32, but any piece of legislation, this bill included, is only as good as the people who are putting it together and of course the people who elected the people who are putting it together and the people who are complaining about it. All of us are involved in this.

Let me begin with the Premier (Mr. Filmon), if I can, his role in all of this. I learned that the Premier wrote a letter to the president of Harvard saying that he was disappointed with the involvement of a particular member in the department of astrology at Harvard. Now, there is no department of astrology; I believe there is only a department of astronomy, and the two are rather different. The sciences have been separate for, one might argue, 3,000 years. Now I do not mean to—

An Honourable Member: But he is a University of Manitoba graduate.

Mr. Linek: Yes. Now I do not mean to put down the Premier or to taunt him in any way. [interjection] Could I please have just a little bit of your attention? I take that quite seriously. It is a little bit of a joke, maybe. It is a little bit of something we can all smile about, but the kind of technology we have today, the level at which science stands today, there are certain processes that take place in the centres of stars that we now can recreate on the surface of the Earth by our own hand. Not to know the difference between something like astrology and astronomy, for a Premier, that is a very serious thing.

Now, I am not any better than the Premier. I will confess to you what my lacking is, where I am ignorant. I have heard that in the province of Ontario, the Minister of Education has said that he has never set foot on a university campus and he is proud of it. I have never set foot in any provincial Legislative Assembly and I am not proud of that. This is the first time in my 30 years that I have done this, and it has taken me too long.

For instance, people tell me I am a whiz at mathematical combinatorics, and the University of Toronto ranked me first in a national competition for their graduating Ph.D.s that year, which I think was a bit of a mistake on their part, but I only learned just a year ago in consultation with a lawyer—I went down Portage and got some free legal advice—I learned what without prejudice means. I learned what common law was. So I think that is not something to be very proud of and I am ashamed of something like that. I tried to keep up with things and I wish I could learn more about everything, but I just cannot.

If I think back to how things used to be, it used to be that there was a very small community and there used to be just a very few individuals in that community who knew all the important things. If you wanted to know something about the law of the community, you could go to the leader of that community. If you wanted to know about when to plant your crops, the moon and the stars, that person would know. If you wanted to know about God or the religion that the people of that community subscribed to, you could go to that person and that person was always visible and that person had to be accountable every day in every way.

Now here I am, I can tell you about mathematical cosmology and how banks like TD, CIBC and Bank of

Montreal are just dying to hire people out of Toronto who know about integral differential equations because banks are so large that now cosmological principles apply to them mathematically, but I did not know what without prejudice meant until I had to work out dealing with some matter of shares that fell to me after my father died.

So I think we all have to stand back here and try to maybe bridge this gulf a little bit before we start to argue the technical points of these things. I mean, I have this bill here, and I was tempted to say, well, okay, this section here and that section there and I can quote from the bill and everything. But how relevant is that if I do not know what you do, you do not know what I do, and I do not even know your names and you have all been elected and you all hold an incredible amount of power?

So I guess really that is about all I wanted to add to this, that we are here discussing this piece of legislation. I guess if we could build a bit more of a bridge, then that would make any piece of legislation better or if it was a bad piece of legislation it could be withdrawn or amended or what have you, but a certain prerequisite needs to be present, I think.

So I am open to questions and I would like to take a lot of questions. That is all I really have to say.

Mr. Chairperson: We will have time for it. Thank you for that presentation.

Mrs. McIntosh: Thank you very much for a delightful presentation. It is good to have humour in the presentation. I appreciate it. I also assure you that the Premier knows absolutely the difference between astronomy and astrology and had corrected that letter with the draft when it came through with the typographical error, and when it came back with the signature book with the typographical error not changed, he did not notice because he signed in a hurry and it went off. Nonetheless, it does make an amusing story.

I do indicate, as well, that we joke and say, yes, he is a university graduate from the university, but he is an engineer, so therefore what else can you expect him to know, as the joke was said over here. But I do indicate, as well—and I think you need to be conscious of this because it gets at the heart of what you are saying in terms of trying to understand each other—my husband also

is a civil engineer, and we chanced to be talking with the professor of English from a particular university not here in Manitoba. My husband quoted some obscure author on some text, and the professor looked at him and said, how do you know that quote? My husband said, well, that is one of my favourite pieces of literature, and she said, but you are an engineer. I think that is a very revealing statement, too, about the mentalities that people hold and the prejudices and biases they hold about post-secondary education.

What I am taking out of your commentary is that you fear that there will not be the kind of appreciation for well-rounded discipline. Like, you are concerned that you do not know everything, and yet you are an expert in your area. Does it mean that you do not have an understanding of the concerns you hold about this bill? If you are worried this bill will change things at the university, I am wondering if you can indicate how you feel, what you have picked up by rumours or innuendo or writings or misinformation or information as to how you feel this is going to be different, aside from the fact that you will be co-operating with colleges now, building bridges with colleges. I do agree with building bridges. This whole bill is about building bridges between colleges and universities. How will this bill be different from The Universities Grants Commission Act?

Mr. Linek: I am here to speak about Bill 32, and I do not know if the difference between Bill 32 and The Universities Grants Commission Act is something that I necessarily wanted to get into. My point is, I am trying to stay away from the details of the discussion. My point is that what is important before bills can be discussed is that we have a better understanding of each other.

Mr. Laurendeau: I am Marcel Laurendeau, by the way. You are right; we have not met. The university part of it falls into my ward. Let me start by saying, in your opening statement you said that you were here to complain. I do not believe that is what it is. I actually believe you are more here to express your views and your points on not only Bill 32 but on how we conduct government.

Mr. Linek: Well, it is a matter of my education, because I try to learn a lot about everything that I possibly can. It is quite daunting. I cannot even keep up in my own area. I find myself sometimes complaining about things that I

know nothing about. I mean, I complain about political process. When I examine my conscience I find that I take very little part in political process. Now part of that is because I do not have the time. Maybe initially it was somewhat of an immature mindset when I was say, 18, 19, 20, what have you. Now I am 30, but I need to learn about law; I need to learn about, say Mennonite studies; I need to learn about everything. I think it is important for me to learn about everything I possibly can. I am working on it. I am reading about poetry. I have had interests in mycology, you name it. I mean, I am really trying hard for that.

* (2100)

So that is what I think is important. I came here to educate myself because I cannot complain about something that I do not know really that much about. I do not know who any of you are. I do not know that much about the procedures that go on here. I know a little bit about the university. I am saying that because I have only been with this institution one year. I have been to a lot of other institutions. I think it is fair to say that I know a little bit about the university, but it is so vast and I know so little that it is as far as I can go.

Mr. Laurendeau: How would you then see that consensus or bridge building between the population that you are speaking of. You are speaking of the global village. How do you see that consensus happening?

Mr. Linek: In my own area—and I will speak only from my own area. I understand that part of the idea here, part of the concerns of a lot of parties is accountability of academics, scientists to laypeople. We have fiscal accountability, but there are other kinds of accountability too. Now the only way I guess that I can make myself accountable to people is by telling them what I do, by coming here and expressing my beliefs, by writing articles. I have to start going to the high schools. I have been here a year but I think it is high time. My colleague Danny Blair is already doing that. So I have to make myself accountable. I think that is important for me and my subject.

I am not going to be around forever. Maybe some of the things that I come up with might be, and people should know about them. So accountability comes from

telling other people as much as we possibly can about ourselves. I think then we are accountable.

Ms. Friesen: Thank you for your presentation. I think that one of the things that you are expressing is something which is being expressed by other people here, and that is a sense of unease about the government's ability to understand universities. You have made reference to the letter that the Premier (Mr. Filmon) wrote to the president of Harvard University as an instance of, I would guess that you were saying, an inappropriate gesture on the part of a government and that that leads to the kind of fears of what this kind of a government might do in the context of the legislation that they are proposing here.

But I think what is also behind much of the unease about this legislation is also the treatment which the universities have experienced in the last few years economically at the hands of the government. I wonder if you could give us, from your experience of other universities and this university, a sense of what kinds of resources you find are well supplied and a sense of which resources for students and faculty and for the institutions are not as well supplied as they should be. What kind of situation are you facing in your work here?

Mr. Chairperson: Mr. Linek, you have one minute to respond.

Mr. Linek: No one would doubt that we are all in a bit of hot water now with globalization, trying to get ourselves economically on our feet, education, what have you. There are a lot of people in the world. There is a lot of knowledge in the world. The more people that know about that knowledge and truly understand that knowledge, then the better off we are, the better a chance we have. So that is the key, is for us to have that knowledge spread around and for all of us to be as educated as possible about things, because then knowledge gets ahead of us. It gets out of control. We cannot control it. We become its servants.

The universities are trying as hard as they can. I went through the calendar, and I had trouble finding a course that I could not justify. I mean, conflict resolution. How many meetings have you been to? How often does process get out of hand right in front of your eyes? If someone had training in conflict resolution, could we

somehow measure how valuable that would be, just that one course? Slavery, a course on slavery in South America. Slavery was once considered something that was acceptable by the vast majority of people in North America. Today the vast majority of people in North America think slavery is barbaric.

Mr. Chairperson: Time is up, Mr. Linek. Thank you very, very much for your presentation and for coming here and presenting some conciliatory comments.

Mr. Linek: Thank you all very much for allowing me to speak.

An Honourable Member: Do not wait 30 years to come back, though.

Mr. Linek: I will be here next week.

Mr. Chairperson: We had agreed that Professor Elliot Levine would be granted the opportunity to participate when he arrived. He has now arrived. May we now hear your presentation on seatbelts?

Mr. Elliot Levine (Private Citizen): Not tonight.

Mr. Chairperson: You may begin, Dr. Levine, anytime you wish. Your brief will be submitted.

Mr. Levine: First of all, Mr. Chairman, members, ladies and gentlemen, thank you very much for accommodating me. I rushed over. I think I have caught my breath, but thank you for accommodating me.

In light of some of the observations of the minister, I would rewrite this and perhaps sound possibly less of an alarm, but I wish to sound an alarm because I am worried that the baby of the virtue of our quite good universities that we have in this province and in the country might be in danger of being tossed out with the bathwater because of some painful structural reorganizations that we need. I do have some sympathy because I have for some years felt that things such as Red River Community College needed to be relatively stronger than they were. I know you have some difficult problems, but my function is to identify what I think is a real problem.

Before I begin, I repeat, and others have made this comment, I accept that this minister has no ill interest,

but my problem is that I wish to note that there seems to be some inadvertent evil consequences that are latent in the unamended bill in a general way, and I wish that this could somehow be addressed.

I think we have mutual vital interest in defending academic truths and the corollary freedoms required for the survival of such truths. If the worst elements of this bill come to fruition sometime in the future, one could well wonder if Stalin won the cold war.

We have had examples of state universities with staff formally as civil servants, political servants of the state, European models. This was typical 19th, 20th Century stuff. The two most startling examples coming to mind are the Soviets with their politically correct five-year plans in farming. We know what they were doing there. Solzhenitsyn observed that modern Soviet man did not yet live in a garden. This, to the Soviets, was a devastating critique and he was shipped to gulags for making that observation.

The academy slaves in that Soviet system continued to pronounce their scientific victories and for generations we know what happened. Our Ukrainians in Manitoba today are very cognizant of that. I personally was involved in some actions in Ethiopia that attempted to resist one way or another. We managed some success in preventing Soviet-style collectivization even in the 1980s in Ethiopia. In the name of scientific progress, people were being starved to death and academics and people in—well, it was East German assistance that was involved there. I do not believe that we want to leave open this as the fate of our institutions in Manitoba.

* (2110)

Recently, people have been reporting on the enthusiastic academics in the medical profession in Germany in the 1930s and their euthanasia experiments. I personally, because I am interested in architecture, visited Berlin and the Bauhaus. The whole staff there emigrated to the U.S. It was North America's gain and I believe Europe's loss. Einstein, of course, is a prominent example of what happened to Germany's Jewish academics. In my field, Edmund Husserl was exiled by enthusiastic German students who, I have been told, time after time at conferences in Germany put up signs "Juden Raus" and the administration either did or did

not try to resist but was powerless and there was enough of an apparatus in the universities to go along with whatever the political masters wanted. Insofar as we have a device in Manitoba to maintain arm's length between academics and the politicians, the political arm, we have some, for whatever it is worth, but I think it is worth a lot—we have a capacity for an independent voice of criticism that used to be said over of Canadian Senate, although perhaps that is an unfortunate example, that it was a chance for a sober second thought. I think universities have that as a possibility and I think it ought to be cherished.

More personally, in World War II, my cousins all flew with the RCAF. Not all survived. My wife cried over too many thousands of war graves we visited in Nijmegen, Holland. I could only point out that better her uncle died facing the enemy than helplessly behind the gates of KZ Dachau that I had just visited.

We know what happened to the bureaucrats who sought to flatter their masters in Europe, to expand their political masters' empires. Our proud tradition in Manitoba, I do not think would be served well by reducing academics in Manitoba to the role of political servants. In my own life, I cannot help but juxtapose my experience with what happened in Europe with an academia that was too servile because structurally it was part of the political service. Academics, it was great. They put on their academic robes and they had a beadle and the beadle would go pound, pound. Just as when you attend a law court in Manitoba and you stand for a judge, when an academic walked into a German classroom, he got the same respect as a high court judge. I do not think I would feel comfortable with that kind of—I hope my students do not give me that kind of respect and deference.

I do not think we would be well served by converting our independent academia into the role of political servants. But any part of the act, insofar as the act might lead to that, I hope it gets reconsidered and reworked.

The example that we have in Canada, closer to home, is decades of HIV in our blood supply, of asbestosis and silicosis in the lungs of our miners, the quality of inspections at the Westray mine. These are all happenstances close to hand where various servants performed as servants.

I just came from an honours seminar where we considered Hegel's 19th Century text of the role of masters and bondsmen and the impossibility of a servant to deny saying yes to his master's commands. Servants possessing in this sense, an academic sense, they have no real freedom and they have no mandate to pronounce findings contrary to their perception of what they believed their political masters wished to hear.

I think that possibility of a voice of honest dissent is something that we should cherish. We fought hard to gain it, to preserve it. Europe did not have that tradition and I think we have in North America paid blood for that weakness, that sickness in their system.

Now there are two sorts of science and they are both legitimate, directed and academic. The government certainly has the right to direct projects that are perceived to be to the political good, but the other form I think is what many of us have been uneasy about and that is academic research. It critically differs. Here the principal test of modern science, the falsifiability criteria, becomes the master. That is, facts must be allowed to determine the outcome of the inquiry and that means that hypotheses become tested, not against political expediency but against another ruler.

What rules here has to be recognition of some finite sensuous experience and where evidence of sensuous experience is found to run counter to any claim, the claim is declared false. Declarations and findings that a director's and a master's claims are false cannot be handled by flatterers and people who formally have the role of being subservient.

When we test this, we find that the criteria of academic research is simply incompatible with that of the service provided by servants answering to narrow political policy agenda. There are two legitimate roles and they are separate. To allow the second role, that of political service, to infringe upon the rather delicate flower of academic independence is a major, major problem that I and many academics have and we are trying in our various ways to express this.

In my time, we saw an approved drug, thalidomide, that was declared to have met all tests. We know that there was counterfactual evidence. It cost a lot of tragedies before that got cleared up. We are in a

technological society that absolutely cannot survive without technology. We are junkies. I love technology too, but unless we can enhance wherever we have the possibility of gaining an independent critical voice to actually look at facts, we in a society are in danger of becoming a Greek tragedy. I used to think as a youth that that was hyperbole and the Greeks had a tragic sense and we were more modern and progressive.

Mr. Chairperson: You have another minute left in your presentation before questions and answers.

Mr. Levine: Well, I will sum up. I have said it. I will not be able to go through what I have said in my last page, but I think we have a demand here that is to our mutual benefit, through everyone's in our communities benefit, but it requires that we provide a licence to pursue and sustain academic research. We betray the essence of the academy of universities if we do not along the way of making the necessary adjustments to allow for these reallocations of resources and the maximization of co-ordination to occur, and I think we all want to support that, along the way we must defend and nurture the independence of the academy. It costs a price both in money to sustain it but also in the political will to withstand the convenience of the moment of brushing aside uncomfortable critics.

This is why I started off with the rather dramatic examples that I do not for a moment believe we are going to see tomorrow in Winnipeg, but when people have seriously analyzed how come Europe could not withstand these totalitarian excesses, a few things, a democracy that recognizes the virtue of every individual, not merely the tyranny of a temporary majority, and an independent academy, and that was not in the European tradition, and we have those two elements, thank goodness, in Canada, and I think they are worth cherishing and paying a price for. They are a good and if we have a good that is really a good then sometimes we have to pay a price to preserve it, and I am pleading with you to listen to the voices that are pleading for further amendments that will preserve the thrust of what I am about. Thank you very much for hearing me.

Mr. Chairperson: Thank you for another compelling presentation on the importance of academic freedom.

Mr. Laurendeau: Mr. Chairman, I will keep it brief because I know there are going to be a number of questions.

Professor Levine, I would be the last one who would want to interfere with the independence of our universities and colleges and turn you into political servants, because I do believe in what the universities have today. When we are speaking about the powers of the minister, that is where you seem to come around under the servant aspect of it. Was that in reference to Section 4?

Mr. Levine: I must admit, although in another hat I teach philosophy of law and ought to have attempted to keep up with both the bill and the various amendments that have been suggested are going to come forth, I felt that in 10 minutes I could not really do it well. I believe that I guess I am delegating that to my attorneys. I belong to an association and I have listened as well as I could to their attempts at suggesting amendments that would defend—I think we agree on identifying the problem. I believe that their expression of resolution to the problem is the best that I could say, that I have delegated that, they speak for me on that. I do not have any brilliant insights, I am sorry.

* (2120)

Mr. Chairperson: One quick question, Mr. Laurendeau.

Mr. Laurendeau: One very quick question, then. What would you see as the minister's role within the university?

Mr. Levine: Well, reference has been made to the Grants Commission. The Grants Commission performed two things. One, to my perception, it was an arm's-length buffer between the cabinet, which is political, and the university, that ideally is apolitical. Now the problem then is, if you are not going to micromanage, how do you get more specific political input? In terms of growth, you approve of projects or not, but how do you get downsizing in? And I think your delicate problem is to get to your drafters to eliminate the lever of power that could in effect micromanage to get rid of elements in the university that were merely politically uncomfortable. If what you need is to, this will sound self-serving because, if your problem is that you have too many, it was suggested at lunch today that in some areas you may have some professional divisions that are turning out more Xs than the province is perceived to need.

How can you give a direction there without getting up to your armpits in running the institution and, if once you are doing that, how do you then not do that in every other discipline? This I agree is a problem. I would welcome the opportunity to think about it seriously and perhaps I could offer some insights. At this moment, with the brief moment I have, I think that is where the problem lies. I would not mind trying to address it, but I have no brilliant insights at the moment. I wish I did.

Mrs. McIntosh: Thank you very much. I should indicate that we did indeed give those very instructions to the legal drafters and they have assured us they have accomplished that. Those who have read the bill through carefully have indicated they would agree that our legal counsel has in fact been able to achieve that. I just share that with you, but we can ask them again to check it again because your point is good. You point out, as you call them, your dramatic examples. On page 2 you talk about going to Dachau. You point that out to me and this committee because you assume, I think, Dr. Levine, that we do not know that. You point it out because we do not—I too have looked into the ovens of Dachau.

Mr. Chairperson: Is there leave? There are three people that have questions remaining. The minister's question has not been answered. Ms. Friesen has her question, Mr. Sale before her. Is there leave to—[interjection] I am afraid, Mr. Sale, you have made that comment several times this evening. The fact is that there has been a certain amount of liberty extended in prefacing questions with some preambles, and I will tighten that up on both sides, if that is the will of the committee.

Mrs. McIntosh: I will just ask my question then. You, I think—I am wanting to know, your message here to us is not that you are implying that we are not intending to do this but wanting to ensure that you know you would like us to continue doing this if we are doing it or to look to make sure we are doing it if we are not. Is that correct?

Mr. Levine: I thought I heard you mention that there were some possibilities for, if you will, an excess but you had no intention of using the language in that way, and if there is language that could allow for this kind of intervention, I think we are all in agreement, we abhor and want to prevent, then either in a strong preamble and an override clause that would indicate in the event that

any of the subsequent clauses were in contravention of, set up a priority, a hierarchy and in law the chair is much more capable than I of establishing priority clauses that would override subsidiary ones, and that may be the legal way to go.

As I say, I have not looked at this as I would attempt if I was looking at a legal document that I could comment on at length because I did not believe that I had the time in this forum, so I did not prepare myself that way. I think if we really share our concern that there could be excesses because of what has happened elsewhere and we do not want it to happen here, priority statements in the preamble and then strong clauses that would serve as overrides in the event that any of the subordinate clauses that could be used in this way to prevent them from being used that way. That might be one way out, but I would defer to legal counsel who could formulate and fashion that kind of tool. But that is what I would like to suggest.

Mrs. McIntosh: Thank you. That helps.

Mr. Sale: I think I just want to sympathize briefly with Dr. Levine that in trying to speak to the detail of the legal issues, the opinion given on the comparison between The UGC Act and The COPE Act runs to some three tightly worded pages and so to be able to discuss it is a very difficult thing in 10 minutes. I wonder if, Dr. Levine, you would agree with the proposition that the price of the long-term academic freedom which I think we all agree is vital may be some apparent irrelevance or even perhaps quite a lot of practically useless activity which may only see its utility many years hence and may in fact never see its utility, but that is a small price to pay for freedom.

Mr. Levine: I think academics would say amen to that. I think a lot of people would say, hey, but you are taking bread out of our mouths for this activity. That is why I chose examples that perhaps were rather dramatic, because if we look at—and philosophers, modern philosophy is 300 years old, so philosophers take a long, long-term view.

When I take a look at the structure of society, these things that when I was a youth I was impatient for, but whether I am getting old now and near retirement I really feel that we have some heritage that I am very proud of.

I think we do have some shared values, and this is supposedly my job to try and identify them.

I think insofar as all of us can identify what are our common values, we build a community, and that is the only way. If people see that, then they will recognize that the price is worth being paid but, if we reduce it just to the generalization, I think people become impatient. I know every now and then I get aggravated at the useless civil servants who are eating up all sorts of money and then when I think about it I say, but look at how they do it elsewhere in the world. We are not too bad. So I think my alarm is that, yes, your message I absolutely agree with, but I think it has to be presented in a way that the public knows in their soul is true and this is valuable and it is worth paying for.

I sit as an academic only heard by my students perhaps. I do not know how a politician goes and convinces the public that this is an institution that is worth backing. I think all we can do is point out—I had to turn students away from my honours course this year because there were more than I have ever had before, so clearly students, my students are showing up, but we are making do in our department with less full-time staff. We have part-time staff. We still can man the courses, but the long-term viability of the program I am nervous about, so I think when we offer a good, I do not want to say product, but a good opportunity for people to be educated, Manitobans in surprising numbers are showing up. The demographics said they would not be there but at least in my department and in the institution they are there.

It is surprising to some people, so I do not think it is the case that Manitobans do not recognize that universities are valuable but, somehow, the tenor of our times is such that it has to be expressed in a fresh way so that what is really valuable we rethink and we do not throw it out as we have to rejig to accommodate. What I appreciate I really—you have some tough decisions to make. Just along the way do not inadvertently do a harm to something that I think we all should cherish. That is my pleading.

Ms. Friesen: Professor Levine, I think the import of your concerns is for the independence of research and for the independence of critical thought in the universities. There have been a number of proposals to us for

amendments, one of which reads, whereas the creation and sharing of knowledge is contingent on the securing of institutional autonomy, academic freedom and collegial decision-making arrangements.

* (2130)

Does that meet your requirements, do you think, or do we need to look at more? For example, do we need something which would look at the ability of, or some might even say, requirements of staff to be free to express dissenting opinions?

Mr. Levine: I would like to think that my colleagues have enough spunk to express dissenting opinions as they wished. Right now, I think they do. It has been expressed to me by some colleagues who are not here, who are not making briefs, that they believe that other colleagues, if they believe that the minister had power to put a chill on grants and various other things, that they would tailor their words to political expediency. Obviously that is the case.

I do not necessarily applaud my colleagues who are that way inclined, but clearly there would be less inclination, the more power the government has to manage the university in detail, the less likelihood there is of individuals being willing to speak out. I tend to perhaps be impertinent and injudicious. I do not try to be injudicious, but if I think something needs to be said I will try to say it politely first and perhaps more loudly if need be, but that is not my first choice.

The independence I am thinking about though is the capacity to work on a problem that might not be a popular one to work on and not merely the expressing of a political opinion, but I do not know how to disentangle the two because politics gets involved everywhere. My only point is the cumbersomeness in terms of a management tool of having a buffer that prevented political inputs in a more detailed way purchased the freedom of academics to pursue academic research as opposed to directed research. There is a cost to that, and in redefining the capacity to direct affairs, I am concerned that we do not hazard the support for academic research.

I mean, a simple way might be to say, take 10 percent of the budget and preserve that for the academic research only that does not need to justify itself on a political level

because we recognize in the long term that it is a benefit. That could be one way to go and then to preserve and protect people, in effect. I suppose in the States they have whistle-blower legislation. I do not know if that ultimately works because people get ostracized but if there is a—I suppose, you know, blue sky here—if there was formal recognition that independent academic research is virtuous, is a good that we value, and if we institutionalize it in terms of a budget line item of a percentage or guarantees that people would be freed from interference when they pursue that kind of work—now maybe this is self-serving for me at this point—but if there was an institutional statement of something that at some level everyone pays lip service to, by putting muscle behind it, I would welcome it, of course. I have no idea what form that would take, and I have not really thought it through in detail, but you asked.

Mr. Chairperson: Thank you very much for your time this evening, Dr. Levine.

Mr. Levine: Thank you very much.

Mr. Chairperson: Now, Ms. Kemlin Nembhard. You may begin your presentation, Ms. Nembhard.

Ms. Kemlin Nembhard (Private Citizen): Hi. My name is Kemlin Nembhard. That is Kemlin like Kremlin, so people will hopefully say it right if you have questions for me. I am a graduate from the University of Winnipeg, and I am a citizen of this province and a taxpayer.

I am really concerned about the numerous changes proposed by this government, such as the changes to our public schools, our labour laws, social assistance, to MTS, to our health care system, and I am especially concerned about the proposed changes to the post-secondary education system. I am also very concerned about this so-called public hearings process, but I will get back to that particular point later.

With respect to Bill 32, in principle I agree with the idea of a council on post-secondary education. A body that will be looking at both universities and colleges in this province is a change that is long overdue. I am hopeful that we will be seeing some progressive developments such as provincial post-secondary education standards, transferability of credits between institutions and, most importantly, hopefully we can

establish a vision for PSE in the province of Manitoba, which is something I think has been sorely lacking for a number of years.

Now, I am supportive of the idea of the Council on Post-Secondary Education. I do not support the COPE as it is currently proposed. My concerns are similar to those expressed by the Manitoba Organization of Faculty Associations and the Canadian Federation of Students. Just to name some, like the lack of student and senate representation on the COPE; the threat to institutional autonomy; the move from an arm's-length government-UGC relationship, to the direct influencing and control by the Minister of Education over the COPE; the shift from a more democratic decision-making process to a centralized government control; the shift from greater public control to the free market control, so freeing up the system to the control of business and to the marketplace. So those are just some of the concerns that I have.

I would like to see Bill 32 amended. I support all the amendments put forward by the Manitoba Organization of Faculty Associations which have been endorsed, I would like to mention, just to stress that they have been supported by all the senates of the universities in the province as well as by the Canadian Federation of Students in the province. I will not go through the amendments, but they are put there on the back of my written presentation.

I do have one additional amendment to propose. In Section 5(1), the council shall consist of 17 members. Three members will be selected by and from autonomous student associations or unions of the seven post-secondary education institutions in Manitoba. The term will be one year rotating between associations or unions. One member will be elected by and from senates and college councils at each of the seven post-secondary education institutions in Manitoba for a total of seven members. An additional seven members will be appointed by the Lieutenant-Governor-in-Council in consultation with each of the seven post-secondary education institutions in Manitoba.

Now, these amendments, I feel all of them address a lot of the concerns I have over this bill, like the fact of the importance of the creation and sharing of knowledge as one of the central goals of universities and colleges as opposed to simply training; the importance of

institutional autonomy; academic freedom and self-governance; the right of universities and colleges to formulate academic policies and standards; having institutionally elected representation from the seven institutions and the student selected representatives on the COPE; decreased ministerial control over the COPE and the decreasing unnecessary intrusions into university and college affairs that is proposed by this legislation.

What we need in this province are citizens that are ready and able to meet the many challenges of the 21st Century. To this end, we need a world-class system that is of the highest quality that can help provide our citizens with the knowledge and the skills that will allow them to play an important role anywhere in the world. Instead, Bill 32 will leave us with a system that is politically controlled, not democratically controlled, and driven by short-term, short-sighted market mentality. The market is not responsive to the long-term benefits of an educated, informed and socially conscious population or the benefits of many different types of research or the benefits of individuals that can think critically and analyze.

* (2140)

People today and in the future are not going to be doing one or two jobs for the rest of their lives, but rather, they are going to be having to move from one position to another throughout their working lives. What we need are individuals that are flexible, can analyze and are able to adapt quickly to the situations of today's job reality. What we do not need are well-trained robots that can only do very specific jobs.

Before I finish, I would like to go back just quickly to this issue of the hearing process. The reason I want to go over it is because I have heard a lot of complaints about it by a lot of different people in the public that I have talked to, from my parents, their friends, to students.

Mr. Chairperson: Maybe I could intervene. This will not come off your time, but just for the sake of the integrity of the committee process and the House rules, we are the only province in the country that has a rule that permits, invites, allows, gives the right to members of the public at this standing committee stage after second reading to make these kinds of presentations. The second fact that I would like to put forward just for the sake of people understanding this committee is that we also have

as a matter of House rules, agreed to by both the government and the official opposition party, which now have bills introduced for this particular sitting, bills introduced in the spring available after that sitting recesses, available all over the summer months, including this bill, and then they are brought back into the Legislature, go through the second reading process and then they come to this standing committee for input, input which allows for and actually results in amendments taking place with the full kinds of participation afforded with the time limitations inherent in jobs being done, and results are achieved.

I thought it was important just for the record and other members of the committee can speak out and correct any error in my way of articulating this, but we are all honourable members here and we are all part of a process where we are respecting the rules which have been agreed to in a democratic way by democratically elected officials. I have been in both ends of these situations before I was elected and I have been a presenter. In my day, before I was elected, we did not have the advantage of having bills introduced well before and then debated afterwards. This is a new process designed to be more accommodative in the public interest and to allow elected officials to perform their role better. So I wanted that to be clarified before you proceeded with your critique without maybe a full appreciation for the rule and the context of the rule and the various democratic situations throughout our federation.

Ms. Friesen: Mr. Chairman, I am just responding to your invitation to add some comments on this.

Mr. Chairperson: Please do.

Ms. Friesen: Thank you. I appreciate your putting on the record what the situation is at the moment. I think perhaps we should also add that this is a situation and an agreement for one year only, and I think the kinds of comments that we are hearing from presenters are very useful to us in evaluating this process. If there are improvements, if there are suggestions that can be made that will help citizens to become a part of the legislative process, ways in which we can improve situation which I think we all acknowledge is one which does not occur in other provinces and which we are very proud of, I think we would welcome those suggestions.

Mrs. McIntosh: Again, following up on your invitation to comment on your comments, I wish to indicate that the process of hearings we are undergoing tonight is a vast, vast improvement over the hearings that used to be before the Filmon government came to office—and you are specifically criticizing the Filmon government here—because I can recall coming to make presentations here as you were doing and arriving at 10:30 in the morning to make a presentation and consciously and deliberately being put off until 2:30 in the morning. I stayed. I stuck it out. I got to make my five-minute presentation. But the rules have improved over time and I do concur we are the only province that allows the public right into the process. You would not get this in another province.

Ms. Nembhard: Be that as it may, I think that if you are going to do this process—and I think that this process is necessary—

Mr. Chairperson: Ms. Nembhard, sorry. What we will do is we will go back to your presentation, and you can respond to anything that is said. I had really invited members of the committee to make any observations in correcting how I might have articulated something which I felt was necessary for the integrity of the committee. Is there any other comment from anyone else on the committee? If not, you may resume your presentation. In the process, you can respond to the honourable minister if you wish.

Ms. Nembhard: I think this process, having the public take direct input into the process of laws that are coming into effect, should be an inherent part of a democratic society, and if you are going to have this process, you should make it meaningful. The way it stands, it is not really meaningful. When I am talking to people who—my parents, their friends—have not even heard of the majority of these bills, that is a real problem. So when I say this entire process, this so-called public process, hearing process is an appalling mockery of any open democratic public process, the government has not only bombarded the Manitoba public with 75-plus bills—I mean, that is a lot to digest to begin with—including Bill 32, but there has been hardly any attempt to inform the public about what these proposed changes are. People do not know what is going on.

This so-called administrative exercise undertaken by the Filmon government is going to mean drastic changes

to the lives of most Manitobans. If this government is truly committed to democracy and to being accountable to the people of this province, as opposed to acquiring authoritarian control over institutions and people who do not follow their party line, this process would be very different. If you were really interested in hearing what the public has to say, people would not have to be driving hours to come into Winnipeg to make a 10-minute presentation. You would be going to the people of this province. This process is really inaccessible and it is really exclusive, and it does nothing to encourage public participation which is at the heart of any true democracy, and that is really what I am talking about when I am saying that this process I think really is lacking a lot to be desired.

(Mr. Vice-Chairperson in the Chair)

Just in closing, our universities and colleges are not subsidized training centres for business. They are centres of learning. If business wants people specifically trained, they should be paying education taxes of which the funds could go to our publicly funded universities and colleges to provide those programs as opposed to business trying to control our universities and colleges through government and through the COPE. If we really want to have a high-quality post-secondary education system in this province, we need a government that is committed to post-secondary education. We need government commitment through support and through funding to our universities and colleges so that our system is allowed to grow and be enhanced, not downsized. We need a system that is diverse and reflects the diversity of our population, not simply one sector of our society. That is the end of my presentation.

Mr. Vice-Chairperson: Thank you very much.

Mrs. McIntosh: Thank you very much for your presentation and for your good clear voice, which is appreciated. The microphones sometimes are hard for some people to use. You used it well, and we could hear you clearly.

I wanted to ask how you felt the government of Manitoba, being really the people of Manitoba, whatever the government is, whatever the political stripe is, the people choose representatives to come here and be them, so to speak, in terms of governing the province, and the

province gives \$250 million or so of the people's money to the university. How do you think the minister should interact with the universities? I will give you an example of what the minister cannot do. Now last year we had a problem with accusations of sexual harassment on one of our campuses, and there was a request from the opposition for the minister to direct the university to do something about that and the minister was not able to directly politically intervene, was not able to call the university president and order him to do a specific thing in regard to that issue, and yet the opposition was asking for it.

* (2150)

There have been other things happen on campus where the opposition has asked the minister to go to the president and ask that something be done on campus in the public interest. The minister is not able to do that because the minister is not allowed to interfere in any way and that means in some instances is not able to consult and communicate for fear of the accusation of interference. So, on legitimate issues, it is difficult for the minister under today's circumstances to communicate with the university and express concerns in the public interest without being accused of political interference.

How would you suggest that the minister communicate with the university on matters of broad public interest about the institution that the public pays for?

Ms. Nembhard: Well, I think—

Mr. Vice-Chairperson: Ms. Nembhard, you will just have to wait for recognition so that the Hansard picks you up.

Ms. Nembhard: I have heard that question before, and I think it has been answered adequately by other presenters in that I think the system that is in place currently works quite well in terms of the board of regents which has government reps on them, meetings with the presidents of the universities, things like that. I think you can use the system that is in place and enhance that system as opposed to intruding, I think unnecessarily really, into the autonomy of universities and colleges.

Mrs. McIntosh: What do you say to the current circumstances of—oh, would that what you said could be

true. The current circumstances, if the minister attempts to meet with the board of governors, the minister has to be very careful that it is not a meeting behind closed doors and where decisions are being made because I have been accused as minister of having a politically appointed board of governors. You can look in Hansard. Go to your computer and punch up politically appointed and you will see the opposition members sitting here who say, you cannot direct your politically appointed board of governors—

Mr. Vice-Chairperson: Order, please. Madam Minister, can I ask you to put your question? I would not want us to be getting into a debate.

Mrs. McIntosh: I appreciate the need for a shorter preamble. How, given that circumstance, can I possibly direct the board of governors or the president under the present circumstances without being called to order by the press, by the public and by the official opposition who already tries to do that to me if I even so much as greet them in the hallway nearly? How do I get around it?

Ms. Nembhard: Again, I will stress, I do not think that as Minister of Education you should be directing the universities and colleges. As I said, what is needed is an arm's-length relationship, and I think the current with the UGC, and I think like Marsha Hanen actually. Dr. Hanen really gave a good example of how the COPE should be used as a sort of intermediary between the universities and colleges and the minister, and I think that that is the relationship that we should be fostering, not one that has the minister and the government controlling the universities and colleges.

Ms. Friesen: Thank you for your presentation.

I wanted to ask you about the overall purpose of this legislation. There is very little reference to accessibility, and I know that that is a concern of student and student organizations as well as of many citizens in Manitoba, particularly people in rural Manitoba who have a much greater difficulty in affording attendance at universities and colleges. There is a mention of accessibility in the introduction to this act, in the preamble, and of course this is an unusual bill in having a preamble. Most bills do not have preambles, so it is interesting that there is one. It does say, ensuring that the post-secondary

education system is accessible and effective. I wondered if you thought this was sufficient or whether you would be directing our attention perhaps to developing this in other parts of the act. Perhaps you could also give us some sense of how you view the changes in accessibility in post-secondary education over the last few years.

Ms. Nembhard: Definitely. I think that the question of accessibility should be not just mentioned in the preamble but should be throughout the document. I think a lot of the reasons that I talked about some of that throughout my presentation in terms of what we need as a society and citizens to really be able to play an important role in the 21st Century, so I think that, yes, indeed, like, it should be strengthened in the bill itself in terms of the importance of improving accessibility.

To the second part of your question, which was—can you repeat it?

Ms. Friesen: I was interested in the presenter's response to the changes in accessibility that she has noticed or that organizations that she has belonged to have noticed in the last five years.

Mr. Vice-Chairperson: To be consistent, could I have leave from the committee, seeing as there was a little bit of time taken up prior to, to just finish the last questions from Ms. Friesen and Ms. McGifford? [agreed]

Ms. Nembhard, to continue then.

Ms. Nembhard: Yes, there have been over the last five years big changes in accessibility in terms of—and I think that this bill, too, can really have a negative effect on accessibility in this province in terms of the rising cost of tuition, the lack of summer jobs and the lack of jobs, the lack of well-paying jobs over the last few years. If you look at the numbers of student loans that people have taken out, the amount of money that people are graduating with, like, in terms of loans has increased greatly. The amount of people also getting student loans has increased greatly as well, and I think that is a real mark of, you know, the fact that people are in their programs and they want to finish it, so they decide to get a student loan, or they feel like they need a higher education to get a better job or to get a job besides flipping burgers at McDonald's or something, and so they are investing in their education, but, in fact, what they are

ending up with is coming out with mortgage-sized loans when they are coming out of school, and that definitely has a drastic effect on our education.

As well, if you look at universities across the province, but as well across the country, there has been a change in terms of, like, people are not going to school full time anymore because they cannot afford it. More people are going to school part time because they cannot afford to pay for as many courses, so it is going to take them longer to get their education. It is going to cost them more in the long run, that sort of thing. So there have been a lot of negative effects over the last few years with all the disadvantages to accessibility.

I think that this bill, as well, could be a threat to that. When I hear terms like “downsizing,” “rationalizing,” that sort of thing, accessibility is not just about money; it is about having a choice between different courses, between different programs, between two education programs or three education programs or four. People choose to go to certain institutions for very specific reasons. People go to Brandon University because it is a small campus; it is a rural campus. The general culture there is different from any other university, and the same can be said about any of the other universities and colleges in this city. So I think that is just one example of how this bill could negatively affect accessibility in this province. Having a diverse choice—

Mr. Vice-Chairperson: I will have to call that one just about answered if we are going to give time for Ms. McGifford to give another question.

Ms. McGifford: Just two quick comments. I think the honourable minister was putting words in the mouths of the opposition because we certainly did not ask that the minister directly interfere in the sexual harassment issues at the University of Manitoba. Indeed, what we would like to see is a council that ensures that the processes are in place within the university so that the university deals with the issue itself.

Having said that, I wanted to thank Ms. Nembhard for her presentation and thank her for her comments on the process. We will certainly pass those along to our caucus and in particular to our House leader.

* (2200)

Now a quick question. We have been having a dreadful time at this committee tracking down student opinion at the University of Winnipeg. I notice in this submission that you are a graduate from the University of Winnipeg and I wanted to ask you if you continue to have a relationship with that organization or are you no longer a student at the University of Winnipeg?

Ms. Nembhard: I am no longer a student at the University of Winnipeg, but I do work for the Canadian Federation of Students. In terms of tracking down opinion at the University of Winnipeg, the only work that has been done around this bill on getting student opinion has been either through the federation or through the faculty association at that university. The same can be said at U of M as well. I am not a student there in that way and I do not participate in that way, but I do in other ways.

Mr. Vice-Chairperson: Thank you very much for your presentation, Ms. Nembhard.

We will now call on Mr. Linwood DeLong. Mr. DeLong, after we have passed out your presentation you can start any time you would like. While we are just waiting for the presentation to be passed out, is it the will of the committee to take a five-minute break after Mr. DeLong's presentation? [agreed]

Mr. Linwood DeLong (Private Citizen): Mr. Chair, I acknowledge Ms. Friesen.

Ms. Friesen: Mr. Chairman, on, I guess it is a point of order, if we are taking a five-minute break, would it be possible at the end of that to reconsider where we are in terms of timing and to look at what presentations are left and to make some decisions along those lines?

Mr. Vice-Chairperson: We can have that discussion when we come back from the recess.

Ms. Friesen: Thank you.

Mr. Vice-Chairperson: Mr. DeLong, if you want to carry on.

Mr. DeLong: Thank you very much. Is it this microphone here? They are both on? Okay. Thank you.

I do not have a very strong voice, so I hope you can hear me. I will read from my text and then answer questions.

I am a reference librarian at the University of Winnipeg, and I have always enjoyed working with staff and students as they pursue their research endeavours in a spirit that acknowledges free inquiry and pursuit of knowledge. We use the resources that are available in our library or in any other library that will share its resources with us.

During the 12 years that I have worked in the library, I have watched as staff members took on some politically very sensitive issues, whether somewhere on campus there should be collections of material that are clearly anti-Semitic, whether the current seatbelt legislation in fact leads to more highway fatalities, and whether the government of the day is in fact protecting the environment or causing it to deteriorate, just to name a few examples.

If one were to visit the campuses of our universities I hope that one would find many more such probing questions, questions that might cause some of us to squirm, questions that some of us might dismiss immediately as lunatic, questions that in many instances do not mesh with the priorities or concerns of the government of the day. Historically, universities have enjoyed the right to engage vigorously in the pursuit of knowledge defined in the broadest possible terms. Universities that have been denied that right have suffered immensely. Universities in Germany emerged from the war hopelessly compromised in their academic integrity. Closer to home, American universities that accepted funding from the Star Wars program found that their reputations had been compromised also.

In Manitoba, universities may not enjoy the privilege of intellectual and political freedom much longer. The preamble to Bill 32 starts very well. It emphasizes the importance of creating and of sharing of knowledge as essential to meaningful citizenship and participation in a democratic society. It stresses that universities are among Manitoba's principal assets and the main instrument to ensure the long-term social, cultural and economic well-being of its citizens.

Impressive as this sounds, it is far too narrow. Universities are not simply or not even primarily

instruments to ensure the well-being of their citizens. They are institutions that challenge their members to think critically and independently about all aspects of human existence, through whatever discipline.

Neither this freedom nor the freedom from political interference is protected in Bill 32. Section 3 only guarantees to universities the right to carry out their mandates without interference in formulating academic standards, establishing standards of admission, or appointing staff. In Section 14 the proposed new council is granted the power to impose on the university any "other terms and conditions" for a limited time. This means any conditions whatever that the council may select. Section 14 clearly states that the universities "shall comply with any terms and conditions that are imposed."

Section 4 states that the minister may seek to coordinate the council's work with the programs, policies, and work of the government. The ministers of the council are to be appointed directly by the minister. The minister may appoint a person or a committee to review and report on any matter concerning the council or this act.

Other presenters will make specific recommendations about changes to individual sections of Bill 32. I would challenge the government to re-examine the fundamental principles on which this legislation is based, the principles that are stated in the preamble, and to begin with the recognition that universities can only fulfill their mandates when they are guaranteed freedom from political interference and the right to engage in critical thinking and research. Thank you.

Mr. Vice-Chairperson: Thank you, Mr. De Long. Would you be prepared to take some questions?

Mr. DeLong: I am, Sir.

Mrs. McIntosh: I have a series of questions that are a main question with a couple of supplementaries. First of all, I have to tell you, librarians are my favourite people in the whole world, so that is an aside. If I could spend my life, where I would spend it would probably be in a corner of your establishment. Having said that, which is an aside because I could not resist it, I want to just check with you to ask you, first of all, main question, have you had any problem or do you know any people who have

had problems addressing some of the freedoms that you have talked about in the first part of your speech existing under the current Universities Grants Commission Act?

Mr. DeLong: I am not aware of any problems at our university. We have, as I have stated in my opening paragraphs, engaged in things that are politically very sensitive and I am not aware that anyone was taken to task or that the government interfered.

Mrs. McIntosh: Thank you. Then I just want to ask you again then some supplementary questions based on that first question. You have made reference to Section 3 and its limitations. Section 3, you have indicated, only guarantees the right to carry out their mandates without interference in formulating academic standards, appointing staff, et cetera. It is Section 3(2) that you have made reference to in your speech here at the bottom of your page. You have said, it only guarantees to universities the right to carry out their mandates without interference in formulating academic standards, establishing standards of admission or appointing staff.

That clause that you are referring to is identical to Clause 3 in the Universities Grants Commission. It is word for word the same, so it is what you have been governed under for, lo, these many years.

Then in Section 14 you are concerned because the new council is granted the power to impose on the university other terms and conditions for a limited time and again make the comparison, which would be really well advised when you are concerned about this bill, to go through a clause-by-clause comparison, because you will see very similar—I am looking for 14 under the old one—14, other terms and conditions, and that clause as well is identical in every word, except the words are in reverse order. Where they have, the council may grant an approval, et cetera, in the other it says approval—it is just reversed, but it is exactly the same wording, same intent, and you have been governed under that.

Section 4 gives the minister the power to provide broad, general direction on matters of significant interest subject to certain rather restrictive controls. You are concerned about that and that is not in the old bill, but what is in the old bill is this, and now I ask my last question. That Clause 4 that concerns you because it says that I can have a relationship with the council—or,

pardon me, you are talking about Section 25 in your reference, that we can appoint a person to review the council's activities.

Do you feel that this wording that was in the old act is worse or better than this that concerns you? Section 16(3) in the old act, the commission may require by written order a university or college to cease to provide or offer or to withdraw any service, facility or program of studies involving monies at the disposal of the commission which in the opinion of the commission is already adequately offered or provided by another university or college or for which in the opinion of the commission there is no substantial justification and the university or the college, as the case may be, shall comply with that requirement.

We have lifted that out and replaced it with what I think is a much more gentle, less intrusive clause, and I am wondering if you would agree with that or disagree with that.

* (2210)

Mr. DeLong: Thank you. It seems to me that the thrust of your legislation, Madam Minister, though, is to allow the government greater intrusion. I mean, that is the substance in general of what many of my colleagues have been saying. It allows you to, for example, it says, advise the university on its mandate. The university has been formulating its mandate for many years. If you have the right to advise, does that not give you the right, for example, to insist on a specific formulation of the mandate?

Mr. Vice-Chairperson: I am afraid we are going to end up into a debate between yourself and the minister if we get into this type of dialogue. At this time, it is an opportunity for the members of the committee to ask you questions. I would like to see that dialogue continue, but there is only a short period of time for questions, so I would have to ask that we do not get into the questions of the minister at this time. We can leave those questions for when we get to clause by clause and I am sure that those are questions that the opposition and ourselves will be putting.

Mr. Sale: Mr. DeLong, have the facilities at your library and your library services improved or not improved over

the last period of stewardship of the universities under this current government?

Mr. DeLong: The university library is certainly suffering from less funding than it has received in the past. The cost of the material that we would like to provide, that we are required to provide has increased much more than the monies available to us to provide that service. We are struggling.

Mr. Sale: Then given that reality, given the federal cuts and the necessity of provinces having to deal with that reality, which we all, I think, acknowledge at least to some extent, would you rather have the university in a macro-level managing that problem, or would you think that the government should have a role in managing the cutback requirements that it either imposes on the university, or feels it must because of impositions from afar?

Mr. DeLong: I would want the funding to the university to be—sorry, I am obviously not doing very well here. I would want the grants to the university to be formulated in as general a term as possible to allow the university community to formulate its own needs and to divvy up the pie in the way that seems most effective.

Mr. Vice-Chairperson: Thank you very much, Mr. DeLong.

Mr. DeLong: Thank you. May I make one tiny observation?

Mr. Vice-Chairperson: Yes, Mr. DeLong, you do have time to do that.

Mr. DeLong: I would urge the government to consider posting the bills on Internet. I went to the Internet trying to find the text of Bill 32. I ran all around the university. Thanks to a colleague and photocopy machines, I have a copy. Although a lot of material is on Internet, this very useful material is not on the Internet, and it might be an improvement.

Mrs. McIntosh: Thank you for the suggestion. It is an excellent suggestion, and I know we have been trying to get more material onto the Net for that purpose, and we will make every effort to try to have it available

electronically for people. So thank you for that good suggestion and for your presentation.

Mr. Vice-Chairperson: Yes, but I do believe that they are posted on the Internet, are they not? I will check that out for you. I believe they are posted. I will show you where. I will find it for you. The bills, they are not—[interjection] Okay, you wanted the listings. I will talk to you later.

Thank you, Mr. DeLong. At this time, we will recess for five minutes.

The committee recessed at 10:14 p.m.

After Recess

The committee resumed at 10:26 p.m.

Mr. Vice-Chairperson: Order, please. Can the committee come to order?

Ms. Friesen: We had agreed to look at some procedural issues and the time is getting late, and last night as we had looked at eleven o'clock and re-evaluated things, I think there is a concern amongst some of the presenters that we have some certainty of scheduling.

Mr. Chairman, I have a number of proposals. I think the way that you handled this the previous evening when we met which was to first of all evaluate, as we are now, somewhat through the evening. Secondly, if you remember what we did was to call it time at one o'clock and then to look for anyone else who wanted to appear after that and to hear them as they came. I thought that was a very sensible suggestion and gave some certainty to people who are presenting and also enable those who had come from a distance or wanted to present, since they were here, a certainty that they would be heard.

There is still a long list of people who would like to present. I do not know whether we are going to be able to hear everyone tonight, but I did want to put on the record that we do want to hear everyone who wants to speak on this bill, and if we can, we would very much look at hearing perhaps in three committees. I know that

time is getting short. There may be a possibility. I know it is not for this committee to decide, but we would like to put on the record that that is one possibility in order to hear everyone, that three simultaneous committees, the two that are already in existence for other bills and that this one, be created as a third one. It is a possibility, and I know it is not the responsibility of this committee to decide that.

We have also, I believe, proposed to sit on weekends to hear some of the presenters, and again, we just want to make sure that that is on the record and that people are aware of that, but that is something that will have to be decided between the two House leaders.

There is a further problem in that we are dealing with three bills here. We did dispose of one bill last night, but there are still three bills and there are people who are presenting on each of those bills. Those people in particular who have come to present on Bills 33 and 47, a number of them have now been here two consecutive evenings and have not yet been heard. So I think there is a special case there that we need to look at and, if I might, Mr. Chairman, I would like to make a proposal that the next time we reconvene as a committee, and it is not up to this committee to determine that, but the next time that this committee reconvenes, that the people who have come to present on Bills 33 and 47 move to the top of the list, and that would give them some certainty that they will be heard within a particular time frame.

Mr. Vice-Chairperson: Thank you, Ms. Friesen, for your recommendations. As you are aware, most of your recommendations would be dealt with through the House leaders, as you have stated. The other one would be a recommendation that we could make but it would only be a recommendation, because the next committee to sit would have to commit to that at that time.

Mr. Mervin Tweed (Turtle Mountain): Mr. Chairman, as I have put on the record I think every night that I have sat in committee, I think this side is prepared to sit tonight and listen to anyone who is here to make a presentation. I would recommend that we start promptly.

Mr. Vice-Chairperson: Is it the will of the committee then that we start up the committee and revisit the issue a little later on?

Ms. Friesen: I thought that the proposal I made was one that the committee had agreed to the last time it sat, and that was to finish at one o'clock but to hear anybody after that, as Mr. Tweed suggested, as they wish to present. That way, those people who I think are here well down the list will have some certainty of what their timetable will be for the early hours of the morning.

Mr. Vice-Chairperson: This is difficult for me because, as the Chair, now I cannot get into the issue of the debate, so I will have to go with what the will of the committee is on this one.

Mrs. McIntosh: I am just wondering, Mr. Chairman, I had not realized there were people here again for 33 and 47. I know there are not that many for those two bills and, rather than have them keep coming back and back, if we could maybe determine how many are here for 33 and 47, and if it is not very many, let them make their presentations so that they can then slip away and then revert to Bill 32. If it is a great number, that might be different, but if it is only a few in number, it might not hurt, in my opinion, to let them go now and then they can be free to leave.

* (2230)

Mr. Vice-Chairperson: Is it the will of the committee that I identify the presenters who might be here for Bills 47 and 33?

Mr. Sale: Mr. Chairperson, I have some problem with that, because all evening we said we were going down one particular road and people who, I think, have taken a look at the list and have recognized that there is simply no way if we are going to get to No. 56 and we are now at No. 13, it is not going to happen tonight. I expect that a number have left. So I think we should continue as we had with this particular bill and let those who have come and sat already go and know that the next time they come, they will be presenting. They will not be put in line behind.

I understand the minister's intent, but I think that there are people who have been sitting here recognizing that they are not going to get to present tonight and have gone home. If we follow your proposal, then I would suspect that they will never get to present because we will conclude on those bills with their not being here.

Mr. Vice-Chairperson: Mr. Sale, if I could clarify what the minister's proposal was, it was that we would identify any presenters who are here for Bills 33 and 47 and not drop anybody off the list who is not here. Just hear the presenters who are here, was the minister's recommendation, and that would only be if there was one or two or three presenters. We would not drop anyone off the list, was the minister's recommendation.

Ms. McGifford: I would like to speak in support of Ms. Friesen's suggestion. It would seem to me that it is both civilized and reasonable to go till one o'clock and at that time if anyone wishes to present to listen to that individual, but leave it at that.

Mr. Chairperson: Have we reached consensus on sitting till one o'clock. Is that the will of the committee then? No?

Hon. Harold Gilleshammer (Minister of Culture, Heritage and Citizenship): Mr. Chairman, we have a list here, and we are spending valuable time. I think the process has worked well in the past; I suggest we get on with the presentations.

Ms. Mihychuk: Just in response to the comment by the minister, I would argue that our process in this committee was well received by delegations on Monday night whereby we did define one o'clock as the time to survey the group. If there were people that chose to present after one, they could do so. I felt that there was a sense of fairness and the ability for everyone to speak and yet there was a sense of closure. I felt it was a very reasonable compromise and has worked for this committee. So I would argue that practice has been to basically conclude hearings at one o'clock unless others wish to present beyond that. So I urge the committee to continue on the process that we did on Monday night.

Mr. Vice-Chairperson: At this time I am not hearing a consensus within the room. I would probably recommend that we go on till one o'clock and at that time review our position and see where we are at and maybe bring this discussion back at that time so that we can start on the presentation. Is that agreed? [agreed]

Douglas Arrell. If I pronounce your names wrong, I am sorry. If you have a written presentation, Mr. Arrell.

Thank you, Mr. Arrell. As the clerk is presenting your presentation, you could start anytime you are ready.

Mr. Douglas Arrell (Private Citizen): I am a professor at the University of Winnipeg where I have taught in the Department of Theatre and Drama for the last 20 years. I appreciate the opportunity to appear before the committee.

Mr. Vice-Chairperson: Mr. Arrell, could I ask you to pull up a little bit or move the mike. It is not picking you up quite enough.

Mr. Arrell: How is that?

Mr. Vice-Chairperson: That is perfect. Thank you.

Mr. Arrell: I basically have two concerns. You have heard them before, but maybe I will be expressing them in a slightly different way here about Bill 32. My first concern is that this proposed Council on Post-Secondary Education is not an arm's-length body. There are several passages in the bill which imply this. I think the most clear is the one in which the minister is said to be empowered to give general direction to the council on matters that relate to its mandate that are in the minister's opinion of significant public interest. I think that that essentially means on anything because I do not think if "in the minister's opinion," then whatever is in her opinion will be of a significant public interest and "general" is a vague term which could mean almost any kind of direction to this council.

Now, there are a number of arm's-length bodies in Manitoba such as the Manitoba Arts Council; and there happens to be one that I am familiar with, the Manitoba arts gaming fund commission. It actually no longer exists, but I was on that commission for about four years, so I am familiar with the notion of an arm's-length council.

I think the first point about arm's length is that it really means it has a quasijudicial function. It is arm's length in the same way that judges are arm's length from the government, i.e., the function of a commission which is arm's length is to be impartial, to be free of government influence and to make decisions without regard to government influence, as judges do. They are governed by an ethic of impartiality. I certainly remember on the

Arts gaming fund commission great concern was expressed about impartiality, about conflicts of interest. We were very sensitive to any hint that we were being pressured by an outside body. In our case it usually was the Arts Council, since we reported to the Arts Council, but we kept our independence very jealously and I think that this is how most arm's-length commissions operate.

We developed clear and fair criteria for making our decisions, which were public knowledge, so that we were not allowing the prejudices of individual members to govern those decisions. It is true that the members of the commission that I was on and the Universities Grants Commission are appointed by the government, as judges are, and some of them might even be said to be political appointments but, in fact, because of the nature of an arm's-length association, it usually means that there is a remarkable amount of impartiality. I mentioned in my notes here that often, for example, on the American Supreme Court, an attempt is made to influence it by appointing people whose ideology is known. The surprising thing is that when people are given an independent, arm's-length position, they often behave very differently from the way government expected them to do, and that was my experience on the arts gaming fund in fact.

So what the government is doing with this bill, it seems to me, is essentially replacing an arm's-length organization with one which is not, and it is as if they were to say that they are going to replace the Manitoba Arts Council with an organization which is not arm's length but is in fact at the direction of the minister. You can imagine the uproar that that would create in the arts community in Manitoba because it would be instantly seen by artists and by arts institutions in Manitoba as a threat to artistic freedom.

I think sometimes the minister has expressed an inability to understand why faculty are so upset about this, and I think it is exactly the same principle, the principle of academic freedom that is extremely important to us. I think, just to give an example, I was involved at the University of Winnipeg in creating a course called 20th Century Gay and Lesbian Literature. Now, this course was extremely academically acceptable. It was passed by senate. It is, in fact, a very exciting area in literary studies nowadays. Why would it not be possible—suppose the minister felt that such a course at

the University of Winnipeg was not in the public interest. Suppose in fact the minister received many, many letters and phone calls from constituents complaining about the existence of this course. What would prevent the minister from saying, giving direction to the proposed Council on Post-Secondary Education that this course should not be funded by the council? It is true, it says, general direction, but perhaps it could be a general direction such as, no courses which present a positive image of homosexuality can be funded by this council. I do not see any reason why that would not be possible under these circumstances, and that is precisely what we mean by infringement on academic freedom.

* (2240)

(Mr. Chairperson in the Chair)

The other concern I have is with the kind of power which this council is going to be given. Generally speaking, I would say it is replacing largely negative powers in the Grants Commission with positive powers, i.e., fundamentally arm's-length commissions have negative power. Proposals are presented to them, they accept or refuse them. They often have means of making their influence felt by, for example, attaching conditions to funds or by even asking for changes in proposals and things like that.

Can I continue? Okay. No, it is not on, the mike. Yes.

I was saying that fundamentally arm's-length commissions—okay, how is that?

An Honourable Member: Better.

Mr. Arrell: Get rid of this one altogether? Okay.

The difference between this council and other arm's-length organizations is that—can you hear me? Where was I? I was trying to make the distinction between the negative powers, which is the true kind of power that an arm's-length commission should have and the kind of new positive powers, i.e., the power to actually make proposals. There are many passages in this bill which imply direct creating of proposals as opposed to simply vetting the proposals which are presented to it. Words like plan and co-ordinate the development of a post-

secondary system in the province, determining priorities, develop and implement accountability requirements, develop policies for specialization and co-operation, establish policies for tuition fees—these are all directly governing the universities as opposed to judging the kinds of proposals that are presented to it.

Now it is a matter of degree. I recognize that the Grants Commission did, to some degree probably, have positive influence but that the primary role was a negative one, a judging one. This is now giving this council a different kind of power to actually interfere in the government of the universities. There are two reasons not to like this. The first is that combined with the ministerial power that it has been given, it is going to in fact make the universities much more subject to the government. There is another one as well which I am aware of again as being a member of an arm's-length commission and, that is, that you want this commission to be independent not only from the government but from the organizations which it oversees. If it is actually also producing proposals, producing policies for the organizations which it supposedly is judging if you are overseeing, there is an obvious potential in effect conflict of interest; i.e., how can you rely on it to judge a proposal which it itself has proposed, it itself has generated? To me, this kind of commission should be independent both of the government and of the institutions. It should not directly interfere in their governance.

I think that perhaps the committee does not fully understand why we care so much about academic freedom and I thought I would try to present it in a slightly different way, perhaps a way that will be more sympathetic to some members of the committee. I would suggest that the government interferes in university affairs. What universities teach is in fact a disruption of not one but two free markets and really very parallel to government interference in a free economic market. There is a free market, first of all, in ideas which really dictates what universities teach and what we do our research in. We teach and do research in those areas, those ideas which are current, which are dominant in our particular discipline and there is a constant shifting of those ideas. Sometimes this shifting is very annoying. Even to those of us who teach in these areas, we can get very upset and there are many ideas which are current in my field which I hate, which I think are very bad and I attack them. Eventually if enough of us attack them, then

maybe they will lose their influence and new ideas will come along. It is like a free market and like a free market, just as the free market is subject to swings of pendulums and fads and things like that, so is the free market in ideas.

What is the alternative? What is the alternative to having a free market? It is to have some kind of government control over thought, and it is very sensitive. Compare it to the business climate in a community where there is government influence, shall we say, over the way businesses are conducted. Businessmen often say, this is a bad business climate. It has harmed the whole atmosphere of doing business in a certain community because of this kind of interference.

Mr. Chairperson: You have two minutes left in your presentation portion.

Mr. Arrell: I am saying that exactly the same thing is true in an intellectual climate, but it only takes a very little bit of feeling that the playing field is not level, that in fact people are not quite free to say or do the kind of research that they want, and there is a chill which falls over the whole community. There is another free market, though, which to some extent restrains this free market, and that is the free market in student choices. Basically, you cannot offer a course if students do not choose to sign up for it, and so we are constantly forced to change what we teach at universities to match student demand, and this happens every year. Every year in my department there are one or two courses which do not have sufficient enrollment. We have to drop them. Other courses are overenrolled and we end up adding extra sections. If you look at what has happened over 10 years at the university even, there are enormous changes in what we offer just because of student demand.

I think when I first came to the university, business computing was a half course in the mathematics department. Now it is bigger than the mathematics department, and that is just because so many students want to take that course.

What is proposed by giving this kind of direct government interference in this particular free market is really telling students what they can take. I think it would be much better to tell them, perhaps to educate them, if you think that they are not taking courses which

are preparing them for jobs, educate them as to what education they will need for jobs and let them choose to take the courses they want to take.

I just do not think it works to try and make students, and it is making students do this, if the university is in effect forced to add a course in some area which the government thinks should have priority, say agriculture or something, other courses will have to be dropped because there is a limited amount of money and those are courses which have enrollments which students want to take. If there is a question of duplication, again, the free market says, the students want these courses even if they are offered at some other university and to interfere in that market is similar, as I suggest, to interfering in the economic free market.

In conclusion, I would say that Bill 32 has a serious disruptive effect on these two free markets which should govern the university and, like most attempts to interfere in free markets, and I actually believe this although perhaps some people on one side of the table will not agree with this, attempts to interfere with these markets in the long run will have a detrimental effect, will have the opposite effect, but in the short run it might seem it works, but in the long run you have distorted the market. You have destroyed its natural swinging to the direction it has to go in and it does not work. That is my presentation.

Mr. Chairperson: Thank you for that presentation.

Ms. Friesen: Thank you for the presentation, Professor Arrell. I was interested by your references to the free market and the way in which that works within the university climate, because one of the fears that I have had about the government's desire to be much more directive in university affairs is that in fact they do have some ideas about what kinds of courses and degrees and programs should be offered.

* (2250)

As I have listened to them speak on the record in the House, they certainly also have ideas about the size of classes. It does not appear in this bill, although I think the power to determine the size of classes is one. It seems to me that quite often what happens, not only in this legislation and in others, is that their frequently

expressed interest in the free market is often overruled by their desire for centralization. I think that is one of the possibilities in this piece of legislation, so I wondered if you might perhaps tell us a little more about the decisions and the way in which decisions are arrived at for that movement in courses that you talked about. I thought the example you gave of business administration—could you look at the other side of it and give us some idea of how a university determines which courses to protect, for how long, what sort of questions are raised in those kinds of judgments? Because what we are looking at is the difference between a university making those decisions and the free economic framework of the government making those decisions.

Mr. Arrell: As I say, there are two free markets, and what is happening is a constant kind of, in effect, battle between them, i.e., on the free market of ideas there are courses we really want to offer. We feel they are important. This is what people should know in this particular discipline at the moment. But on the other side, there is the free market of students, and if they will not take that course, it is very hard to deal with it. Now, one thing you can do is make it a prerequisite to something else, or make it compulsory in some way, but we soon discover that that is a very limited kind of power for departments because as soon as you make one course compulsory, in effect you are draining people from all the other courses that you offer and students recognize that it is not legitimate to make them take courses that are not truly essential to what they need to have in a department.

So you try various ways of readjusting the courses so that you can teach what you feel they must get and at the same time get enough enrollment to get students to keep the courses viable. It is a very complex process. I think it should not happen too fast. One of the things is that we do not normally completely cancel a course just because one year it does not have sufficient enrollment. In fact, we will try it again in a year or two and maybe even yet again, but if it keeps on not having any students, we cannot offer it, so there is a very basic reality there that you face. And by saying no students—I mean a minimum number of students and these vary for what the level of course it is, but for an honours seminar now, I think at the University of Winnipeg eight is considered to be the minimum, which is a lot more than it used to be and for a—I am not even sure what the number is now for a general course—something like 12 or 15 or something

like that. Now you cannot have too many, even of those minimal number of courses, so there is a constant balancing where we say we really should offer that course and it is essential to students so maybe we will try to offer it even though there are not quite enough students, and so on. It is a very complicated process, and it is because we are balancing several different forces.

Ms. Friesen: Thank you. I think that is a very good explanation. One of the things that has been suggested to me as well, particularly in the sciences, is that sometimes class size is limited by the availability of equipment. If you only have five microscopes, for example, there is a limit to the number of students you can take, but I think you have expressed very well the sense of the long term, the sense of experimentation, the sense of knowing students and knowing the trends both across the country and within your own institution, which I think are easily arrived at or much more easily arrived at within the university setting than they are with a centralized council. So I am glad to have some of that on the record.

Your concern is also for academic freedom.

Mr. Chairperson: You are down to 30 seconds, so if you want to formulate your question.

Ms. Friesen: Sorry. I wonder if you think in the preamble it would be useful to expand upon the idea of academic freedom, and would you have any words or description that you would direct us to?

Mr. Arrell: I think you have heard several versions from others, and I would totally support those. I do not think there are enough. The only way to ensure academic freedom is to omit, especially, that paragraph which gives the minister the power to direct the council which is one of the recommendations of the Manitoba Association of Faculty Associations.

Mr. Chairperson: Thank you for your thoughtful presentation. Ed Byard. Your written submission will be circulated. You can begin your presentation.

Mr. Ed Byard (University of Winnipeg Senate): I am glad to be standing here finally before you to tell you that I am here not as an individual faculty member, which I am at the University of Winnipeg, but as a

representative of our senate. As you will know, the senate is one of the two senior policy-making bodies and decision-making bodies in the university, the board of regents being the other one. The senate is responsible for academic policy and planning and has members from all sectors of the university.

Just to indicate that, I have listed the membership of senate which includes the chancellor, the president who in fact chairs senate, the vice-president of academic, the Deputy Minister of Education, his or her designate, the dean of each of faculty, the president of Menno Simons College, the director of each school, two members appointed by and from the board, the university librarian, the chair of each department in arts and science, one representative elected for each 10 faculty members in theology, collegiate, arts and science, the university secretary, six students chosen by the University of Winnipeg Students' Association, plus the president of the students' association. All together we have 58 voting members of senate, which I suppose is remarkable for an institution our size, as well as 20 nonvoting associate members, so it is broadly representative.

On October 7, we held a special meeting of the University of Winnipeg Senate to consider a set of amendments to Bill 32. I should point out that special meetings of senate are rare, only when we are dealing with matters of broad concern or interests, so I think it is noteworthy that a special meeting was thought to be called by senate about Bill 32 and the concerns that we had about it. The meeting was attended by members of senate. It was also attended by nonmembers. This is an open meeting widely advertised in the university, and we had several people there that were not members of senate attending the meeting and getting involved in the debate.

The amendments were placed as a series of individual motions which were debated and then voted on individually at the meeting. All the amendments contained in this brief were adopted by senate virtually unanimously. I was then elected by senate to present these amendments to you, a messenger if you will, and I have attached at the back of the brief a detailed summary of the amendments in a tabular form with the language in the current bill, the proposed amendments as they were adopted by senate and a rationale briefly for each one which you could examine at your leisure.

I would like to speak to each of the amendments in turn in the time I have.

1. We propose an addition to the preamble which makes explicit reference to institutional autonomy, academic freedom and the right to self-governance. This point has been made by several speakers already, for the need for autonomy of the colleges and universities. The point is simply that it is not in anyone's interest to have a college or university curriculum dictated by the state. Thus it is important in a new piece of legislation, particularly, to have the commitment to autonomy and self-governance reaffirmed at the front of the bill.

2. A modification to Section 3(2)(a) to restore an explicit right to the universities and colleges to formulate academic policies, and I understand this amendment has already been agreed to by the minister.

3. A modification to Section 4 to require that the council be given the freedom to establish its own framework for accountability and priorities, and that colleges and universities, along with the minister, be consulted in the formulation of the priorities of the council. The current wording of the bill states that the council must act within a framework established by the minister. In fact the word that is used in the bill is "shall." The Senate felt that this concentration of powers in the office of the minister is unwise, for the same reasons as stated above for the amendments to the preamble and Section 3(2). That is, it is not in anyone's best interest to have the state dictate institutional priorities.

4. A modification to Section 5(1) to provide for the election of some council members, including students. In general, the Senate sees that a council on post-secondary education could be a useful and productive body, but only if the council operates independently, publicly and has a balanced membership.

The inclusion of the students on the council was a natural extension of a long history of inclusion of students on boards, senates and college councils dating back to the 1960s. Students are profoundly affected by changes to the post-secondary system, thus it seems appropriate to have them at the decision-making table.

* (2300)

It does not seem unreasonable to allow the colleges and universities, through their college councils and senates to elect representatives to the council, alongside government appointees and students. The point has been made by the minister that the UGC was appointed and was effective, so why change now? The UGC has operated, however, to allocate global funding and to vet and approve new programs. The new council, in contrast, has been in the proposed bill charged with substantially more direct power, and I would refer you to Sections 4, 11(b), 11(e), 14(2) and 14(3) for those powers. Thus, it seems imperative that the council be broadly representative. The minister has made the point that the council should not be made up of "special interest groups." It is not clear how an appointed council would be any less encumbered with special interests. We note, for example, that three of the four Roblin commission members were prominently connected with the business establishment of Manitoba.

Number 5, the proposed wording in Section 11(b) has no provisions for consultation with colleges and universities in establishing a framework for the council's work. The minister has proposed an amendment that she be able to establish the framework, quote, after consultation with the colleges, universities and students, which was an amendment introduced recently at the committee, I believe, on Monday night.

The senate's proposed amendments state that the council establish its priorities in consultation with colleges and universities, thus more clearly defining the independence of the council. It should be noted that the most effective way to consult would be to have representatives of the colleges, universities and students on the council itself.

Number 6, Section 11(e) indicates that the council should take the lead in the developments of performance indicators. The senate's view is that performance indicators should be developed by universities, colleges and professional accreditation organizations themselves in co-operation with the council. In fact, universities and colleges have developed extensive performance criteria already which have served well in the ongoing process of curriculum redesign and renewal. So it seems more appropriate that the universities and colleges take the lead role in any performance criteria assessment.

Number 7, in addition to Section 12(f), to recognize the internal governance procedures in any review process undertaken by the council, this amendment explicitly recognizes that internal governance procedure should not be bypassed in any review process the council may wish to undertake.

Numbers 8 and 9. Amendments to Sections 14(2) and 14(3) should really be looked at together. In 14(2), the proposed bill has added the provision which is over and above the current powers found in The UGC Act, that universities must obtain written permission to reduce a program of study in addition to expanding a program or creating a new program as was previously required under The UGC Act. This is a clear intrusion into the affairs of boards, senates and college councils of the universities and colleges.

In addition, the proposed Section 14(3) allows that unspecified terms and conditions may also be attached to any decision taken under Section 14(2). One could only assume from the language provided that reduction of programs is included under the blanket of terms and conditions. This exceeds the current powers of the UGC. Taken together, these provisions thus provide the council with enormous power to determine the shape of programs in the institutions. The force of this language is to make virtually any program change within a post-secondary institution subject to the formal approval of council. Rather than being helpful, it seems to us that this a hindrance to curriculum planning and progress. The senate has suggested that the council, as was the UGC, be concerned with program expansion and new programs, that funding may be granted for a limited time, but approval of program changes should not come with unspecified strings attached.

Item 10, in Section 19, the proposed wording seems to indicate that the new Post-Secondary Grants Fund includes only the former University Grants Fund and not the Colleges Grants that were found in Section 27 of The Colleges Act. The proposed senate amendment attempts to clarify the issue by specifying that the Post-Secondary Grants Fund includes both of the former University Grants Fund and the Colleges Grants.

In conclusion, the universities and colleges in Manitoba have served the province well and continue to respond to the needs of Manitobans. The institutions are

well regarded by institutions outside the province and the country, but we are not a government department, nor should we become one if we all value the notion of independent centres of higher learning. I hope you will seriously consider the amendments I have placed before you. Thank you.

Mr. Chairperson: Thank you very much for that presentation.

Mrs. McIntosh: Thank you very much for your presentation. I appreciate the points and the concerns that you have raised.

I have one question that I need to ask you because, just talking to my deputy, you indicated in the second paragraph that the membership includes the Deputy Minister of Education or his or her designate—

Mr. Byard: Of senate, yes.

Mrs. McIntosh: Yes. I have a deputy who has now been deputy for eight months and he has never received any notice of any meeting or any indication that he is to be invited to a meeting or anything at all that would let him know that he is indeed a member and is free to attend meetings and an indication of when the meetings might be, where they are being held and what the agenda would be.

I am just wondering if you could indicate, if he is a member, why he has never been issued any notice of meetings or agenda, or do you not have them more than once every eight months.

Mr. Byard: All I can say is that the membership of senate is established under the universities act or the regulations that apply to the University of Winnipeg—it is not an act, I suppose—and that I cannot tell you why the deputy has not been invited to our senate meetings. We have a university secretary who is responsible for doing that, and if he is not doing it, then I should tell him.

Mrs. McIntosh: I would appreciate that, please, particularly if you are really pointing it out to me here that my deputy is a member. I would like it to be real in fact as well as in law. I would appreciate that. Thank you very much.

Ms. Friesen: Mr. Chairman, perhaps you could also tell us how often the senate does meet. I do not think we should leave on the record that there is a possibility that it is only every eight months.

Mr. Byard: The senate meets once a month.

Ms. Friesen: Mr. Chairman, I take note of your presentation as a very important one because it does represent the senate of the University of Winnipeg, a democratically elected body with some appointed members that represents all the sections of the university and so, in that sense, I think it represents a very powerful position. We have a number of other consensus positions like that too which I think we will have to take considerable account of.

I wondered why it was not possible for this position and for these suggestions to be incorporated into the legislation. There was a six-month process between the appointing of the interim transition committee and the creation of the legislation. Could you tell me why it has not been possible for these kinds of ideas to be incorporated into the legislation the minister presented?

Mr. Byard: You are asking me why the minister has not incorporated them.

Ms. Friesen: I am asking really why there was not the process of consultation which enabled such principles to be communicated to the minister and the interim transition committee in particular which was charged with drafting this legislation.

Mr. Byard: I am not certain. I know that there was representation made at the interim transition committee by our president but outside that there was no opportunity for senate or the board or faculty representation groups to make presentations to the interim transition committee. The Manitoba Organization of Faculty Associations did but only after essentially requesting a meeting. We were not invited.

Ms. Friesen: Just to clarify that. The interim transition committee over a period of six months never met with the senate of your university and one would presume of any of the universities.

Mr. Byard: That is correct.

Ms. Friesen: Mr. Chair, the minister has—I am referring now to page 3 or your presentation, Section 19 where you talk about the anomaly whereby the University Grants Fund is continued in this act as the new post-secondary Grants Fund, but the college's grants are not, and it is an anomaly I think that we will be addressing when we get to the clause by clause. But there has been a further anomaly suggested by the minister's amendments, and that is, the last amendment that she placed on the table enabled the Lieutenant-Governor-in-Council to designate any institution as a post-secondary institution. Now, this opens up a wide range of funding possibilities and I wondered if you had any comments on that. For example, the one area where there is existing funding is the approximately quarter of a million dollars that goes to a number of the bible colleges. Would it be appropriate in the amendment that you are suggesting here to continue that grant and to specify what that grant has been in the past?

Mr. Byard: Yes, I would think in legislation of this sort that there should be clarity of language as to exactly where the funds are coming from that are being incorporated into this new legislation and how they are going to be distributed would be very helpful.

Mr. Chairperson: Thank you very much for that presentation, Professor.

Mrs. McIntosh: Thank you.

Mr. Chairperson: Pauline Mireault. [interjection] Ms. Cerilli has a question for you.

Ms. Marianne Cerilli (Radisson): I was—

Mr. Chairperson: We have one minute, so ask it quickly and if he has time—

Ms. Cerilli: I think this is an important presentation because it deals in detail with the question that the minister has asked a number of presenters. I just want to make explicitly clear then on the record the distinction between the council and the Universities Grants Commission that exists now, because the minister has made claims a number of times that the legislation is similar and actually there is wording that has been lifted from the existing legislation governing the Universities Grants Commission. So I wonder if you can clarify that.

* (2310)

Mr. Byard: Well, one of the comments the minister made earlier this evening was about reduction to programs that existed under the Universities Grants Commission. That is true, it does.

The wording is something like, the Grants Commission may, could require a college to cease or to provide or offer to withdraw any service, facility or program of study adequately offered and provided by another university or college, and so on. In other words, there are parameters set for that kind of reduction, whereas the new act has an open-ended kind of phrasing. Joined with the powers that seem to exist under 14(2) and (3) and under 11(b) and (e) that seems to be, I think, a very dangerous kind of situation.

Mr. Chairperson: Thank you very much, Professor.

Pauline Mireault. Pauline Mireault, not responding to the call, will be put to the bottom of the list.

Keith-Louise Fulton. You may bring your presentation, Ms. Fulton.

Ms. Keith-Louise Fulton (Private Citizen): I have been a member of senate for the last couple of years and I concur with the amendments that have come forward from the senate and from the faculty association, but I want to speak to you not about the particular words of this legislation, but about what I am afraid may be its effects and what I am also afraid may be its intent.

I am speaking to you on Bill 32 as a citizen, a role I take all the more seriously because it has taken so long for women to attain it. As Bill 32 acknowledges the creation and sharing of knowledge is essential to a meaningful citizenship and participation in democratic society, so I am here to protect my citizenship and that of other Manitobans who are affected by our educational system whether we attend or not.

I am speaking as a feminist, committed to the work of equality for women and men, and that means all women and all men. The universities and colleges of this province are a major resource for the growth and development of young and old. They are also a means of certification. That is, these degrees, diplomas and

certificates are the requirements for many areas of employment. While universities and colleges are not the only source of growth in education, they are the gatekeepers to many areas of active participation in our society. It is crucial that we continue to broaden the access to these universities and colleges. I am concerned that this bill will restrict and not broaden access.

I am speaking as a mother of three children now of age to attend university. I am aware of how important it is to their future that they go to university and that they participate actively in broad areas of studies, of choices and of debates and that they learn their skills, self-confidence, a complex body of knowledge and critical abilities that will serve them in the different jobs and endeavours of their adult lives. I do not want them to be trained in one occupation. I have advised too many students over the years who are returning from such training to broaden and extend their range of choices. I know their education must prepare them to make the best use of their resources in a variety of ways.

I am concerned that this bill will radically narrow the range of educational options. If this happens, students able to obtain scholarships will go elsewhere and students with financial resources will go elsewhere. We cannot afford to be contemptuous about a brain drain in which our fortunate students go elsewhere. These are human beings, our youth, capable of making their lives here, capable of contributing their energies to our province. I am concerned that in restricting access, narrowing the range of educational options and damaging the reputation of our universities, this bill will harm the citizens of our province who depend on each other for our future.

I am speaking from my experience as a professor at the University of Winnipeg. While I am currently appointed in the English department, I have been actively working in the interdisciplinary area of Women's Studies since 1985. From 1987 to 1992 I held the position of the first Margaret Laurence Chair in Women's Studies, appointed jointly at the University of Manitoba and the University of Winnipeg. I speak then as one who is engaged in active struggles to make changes in our universities as well as in our societies. I work in our community as a gardener, a volunteer speaker and educator and a participant in group initiatives like the December 6

Women's Grove Memorial out on the grounds of the Legislature.

Over the last 11 years I have worked as a professor to create and develop 10 new courses in Women's Studies at undergraduate and graduate levels. I have taught at special studies at least another 10 courses in new areas of curriculum, have helped shape programs of Women's Studies at both the University of Manitoba and the University of Winnipeg and have engaged repeatedly in feminist efforts to make universities as beneficial to women as they are to men, indeed, to improve the benefits to both women and to men.

It is not because creating changes and developments in universities is easy, then, that I oppose Bill 32. I am concerned that this bill will make the work of institutional growth, change and renewal dependent on ministerial power and on government-set priorities instead of a process of collegial problem solving which can be undertaken by those inside the universities. This bill does not remedy any of the problems of power struggles and turf with the creation of the Council on Post-Secondary Education, but it does weaken the university's own processes for change and growth by adding a new decision maker outside the universities, one which is not educated by experience and will not need to live with the consequences of its decisions nor with the effect of its own power. This bill, as currently drafted, is part of a problem of colonizing power and not part of a solution.

A Council on Post-Secondary Education with a full-time chair and staff empowered to eliminate duplication, obliged to operate within a framework of accountability established by the minister and according to general directives and priorities established by the minister, able to develop and implement accountability requirements for each university and college for the core functions of teaching, research and service, including the development of criteria for measuring their performance, able to require approval not just for new or expanded programs but for any reductions and able to set the terms and conditions for that approval, this new council moves the power to renew and change universities from those in the university to those who currently hold political power.

This Council on Post-Secondary Education is not like the Universities Grants Commission, an appointed arm's-

length body. It is an appointed body empowered to make decisions in institutions without reciprocity or visibility. It is a power unto itself.

I am afraid that the intent of Bill 32 does not have the benefits of all Manitobans at heart, because it does not have education or citizenship at heart. It will not extend access, afford diversity, facilitate economic and intellectual growth within Manitoba, remedy historical injustices to natives, for instance, or women or immigrant peoples or the working and the unemployed poor, encourage tolerance among religious, ethnic and cultural communities in Manitoba, co-ordinate resources, nor even create good will and commitment to shared solutions. What it will do is, I think, what it is intended to do, reduce funding to post-secondary education by expanding the number of institutions drawing on the fund, centralize power in the provincial government and regularize universities as an extension of government.

When the minister says, as she did the other evening, that adding the word "policies" to Section 3(2) does not change their intent in the bill, I am inclined to believe her, and I am not reassured. I have just returned from a tri-national conference on women at the end of the millennium, which was held in Mexico City, on the campus of UNAM, that is, Mexico's autonomous university. I cannot overemphasize how important it is to maintain universities that are autonomous of political power and open to the entire population. They are educating their people; we must educate ours.

* (2320)

In conclusion, I urge a reconsideration of Bill 32. The current terms of a council on post-secondary education fall far short of the prioritizing of education for all Manitobans, and it damages the abilities of our present institutions to grow and change. I would concur with and support the amendments proposed by the University of Winnipeg Faculty Association and the University of Winnipeg Senate, but I would prefer a bill that began by respecting our universities, students, staff and faculty instead of reprimanding them. I would prefer a bill that would begin again to create a council on post-secondary education that would be a proactive planning, co-ordinating and mediating link for post-secondary education as the Roblin commission envisioned.

Mr. Chairperson: Thank you.

Ms. McGifford: Thank you, Dr. Fulton, for your very eloquent presentation, and I particularly appreciated your speaking as a citizen, mother, feminist, activist, teacher and a community worker. I think all those perspectives are extremely important, and I think all too often we do forget that our universities should serve a wide range of communities.

Earlier, when Professor Golden was speaking, I was asking him if he felt that this particular bill may threaten smaller departments, for example, Classics departments, and he suggested that he did have this fear. I know that you have worked very hard to establish a Women's Studies program, and I know of you as a former Margaret Laurence Chair of Women's Studies. I wonder if you feel programs like Women's Studies which, for example, are sometimes wrongly accused of being a merely politically correct program, I wonder if you feel programs like this one and perhaps also programs or courses that are directed towards aboriginal people or aboriginal studies are under threat from this bill.

Ms. Fulton: Yes, I do. I think very much that they are under threat, and this is because we already have experienced that budget cuts can be distributed in a way that seem on the surface to be impartial. Yet, because certain areas of the university are so underfunded and lack any kind of institutional structure, any kind of permanence, the moment that funding is cut, they simply disappear. There is nothing to hang them on.

Women's Studies, in particular, has been at our university since 1971, and we are only getting now our first appointments that are becoming tenured positions. This is at the level of two at the University of Manitoba, two-thirds of one at the University of Winnipeg, and we are very vulnerable. We are very worried that, you know, one Women's Studies program will be seen as sufficient for the province, right? I have worked at both U of M and U of W, and the Women's Studies programs have developed very differently at these two institutions.

Just as Professor Golden suggested that the two small departments of Classics were different and complementary, I see these two different Women's Studies programs as complementary. I would go on to say, I firmly believe that we should have Women's Studies

programs at absolutely every institution in our province. We have talked a little bit about academic freedom and the freedom to dissent. The entire Women's Studies program is a program of dissent. It is a program of critique, and so is Native Studies and rightly so. We are having a hard enough time working changes inside an institution, but at least we have a tradition where there is some forum for us to present new courses, to argue for staffing, and bit by bit, very, very slowly, very, very slowly, we are getting changes.

Two words occur to me, you know, urgent and patient. It is urgent that we get the changes, and we must do those changes patiently, and tempted as I might be to ask for some archangel to come down and with ministerial powers and say, you know, here is everything you have ever wanted in the university, I know it cannot work that way. I know it will not work that way. I know that will be destructive of the very kinds of resources that we are trying to put in place, and like my colleagues, I am very, very worried that Bill 32 will be damaging to the institutions that we have and will not be creative of the institutions that we want.

Ms. Cerilli: Thank you for your presentation. You made some excellent points, I think very clearly, that others have not made yet, and one of them is the way that this new council will externalize decision making and then those that make the decisions will not have to live with them in a university. I think that is really an important point, and also the way you explained this will increase brain drain and will in effect hurt the entire province and economy. But what I would like you to explain more fully is one of your earlier comments when you talked about how this will not broaden access but it will reduce access.

Ms. Fulton: I cannot remember her name right now. One of the former U of W students who spoke earlier this evening tried to talk about some of the complexities that make up access. Certainly, tuition cost is part of it. Part of it will be the range of courses that are actually available. Part of it has to do with regulations on, for instance, how many courses you have to take to be considered a full-time student in order to qualify for loans. Other kinds of considerations that each one by itself does not seem to be, if I can borrow a metaphor from a feminist theorist, the wire that keeps the bird inside the cage, but when you start seeing wire after wire

after wire you begin to realize why that caged bird does not fly free. Well, if you can kind of reverse it, you can see wire after wire after wire and you can see why people are kept out of our universities. I am concerned that in an effort to avoid duplication, the options in which courses you can take and when they will be available will be reduced, the number of courses you will have to take together will be increased, tuition will be increased—

Mr. Chairperson: Your time is up, I am afraid. Thank you very much.

Some Honourable Members: Leave.

Mr. Chairperson: Okay, could you just wrap it up quickly. Leave has been granted.

Ms. Fulton: It is very easy to stop people from coming to the university. It is very easy. It is very difficult, you have to be patient at the work of doing access, of actually changing the levels of privilege and discrimination that currently inform our society. That I take to be a goal that we might have in common with government to serve the people in the province of Manitoba, but I do not think that the present attempt to structure COPE is the one that is going to do it. I think it might be worth having another go.

Mr. Chairperson: Thank you very much.

Bruce Daniels. Is Bruce Daniels here? Bruce Daniels, not answering the call, will go to the bottom of the list. Dr. Richard Noble. Dr. Noble, you may begin your presentation.

Mr. Richard Noble (Private Citizen): Thank you very much, and I would like to thank the committee for hearing me.

I am a member of the faculty at the University of Winnipeg.

Mrs. McIntosh: Excuse me, I am having a little trouble hearing you just now, I do not know if that microphone is still bad, but—

Mr. Chairperson: No, no.

Mr. Noble: Can you hear me now?

Mrs. McIntosh: Yes.

Mr. Noble: I am a member of the faculty at the University of Winnipeg. I am a former president of the University of Winnipeg Faculty Association. I have a keen interest in academic freedom; that is one of my areas of research.

I want to make some remarks about Bill 32, and I want to start from the basic principle of a political theory that no government ever took to itself a power that it did not eventually exercise. It seems to me that Bill 32 poses a serious threat to university autonomy and self-government.

Section 4 of the bill makes the new ministerial council an instrument of the minister rather than an arm's-length body like the UGC. This lack of independence will make it an instrument of the government and probably the Treasury Board's economic policy and, if recent history is any indication, this will give it interest entirely opposed to those of the universities.

* (2330)

Sections 11 and 12 empower this new ministerial body to first of all determine university priorities; second, to target funding to the programs and courses the minister or the council likes so directly affect academic programming; thirdly, Sections 11 and 12 empower this ministerial body to evaluate the provisions of academic programs, no doubt, according to the vast professional knowledge members of that council have acquired as politicians and bureaucrats whose working lives have had nothing to do with universities.

Section 14 empowers the new ministerial arm to, quote, impose other terms and conditions on an approval, and a university or a college shall comply with an terms and conditions that are imposed. This seems to me to provide the minister with carte blanche to change any university program that she sees fit and so makes a mockery of the principle of university autonomy that Manitobans, as well as universities in all liberal democracies throughout the world, have enjoyed in over the last century.

I wish to make a modest proposal which is that this committee eliminate Sections 4, 11, 12, 14 and 25 from

this legislation. This would allow the government to appoint a council to advise the universities without destroying university autonomy along with Manitoba's universities. Obviously, even a modest proposal of this nature requires some justification. So I want to show, or attempt to show, at least provide a couple of reasons why university autonomy is far more important than any gains that might be acquired by this legislation which seeks to destroy it.

Now you have heard a great deal about why university autonomy is important in recent days, and I want to add just a couple of reasons to this course. First of all, university autonomy is a time-honoured, well-tested freedom in our society and any government, but especially one that styles itself conservative, should, it seems to me, resist at all costs the destruction of such time-tested freedoms. We know from our own history in Manitoba and also from American, British, Australian and Scandinavian histories, to name but a few, that free universities are the foundation of liberal democracy and the culture that supports it. There simply are not any liberal democracies that do not respect university autonomy. Now we also know from the histories of Germany, the Soviet Union, Cambodia and China what the political cost of direct government involvement and interference in the governance of universities can be. This is not to say that this government or any other government of Manitoba will become like the Khmer Rouge, but the cost is the loss of one of the main wellsprings of intelligent descent and criticism in our political culture.

One wonders why any government would wish to risk the loss of such a resource. I would like someone to explain to me why this government wants to abandon the liberal tradition of supporting university autonomy that we share with all other Canadian provinces, not to mention Britain, the United States and so on, for the dubious tradition of authoritarian governments like China and the Soviet Union. Is there some sort of crisis that would justify your assuming the powers of authoritarian states to yourselves? If there is, I for one have missed it. As far as I can tell, universities in this province have been chronically underfunded, but nevertheless struggle valiantly to provide excellent post-secondary education. You may disagree with some of what we do, but it boggles the mind that you would take this as grounds for

destroying the freedom of such foundational importance to our society.

The second reason university autonomy is a value we should protect in Manitoba is that direct government interference in universities will make them worse, not better. This bill empowers a council instructed by the minister to evaluate, prescribe and cut academic programs in universities. This is like giving the university senate of the University of Winnipeg the power to evaluate, prescribe and cut the policies of Manitoba Hydro. Just as the university professors do not have the expertise or the mandate to tell Manitoba Hydro how to run its business, neither Treasury Board nor the Ministry of Education are qualified or mandated to run universities. If you interfere by combining programs or abolishing them or by directly granting money to some and abolishing others, you will impose on us an irredeemable mediocrity. This is more than special pleading.

The basic reason your interference in universities will harm us and why other governments do not is that universities and governments cannot have in all respects the same goals. Governments like yours want accountability and relevance from universities. You want us to justify to you, in your own terms, why we research and teach what we do. You want us to train people for jobs, but otherwise you regard us as, in the words of Premier Filmon, a mandated irrelevance. Well, in a certain sense Premier Filmon is exactly right. We are irrelevant, at least to the short-term goals of government and business, and we have to be in order to do what we do well.

The core of the university is its humanities, natural science and social sciences departments. Our imperatives are intellectual. They are not utilitarian, and we cannot adjust our programming or our research or our teaching to accommodate the latest trends in economic development or job training or editorial fashion. We can to some extent, as we have, take on vocational training, but once this becomes the priority of academic programming the value of pure research into completely nonuseful and nonrelevant subjects will be lost, and with this we will lose the only really good reason for universities, which is that they foster and protect a culture and a space in which the intellect may follow its own imperatives wherever they may lead.

Finally, it seems to me that it is the mark of a society's civility and maturity that is able to recognize the value of free universities. It is surely this recognition that has contributed to Canada's enviable civility and maturity as a liberal democracy. It would be a very great shame that Manitoba has decided to depart from this tradition. I think the government must face up to a rather difficult fact, you can have universities or not. If you want them, leave them alone. If you want to turn them into absurdly expensive vocational colleges and the laughingstock of the national and international scholarly communities, then proceed with this legislation. Thank you.

Mr. Sale: Mr. Chairperson, I thank you very much, Dr. Noble, for a really important presentation in terms of the questions you posed. I must admit, it strikes me as strange, and I am going to ask you to respond to this, that in all of this great list heard the other night and so far tonight there seems to be a very consistent theme and that is that our senates and our legal opinions and our professors and our students who presented all see the same fears. The minister does not see those fears at all. This seems to be a very strange imbalance here, that a very broad consensus suggests that there is a problem, and one party suggests that, no, there is no problem here at all.

Do you find that in itself worrying?

Mr. Noble: Yes, of course, I find the legislation worrying. I do not find the minister's being sanguine about the effects of the legislation surprising. People involved in universities have been fighting for their autonomy, fighting to maintain their autonomy since the Middle Ages against politicians who believed that they could run them better than the people who ran them.

So I think it should be obvious to everyone concerned that people in universities from all the constituencies within universities, from conservative free marketeers to feminists to multiculturalists to liberals, all of us want to defend the autonomy of the university, and the reason for this is that that is the only way it can work, and that is the only way it has ever worked anywhere else.

I mean, if the idea that Manitoba is going to break new ground by destroying the autonomy of the universities, it is just manifestly absurd, and you people should wake up. That is not how it works.

* (2340)

Mr. Sale: Briefly, could you indicate whether in your view this bill can be appropriately amended. You suggested, I think slightly facetiously, a modest proposal, or should the bill be withdrawn in its entirety and sent back for sober second or third or fourth thought?

Mr. Noble: I would very much favour the latter option. My remarks about it being a modest proposal were somewhat facetious. The UGC has the power to communicate the government's concerns, legitimate concerns, about universities to universities. The government has the power to cut funding to universities, which is its main and appropriate vehicle of control, or instrument of control, excuse me, over universities. It has not been shy about exercising this instrument of control, so I do not see why it now needs to gather to itself far greater powers than it had before.

Mrs. McIntosh: We do know there is a vast body of support for this bill. They will not be coming here in the interest of trying to save us extra time here. [interjection] Well, some of them may be coming, but we do know, and the members opposite know it too, so I really do not appreciate the rude noises coming from that side, because it is clear this was done coming out of Roblin, hundreds and hundreds of citizens, et cetera. I will not go into a big speech on it.

I had a question, but I just want to indicate that maybe one of the reasons we are not quite as agitated as Mr. Sale, for example, is because we do know there is a vast body of support for this bill. We also know that the intent in the bill and our legal counsel advises us that the academic freedom is soundly protected, and it is our intention to ensure that it continues to be soundly protected.

I have a question, though, because I note this theme coming up with many of the presenters, and you said it directly in your speech. You say that universities are intellectual and not utilitarian, and you say it as if the two are mutually exclusive. I look, for example, at a psychiatrist, who has both technical and intellectual training. At least I believe that there is an intellectual part of that utilitarian profession.

But do you believe that the intellectual and the utilitarian are mutually exclusive?

Mr. Noble: In principle, I do not believe that they are mutually exclusive, and nothing I said was inclined to suggest that. The problem is that universities have to be free to determine the correct balance between utilitarian and academic inquiry and also between intellectual inquiry and vocational study.

Mr. Chairperson: Ms. Friesen, a quick question and short answer.

Ms. Friesen: Mr. Chairman, well, perhaps both a comment and a question. Professor Noble, I think you have identified an interesting aspect of the government's legislation when you are puzzled by the fact that this was introduced by a conservative party, and of course it is no longer a conservative party but it is a party of the radical right with more than a hint of authoritarianism, and I think we only have to listen to the minister's most recent comment that the vast body, the vast hordes of the unseen are on her side, whereas those who present a dissent in fact are the outcasts and the ones who are—[interjection]

Mr. Chairperson: Better pose your question.

Ms. Friesen: Oh, I understand the minister to say that they are not unseen, they simply do not want to waste time speaking in the public forum. Again, another hint of authoritarianism, I think, that we might be well to take under consideration.

I wanted to ask you about your comment on Treasury Board.

Mr. Chairperson: I am afraid time is up.

Ms. Friesen: Leave?

Mr. Chairperson: Is there leave to have a question?

Mrs. McIntosh: Leave to complete this question.

Mr. Chairperson: Leave is granted to complete the question.

Ms. Friesen: Thank you, Mr. Chairman. You are noting, I think, a difference in the location, the way the money travels from Treasury Board to the Universities Grants Commission as compared to the new proposal for the council, and I wondered if you had any further

comments on that, if you had a sense of why that change has been introduced and what implications it might have.

Mr. Noble: Thank you. Yes, I believe that Section 4 ties the funding of universities and priorities of the minister much more closely together than—these things are related under the old UGC Act, and my fear is—also Section 11 will also allow the minister or the council, acting on behalf of the minister, to provide funds directly to programs that it likes, which will empower that council to directly influence the degree to which programs in the universities either flourish or do not. My point is that neither the minister nor members of this council are qualified or mandated to do this, and this is a serious infringement on university autonomy which the minister should understand in Canadian tradition has always been an important aspect of academic freedom.

Mr. Chairperson: Thank you very much, Professor, for that presentation. Time is expired.

An Honourable Member: Leave.

Mrs. McIntosh: No.

Mr. Chairperson: Leave is denied.

I would like to call Blake Taylor. You may begin your presentation, Mr. Taylor.

Mr. Blake Taylor (Private Citizen): Thank you, Mr. Chairman. Ladies and gentlemen, my name is Blake Taylor. The views that I am going to express are my own, and I am an associate professor at the University of Winnipeg.

My understanding, having heard not as much as you have but quite a few of the presentations over the last two days, is that there is a desire or intention in this proposed legislation to, No. 1, maintain and if possible improve the post-secondary education in the province of Manitoba in terms of quality. A second point, I think, is that there is an intention to create a way for government, through the minister, to communicate officially and legally some kind of an avenue of communication between government and post-secondary institutions. No. 3, I think that implied in this is that there is a desire that not only government have a vehicle to do its job of taking care of the public interest in terms of post-secondary education, and that post-secondary institutions have the ability to do

their job well in serving the public, but that both government and post-secondary institutions have a vehicle through which they can be perceived by the public to be doing a good job.

So that is sort of my current understanding of the nature of the dialogue that has been going on, and my suggestions are in that context, I think. I guess the other preface I would make is that I think that there is some overlap, but really an awful lot of difference between the functions of community colleges and universities and that my bias, because that is where my life is, at the university, is more in that direction.

In terms of my suggestions for the preamble, I would just like to tell a little anecdote. It is not a funny one, but it is an anecdote. My dad came to Canada as a Scottish immigrant, a stonemason family. During the Depression, they frequently had four dinner potatoes, period, but we had a public education system, and my dad graduated from high school. I had the opportunity, because of our public education system, to go to the University of Winnipeg, get a Bachelor of Arts degree there to go to the University of Manitoba, to get a certificate in education there. Coming out of that, the University of New Orleans offered me a scholarship to go to graduate school. They were very happy to get Canadian university students at that time, because they quite readily understood that Canadian universities were maintaining a consistently high standard of education and training both in a system funded by government, at arm's length from government, not interfered with by government in institutions that follow the internationally accepted principles of objective inquiry, search for truth, academic freedom. Now I am very fortunate to be teaching at the University of Winnipeg, doing what I love the most.

Three of our recent graduates have been in contact recently with me, two of them in a very highly respected Master of Fine Arts program at Southern Methodist University, and another one was accepted into the London academy of dramatic arts, one of the most prestigious training institutes in England, all very competitive to get in.

* (2350)

An Honourable Member: You might want to bring the mike down just a little bit.

Mr. Chairperson: Just pull the mike down towards you a little bit.

Mr. Taylor: How is that? Can you hear me?

An Honourable Member: Yes.

Mr. Taylor: They all reported back very happy stories that not only did the education they received here in Winnipeg enable them to get into these very competitive institutions, but after being there for a couple of months, the feedback they are getting and the feeling they have got is that they were very well prepared and that they have no feeling that the education they received in Manitoba is not every bit as good and better than most of the prestigious schools that the other students came from. Happy stories—moral?—well, (a), all is not rotten in the state of Manitoba public education at the secondary level. There are a zillion stories like that, but what is really more important to me is my dad, my mom, the moms and dads of those students I just referred to, they saw public education, post-secondary education, as a way for their kids to have a better life—bingo, intellectually, spiritually, esthetically, career-wise, economically, job satisfaction-wise and in every way. Now, that issue, of course, is something that I think is very close to the hearts of Manitobans as a whole and certainly close to the hearts of probably every person in this room.

So we need to make sure that not only the education that students receive is first rate but that it is perceived as being first rate by the national and international community, because that is an issue in terms of our providing our kids with a chance for a good life.

So these are the types of things that I would suggest adding to, for example, the preamble that would be reassuring to colleagues internationally, I think: And whereas it is necessary to maintain and protect the autonomy of our institutions of higher learning in order to safeguard objectivity in both teaching and research in accordance with international standards of scholarship in the arts, fine arts, sciences and professional fields; and whereas our universities and colleges must, through teaching and through the pursuit of truth and the advancement of knowledge in the various disciplines, take their place in the international community of scholarship so that our students will have a level of education which earns the respect of institutions of higher learning both nationally and internationally; and whereas

our post-secondary educational institutions must provide our students with opportunities to learn in an atmosphere of academic freedom as defined by national and international standards; and, further, that these same students have the opportunity to earn degrees and diplomas which are respected by the larger academic and scholarly community beyond the borders of our province.

I have some additional suggestions. Section 4, which a lot of people have addressed: In carrying out its mandate, the council shall consult with the minister and the university and college presidents and deans. I am not sure if that is an adequate vehicle of communication between the government and the universities and colleges, but it is one that certainly protects the autonomy of the institutions, and I think that many people have articulated for you already why that is so vitally important and why it is expected by the international community and why we cannot allow a situation where the international scholarly community would perceive our universities as somehow not being at arm's length from government.

Mr. Chairperson: Professor, I just want to remind you, you just have over a minute in your presentation and questions.

Mr. Taylor: Thanks very much. In Section 5, in terms of composition, rather than a strictly minister-appointed board, I would suggest one that includes elected students and representatives from the institutions that are elected by the senates, so that there is a balance, so that no one from the outside could look and say, well, obviously that board is merely the minister and therefore merely the government telling universities what to do.

On Section 11(b), replace “within a framework established by the minister” with “within a framework established by the council in consultation with the minister and the university and college presidents and deans.” I think that that is the appropriate way to go: to require those bodies to consult with the minister so that the communications are there, but there is no possible way that an external group of academics at other universities can look at that and say, aha, it is just a puppet situation, it is just dictatorship here.

Section 14(2), I think we should delete “establish, expand or reduce a program of study” with “create new

programs of study." I think that it becomes too cumbersome every time a program needs to be cut to have to get external approval. I think that the appropriate concern because it is financial is with expansion. The last thing, well, a number of people have dealt with that last issue.

I am very strongly a believer in co-ordination where possible. I have been intimately involved, for example, with a program for a number of years whereby the professional students at the Contemporary Dancers can receive university credit, and in fact, through doing that program and through taking other academic courses at the University of Winnipeg, can receive a B.A. general or a B.A. honours with a theatre major with specialization in dance. That program, in fact, has received considerable attention nationally and internationally. I think it is the second situation in North America where an existing professional conservatory has combined with the university in the modern dance field and created a degree program, and it has been working very well. The winner therefore—

Mr. Chairperson: You are into the question-and-answer period, Professor Taylor.

Mr. Taylor: Well the winner there is the students, so I am very big believer in that type of co-ordination. I think that governments should encourage that, and I think that institutions should be doing it.

Mr. Chairperson: Can I now begin the questions? The honourable minister had a question and then Mr. Sale.

Mrs. McIntosh: Thank you very much for an excellent presentation. I am familiar with the last partnership that you mentioned, and I like it very much. You have raised some good points in your speech, and certainly we will be taking all of these points into consideration.

I have a question I want to ask you and I just want to make it clear before I ask it, because I think the record should note, when I say, this is not for people who already agree with the bill, I do not mean that people who agree with the bill cannot present. I simply mean that this is the place for people who wish to offer amendments, ergo, those who agree with the content of the bill would not likely come because they would not be

offering amendments. If they agree with the contents, they do not need to be here.

You have offered some amendments and the content of your preamble, I think we will look at to suggest amendments to committee. These hearings are for people who wish to suggest changes to legislation before the House, and people who agree with the legislation, they can come but they do not need to—

Mr. Chairperson: What was your question, please?

Mrs. McIntosh: You asked in Section 4 if we could replace it with "the council shall consult" and I am just wondering, right now Section 4 clearly indicates the kind of communication the minister would be allowed to have and puts tight parameters and definitions around it. The word "consult," do you have any concern that consulting could actually expand the minister's ability to say more because there are no limitations or constrictions upon what that consultation could involve? Whereas Section 4 says, that the communication the minister can have is limited to offering general direction on matters of significant public interest, this, what you are offering, I think would give the minister more ability to influence. Are you worried about that or is that your intent?

* (0000)

Mr. Taylor: Maybe I am misunderstanding this, or has this been modified? The version I have is that the minister "may give the council general direction on matters that relate to its mandate and that are, in the minister's opinion, of significant public interest, including, but not limited to" the following. So it seems to me that the way No. 4 is written right now, (a) the minister determines the priorities rather than the council determining the priorities and consulting the minister, and, two, the way I am reading No. 4 as it exists now is that there is no limit because it says, "of significant public interest, including, but not limited to," and it gives two items. So it says "not limited to"; the implication is that then anything the minister wants to determine there would be possible.

Mr. Chairperson: I am afraid time is up.

An Honourable Member: Leave.

Mr. Sale: Leave to ask one question.

Mr. Chairperson: Is it the will of the committee for leave to extend this? [agreed] How far?

An Honourable Member: To ask one question. How is that?

Mr. Chairperson: One question from the opposition.

Mr. Sale: Thank you to the committee, Mr. Chairperson. There are somewhere in excess of 50,000 people directly involved in post-secondary education in Manitoba, probably in excess of 60,000 but let us say 50,000. Are you aware of any in that community who support this bill and who would represent those unseen hordes out there who are in favour of this legislation?

Mr. Taylor: No one that I have talked to supports the legislation the way it is, essentially because of the problem of ministerial control.

Mr. Chairperson: Thank you very much for your very thoughtful and concise presentation.

Devin Latimer. It appears that Devin Latimer is not here. I see Brent Stearns here, though. Professor Stearns. Devin Latimer will be put at the bottom of the list. Brent Stearns may now proceed.

Mr. Brent Stearns (Private Citizen): I ought to have a submission. I am Brent Stearns. I am a citizen from Waterloo Street. I am a professor of philosophy at the University of Winnipeg.

Now many of the points I make in the written submission, for example, the politicizing of the universities and how bad that is, have already been made, and I will not submit you to another round of hearing them. I will speak to some other matters. First, I want to mention one good thing I find about the bill. On my reading of the bill, what it wants to do is to bring the community colleges into the consideration of the committee that divvies up the provincial funds. As a citizen, I think that is all to the good, though I do not know how it will affect my university.

I am heartened somewhat by the minister's indicating an intention to amend by placing university policy as well

as standards off limits for the new council. However, I fear that the effect of this will be further muddles and inconsistencies in the bill. The bill amended will say that the council may not meddle in policy, university policy, and yet in the section on powers, it appears as if the council is empowered to set policy.

Similarly, with standards, the bill reads that the council may not meddle with standards. This is in the limitations section. Yet its duty is to develop criteria for assessing teaching and research. I would say that criteria and standards, there is no difference, that standards and criteria are the same. So I see it as a muddled and inconsistent bill.

I welcome the minister's sensitivity to the universities, as evidenced by her willingness to amend, but I think the result will probably be further muddying of the waters, so I think the legislation needs to go back to the drawing board.

Next, I want to comment on the mandate to plan, co-ordinate, integrate, to avoid unnecessary duplication and so forth. This mandate is like waving a red flag in front of a bull, or in this case in front of 64 bulls, the number of people on the speakers list. Everybody wonders, what in the world do they have in mind. You remember that the president of Brandon University in his submission is worried that the government's council may consider Brandon University to be an unnecessary duplication and expense. You could tell that from his submission because he tried to argue in his submission that Brandon University is not an unnecessary duplication and expense. Assiniboine College was worried that it might be a duplicate of something. Professor Mark Golden was worried about the Classics department at the University of Winnipeg, that it might be a duplicate. Professor Fulton was worried that women's studies at the university might be a duplicate of something. Almost everything is a duplicate of something. The fear that is generated by the mandate is widespread and rather uniformly spread.

Now, as a citizen on Waterloo Street, I do want efficiency in the universities and colleges. Furthermore, I would be loath to deny to the legitimate government of the people some of the powers set forth in the mandate, but I would remind the Legislature that these are awesome powers. They are mostly powers of the purse that the government has already, and I wonder why they

are stated so brazenly in the bill. To me, and here I just speak for myself, the message is, be careful, my friends, do what we say and do not anger us or you too could become an unnecessary duplication.

As I say, these are awesome powers. At the University of Winnipeg we have an academic tradition of more than a hundred years. All it would take to destroy the University of Winnipeg under the proposed bill would be one government's declaring the University of Winnipeg an unnecessary duplicate. That would be all it would take to overturn a hundred years of academic tradition, as for example, all it takes is one government to sell the Manitoba Telephone System. These are awesome powers, and because these powers are awesome, good legislation would not flaunt these powers as does this bill, but good legislation would circumscribe, limit and regulate these powers, and that is what I look for from the Legislature. Good legislation would create a clear arm's-length relationship as our shadow minister suggested.

Finally, I want to tell you what academic freedom means to me. Now most people think that academic freedom is my right, as a professor, to spout off any cockamamie idea that comes to mind. Well, okay, certainly restraining me would not be cost-effective or efficient since a philosophy professor is paid thousands of dollars to be somewhat unorthodox, but really, when I go to the university in the morning, I do not ask myself what cockamamie idea shall I spout off today? The ethics of the profession requires great seriousness and care in the development and communication of ideas. What academic freedom means concretely in my work is a mass of rules, policies, and procedures, historically set forth and developed by the university community, and this sets the context for my work.

* (0010)

Do students in my classes have academic freedom? Only if there are rules, policies and procedures connected with the giving of grades and with appeals. Do I have academic freedom in my teaching? Only if there is a set of rules, procedures and policies that govern my application for promotion, for tenure, for research funds, for sabbatical leave. Academic freedom is a matter of due process, fairness as guaranteed by historically developed rules, procedures and policies. That is my definition of academic freedom, and I will repeat it for

you. Academic freedom is a matter of due process, that is to say, fairness as guaranteed by historically developed rules, procedures and policies.

Now, what I feel is frightening and not in the public interest in Bill 32 is the empowerment of the government to take shortcuts to the achievement of its goals that override and negate academic due process. Now, in my contract, there are rules to be adhered to in cases of program redundancy. If the government should override these rules, as it would be empowered to do under this legislation, if the government should override these rules or simply have the power to do so, there is no academic freedom anymore.

The following of these internal rules helps to ensure that program redundancy is not used to punish politically unpopular people. The rules of due process also help the employer, as following them gives evidence that the employer has acted fairly and in good faith. The government wants the power to interfere with and override academic due process and fairness, and that I think is the fundamental weakness of the legislation and the main reason that I am here tonight to protest. Thank you, and I appreciate being heard at this late hour.

Mr. Chairperson: Thank you very much for that thoughtful presentation.

Ms. Friesen: Your focus has been upon academic freedom, and I have asked a number of presenters this, whether they believe that the preamble to the bill—it is unusual to have a preamble in a bill, so I think it is important that we take note of it—it contains what I think the minister believes will protect academic freedom, and I wondered if you believed if it was sufficient or whether there were other examples or perhaps other wording that we should be looking at.

Mr. Stearns: The preamble is not fresh in my mind. I think that the provision giving power, for example, to the council to set standards and criteria for the evaluation of teaching and research, that this runs counter, this will potentially override the rules, procedures and policies that exist within the university for this very purpose. It seems to me that it gives the council the power to negate or override the provisions that guarantee academic freedom in the university.

Let us see, the preamble. I do not know. I would have to study it. I am sorry.

Ms. McGifford: I do not mean to quibble but, towards the end of your written presentation, you do say that you as legislators have the power to proceed with this bill, and I just wanted to point out that the opposition, of course, does not have the power to proceed with the bill. That is the power of the government, and we seem to be pointing out inadequacies and problems with the bill.

I wanted to ask you, is your best advice to the minister that this bill should be abandoned and redrafted?

Mr. Stearns: Yes, well, what I would like, as I tried to point out, I think that the government right now, as things stand, has immense power over the university by the mere granting of funds, that the power of the purse is very, very great as things stand, and that what we want in legislation is not a bill that flaunts this power and builds on it and makes it worse, but what we want is some legislation that will limit, circumscribe, define the use of this power to set it within reasonable boundaries. That is why I think the legislation is wrong in spirit.

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

Ms. Cerilli: I just wanted to ask, because we keep hearing the concerns being raised by a number of presenters and I wonder if—following up on Ms. McGifford's question—it is safe to say that some of the things that the university does may seem to be expensive and may seem to be—and I am thinking here of research and investment in certain kinds of courses, but it is necessary, and we should not have the government tempted to deal with only the financial side of things when dealing with the university, that there are some other considerations and that the concern with this bill is that there is going to be more of a temptation to make decisions based on finances.

Mr. Stearns: Well, yes, I mean, I was worried when the president of Brandon University spoke, and he is apparently concerned that Brandon University might be an unnecessary duplication that would fall under the axe of this bill. It occurred to me that in a climate of fear, power is exercised more strongly than it is in a climate of trust, that it is a worse kind of situation when the

president of Brandon University is afraid. Now, if the president of Brandon University is afraid, he could—well, some people, I do not say he, but some people in a situation like this can be manipulated. What I fear is that such a severe climate of fear is generated by this threat to axe programs and remove people from their livelihood. I think very bad things happen at university when everybody is afraid. One thing this legislation does is it makes everybody scared to death.

Mr. Chairperson: Honourable Minister, we have one minute.

Mrs. McIntosh: Okay, just a very short question. I am listening to you and I understand what you are trying to caution us against, and I appreciate it. I just feel compelled to ask you, on your last point, if you are worried that people are going to be fired, and yet specifically in the bill it indicates that the council cannot by law, if this passes, do anything with staffing positions.

Mr. Chairperson: Professor Stearns, we only have 20 seconds to go, so you have to comment.

Mr. Stearns: It says it cannot appoint people. It does say that it can cancel programs, and it has the power to do this acting independently of universities. It must consult universities, yes. It says that, but it has the power to act in the interests of efficiency to abandon programs. If my program is abandoned, so am I. I do not—

Mrs. McIntosh: Do you feel that—

Mr. Chairperson: I am afraid the time has expired. Thank you very much, Professor.

Jim Silver. Professor Silver.

Mr. Jim Silver (Private Citizen): Good morning. My name is Jim Silver and I am speaking this morning as a private citizen and as a member of the faculty at the University of Winnipeg. I have a Ph.D. in political science from the University of Sussex in England. This is my fifteenth year at the University of Winnipeg. I have been promoted regularly through the ranks from assistant to associate to full professor. I was the recipient of the Robson Award for excellence in teaching in 1985. I have a very strong publication record, the editor of two books, the author of numerous academic articles, the author of a

book which is about to appear in the middle of next month. In short, I am very good at my job and I believe passionately in the idea of the university. I am also active in the community in a variety of ways, but I say the things that I have said to stress that I am here to speak as an academic on this bill, and as an academic and a believer in the idea of the university, I am opposed to what I take to be the main thrust of Bill 32.

* (0020)

I think Bill 32 is placing us firmly on the path to the elimination of the idea of the university. The reason for that is that the bill, in my estimation, and here I am speaking consistently with what the broad theme has been, the bill simply gives too much political control, too much control to politicians. The proposed Council on Post-Secondary Education would be able to make decisions about the allocation of funds, not only between institutions, which it seems to me is appropriate, but also within institutions, between programs, which it seems to me is the part of the bill that is inappropriate. The result of that is that decisions about academic programs will be based on political considerations rather than being based on academic merit. The autonomy of the university will therefore be eroded, academic freedom will be impaired, and the university runs the risk of becoming the tool of the government of the day.

Now I want to take a slightly different tack than most of the people who have spoken here this evening have done, and I want to argue that, even in your own terms, I think this bill is a mistake. It seems to me that what the government is trying to do here is to make universities more relevant, and especially more relevant to Manitoba's economy. Let me give you two examples of why I think this is flawed reasoning. Take the example of business schools and business programs broadly. The likelihood is that, as a consequence of this bill, funding for such programs, for business programs, will increase, and it will increase at the cost of liberal arts programs, and this will happen in the belief that this will give students the practical skills needed to excel at business.

However, my understanding is, and I am not a specialist in this field, but my understanding is that there is a large body of evidence attesting to the fact that the best preparation for a career in business is a liberal arts degree. Why might that be so? Well, because liberal arts

promotes the capacity for critical thought, for analytical thought, and once that capacity is developed, it can be applied to any business situation. The world, as you folks are regularly telling us, is changing astonishingly rapidly, and I would submit that, in a world changing astonishingly rapidly, it is better to learn how to think than to learn particular techniques, so what might appear to be practical in this instance, even in your own terms, I submit, is not.

Another example would be the difference between applied and pure science. The other day in the hall, many people of course as you might expect are talking about Bill 32, are concerned about Bill 32, and I spoke to a mathematician the other day who expressed to me his concern that politicians would be making decisions about math programs, and expressed to me the fear that this would lead to more emphasis being placed on practical applied math. He teaches abstract math, some kind of abstract calculus I gather, but his real interest, he told me, is technological change, and he went on to say that the history of technological change is very serendipitous. It is a whole bunch of people working on a wide variety of things, seemingly nonpractical, abstract things, seemingly not connected and suddenly, poof, things come together, something is discovered, technological advance is made. Again, what is apparently abstract and impractical turns out to be much more practical than what a politician might consider to be practical.

So academic freedom, the freedom to determine programs on the basis of academic merit and the freedom to pursue—the freedom for academics to pursue their own academic interests, their own intellectual interests, ought to be protected by you for the reasons that you have advanced Bill 32. Now, I think academic freedom is important for broad reasons that I am not dealing with here that are even more important, that have to do with democracy, and others have spoken eloquently to that side of the issue. I will leave it to them to do that, but I want to put on record that I think that is the more important reason for supporting academic freedom. What I want to say is that even in your own narrow terms, academic freedom promotes your purpose much more than the direction that you propose to go.

So what I would urge the government to do with respect to this bill is to take what I would consider to be a more sophisticated, more thoughtful, more long-term

approach to the university, to universities generally; in particular, to reduce the capacity for the Council on Post-Secondary Education, the proposed COPE, and through COPE, the minister, to intervene directly in academic decision making. Internal decision making within universities, between programs, ought to be left to the university to be made on the basis of academic merit. The principle of academic freedom has served western liberal societies well for a very, very long time and, in fact, has served much better than the alternative of government-controlled universities which is clearly the direction in which this bill is moving. Government-controlled universities are, in fact, part of a tradition which is totally at odds with what Canadians believe in, what Canadians have fought for in the past. So for those reasons, I urge a serious reconsideration of Bill 32.

Mr. Chairperson: Thank you, Professor Silver.

Ms. Friesen: Professor Silver, I am looking for a number of ways that academic freedom can be secured through this bill. I do not know if it is possible to make those kind of amendments, but if the committee were to look at those sorts of amendments, do you have some suggestions for us as to how that could be accomplished, or do you think essentially that we should simply discard this bill and begin again?

Mr. Silver: No, I am one of those in favour of starting over again. I expect that there would be various ways of securing amendments that would speak to my concerns, but I do think the cleaner way is to go back to the drawing board, start from the beginning and put together a bill that is rooted firmly in the notion of academic freedom.

Ms. Friesen: I think that one of the questions that the minister has been asking is: How do the people of Manitoba—and she believes that this government represents all of the people, and that is an assumption that governments make—ensure that their interests, their concerns, are reflected in university policies? Can you give me some examples of how your university, or other universities you are familiar with, interact with the public, are reflective of public opinion, have changed in the last 10 years, all of those kinds of assumptions that this particular government seems to have about universities as unchanging, unreflective, unresponsive to the people of Manitoba?

Mr. Silver: Well, at the University of Winnipeg, we are engaged in a constant process of change, change that takes place on a consensual basis, a co-operative basis, rooted in a notion of academic merit, and we try to respond in a variety of ways to what we perceive to be the needs of the community. In my department, for example, the Political Science department, we run the MPA program, the Master of Public Affairs program, which is a highly successful program run jointly with the University of Manitoba, whose graduates find jobs readily in the public service, whose graduates win academic awards year after year. It is a very, very fine program and one of the changes that we have introduced that I think speaks to the kinds of concerns expressed, for example, in the Roblin report.

Ms. McGifford: Thank you, Professor Silver, for your presentation. Is it true, Professor Silver, that the writing program at the University of Winnipeg, which, of course, responds to something that we certainly need in our community, is it fair to say that this program is the envy of many Canadian universities?

* (0030)

Mr. Silver: Well, my guess is that it is, and if it is not, it ought to be, though I have no direct evidence of that. But, again, it is another example of the university responding to the interests of the community, the needs of the community. Many are the times that we hear in the public realm concerns about students' ability to express themselves in written form. At the University of Winnipeg, we have designed this new program which addresses itself directly to that concern. As far as I can see, it has been highly successful and certainly is relevant. I mean, no matter what kind of work you are doing, you need to express yourself.

Ms. Cerilli: I wonder if you could talk a little bit more about academic merit. You have mentioned that a number of times, and a number of us and presenters have had the concerns that the government is giving themselves this much power because they want more decisions at the universities to be made driven by their financial balanced budget agenda and not necessarily in the interests of academic merit or freedom. I am wondering if you could explain more.

Mr. Silver: Governments have the authority to allocate funds in whatever way they choose to the universities,

and though they have done that in ways that personally I do not approve of in recent years, that is to say I think they have cut funding more than is appropriate and more than is necessary, that seems to me to be a legitimate part of the democratic process. However, when governments intervene right inside the university, as the Council on Post-Secondary Education would be able to do and doing so directly on the basis of the priorities set by the minister, then those decisions that will be made stand likely to be made on the basis of considerations other than academic merit. They will be made potentially on the basis of short-term political considerations.

The quality of the education that we are able to offer at the university will very likely then consequently be eroded. We make decisions. If we have to reduce, which we have had to do in recent years, that process takes place in a consensual basis predicated upon academic merit. Which programs shall we reduce, and how shall we reduce them? We try to answer those kinds of questions on the basis of academic considerations.

Ms. Cerilli: That is what I am trying to get at. I am just wanting a little bit more on the record about what those academic considerations are.

Mr. Silver: What is the intellectual quality of particular programs that we offer, would be the kind of question that we would ask in this kind of a circumstance as opposed to, for example, what kind of short-term political gains can we get, or what is the flavour of the year? What is the fad? What is the sort of intellectual current of the day, the pop current of the day which might well be what drives a government in making such decisions?

Universities are very small "c" conservative institutions; we move very, very slowly. That is appropriate, that is the way decisions ought to be made in a university. It is therefore somewhat ironic, this bill, in that respect.

Mr. Chairperson: Thanks very much, Professor Silver. Next, Deborah Stienstra? Deborah Stienstra? You want to call down the hall? No?

Deborah Stienstra not being here, she will be put on the bottom of the list. Donald Bailey is here. You may begin your presentation.

Mr. Donald Bailey (Private Citizen): I was teaching three hours earlier tonight and I was here late last night. I would like to welcome you all to the morning. We lead busy lives us university teachers, and I would like to preface my remarks by trying to get underneath the virtues and values of why we are here and why we are defending this. I think the attitude is that we teach in universities and do research in universities where you are part of the vested interest of universities, and we are here to defend the vested interest.

I think you have to go back to where each of us started as students and realized that there is no other profession in our society, except specialists in medicine, who spend as much time in school and reach as high a level of education as do the people who teach in universities and that because of the level at which we have to perform to do this we actually have options, unlike the people who go into many other professions who can only choose the professions that their abilities are up to.

We actually have opportunities due to our abilities to go into any profession—we could have opted for engineering or for law or for business or for medicine—and we chose to do this because it interested us, because it gave us pleasure and joy, because we think it has social merit and social value. It is because we choose this profession with all of its challenges to intellectual stimulation and a life of criticism and of mutual criticism of being bashed about by our peers who do not like what we do but who hold us accountable to how we reach those decisions. It is for all of these reasons that we value this unique and precious institution.

Now, as you can see from the notes that I have prepared for this evening, I have decided that it is very difficult to say anything new. I think many, many other speakers have addressed the points in the bill and have done so very well, very clearly, very persuasively. There is not much point in adding to them, but I would like to try to indicate why the university is such a special institution and to try to understand why anybody in their right mind would attempt to assault the independence of universities when they are so clearly connected to the free world and are found in this kind of status only in the free world. Why would the government of Manitoba wish to depart from the standards of university governments found in the free world and moved towards the standards

found in many Latin American and southeast Asian and eastern Europe countries?

This really is surprising to us even if you grant that there are no conservatives anymore in North America, they are either radical liberals or they are members of the radical right. It is ironic often now that conservative values are frequently defended by socialists, the values of the family, the values of tradition, the values of historical institutions. I think it is worth reminding ourselves that universities are somewhere between 30 and 50 years older than parliamentary institutions. They are institutions that were founded in the 12th Century and the earliest representative institution was probably called by Pope Innocent III about the year 1215 and then moved into French and English habits of governance some 50 years later.

Now universities were founded to serve the political economic needs of their society, and given their 700-year record, universities have done very well at meeting these needs. Originally there were four faculties. The Faculty of Arts was called the Faculty of the Artes Liberales and the word "free" in those days meant that it was teaching the arts that were relevant to a free human being. Now we do not even see the real meaning of it, but what is taught in liberal arts and liberal science institutions is the formation, the habits of criticism and thought that are central to establishing and maintaining and advancing freedom. It is important to keep that in mind. Now the other faculties were theology, law and medicine. Every one of them had an intellectual and scholarly component. Every one of them had an ethical and social orientation component.

* (0040)

Universities were founded by and within the church. They were and still are sacred institutions. We have an annual convocation, which is an assembly which bears the name and partly bears the function of something that is found nowhere else outside of the religious community. We wear religious gowns at convocations, and although it was difficult in the Middle Ages to criticize the church directly and to criticize received Christian theology directly, universities had extremely lively debates about religious issues, and they were free to criticize the external secular society, the world of government and business. What is important about universities is that

they are mandated to stand outside of and apart from the everyday concerns and prejudices of ordinary society, not only apart from society's money-making and power-hungry drives but the short-sighted vision that is so often found in business and in governments with five-year agendas and bottom lines, rather than the tradition of several hundred years.

I think it is worth noting that the general strike in France in May-June of 1968, which I was privileged to be in on at the time—not that I provoked it, but I was in Paris at the time during that month trying to move a family with two young children from one apartment to another with no gas available to buy for my car. That was provoked because, for the first and now still the last time in the history of the French university, a policeman walked onto the campus of the University of Paris. Sanctuary was broken by the attempt of the external police authority to enter the university to arrest an alleged student criminal, and France was brought to its knees through a general strike for a month. The president of France had to return from overseas to try to calm the situation. Now I do not know why this government in Manitoba would attempt to breach sanctuary and to defile the sacredness of the space that we are attempting to protect within the university.

The government's attitude to universities should be one of respect, trust and awe. No institution in our society has more internally structured methods for accountability than does the world of research and teaching. External efforts to intrude on that operation and to breach that trust can only result in expensive inefficiencies and loss of productivity.

Universities are not perfect and they do not always keep up with the times. During the Renaissance, for example, they tenaciously clung obstructively to the teaching of science which was highly honoured in the Middle Ages and resisted the urgings of the external society to teach law, history, rhetoric, ethics, business. The universities, in clinging tenaciously to the teaching of irrelevant science, were both behind the times and, as you might recognize today, ahead of the times because the cycle in favour of science came back. The universities in the 18th Century seemed to be repositories for the idle rich to spend a few years drinking and chatting before they went out to inherit their fathers' noble titles, but universities corrected themselves, recovered their thrust,

their sharpness, their self-criticism, their scholarship and went into and through the 19th and 20th Centuries as leaders of society in many, many respects. Universities have been self-correcting. They are as often ahead of the times as they are behind them, and governments tamper with the time-honoured traditions of self-governance at the risk of governments and to the shame of governments.

These are just the notes that I could throw together to speak from. Having reached the bottom of my list of notes, I might as well cease my extemporaneous additions to them as well.

Mrs. McIntosh: Thank you very much. That was most interesting and delivered in a very interesting way as well. You talk a lot about the history of the universities. You did not mention, though, how the universities were funded in early days. You mentioned a lot about self-criticisms, which I appreciate and I believe and I acknowledge. I am just wondering if you could answer two questions for me. They will be my only two. I take your points here and I will consider them. We will be considering all of the points made tonight because they have been most informative.

My two questions are these: Do you think the fact that in the beginning the funding mechanisms for university were different than they are today has any differing aspects of accountability attached to it, and in terms of the self-criticism, what would you say today the universities are criticizing themselves for, if anything?

Mr. Bailey: The funding of universities in the Middle Ages is even more complex than it is today, I imagine. The church was very important and subsidized quite a number of aspects but also students paid directly, personally to the professors for their teachings. It very much depended on the size of the class as to what you would be paid because the students paid you for the teaching that came in. There were endowments from interested members of the community that added to this and universities grew largely through endowments, private people, aristocrats, businessmen, people who had an interest in what was going on. Everybody who contributed money either hoped to gain merit in heaven through salvation or, and this is quite literally true in what they are up to, had some economic or political or family interest that they were hoping to advance. But the money then gets given and the universities use their

freedom and their wisdom to pursue all of the kinds of pursuits that intelligent people like to respond to in their interests. As Professor Silver so eloquently put it, this often appears abstract, irrelevant, counterproductive, in conflict, inconsistent, overlapping, duplicating, but out of this mix somehow magically people are poised and are positioned to respond to unforeseen emergencies and to resolve problems that no one could ever sort out.

That is the best I think I can do for the moment for your first question. The second one is that at the level of teaching the student grapevine is fairly efficient. Professors who are abusive or who are incompetent or ill prepared tend to lose students, and those that teach well tend to win student adherence. Students talk to the chairs of the departments; students talk to the dean. They can lodge complaints, and there are formal mechanisms for dealing with them.

Mr. Chairperson: There are four minutes left.

Mr. Bailey: But on a scholarly level, everything we do is subject to criticism. Book manuscripts are sent out by editors to two, three or four internationally renowned scholars in that field, and the editors themselves have opinions. Articles and journals are vetted this way. We do not get into print without being very, very carefully monitored by our peers, and we frequently have to listen to very harsh truths about what we thought was excellent. We send it out, and we learn differently.

This criticism is going on all the time. We are responding to new needs all the time, but we are also resistant to the shade of the month. We have been around for 700 years. We know how often this month's shade was last week's or last generation's. There is no point in retooling universities dramatically, frequently and then having to put them back the way they were. They are wonderfully variegated, motley inconsistent, chaotic places, and they do their job best because of that.

* (0050)

If you have read for example the analysis, *In Pursuit of Excellence*, that talks about the way the major corporations have been successful, it is exactly the same way, allowing duplication, allowing chaos, allowing research to go off and then IBM gets a better computer. It is only since IBM tried to streamline this to look to the

bottom line that it became upstaged by other companies that were more willing to indulge creativity and duplication.

Mr. Chairperson: Time has expired, I am afraid.

Ms. McGifford: Leave? I am asking leave.

Mr. Chairperson: Asking for leave? Leave is granted for one question.

Ms. McGifford: Thank you, Mr. Chairperson, for granting leave. We really appreciated the historical perspective which is no less than we deserve from a professional historian, of course. Just one quick question. Dr. Bailey, what would your advice to the minister be with regard to Bill 32?

Mr. Bailey: Well, I cannot do better than my predecessors. One can tinker with this bill endlessly and try to improve it but it is conceived in such a wrong-headed spirit, such a spirit so divorced from the whole tradition of a free and democratic and open society, that the only way that it could be made palatable I think is to put it in the fireplace over here and start over.

An Honourable Member: It does not work.

Mr. Bailey: Nor will this bill. The whole spirit behind the bill is wrong-headed for the culture that our parents have sacrificed in several wars to protect, and unless somebody can kind of get back to what is appropriate for a free and democratic society, it will be impossible even to conceive of a bill that would be appropriate. To tinker with a bill that is just mean and wrong-spirited, it seems to me to be a waste of time.

Mr. Chairperson: Thank you for your presentation, Professor Bailey.

William Seymour. You may proceed, Mr. Seymour.

Mr. William Seymour (Private Citizen): Thank you. I was going to say good evening, but good morning is more accurate.

Hello. My name is William Seymour, and I am here today to raise some serious questions about Bill 32, The Council on Post-Secondary Education Act. I have had

the privilege of graduating from both types of post-secondary education institutions in this province. In 1988, I graduated from Assiniboine Community College in Brandon with a two-year diploma in broadcast arts, a program, by the way, which no longer exists if I recall. In 1994, I graduated from the University of Winnipeg with a Bachelor of Arts degree in political science. Now under this proposed piece of legislation, the provincial government wishes to establish a new body called the Council on Post-Secondary Education or COPE. COPE will assume the functions of the Universities Grants Commission and the Colleges Secretariat.

I understand that amendments were made to certain clauses in Bill 32. I would like to thank this committee for those amendments, but I feel that they do not go far enough in ensuring that the people in Manitoba's post-secondary education community had sufficient say in academic policy decision making and have those resources necessary to administer programs that are important to all Manitobans. Frankly, I wish this bill did not exist at all, and I hope beyond all hope that it will be scrapped, but it seems the government feels it is necessary to limit decision making to a small circle of individuals.

There are elements of Bill 32 that appear to be positive moves to improve post-secondary education in Manitoba, and I think we can all agree the system needs to be improved to benefit all citizens of this province. One of those elements is Clause 3(2) titled Limitation which says the council may not interfere with the basic right of a university or college to formulate academic standards, the independence of a university or college in fixing standards of admission and graduation, or the independence of a university or college in the appointment of staff—to paraphrase. It is vital in this so-called democratic society that institutions of higher learning be able to remain free from coercion from higher powers. One would think the Progressive Conservative government is in favour of this. After all, this government has declared loudly and frequently its belief that big government is evil and must stay out of the lives of the people it represents.

As I read the rest of Bill 32, I soon discovered that the positive sounding Clause 3(2) would be made completely irrelevant by what follows. Clause 4, the direction from the minister is quite disturbing to me. The framework of

accountability is established by the minister who can say what priorities the council should follow. The Council on Post-Secondary Education is accountable to the minister. All right, that is fair enough. I feel that post-secondary education in the province of Manitoba should be accountable to the democratically elected government of the time. That is fair enough. But when does the council become accountable to the students, the faculty, the staff, the administration of those institutions in question and overall the people of Manitoba? There seems to be not a single mention of this form of accountability anywhere in Bill 32 which leads me to conclude that the power to govern universities and colleges in Manitoba rests solely with COPE and the government minister responsible for education. So what happens to all that stuff about council not interfering in the independence of universities and colleges? Quite frankly, I think Clause 3(2) becomes mere window-dressing on the part of this government to give the people the impression that this government is committed to democracy. It should be the strongest most important part of the bill, but I fear that this clause has very few teeth.

Then I read Clause 5(1) which spells out the composition of the council, 11 members appointed by the Lieutenant-Governor-in-Council. With all due respect to His Honour The Honourable W. Yvon Dumont, who, I am sure, is indeed an honourable citizen of Manitoba, the Queen's representative will merely rubber-stamp the approval of those 11 appointees to the council based upon the advice of the Minister of Education. I question who will be on the minister's list of potential appointees the government passes on to the Lieutenant Governor for his approval. Will they be a broad representation of people from the entire community or will they be friends and supporters of the Progressive Conservative Party? I am inclined right now to believe the latter.

In carrying out its mandate, In carrying out its mandate, COPE has at its disposal Clauses 11 and 12 dealing with duties and powers. Clause 11(a) says the council shall assess the post-secondary educational needs of the province and the ability of colleges and universities to meet those needs. The council, under Clause 11(b), again within the framework established by the minister, after consultation with the universities and colleges, can determine the priorities in the provision of post-secondary education and allocate the appropriate funding. Clause

12 gives the council power to review programs and services, develop policies for specialization and co-operation in the delivery of programs and services, require institutions to disclose financial information, establish policies for tuition fees, et cetera.

There are a number of important reasons why Manitobans who are concerned with post-secondary education should be worried about the duties and powers given to the Council on Post-Secondary Education. The first reason relates to what I said about Clause 5.1 dealing with the composition of the council, a council that is appointed by this government with no direction from anyone else.

I do not trust this government to appoint people to the council from a broad-based spectrum. I fear the appointments will be partisan-based patronage appointments. Where would the democracy be in this?

* (0100)

Secondly, the council has far greater powers than the agencies that it replaces. This means the council not only has power to allocate funds to universities and colleges, the council also has power to determine how that money is spent. Yet, in Clause 3.2, the bill says the council may not interfere with the basic right of the university or college to formulate academic standards, et cetera.

As I said before, Clause 3.2 is made irrelevant by what follows in this piece—

Mr. Chairperson: Two minutes left in your presentation.

Mr. Seymour: Thank you, Sir. I would also like to point out that in The Universities Grants Commission Act of 1987, the Intent of Act clause says the government should restrict its activities to fiscal arrangements and should not interfere with the basic right of universities and colleges to formulate academic policies and standards. The UGC Act clearly uses much stronger language in limiting the powers of the agency than Bill 32's Clause 3.2, for what that is worth.

It should also be noted that the word "policies," which appears in the original act, is conspicuously missing from Bill 32, leading me to conclude that the government

wishes to give the council the green light to make decisions about academic programs. I would like to recommend that this committee replace the limitation clause in Bill 32 with the precise wording as it currently appears in Clause 3, the Intent of Act clause in The UGC Act of 1987.

The third reason why I am worried and appalled by Bill 32 relates to the general attitude of this government to post-secondary education in Manitoba. I have had the opportunity to read a Hansard copy of Wolseley MLA and Education Critic Jean Friesen's commentary during debate on second reading on Bill 32, dated Thursday, October 10, 1996. To quote Ms. Friesen, "the New Right does not trust either education in general nor the liberal professions in particular, and it cannot be comfortable with critical thought."

It was this Premier, Mr. Filmon, was it not, who referred to universities as mandated irrelevancies during the university strike last year. It is an interesting statement coming from an engineering graduate of that same mandated irrelevancy in question. I wonder how the powers that be at the University of Manitoba feel knowing that the Premier of this province thinks the largest academic institution in Manitoba is irrelevant.

Finally, this is a government that cannot handle critical thought and challenges to its agenda. Otherwise, it would not conceive of something like Bill 32 and the other pieces of legislation that impose this government's will upon its opponents and critics. I would again like to point out that the Progressive Conservative government of Manitoba has, as its underlying ideological principle, the belief that big government is evil and should not interfere with the affairs of the citizens it represents, or so I am led to believe. However, with Bill 32 and other pieces of legislation in its fall agenda, I have come to the conclusion that this government believes in staying out of the affairs of those who support the Progressive Conservative agenda but is willing to silence its critics by any legal means necessary and yet still manage to call this democracy.

Mrs. McIntosh: Thank you very much for your presentation. I just wanted to indicate, because you had made reference to it with some concern, that the two-year media production diploma program at ACC has been reinstated, and it has been reinstated to meet market

demand in that area. That is just so you know, but I thank you again for your commentary.

Mr. Chairperson: Thank you, Mr. Seymour.

Ms. Friesen: I wonder if in the course of your activities—you are a recent graduate, so I assume you are in touch with a number of recent graduates outside the universities as well as perhaps maintaining contact with professors or friends that you made in university, whether you have come across anyone who does support this bill, or on what basis are they supporting it?

Mr. Seymour: No, I have not come across anybody of my own colleagues, former university colleagues who support this bill. The people I know whom I went to school with and other people whom I have met who have also had the opportunity to go to university very recently are opposed to this piece of legislation. Now, I am quite confident, yes, I am sure there are students out there and faculty who do agree with this. I think the minister did state that earlier, but I am quite confident that I too can come up with a fair number of people who are opposed to this piece of legislation.

Mr. Chairperson: Thank you, Mr. Seymour. Carl Ridd evidently left a message with the Clerk's Office saying he could not make the meeting tonight, and he apologized for not being able to come. He will be placed at the end of the list accordingly. Robert Chernomas?

Ms. Friesen: A point of order or point of process, Mr. Chairman.

Mr. Chairperson: Oh, yes, it is one o'clock. You are right.

Ms. Friesen: We had agreed to look at the list, as I think we did last time, to canvass the room to see who is prepared to stay after. I think I should note that we have, I think, about another 25 names on the list, and I thought that the process we had in this committee the last time was a civil one and took into account consideration for the various presenters, so I will perhaps just raise that again and see if we can have agreement to proceed in the same way as we did last time.

Mr. Chairperson: We will see how the committee feels on this.

Mr. Laurendeau: Mr. Chairman, we had said we would bring it back at this time to revisit the issue at one o'clock to make the decision on which way we were going to go. I do not think it would be appropriate, seeing as I was named Vice-Chair, to get into the debate, but I will leave it up to my committee members to make that decision.

Ms. Cerilli: I think it is reasonable if we canvass the floor and ask to hear if there is anyone that is interested in presenting that is here, and if they are, that we would hear their presentations. After that we would close the committee and merely resume calling of the names when we next sit.

Mrs. McIntosh: We will just continue to hear the people who are here if they want to be heard and those who are not here, we will just hear them; like, we will not take them off the list or anything like that. We will just—

Ms. Cerilli: Right. We will just end for the evening after those that want to present at the end.

Mrs. McIntosh: Sure, that is fine.

Mr. Chairperson: Okay. Is that the agreement of the committee then?

Some Honourable Members: Agreed.

Mr. Chairperson: We will hear everyone who is here who wants to present. Who is here who still has to present?

I am sorry, would you please identify yourself according to the list? The number would be fine. [interjection] Does anyone wish to present now?

Hon. Albert Driedger (Minister of Natural Resources): I was not here the first time the committee sat, but my understanding is that when we leave this as open-ended as this, we have people here who I think probably are going to be presenters next time around. If we allow it open-ended like this, we could be doing this for another two weeks or something like that. I have some concern because I see people here who I believe are presenters on this bill, and just because the hour happens to be 10 after one but we are all sitting here, I think if they are here we will try and accommodate those people.

If they say, well, because of the kind of situation that we have allowed to develop that if they have the feeling that they can come whenever they want to, next time when this committee sits I have a little concern about that.

I just want some clarification on that. I am not trying to be difficult. I just feel that we should clarify this, because there are people out here obviously that I think are ready to do presentations and I think we should hear that. I mean, all committee members, it is late, yes, but the process that we have which is very unique in Canada, I think makes provision for people to come and make their presentation and they are here. If they are here, we should hear them.

* (0110)

Mr. Chairperson: I would like to point out that two people have registered, for example, fairly late this evening. One E. L. Carlyle, now No. 63 on the list, is a new registrant. Another person, Candace Stearns registered this evening. Are they in the room? Are E. L. Carlyle and Candace Stearns here? [interjection] So we have had—the list is growing or being added to.

Mrs. McIntosh: Mr. Chairman, to clarify my comments earlier, I was operating on the assumption—I am surprised, so I will go back to restate my intention. I was operating under the assumption that we have people here who are presenters who have waited this long that we should hear them and then just carry on until the people who are here have all been heard and then we can resume—[interjection] But I thought they were presenters, not audience.

Mr. Tweed: Mr. Chairman, I do recognize, I think, as we have seen earlier, that there are people here who have put their name on the list. I suggest we call the names out on the list once and get through it and see who is here and who is not and listen until they are done.

Mrs. McIntosh: That is what I meant.

Mr. Sale: Mr. Chairperson, I think that what may have happened is that the committee made a decision that is not entirely clear in terms of people hearing in the room, and I think that you might, before we change what we had agreed to, canvass the room again and see if people now

having heard the discussion understand what we are about and if they wish to present before we head home.

Mr. Chairperson: What I was hearing is that we should go through the list and people that are not here then are going to go to the bottom of the list and that then is call No. 1. That is the first call, so that seems to be the—

Ms. Cerilli: No, that is completely different from what we have just agreed to.

Mr. Chairperson: Nothing has been agreed to that I am aware of, Ms. Cerilli.

An Honourable Member: We are still trying to figure out what we are agreeing to.

Mr. Chairperson: We will canvass the room.

Mr. Driedger: Mr. Chairman, and I am not trying to be difficult again, but I think what we should do is go through the list and those that are not here basically fall to the bottom. Then the next time when this committee meets there is another call on the name, and if they do not respond at that time then—I think that is the normal process that we have been following and I do not know why we would want to change the rules at this point in time.

Mr. Chairperson: Robert Chernomas? Okay, go to the bottom of the list. Wesley Stevens? Go to the bottom of the list. Don Sullivan? He is leaving and will go to the bottom of the list. Jennifer Dueck, go to the bottom of the list. Jean Altemeyer, not here.

Mr. Tweed: Mr. Chairman, I would suggest with the mass exodus that is going on that, if this is a ploy by anybody that is in the room, I would suggest that we would call the names twice at the end of the first call.

Mr. Chairperson: That can be a decision of the committee.

Ms. Cerilli: Mr. Chairperson, the committee cannot make an agreement and then moments later willy-nilly change the agreement that was just made, so I would—

Mr. Chairperson: I do not understand that there was an agreement other than the call through the list.

Point of Order

Ms. Cerilli: We started reading—on a point of order—

We agreed on this committee to go through the names and read their names. The people that are presenting may even have, before we started this process, understood that after one, we may break, so I do not think that we should take the punitive approach that the members opposite are proposing. We agreed moments earlier to canvass the House and ask if there was anyone here willing to present. Obviously they do not want to present, so we offered them the opportunity right now, if they want to come back at a civil decent hour then—

Some Honourable Members: Oh, oh.

Mr. Chairperson: Order, please. I am going to call the names on the list and if they are not here they are going to be put to the bottom. Once we have gone through the list, we will see if anyone here is going to present and we will make the next decision. Is that fair?

Ms. Cerilli: We know now the intention of the members opposite is to try and eliminate people who are—

Mr. Chairperson: I think it is premature to make that decision.

Ms. Cerilli: That is what they were—

Mr. Chairperson: And I would suggest that we will proceed through the list, and we will make another determination as to where we go from here.

* * *

Mr. Chairperson: We are just taking up time of those people who might want to present at this time, so may I proceed now to call through the list? I will call through the list.

Paul Phillips? Is Paul Phillips here? Paul Phillips, not being here, will go to the bottom of the list. Shannon Slater? Shannon Slater, having been here earlier, not being here now, will go to the bottom of the list. Tim Babcock? Tim Babcock, not responding, will go to the bottom of the list. Sara Malabar? Sara Malabar, not

being here, will go to the bottom of the list. Ed Janzen? Ed Janzen, not being here, will go to the bottom of the list. Lawrence Deane? Lawrence Deane, not being here, will go to the bottom of the list. Michael Amirault? Michael Amirault, not being here, will go to the bottom of the list. Henry Heller? Henry Heller, not being here, will go to the bottom of the list. Peter Laznicka? Peter Laznicka, not being here, will go to the bottom of the list. Dr. Bruce Bolster? Dr. Bruce Bolster, not being here, will go to the bottom of the list. Brian Kelcey? Brian Kelcey, not being here, will go to the bottom of the list. Maggie Ross. Maggie Ross, not being here, will go to the bottom of the list. Jennifer Nembhard. Jennifer Nembhard, not being here, will go to the bottom of the list. Rachel Thompson. Rachel Thompson, not being here, will go to the bottom of the list. William Martin. William Martin, not being here, will go to the bottom of the list. Mark Gabbert. Professor Gabbert, not being here, will go to the bottom of the list. Elizabeth Johannson. Elizabeth Johannson, not being here, will go to the bottom of the list. Neil Besner. Neil Besner, not being here, will go to the bottom of the list. Jennifer Suss.

Ms. Jennifer Suss (Private Citizen): Would you like me to come up?

Mr. Chairperson: Absolutely. You may begin your presentation, Ms. Suss.

Ms. Suss: Thank you. I thought the list would go on and on for moments longer. Good morning. This evening/morning I am presenting as a private citizen, a student of life and formerly of sciences at the University of Winnipeg, as a community resource person who has been involved as a student at the university on a variety of levels, from membership on the students' association board of directors to student incognito, coming from a family of educated individuals and also being forced with the pressures of society where, among individuals and employers, critical thinking is not always valued.

Through this variety of influences I attempted to sort out what is the university's place in the community. I would agree with fellow academics such as Robert Young, University of Winnipeg's own distinguished Canadian Professor of the Year, and former Margaret Laurence Chair, Keith-Louise Fulton, that a university's purpose is to establish a method of critical thinking, to

teach the individual to develop and to use sound logic and to broaden the scope of one's horizons.

Therefore, university exists and universities exist not to pump out labourers ready for the mechanized, computerized labour force, but university exists to educate individuals to analyze, to criticize, to plan, to use their creativity to be responsible citizens and to seek intelligent solutions to not only Manitoba's, not only Canada's, but the world's issues and problems.

This purpose, this mandate to educate individuals to think, will only serve Manitoba, will serve Winnipeg, will serve Canada and the entire world over the decades, over the lifespan of all graduates, if this method of education is developed continually. This is the very nature of critical thinking. Discussion between experts in a wide variety of academic fields, that is, individuals who have spent their lives developing ideas, debating, defending, educating, communicating, analyzing and researching, ensures excellence. The absence of acknowledged excellence, of original developed ideas in intellectuals, and in institutions collectively, is an absence of reputation and of acclaim.

* (0120)

The wish of this government to further regulate the affairs of the universities is a threat to this very reputation and acclaim. If this bill were not scrapped altogether and its purpose reanalyzed, the integrity and the reputation of Manitoba's academic community as a whole is threatened.

Also threatened by this bill is the environment at university. This environment is probably where I have learned most of my university lessons from, in addition to the sciences that I am studying. I have learned most about life at university from my peers. It is through the communities of students that have been established where I have learned not only about my analytical chemistry or my environmental ethics course, but also about a smattering of courses from all disciplines, and my education is broader for the broader scope of studies that is available at this university and at all universities in the province. The learning of each individual, therefore, in classes is compounded by in- and out-of-class discussions with other students, and with an increase and equal access to universities comes a more balanced world

view, a broader learning for all involved in the entire academic process.

Mr. Sale: Thank you, and thank you for staying so late to make your presentation.

One of the things that I think has been a theme, but it has not been talked about much in your presentation, and I am wondering how you react to it. I do not mean to characterize you as a young person, but you are younger than many of those who have presented tonight and certainly younger than I am. One of the things that people seem to be saying is that the time frame of governments and the time frames of universities and disciplines are wildly different and that that is a kind of structural problem with this bill, that it implies the involvement of something that has a natural time frame of somewhere between three and five years into an institution that has a time frame measured in decades. Can you comment on that in your experience as a student and as a person who studies life?

Ms. Suss: Certainly. I would feel that, for example, in the bill, it is outlined that the term for each member on the council proposed is three years, and of course, the office of any government that is taken at the maximum is just over that. Although it may seem similar, the similar effect of three years for government or a member of the council would be similar to three years to five years of a student, the effect of a student studying at this time or the fact that a student is studying for this amount of time can be affected by a number of governments that come and go. So whereas you have a well-established institute like a university whose mandate is established by the individuals in the intellectual community of the world and of their predecessors of the intellectuals upon whose shoulders they stand, whereas the government can come and go, their mandates come and go and will change also from the time they are elected to the time in the middle of their office or the time their mandate may become clear.

So that is basically my comment, the fickleness and the unpredictability of the government to provide its citizens with what they need, and clearly this bill is not providing what the academic community needs right now.

Mrs. McIntosh: Would you feel that if the terms were staggered, if you brought the people in where you brought them in initially in one-, two-, three-year terms so that

their appointments were all up at different times so that you would always have consistency, you would never have the board overturning all at once so to speak, would that help ameliorate that scenario you described?

Ms. Suss: In fact, not at all. I have so many objections with the bill that the terms of office are so small compared with the implications of all of the rest of the bill. The terms of office, if you would change that word, I would be no less angry about the whole entire bill than I am now. In fact, that would be such a minuscule difference, it would not even be worth changing it.

Mr. Chairperson: Mr. Sale and Ms. Cerilli, I know, wanted a question too.

Mr. Sale: Briefly, and we have talked about the time dimension, the other dimension, although it may not be quite as much of an issue in sciences, but I think it is even there, is the whole issue of culture and the international dimension of a university which again is something that a local government is not terribly well equipped to reflect. In your studies, did you have any sense of a broader community than just the province of Manitoba?

Ms. Suss: Certainly—[interjection] I know I am going to speak next. I just cannot seem to remember to wait for my name to be called. My apologies.

Well, in fact, my degree of study right now is environmental sciences, and I spent a few hours at an environmental ethics course this afternoon. The things I have been learning in that class are theoretical in nature, but also directly practical. Just for example, one of the things—I am not sure if you are interested, but you asked me so I am going to tell you. One of the things we are looking at are the philosophies regarding the treatment of animals and where that goes, if that takes all people to vegetarianism or not wearing leather or wherever that goes, but the implications of that, and also of forestry, global pollution, individual resource consumption. It is a plethora of ideas that are definitely applicable globally, and we are exploring all kinds of effects of the individual on the planet, Winnipeg on the planet, Manitoba on the planet, et cetera. The planet on the planet, and that is just one thing, but also in my science courses themselves, another direct example is in my analytical chemistry course, we are looking at just minute particles and what

effects these pollutants have on where we are, Winnipeg, Manitoba, Canada, the whole picture. Does that answer your question?

Ms. Cerilli: Thank you for your presentation, Jennifer. I want to go back to something you said to see if I am understanding you correctly and maybe ask you to explain a little bit more. We know that part of the emphasis of this bill is to deal with what is called duplication of programs among the different institutions. My understanding is that you are concerned about that because at your university even though you are in sciences you benefited from having contact, or maybe even the chance to take the odd course from other faculties, and it would be a real loss if they tried to eliminate that by having only certain disciplines or faculties in each university.

Ms. Suss: I certainly feel that the effectiveness or the scope of my education would be limited by the elimination of programs. At the University of Winnipeg, I can personally speak from this university, and it is just from talking with other individuals, from getting an idea of what else is out there, not from books or ideas or publications but from people. I do acknowledge that there is a wide variety in differences between universities and I think that every individual at every institution appreciates different aspects of the institutions. I think part of it is accessibility to communities; for example, if I lived in Brandon, I certainly would want to go to school there.

Ms. Cerilli: Yes, I just wanted to ask you. You also said that universities are not there to just pump out people to be labourers. I am wondering what it is about the bill or this government that makes you have that concern, implied concern, that this may be what is going to happen with this bill.

* (0130)

Ms. Suss: Well, there are a few sections. One of them is, for example, I think it is in Section 4—I will just have to pull out my bill copy here, and I did not really want to have to do this because it involves perhaps saying some insulting things, but it is in Section 4 of the bill, when it says, direction from the minister. It is talking about mandate, and it says: in the minister's opinion of significant public interest.

I was thinking, well, who has the public interest? When it comes to soliciting opinions, it was only through the work of the Faculty Association and through the Canadian Federation of Students that I was aware of the opportunity to speak here, and, certainly, those two organizations will be in a lot more uproar than your average student who is worrying about their own studies and are not necessarily worrying about what is being presently passed in the Legislature.

Without this opportunity to solicit the opinions from students who have everything to do with this bill, whose opinions are going to be solicited on a variety of issues? I know also from news briefings and issues on the news that this government is very concerned with local jobs, local employers. Those are two phrases that I have heard a lot of, and I do not expect to become a local employee or to hold a local job. I expect to become self-made, whatever that means.

Ms. Cerilli: Thank you.

Mr. Chairperson: Christopher Leo; Christopher Leo. Christopher Leo will go to the bottom of the list. Murray Evans. Murray Evans will go to the bottom of the list. John Braun; John Braun. John Braun will go to the bottom of the list. Dr. Eموke Szathmary. Dr. Szathmary will go to the bottom of the list. Karen Zoppa. Karen Zoppa will go to the bottom of the list. Rolland Gaudet. Rolland Gaudet will go to the bottom of the list. David Gratzner, second call. David Gratzner will go to the bottom of the list. Candice Stearns. Candice Stearns will go to the bottom of the list. Pauline Mireault; Pauline Mireault. That is her second call. Pauline Mireault will go to the bottom of the list. Bruce Daniels. That is his second call.

Ms. Cerilli: I was under the impression that after that speaker, we were going to have a break, a five-minute recess, to determine how to proceed. That was my understanding from the conversation that the MLA for Wolseley (Ms. Friesen) had with the Vice-Chair of the committee.

Mr. Chairperson: I know nothing about that conversation. If you want to share it with me, you better share it.

Mr. Laurendeau: Mr. Chairman, could I ask that we recess for five minutes?

Mr. Chairperson: Is it the wish of the committee to recess for five minutes and be back here at 1:40? [agreed]

Ms. Friesen: Just to ensure that we are being fair here, I wonder if that proposal to recess could go back to David Gratzer. I think that was the second call for Mr. Gratzer, and I would not want to cut him off.

Mr. Chairperson: That will be after No. 56 then.

The committee recessed at 1:35 a.m.

After Recess

The committee resumed at 1:47 a.m.

Mr. Chairperson: I call the committee to order again.

Mr. Laurendeau: Mr. Chairman, I would ask you to call the list starting on the second read that we are on at this time. Let me explain it and then you can—and we will go through the list on the second read, and after we have passed five presenters this evening that have presented, on the second read we can rise.

Ms. Friesen: Mr. Chairman, I think our intent is to hear everyone. I think we want to put that clearly forward, and I am sure that is the same for the government as well. The time is late. We are going to register that this is late, that staff are still here, that the buses have stopped running. There are, I believe, some people who would still want to present, and I think we can do that. We do not agree, I think, to the running through the list twice, but we are prepared to encourage four or five more people to present. I also should note that the president of the University of Manitoba is No. 54 on this list. I know that she was here on Monday night, and although I do not like to single out any particular individual—every citizen is the same—I do note that we do have another 20 to 30 people who are presenting, some of whom may be presenting on behalf of larger groups. So I think it is just worth noting that.

Mr. Driedger: Mr. Chairman, I think we can probably take and make some concessions in that regard, but just

to accommodate the staff people basically, anybody, we know we are not going to go clause by clause, and any of those staff people other than, you know, the committee that is going to hear the representation, I think we should make provision for them to have the opportunity to go home and go to bed.

An Honourable Member: We have already done that.

Mr. Driedger: You did that already, eh? You did not ask me. Anyway, thank you, Mr. Chairman.

Ms. McGifford: Mr. Chairman, rather than going through the list a second time, why do we not canvass the audience to see who would like to present?

An Honourable Member: Well, that was not the deal.

Ms. McGifford: Well, it was not clear to me.

Mr. Chairperson: My understanding is that the agreement was that you are not knocked off the list unless there are three calls. So if you go through twice, then there is one more call. Is that not the understanding Ms. Friesen?

* (0150)

Ms. Friesen: Thank you, Mr. Chair. I would like to put on the record that we are not in favour of running through the list twice. We are in favour of hearing four or five more people, but I assume the government has a majority, and if we would like to get on with this and if that is the choice that they want to make, then it is their choice to do that. I hope that they understand what the consequences of that are.

Mr. Chairperson: Is that the choice of the majority of the committee?

An Honourable Member: Agreed.

Mr. Chairperson: Okay, we will then proceed with the calling of the list. David Gratzer, second call. David Gratzer, not being here, will go to the bottom of the list. Candace Stearns, it is a first call, is not identifying herself, not here, will go to the bottom of the list. Pauline Mireault. That is a second call. Pauline Mireault is not here, will go to the bottom of the list. Bruce Daniels.

That is the second call. Bruce Daniels will go to the bottom of the list. Devin Latimer, second call. Devin Latimer will go to the bottom of the list. Deborah Stienstra, second call. Deborah Stienstra will go to the bottom of the list. E. L. Carlyle, first call. It is Elizabeth Carlyle, is it?

Ms. Elizabeth Carlyle (Private Citizen): Yes.

Mr. Chairperson: Okay, so Shannon Slater had presented on behalf of the Canadian Federation of Students; you are now presenting on an individual capacity?

Ms. Carlyle: That is right.

Mr. Chairperson: Okay, Elizabeth Carlyle, would you begin your presentation?

Ms. Carlyle: May I ask a question before I start? I am just wondering if I can have clarification on what exactly is happening this evening. Is it five speakers are going to the list twice or both or—

Mr. Chairperson: Well, why do you not begin your presentation?

Ms. Friesen: Mr. Chairman, if the presenters are not clear on what is happening, I think it is important that we do make it clear.

Mr. Chairperson: Maybe Mr. Laurendeau and yourself can clarify that. You have got first chance, Ms. Friesen.

Ms. Friesen: Mr. Chairman, well, I think that we had agreed to five more presenters, and on our part we had not agreed to running through the list twice.

Mr. Laurendeau: Mr. Chairman, I clearly stated that we would continue to run through the list for the second read until such time as we had covered off five presenters that were here, and the committee will rise at that time.

Mr. Chairperson: Okay, is that the understanding? Ms. Friesen nods agreement. Ms. Carlyle, you now understand that, so you are one of a potential five. You will now proceed, and when you are finished, I will continue calling down the list. So, Elizabeth Carlyle, you can begin now.

Ms. Carlyle: My name is Elizabeth Carlyle, and I am a student at the University of Winnipeg. I hesitate to say what year I am in. I am in the fifth year of my studies there, but the third to fourth year of my program. So I am a student of Anthropology and Environmental Studies and the interest I have here today is manyfold.

I have been involved in student activism, in student government for several years. I have served both on local—well, university-wide bodies, as well as provincial and national bodies looking at different student issues, and speaking as an individual, I wanted to relate a bit more of a personal kind of approach to why I am concerned about Bill 32.

Bill 32, to me, is of great concern not only because of the context in which it has been presented to Manitobans but also because of the content that has been presented to Manitobans. On the first issue of the context in which it has been presented, I am very concerned about the 75 or so other bills that have come before the House this fall. While the current government says that we have had the summer to look over these bills, I think that for students, especially, this is not really much use because, as most people probably know, students are not generally to be found in the summer and certainly not available for this kind of thing. That should not go without notice. I also think that the sheer volume of the bills that are before the House right now is of concern in itself. If I am not mistaken, it is the largest number of bills that have ever come before the House in the shortest time period—[interjection] If I could finish. It does concern me that there has not been much, as far as I can see, effort on the part of the current government to convey, on whatever end of the political spectrum, the seriousness and the gravity of the bills that are before the House. I think a lot of them are calling for quite major changes to the way things happen here, and I have not seen anything in the order of popular documents, for example, from this government, things that would help Manitobans to understand the direction that this government is taking.

I am concerned especially that these consultations have been so inaccessible. I stand here today, it is almost two o'clock in the morning, and I do not know what thought has been put into this, but buses have stopped running. People have perhaps no way to get home, and students have classes in the morning. I really think that if the government is interested in hearing from people, they

should make time available in such a way that it is at a reasonable hour.

Now, moving on to the substance of Bill 32, I do take note and take to heart that the current government has agreed to make some small changes to the bill to reflect some concerns that have arisen. I also think that, like Professor Don Bailey was saying, the whole bill itself comes from such a meanspirited angle that even to make amendments at this point may be not worthwhile in terms of the particular approach that this government seems to have to post-secondary education.

As I said, I have been a student at the University of Winnipeg. This is my fifth year. It is my fifth year because I have not been able to take full course loads because of the other work that I have been doing and also because it is becoming increasingly difficult to afford education in this province. It has become increasingly difficult to make enough money over the summer to pay for education, and I am not just talking about tuition fees. I am talking about living expenses. I am talking about foregone income in terms of trying to get through school as quickly as possible in order to begin on one's career path, whatever that might be, and I am just wondering if the government really does understand what the realities faced by many, many students in this province are today. I think that education has changed a lot, that access to education has changed in a lot of ways since many of the people at the table here went to school. If you look at tuition fees, they have increased much, much more quickly than the rate of inflation. That in itself is cause for very much concern, and I think that this bill does not do anything to address that.

This bill takes us a step further away from accessible education. If you go onto the campuses in this province, just from talking to students, you will see that students are demoralized, students are concerned. Students are demoralized on both ends of it, coming into school and facing the inaccessible costs and coming out of school and facing paying off student loans and not being able to find jobs. I think that those are some concerns that are very real for students in this province.

* (0200)

I have a sister who is 14 years old, and she is in junior high right now. I guess they call it Senior 1 now. I was

talking to her about this the other day. We were talking about what she would want to study if she goes to university, and she said, well, I am not even sure if I want to go because it seems like it is more trouble than it is worth. It is so expensive.

She was really upset and she was really concerned because to her it seemed like by virtue of the rising cost of education that she would not even have a chance to go. When I think of that, it is really upsetting because I know that she is an intelligent young woman and that she should have the chance to go to university and she should have the chance to do all these things that I do not think Bill 32 is going to help allow her to do.

So getting, again, more to the substance of Bill 32, we have heard a lot of amendments that are quite sensible from the Manitoba Organization of Faculty Associations and many other organizations which have presented to this committee, and I think that those should be taken seriously. I think that they will help to do some of the tinkering that some of the people who have presented have been sort of cynical about. I think the amendments that are being proposed could bring the bill around to something that students will look at and say, we can handle this; we can live with this. I do not think that most students could ever endorse it wholeheartedly, but I think that, myself for example, I could perhaps live with the bill if the amendments that the Manitoba Organization of Faculty Associations has made, as well as the Canadian Federation of Students has made, would be considered and accepted.

Now, I think that beyond Bill 32, this government has really lacked vision, and those are the words that students are using, that this government lacks vision on post-secondary education. Notwithstanding the Roblin report—

Mr. Chairperson: Two minutes left in your 10 minutes.

Ms. Carlyle: —which needless to say can be seen from several different angles and is somewhat vague and somewhat political in its intent, I think that this government has to make some choices. It has to make some things clear to Manitobans.

If this government does, in fact, want universities and colleges to become very much linked to local job markets,

that has to be made much more explicit, and that has to be an ongoing discussion with students. What I would like to see from this government is a real effort to talk to students and to find out what our concerns are; for example, to hold forums at universities and colleges across the province, to reach out to students, to produce popular documents that students can understand without having to spend hours and hours at them that takes away from their real job which is to be students.

I think that those kinds of steps would help to create some confidence on the part of students that this government has their needs and their concerns in mind, and I think that if you look at what has been happening in this province over the past number of years, students are not happy with what is going on. Students have been very concerned and very cynical of the government, and I think that that needs to be addressed.

Mr. Chairperson: Thank you for your presentation.

Ms. Friesen: Thank you for your presentation. You said that this bill took us further away from accessibility. I wonder if you could elaborate on that.

Ms. Carlyle: Bill 32 concerns me on a couple of fronts. One of them is the funding issue. Although the bill does make a reference to setting tuition fee policy, I think that we have not seen any indication from this government that that policy would be in the direction of tuition fee freezes, such as the one the government in British Columbia recently announced and such as the one that I believe the Premier of Saskatchewan recently has been in negotiations with students regarding.

I think Bill 32 has some really disconcerting wording about funding issues and about how funding will be allocated to colleges and universities. I think that giving power to a political body, namely, the government, to make decisions about how funding is allocated within institutions is really dangerous. That can lead to very real disparities in terms of how programs are funded and which programs are funded so that in terms of accessibility it will have a negative impact on accessibility because of the potential for not only moving funding around but also getting rid of programs, getting rid of departments, getting rid of areas of study and also in facilitating really the privatization of post-secondary

institutions. I think a lot of the wording in Bill 32 talks about the minister having more influence on setting direction and the direction that this government has been talking about has been in the direction of privatization. So while the bill might, as the minister has said, not be used for those purposes, I do not have any reason to believe that it will not be.

Mrs. McIntosh: I am just trying to get a handle on in terms of accountability, Elizabeth, you have made quite a point in one of your earlier presentations that you could speak with some authority because you represented the Canadian Federation of Students. That, I presume, because you were elected and you made a point of making sure it was noted that you were elected, and therefore you spoke with more authority or should be able to have more influence because of the people that you represented. Yet then you indicated here tonight that the government was a political body and a political body should not have influence. My understanding of what a government is or what elected people are and, as you indicated yesterday, if you are elected you have more authority, more power, and you were elected by some students in Manitoba and we were elected by some people in Manitoba.

How do you feel that the people as a group can exert influence or impressions or dialogue with or provide information or ideas or guidance to the university for which they pay hundreds of millions of dollars a year? Now, we take that money from them, they do not have any choice, we give it to the university and from what I hear you saying is because we are elected people and represent the people that we should not have any ability to ask for some way of measuring accountability or giving broad general direction. How do you resolve the apparent conflict in the two positions I have heard you give me, and how would you suggest that the people access decision making at the university if not through their government?

Mr. Chairperson: Ms. Carlyle, 10 seconds.

Ms. Carlyle: Well, I am not sure how appropriate it is for me to be answering questions about a presentation that was made earlier. I do not know what the procedure is. Is it okay for me to answer that question?

Mrs. McIntosh: It was made in your name earlier.

Mr. Chairperson: The honourable minister says it was made in your name earlier.

* (0210)

Ms. Carlyle: Okay. On the issue of accountability, I think that the minister has a point in that the people of Manitoba should definitely have input into how universities and colleges operate and how they spend their money. I think that is a really good point, and I would like to see much more community involvement at board of regents, not community involvement from Chambers of Commerce necessarily but from organizations in the community, from students. We have a fairly good representation at Brandon University, University of Winnipeg and the Collège St. Boniface. I think that it would be better to have high school students as well involved in decision making for their future. I think that it would be good to have parents involved possibly, to have community groups who are interested, to have for example groups of people working on issues of poverty and employment, because I think that a lot of people do not ever make it into the post-secondary education system who should have a chance to make it into that system. Maybe we can work harder on trying to find ways of doing that. I do not think that Bill 32 addresses any of those issues, and I think that instead it takes a negative approach to how we can change universities and colleges. I think that change is a really good thing, but I do not think that the direction Bill 32 is taking is a positive change.

Mrs. McIntosh: For clarification, Mr. Chairman, just for clarification of that.

Mr. Chairperson: The honourable minister for clarification, not another question.

Mrs. McIntosh: Not another question. For clarification on the response.

Am I to understand then what you mean is that we should go to community groups and students and high school students and all those people but not the government that the people elected? Is that what you are saying?

Ms. Carlyle: No, I think there is a role for the government in post-secondary education. I think that in

looking at social institutions or educational institutions we have to take a look at things in context, and there are different roles for the government in different kinds of social institutions. I think for universities and colleges, one of those roles can be to set some kind of direction and to do that through a process of really meaningful consultations. I do not necessarily consider what is happening here tonight to be a really meaningful consultation in many ways. So I think that governments are elected and there is time in between, and I think that things change, context changes, people change, opinions change, public opinion changes, and I think that governments seem to be sensitive to that and to not assume that because they were elected under certain circumstances, certain pretenses, that those same circumstances will exist for the duration of three, four, five years, whatever it may be. So it is an ongoing process and as you, I am sure, know, government is not static and people's opinions are not static, and I do not think we should pretend anything else.

Mr. Chairperson: Thank you very much, Ms. Carlyle. The next presenter, Carl Ridd. Carl Ridd, being called a second time, is not here. David Markham, first time. He is registered at 1:45 a.m. David Markham, 1:45 a.m.; David Markham registered. David Markham is not here, so that is his first call. Okay, we are now going back to Robert Chernomas, second call. Wesley Stevens. Wesley Stevens, second call. So Robert Chernomas goes to the bottom of the list, Wesley Stevens goes to the bottom of the list. Don Sullivan, second call. Don Sullivan, you may begin your presentation, Mr. Sullivan.

Mr. Don Sullivan (Private Citizen): Good morning. I would like to start by saying that I am not quite sure whose democratic rights I am exercising at this time of the night, mine or yours. I am appalled that I had to stick around till one o'clock in the evening to find out what the process was going to be after that. I think Hansard will bear out what the process had been agreed to originally at one o'clock, and I think we will find that there was a backtracking on the majority of this committee's commitment to a process. I would like to say that many of us in the room this evening do not own cars and will have to walk home. I suspect that you will not be paying my cab fare to get home this evening, and most employers who own businesses are mandated to pay for a cab for their staff who work after one o'clock in the evening.

I would like to start by identifying myself. My name is Don Sullivan. I am a former student at the University of Winnipeg. I am a former vice-president of external affairs at the University of Winnipeg. I have received two awards from my peers at the University of Winnipeg. I am also an activist. I also enjoyed going to the University of Winnipeg for many reasons. One was the size of the institution. It was small; it was accessible; it was a downtown campus; it afforded a much more personal relationship with my professors. For that, I went to that university and chose it for those reasons. I attended university, now that I am almost 40, in my formative years. I like to say that. People have called me a late bloomer.

I am here speaking on behalf of Bill 32 because the draconian nature in which this bill manifests itself leaves or, I should say, will be the thin edge of the wedge that will allow governments in the future, if they so desire, through this new committee on post-secondary education, to amalgamate smaller universities with larger institutions. I think that should worry most professors and students who attend smaller universities. I am not saying that is the possibility that would occur tomorrow or the next day or after the bill is enacted, but surely the drive for the bottom line will force you, in your own logic, to look at solutions like that.

I find it distressful that the consultation process which you derived at in drafting this legislation was not broad, was not transparent and did in fact exclude many groups and many stakeholders who have a vested interest in ensuring a healthy, vibrant post-secondary education in this province. I am under the understanding that the minister had met with some of the faculty, and two days later the bill was tabled. What kind of consultation is that? Where was the consultation with northerners as post-secondary becomes a much more important role in their life? The aspirations of First Nations to achieve self-determination and self-government require a strong, well-educated and informed northern population.

The ability to have political control and use the stick rather than the carrot is quite evident throughout this bill, and I know that this government has used the stick more than the carrot. One example pops into mind. Last year a civil servant, Mr. Dan Soprovich, was in fact fired for doing his job. You, under this act, will have the ability

to exercise that stick and will in fact lay the groundwork for fear within smaller academic departments. The bells will be raised. Do we need Classics? In fact, do we need a political science department? Do we need a geography department that is doing research on government of Manitoba? Do we have a law school that in fact will challenge legislation or bring forward contrary views that this government deems unsuitable, though potential in this act to use that stick is very great?

I am saddened that this continuing course is a feature that has occurred time and time again by this government. While on one hand you have loosened the regulatory framework for the business sector, on the other hand, you are tightening up the public control politically. Truly, if you do believe in the spirit of competition, then let the universities compete and do their jobs. Political interference has always been, in my understanding, a hallmark of something that this government so dearly tries to avoid. So why do you choose to take a bill that does the opposite?

I think that this bill should be lifted. I am not here to talk about line item by line item for each section of this act; I am here generally to talk about the tone and direction. I would probably think that if you truly need to modify, why not modify the existing act? I see a very similar process occurring with this white paper on sustainable development. Sustained development would be more like it.

* (0220)

Mr. Chairperson: Two minutes left in your 10 minute presentation.

Mr. Sullivan: Thank you. I would like to close by stating that the real threat to our academic institutions are not the professors or the ideas that they expound but the lack of understanding and ignorance at what goes on between those four walls. The best measure of a society is not what it destroys but in fact what it protects. If we were to hold this up to this government, surely our society in Manitoba is on a very destructive path. Thank you.

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

The next person to be called is Jennifer Dueck. Jennifer Dueck not being here—that is her second call—will go to the bottom of the list. Jean Altemeyer. Jean Altemeyer, not being here, will go to the bottom of the list. Paul Phillips. Mr. Phillips is here. You may begin your presentation, Dr. Phillips.

Mr. Paul Phillips (Private Citizen): First, I would like to say that this bill has already done damage to the university because I can tell you that the professors and students that have been here tonight in this ridiculous procedure are not going to be in very good shape to teach their classes or to learn tomorrow, yet we have been forced twice this week to stay to ridiculous hours at night at the cost of proper teaching and what not.

Also, given the lateness and the fact that I have already taught all day today, I am going to read my presentation, because it is difficult to speak off the cuff when you have had a day that is now about 16 hours long.

I am in general support of the amendments proposed by the Manitoba Organization of Faculty Associations which have been endorsed by many other, and I think just about every other university body, student, faculty and administrative. In particular, I am strongly opposed to the various provisions in the proposed bill that would limit the autonomy of the university to pursue excellence of academic programs, teaching and research independent of the direction of a government minister.

Such direction would politicize decision making on academic programs and priorities at great cost to the reputation of the universities in Manitoba and at a great cost to the value of the degrees of future graduates. Furthermore, on economic efficiency grounds—and I speak here as an economist who teaches the theory of economic efficiency and business organization—the increased intervention by the minister and the departmental bureaucracy will inevitably prove costly both in terms of time, and hence labour costs, but also in terms of the flexibility of the universities to respond to rapidly changing demands by both students and evolving knowledge in their various fields.

Let me suggest two parallels. Canada Post, as you all know, used to be a department of the government directly under the minister, and the post office reflected political decision making at the departmental level. The political

interference was such that it was inefficient, the labour relations were bad, and in fact what they did was remove it and make it autonomous from the department exactly to improve its efficiency and its effectiveness. In doing so, when removing it, making it more autonomous from the government, it became profitable and much more efficient. The result has been improved efficiency and a turnaround in its profit position. Does this government feel that the universities should be going in the other direction and moving towards inefficiency and decision making by bringing in the political level of decision making?

Secondly, is this government really in favour, would they think it would be possible—since a lot of our public money in the form of our pension funds and insurance funds go to Great-West Life, maybe the council should also be instructed to get the minister's opinion on how Great-West Life should invest our pension funds and what funds it should do, representing the priorities of the government rather than allowing the private corporation—private corporations would laugh this government off the face of the earth if they suggested doing to private business what they are attempting to do to the university.

The question that must be asked is why the government is proposing these amendments to the existing Universities Grants Commission Act. The introduction to the bill talks of, and I am quoting, promoting a strong and dynamic post-secondary system in this province.

The effect of the bill would be exactly the opposite. It would promote a politically suspect and bureaucratically encumbered system that would not serve either the interests of the province and, more to the point, would be very detrimental to the students by the degrading of the value of their degrees, a degrading that is inevitable due to the loss of autonomy created in the provisions of this bill.

What also strikes me, from the discussion that has taken place here and also in the original motivation, that this is based in part on Roblin commission observations, most of which are false. The bill would appear to be motivated by widespread but erroneous views on the value of university degrees and of the current quality of the instruction. Some of these misconceptions are, and they were also in the Roblin commission, that the

universities are turning out graduates for whom there is no market.

Secondly, that there are too many graduates of universities and not enough from colleges and trade schools, and third, that universities are too concerned with the research and not enough with teaching. I cannot go into all of this, but I just took a few data from readily available Statistics Canada sources. Data on Manitoba is available. It is less detailed, but there is no significant difference between the Canadian situation, where the data is comparable, and it is for 1990 and '95. If you look, in terms of unemployment rates in Canada, in 1990, it was 8.1. It was 6.3 for college and trade school grads, but only 3.7 for university grads. In other words, we had full employment, in a sense, for university grads whereas over 8 percent for total labour force and over 6 percent for college and trade school grads. The difference was 4.4 percent lower for university grads. In 1995, the latest data that is published by Stats Canada, the total unemployment rate was 9.5 percent. The university grad rate was 4.9 percent. The college and trade school grads was 7.9 percent, which meant that in fact the difference in the unemployment rate between the total for Canada and the universities was it had in fact risen. The difference was greater. The university grads did relatively better.

* (0230)

If you look at what happened in the United States as accessibility has declined, and that is in the graph in the back, from a book by two of United States' most foremost labour economists, you will see that the data is consistently that way, not only in Canada but in the United States. Is the quality of these grad students going down? Is it not meeting the market? Well, just look at the income. The average income for Canada was \$23,000 for university grads. In 1990, it was \$39,000. For college and trade school grads, it was \$26,000. The difference of \$16,000 more, 60 to 80 percent more for our college graduates. In 1994, it had actually increased to almost \$17,000. Clearly, there has been no diminution on the value of the university degree. You also notice that it is well above a community college degree and that now there is growing shortage, in United States at least, for college graduates. They are now saying that they cannot increase their economy and get into high-tech areas because they are not producing. They have cut back

accessibility to universities to such an extent that it is now constraining the American economy and hurting their economic growth.

Indeed, there is evidence that the continued accessibility to university in Canada, relative to the United States, is improving our relative competitiveness with the United States and is reducing the roads of inequality in our income distribution. This evidence is contained in a study published by two of the most distinguished American labour economists, David Card and Richard Freeman. I quote: Educational earnings differentials increase less in Canada than the United States in large part because of the greater relative increase in the supply of college-educated workers in Canada.

In fact, the inequality in incomes earnings increased four times as much in the United States because of the shortage of university grads.

Finally, with regard to the teaching-research issue, let it be noted that the United States now is complaining that their productivity growth is collapsing because of cutbacks in government funding for basic research in American universities. This whole idea that there is too much research done at the universities and not enough teaching is ~~crap~~, is nonsense, and it has been contained in discussions that have taken place. It certainly was contained in discussions during that last collective bargaining in Manitoba between the government spokesmen, government representatives, and the faculty.

Mr. Chairperson: Your time is up, Dr. Phillips, for your 10-minute presentation. Will you entertain questions?

Some Honourable Members: Leave to finish.

Mr. Chairperson: This will encroach on your question-and-answer time. Proceed.

Mr. Phillips: In Canada, basic research is conducted primarily by universities funded by government. One of the major reasons for the decline in productivity growth and is afflicting all of the countries of the western industrial world has been traced to the decline in government support for basic research.

So I will just read the conclusion. The above would suggest that the assumptions underlying Bill 32 are based on misapprehensions, and the effect of the bill would be to worsen the position of Manitoba's universities to the detriment not only of the province but particularly of our young people who will benefit only if we are competitive with other North American universities. The effect of Bill 32 can only be to impair that competitiveness.

Mr. Sale: Dr. Phillips, I wonder if you find this as strange as I do. You have given two examples on your first page, but day after day in the House we are told that we have to privatize our telephone company because the decision making is too cumbersome with the government being involved and that it cannot do the things it needs to do to adapt quickly to a changing world. Would you characterize the university and the world in which it lives as rapidly changing or not rapidly changing?

Mr. Phillips: Actually, in fact, because we have to go through so many hoops and over so many obstacles, already the existing procedures make adaptation to change very slow. To change a course, a program, to go through the Grants Commission takes about three to four years, and now one of the proposals is when we want to cut a course or a program, we are going to have to go through a three- or four-year process because of this bill. It just does not make sense.

I think the whole bill should go back—you should take it off, go back and look at it again and try and figure out what you are trying to get out of this bill, then reintroduce it in a form that will do what you want and not make things just so much more bureaucratic, delay everything and make it more expensive.

Ms. Friesen: I wanted to thank you, Professor Phillips, for the presentation. I think it has added a good deal of weight to our deliberations, and I particularly was interested to note the way in which, I think, you very well pinpointed the false assumptions which underlay some aspects, not all the aspects but some aspects, of the Roblin commission's report. I was particularly disappointed myself in how frequently Canadian non-Manitoban examples were cited as evidence of arguments for Manitoba conditions.

I think the second thing that I take from this is the employability of university graduates, and I think you

have offered us some very important numbers here and some arguments behind it which I look forward to using in the House in other ways. I think it is particularly interesting to note that there was a recent paper at the Association of Universities and Colleges of Canada which argued at the presidents' meeting that, in fact, the employability of university graduates west of the Ontario border was higher than the national average, so that Manitoba, Saskatchewan, Alberta and British Columbia, in fact, had even higher rates.

I wanted to ask you about research and if you had any advice for us on amending this bill to ensure that research be independent. I think that is the case you are arguing, or is the overriding argument you are making: let us start again.

Mr. Chairperson: Thirty seconds, Dr. Phillips.

Mr. Phillips: When the Faculty Association met with the previous ministers, both Finance and Education, we were told that the government wanted more research applied to Manitoba economy. That is means to do away with basic research, the very fundamental—you can shake your head all you want, Minister, but you obviously do not know what goes on in the university, and that is what is a problem with this bill. You do not know what goes on in the university. You do not know how decisions are made. You do not know how research decisions are made. You do not know how research decisions are made. So it seems to me that that is very important to say of basic research. With this kind of political decision making on research, no self-respecting young brilliant scholar would take a job at this university.

Mr. Chairperson: Thank you very much, Dr. Phillips. Just in passing, I wanted to say that earlier I had made the comment that these kinds of proceedings, as I think you are aware, are a privilege for presenters in Manitoba that are unique in Canada. The fact that we are all sitting here at a late hour, and you have availed yourself of that opportunity of your own free will, is an exercise of that privilege. I just wanted to put that in that context. Thank you.

* (0240)

Point of Order

Ms. Friesen: Mr. Chairman, on a point of order, I perhaps would like to register my opinion that what

appears to me to be a lecturing of people who have come to present is perhaps not appropriate. I think the points that are being made about the time, about the nature of the decisions that have been made in this committee, are appropriate for presenters to make. I say that with respect. I am not sure that it is necessary.

Mrs. McIntosh: I believe the Chairman was responding directly to a question put by the presenter and I would, on the same point of order, indicate that this type of presentation is historically traditional in Manitoba. Only in Manitoba do we have the hearings, and they have historically always gone this late and much later. As I indicated before, I myself once came at 10:30 in the morning when your party was in power and had to sit till 2:30 the next morning before I was heard, with my time changed repeatedly throughout it. So this is not new; it is tradition, it is historically accurate.

Mr. Chairperson: I would rule there is no point of order. It is a commentary on the quality of the chairmanship. Thank you.

Ms. Friesen: Mr. Chairman, it was not intended to be a general commentary on the quality of the Chair, it was intended to discuss that particular remark and to question the appropriateness of it. It was said with respect and it was not intended to question the quality of the Chair.

Mr. Chairperson: I appreciate it was done with respect—[interjection] And it might be unanimous—that, your commentary.

* * *

Mr. Chairperson: I would now like to call on Shannon Slater. This is the fourth presenter of the maximum of five. So, Shannon Slater, you may proceed.

Mr. Laurendeau: Mr. Chairman, has she not presented for one of the presenters this evening who already presented?

Mr. Chairperson: Yes, she did, but it was understood that she was doing it on behalf of the organization, and she reserved her right at that time to present as an individual as well.

Mrs. McIntosh: But, Mr. Chairman, now I am a little puzzled because the young lady that is here right now

presented on behalf of Elizabeth Carlyle earlier. Elizabeth Carlyle now just presented, so I have no trouble hearing this presenter's presentation. I would like to hear it, but we did have one person present twice.

Mr. Chairperson: Honourable Minister, can we just proceed with this presentation?

Ms. Shannon Slater (Private Citizen): Mr. Chairman, I do believe that it was the last time stated that I would be allowed to speak.

Mr. Chairperson: It was. No one is surprised.

Ms. Slater: I am here to speak to this committee on Bill 32, the Council on Post-Secondary Education. About four hours ago, I was pleased to be here to speak on this bill.

I come to this committee as a student of the University of Winnipeg who has been active in student politics, campus clubs and services. It is upon my experience as an active student and student leader that I will be basing my presentation. I regret very much that I am unable to address clause by clause the UGC and proposed legislation. I make no apologies for my limited familiarity with such documents. They are written in inaccessible language and should be translated for popular distribution. I do, however, regret the lack of consultation which has occurred.

Consultation, Madam Minister, ladies and gentlemen, is a two-way street. An inclusive and expanded process would have enabled me to make a more clause-by-clause oriented analysis. Likewise, consultation, I believe, would have proven to be an enhanced democratic process which would have alleviated much of the conflict surrounding this bill. Additionally, it would have better informed the minister of the plethora of good advice available from all constituencies of the post-secondary community, and as well better informing her of the good will and consensual attitudes of those who now find themselves reacting in the final stages of this legislative process.

During my term as vice-president of the University of Winnipeg Student Association, we learn the value of consulting with our students. This was always done on issues relating to students, especially in cases of public

policy. On the issue of informing student leaders, I am of the opinion that any government has a responsibility to undertake an active program of communication. Especially given the rapid turnover in student representatives, it is crucial that student leaders be contacted regarding legislation, sent the proposals and called to do follow-up consultations. This method of consultation emphasizes a grassroots approach. If the minister takes care of getting information to student leaders, these student leaders can concentrate on their proper task, that of informing students and discussing the legislation with them. Clearly this government has failed in that regard.

Another suggestion for improving consultation with students is one that the minister herself has suggested for other sectors. Public meetings. Specifically students have expressed much interest in attending forums with panels which include government representatives. The current government has been notoriously unwilling to discuss or debate issues in public venues, but my experience has been that students are looking for discussion not just advertising from their elected officials.

Continuing on with suggestions for improving consultation, one concern that deserves particular attention is regional disparity. It is unfair to expect northern and rural Manitobans to come to Winnipeg to speak to their government. Rural and northern communities should be visited as part of consultations on major legislation such as that contained in the package of 75-plus bills before the House.

A final piece of constructive advice for the creation of a more meaningful consultation process is in the area of text. As a university student, I know the power of text. I understand the reasons for legislation being worded as it is; however, unless we are determined that it should remain a mystery to the public at large, then governments have a clear responsibility to produce popular documents pertaining to legislation. The current government seems to be quite adept as producing very understandable documents around election time. I wonder if some of these skills could be put to use in the service of democracy.

The university is a learning environment. I believe that the government of Manitoba needs to foster and create this learning process to truly be democratic. All citizens of this province should feel able to make a contribution

to the formation of legislation. From following the process used around Bill 32, I think that the government has failed to do this. In closing I hope the committee will take my comments constructively. Learning the value of constructive criticism is one of the many gifts the education system has given me.

Mr. Chairperson: Thank you very much for that presentation. Next. You are raising your hand, Ms. Cerilli? Ms. Cerilli.

Ms. Cerilli: I wanted to ask you. You talked a lot about consultation, and I am wondering if you are aware of the extent that the government consulted with students on this legislation.

Ms. Slater: Unfortunately, I do not know. I know my term ended in the spring, so up until that point I do not know. I would have hoped on something as large as this that consultations would have been an idea in the making and therefore during my term we would have been consulted about this legislation. I cannot speak for the student government that took over afterwards. I do know that none of that trickled down to us. It was CFS's initiative and some other groups on campus who, having heard about the bill—and the Faculty Association—began the consultation process with students on campus.

Mr. Chairperson: Thank you for that presentation.

I will now call Tim Babcock. You will be the last presenter this evening, Mr. Babcock.

Mr. Tim Babcock (Private Citizen): Thank you. I do very much appreciate the opportunity to be here despite the lateness of the hour. I do apologize. I did have some prepared notes, but they are at the office and I came from a more comfortable place.

I am going to have to ad-lib a little bit, so I hope you will bear with me.

Mr. Sale: A point of procedure. I think Mr. Laurendeau is going to raise the same thing, I suspect. Can we agree to receive Mr. Babcock's submission and have it printed?

Mr. Babcock: I do not think that is necessary. I can do that if you would like, but I think I will try and do it off the cuff as closely as I can, and I think it will be—

Mr. Chairperson: Okay.

* (0250)

Mr. Babcock: I am appearing before you tonight with several hats on, but I am appearing before you primarily because I have children who are about to come into the post-secondary system, and I have students on a daily basis—I am a teacher at the University of Winnipeg—who ask me questions about this bill, and some of the questions I cannot answer clearly.

I think that I would like to address three problems that I see in the bill, but I do endorse the recommended amendments that have been made by our senate at the University of Winnipeg. I was part of that process as a senator, and I know that you have had that presentation before so you are aware of those amendments. I do want to say something about the process that went into it. We did not take these amendments lightly. There was a special senate meeting called specifically to address those amendments. They were also discussed as a matter of the regular agenda. We did not have enough time. We proceeded onto a special meeting specifically to address the amendments to Bill 32, and I think that this was done as efficiently as we possibly could in the short time that we had. I think that there is some reason in those amendments.

The three particular problems that I have with Bill 32, though, are really the minister's power to appoint the nine members, the composition of the council itself, and the lack of a guaranteed representation, and the fact that the council has the power to manage the universities at a program level. I think all three of those things are, if perhaps well intended, not really very effective at managing a good post-secondary educational system. We have a lot of problems in the educational system. All systems have problems. The fact that we are here at 10 minutes to three in the morning indicates that there may be a problem with this system. I am sure that none of you like to be here at this hour, and I do say again, I appreciate the opportunity to be here.

But change is part of the university system. The council has been created because there is a perceived problem with change. I do not believe that is necessarily the case. I think that one of the things that came out of the Roblin commission was a concern that universities do

not change. One of the things that I did have with me at home, because I am required to study this as a senator, is the course proposals for change upcoming, in very small print, single spaced, double-sided pages, there is a lot of stuff here that we have to go through. Some would say that is one of the problems with the system. I would say not. I would say, the fact that these proposals have come to us in the manner they have with several hundred people's input all told, and they have come from the grassroots up: they have come from the student evaluations; they have come from individual instructors' recommendations on how courses should proceed, which courses are not being subscribed as well as they might be, and how can we fix that or should we change that, should we introduce new courses. That is the grassroots approach. Then they are vetted from top down, from a programmatic approach. All of these things go through a very clear process of evaluation, reasoned evaluation, and it does take time, sometimes more than the year that the council has and certainly more than the time between when budgets are generally put down and students have to register for courses in the fall.

I really have concerns that the council can really evaluate programmatic change within the limitations of a one-year budgetary—it is a big club that they wield and in a very short period of time. I do not know that they are going to be able to go through this kind of material in the time they have allowed in order to determine the effectiveness of a particular program. It takes me a long time, and it is my job, but I do it. I do it gladly despite the perception that this is a slow process. These things will get through. Some of them will go back because they are not right, but the majority of them will go through. I will tell you something else. We have already started the process for the next time around. It happens every year, and this is in a small arts and science faculty at a relatively small university. I shudder to think of the volume of material that people will have to go through, those nine councillors, for all of the universities and all of the programs in this province. I do not believe they can do it. The process is flawed for that very reason alone.

The other thing that I would like to point out is that this is a bottom-up, grassroots approach. This comes from the students. It comes from the market. It is a terrible word at universities—market and marketability. We do not like to say those things, but this is a real response, and it works. It is not perfect, but it works.

In terms of the minister's authority to appoint the councillors and to establish their general directives, I know this minister is on record as saying that she does not want to micromanage the universities, and I believe her. You know, everybody here has good intentions. There is not anybody who is sitting here at three o'clock in the morning without good intentions, and you people, of anybody I know, who have a calling to public service, I think, are somewhat aligned with faculty in that we are all in the same boat. We are serving the public to a certain extent and usually thanklessly—certainly at this hour it is thankless—and selflessly.

I think that is great, but I do not think that necessarily qualifies any one of us to be able to determine where we are going to be at post-secondary education in five years or six years or 10 years, no matter how well intentioned. I think that is a problem, and I think that is a flaw in the bill. Whether it is this minister or the next minister, there are problems with having that much authority resting in a political arena. Whether it is a majority government promoting change that might be a little bit too fast or whether it is a minority government that is stagnant and cannot do the changes that are necessary, it is wrong. I think the council has to have a certain amount of independence and cross representations so that reasoned debate, as I hope we are having here, can take place so that good decisions—and it is an important distinction, and I say this with all due respect to everybody sitting around this table. There is a qualification. The public good in the bill is a qualification on the actions of everybody involved in the council and in the minister's office.

But you know what? The people sitting on both sides of this table have a different view of what the public good is or how to achieve the public good, and I would invite you to look across the table and ask yourselves if the people across the table or across the floor in the Legislature are going to do the same kinds of things that you are going to do in the public good.

Sometimes we get wrapped up in ideology and we are sure we are right. Unfortunately, when we are dealing with education, we are talking about something which is much easier to tear down than to build up. The programs that are represented in these courses have gone through an evolution which has taken a long time.

Mr. Chairperson: Your substantive presentation time is over.

Mr. Babcock: I guess I will leave my third point. Thank you.

Mr. Chairperson: Maybe through the questions you will be able to make your third point.

Mrs. McIntosh: I think you did first identify your three points, and then were building on enlarging each of them, so we got indication of what they were in the beginning anyhow.

I want to thank you very much for waiting this long. I know it is hard being the last speaker at three in the morning. I have been there, done that, so I know how it feels, but I thank you for that. You certainly did not need any notes, because your presentation was very well articulated. In all the presentations tonight there was very obvious caring about the university and I believe genuine concerns about where this bill might lead. This too has been a very slow process, incidentally, starting with Roblin, who did the consultation. Roblin basically did the consultation, and this is the follow-up to it.

* (0300)

I wanted to ask you a couple of things that came about. You had indicated you were concerned about the new council and the make-up. The new council parallels, both in make-up and in composition and the way in which appointments are made, the Universities Grants Commission, qualified laypeople appointed by government. You know, however, that the minister's ability to communicate with that council is limited by law, quite plainly limited, and I believe offset greatly by the dropping of 16 Clause 3 of the Universities Grants Commission. I do not expect you to know the sections, but are you familiar with that section that was taken out?

Mr. Babcock: Yes.

Mrs. McIntosh: The powers in that were far more overwhelming, I believe, than what the minister has been given here. Would you concur with that?

Mr. Babcock: I would agree with you there, and I would agree with you that the council currently parallels

UGC, but I would also point out that Roblin did not like the UGC as it stood. I think that one of the problems that Roblin points out in his reports and that the universities have pointed out in their responses and their responses to the responses is that there is not an effective way for the universities to communicate up. I think that one of the ways that you can do that is by bringing representation on from the universities in a balanced way to the council.

I do not think it can all be university people, but I think neither can it be necessarily just government appointments. I respect the minister's comments, and I expect that she would appoint people in a manner that she felt was fairly balanced, but the fact is there is no guarantee. I think the amendments proposed by senate are reasoned amendments in that regard, and I think that a larger council would allow it to spread out the work a little bit more and would also allow a more balanced representation on the council.

Mr. Chairperson: Maybe Ms. Friesen, and then we will see. I know there are other questions.

Ms. Friesen: Thank you for your presentation and especially at this late hour. Well, I think first of all I wanted to say that my sense of the bill is that this council will not be reading the course proposals from all the universities and colleges. My sense is that they will be taking advantage of sections. They will see themselves in fact as a corporate board of directors and they will be taking advantage of powers under Section 12 to sublet, to contract out the kind of evaluation and review that they are allowed to. So I think it does in fact open the door, this particular bill opens the door to evaluation and review by other than appointed members and people, other, outside the universities, and I think that is the intention of it.

When the Roblin report talked about universities, it was concerned about wastage, as it saw it, in what other people would call collegiality, concerned about the amount of time that was spent on these kinds of things. So I think there will certainly be a search for less collegial, more managerial solutions, and I think that is what partly the Roblin report was all about.

My question deals with your discussions at the senate of the University of Winnipeg, and I wondered if you talked about the timing of them. I wondered if you could

give us a sense of the discussion. Was there much debate over these amendments? Was there more or less consensus? Was there a vast body of opinion, as the minister believes, that was opposed? How could we describe it?

Mr. Babcock: Okay. Professor Byard who made the presentation on behalf of senate I think could give you the figures better, but I think that—

Mr. Chairperson: Time is up. Is there leave to let him complete the answer?

An Honourable Member: Leave.

Mr. Babcock: I think that the proposals that came forward were virtually unanimous. I do not recall a dissenting vote. There might have been one or two. I certainly did not see any there. The debate itself took, I think, a total of about two hours over the two meetings, but this was after quite a bit of consultation between the president and various faculty members and various constituencies within the university in order to bring the amendments first of all to the floor. Then we debated the substance of each amendment, one at a time, and the concern that we had over it, including rationale and everything else.

If I could beg a slight longer indulgence to address the first parts of your point. No, I do not expect that council is going to be able to look at these, but I do not know how they are going to be able to evaluate program without it, and that is my real concern. I think that one of the things that is most important about universities, and particularly liberal arts institutions, is that they are a community of learning. You cannot take out classics and not affect other programs for students. My discipline is extremely technical and yet I expect my students to take courses such as classics, analysis courses, classics courses, in order to have that rounding out which makes them adaptable even though they are in a technical discipline. When they move out of the university, they are not going to use the same equipment that I am showing them today five years from now. What makes it possible for them to survive is the very fact that they are working in a liberal arts institution, and they can learn how to think and analyze and adapt what I am telling them now in a technical field to what they are going to be doing five years from now.

If we take those other programs away, it is not just saying we will eliminate this program unto itself. It is a part of what my students are taking and what the students in biology are taking, and what the students in physics and phys ed are taking. It is not something that they can look at one thing at a time. They have to be able to look at this if they are going to be looking at programmatic changes. It is very difficult to do otherwise.

Mr. Chairperson: Thank you for a very helpful and constructive and persuasive presentation, Professor.

Mr. Laurendeau: Mr. Chairman, as previously agreed, we said we would rise after the fifth presenter. I do believe this is the fifth presenter. But I am wondering if we might canvass the room to make sure that there is no one else who might want to present this evening.

Mr. Chairperson: Would it not be desirable to continue the calls on the list or was the agreement that we terminate?

Mr. Laurendeau: The agreement was we would terminate at that point.

Mr. Chairperson: Okay, the committee will—oh, is there anyone in the room that wants to make a presentation at this time this morning? The committee shall then rise.

COMMITTEE ROSE AT: 3.07 a.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Presentation to the Legislative Review Committee on Bill 32, The Council on Post-Secondary Education (COPE)

As a student at the University of Winnipeg and as a representative of the Canadian Federation of Students, I am pleased to have an opportunity to speak to this committee on Bill 32, The Council on Post-Secondary Education.

I only wish I could come to you today with a more positive commentary than what I am about to make. However, after witnessing the extraordinary combination of disregard and active malice of this government for

post-secondary education (PSE), and for so many other vital social programs, it would be a lie to pretend that students at the schools represented by CFS in this province are appreciative of what the current government has done to them.

To begin with, I am compelled by the sheer volume of complaints from students to bridge the issue around the process through which I and all the other presenters appear at these hearings. How is it that a government which has presumably spent thousands of dollars advertising a long overdue tax credit for Manitoba students could not have scraped together some resources to launch an informational campaign about the proposed bills in the House on PSE?

Admittedly, students' associations in the province bear some of the responsibility for getting information about things like Bill 32 out to students. However, CFS has ample reasons to believe that the route the current government has taken in presenting Bill 32, and the 75 other bills put before the House this fall, goes against basic principles of public participation and fair opportunities for citizen involvement; what we here in Canada call democracy. Among these reasons:

The current government has put forward a huge number of bills, many of them portending major changes to everything from education through health care, labour relations and MTS to social assistance. Yet, despite the obvious importance of these changes, government representatives have characterized them as an administrative exercise. Was there ever any intent to allow full input from the citizens of Manitoba?

Not only has the current government put forward a veritable legislative assault on many of the equalizing, communitarian mechanisms and services in this province, but it has tried to rush these bills through the process. I understand that the current government has graciously given Manitobans the summer months to peruse the hundreds of pages of bills before the House, but you must surely be aware that neither hide nor hair of the great majority of students is to be found on campuses from April through to the end of August. This has left us with little over one month since the beginning of term to begin to share information with students. Obviously, for a proposal of such import as Bill 32, this is not enough time—and students have been making this clear.

I cannot reiterate enough that grave changes to law in this province should be accompanied by an equally serious approach to consulting, in a meaningful way, the full diversity that constitutes the public. By meaningful, I mean actively distributing easily decipherable information about the changes proposed and soliciting public opinion, especially from participants in the various systems affected. This would include going out to rural and northern areas to hold hearings and other consultations. The Filmon government has failed students and many others in this regard.

On a more personal note, I have served as Canadian Federation of Students Liaison, Vice-President Student Services and Vice-President Advocate of the University of Winnipeg Students' Association. I have been a student representative on the University of Winnipeg Senate and have been involved in numerous students' groups and clubs. With these more than three years' experience, it is important for me to go on record as saying that I have some problems with the government's claims about having consulted with students.

In fact, I recall that as recently as last spring, Arlan Gates, UWSA President and I, as VP Advocate, attempted to make an appointment with the Minister of Education. Our calls were not returned, and we had to make a total of 12 calls in order to arrange a meeting. When we actually did meet, the minister was dismissive, not seeming to be very interested in student opinion that diverged from her own. If this is what she means by consultation, then students have much to fear in Bill 32. During the year prior, we had also made a number of attempts to meet with the minister but with little success. But, if it is any consolation, we suffered even worse reception from Minister Manness.

Moving now to the substance of Bill 32 itself, it is important for me to premise the analysis which follows with some words about CFS's mandate. The Canadian Federation of Students is Canada's largest and longest standing student organization. Founded in 1981 after a history of student organizing dating back to 1946 and built on individual student memberships and participation, CFS now counts over 400,000 members across the country. The scope of CFS's work includes direct student services such as ISIC and StudentSaver cards, as well as indirect services such as advocacy work and campaigns on student issues.

Here in Manitoba, students at the University of Winnipeg, Brandon University and the College-Universitaire de Saint Boniface are members of CFS. CFS has a history of proactive, constructive involvement in PSE in this province, having been instrumental in calling for a 5 percent cap on tuition fees, no taxes on student loans, and student involvement in university and college decision-making at all levels.

Since classes commenced this fall, the Canadian Federation of Students has been soliciting student input on Bill 32. We have been working with students and in conjunction with administration and faculty on several campuses, as well as community organizations, to assess the import of Bill 32 and other bills relating to education, as well as the entire package of legislation before the House.

In consultation with its members and member locals, CFS has concluded that while we welcome in principle the notion of some sort of council on PSE for Manitoba, indeed for the whole country as well, we have too many reservations to enable us to endorse the legislation. First, however, I will note that we applaud the reference in Bill 32 to the COPE's role in facilitating "the implementation of appropriate credit transfer arrangements between universities and colleges." (11(f)).

We also appreciate the minor changes the government has agreed to in Sections 3.2, 11(b) and 12(e) of Bill 32. Additionally, we hold out hope that the intent of establishing policies for tuition fees charged by universities and colleges, (12(e) is to either cap or freeze increases to tuition fees in Manitoba, accompanied by adequate funding to institutions, so that they will not be forced to cut back in other areas. It would be a more positive item, however, if policy on grants, bursaries and loans were also to be formulated.

Finally, CFS applauds any efforts to increase accountability of all participants in the PSE system. However, we find the vague reference in Bill 32 to performance evaluation to be disconcerting. In fact, while students want accountability from the system, they have also become frustrated when indicators employed are one-sided, limited in scope—often only to faculty teaching function—essentializing, or focused on punishment rather than improvement when it comes to teaching in particular. Students certainly want

accountability, but we also want fairness and equal consideration of all roles faculty play.

In moving to consider several amendments to Bill 32, I will briefly preface my statements. I know that you may be hearing different from other student representatives during these hearings, but I think the weight of experience is behind CFS in these matters. If we think of student unrest during last year's faculty strike in which students demanded fair and expedient treatment of the conflicts there; if we think of January 25, 1995, and February 7, 1996, CFS Days of Action across the country; if we think of student concern about the loss of the cap on tuition fee increases; if we think of the outrage of students at the CUSB over the near-loss of their technical college; if we think of all the signs over the past several years, we can see that students are, by and large, not happy with the current government's direction on PSE.

What follows are some amendments to Bill 32 that will help make students more willing to work with the current government to change post-secondary education for the better:

1) Firstly, CFS supports all of the proposed amendments brought forward by the Manitoba Organization of Faculty Association (see attached). I will not go over the MOFA amendments in detail here. Suffice it to say that their amendments which aim to reflect the role of PSE in the creation and sharing of knowledge; the necessity of institutional autonomy; academic freedom, and collegial decision-making arrangements regarding policies and standards; collegial and community-based decision-making regarding intracampus funding distribution and provisions to expand—not reduce—services, facilities and programs: all these are well received by CFS. It follows that CFS does not endorse the increased decision-making power over PSE accorded the Minister of Education and Council on PSE (COPE) in Bill 32 as worded without these amendments. Students want more grassroots involvement in PSE, not less. It also follows that CFS challenges the current government to put more, not less resources, including funding, into PSE and other social programs. For mechanisms for doing so, in spite of the economic realities facing the province, you need only look so far as the locally produced CHOICES alternative budget for some ideas to get you started.

2) Add a definition of "student" in the definitions section. One possibility is to add to section 1: "Student" means a person enrolled in classes as a student, either full- or part-time, at a college or university. In any case, university and college senates and faculty councils should be consulted for their definitions of "student."

3) Substitute Section 5(1) the following: The council is to consist of 17 members: one member will be elected by and from senates or college councils at each of the seven post-secondary institutions in Manitoba, for a total of seven members; three student members will be selected for a one-year term by and from autonomous students' associations or unions at each of the seven post-secondary institutions in Manitoba, with membership rotating annually among the students' associations or unions at each of the institutes; an additional seven members will be appointed by the Lieutenant-Governor-in-Council, in consultation with each of the seven post-secondary institutions in Manitoba.

This amendment reflects a compromise position between the current 11 appointed members proposed in the bill and the desire in the post-secondary community for some kind of representational council on PSE. The intent is to entrench representation from the university and college community in general, and from students in particular. And please note that CFS is not wedded to the above wording: we remain open to the possibility of at-large elections to select any student representatives on the COPE. On a final note on this issue, the recent suggestions of appointing a recent graduate to the COPE do not adequately address our concerns.

4) Add to Section 13 the following item: (f) on a quarterly basis, in respect of all matters described in Sections 11 and 12, consult with official student representatives of each college and university. The intent of this amendment is to ensure that students are not left out of the consultation loop, especially given the particular challenges presented by constant turnover in student representation.

This completes CFS's proposed amendments. We hope you consider them seriously.

In closing, I would like to make some more general recommendations for PSE in Manitoba. Students know who our allies are. We know that we are not just

customers in fast-food education outlets. We would like to be partners in shaping an accessible, high quality system of post-secondary education in Manitoba. So students agree with Gary Filmon that post-secondary education must change. But, unlike Gary Filmon, we feel we need to look to more communitarian alternatives to the tuition fee freeze in British Columbia, to adequate national grants programs, to better access programs, to models that provide more student interaction with faculty, to more diversity in programs, to more meaningful student representation, to more careful assessment and appreciation of the important role autonomous smaller PSE institutions play in Manitoba, and to more links between communities and universities and colleges.

From what I have seen, the current government has taken little interest in colleges and especially universities in the province; at best, the record is spotty. A cap on tuition fee increases has come and gone; funding cuts have steadily come; access programs have been axed; unemployment levels have not been encouraging—the list goes on. And the neglect is showing. Students, faculty and administration are demoralized and relationships among them are often strained. Infrastructure is suffering despite a few breakthroughs with a new student centre at the U of W, some improvements at Brandon and some other long-awaited capital projects. Libraries are becoming out of date.

In particular, no government delegates have made any reasonable efforts to understand the challenges of being a student in conditions of rising tuition fees, diverse student demographics, aging institutions and shrinking job opportunities. The bulk of what we have heard is the rhetoric of global marketplaces; the information age, and economic realities. In spite of this, we really hope you are listening when we tell you that we do not want universities and colleges to become almost exclusively high-priced, subsidized training schools for industry in business.

The current government needs to strike a balance between offering high quality, accessible post-secondary education and producing job-ready graduates. Whatever you decide, change is necessary, change that involves listening to students and understanding the many faces of post-secondary education. Bill 32, as it currently stands, does not even come close to encouraging the kind of change I am talking about. Please amend Bill 32 and the

bad attitude towards post-secondary education in this province that fuels it.

Submitted by Elizabeth Carlyle on behalf of the Canadian Federation of Students (Manitoba).

* * *

Proposed Amendments to Bill 32—Council on Post-Secondary Education Act
by Dr. Alden Turner

Preamble.

Wording proposed by government: Preamble contains no reference to institutional autonomy.

Suggested Amendment: Add to the preamble of the bill the following: Whereas the creation and sharing of knowledge is contingent on the securing of institutional autonomy, academic freedom and collegial decision-making arrangements;

Rationale: Institutional autonomy is essential for ensuring the protection of academic freedom and self-governance within the university.

Section 3(2), subsection (a) reads:

Wording Proposed by Government: Subject to the power to regulate programs under section 14, in carrying out its mandate, the council may not interfere with a) the basic right of a university or college to formulate academic standards;

Suggested Amendment: Modify section 3(2), subsection (a) to read: Subject to the power to regulate programs under section 14, in carrying out its mandate, the council may not interfere with a) the basic right of a university or college to formulate academic policies and standards;

Rationale: The Universities Grants Commission Act made explicit reference to the right of the universities to formulate academic policies; this amendment restores the right in Bill 32.

Section 4 reads:

Wording Proposed by Government: In carrying out its mandate, the council shall operate within a framework of accountability established by the minister, who may give the council general direction on matters that relate to its mandate that are, in the minister's opinion, of significant public interest, including, but not limited to, (a) priorities the council should follow; and (b) co-ordination of the council's work with the programs, policies and work of the government.

Suggested Amendment: Delete section 4 entirely.

Rationale: The council should establish its own framework for accountability and priorities. It should not be entirely an instrument of the minister.

Section 5(1) reads:

Wording Proposed by Government: The Council is to consist of 11 members appointed by the Lieutenant Governor in Council.

Suggested Amendment: Modify section 5(1) to read: The Council is to consist of 14 members: one member will be elected by and from Senates or College Councils at each of the seven post-secondary institutions in Manitoba, for a total of seven members; an additional seven members will be appointed by the Lieutenant Governor in Council, in consultation with each of the seven post-secondary institutions in Manitoba.

Rationale: Election of some Council members ensures a measure of accountability for the actions of the Council.

Section 11(b) reads:

Wording Proposed by Government: To carry out its mandate, the council shall (b) within a framework established by the minister, i) determine priorities in the provision of post-secondary education, and ii) in accordance with those priorities, allocate funding to universities and colleges, or to programs within universities or colleges, with a view to avoiding unnecessary duplication of effort and expense with the post-secondary education system;

Suggested Amendment: Modify Section 11(b) to read: To carry out its mandate, the council shall (b) within a framework established by the council in consultation with

the universities and colleges, i) determine priorities in the provision of post-secondary education, and ii) in accordance with those priorities, allocate funding to universities and colleges, or to programs within universities or colleges, with a view to avoiding unnecessary duplication of effort and expense with the post-secondary education system;

Rationale: The council should be acting within a framework established during its own deliberations, and from consultation with post-secondary institutions, and not within a framework established solely by the minister.

Section 11(e) reads:

Wording Proposed by Government: To carry out its mandate, the council shall (e) develop and implement, in co-operation with universities and colleges, accountability requirements for each university and college for the core functions of teaching, research and service, including the development of consistent and effective criteria for measuring their performance.

Suggested Amendment: Modify section 11(e) to read: To carry out its mandate, the council shall (e) develop and implement, in co-operation with universities and colleges, accountability requirements for each university and college for the core functions of teaching, research and service. (delete remainder).

Rationale. If performance indicators are to be developed, then the universities, colleges, and the professional accreditation organizations should be developing them, as appropriate, and not the council itself.

Section 14(2) reads:

Wording Proposed by Government: A university or college that wishes to establish, expand or reduce a program of study, service or facility involving money at the disposal of the council shall first obtain the council's written approval.

Proposed Amendment: Modify section 14(2) to read: A university or college that wishes to establish, offer, provide or create any new service, facility or program of study, or expands a program of study, service or facility

involving money at the disposal of the council shall first obtain the council's written approval.

Rationale: The amended wording is that found in the UGC Act. The wording proposed by the government for Bill 32 requires permission for any reduction of programs as well. This additional permission is an unnecessary intrusion into university affairs.

Section 14(3) reads:

Wording Proposed by Government: After advising the minister, the council may grant an approval under subsection (2) for a limited period or may impose other terms and conditions on an approval, and a university or college shall comply with any terms and conditions that are imposed.

Suggested Amendment: Modify section 14(3) to read: After advising the minister, the council may grant an approval under subsection (2) for a limited period {delete remainder}.

Rationale: Imposition of unspecified terms and conditions is again an intrusion into university affairs.

Section 19 reads:

Wording Proposed by Government: The University Grants Fund is continued as the Post-Secondary Grants Fund, from which the council may make grants authorized under this Act and pay the costs related to providing those grants.

Suggested Amendment: Modify section 19 to read: The University Grants Fund and the Colleges grants under section 27 of the Colleges Act are continued as the Post-Secondary Grants Fund, from which the council may make grants authorized under this Act and pay the costs related to providing those grants.

Rationale: The government wording seems to imply that the UGF will now fund both the universities and colleges. The proposed amendment clarifies the issue.