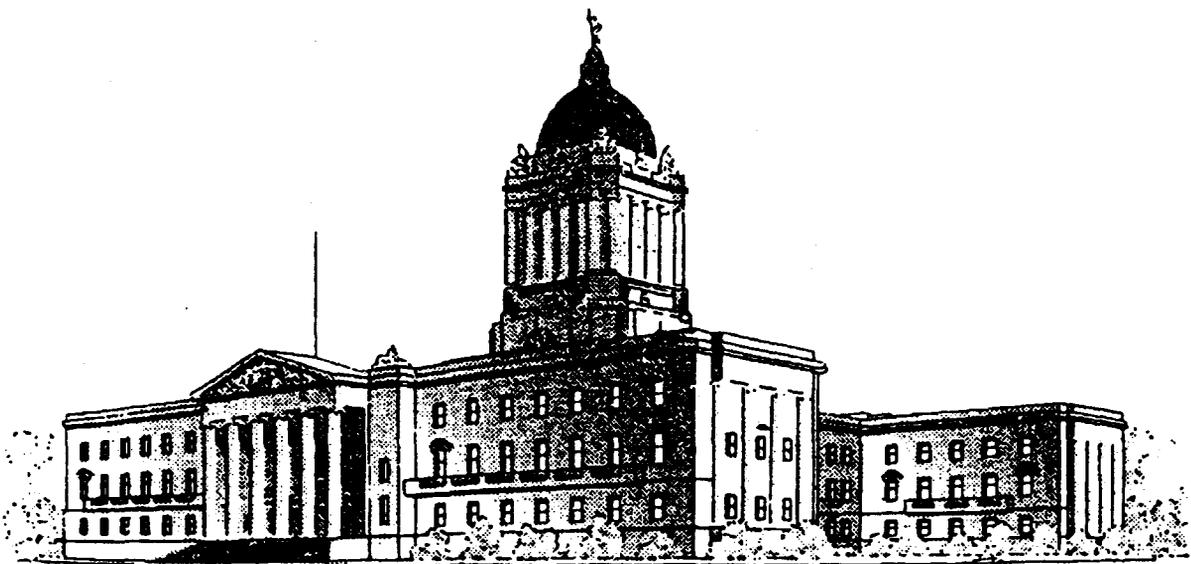




Second Session - Thirty-Sixth Legislature  
of the  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Municipal Affairs**

*Chairperson*  
*Mr. Marcel Laurendeau*  
*Constituency of St. Norbert*



Vol. XLVI No. 4 - 7 p.m., Tuesday, October 22, 1996

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

<b>Name</b>	<b>Constituency</b>	<b>Party</b>
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BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
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WOWCHUK, Rosann	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

## THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS

Tuesday, October 22, 1996

**TIME** – 7 p.m.**LOCATION** – Winnipeg, Manitoba**CHAIRPERSON** – Mr. Marcel Laurendeau (St. Norbert)**VICE-CHAIRPERSON** – Mr. Edward Helwer (Gimli)**ATTENDANCE** - 11 – **QUORUM** - 6*Members of the Committee present:*

Hon. Messrs. Cummings, Derkach, Findlay, Hon. Mrs. Mitchelson

Ms. Barrett, Messrs. Chomiak, Evans (Interlake), Helwer, Laurendeau, Martindale, Penner

*Substitutions:*

Hon. Mr. McCrae for Hon. Mr. Findlay

**MATTERS UNDER DISCUSSION:**

Bill 36–The Social Allowances Amendment and Consequential Amendments Act

Bill 49–The Regional Health Authorities and Consequential Amendments Act

Bill 54–The Municipal and Various Acts Amendment Act

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**Clerk Assistant (Ms. Patricia Chaychuk):** Order, please. Will the Standing Committee on Municipal Affairs please come to order.

Before the committee can proceed with the business, it must elect a Chairperson. Are there any nominations?

**Hon. Glen Cummings (Minister of Environment):** I would like to nominate Mr. Laurendeau.**Clerk Assistant:** Mr. Laurendeau has been nominated. Are there any other nominations? Seeing none, Mr. Laurendeau, you are nominated and elected Chairperson.**Mr. Chairperson:** Good evening. Will the Standing Committee on Municipal Affairs please come to order.

Before we proceed, the committee has got to elect a Vice-Chair. Are there any nominations?

**Mr. Jack Penner (Emerson):** I nominate Mr. Helwer.**Mr. Chairperson:** Mr. Helwer is being nominated. Are there any other nominations? In that case Mr. Helwer is the Vice-Chair.

This evening the committee will be conducting clause-by-clause consideration of three bills, those bills being Bill 36, The Social Allowances Amendment and Consequential Amendments Act; Bill 49, The Regional Health Authorities and Consequential Amendments Act; and, Bill 54, The Municipal and Various Acts Amendment Act.

Previously, Bill 36 had been considered by the Standing Committee on Law Amendments on October 10 and 11, and on those days public presentations had been heard and the bill was left at the point where clause-by-clause consideration was the next item to be considered.

Regarding Bill 49, the Standing Committee on Law Amendments had met on October 15 and 16 for the purpose of hearing public presentations. The Law Amendments committee had started clause-by-clause consideration of the bill and had already passed Clauses 1 to 10, inclusive, and this committee shall pick up consideration of Bill 49 at Clause 11.

Regarding Bill 54, public presentations had been heard by the Standing Committee on Municipal Affairs on October 17, and presentations were concluded. The committee was going to commence clause-by-clause consideration at the next meeting of the committee, which is tonight.

So the business before us is the clause-by-clause consideration of Bills 36, 49 and 54. In which order did the committee wish to consider the bills?

**Ms. Becky Barrett (Wellington):** I would recommend that we do the bills in the order of Bill 54 first, followed by Bill 36, followed by Bill 49.

**Mr. Chairperson:** Is the committee in agreement to 54, 36, 49? [agreed]

### **Bill 54—The Municipal and Various Acts Amendment Act**

**Mr. Chairperson:** On Bill 54, The Municipal And Various Acts Amendment Act, does the minister have an opening statement?

\* (1910)

**Hon. Leonard Derkach (Minister of Rural Development):** My opening statements were made prior to the committee—or the presentation has been made before the committee, so therefore at this time I only wish to thank my staff who have worked very diligently in preparing the bill. Also, I would like to take this opportunity to thank my opposition critics for their input into this bill as well, because it is an important bill that is going to impact on the way municipalities conduct their business not only for this year but indeed for the foreseeable future, and therefore there has been a lot of co-operative effort in putting the bill together. I would simply like to say thank you to all those who were involved in bringing this bill to this point. Thank you very much.

**Mr. Chairperson:** We thank the minister. Does the critic from the official opposition have an opening statement?

**Mr. Clif Evans (Interlake):** Yes, very brief also, Mr. Chairman. I too also want to extend my congratulations, and our congratulations of course, to the committee that was formed some years ago to put Bill 54 together. We are also pleased to see that the minister and the department have looked at the many amendments that have been requested and by the presenters and the presentations that were made to our committee. We look forward to seeing how the bill in fact, after passing, will

indeed be an important part of the new rural development and of course the municipalities and jurisdictions throughout Manitoba, and hopefully that the bill with its content will be what everybody is wanting.

Having said that, I am sure that there will be problems over the next year, perhaps even longer, with some of the parts of the bill that municipalities have not been able to deal with, so we look forward to seeing how Bill 54 is reacted to over the future, and hopefully that the minister and his department and this government will deal with requests of UMM and MAUM and all jurisdictions when it comes to any changes that might be made. Thank you.

**Mr. Chairperson:** We thank the member. During consideration of the bill, the title and the preamble and the table of contents are postponed until all other clauses have been considered in their proper order by the committee.

Did the committee wish to consider the bill in blocks of clauses? [agreed]

Shall Clause 1 pass?

**Mr. Derkach:** Mr. Chair, we do have several amendments throughout this bill, and I do not think that is a surprise, as a result of the size of this bill. The first amendment falls in this section, and it falls under the council committee that we would like to have an amendment made to. So therefore, I move—I will just wait until the copies are distributed.

This first amendment relates to the definition of council committee. I move

THAT the definition “council committee” in subsection 1(1) be amended by striking out “board or other body established by a council under this Act” and substituting “or other body established by a council under subsection 142(2)”.

#### **[French version]**

*Il est proposé que la définition de “comité du conseil”, au paragraphe 1(1), soit amendée par substitution, à la première phrase, de “Comité ou autre organisme que constitue un conseil en application du paragraphe 142(2).”*

**Mr. Chairperson:** Amendment—pass.

**Mr. Derkach:** Further in this particular section, Mr. Chair, I have another amendment as it relates to the definition of population. I move

THAT the definition “population” in subsection 1(1) be struck out.

**[French version]**

*Il est proposé que la définition de “population”, au paragraphe 1(1), soit, supprimée.*

**Mr. Chairperson:** Amendment—pass.

**Mr. Derkach:** Mr. Chair, I have two additional amendments to this section. This refers to population. I move

THAT the following be added after subsection 1(2):

#### **References to population**

**1(3)** A reference in this Act to the population of a municipality or other area means the population of the municipality or area as shown by the most recent census taken and available under the Statistics Act (Canada).

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 1(2), ce qui suit:*

#### **Mention de la population**

**1(3)** *Toute mention dans la présente loi de la population d'une région, notamment d'une municipalité, s'entend de la population de la région telle que l'indique le plus récent recensement fait en vertu de la Loi sur la statistique (Canada).*

**Mr. Chairperson:** Amendment—pass.

**Mr. Derkach:** I have one further amendment to this section, Mr. Chair. I move in both official languages

THAT the following be added after section 1:

#### **Indian Reserves excluded**

**1.1** Despite any Act of the Legislature,

(a) land within an Indian Reserve is not part of the area of any municipality;

(b) persons residing within an Indian Reserve are not residents of any municipality; and

(c) any description of the boundaries of a municipality or the area within a municipality is deemed to provide that land within an Indian Reserve is excluded from the municipality.

**[French version]**

*Il est proposé d'ajouter, après l'article 1, ce qui suit:*

#### **Réserves indiennes exclues**

**1.1** *Par dérogation à toute loi de l'Assemblée législative:*

*a) les biens-fonds situés sur une réserve indienne ne font pas partie du territoire d'une municipalité;*

*b) les personnes qui résident sur une réserve indienne ne sont résidents d'aucune municipalité;*

*c) toute description des limites d'une municipalité ou du territoire situé à l'intérieur d'une municipalité est réputée exclure de la municipalité les biens-fonds faisant partie d'une réserve indienne.*

**Mr. Chairperson:** Amendment—pass.

Just for the record for the House, all motions being moved tonight are being moved with respect to both official languages.

Clause 1 as amended—pass; Clause 1(2)—pass; Clause 2—pass; Clauses 3(1) to 4(1)—pass. Clause 4(2).

**Mr. Derkach:** Mr. Chair, I have an amendment in this section. I move

THAT subsection 4(2) be struck out and the following substituted:

#### **Application of Division to Winnipeg and to land in Winnipeg**

**4(2)** This Division does not apply to land within the boundaries of The City of Winnipeg, but for the purposes

of this Division The City of Winnipeg is deemed to be a municipality in relation to land outside the boundaries of The City of Winnipeg to the following extent:

(a) the council of The City of Winnipeg may initiate a proposal and make application under this Division to annex land outside the boundaries of The City of Winnipeg and annexation regulations may be made in relation to the proposal and application;

(b) the City of Winnipeg is entitled to receive notice of a proposal that affects it and to participate in proceedings arising from the proposal;

(c) regulations annexing land from a municipality to The City of Winnipeg may be made under section 46.

**[French version]**

*Il est proposé que le paragraphe 4(2) soit remplacé par ce qui suit:*

**Application à Winnipeg**

*4(2) La présente section ne s'applique pas aux biens-fonds situés dans les limites de la Ville de Winnipeg. Toutefois, pour l'application de la présente section, la Ville de Winnipeg est réputée être une municipalité en ce qui a trait aux biens-fonds situés à l'extérieur de ses limites dans la mesure suivante:*

*a) le conseil de la Ville de Winnipeg peut présenter une proposition et faire une demande sous le régime de la présente section en vue de l'annexion d'un bien-fonds situé à l'extérieur des limites de la Ville, auquel cas des règlements d'annexion peuvent être pris relativement à la proposition et à la demande;*

*b) la Ville de Winnipeg a le droit d'être avisée de toute proposition qui la touche et de participer aux procédures découlant de celle-ci;*

*c) des règlements annexant un bien-fonds appartenant à une municipalité à la Ville de Winnipeg peuvent être pris en vertu de l'article 46.*

\* (1920)

**Mr. Chairperson:** Amendment—pass; Clause 4(2) as amended—pass; Clauses 5(1) through to 9(3)—pass. Clause 9(4).

**Mr. Derkach:** I move

THAT subsection 9(4) be amended by striking out “in the form of” and substituting “accompanied by”.

**[French version]**

*Il est proposé d'amender le paragraphe 9(4) par substitution, à “est présentée sous forme de”, de “est accompagnée d'une”.*

**Mr. Chairperson:** Amendment—pass; Clause 9(4) as amended—pass.

**Mr. Jack Penner (Emerson):** I just want to congratulate the minister for listening so closely to all the presentations in committee, then coming forward with their amendments.

**Mr. Derkach:** Mr. Chair, I move

THAT the following be added after Section 9:

**Sufficiency of petition**

**9.1(1)** A petition is sufficient if it complies with this section.

**Information about each petitioner**

**9.1(2)** A petition must include the following:

(a) in printed form, the surname and given name or initials of each petitioner;

(b) each petitioner's signature;

**Point of Order**

**Ms. Becky Barrett (Wellington):** Mr. Chair, I am wondering if it is—on a point of order—possible to dispense with the reading of the amendment and have it put into Hansard as circulated.

**Mr. Chairperson:** If there is leave of the committee, we can do on an individual basis each one. Is there leave for this to be put on the record as read? [agreed]

\* \* \*

(c) the date on which each petitioner signs the petition;

- (d) the address of each petitioner's residence;
- (e) in the case of a petition to form a municipality, a statement that each petitioner is eligible to be an elector of the proposed municipality;
- (f) in the case of a petition to dissolve a municipality, a statement that each petitioner is an elector of the municipality.

#### **Manner of witnessing signature on a petition**

**9.1(3)** Each signature on the petition must be witnessed by an adult person who must

- (a) sign opposite the signature of the petitioner; and
- (b) make a statutory declaration that to the best of the witness's knowledge the signature witnessed is that of a person eligible to sign the petition.

#### **Number of petitioners required**

**9.1(4)** A petition must be signed by not less than the 30% of the persons

- (a) who would be electors of the municipality proposed to be formed; or
- (b) who are electors of the municipality proposed to be dissolved.

#### **Counting the number of petitioners**

**9.1(5)** In determining whether the required number of persons have signed the petition, a person's name is not to be counted if

- (a) the information required under subsection (2) about the petitioner is not provided or the information, other than the signature, is not legible and cannot easily be determined by the secretary of The Municipal Board;
- (b) the person's signature is not witnessed, or the witness has not made the statutory declaration required under clause (3)(b); or
- (c) the person signed the petition more than 90 days before the petition was filed under subsection 9(3) or more than 150 days before the petition was re-filed with The Municipal Board under subsection (10).

#### **Representative of petitioners**

**9.1(6)** The petition must have attached to it a signed statement of the individual named as the representative of the petitioners under clause 10(e) that he or she is so named and that any inquiry or notice respecting the petition may be directed to the individual at an address that is set out in the statement.

#### **Filing of petition**

**9.1(7)** A petition must be filed with the secretary of The Municipal Board.

#### **Secretary to determine sufficiency of petition**

**9.1(8)** The secretary must determine the sufficiency of the petition not later than 30 days after it is filed.

#### **Process where petition is not sufficient**

**9.1(9)** If in the opinion of the secretary a filed petition is not sufficient, the secretary must within the time set out in subsection (8) give written notice of the manner in which the petition is not sufficient to the representative named in the petition under subsection (6).

#### **Re-filing of petition**

**9.1(10)** The petition may be re-filed, with or without changes, with the secretary within 30 days after notice is given under subsection (9), and subsections (2) to (8) apply to the re-filed petition.

#### **No change in petition after filing or re-filing**

**9.1(11)** No name may be added to or removed from a petition after it is filed under subsection (7) or re-filed under subsection (10), except an addition or removal made after a notice is given under subsection (9) and before the petition is re-filed.

#### **[French version]**

*Il est proposé d'ajouter, après l'article 9, ce qui suit:*

#### **Observation du présent article**

**9.1(1)** Est valide la pétition qui remplit les exigences du présent article.

#### **Renseignements concernant les pétitionnaires**

**9.1(2)** La pétition comprend les éléments suivants:

a) le nom et le prénom ou les initiales de chaque pétitionnaire en caractères d'imprimerie;

b) la signature de chaque pétitionnaire;

c) la date à laquelle chaque pétitionnaire a signé la pétition;

d) l'adresse de la résidence de chaque pétitionnaire;

e) s'il s'agit d'une pétition ayant pour but la constitution d'une municipalité, une déclaration selon laquelle chaque pétitionnaire est un électeur de la municipalité devant être constituée;

f) s'il s'agit d'une pétition ayant pour but la dissolution d'une municipalité, une déclaration selon laquelle chaque pétitionnaire est un électeur de la municipalité;

#### **Attestation des signatures**

**9.1(3)** Chaque signature qui paraît sur la pétition est attestée par un adulte qui:

a) signe en regard de la signature du pétitionnaire;

b) fait une déclaration solennelle indiquant qu'à sa connaissance la signature attestée est celle d'une personne ayant le droit de signer la pétition.

#### **Nombre requis de pétitionnaires**

**9.1(4)** Les pétitions sont signées par au moins 30% des personnes:

a) qui seraient électeurs de la municipalité devant être constituée;

b) qui sont électeurs de la municipalité devant être dissoute,

#### **Nombre de signatures**

**9.1(5)** Afin qu'il soit déterminé si le nombre requis de personnes ont signé la pétition, le nom d'une personne n'est pas compté si:

a) les renseignements exigés au paragraphe (2) ne sont pas fournis à son égard ou sont, à l'exclusion de la signature, illisibles et ne peuvent pas être facilement déchiffrés par le secrétaire de la Commission municipale;

b) sa signature n'est pas attestée ou le témoin de sa signature n'a pas fait la déclaration solennelle visée à l'alinéa (3)b);

c) la personne a signé la pétition plus de 90 jours avant que celle-ci ne soit déposée en application du paragraphe 9(3) ou plus de 150 jours avant qu'elle ne soit déposée de nouveau en application du paragraphe (10).

#### **Représentant des pétitionnaires**

**9.1(6)** La pétition est accompagnée d'une déclaration signée par le particulier nommé à titre de représentant des pétitionnaires en vertu de l'alinéa 10e) comme quoi il est le représentant nommé, laquelle déclaration indique que les demandes de renseignements ou les avis concernant la pétition peuvent lui être communiqués à l'adresse qui y est mentionnée.

#### **Dépôt de la pétition**

**9.1(7)** La pétition est déposée auprès du secrétaire de la Commission municipale.

#### **Détermination de la validité de certaines pétitions**

**9.1(8)** Le secrétaire détermine si la pétition remplit les conditions de validité requises au plus tard 30 jours après son dépôt.

#### **Pétition ne remplissant pas les conditions de validité**

**9.1(9)** Si, à son avis, la pétition déposée est invalide, le secrétaire indique, dans le délai prévu au paragraphe (8), par avis écrit remis au représentant des pétitionnaires nommé dans la pétition en vertu du paragraphe (6), ce en quoi la pétition est invalide.

#### **Nouveau dépôt**

**9.1(10)** La pétition peut être déposée de nouveau, avec ou sans modifications, auprès du secrétaire dans les 30 jours suivant la remise de l'avis prévu au paragraphe (9), auquel cas les paragraphes (2) à (8) s'appliquent à la pétition redéposée.

#### **Modification de la pétition**

**9.1(11)** Il est interdit d'ajouter un nom à la pétition ou d'en rayer un après son dépôt en application du paragraphe (7) ou son nouveau dépôt en vertu du paragraphe (10), si ce n'est après la remise de l'avis mentionné au paragraphe (9) et avant le nouveau dépôt de la pétition.

**Mr. Chairperson:** Amendment—pass; Clauses 10 through 12.4—pass; Clauses 13 through 16—pass; Clauses 17 through 20.2—pass; Clauses 21.1 through 22.3—pass. Clause 22.4—pass.

**Mr. Derkach:** Mr. Chair, I move

THAT the following be added after subsection 22(4):

**Copy of report to be provided on payment of fee**

**22(5)** The chief administrative officer must provide a copy of the report to a person who pays any fee set for the report by the council.

**Fee**

**22(6)** The fee must not exceed a comparable fee payable under *The Freedom of Information Act*.

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 22(4), ce qui suit:*

**Copies**

**22(5)** *Le directeur général remet une copie du rapport à toute personne qui paie le droit que fixe le conseil.*

**Droit**

**22(6)** *Le droit ne peut excéder les droits comparables qui sont payables en vertu de la Loi sur la liberté d'accès à l'information.*

**Mr. Chairperson:** Amendment—pass; Clauses 23 to 26—pass; Clauses 27 to 30—pass; Clauses 31(1) to 35(1)—pass. Clauses 35(2) to 38(4)—pass.

**Mr. Derkach:** I move

THAT the following be added after subsection 38(4):

**Copy of report to be provided on payment of fee**

**38(5)** The chief administrative officer must provide a copy of the report to a person who pays any fee set for the report by the council.

**Fee**

**38(6)** The fee must not exceed a comparable fee payable under *The Freedom of Information Act*.

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 38(4), ce qui suit:*

**Copies**

**38(5)** *Le directeur général remet une copie du rapport à toute personne qui paie le droit que fixe le conseil.*

**Droit**

**38(6)** *Le droit ne peut excéder les droits comparables qui sont payables en vertu de la Loi sur la liberté d'accès à l'information.*

**Mr. Chairperson:** Amendment—pass. Clauses 39 through 46—pass; Clauses 47 through 50.1—pass. Clause 50.2.

**Mr. Derkach:** Mr. Chair, I move

THAT subsection 50(2) be amended by striking out “and may operate despite a collective agreement”.

**[French version]**

*Il est proposé d'amender le paragraphe 50(2) par suppression de “et peuvent avoir effet malgré toute convention collective”.*

**Mr. Chairperson:** Amendment—pass. Clause 50(2) as amended—pass; Clauses 50(3) to 51(3)—pass.

**Point of Order**

**Mr. Penner:** I move that we adopt this section as distributed.

**Mr. Chairperson:** Is there leave of the committee to adopt this taken as read? [agreed]

\* \* \*

*THAT the following be added after the heading “LOCAL URBAN DISTRICTS: FORMATION, FUNDAMENTAL CHANGES AND DISSOLUTION” and before section 52:*

*Interpretation of sufficient petition*

51.1 *In this Division, a sufficient petition means a sufficient petition within the meaning of Division 3 of Part 5.*

*Application to the Local Urban District of Ninette*

51.2 *In the case of the Local Urban District of Ninette, in any provision of this Division relating to the amendment of the regulation forming it or to initiating, or making a regulation for, its dissolution, a reference to*

(a) *“municipality” is to be read as a reference to the “municipalities of Strathcona and Riverside”; and*

(b) *“council of a municipality” is to be read as a reference to the “the councils of the municipalities of Strathcona and Riverside”.*

**[French version]**

*Il est proposé d'ajouter, après le titre “CONSTITUTION, MODIFICATIONS DE STRUCTURE ET DISSOLUTION DES DISTRICTS URBAINS LOCAUX” et avant l'article 52, ce qui suit:*

*Pétition remplissant les conditions de validité*

51.1 *Pour l'application de la présente section, l'expression “pétition remplissant les conditions de validité requises”, s'entend au sens de la section 3 de la partie 5.*

*Application au District urbain local de Ninette*

51.2 *Pour l'application des dispositions de la présente section portant sur la modification du règlement constituant le District urbain local de Ninette ou sur la prise d'un règlement en vue de la dissolution de ce dernier:*

a) *“municipalité” s'entend des municipalités de Strathcona et de Riverside;*

b) *“conseil d'une municipalité” s'entend des conseils des municipalités de Strathcona et de Riverside.*

**Mr. Chairperson:** Amendment—pass.

\* (1930)

**Mr. Derkach:** I move

THAT clause 52(a) be amended by adding “or such other density as the minister may in a specific case consider sufficient for the type and level of services to be provided in the local urban district” at the end.

**[French version]**

*Il est proposé que l'alinéa 52a) soit amendé par adjonction, à la fin, de “on toute autre densité de population que le ministre estime, dans un cas particulier, suffisante pour le genre et le niveau de services à fournir dans le district urbain local”.*

**Mr. Chairperson:** Amendment—pass; Clause 52 as amended—pass; Clauses 53(1) through to 62(1)—pass; Clauses 62(2) through to 66—pass. Clause 67.

**Ms. Barrett:** Mr. Chair, I have two amendments under this section, and I will wait for the distribution. I would like to move this motion as distributed and then speak to it if I may

**Mr. Chairperson:** Is there leave for the motion to be taken as read as into the record as distributed? Leave has been granted.

*THAT sections 67 to 71 be repealed and the following substituted:*

**Proponents**

*67(1) A proposal for*

(a) *the formation of a rural municipality from land in The City of Winnipeg may be initiated by at least 30% of the persons who would be electors of the municipality proposed to be formed; or*

(b) *the annexation by a municipality of land from The City of Winnipeg may be initiated by the council of the municipality that wishes to annex the land.*

**Initiating a proposal**

*67(2) A proponent may initiate a proposal under subsection (1) by filing a written proposal with The Municipal Board.*

**Proposal by electors**

*67(3) A proposal under clause (1)(a) must be in the form of a sufficient petition.*

**Application of certain sections**

*68 Sections 28, 33 to 45 and 47 to 51 apply with necessary modifications to*

*(a) the formation of a rural municipality from land in The City of Winnipeg; and*

*(b) the annexation of land from The City of Winnipeg by a municipality.*

**[French version]**

*Il est proposé de remplacer les articles 67 à 71 par ce qui suit:*

**Proposants**

*67(1) Les propositions:*

*a) en vue de la constitution en municipalité rurale d'un bien-fonds situé dans la Ville de Winnipeg peuvent être faites par au moins 30% des personnes qui seraient électeurs dans la municipalité si cette dernière était constituée;*

*b) en vue de l'annexion par une municipalité d'un bien-fonds situé dans la Ville de Winnipeg peuvent être faites par le conseil de la municipalité qui désire l'annexion en question.*

**Proposition**

*67(2) Les propositions prévues au paragraphe (1) se font par le dépôt de leur texte auprès de la Commission municipale.*

**Proposition par des électeurs**

*67(3) Les propositions prévues à l'alinéa (1)a) sont présentées sous forme de pétition remplissant les conditions de validité requises.*

**Application de certains articles**

*68 Les articles 28, 33 à 45 et 47 à 51 s'appliquent, avec les adaptations nécessaires, à:*

*a) la constitution en municipalité rurale d'un bien-fonds situé dans la Ville de Winnipeg;*

*b) l'annexion par une municipalité d'un bien-fonds situé dans la Ville de Winnipeg.*

**Motion presented.**

**Ms. Barrett:** Mr. Chair, this amendment repeals virtually all of the section dealing with formation, annexation of land that currently belongs within the city of Winnipeg by another municipality and replaces it with, in effect, processes similar to those that are undertaken by outside of the city of Winnipeg municipalities who wish to make changes to their boundaries.

This amendment is being put forward by a request from the City of Winnipeg City Council, which passed it almost unanimously. Their concern was that it will be much easier for municipalities outside of the current boundaries of the city of Winnipeg to undertake the process to annex city of Winnipeg land than it will be for the City of Winnipeg to annex other land or for other municipalities to annex or amalgamate among themselves. So that is why this motion for amendment is before us tonight.

**Mr. Derkach:** Mr. Chair, I appreciate what the member is attempting to achieve through the amendment. However, in all honesty, I do believe that the provisions within the act as they are being proposed provide actually greater comfort, if you like, or greater protection to the city of Winnipeg in that, in other jurisdictions, any resident who wishes to take up a petition may do so and then move it into the Municipal Board without approval from the Lieutenant-Governor-in-Council or the minister.

When our experience with Headingley was such that we decided at the time, with I think the deliberations of the event and also with the consultation of the City of Winnipeg that some amendments should be made to The Municipal Act, and that was brought forward and indeed the act was amended, and within that act it spells out very clearly that the city of Winnipeg—any lands that are going to be annexed from the city of Winnipeg cannot be done without the approval of government, if you like, to ensure that the city has that extra level of protection.

If we were to adopt the proposal that is being put forward right now, it would offer less protection, in my view, than what is present with the city of Winnipeg at the present time. However, I have given my assurance to

the member as well that I will be pleased to sit down with the Minister of Urban Affairs (Mr. Reimer) to see whether or not there is any will to look at even strengthening the particular section beyond what it is at this time, but given the length of time we had prior to this date, we were not able to do that. So that is something that could be considered for future legislation.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment has been defeated.

\* \* \*

**Ms. Barrett:** Mr. Chair, I have a second amendment that is being handed out now. I move

THAT section 67 be amended by renumbering it as subsection 67(1) and adding the following as subsection 67(2):

#### City of Winnipeg to be a party

67(2) The City of Winnipeg shall be entitled to participate in establishing, and must approve, the terms and conditions of any impact study conducted under the provisions of subsection (1).

#### [French version]

*Il est proposé d'amender l'article 67 par substitution, à son numéro de paragraphe 67(1), et par adjonctions de ce qui suit:*

#### *Ville de Winnipeg*

67(2) *Non seulement la Ville de Winnipeg doit approuver les modalités des études d'impact faites en vertu du paragraphe (1) mais elle peut participer à leur établissement.*

#### Motion presented.

**Ms. Barrett:** The City of Winnipeg is greatly concerned about the lack of detail, if you will, of the impact study that is now under Section 67. There are no terms of reference or any kinds of elements in this. It is a very loosely defined study that must be undertaken by the Lieutenant-Governor-in-Council. So this amendment says, on behalf of the city, because the impact of this study will be so potentially important to the city, that they should have a say in the terms of reference and the parameters of this impact study.

**Mr. Derkach:** Mr. Chair, the amendment that is being brought forward actually gives the City of Winnipeg veto over any plan that could be brought forward, because it does spell out that the city must approve, and that becomes a very difficult situation for us because, although we would seek the input of the city in establishing terms of reference and in terms of the participation in a study, it is very difficult to have a municipal body in a position where they can veto the terms of a study. For that reason I strongly urge committee members to vote against this amendment. In the same vein, I guess we would also seek consultation with the Urban Affairs department to ensure that there is a partnership approach and adequate participation when we in fact put together the terms of reference for a study.

\* (1940)

**Ms. Barrett:** I am wondering if the minister would be amenable to an amendment to the amendment which would eliminate the words "and must approve," so that the amendment would be that the City of Winnipeg shall be entitled to participate in establishing the terms and conditions of any impact study conducted under the provisions of subsection (1). Would that address the minister's concerns about the veto power given to the City of Winnipeg under this amendment?

**Mr. Derkach:** Mr. Chair, I am told that if you remove that part of it, this clause then becomes redundant,

because in the clauses that address this particular section and the putting together of the study and the fact that it is a public document and spells out that there is participation by the municipality, this in fact would be repeating what is already in the act. For that reason, I would suggest that at this particular time we should vote this section out or defeat this section and then undertake to review the provisions with the Department of Urban Affairs because this also has to comply with The City of Winnipeg Act as well.

**Ms. Barrett:** Can the minister tell me where in The Municipal Act the city would be covered in this regard?

**Mr. Derkach:** Mr. Chair, I can read the Section 67. "The Lieutenant Governor in Council must not make a regulation for the formation of a rural municipality from the land of the City of Winnipeg or for the annexation of land within the boundaries of the City of Winnipeg by a municipality unless a study of the impact of the proposed formation with a proposed annexation is conducted and made public." Mr. Chair, that in essence implies that because it is a public document that there is going to be indeed participation by all bodies, including the municipality.

**Ms. Barrett:** Not to belabour the point, Mr. Chair, but where in 67 as written is it implied that all stakeholders will participate. I do not see anything in there that says that at all. The concern of the City of Winnipeg is that because it is not made explicit, it is not clear that it will happen.

**Mr. Derkach:** Mr. Chair, it is the responsibility of the government to ensure that all areas of the study are covered. If we are going to make the study public, for that matter, we have to ensure that there is some participation from the public and the City of Winnipeg or else that certainly is going to be brought forward as a shortcoming of any document. So in those terms I would indicate that there is an intention to make the document not only public but also to have the participation of the municipality and the public as part of the study. Although it is implied, as I indicated to my honourable friend, in review with Urban Affairs we could look at this section and strengthen it for the next session but not at this particular time.

**Ms. Barrett:** Well, I am not comfortable with that, but we will leave it at this point. We will certainly be

monitoring the situation carefully as these elements unfold.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Chairperson:** No?

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment is defeated.

\* \* \*

**Mr. Chairperson:** Clauses 67 through 70(2) inclusive—pass. Clause 71(1).

**Ms. Barrett:** Mr. Chair, I have two amendments to subsection 71, and the first one is that—sorry, I will wait for it to be distributed. I move

THAT subsection 71(1) be amended by striking out "may request the annexation of land from The City of Winnipeg" and by adding "that wishes to annex land from the City of Winnipeg may request the annexation" after "municipality".

#### [French version]

*Il est proposé que le paragraphe 71(1) soit amendé par substitution, à "peut demander l'annexion d'un bien-fonds appartenant à la Ville de Winnipeg", de "qui désire annexer un bien fonds appartenant à la Ville de Winnipeg peut en demander l'annexion".*

**Motion presented.**

**Ms. Barrett:** This again comes from the City of Winnipeg in their resolution seeking more parameters around the annexation or taking away of land from the City of Winnipeg, basically providing that any proposal for the annexation of land within the boundaries of the city require a request from any municipal council directly affected by the proposal, states that a municipal council would have to make that request.

**Mr. Derkach:** Am I understanding Ms. Barrett correctly when she indicates that it is the city that has to request the annexation?

**Ms. Barrett:** No, my understanding of the amendment is that a municipal council would have to make the request to annex or amalgamate land which is currently from within the city of Winnipeg rather than a proportion of the residents thereto.

**Mr. Derkach:** Well, Mr. Chair, I guess the difference is very subtle. However, I would have to indicate that in a rural municipality at the present time there is provision for electors to request annexation, and then the process is that that petition, if you like, for annexation would move to the Municipal Board without having to move to the minister, or to the Lieutenant-Governor-in-Council for that matter, or to government.

In the city of Winnipeg, as I indicated before, residents who wish to have their lands seceded or annexed would have to make a request, first of all, to the municipality, City of Winnipeg in this case, and then that request has to go to government before it goes to the Municipal Board. In other words, there is an extra level of protection, if you like, to the city of Winnipeg for annexation, because we believe that as a result of the size of the city of this province and the fact that we want to ensure that there is the extra level of protection because we have a provincial interest here, that it is only fair that those requests come before government before they move to the Municipal Board. So, in other words, government would have to consider the request of the residents very carefully before moving it on to the Municipal Board.

I believe that this is an added step, one that makes some sense, because then it allows for the municipality to

have input by consulting with the province before the province decides to move that particular resolution to the Municipal Board. It does give a cooling-off period, if you like, because it does provide for that second look and that second thought before this moves to the Municipal Board for a decision. In fact, it could be stopped before it moves to the Municipal Board, so therefore I believe very strongly that this prevents ad hoc, if you like, annexation. It does give the ability for the two levels of government, the city and the province, to consult each other in times when lands are requested for annexation, and I believe that in an overall sense, it provides the utmost in ensuring that we work towards common goals with regard to annexation of lands from the city of Winnipeg. So I would have to say that the proposals that are carried within what we are presenting here tonight do cover off, and therefore I believe that the amendment that is being brought forward, with great respect, is not necessary.

**Ms. Barrett:** Just very briefly, again as stated in discussions about other amendments. I think the city feels very strongly about the need to protect the process so that annexation or amalgamation, taking away of lands that currently belong to the city of Winnipeg, is done only after the most careful and well-thought-out deliberation, so while we stand by this amendment, I respect the minister when he says that we will, as a government and a city, look at how this plays out in the future very carefully.

\* (1950)

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment is accordingly defeated.

\* \* \*

**Ms. Barrett:** I move

THAT section 71 be amended

(a) in subsection (2), by striking out “The Lieutenant Governor in Council” and substituting “Subject to subsection (5), the Lieutenant Governor in Council” and by striking out “without a request from the council of a municipality”; and

(b) by adding the following as subsection (5)

**Resolution of Winnipeg Council required for annexation**

**71(5)** The Lieutenant Governor in Council may exercise the powers granted under subsection (2) only if the annexation is authorized by a resolution passed by City Council of The City of Winnipeg.

**[French version]**

*Il est proposé d'amender l'article 71:*

*a) dans le paragraphe (2), par substitution, à “Le lieutenant-gouverneur en conseil”, de “Sous réserve du paragraphe (5), le lieutenant-gouverneur en conseil”, et par suppression de “sans que le conseil d'une municipalité lui en fasse la demande”;*

*b) par adjonction de ce qui suit:*

**Résolution du conseil de Winnipeg**

**71(5)** *Le lieutenant-gouverneur en conseil peut exercer les pouvoirs que lui confère le paragraphe (2) uniquement si l'annexion est autorisée par une résolution adoptée par le conseil municipal de Winnipeg.*

**Mr. Chairperson:** Order, please. I would just like to ask the committee, shall Clause 71(1) pass? Clause 71(1)—pass.

Clause 71(2), this is where Ms. Barrett's amendment fits in. It has been moved by Ms. Barrett that section 71(2) be amended—

**Mr. Derkach:** We also have an amendment in this section which might clarify for the member the situation and may not necessitate her amendment. However, I would like to deal with her amendment just briefly.

Once again, if you allow the City of Winnipeg to have a veto on annexation, then that defeats the whole notion of ensuring that government has a broader look at the impact of an annexation proposal on the city and on the province. I believe that once again the amendments, as included in our bill, probably cover this off and ensure that there is a fair level of protection both for municipalities outside the city of Winnipeg and for the city of Winnipeg, and that there is a fair process that will be followed.

I think in all of this we want to ensure that there is a fair approach to how lands are annexed from the City of Winnipeg to other municipalities. I do believe that by including the presence of government in the process, that ensures that there is dialogue, that there is consultation and that in fact we could probably work together towards a smoother approach to annexation from the City of Winnipeg.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it and the amendment is defeated.

\* \* \*

**Mr. Derkach:** Mr. Chair, I have an amendment in this section. I move

THAT subsection 71(2) be amended by adding "with or" before "without".

**[French version]**

*Il est proposé d'amender le paragraphe 71(2) par substitution, au passage qui suit "d'annexion", de "même si le conseil d'une municipalité ne lui en fait pas la demande".*

**Motion presented.**

**Mr. Derkach:** Well, Mr. Chair, at the present time, if you look at 71(2), it says, "The Lieutenant Governor in Council may make an annexation regulation without a request from the council of a municipality." What we are doing is indicating that the amendment would include with or without. So in other words it would read, the Lieutenant-Governor-in-Council may make an annexation regulation with or without a request from the council of a municipality, as I understand it.

**Ms. Barrett:** Mr. Chair, I am speechless and for those members who know me, they know how unusual that is, almost without precedent, I might add.

The way I read the current 71(2), the Lieutenant-Governor-in-Council can still make an annexation regulation even if there is a request from a council. This, to me, does not change the intent or the ability of the Lieutenant-Governor-in-Council to unilaterally or at least without a request from a council to make an annexation. This just clarifies, if you will, what is already very clear in the section itself and does not address, I do not believe, the concerns that have been raised by the City of Winnipeg. So we will be voting against this amendment.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

\* \* \*

**Mr. Chairperson:** Amendment—pass; Clause 71(2) as amended—pass; Clauses 71(3) through 71(4)—pass. Clause 72.

**Ms. Barrett:** I move

THAT section 72 be amended

(a) by striking out "the minister believes that"; and

(b) by striking out clause (b) and substituting the following:

(b) City Council of The City of Winnipeg has passed a resolution confirming that it is not opposed to the proposed annexation.

**[French version]**

*Il est proposé d'amender l'article 72:*

*a) par suppression de "le ministre est d'avis";*

*b) par substitution, aux paragraphes a) et b), de ce qui suit:*

*a) d'une part, l'annexion projetée est mineure;*

*b) d'autre part, le conseil municipal de Winnipeg a adopté une résolution indiquant qu'il ne s'oppose pas à l'annexion projetée*

**Motion presented.**

**Mr. Derkach:** Mr. Chair, once again I speak against this amendment because—it is in keeping with what the City of Winnipeg presented in committee. However, in their presentations, as much as I would have liked to comply, what they were doing was moving far beyond

what a city council's authority should be, and I think that was pointed out by Mr. John Angus when he presented to the committee as well.

This gives, once again, veto power to the City of Winnipeg and, as Mr. Angus quite rightly pointed out, the City of Winnipeg cannot assume the powers of a provincial government and, therefore, for that reason, I think that they are moving far too far with this particular resolution, with this particular amendment, and for that reason I would have to oppose the amendment.

**Ms. Barrett:** This is the final amendment in the package of amendments that have come from the City of Winnipeg, and I just want to make a very brief closing statement, if I may, in this general regard.

I think it is important for the province to recognize not only the specifics of the concerns that have been raised by the City of Winnipeg in their presentation before the committee and in the amendments that I have brought forward on behalf of the City of Winnipeg to The Municipal Act, not only the specifics but I think even more importantly it is important that the provincial government recognize the feelings, if I can use that about an entity, of the city in regard to their relationship with the province.

\* (2000)

I think we all recognize that no matter what government is in power in the province there will be a creative tension, at the best of times, between the province and the city, which incorporates over two-thirds of the population in the province. That is bound to happen, but I think that we need to recognize that and try and work co-operatively, and my sense is from the city resolution that was passed with only one dissenting vote, something that is virtually unheard of in the City Council, as well, that there is a real problem here that I hope the city and the province are able to work on collaboratively. I hear the minister's comments when he says that he is prepared to look at how this section of The Municipal Act unfolds and to work with the Department of Urban Affairs, and I hope with the City of Winnipeg, to ensure that these concerns are addressed.

**Mr. Derkach:** Mr. Chair, I have to disagree somewhat with the member's comments with regard to the

relationship between the city and at least my department, because I can assure her that there has been a very co-operative and collaborative approach to problem-solving between the mayor, her council and our department. I think the example that I would use is Bill 43 where in fact we moved substantially to try and help the city out in a very serious dilemma, and staff from my department worked diligently to ensure that we would allow the City of Winnipeg some time to comply with the act. As a matter of fact, to that extent we had one of our senior staff from our office spend some time with the Assessment people at the City of Winnipeg to help them in trying to resolve some of those difficult issues that are before them. So I think that there is indeed a good working relationship establishing between the mayor, the city and our department with regard to this particular act which impacts on the entire province substantially.

I guess the only major concern by the city was the whole process of annexation, and there is a lot of sensitivity in the city about annexing lands from the city of Winnipeg because of the fear that it is eroding their tax base, and I understand that. On the other hand, I think there are some other problems and challenges that the city has that have to be addressed, and if we look at them co-operatively with the City of Winnipeg, I think, we can resolve them in the long term in a very positive way. I know that the media enjoy seeing the sparring between the city and the province from time to time. It does not matter what stripe of government you have present in the province, I think that has been prevalent over the years. However, when it comes to the working relationships on a one-to-one basis, I have to assure my colleagues that I have a very good working relationship with the mayor and our council. We are trying to do everything we can to ensure that our city remains strong and healthy and emerge out of this difficulty in a very positive way. So I just wanted to ensure that the member understood that, and that those comments were important for the record.

**Ms. Barrett:** Mr. Chair, I appreciate the minister's comments, most particularly when it comes to the collaboration and the close working relationship around Bill 43. There is no question that was an example, I believe, of how the city and the province can work together to attempt to overcome a very serious problem, and I have no quarrel with the Minister of Rural Development's working relationship with the City of Winnipeg.

The concern is not just with a particular minister or even two ministers, or three or four. It is with the Lieutenant-Governor-in Council, which is the cabinet as a whole, having a great deal of authority in the sections of The Municipal Act that the city is concerned with and there having been, as I said, tensions throughout the history of the province dealing with the city. Again, it does not matter who is in power in the city and who is in power in the province, there is going to be tension there, by definition, just by the way things work out. There is a concern, which I think is a legitimate one, that the city's interests potentially are not as protected as the city would like and I think the benefit not just to the city but to the province as a whole.

I hear the minister's comments about wanting to work collaboratively. I know there has been an example of that in The Municipal Assessment Act, and so we look forward to that ongoing good relationship hopefully extending to the elements of The Municipal Act, and hopefully we will be able to come back and maybe make some changes that are mutually beneficial at a future date.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**An Honourable Member:** No.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Clause 72—pass. Clauses 73(1) through 79(1) inclusive—no.

Is there leave of the committee to revert back to Clause 79(1)? [agreed]

Clauses 73(1) to 78—pass. Clause 79(1).

**Mr. Derkach:** Mr. Chair, I move

THAT clause 79(1)(d) be struck out and the following substituted:

(d) to keep in confidence a matter that is discussed at a meeting closed to the public under subsection 146(3) and that the committee decides to keep confidential until the matter is discussed at a meeting of the council or of a committee conducted in public;

#### [French version]

*Il est proposé que l'alinéa 79(1)(d) soit remplacé par ce qui suit:*

*d) de garder confidentielles les questions discutées à une réunion dont le public est exclu en vertu du paragraphe 146(3) et que le comité décide de garder confidentielles jusqu'à ce qu'elles soient abordées à une réunion publique du conseil ou d'un comité;*

**Mr. Chairperson:** Amendment—pass.

**Mr. Derkach:** Do we want to pass these and then add the new one?

**Mr. Chairperson:** Clause 79(1) as amended—pass; Clause 79(2)—pass.

**Mr. Derkach:** Mr. Chair, I move

THAT the following be added after section 79:

#### **Member may discuss confidential matter with C.A.O.**

79.1 Despite clause 79(1)(d), a member may discuss with the chief administrative officer or a designated officer a matter referred to in that clause before the matter is made public as provided in that clause.

#### [French version]

*Il est proposé d'ajouter, après l'article 79, ce qui suit.*

#### **Discussion portant sur des questions confidentielles**

*79.1 Malgré l'alinéa 79(1)d), un conseiller peut discuter avec le directeur général ou un cadre désigné d'une question visée à cet alinéa avant qu'elle ne soit rendue publique conformément à ce même alinéa.*

**Motion presented.**

**Mr. Clif Evans:** Mr. Chairman, a bit of an explanation on that, if the minister would not mind.

**Mr. Derkach:** Mr. Chair, this arose out of some discussions with municipalities when this section was actually added, and there was some feeling that those matters might have to be kept confidential from the chief administrative officer. This simply clarifies that a matter of a confidential nature may be discussed with a chief financial or the chief administrative officer or his designate in terms of confidentiality.

\* (2010)

**Mr. Clif Evans:** Mr. Chair, I am under the impression that basically any member of the local council at any time may discuss or could have discussed with the administrator or secretary-treasurer of the day any matter whatsoever, in a confidential manner, prior to bringing it up in council or prior to do anything with it. What is the difference between what was and what the minister is trying to put in?

**Mr. Derkach:** Mr. Chair, this is just to ensure that municipalities are left with a level of comfort with regard to the discussion of matters with the chief administrative officer. It is for that reason that we put this particular clause in, to give the municipalities some comfort that they in fact could discuss these matters in confidence with the chief administrative officer, just a clarification for them, nothing more, for municipalities.

**Mr. Chairperson:** Amendment—pass; Clause 80(1)—pass; Clause 80(2)—pass. Clause 80(3).

**Mr. Derkach:** I move

THAT subsection 80(3) be struck out.

**[French version]**

*Il est proposé que le paragraphe 80(3) soit supprimé.*

**Mr. Chairperson:** Agreed?

Order, please. Under Beauchesne's Citation 698(6) "An amendment to delete a clause is not in order, as the proper course is to vote against the clause standing part of the bill."

**Mr. Penner:** Mr. Chairman, it would appear to me that we have previously dealt with the elimination of sections and parts of bill by a simple motion. It would appear to me that we are now reverting to a practice as indicated by Beauchesne. I wonder if we as a committee cannot deal with this matter by a simple motion to simplify the procedure and maybe, if we need to, set some sort of a precedent that will allow future committees to operate a bit more efficiently than as has been the case. I mean I see the requirement as indicated by Beauchesne procedural—oh, what is the word I am looking for?—extension that may not be there if we so choose as committee to do it some other way.

**Mr. Chairperson:** Is there unanimous consent of the committee to deal with this motion and other motions that follow in accordance, similar motions restricting clauses, for striking out clauses? [agreed]

It has been moved by the honourable minister that subsection 80(3) be struck out. Agreed? [agreed] 80(3) is accordingly struck out.

Clauses 81(1) and 81(2)—pass. Clauses 81(3).

**Mr. Derkach:** Mr. Chair, I move

THAT Clause 81(3)(a) be amended by adding “, and the references to the first Wednesday in September in subsection 17(5) (list of electors), subsection 19(1) (notice of revision) and section 30 (return of lists to enumerator) of that Act shall be read as a reference to the first Friday in June” after “May”.

**[French version]**

*Il est proposé que l'alinéa 81(3)a) soit amendé par adjonction, après “mai”, de “, et toute mention du premier mercredi de septembre, au paragraphe 17(5), au paragraphe 19(1) et à l'article 30 de cette loi vaut mention du premier vendredi de juin”.*

**Mr. Chairperson:** Amendment—pass. Clause 81(3) as amended—pass; Clauses 82(1) to 84(3)—pass. Clause 85.

**Mr. Derkach:** Mr. Chairman, I move

THAT section 85 be renumbered as subsection 85 (1) and the following added as subsection 85(2):

**Application to Flin Flon**

**85(2)** Despite clause (1)(c), a person who is a resident of the boundary area defined in The Flin Flon Extension of Boundaries Act, S.M. 1989-90, c. 73, is eligible to be nominated and elected as a member of the council of the City of Flin Flon.

**[French version]**

*Il est proposé que l'article 85 soit amendé par substitution, à son numéro, du numéro de paragraphe 85(1), et par adjonction de ce qui suit:*

**Application à Flin Flon**

**85(2)** *Malgré l'alinéa (1)c), les résidents de la région frontalière définie dans la Loi sur le prolongement des limites de Flin Flon, c. 73 des L.M. 1989-90, peuvent présenter leur candidature au poste de la conseiller de la ville de Flin Flon et être élus à ce poste.*

**Motion presented.**

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Mr. Clif Evans:** Just a clarification that the wording, et cetera, that was proposed by the honourable member for Flin Flon (Mr. Jennissen) and the minister's amendment coincide with wording and intent.

**Mr. Derkach:** Mr. Chair, as a matter of fact, the member for Flin Flon did address this issue and quite rightly with some concern with regard to the fact that this is one city and that it does cross boundaries, and, in fact, this amendment is designed to try and address that situation.

**Mr. Chairperson:** Amendment—pass; Clause 85 as amended—pass; Clauses 86 through 87(1) inclusive—pass. Clause 87(2).

**Mr. Derkach:** Mr. Chair, I move

THAT subsection 87(2) be amended

(a) in the part preceding clause (a), by striking out "Subject to subsection (3), an" and substituting "An"; and

(b) in clause (a), by striking out "seek" and substituting "subject to subsection (3), seek".

**[French version]**

*Il est proposé que le paragraphe 87(2) soit amendé:*

*a) dans le passage introductif, par substitution, à "Sous réserve du paragraphe (3), les ", de "Les ";*

*b) dans l'alinéa a), par substitution, à "présenter ", de "sous réserve du paragraphe (3), présenter ".*

**Mr. Chairperson:** Amendment—pass; Clause 87(2) as amended—pass. Clause 87(3).

**Mr. Derkach:** Mr. Chair, by way of comment, may I just indicate that Clause 87(2) and 87(3) are designed to clarify that municipal employees may support a candidate and to clarify also that a CAO may also support a candidate. So, therefore, I move

THAT subsection 87(3) be amended by striking out "Subsection (2) and substituting "Clause (2)(a)".

**[French version]**

*Il est proposé que le paragraphe 87(3) soit amendé par substitution, à "Le paragraphe (2) ", de "L'alinéa (2)a) "*

**Mr. Chairperson:** Amendment—pass; Clause 87(3) as amended—pass. Clause 87(4).

**Mr. Derkach:** Mr. Chair, once again, by way of comment, this particular section is being amended to clarify the period for a leave of absence and to remove (b) which is not applicable to the municipal elections process. Therefore, I move

THAT subsection 87(4) be struck out and the following substituted:

**Leave of absence for municipal election**

**87(4)** An employee who proposes to become a candidate for election as a member of the council of the municipality by which he or she is employed may apply to the chief administrative officer, on or before the last day for the nomination of candidates, for a leave of absence for a period starting on the last day on which nomination papers may be filed and ending not later than 30 days after the day on which the results of the election are officially declared, or for any part of that period, and every such application must be granted.

**[French version]**

*Il est proposé que le paragraphe 87(4) soit remplacé par ce qui suit:*

***Candidature au poste de conseiller municipal***

**87(4)** *L'employé que se propose de devenir candidate à un poste de conseiller dans la municipalité pour laquelle il travaille peut demander au directeur général, au plus tard à la date limite prévue pour le dépôt des mises en candidature, un congé non payé pour la période commençant le dernier jour de dépôt des mises en candidature et se terminant dans les 30 jours suivant celui de la proclamation officielle des résultats des élections ou pour une partie de cette période, auquel cas le congé ainsi demandé doit être accordé.*

\* (2020)

**Mr. Chairperson:** Amendment—pass; Clause 87(4) as amended—pass; Clauses 87(5) through to 87(7)—pass. Clause 87(8).

**Mr. Derkach:** Mr. Chair, this is just a housekeeping or a wording error, and therefore I move

THAT subsection 87(8) be amended by striking out “or” at the end of clause (a) and substituting “and”.

**[French version]**

*Il est proposé que le paragraphe 87(8) de la version anglaise soit amendé par substitution, à “or”, de “and” à la fin de l'alinéa a).*

**Mr. Chairperson:** Amendment—pass; Clause 87(8) as amended—pass; Clauses 87(9) through to 88(3)—pass. Clause 89(1).

**Mr. Derkach:** Mr. Chair, this is just changing the duration of meetings that can be missed from two to three, and therefore I move

THAT clause 89(1)(a) be amended

(a) by striking out “two consecutive” and substituting “three consecutive”;

(b) by striking out “either of the two meetings” and substituting “any of the three meetings”; and

(c) by striking out “second absence” and substituting “third absence”.

**[French version]**

*Il est proposé que l'alinéa 89(1)a) soit amendé:*

*a) par substitution, à “de deux”, de “de trois”;*

*b) par substitution, à “ou l'autre des deux réunions”, de “des trois réunions”;*

*c) par substitution, à “seconde”, de “troisième”.*

**Mr. Chairperson:** Amendment—pass.

The honourable Ms. Barrett, on a point of order.

**Point of Order**

**Ms. Barrett:** Mr. Chair, I am wondering if we could agree that unless a committee member requests otherwise, we dispense with the actual reading of the motions to speed up the process.

**Mr. Chairperson:** Is there unanimous consent to dispense of the reading of the motions and to treat all motions as read onto the record?

**Ms. Barrett:** Unless a committee member has a question about a specific—you know, wants it read in, but I think we can dispense with the automatic reading of it.

**Mr. Chairperson:** Is that agreed? [agreed]

\* \* \*

**Mr. Derkach:** Mr. Chair, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after clause 89(1)(a):*

*(a.1) is the councillor appointed to the committee of a local urban district under clause 107(1)(a) and is absent for the full duration of three consecutive regular committee meetings unless the absences are with the leave of the committee granted by a resolution of the committee passed at any one of the three meetings, a prior meeting or the next meeting following the third absence;*

**[French version]**

*Il est proposé d'ajouter, après l'alinéa 89(1)a, ce qui suit:*

*a.1) qui est nommé au comité d'un district urbain local en application de l'alinéa 107(1)a) et qui est absent pendant la durée complète de trois réunions ordinaires consécutives du comité, à moins que son absence ne soit autorisée par le comité au moyen d'une résolution adoptée à l'une des trois réunions, à une réunion antérieure ou à la réunion qui suit la troisième absence;*

**Mr. Chairperson:** Amendment—pass; Clause 89(1) as amended—pass; Clauses 89(2) through to 93(2)—pass; Clauses 93(3) to 99(4)—pass; Clauses 100(1) through to 104(2)—pass; Clauses 105(1) through 106—pass. Clause 107.

**Mr. Derkach:** Mr. Chair, I move—

**Mr. Chairperson:** Dispense.

*THAT clause 107(1)(b) be amended by striking out "two" and substituting "not more than three".*

**[French version]**

*Il est proposé que l'alinéa 107(1)b) soit amendé par substitution, à "de deux", de "d'au plus trois".*

**Mr. Chairperson:** Amendment—pass; Clause 107(1) as amended—pass. Clause 107(2)—pass.

**Mr. Derkach:** A new clause. I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after subsection 107(1):*

**Status and membership of committee**

**107(1.1)** *Despite subsection (1), the committee of the Local Urban District of Ninette is a committee of the councils of the Rural Municipalities of Strathcona and Riverside and consists of*

*(a) one councillor from each of the Rural Municipalities of Strathcona and Riverside appointed by council; and*

*(b) not more than three members elected by the electors of the Local Urban District.*

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 107(1), ce qui suit:*

**Situation et membres du comité**

**107(1.1)** *Malgré le paragraphe (1), le comité du District urbain local de Ninette relève du Conseil des municipalités rurales de Strathcona et de Riverside et se compose.*

*a) d'un conseiller de chacune des municipalités rurales de Strathcona et de Riverside nommé par le Conseil.*

*b) d'au plus trois membres élus par les électeurs du district urbain local.*

**Mr. Chairperson:** Amendment—pass; Clauses 108(1)—pass. Clause 108(2).

**Mr. Derkach:** I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 108(2) be amended*

*(a) by adding the following after clause (c):*

*(c.1) section 87 (leave of absence);*

(b) by adding the following after clause (d):

(d.1) section 89 (disqualification);

**[French version]**

*Il est proposé que le paragraphe 108(2) soit amendé:*

a) par adjonction, après l'alinéa c), de ce qui suit:

c.1) l'article 87;

b) par adjonction, après l'alinéa d), de ce qui suit:

d.1) l'article 89;

**Mr. Chairperson:** Amendment—pass. Clause 108(2) as amended—pass; Clauses 108(3) through 112(1)—pass; Clauses 112(2) through to Clause 114(4) inclusive—pass; Clauses 115(1) through 116—pass. Clause 117—pass.

**Mr. Derkach:** Mr. Chair, this clause still relates to Ninette which actually is in two separate municipalities. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after section 117 and within Division 5:*

**Regulations about Local Urban District of Ninette**

*117.1 The Lieutenant Governor in Council may in relation to the Local Urban District of Ninette, the Committee of the Local Urban District of Ninette and the Rural Municipalities of Strathcona and Riverside make any regulation that the minister considers necessary to give effect to the intention of this Part.*

**[French version]**

*Il est proposé d'ajouter, après l'article 117 et dans la section 5, ce qui suit:*

**Règlements sur le District urbain local de Ninette**

*117.1 Le lieutenant-gouverneur en conseil peut relativement au District urbain local de Ninette, au Comité du District urbain local de Ninette et aux municipalités rurales de Strathcona et de Riverside*

*prendre les règlements qu'il juge nécessaires pour donner effet à l'esprit de la présente partie.*

**Mr. Chairperson:** Amendment—pass. Clauses 118(1) through 118(4)—pass; Clauses 119(1) through 122(1) inclusive—pass; Clauses 122(2) through 129(2)—pass; Clauses 129(3) through 136(1)—pass; Clauses 136(2) through 142(1)—pass; Clauses 142(2) through to 145(1)—pass; Clauses 145(2) through to 146(4)—pass. 147.

**Mr. Derkach:** Mr. Chair, I move—

**Mr. Chairperson:** Dispense.

*THAT section 147 be struck out and the following substituted:*

**Petitions must conform to this Division**

*147 Where a petition is required under this Act, other than in Part 2, the petition must meet the requirements of this Division before it is presented to the council.*

**[French version]**

*Il est proposé que l'article 147 soit remplacé par ce qui suit:*

**Respect de la présente section**

*147 Les pétitions requises par la présente loi, à l'exclusion de la partie 2, doivent remplir les exigences de la présente section avant d'être présentées au conseil.*

**Mr. Chairperson:** Amendment—pass; Clause 147 as amended—pass; Clause 148(1)—pass; Clause 148(2)—pass. Clause 148(3).

**Mr. Derkach:** This is with regard to petitions and it is in reference to form or dissolve a municipality, and to provide for petitions to form an LUD. Therefore, I move—

\* (2030)

**Mr. Chairperson:** Dispense.

*THAT subsection 148(3) be amended*

(a) in clause (e), by striking out "subsection 9(4) to form a municipality or"; and

(b) by striking out clause (f) and substituting the following:

(f) in the case of a petition under clause 62(1)(a) (dissolution of a local urban district), a statement that each petitioner is an elector of the local urban district;

**[French version]**

*Il est proposé que le paragraphe 148(3) soit amendé:*

(a) dans l'alinéa e), par suppression de "au paragraphe 9(4) où";

(b) par substitution, à l'alinéa f), de ce qui suit:

f) s'il agit d'une pétition visée à l'alinéa 62(1)a), une déclaration selon laquelle chaque pétitionnaire est un électeur du district urbain local;

**Mr. Chairperson:** Amendment—pass; Clause 148(3) as amended—pass. Clause 148(4).

**Mr. Derkach:** Mr. Chair, this is just a housekeeping announcement, and therefore I move—

**Mr. Chairperson:** Dispense.

*THAT clause 148(4)(b) be amended by striking out "subsection 9(4) (formation or dissolution of a municipality),"*

**[French version]**

*Il est proposé que l'alinéa 148(4)b) soit amendé par suppression de "au paragraphe 9(4),".*

**Mr. Chairperson:** Amendment—pass; Clause 148(4) as amended—pass. Clauses 148(5) through to 150(1)—pass; Clauses 150(2) through to 153—pass. Clause 154(1).

**Mr. Derkach:** This is to clarify the requirements for public hearings apply only to hearings under this act; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 154(1) be amended by striking out "by this or any other Act to hold" and substituting "under this Act to hold".*

**[French version]**

*Il est proposé que le paragraphe 154(1) soit amendé par suppression de "ou de toute autre loi"*

**Mr. Chairperson:** Amendment—pass. Clause 154(1) as amended—pass. Clause 154(2)

**Mr. Derkach:** This is simply to remove any potential procedural difficulty for municipalities; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 154(2) be amended*

(a) in the part preceding clause (a), by striking out "entire", and

(b) in clause (a), by striking out "all or any part of".

**[French version]**

*Il est proposé que le paragraphe 154(2) soit amendé:*

a) dans le passage introductif, par suppression de "toute la durée de";

b) dans l'alinéa a) de la version anglaise, par suppression de "all or any part of".

**Mr. Chairperson:** Amendment—pass; Clause 154(2) as amended—pass. 154(3).

**Mr. Derkach:** I move—

THAT subsection 154(3) be struck out.

**[French version]**

*Il est proposé que le paragraphe 154(3) soit supprimé.*

**Mr. Chairperson:** Amendment—pass; Clause as amended—pass. Clauses 154(4) to 154(6)—pass; Clauses 155 through to 158—pass. 158(2) through to 158(3).

**Mr. Derkach:** Mr. Chair, as explanation, this is to clarify that the utilities may not budget for a deficit without the approval of the PUB; so, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after subsection 158(3):*

**Utilities**

*158(3.1) The council must ensure that the amount of estimated revenue from a utility is not less than the amount of estimated expenditures in respect of the utility unless, before adopting the operating budget, the council obtains the minister's written approval, which may include any condition the minister considers necessary or advisable, including referring the matter to The Public Utilities Board.*

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 158(3), ce qui suit :*

**Services publics**

*158(3.1) Le conseil fait en sorte que le montant des recettes estimatives provenant d'un service public ne soit pas inférieur au montant des dépenses estimatives concernant le service public, à moins d'obtenir l'approbation écrite du ministre, avant l'adoption du budget de fonctionnement, laquelle approbation peut comporter les conditions que le ministre estime nécessaires ou indiquées, y compris le renvoi de la question à la Régie des services publics.*

**Motion presented.**

**Mr. Clif Evans:** Explanation, please.

**Mr. Derkach:** Mr. Chair, this is simply to clarify that utilities cannot budget for a deficit without having the approval of the Public Utilities Board because, as the member knows, under our regulations and legislation utility rates have to have approval by the Public Utilities Board and, therefore, you cannot budget for a deficit in utilities without going before the Public Utilities Board.

**Mr. Chairperson:** Amendment—pass. It is an add-on. Clauses 158(4) through to 162(1)—pass.

**Mr. Derkach:** I move—

**Mr. Chairperson:** Dispense.

*THAT clause 162(2)(b) be struck out and the following substituted:*

*(b) in the case of a reserve fund that is supplemented with the approval of The Public Utilities Board, the Board approved the proposed expenditure.*

**[French version]**

*Il est proposé de remplacer l'alinéa 162(2)b) par ce qui suit:*

*b) la Régie des services publics approuve la dépense projetée, dans la cas d'un fonds de réserve augmenté avec son approbation.*

**Mr. Chairperson:** Amendment—pass; Clause 162(2) as amended—pass. Clauses 163(1) and 163(2)—pass.

**Mr. Derkach:** Mr. Chair, we heard about this particular clause in the presentations that were made before committee. Several municipalities came forward and talked about the spending of windfall revenues.

In addition to that, I received several delegations from municipalities with respect to this particular clause and to therefore try to address the issues and the concerns, I move

*THAT the following be added after subsection 163(2):*

**Expenditure or transfer of revenue exceeding estimate**

**163(3)** A council may authorize expenditures from its operating budget, or transfer amounts from its operating budget to the capital budget, that are not provided for in the operating budget if the total of the expenditures and transfers does not exceed the total of

(a) the amount of revenue from grants and transfers in excess of the amount estimated under clause 158(2)(b); and

(b) the amount of revenue from sources referred to in clause 158(2)(d) in excess of the amount estimated under that clause.

### Expenditure from capital budget

**163(4)** A council may authorize expenditures from its capital budget that are not provided for in the capital budget if the total of the expenditures does not exceed the amounts transferred from the operating budget under subsection (3).

#### [French version]

*Il est proposé d'ajouter, après le paragraphe 163(2), ce qui suit:*

#### *Dépenses ou transferts excédant l'estimation des recettes*

**163(3)** *Le conseil peut autoriser sur son budget de fonctionnement l'engagement de dépenses qui n'y sont pas prévues ou des transferts à son budget des immobilisations qui n'y sont pas prévus si le total des dépenses et des transferts en question ne dépasse pas le total des montants suivants:*

*a) le montant des recettes provenant des subventions et des transferts qui excède la somme estimée en application de l'alinéa 158(2)b).*

*b) le montant des recettes provenant d'une des sources visées à l'alinéa 158(2) d) qui excède la somme estimée en application de cet alinéa.*

#### *Dépenses sur le budget des immobilisations*

**163(4)** *Le conseil peut autoriser sur son budget des immobilisations des dépenses qui n'y sont pas prévues si le total des dépenses en question ne dépasse pas la somme des montants transférés du budget de fonctionnement en vertu du paragraphe (3).*

#### Motion presented.

**Ms. Barrett:** Thank you, no, I do not understand when it says that council can be authorized to spend more, but I do not understand the total. I do not understand what the (a) and the (b) in 163(3) are.

**Mr. Derkach:** Mr. Chair, just by way of a simpler explanation, sometimes municipalities receive what they term windfall revenues, but they are revenues from added taxes or grants or transfers or that sort of thing which are not in their financial plan that has been presented to the public and is not necessarily within their budget, and,

therefore, instead of getting permission to spend that kind of money from the minister in keeping with the spirit of our whole act to provide an enabling piece of legislation to municipalities, we are therefore recommending this amendment to stay in the keeping with the spirit of what we had embarked on in trying to make this legislation as enabling as possible.

**Mr. Chairperson:** Amendment—pass. Section 164.

**Mr. Derkach:** Mr. Chair, again, this is fairly straightforward in that what it enables municipalities to do is to ensure employees; and, therefore, I move

THAT section 164 be amended by adding "or otherwise insured" after "bonded",

#### [French version]

*Il est proposé que l'article 164 soit amendé par substitution, à "fassent l'objet d'un cautionnement garantissant qu'ils exerceront fidèlement leurs fonctions" de "aient un cautionnement ou soient assurés autrement afin de garantir l'exercice fidèle de leurs fonctions".*

\* (2040)

**Mr. Chairperson:** Amendment—pass. Clauses 165(1) through to 166—pass; Clauses 167 through to 170—pass; Clauses 171 through to 173—pass. Clause 174(1).

**Mr. Derkach:** Mr. Chair, this is to remove reference to the operating capital budgets—in other words, any loans are outside the revenues in expenditures of the normal operating budgets of a municipality; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT clause 174(1)(c) be struck out and the following substituted:*

*(c) the loan is authorized by by-law; and*

#### [French version]

*Il est proposé que l'alinéa 174(1)(c) soit remplacé par ce qui suit:*

*c) le prêt est autorisé par règlement;*

**Mr. Chairperson:** Amendment—pass; Clause 174(1), as amended—pass; Clauses 174(2) through to 175(2)—pass; Clause 175(3)—pass. Clause 176(1).

**Mr. Derkach:** As you know, this is to do with the pool investments which are under the Manitoba Investment Pool Authority bill; and, therefore, I move

THAT section 176 be deleted.

**[French version]**

*Il est proposé que l'article 176 soit supprimé.*

**Mr. Chairperson:** Amendment—pass; Clause 176 is accordingly deleted, 1 and 2.

Clauses 177 through to 180(2)—pass; Clauses 181(1) through to 185(2)—pass; Clause 186 through to Clause 193—pass; Clauses 194 through to 198—pass; Clauses 199 through to 206—pass; Clauses 207 through to 217—pass; Clauses 218 through to 223—pass; Clauses 224 through to 227(1)—pass; Clauses 227(2) through to 228—pass. Clause 229.

**Mr. Derkach:** Mr. Chair, just a brief explanation. This is a new addition to allow municipalities to set rates for municipal transportation systems; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after section 229:*

**Charge re local transportation system under 227(1)(m)**  
**229.1** *Despite The Public Utilities Board Act, including section 106 (conflict of interest) of that Act, a rate, toll, fare or other charge established by a council in respect of a local transportation system referred to in clause 227(1)(m) is not subject to that Act.*

**[French version]**

*Il est proposé d'ajouter, après l'article 229, ce qui suit:*

**Frais concernant les réseaux de transport locaux**  
**229.1** *Malgré la Loi sur la Régie des services publics, y compris l'article 106 de cette loi, les sommes,*

*notamment les tarifs, les péages ou les prix, qu'établit un conseil à l'égard d'un réseau de transport local visé à l'alinéa 227(1)m) ne sont pas assujetties à cette loi.*

**Mr. Chairperson:** Amendment—pass. That is an add-on?

**Mr. Derkach:** Yes.

**Mr. Chairperson:** Clause 230(1) to 232—pass. Clause 233(1).

**Mr. Derkach:** Mr. Chairperson, by way of explanation, this of course became a concern once we brought in the new act. I guess it was the community of Steinbach that originally brought this to our attention. Basically, what we tried to do was to transfer out of The Liquor Control Act into The Municipal Act the section that dealt with communities deciding whether they were wet or dry, and it is difficult to try and just simply transfer that clause into our act without having to rework the wording of this clause very significantly; so, therefore, I move

THAT sections 233 to 236 be deleted.

**[French version]**

*Il est proposé que les articles 233 à 236 soient supprimés.*

**Mr. Chairperson:** Amendment—pass. So Sections 233 to 236 are deleted.

Clauses 237(1) through to 242—pass; Clauses 241(1) through to 243(1)—pass; Clauses 243(2) to 246—pass; Clauses 247(1) through 248(2)—pass. Clause 249(1).

**Mr. Derkach:** I have my ultimate trust in our advisors. I am told that it is not necessary, and it is redundant. Therefore, I move

THAT clause 249(1)(b) be amended by striking out "subject to Division 2 (Economic Development),".

**[French version]**

*Il est proposé que l'alinéa 249(1)b) soit amendé par suppression de "sous réserve de la section 2,".*

**Mr. Chairperson:** Amendment—pass; Clause 249(1) as amended—pass; Clauses 249(2) through to 255—pass; Clauses 256(1) through to 258(3)—pass; Clauses 259(1) through to 259(6)—pass; Clauses 260(1) through to 260(2)—pass. Clause 261(1).

**Mr. Derkach:** Mr. Chair, just by way of a brief explanation, this is to clarify the minutes of closed meetings are accepted, which means these minutes may be released if council passes the resolution; and, therefore, I move

THAT subsection 261(1) be amended

(a) in clause (f), by adding “, except the minutes for any part of a committee meeting that was closed under subsection 146(3),” at the end;

(b) in clause (h), by striking out “clause 37(1)(b)” and substituting “clause 37(2)(b)”.

**[French version]**

*Il est proposé que le paragraphe 261(1) soit amendé:*

*a) dans l'alinéa f), par adjonction, à la fin, de “, à l'exclusion des procès-verbaux relatifs aux parties de réunions de comités dont le public est exclu en vertu du paragraphe 146(3) “;*

*b) dans l'alinéa h), par substitution, à “de l'alinéa 37(1)b)”, de “du paragraphe 37(2)”.*

\* (2050)

**Mr. Chairperson:** Amendment—pass; Clause 261(1), as amended—pass. Clause 261(2).

**Mr. Derkach:** This authorizes access directly to Mr. Chairman, and it is to clarify that the CEO must provide the record when authorized by council. Therefore, I move

THAT subsection 261(2) be struck out and the following substituted:

**Council may authorize access to other records**

**262(2)** The chief administrative officer must provide access to any other municipal record in the possession of

the municipality if he or she is authorized by the council to provide access to the record.

**[French version]**

*Il est proposé que le paragraphe 261(2) soit remplacé par ce qui suit:*

**Accès à d'autres documents municipaux**

**261(2)** *Si le conseil l'autorise à le faire, le directeur général donne accès aux autres documents municipaux qui sont en la possession de la municipalité*

**Motion presented.**

**Mr. Clif Evans:** It is a little clarification with this. the minister saying that if the council approves any type of documentation within its jurisdiction, if they approve it, they must approve that documentation. Prior to this act, basically pretty well all records of any kind were accessible to the public were they not? That is why I am asking. I am asking for clarification.

**Mr. Derkach:** No, Mr. Chair, that is not correct, and only by a resolution is the chief administrative officer then authorized to provide access to any of the municipality records in the possession of that municipality. So therefore the amendment is required so that the municipality will by resolution authorize the chief administrative officer.

**Mr. Clif Evans:** That we are having the availability to be able to say so to be able to provide such documentation.

**Mr. Derkach:** That is correct.

**Mr. Chairperson:** Amendment—pass; Clause 261(2) as amended—pass; Clauses 261(3)through to 261(5)—pass; Clauses 262 through to 268—pass. Clause 269(1).

**Mr. Derkach:** This is in keeping with the new terminology and the various designations of municipalities where we have now only two classifications of municipalities, either urban or rural, and this is just a change of terminology, i.e., urban municipalities. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 269(1) be amended*

*(a) by striking out the section heading and substituting "Certain urban municipalities"; and*

*(b) by striking out "Every city and town and every village" and substituting "Every urban municipality".*

**[French version]**

*Il est proposé que le paragraphe 269(1) soit amendé:*

*a) par substitution, au titre, de "Municipalites urbaines d'au moins 750 habitants";*

*b) par substitution, à "Les villes, les petites villes et les villages", de "Les municipalités urbaines".*

**Mr. Chairperson:** Amendment—pass; Clause 269(1) as amended—pass. Clause 269(2).

**Mr. Derkach:** Once again, Mr. Chair, this is an amendment to change terminology; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 269(2) be amended*

*(a) by striking out the section heading and substituting "Other urban municipalities, and rural municipalities"; and*

*(b) by striking out "A village" and substituting "An urban municipality".*

**[French version]**

*Il est proposé que le paragraphe 269(2) soit amendé:*

*a) par substitution, au titre, de "Municipalités urbaines de moins de 750 habitants";*

*b) par substitution, à "Les villages", de "Les municipalités urbaines".*

**Mr. Chairperson:** Amendment—pass; Clause 269(2) as amended—pass; Clauses 270(1) through to 272(2)—pass. 270(3).

**Mr. Derkach:** Mr. Chair, this amendment is to remove reference "holds office during the pleasure of the council and" to clarify that police may report to council or the chief administrative officer and that would be done at the discretion of the council. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 270(3) be amended by striking out "holds office during the pleasure of the council and".*

**[French version]**

*Il est proposé que le paragraphe 270(3) soit amendé par suppression de "occupent leur poste à titre amovible et".*

**Mr. Chairperson:** Amendment—pass; Clause 270(3) as amended—pass.

**Mr. Derkach:** I just wanted to clarify again for the sake of the committee here that this is also in response to representations that were made to the department from municipalities after the bill was circulated to municipalities around the province.

**Mr. Chairperson:** Clauses 271 through to 276(1)—pass; Clauses 276(2) through to 281(3)—pass; Clauses 281(4) through to 286—pass; Clauses 287 through to 289(4)—pass. Clause 290.

**Mr. Derkach:** This amendment is to clarify that the removal is subject to The Mines and Minerals Act; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT section 290 be amended in the part preceding clause (a) by adding ", subject to The Mines and Minerals Act," after "may".*

**[French version]**

*Il est proposé que l'article 290 soit amendé par substitution, à "La", de "Sous réserve de la Loi sur les mines et les minéraux, la".*

**Mr. Chairperson:** Amendment—pass; Clause 290 as amended—pass; Clauses 291 through to 294(2)—pass; Clauses 294(3) through to 295—pass. 296(1).

**Mr. Derkach:** I am told that this is a housekeeping amendment to strike the definition of taxpayer which is defined in 1(1); therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 296(1) be amended by striking out the definition "taxpayer".*

**[French version]**

*Il est proposé que le paragraphe 296(1) soit amendé par abrogation de la définition "contribuable".*

**Mr. Chairperson:** Amendment—pass; Clause 296(1) as amended—pass; Clauses 296(2) through 298(4)—pass; Clauses 298(5) through 299(1)—pass; Clauses 299(2) through 302(1)—pass; Clauses 302(2) through 306—pass; Clauses 307 through 311—pass; Clauses 312 through 313(4)—pass; Clauses 313(5) through 315(2)—pass. Clause 316(1).

**Mr. Derkach:** The amendment here, Mr. Chair, is to add a new subsection 4 to enable municipalities to give public notice if local improvement or special service is against the whole municipality. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT section 316 be amended*

*(a) in subsection (2), by striking out "subsection (1)" and substituting "this section"; and*

*(b) by adding the following after subsection (3):*

*Notice where tax to be levied on all taxpayers*  
**316(4)** *Despite subsection (1) but subject to subsection (3), if all the taxpayers in the municipality are potential taxpayers under a local improvement plan or special services proposal, the municipality may give public notice of the plan or proposal instead of mailing a notice to each potential taxpayer.*

**[French version]**

*Il est proposé que l'article 316 soit amendé:*

*a) dans le paragraphe (2), par substitution, à "paragraphe (1)", de "présent article";*

*b) par adjonction, après le paragraphe (3), de ce qui suit:*

**Avis en cas de taxation de tous les contribuables**  
**316(4)** *Malgré le paragraphe (1) mais sous réserve du paragraphe (3), si tous les contribuables d'une municipalité sont des contribuables éventuels visés par un plan d'amélioration locale ou une proposition de service special, la municipalité peut donner avis public du plan ou de la proposition au lieu de poster un avis à chaque contribuable éventuel.*

**Mr. Chairperson:** Amendment—pass; Clause 316(1) as amended—pass. Clauses 316(2) through 318(2).

**Ms. Barrett:** Mr. Chair, I would beg the indulgence of the committee to revert back to 316(4). I know we agreed to it. I am asking for a question of clarification.

**Mr. Chairperson:** Is there leave for the committee to revert back to the amendment at this time? [agreed]

**Ms. Barrett:** I think I understand the amendment, but I am wondering why it was brought in. Was it brought in at the request of municipalities? It seems to me it is a cost saving to municipalities not to have to notify each taxpayer, but was this as a result of requests from municipalities, and does the government have a concern about the fact that individual taxpayers now will not be notified?

\* (2100)

**Mr. Derkach:** Mr. Chair, I believe that this one was raised by municipalities, not all municipalities. I know one specifically, but there were others who also raised the issue, and therefore to ensure that there is adequate input or at least notification to the public, this is just trying to be as open as possible to the public who have to pay the bills or the taxpayers who have to pay the bills of the municipality.

**Ms. Barrett:** Currently, do municipalities have to send an individual letter to each taxpayer in this situation?

**Mr. Derkach:** Under the old legislation, they did not have to do that.

**Ms. Barrett:** What did they have to do under the old legislation?

**Mr. Derkach:** There was a public notice that had to be embarked on by the municipality in an advertisement in the local papers, I guess.

**Ms. Barrett:** Okay, now I am confused. If the previous act said you had to have a public notice and this amendment says that all you have to have is a public notice instead of mailing a notice to each potential taxpayer, are there municipalities that currently mail it to each taxpayer? I am not sure I understand why the addition of this amendment.

**Mr. Derkach:** In the old legislation, local improvements applied only to certain portions of a municipality, if you like. Therefore, if you gave notice, residents who were impacted by it would know because it impacted on their particular area. When local improvement involves the entire municipality, it is a bit of a different matter, and therefore it is felt that individual notices to the ratepayers would be a better means of communicating to the taxpayers about the local improvement. As you know, in the past, local improvements have often been a bit of an issue in some municipalities.

I can relate to one that happened not that long ago, where there was a request for local improvement, but the taxpayers did reject it. This just simply means that there would be better notice to the entire municipality or the voters in the entire municipality with regard to local improvement.

**Ms. Barrett:** How can there be better notice if this amendment allows for a public notice in a newspaper or a posting at the post office or something instead of requiring an individual letter? It seems to me the best notice, the most assurance that you have that all ratepayers know about a potential local improvement is to mail it out to each taxpayer, each ratepayer individually, so I do not see how it is better notice.

**Mr. Derkach:** This section only applies if it applies to the entire municipality. I guess it is a more cost-effective way of notifying when a local improvement relates to everybody in the municipality.

**Mr. Chairperson:** As previously agreed, that matter was already resolved and passed.

Clauses 316(2) through to 318(2)—pass. Clause 318(3).

**Mr. Derkach:** Again, this is to effect better communication to people who might be objecting a particular issue, and therefore, I move

THAT subsection 318(3) be amended by striking out everything after “the council must” and substituting the following:

(a) give public notice of and hold a public hearing in respect of the plan or proposal before considering a by-law to approve it; and

(b) send notice of the hearing by mail to each potential taxpayer who objected to the plan or proposal.

#### [French version]

*Il est proposé que le paragraphe 318(3) soit amendé par substitution, au passage qui suit “le conseil”, de ce qui suit:*

*a) donne un avis public d'audience publique et tient une telle audience à l'égard du plan ou de la proposition avant de se pencher sur un règlement portant approbation de ce plan ou de cette proposition;*

*b) envoie un avis d'audience par la poste à chaque contribuable éventuel qui s'est opposé au plan ou à la proposition.*

#### Motion presented.

**Mr. Derkach:** This just is a matter of trying to be more communicative, if you like, or to ensure that everyone who perhaps has a problem with a particular plan does know about it, does in fact have the opportunity to then have access to raise their objections and to raise their concerns.

**Mr. Chairperson:** Amendment—pass; Clause 318(3) as amended—pass; Clauses 318(4) through to 319(4)—pass; Clauses 320(1) through to 324(2)—pass; Clauses 324(3) through to 326(3)—pass. Clause 327.

**Mr. Derkach:** This is to clarify the definitions of admission price and the place of amusement. It adds a new definition of amusement, and basically I am told it is more similar to the existing act. I move—

**Mr. Chairperson:** Dispense.

*That subsection 327 be amended*

*(a) in the definition "admission price", by striking out clause (b) and substituting the following:*

*(b) the amount paid for*

*(i) a ride or the use of a thing, or*

*(ii) participation in an amusement, and*

*(b) by adding the following definition in alphabetical order:*

*"amusement" means a contest, dance, entertainment, exhibition, game, performance, program, show, riding device or amusement ride;*

*(c) in the definition "place of amusement",*

*(i) by striking out clause (a) and substituting the following:*

*(a) an amusement is given, held or played or takes place, and*

*(ii) in clause (b), by striking out "entrance or admission fee" and substituting "admission price".*

**[French version]**

*Il est proposé que l'article 327 soit amendé:*

*a) dans la définition de "prix d'entrée", par substitution, à l'alinéa b), de ce qui suit:*

*b) la somme payée:*

*(i) soit pour un tour ou l'utilisation d'une chose,*

*(ii) soit pour la participation à un divertissement;*

*b) par adjonction, en ordre alphabétique, de ce qui suit:*

*"divertissement" concours, danse, spectacle, exposition, match, représentation, programme, séance ou manège. ("amusement")*

*c) dans la définition de "lieu de divertissement":*

*(i) par substitution à l'alinéa a), de ce qui suit:*

*(a) d'une part, a lieu un divertissement,*

*(ii) à l'alinéa b) de la version anglaise, par substitution, à "entrance or admission fee", de "admission price".*

**Mr. Chairperson:** Amendment-pass; Clause 327 as amended-pass. Clause 328(1).

**Mr. Derkach:** Mr. Chair, these amendments reflect the existing act, and the first amendment is to clarify the taxes on the amusement admission, price rather than the place. No. 3 is to enable inspectors to enter a place to inspect the records; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*That section 328 be amended*

*(a) in subsection (1), by striking out "to a place or places of amusement":*

*(b) in subsection (3),*

*(i) in the part preceding clause (a), by adding "by by-law" after "may";*

*(ii) in the French version of clause (b), by striking out "prennent" and substituting "prendre"; and*

*(iii) by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following after clause (b):*

*(c) authorize inspectors, police constables or auditors to conduct inspections or audits related to compliance with this Division and, for that purpose, to enter places of amusement and any other places where records relating to amusements might be kept.*

**[French version]**

*Il est proposé que l'article 328 soit amendé:*

*a) dans le paragraphe (1) de la version anglaise, par suppression de "to a place or places of amusement";*

b) dans le paragraphe (3):

i) dans le passage introductif, par adjonction, après "peut", de ",par règlement",

ii) dans l'alinéa b) de la version française, par substitution, à "prennent", de "prendre",

iii) par adjonction, après l'alinéa b), de ce qui suit:

*c) autoriser des inspecteurs, des agents de police ou des vérificateurs à effectuer des inspections ou des vérifications ayant trait à l'observation de la présente section et à visiter, à cette fin, des lieux de divertissement et d'autres lieux ou peuvent être conservés des documents concernant des divertissements.*

**Mr. Chairperson:** Amendment—pass; Clause 328(1), as amended—pass; Clauses 328(2) through to 329—pass. Clause 330.

**Mr. Derkach:** Mr. Chair, this is to enable municipalities to exempt classes of amusements; and, therefore, I move—

**Mr. Chairperson:** Dispense.

*That section 330 be amended by striking out everything after "exempt" and substituting "persons or classes of persons from amusement tax on the admission price for certain amusements or places of amusement or classes of amusements or places of amusement."*

[French version]

*Il est proposé que l'article 330 soit amendé par substitution, au passage qui suit "exempter", de "des personnes ou des catégories de personnes de la taxe sur les divertissements applicable au prix d'entrée à payer pour certains divertissements ou lieux de divertissement ou certaines catégories de divertissements ou de lieux de divertissement".*

**Mr. Chairperson:** Amendment—pass; Clause 330 as amended—pass; Clauses 331 through to 332—pass; Clauses 331(1) through to 333(5)—pass; Clauses 333(6) through to 336—pass; Clauses 337 through to 347(2)—pass. Clause 341(1).

\* (2110)

**Mr. Derkach:** Mr. Chair, this particular amendment is to provide the interest rate for repayment of taxes paid under protest be set annually by regulation; and, therefore, I move

That clause 341(1)(c) be struck out and the following substituted:

(c) pay interest on the excess taxes to the taxpayer, from the date they were paid, at an annual rate prescribed by regulation by the minister for each calendar year, or any part thereof, which rate must be prescribed at least once in the year.

[French version]

*Il est proposé que l'alinéa 341(1)c) du projet de loi soit remplacé par ce qui suit:*

*c) paie au contribuable l'intérêt sur les taxes excédentaires, à compter de la date de leur paiement, au taux d'intérêt annuel que fixe, par règlement, le ministre pour tout ou partie de chaque année civile, lequel taux est fixé au moins une fois dans l'année.*

**Motion presented.**

**Ms. Barrett:** When the amendment says, "... prescribed by regulation ... for each calendar year, or any part thereof, which rate must be prescribed at least once ...," does that mean that the minister can, by regulation, change the rate at any time the minister wishes?

**Mr. Derkach:** The intent, Mr. Chair, is to ensure that the interest rate that is paid to the taxpayers who have tax repayments coming to them would be fair, and in times of fluctuating interest rates that may require more than one setting per year. But the intention is to set it at least once per year. However, if there are huge fluctuations or if the marketplace dictates that we are out of sync—so to speak—with what interest rates are, then it may require setting them more than once a year.

**Ms. Barrett:** But technically this amendment does allow the minister to set those rates at any time, to make changes to the rates that are established at any time

during the year. He or she must do it at least once a year, but there is no maximum prescribed. There is no time like quarterly or that type of thing, nor is there anything in this amendment that states the basis upon which those rates will be set. Is that an accurate reflection of the minister's amendment?

**Mr. Derkach:** Mr. Chair, although that is correct, one must be reasonable and ensure that the rate that is being set is reflective of what the economy is doing in the province and that it has to coincide with either the bank rates that are being charged or paid. For example, the Crown borrowing rate may be used as a guide. Therefore, although it could be set more than once per year, it has to be reflective of some measure of the economy and the interest rates.

**Ms. Barrett:** Will the regulation then state what the guide is that is being used to set the rate?

**Mr. Derkach:** Mr. Chair, in the regulation, I would anticipate that there would be some reference made to a benchmark or to a guide that is being used to set the rate, so that it is not just a rate that is plucked out of the air and applied.

**Mr. Clif Evans:** Mr. Chair, for clarification. If a property taxpayer is assessed a tax in '95 and through the appeal process, and if in 1995 the rates are as such—whatever they may be—then it is overturned in '97 on an appeal, how would the minister then regulate what rates of interest would be paid, the '95 rates where the taxpayer has been assessed or the '97 rates?

**Mr. Derkach:** As the member knows, the taxpayer would be subject to repayment to the date when the taxes were repaid, but the rate at which it will be set will, in all likelihood, be set at the time that the judgment is made with respect to overpayment of taxes.

**Mr. Clif Evans:** Then in six of one and half a dozen of the other a taxpayer could have a windfall once the appeal is approved or they may get a shortfall; then you are going to get into an argument of I was taxed in such a such a year and the interest rate was such and such at that year and now it is such and such.

**Mr. Derkach:** Mr. Chair, regardless of what interest rate you use or what date you use, there will always be a

problem because we have no control over when the Municipal Board or the Board of Revision will sit to hear the appeal. We are moving in a direction of trying to address the backlog of appeals in the hope that we will not have these long delays, but there will not be so much of a windfall for the taxpayer, or there will not even be a shortfall in most instances, but it may not reflect as accurately as one would like perhaps the current interest rates and what they might have done over the course of time. What we are trying to do is establish a rate that is going to be fair to the taxpayer and also fair to the municipality that has to pay those taxes.

**Mr. Clif Evans:** Mr. Chair. I agree with the comment that the minister says. It has to be fair on both sides, and perhaps, when we are looking at the regulations, that might be taken into consideration as far as what we are bringing up this evening as the time of the assessment, the time of the appeal process, the time of the decision. so I would like to put the minister on notice with that as far as when the regulations are drafted, that be considered.

**Mr. Derkach:** Absolutely. Mr. Chair.

**Mr. Chairperson:** Amendment—pass. Clause 341(1) as amended—pass; Clauses 341(2) through 377 inclusive—pass. Clause 378(1).

**Mr. Derkach:** Mr. Chair, this again is to address some concerns that were brought to us by the municipalities, where a period of time for applying for excess or surplus monies when a property has been sold in tax sale was proposed at six years. Municipalities expressed concern that that was too long a period of time, that matters should be dealt with before that six-year period, so therefore we were reducing it from six years to three years. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT clause 378(1)(b) be amended by striking out "six" and substituting "three".*

**[French version]**

*Il est proposé que l'alinéa 378(1)b) soit amendé par substitution, à "six", de "trois".*

**Mr. Chairperson:** Amendment—pass; Clause 378(1) as amended—pass. Clauses 378(2) through 386(2) inclusive—pass. Clause 387.

\* (2120)

**Mr. Derkach:** Mr. Chair, this concern was brought to us by the Union of Manitoba Municipalities, and although we thought it was covered, the union wanted to have this particular section added to give them some comfort level in terms of what was really covered. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT clause 387(a) be amended by adding “service line,” after “pipe,”.*

**[French version]**

*Il est proposé que l'article 387 soit amendé par adjonction, après “tuyau,” de “d'un branchement,”.*

**Mr. Chairperson:** Amendment—pass; Clause 387 as amended—pass; Clauses 388 through 393—pass. Clause 394(1).

**Mr. Derkach:** Mr. Chair, once again, this was a concern by the Union of Manitoba Municipalities, where a claim—we were proposing an extended period of time for claims to be made against the municipality. This was posing some difficulty because municipalities indicated that if you give that period of time, 30 days, the conditions of the road or whatever caused the claim could have changed significantly. What we tried to do was be reasonable in the length of time that we were allowing. The municipalities wanted 48 hours. We felt that we needed to be somewhat more flexible on the side of the individual who may have incurred the damage or the claim, so we reduced the period of time for property claims to 72 hours or three days with discretion of course respecting holidays.

So, therefore, Mr. Chair, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 394(1) be amended by striking out clauses (a) and (b) and substituting “within three days after the event.”.*

**[French version]**

*Il est proposé que le paragraphe 394(1) soit amendé par substitution, à tout ce qui suit “litige” de “dans les trois jours suivant sa survenance.”*

**Motion presented.**

**Mr. Clif Evans:** Mr. Chairman, how would this take into consideration if damage was incurred and with the landowner, property owner being away and not knowing of nor—

**Mr. Derkach:** Mr. Chair, this has to do with damages that have been incurred on municipal property such as a road and where the driver of the vehicle, the owner of the vehicle has an accident and the condition of the municipal property was such that it caused the accident. That individual would then have three working days to apply to the municipality for compensation or property claim.

**Mr. Clif Evans:** The clause also states, or public facility, meaning what, for clarification on this, an example.

**Mr. Derkach:** Well, it could be a number of things including such things as a municipal hall, a municipal building, a structure such as a bridge or something of that nature as well.

**Mr. Chairperson:** Amendment—pass; Clause 394(1) as amended—pass; Clauses 394(2) through to 415(3) inclusive—pass. Clause 416(1).

**Mr. Derkach:** This is a housekeeping amendment to strike out (d) pooled investment and amend to remove costs; so, therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 416(1) be amended*

*(a) by striking out clause (d);*

*(b) in clause (f) by striking out “fines, penalties and costs” and substituting “fines and penalties”; and*

*(c) by adding the following after clause (j):*

*(j.1) for the purpose of clause 341(1)(c), prescribing the annual rate of interest to be paid on excess taxes;*

**[French version]**

*Il est proposé que le paragraphe 416(1) soit amendé:*

*a) par suppression de l'alinéa d);*

*b) dans l'alinéa f), par substitution, à "les pénalités et les frais "de" et les pénalités".*

*c) par adjonction, après l'alinéa j), de ce qui suit:*

*j.1) pour l'application de l'alinéa 34(1)c), fixer le taux d'intérêt annuel à payer sur les taxes excédentaires;*

**Mr. Chairperson:** Amendment—pass; Clause 416(1) as amended—pass; Clauses 416(2) through to 419(1)—pass. Clause 419(2).

**Mr. Derkach:** This is simply a housekeeping amendment to change the subsection heading and therefore I move

**Mr. Chairperson:** Dispense.

*THAT the section heading for subsection 419(2) be amended by striking out "meeting" and substituting "hearing".*

**[French version]**

*Il est proposé que le titre du paragraphe 419(2) de la version anglaise soit amendé par substitution, à "meeting" de "hearing".*

**Mr. Chairperson:** Amendment—pass; Clause 419(2) as amended—pass; Clauses 419(3) to 424(2)—pass. Clause 425(1).

**Mr. Derkach:** Mr. Chair, this particular amendment is to name urban LGDs as towns; and, therefore, I move

THAT subsection 425(1) be amended

(a) in the section heading, by striking out "urban municipalities" and substituting "towns"; and

(b) by striking out "Urban Municipality" and substituting "Town".

**[French version]**

*Il est proposé que le paragraphe 425(1) soit amendé:*

*(a) dans le titre, par substitution, à "municipalités urbaines", de "petites villes";*

*(b) par substitution, à "Municipalité urbaine", de "Petite ville "*

**Mr. Chairperson:** Amendment—pass; Clause 425(1) as amended—pass. Clauses 425(2) through to Clause 428(2)—pass

**Mr. Derkach:** Mr. Chair, this particular amendment is a new section to continue members of council or members of a UVD committee who are employees. These members must take a leave of absence if they wish to run at the next general election. However, until that time, they would be grandfathered, so to speak. So, therefore, I move

THAT the following be added after subsection 428(2):

Application of clause 86(d) and subsection 87(7)—

**Mr. Chairperson:** Dispense.

**428(3)** *Clause 86(d) (municipal employees who are disqualified) and subsection 87(7) (employee elected as member of council or committee of L.U.D.) do not apply to an employee of a municipality who is a member of the council of the municipality or the committee of a local urban district in the municipality at the time this Act comes into force until the term of office for which the employee was elected expires or the employee ceases to be a member of the council or committee.*

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 428(2), ce qui suit:*

*Application de l'alinéa 86d)*

**428(3)** *L'alinéa 86d) ne s'applique pas aux employés d'une municipalité qui sont membres du conseil de la*

*municipalité au moment de l'entrée en vigueur de la présente loi tant que le mandat pour lequel ils ont été élus n'est pas terminé ou tant qu'ils demeurent conseillers.*

**Mr. Chairperson:** Amendment—pass.

**Mr. Penner:** What section are we on?

**Mr. Chairperson:** It is adding a new section, and it is Section 428(3). It is a new section.

Clause 429(1) through to Clause 431(1)—pass.

**Mr. Derkach:** This amendment is adding a new 431(1.1) to continue unincorporated urban districts, or UVDs, formed under the LGD act as LUDs. Therefore, I move

THAT the following be added after subsection 431(1):

**Mr. Chairperson:** Dispense.

*Continuation of unincorporated urban districts  
431(1.1) An unincorporated urban district formed under The Local Government Districts Act is continued under this Act as a local urban district.*

[French version]

*Il est proposé d'ajouter, après le paragraphe 431(1), ce qui suit:*

*Districts urbains non constitués  
431(1.1) Les districts urbains non constitués créés sous le régime de la Loi sur les districts d'administration locale sont maintenus sous le régime de la présente loi à titre de districts urbains locaux.*

**Motion presented.**

**Mr. Penner:** I would just ask the minister if we could revert back to Section 430 just for clarification?

**Mr. Chairperson:** Is there leave to revert back to Section 430? Leave? [agreed]

**Mr. Penner:** The resident administrators of local government districts now are appointed by government.

This section indicates that the administrators will be appointed as chief administrative officers of the new municipalities under this act. By whom?

**Mr. Derkach:** Mr. Chair, under the old act, if you like, local administrators were appointed by Lieutenant-Governor-in-Council. However, they were employees of the LGDs, local government districts. Now the local government districts will be moved to municipal status, and those employees, through changes in regulations, will become employees of the municipalities.

**Mr. Penner:** Mr. Chairman, they will in fact be then appointed by the municipality, by the local council, and I understand that. Does that also then, Minister, charge the responsibility of keeping them on staff, that decision, with the local municipality? So it is at their discretion.

**Mr. Derkach:** This is the final step, if you like, of devolving sort of the hold on administrators from government to municipalities. As a result of the passing of this act, the administrators will become the employees of the new municipalities and will be controlled entirely by those municipalities.

**An Honourable Member:** Is this on the amendment or on 430?

**An Honourable Member:** It is on 430.

\* (2130)

**Mr. Clif Evans:** For clarification then, Mr. Minister, the salaries paid by, are these one of the compensation issues that were dealt with the LGDs? Will the LGDs now as municipalities incur the full cost of the administrator as an R.M. did?

**Mr. Derkach:** As I said, this was sort of the final step in a process of having the administrators become full employees of the LGDs or new municipalities. The compensation aspect was looked after in previous years when we started the process, so therefore the compensation for administrators is totally the responsibility of the LGDs or new municipalities.

**Mr. Chairperson:** Amendment—pass. That is 431(1.1) will be added. 431(2).

**Mr. Derkach:** This is to clarify, Mr. Chairman, that the UVD committees, as they are known now, will continue as LUD committees; and, therefore, I move

THAT subsection 431(2) be amended—

**Mr. Chairperson:** Dispense.

(a) in the section heading, by adding “and U.U.D.s” after “U.V.D.s”;

(b) in the part preceding clause (a), by adding “or an unincorporated urban district referred to in subsection (1.1)” after “subsection (1)” ; and

(c) in clause (a), by adding “or the unincorporated urban district” after “unincorporated village district”.

**[French version]**

*Il est proposé d'amender le paragraphe 432(2):*

a) dans le titre, par substitution à “districts de village non constitués”, de “DVNC et DUNC”;

b) dans le passage qui précède l'aliné a), par substitution, à “non constitué, visé au paragraphe (1).”, de “ou de tout district urbain non constitué visé par le paragraphe (1) ou (1.1)” ;

c) dans l'alinéa a) de la version anglaise, par adjonction, après “unincorporated village district”, de “or the unincorporated urban district”.

**Mr. Chairperson:** Amendment—pass; Clause 431(2) as amended—pass; Clause 431(3)—pass. Clause 431(4).

**Mr. Derkach:** Mr. Chair, this is to clarify that UVDS converted to LUDs are deemed to be formed under this act; and, therefore, I move—

**Mr. Chairperson:** Dispense.

THAT subsection 431(4) be amended

(a) in the section heading, by striking out “unincorporated village district” and substituting “U.V.D.s and U.U.D.s” ; and

(b) in the subsection, by adding “or unincorporated urban district” after “unincorporated village district”.

**[French version]**

*Il est proposé d'amender le paragraphe 431(4)*

a) dans le titre, par substitution, à “districts de village non constitués”, de “DVNC et DUNC”;

b) à l'intérieur du paragraphe, par adjonction, après “non constitué”, de “ou tout district urbain non constitué”.

**Mr. Chairperson:** Amendment—pass. Clause 431(4) as amended—pass.

**Mr. Derkach:** This is adding a new 431(5) to ensure by-election for an LUD committee are not automatically triggered by the new act. So, in other words, that because of the passing of this act does not mean that all of a sudden we will have by-elections in all of our UVDS. Those committees will continue as committees of LUDs. So, therefore, I move

THAT the following be added after subsection 431(4)—

\* (2140)

**Mr. Chairperson:** Dispense.

*By-elections before first general election*  
431(5) Despite anything in this Act, when the office of a member of a committee referred to in subsection (3) (in this subsection referred to as a “member who holds office as if elected”) becomes vacant before the first general election following the coming into force of this section, a by-election is not required if

(a) the committee has remaining at least two members who hold office as if elected; and

(b) a majority of the members then on the committee request, not later than 30 days after the vacancy occurs, that council not hold a by-election.

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 431(4), ce qui suit:*

*Élection partielle*

431(5) *Malgré les autres dispositions de la présente loi, lorsque le poste d'un membre d'un comité visé par le paragraphe (3) devient vacant avant la tenue des premières élections générales qui suivent l'entrée en vigueur du présent article, il n'est pas nécessaire de tenir une élection partielle dans les cas suivants:*

*a) au moins deux membres du comité occupent toujours leur poste comme s'ils avaient été élus;*

*b) la majorité des membres faisant alors partie du comité demande au conseil, au cours des trente jours qui suivent la survenance de la vacance, de ne pas tenir une élection partielle.*

**Mr. Chairperson:** Amendment—pass. This is an add-on. Clauses 432(1) through to 438—pass.

**Mr. Derkach:** This is adding a new section after 439.

**Mr. Chairperson:** One second. I can go to 439 then. Clause 439—pass.

**Mr. Derkach:** This is a new section 439(1)—

**Mr. Chairperson:** Excuse me. We are going to have to go back, because I passed it. I am sorry. I had confused it when he passed this out. If we could revert back to 438, I had erred in passing it. There was an amendment coming. So if we could revert back to 438 at this time. Are they just about done?

Could we take about a five-minute recess? I could use about five minutes just to get caught up. Would that be okay? [agreed] Thank you.

*The committee recessed at 9:35 p.m.*

#### After Recess

*The committee resumed at 9:42 p.m.*

**Mr. Chairperson:** Committee will come to order. We are at Clause 439. Clause 439—pass.

**Mr. Derkach:** Mr. Chair, this is to add 439.1. To clarify: The properties currently in tax sale continue to

follow a process under the former Municipal Act; therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after section 439 of the Bill:*

#### *Tax sales and redemptions*

**439.1** *Where land within a municipality is sold for taxes before the coming into force of this Act, the provisions of the former Municipal Act respecting the rights, powers and obligations of the municipality, the tax purchaser and the person who owned the land before the sale continue to apply in respect of the land until the period for the redemption of the land provided for under that Act has expired.*

#### [French version]

*Il est proposé d'ajouter, après l'article 439 du projet de loi, ce qui suit:*

#### *Ventes pour défaut de paiement des taxes et rachats*

**439.1** *Si des biens-fonds situés dans une municipalité sont vendus pour défaut de paiement des taxes avant l'entrée en vigueur de la présente loi, les dispositions de l'ancienne loi sur les municipalités concernant les droits, les pouvoirs et les obligations de la municipalité, des adjudicataires et des personnes à qui appartenaient les biens-fonds avant leur vente continuent de s'appliquer à ceux-ci jusqu'à la fin de la période de rachat prévue sous le régime de cette loi.*

**Mr. Chairperson:** Amendment—pass. Clause 440.

**Mr. Derkach:** Once again, Mr. Chair, this is in keeping with the deletion of the former provision with regard—pardon me, no, this is a local options provision with regard to The Liquor Control Act. Once again, in keeping with what we did previously, I move,

THAT section 440 be deleted.

#### [French version]

*Il est proposé que l'article 440 soit supprimé.*

**Mr. Chairperson:** Amendment—pass. Section 440 is now struck out, deleted.

Clause 441—pass. Clause 442.

**Mr. Derkach:** This is a simple amendment, Mr. Chair, which is just a housekeeping amendment to renumber the section. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT section 442 be renumbered as section 421.1.*

**[French version]**

*Il est proposé que l'article 442 devienne l'article 421.1.*

**Mr. Chairperson:** Amendment—pass, Clause 442 as amended—pass; Clauses 443 through to 449—pass; Clauses 450(1) through to 453(3)—pass; Clauses 454 through 456(3)—pass. Clause 457(1).

**Mr. Derkach:** Mr. Chair, this again is in keeping with what we have done with respect to the other sections regarding The Liquor Control Act. Therefore, I move,

*THAT section 457 be deleted.*

**[French version]**

*Il est proposé que l'article 457 soit supprimé.*

**Mr. Chairperson:** Amendment—pass. Section 457 is deleted or struck out. Clause 458(1)—pass.

**Mr. Derkach:** Mr. Chair, this new addition is to exclude Indian reserves from LGDs; therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after 458(1).*

*458(1.1) The following is added after section 1:*

***Indian Reserves excluded***

*1.1 Despite any Act of the Legislature,*

*(a) land within an Indian Reserve is not part of the area of any local government district;*

*(b) persons residing within an Indian Reserve are not residents of any local government district; and*

*(c) any description of the boundaries of a local government district or the area within a local government district is deemed to provide that land within an Indian Reserve is excluded from the local government district.*

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 458(1), ce qui suit:*

*458(1.1) Il est ajouté, après l'article 1, ce qui suit:*

***Réserves indiennes exclues***

*1.1 Par dérogation à toute loi de l'Assemblée législative.*

*a) les biens-fonds situés sur une réserve indienne ne font pas partie du territoire d'une district d'administration locale.*

*b) les personnes qui résident sur une réserve indienne ne sont résidents d'aucun district d'administration locale,*

*c) toute description des limites d'un district d'administration locale ou du territoire situé à l'intérieur d'un district d'administration locale est réputée exclure du district d'administration locale les biens-fonds faisant partie d'une réserve indienne.*

**Mr. Chairperson:** Amendment—pass. This is an add-on. Clauses 458(2) through to 458(7)—pass. Clause 458(8).

**Mr. Derkach:** Mr. Chair, this is to repeal 5.18 from The LGD Act for the ability to form a UVD. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after clause 458(8)(d)*

*(e) section 18.*

**[French version]**

*Il est proposé d'ajouter, après l'alinéa 458(8)d), ce qui suit:*

e) l'article 18.

**Mr. Chairperson:** Amendment—pass; Clause 458(8) as amended—pass. Clauses 458(9) through to 460(6)—pass.

**Mr. Derkach:** This is a new section, Mr. Chair, which is a consequential amendment to The Municipal Council Conflict of Interest Act to continue requirement for the annual statement of assets and interests. Therefore, I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after section 460:*

*The Municipal Council Conflict of Interest Act*

*C.C.S.M. c. M255 amended*

*460.1 Subsection 9(1) of The Municipal Council Conflict of Interest Act is repealed and the following is substituted:*

*Annual statement of assets and interests*

*9(1) Not later than the last day in November of each year, and in the case of The City of Winnipeg, not later than the fourth Wednesday in November of each year, every councillor shall file with the clerk of the municipality a statement disclosing assets and interests in accordance with section 10.*

**[French version]**

*Il est proposé d'ajouter, après l'article 460, ce qui suit:*

*Loi sur les conflits d'intérêts au sein des conseils municipaux*

*Modification du c. M255 de la C.P.L.M.*

*460.1 Le paragraphe 9(1) de la Loi sur les conflits d'intérêts au sein des conseils municipaux est remplacé par ce qui suit:*

*État annuel des biens et des droits*

*9(1) Au plus tard le dernier jour de novembre de chaque année, et dans le cas de la Ville de Winnipeg, au plus tard le quatrième mercredi de novembre de chaque année, tous les conseillers déposent auprès du greffier de la municipalité un état concernant leurs biens et leurs droits, conformément à l'article 10.*

**Mr. Chairperson:** Amendment—pass. That is an add-on. Clauses 461 through to 463(7)—pass; Clauses 463(8) through to Clause 466(1)—pass; Clauses 466(2) through to 471(5)—pass; Clauses 471(6) through to 475(2)—pass. Clauses 475(3) through to 673(1)—pass.

Is there a renumbering motion?

**An Honourable Member:** Yes, there is.

**Mr. Chairperson:** Oh, one second, what is this on the back of the page here? Repeal.

Clauses 476 through 478—pass.

**Mr. Derkach:** Mr. Chair, I would like to signal to the committee members that at Report Stage I will be proposing another amendment, but we have not had an opportunity to prepare that amendment this evening. So, therefore, it is a consequential amendment and we will be proposing that at Report Stage. This was quite rightfully brought to our attention by Ms. Barrett. So, therefore, it will be done at Report Stage.

**Mr. Chairperson:** Do you want to do the renumbering motion?

**Mr. Derkach:** On another issue, Mr. Chair, I would like to move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

**[French version]**

*Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.*

\* (2150)

**Motion agreed to.**

**Mr. Chairperson:** Table of contents—pass; Preamble—pass; Title—pass. Bill as amended be reported.

**Ms. Barrett:** Mr. Chair, I would just like, I think, on behalf of all the committee members and the minister and

his staff like to thank the Leg. Counsel, who have done such a remarkable job in drafting the legislation and then going back and drafting all of the amendments, and I cannot imagine what kind of a job it must be. So you are all to be congratulated very much.

**An Honourable Member:** Hear, hear.

**Mr. Derkach:** Just to follow up on Ms. Barrett's comments, I too would like to express my appreciation to staff and to Leg. Counsel for the very efficient and effective work that they have done and also pass my compliments to my critics in the opposition, who have conducted themselves admirably with regard to the amendments. I appreciated the consultations that we have had, and I think the size of this legislation indicates that through co-operation we can achieve a great deal. So, therefore, my regards to the opposition as well. Thank you.

**Mr. Chairperson:** Is it the will of the committee to move right on to Bill 36? [agreed] Okay, let us just wait till the staff changes then.

### **Bill 36—The Social Allowances Amendment and Consequential Amendments Act**

**Mr. Chairperson:** The committee will come to order. We will now be dealing with Bill 36, The Social Allowances Amendment and Consequential Amendments Act. Does the minister responsible have a brief opening statement?

**Hon. Bonnie Mitchelson (Minister of Family Services):** Yes, I do. I would just like to provide a brief summary of the provisions of Bill 36, which will be helpful as we examine it clause by clause. The purpose of Bill 36 is to provide for a one-tier income assistance program in Winnipeg, to update the act to more clearly provide for the Employment First direction of Employment and Income Assistance and to update the act to reflect the elimination of the Canada Assistance Plan.

Having one program in Winnipeg will improve service to clients while increasing administrative effectiveness. About 90 percent of municipal clients and 60 percent of provincial clients live in Winnipeg. This offers the unique opportunity to offer one-stop service to clients while reducing duplication. Clients will benefit from

better co-ordination of employment and training opportunities. Clients will not be spending time moving from one program to the other as their circumstances change. Having consistent policies in administration will also increase fairness.

To be fair to both the city and the province, we have established a joint steering committee which is directing the work of consultants hired to develop the business case for the merger. In addition, Bill 36 updates The Social Allowances Act in housekeeping matters such as eliminating references to the now defunct Canada Assistance Plan. Bill 36 maintains provincial cost sharing from municipal assistance. In fact, Mr. Chairperson, the province continues to share responsibility for municipal assistance at the same level of support despite the fact that over two years the province is losing \$220 million in federal transfer payments due to the elimination of the Canada Assistance Plan.

By updating Bill 36, we are providing a clear base for the new emphasis of our program, which is to encourage people to realize their potential for being independent of financial assistance. We know Manitobans are better off working. We know the best form of social assistance is a job. However, the former welfare system fostered dependence and a reliance on government. With the very best of intentions, that of helping the most needy, we encouraged a cycle that created generation after generation of families on welfare.

Our new program, Employment and Income Assistance has focused on jobs as the No. 1 priority for people who are able to work. Results do indicate that there has been success to this approach today. Between April and September of this year, our department's efforts have resulted in about 600 single parents and general assistance clients no longer being dependent on welfare. By contrast, during the same period last year, 135 more single parents and general assistance clients were added to the rolls, so that is a significant difference. Again, between April and September of 1996, about 280 people in the same two categories found employment and required only a top-up to their wages rather than being totally dependent on assistance.

One of our staff members received an unexpected letter from a client. The person said that at one time they were

afraid to apply for a job for fear of rejection, but now, they say, their attitude has changed. They look on this as an opportunity for advancement and are proud for getting off the system. As well, the staff member was thanked for helping the client. I believe, Mr. Chairperson, this was a gratifying experience for both the client and the staffperson.

Next, I would like to mention some results from the links my staff have developed to create employment opportunities for people on Employment and Income Assistance. In the pilot program, Opportunities for Employment, a partnership with the Mennonite Central Committee and associated agencies, 153 people are in the program and 61 are employed. This program provides training, job placement in the private sector and continuing support once people have been placed in jobs. One of the participants who appeared on a local television newscast said he feels better because he is paying his own way, not the government.

During the summer, the Manitoba Conservation Corps employed 68 people, through Manitoba Natural Resources, in conservation, environmental improvement and related fields. The clients developed job skills, gained work experience and contributed to maintenance of our natural environment.

From April to September of this year, the Taking Charge! program for single parents in Winnipeg has offered training to 716 people; and 133 have found employment. One of the graduates has been quoted as saying, Taking Charge! has given single parents the chance to prove that they really want to work and stay off social assistance.

As well, the province helps municipalities with funding for a number of program initiatives. In Winnipeg, our province contributes to the city's community services projects, supports the wage subsidy for jobs in the private sector and, in nonprofit agencies, supported a Dutch elm tree removal project that employed city clients. As well, city clients have access to the Opportunities for Employment program.

In rural Manitoba, the department is operating the Rural Jobs Project program. The department of training and advanced education also offers services to municipalities. They operate a Youth NOW program

designed to help 18- to 24-year-olds to enter the workforce.

We believe we are headed in the right direction, and I am pleased to present Bill 36 for consideration this evening by committee.

At the outset, I would just like to thank staff for the commitment, the help in the design of our new welfare reform initiatives and for all the hard work that has gone into changing the focus and feeling better about the new initiatives that have given them the ability to really help people off of assistance and into the workforce. Thank you, Mr. Chairperson.

**Mr. Chairperson:** We thank the minister. Does the critic from the official opposition party have a brief opening statement?

**Mr. Doug Martindale (Burrows):** Mr. Chairperson, we believe that Bill 36 is punitive, meanspirited and unnecessary. We have numerous concerns about this bill, beginning with the process that this bill went through.

There are a number of concerns: One is that most of what is in effect already happened by way of regulations in February. Then the welfare rates were cut April 1 because of the province's policy of standardization by the City of Winnipeg, and their own rates were cut May 1. Now, in October, we are debating the bill, but most of the things that this minister wanted to do have already been done by regulation.

\* (2200)

We are also concerned about the lack of consultation, and it is quite a contrast to another piece of legislation that this same minister is responsible for. We know, for example, that The Vulnerable Persons Act that was recently proclaimed had a task force appointed by the previous minister before legislation was introduced, that with the review of The Child Day Care Act, the minister appointed the member for St. Norbert (Mr. Laurendeau), who tells me that he has been to 140 child care centres. He is meeting with hundreds of people in the daycare community and writing a report to the minister, so those people, at the very least, feel consulted.

Similarly, with The Child and Family Services Act, as we all know, the minister appointed the member for River

Heights (Mr. Radcliffe) and an 11-person panel. They are holding public hearings throughout the province, and they are getting briefs and submissions, written and orally, on what the public believes needs to be changed with The Child and Family Services Act.

By contrast, with those three pieces of legislation, there was no public consultation with the people who are affected by this legislation until the committee stage of the bill, unlike the other three pieces of legislation where there was public consultation a year in advance of the bill being at the committee stage. I would like to ask the minister—later on I will ask more specifically, but if she wants to put on record any consultation she has had with groups or organizations in the community. There are none that I know of, but I would be quite willing to be corrected on that. I do not think that any of the experts or any of the people who have research capability to study social welfare legislation have been consulted before this bill was introduced, and consequently the people who made presentations at the committee stage did not feel consulted. In fact, they felt powerless and marginalized by the whole process.

We have concerns about the one-tier system, first of all on behalf of property taxpayers in the city of Winnipeg, because the minister has announced that after taking over city welfare that the revenue effect will be cost-neutral. That means that even when the City of Winnipeg is no longer delivering social services or welfare, the property taxpayers will still be paying for the cost of it. This is patently unfair. First of all, no level of government should have to pay for a service that they do not deliver, and secondly, we know that property taxes are a regressive form of taxation, yet property taxpayers are going to be paying for the cost of welfare into perpetuity without the City of Winnipeg even having a welfare department.

Now, the minister says that there will be cost savings by having one level of administration. I have some questions later on about how much money the minister expects to save that way. We know that of the \$20 million to \$25 million annual welfare cost to the City of Winnipeg that the vast majority of it is for social assistance itself rather than for staff and administrative costs. We also are concerned that the minister try to accommodate as many of the trained staff of the City of Winnipeg as possible. They have about 50 people with

social work degrees. Those individuals are doing an excellent job, first of all, of getting people off social assistance and into employment, because the city numbers have gone down by about 3,000 in recent months, and they are trained in making referrals to other social agencies, which is quite helpful. We hope that the minister will keep on these trained staff.

We have concerns about the change in definition of the basic living allowance and the elimination of specific items in what social assistance payments are for, and we will have an amendment on that. Numerous presenters were concerned about the change in the definition and the fact that they believe, and I believe, that social assistance is no longer a right in Manitoba, it is becoming a privilege, and also that there appears to be no floor anymore, that the minister can set arbitrary levels of assistance.

We are concerned about the pressure on people—someone called it a stick—in terms of employment. We believe that the vast majority of people on social assistance want to work, and the kind of punitive measures and pressure in this bill and in the regulations are unnecessary. One of the presenters at the committee hearing gave the example of Earl's Restaurant opening a new location and having 1,000 people apply to work there. The City of Winnipeg has considerable experience with employment creation programs that have been quite successful. In fact, we heard that they want to have more programs.

One of the members says, and quite costly. Well, that is actually not true when it comes to a number of programs. In fact, the province used to have programs that were cost-shared with the federal government. I have a very interesting report called the Final Report on the 1987-88 Diversion Fund Programs Under the Canada-Manitoba Agreement on Employability Enhancement for Social Assistance Recipients, dated May, 1990, produced by the Department of Family Services. In the summary it shows that these programs were quite successful in terms of their clients getting employment after the program and fewer of them returning to social assistance.

(Mr. Edward Helwer, Vice-Chairperson, in the Chair)

Also, the City of Winnipeg has documents, some very good documents, that I hope the minister has read. One

is called Employment Training and Education Division, Initiatives and Partnerships, 1995, produced by the City of Winnipeg Social Services Department, and they have an evaluation of their various programs and the results and the labour force participation rate of the graduates of these programs. They also have documents on the Canada-Manitoba-City of Winnipeg Infrastructure Works program, and they show that not only does it not cost money but to the Province of Manitoba it saves money.

For example, in 1995, with a total expenditure of \$2.5 million, it resulted in a cost to the City of Winnipeg but savings to the province and the federal government; in the case of the Province of Manitoba \$87,000; and to the federal government \$533,000. We heard in one of the presentations that the City of Winnipeg has passed a motion in September 1996 to have another infrastructure program and, since this minister alleges that she is interested in job creation, we hope that she will urge her government to adopt another infrastructure program in co-operation with the City of Winnipeg.

So we think the vast majority of people want to work. They do not need the kind of punitive measures in this bill. For example, if people quit a job or employment or training or if they are offered a job or employment or training and they do not take it, their benefits are reduced by \$50 a month for up to six months and \$100 a month thereafter, and in one of the sneakiest provisions in the regulations that I have ever seen in any regulation of any kind is requesting individuals to sign a form saying that if they do not want to abide by the provisions, then the money will be deducted automatically. They can sign away their welfare benefits in advance if they do not want to live up to the work expectations, and the work expectation is to look for approximately 15 jobs a month. That is very, very difficult in this economic climate. Many of those jobs that the minister imagines are there are not there.

One of the results of this punitive kind of legislation is that it is forcing people to become more and more desperate. People are saying that they are being forced into prostitution, into drug dealing and crime. It is pretty scary stuff out there. Winnipeg is becoming much more like an American city with a doughnut shape, with a large inner city with much higher rates of poverty and unemployment and other socioeconomic characteristics. I happen to live in one of those neighbourhoods. So does

one of the presenters who, while she was here listening to presentations on a Thursday night, her car was in the back lane of her home on Manitoba Avenue, and it was stolen while she was down here waiting to make a presentation. My car was stolen for the third time about two weeks ago, because I live in the north end too.

So we have people who are becoming increasingly desperate and are turning to crime. Just today I got a ride to the Legislative Building with one of my constituents who was telling me about a gang house next door to where he lives where there is male and female prostitution going on. Welfare is paying the rent. I will be making some phone calls about that and stopping that. The young gang members were bragging that they are paying the landlord a thousand dollars a month cash in order to have a secure place to live, and the landlord knows that if those gang members get sent to jail or kicked out or whatever that another gang will move in and probably continue to pay extra cash under the table. It is pretty scary going door to door in some neighbourhoods of my constituency in the inner city.

\* (2210)

This bill brings in workfare. I hope the minister and her staff have looked at the literature. I made a request at the Legislative Library for articles on workfare in Canada and the United States. They gave me a printout of about a hundred articles. I requested 49 of them and one of our research staff did an analysis, and from reading most of those articles myself, I can tell you that in most jurisdictions workfare did not attain its goals. Very few people were moved from social assistance into work. It was much more costly because states and provinces had to hire more staff to get people into work and to monitor people. It also becomes a wage subsidy for industry, and they get a pool of cheap labour which is easily replaceable with more cheap labour, people on social assistance. Frequently companies lay off people in order to get this subsidized or even free labour of people on social assistance. We hope that does not happen in Manitoba, but this bill certainly allows for it, and we think it will happen.

The minister talks about job creation, but the job creation efforts are pretty meagre, especially when you consider the number of jobs compared to the number of people on social assistance. We have tens of thousands

of people deemed employable, and this minister talks about 280 people being employed and getting a social assistance top-up, Mennonite Central Committee employing 153 people, Taking Charge! graduates, 133 employed. Taking Charge! actually has no employment creation goal, which became quite apparent at the press conference that this minister and the federal minister had to announce Taking Charge!. The media asked how many jobs would be created, and both ministers refused to answer because there were not any job creation goals.

There are at least 25,000 employable people in Manitoba, but according to the minister's own press release of March 12, I believe about 700 people are expected to graduate from government-sponsored training programs, and if my numbers are out, I would be quite willing to be corrected by the minister.

Another concern that we have about this bill and one of the presenters, the president of the Manitoba Society of Seniors, had was the provision that forces people at age 60 to apply for Canada Pension benefits, and we are starting to get phone calls about this. The reason is that when people are forced to apply for CPP five years early, they get a reduced benefit, and I am told that at 65 and above they will continue to get a reduced benefit. I am told that it is 30 percent less. I have not had a chance to phone the C.P. office and check that out. If the minister has figures, I would be quite happy to have them read into the record, but I will find out before third reading debate. Certainly, seniors are being punished by being forced to apply for CPP benefits five years early, and just because it is done in other provinces does not make it right. This minister will know or should know that the one category of people in this country who have seen an improvement in poverty statistics in the last 30 years are seniors because more women have been in the paid workforce and therefore have pension income, and because of the Guaranteed Income Supplement and because of provincial programs like 55 Plus and Shelter Allowance. But Bill 36 will now reverse the progress that has been made in reducing the poverty rate for seniors, and in future years, we are going to see an increasing rate of poverty among seniors.

(Mr. Chairperson in the Chair)

The minister, of course, is not concerned at all about poverty rates since the reductions that this government

has forced on the City of Winnipeg are going to make the poverty rate higher and that this minister—[interjection] Well, of course, it is true. If you reduce the amount of money you give to people, you are going to have a bigger gap between what people get and the poverty line, and if you have higher unemployment, you are going to have more people living in poverty. [interjection]

**Mr. Chairperson:** Order, please. Could I ask the honourable members not to get involved. This is not a time for debate. I would ask the honourable member to put his points through this Chair, and I think we will avoid that conference that might just start to happen.

The honourable member, to continue.

**Mr. Martindale:** Thank you, Mr. Chairperson. I really should not engage in debate, or we will be here all night, and we do not want to do that.

So one of the things that this minister is going to achieve is her budget goals or whatever budget goals cabinet wanted this minister's department to achieve. because that is one of the main things that is going to result from this bill, is spending less money on social assistance. I think we need to ask, at what cost? One of my constituents phoned to say that as the result of the City of Winnipeg being forced to reduce their rates to single employable individuals on April 1 of this year, she could no longer afford bus fare to go for abuse counselling, and the comment she made to me was quite telling. She said, it feels like I am being abused all over again. Now, this individual was fortunate because I phoned someone in city Social Services, and money was added to her budget to allow her to buy bus fare, so she went back to the counselling. But that is one of the things that happens when people have less money. They are forced to make horrendous choices like that.

Another person called me recently saying that she lost her job, her unemployment insurance ran out, she has been unable to find other employment. She has worked as an accountant; she has worked at the Winnipeg Sun, she has worked for other companies in Winnipeg. Now she has nothing left. She said, it was very difficult to even phone me, but rather than apply for social assistance, she would instead go out to the garage and turn the car on. So what this individual was saying is that she would rather commit suicide than apply for

social assistance, and that is what happens when a government, through legislation like this and through regulations and through reducing benefits, stigmatizes and punishes the poor so that people do not want to even apply for social assistance.

Just the other day one of our research assistants got a phone call from rural Manitoba, from someone who lost their job due to an injury at work, was waiting for CPP disability. Their spouse has a low-wage job, and they are just horrified at the prospect of having to apply for social assistance and did not want to leave their name or a phone number so that I could call them back because of the social stigma, because of legislation like this, because of the attitudes of this government against the poor. What this government is doing is poor bashing.

**An Honourable Member:** No, they are not. That is not what they told me. No.

**Mr. Martindale:** Well, you are talking about taxpayers, Mr. Penner. You are talking about people that like this kind of bill.

**Mr. Chairperson:** Order, please. We are starting to divert here.

**An Honourable Member:** Doug, that person said exactly the opposite of what you are putting on the record.

**Mr. Chairperson:** Mr. Penner, order, please. Could I ask the honourable members not to enter into this type of debate at this time? We have some disagreements between ourselves. We might not believe—order, please.

**An Honourable Member:** Will you call the member to order, please?

**Mr. Chairperson:** That is exactly what I am doing. The decorum is going to be maintained, believe it or not.

**An Honourable Member:** You should go out and do a bit of farming once in a while.

**Mr. Chairperson:** Order, please. Mr. Penner, I would appreciate it if you would help me to maintain decorum. I know you have taken this place in the Chair and you

found at times it can get a little aggressive. Mr. Martindale, to continue.

**Mr. Martindale:** I would urge this minister to listen to experts, including experts that she has consulted like Dr. Fraser Mustard, and also to read and follow reports, including reports commissioned by her government or by government-fund agencies. For example, the Healthy Parent report or the Postl report by Manitoba Health, which has recommendations. I could read these into the record, but it would add to the time. We will just say they are recommendations 28, 29, 30, 31, 32, 42, 46. Some of them I have quoted in Question Period. They directly address the problem of child poverty and nutrition, and they urge, they recommend an increase in the food allowance within the Social Allowance Programs. For example, for infants, since one of the cuts forced by this government on the City of Winnipeg was a reduction of the food allowance for children from zero to 18, including a 26 percent reduction in the food and other allowances for children between zero and one year.

\* (2220)

There is also Winnipeg Child and Family Services who had a document recently published. It is called Winnipeg Child and Family Services Environmental Scan dated August 28, 1996, and it identifies the risks of children being taken into care by Winnipeg Child and Family Services agencies, and they are being aboriginal, having a single parent and being poor. So we know that when children are poor, they have a much greater risk of being taken into care, which is a very costly process for government, another part of this minister's portfolio, Child and Family Services, including a staff of this minister's own department who helped produce this very interesting document. When they looked at the risk factors and looked at the number of people in an area who were aboriginal and the number of single parents and the number of people who were poor, they predicted how many would be in care, and then they compared that with the actual statistics, and they were very close. You can predict the number of children who are going to come into care, and Manitoba has the highest number of children in care of any province in Canada, a disgraceful record.

So I think the minister should listen to—this government has had eight years to do something about these

problems. They have reports, all kinds of documentation, but including two fairly recent ones, and instead of this minister and this government listening to these reports and acting on their recommendations, they are going in the opposite direction. I am wondering if the minister even understands the connection between poverty and health. I think she does, because she has consulted some good people like Dr. Fraser Mustard, but maybe she gets outvoted by her cabinet colleagues, maybe she fights the good fight at cabinet and loses every time. Does she understand the relationship between poverty and child abuse? I think this minister probably does. Does she understand the link between poverty and child deaths? We have had a shocking number of child deaths in recent months in Winnipeg, and look at the addresses of where these children are who die. Drive down those streets. I would be willing to bet that a very high proportion of them are poor.

Now earlier this evening the member for Emerson (Mr. Penner) on Bill 54 congratulated the Minister of Rural Development (Mr. Derkach) for listening to presenters and bringing in amendments, and I think he was sincere in that comment. On Bill 36, did the minister listen to the presenters? Yes, I think this minister listened, but is she going to bring in amendments? Probably not. I do not think any of the recommendations for amendments will be acted on by this minister.

There were approximately 40 presenters. There was one that I can think of that supported this government in this bill. The people who presented were understandably angry with this government, they were upset, some of them were moved to tears. They feel beat up by this bill and this government, and some of the briefs had excellent recommendations, some of which I will be bringing in as amendments.

I have some questions for the minister. I hope that the Chair will allow time for some questions. They relate, I believe, specifically to the bill or the regulations that already been amended.

**Mr. Chairperson:** Is there leave of the committee for the honourable member to ascertain some questions of the minister at this time?

**Mrs. Mitchelson:** Mr. Chairperson, I would just like to respond to some of the comments that my honourable

friend has made and indicate, in some instances, where he is dead wrong. But I want the committee to understand that, yes, we have many hours in debate on the Estimates of the budget of Family Services, as all other departments, and we had a considerable dialogue. Under the old legislation, we had the ability as government to set rates. Under the new legislation, we have that same ability to set rates. Now my honourable friend can argue whether the rates are adequate enough or they should be higher or they should be lower. This bill really will not impact that ability of government, whether it is our government or his government, to make decisions about the rates for welfare. So this bill is not about rates and what the rates will be or should be. Those are budgetary decisions that are made on a year-by-year basis.

I would remind my honourable friend that our rates for single employables are the same rates as in downtown Vancouver under a New Democratic administration. It is really fine for members of the New Democratic Party in opposition in Manitoba to sit here and try to have it all ways, not recognizing and realizing the realities of governing today. Just the most recent newspaper articles that come out of British Columbia talk about British Columbia being a worse place to be than the Harris government in the province of Ontario. So I do not want my honourable friend to leave on the record that this is a coldhearted province. There is more money in the pockets of the poor in Manitoba than there is in New Democratic British Columbia.

All of the amendments that we have made here very much mirror a lot of the decisions that have been made in the province of British Columbia. I mean, questions can be asked for clarification, clause by clause, but the debate here tonight on rates and what they should be is a debate that should rightly take place during the Estimates process when government sets its budget, but governments will always have the ability through the budgetary process to set rates, and that is a reality.

I suppose I could get into trying to answer all of the comments that my honourable friend has made. I am not sure we want to do it at this point in time. I am sure we will have the opportunity next year through the budget process should my honourable friend still be the critic for Family Services to get into detail around all of the issues on child and family services, welfare rates, employment opportunities and options, but I do want to indicate that

we are taking a much more proactive approach. I believe it is the kind of approach that needs to be taken to try to help people get out of poverty into the workforce, and I make no apologies for the direction that we are taking.

**Mr. Chairperson:** Might I recommend to the committee at this time that we move into consideration of the bill and if the member has questions of specific clauses, I believe that might keep us relevant to the bill before us today.

So during the consideration of the bill, the title and the preamble are postponed until all other clauses have been considered in their proper order by the committee.

Clause 1—pass; Clause 2—pass. Clause 3.

**Mr. Martindale:** I move

THAT clause 3(c) of the Bill be amended by striking out “(1).”

[French version]

*Il est proposé que l'alinéa 3e) du projet de loi soit supprimé.*

**Motion presented.**

**Mr. Martindale:** I would like to ask the minister what Clause 3 does. What is the purpose of the minister's Clause 3?

**Mrs. Mitchelson:** Mr. Chairperson, as was announced in our welfare reform initiatives, we are changing reference to the words “social allowance” to “income assistance.” That is as a result of the renaming of the program to Employment and Income Assistance.

**Mr. Martindale:** I would just like to point out that this amendment is related to further amendments that I will have after Section 9 of the bill.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion is defeated.

\* \* \*

**Mr. Chairperson:** Clause 3—pass; Clause 4—pass; Clause 5.

**Mr. Martindale:** I move—

THAT section 5 of the bill be struck out and the following substituted:

5 Section 2 is amended

(a) by renumbering it as subsection 2(1) and striking out “may” after “province” and substituting “shall”;

(b) in clause 2(1)(a) of the English version by adding “her or” after “essential to”; and

(c) by adding the following as subsections 2(2) and (3):

Shall I keep reading, Mr. Chairperson?

\* (2230)

**Mr. Chairperson:** Dispense.

**Appointment of independent review commission**  
**2(2)** *The Legislative Assembly shall appoint an independent commission of volunteer commissioners who shall serve without remuneration to*

(a) *review the adequacy of income assistance levels;*

(b) *report annually to a standing committee of the Legislative Assembly; and*

(c) *recommend in its report appropriate levels of income assistance.*

**Appointment of Advisory Council on Poverty**  
2(3) *The minister shall*

(a) *appoint an Advisory Council on Poverty, whose members shall serve without remuneration and shall include persons who are in receipt of income assistance, to advise the minister on poverty issues; and*

(b) *table an annual report of the Advisory Council on Poverty in the Legislative Assembly.*

**[French version]**

*Il est proposé de remplacer l'article 5 du projet de loi par ce qui suit:*

*5 L'article 2 est modifié:*

*a) par substitution, à son numéro actuel, du numéro de paragraphe 2(1), et par substitution, à "peuvent prendre", de "prennent";*

*b) dans l'alinéa 2(1)a) de la version anglaise, par adjonction, après "essential to", de "her or";*

*c) par adjonction de ce qui suit:*

**Commission de révision indépendante**

2(2) *L'Assemblée législative nomme une commission de révision indépendante formée de bénévoles ayant pour tâche:*

*a) de revoir la suffisance des niveaux d'aide au revenu;*

*b) de remettre un rapport annuel à un comité permanent de l'Assemblée législative;*

*c) de recommander dans son rapport les niveaux d'aide au revenu appropriés.*

**Comité consultatif de la pauvreté**

2(3) *Le ministre:*

*a) nomme un comité consultatif de la pauvreté formé de bénévoles dont certains sont bénéficiaires d'une aide au*

*revenu et ayant pour tâche de le conseiller en ce qui concerne les questions de pauvreté;*

*b) dépose à l'Assemblée législative le rapport annuel que lui remet le Comité consultatif de la pauvreté.*

**Motion presented.**

**Mr. Martindale:** I would like to speak to these amendments. The first one, I believe, is a substantial amendment by changing the word "may" to "shall." The reason for this is that people are concerned that the language in the bill does no longer entitle them to social assistance, and the word "shall" is very specific and would require that certain actions of the department be taken.

Clause (b) is just amending the sexist language by adding the word "her." The next two parts, 2(2) and 2(3), are substantial amendments. They are new. The first is to appoint an independent review commission. This is something that was recommended in a brief by the Social Planning Council of Winnipeg. This would be a volunteer commission who will serve without remuneration. The reason is that we believe there needs to be an outside body that makes recommendations to the minister about the adequacy of income assistance levels. In fact, it was rather interesting that the brief suggested a parallel, and that was the Indemnities and Allowances Commission for MLAs, a rather controversial commission. However, I do not think there is anything controversial about this.

I do not see why the minister cannot support it. First of all, it would not cost any money. Secondly, it is advisory, and it would also report annually to a standing committee of the Legislature and recommend appropriate levels of income assistance. I believe that the report could be as brief as one or two pages and therefore could come out of an existing budget line. Therefore, I do not think that there is any additional cost to government, and therefore I think the amendment is in order.

I think there are many experts in the community who could make wise recommendations to the minister. The minister is not bound to follow them, but it would be something that could be discussed by a standing committee of the Legislature, and it would allow for a debate about the adequacy of social assistance rates.

The next clause 2(3), Appointment of Advisory Council on Poverty, would be to give advice to the minister. Once again, people serving without remuneration, including people on social assistance. I believe this also came out of recommendations from the Social Planning Council of Winnipeg, and it also recommends they table an annual report. There are many annual reports tabled in the Legislature. Some of them are quite short. I believe that this would not be a financial imposition on the government, but I think it would be good to get advice, including from people on social assistance, on poverty issues, not just on the rates of social assistance.

As the minister knows and all MLAs know, there are many, many issues that individuals bring to their member of the Legislature. The usual route is to just write to the minister. The minister usually, with the consent of cabinet, sets the policy. This would provide a broader basis of input to the minister on poverty issues.

So I commend them to the committee and hope that the minister will support them.

**Mr. Chairperson:** I would like to thank the member for bringing me up to speed on what he has meant by his amendment at this time, but I will have to rule the motion out of order because it is out of scope. It is introducing a new legislative principle to the bill, and so it is out of order.

**Mr. Martindale:** Could I ask the Chair to define what a new legislative principle is?

**Mr. Chairperson:** It is a principle which is not involved within the act at this time, and it is not within the scope of this legislation. You are introducing something that the minister or the government has not introduced at this time, so it falls out of the scope of the bill.

#### Point of Order

**Mr. Martindale:** Then, I guess, on a point of order, is it in order to drop amendment 22 and 23 and continue to debate Section 2?

**Mr. Chairperson:** The honourable member would have to have leave to strike out 22 and 23. So you would have to have leave of the committee to do that.

**Mr. Martindale:** I will ask for leave to do that.

**Mr. Chairperson:** Is there leave for Mr. Martindale to strike out 22 and 23? No? Leave has been denied.

Shall Clause 5 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** No?

#### Voice Vote

**Mr. Chairperson:** All those in favour of the clause, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

The clause is accordingly passed; Clause 6(1)—pass; Clause 6(2)—pass; Clause 6(3)—pass; Clause 7—pass; Clause 8(1)—pass; Clause 8(2)—pass. Clause 9.

**Mr. Martindale:** I move

THAT the following be added after section 9 of the Bill:

9.1 Subsection 9(1) is repealed and the following substituted:

**Discontinuance, relocation, suspension, increase 9(1)** Where the director is of the opinion that the income assistance being paid to a recipient

(a) should be discontinued;

(b) should be reduced;

(c) should be suspended; or

(d) should be increased;

the director's opinion shall be automatically reviewed by the Social Services Advisory Committee before any change in income assistance is made.

**Mr. Chairperson:** Again, I must advise Mr. Martindale that the motion is out of scope with the legislation that is before us, so I would have to rule the motion out of order.

**Mr. Martindale:** Well, there is nothing I can do, right?

**Mr. Chairperson:** Clause 9—pass; Clause 10—pass; Clause 11—pass; Clause 12—pass. Should I be doing this in groups of clauses?

**Some Honourable Members:** Yes.

**Mr. Chairperson:** Clause 13.

**Mr. Martindale:** I think the member for Wellington has something to say on Clause 13. We have some concerns that we would like to put on the record about the inadequacies of allowances in northern Manitoba. The member for The Pas could not be here tonight, so the member for Wellington has some comments that we would like to express at this point.

**Ms. Becky Barrett (Wellington):** I would have made my comments under one or more of the amendments that were ruled out of scope, but I appreciate the ability to put the few comments on the record as a reflection of the concerns that were raised by me with the member for The Pas and are also concerns that our entire caucus has. Basically they reflect the fact that despite repeated requests for hearings to be held in The Pas, Flin Flon and Thompson, there were no public hearings held in those communities. There were no presentations from people from those communities due to the lack of time and money to come down to Winnipeg. I think, in conjunction with Mr. Martindale's comments about the lack of consultation generally before this legislation was brought before the House, this is a real concern.

I was a member of the NDP caucus task force on domestic violence about a year and a half ago, and we went to Brandon, Dauphin, The Pas and Flin Flon, as well as holding hearings in Winnipeg, and we were allowed the privilege to hear concerns raised by people from communities outside the city of Winnipeg. It was very beneficial for us all, and I agree with my colleague that unfortunately the minister did not see her way clear to having hearings held outside the city of Winnipeg. I think if she had gone outside the city of Winnipeg to hear from people, either during the public hearings or prior to

the legislation being drafted, she would have found out some very interesting things which she may or may not be aware of.

Just in The Pas, the unemployment rate in the town of The Pas itself is between 25 and 30 percent. In the outlying areas in the constituency of The Pas, it is up to 80 or 90 percent. This is the unemployment rate. The requirement in the legislation for 15 job contacts every month in order to retain your social assistance is virtually impossible to accomplish in a community the size of The Pas, and I would suggest other communities as well. In many cases, there are no more than two or three employers in the community, the band office in some cases, the Northern store and perhaps the RCMP.

\* (2240)

**Mr. Chairperson:** I do have to ask the member, I am having a little trouble with the clause that you chose to enter into the debate on. Clause 13 is not quite relevant, unless you can tell me how, to the comments that you are putting on the record at this time.

**Ms. Barrett:** Mr. Chair, Clause 13 states that the minister may enter into agreements for provision of services under this act, and payment for the services. I think there is some relevance, because if the minister had not gone out to communities such as The Pas—and I am only using The Pas as an example—it is, we say, more difficult to enable her to understand and to enter into those agreements in the best possible way. I will be very, very brief. I have a couple of other comments to make.

The cost of living in northern communities is 70 to 80 percent higher than the city of Winnipeg, and we have some statistics that show in some cases it is up to almost a hundred percent higher, whereas my understanding is that the northern allowance is a 5 percent differential. It certainly does not come anywhere near to covering the cost differential.

One final word, and this is something that goes to the issues of health care, and again, the services that are provided under the act. The incidence of diabetes is very much higher in the North and in the aboriginal communities than it is in other parts of the province. This is something that we all know. It is becoming a real problem for us all. Diabetes can be, in some cases,

stabilized and maintained through diet. It is a disease that does in some cases respond very positively to changes in the diet as well as other medical interventions. Again, our contention is that the act does not reflect, and the comments that have been made by the minister on the regulations that have been put into place do not reflect, those particular needs. I am using diabetes as an example; it is only one of many examples. Our concern is that people who live in communities with an 80 to 90 percent unemployment rate, with costs of living that verge on a hundred percent higher than the city of Winnipeg in some cases, with employment opportunities that are maybe two or three in a community instead of 15 that you have to have and things like health problems such as diabetes, none of these special considerations are reflected in Bill 36 or in the comments that have been made by the minister, and we think that is unconscionable. Thank you.

**Mrs. Mitchelson:** Mr. Chairperson, if I could just respond very briefly, there is nothing in the legislation that says that anyone has to make 15 job contacts per week. If there are circumstances in a community where there are not any job opportunities, that is not a requirement. That is not in legislation. It is a guideline that was talked about within the department and, if in fact in the city of Winnipeg there are job opportunities, we expect people to aggressively pursue those job opportunities and to go out and apply for jobs. It only makes common sense, and it is not in the legislation that 15 job contacts have to be made. Individual circumstances will be taken into consideration.

I did not have the opportunity when my honourable friend from Burrows (Mr. Martindale) made comments initially, but I have travelled to the North and I have spoken to people in the North and there was consultation before we entered into the Taking Charge! initiative throughout the province of Manitoba. I was personally up in Thompson and out in Brandon and met with people. I have just recently met with people who have come down to Winnipeg to talk about the northern rates, so there has been considerable consultation. So I take some exception to my honourable friends in the opposition indicating that I have not listened to Manitobans.

Can I also indicate that over and above the northern allowances that are provided, there is special

consideration given to special diets including diabetes. So that is not indicated in our rates but it is there for people who need special diets for diabetes. I just want to clarify that for the record.

**Mr. Chairperson:** Shall Clauses 13 through 18, inclusive, pass?

**Mr. Martindale:** Mr. Chairperson, I would like to go clause by clause because I have questions on some clauses.

**Mr. Chairperson:** Okay. Shall Clause 13 pass?

**Mr. Martindale:** No. I have a question on Clause 13, Agreements re services. Could the minister tell us what kinds of agreements her department may enter into? What is the purpose of this new clause about service agreements?

**Mrs. Mitchelson:** Mr. Chairperson, there was no provision in the act previously. That does give us the ability to enter into agreements with the Mennonite Central Committee and Opportunities Manitoba, Taking Charge!, those kinds of agreements to help assist people to gain the skills that are required to take jobs.

**Mr. Martindale:** There is nothing to stop the minister from entering into agreements with, say, private corporations, as some states are doing in the United States, in contracting out provision of welfare services.

**Mrs. Mitchelson:** It could be any group of persons or organizations.

**Mr. Martindale:** So that does not rule out a for-profit company contracting with this government to provide welfare services.

**Mrs. Mitchelson:** This is in order to provide employment training services, not welfare services itself. That is something that government does, provide welfare and assistance through our budgetary process.

**Mr. Martindale:** What is the purpose of this new system of contracting out? Is it to save the government money? Is it to pay lower wages to these organizations than civil servants would ordinarily be paid? It appears that the minister has started a new trend. I guess MCC

would be the first contracting-out contract this minister announced on March 12 of this year.

**Mrs. Mitchelson:** In order to get any approval to enter into any agreements presently, it is a long process where we have to go through Order-in-Council and through cabinet and it does not allow us the opportunity or me, as the minister, to enter into employment opportunities with nonprofit or private sector as the situation arises where there are job opportunities. So this does give me the ability to have the flexibility to enter into these kinds of arrangements without wasting time.

\* (2250)

**Mr. Martindale:** I can see the wisdom in that. Would MCC be a good example?

**Mrs. Mitchelson:** It took us a long time to get the agreement with MCC. We worked on it for a considerable length of time and, if that opportunity had the possibility of expanding even, it would give me the opportunity to work very aggressively to make that happen.

**Mr. Martindale:** When was the agreement entered into between this government and MCC?

**Mrs. Mitchelson:** It was announced in April with our welfare reform and that is when it was entered into.

**Mr. Martindale:** Well, it was probably announced on March 12. How can the minister enter into an agreement before the act is amended if this is a new clause in the act? Was that contract not premature?

**Mrs. Mitchelson:** This is just making it much more clear and much more expeditious to get into those kinds of agreements than the process that we had to go through without this clarification.

**Mr. Martindale:** So I take it from the minister's answer then that the MCC contract went through the previous system of having to go through cabinet and Order-in-Council. Is that correct?

**Mrs. Mitchelson:** The legal authority for us to enter an agreement with Opportunities Manitoba came from another piece of legislation. There was nothing in our

social allowance legislation that gives the minister the ability or heightens the awareness that government is open to doing business with community, so therefore it was The Executive Government Organization Act that we had to use authority for to enter into an agreement with Opportunities Manitoba. This sends a clear signal that we are open to work with community, community organizations in order to facilitate employment opportunities for Manitobans.

**Mr. Martindale:** A similar question would be, the agreements between the government or between Taking Charge! and other organizations, so I guess I have another number of questions. The partners who are Taking Charge!, are they for-profit or nonprofit organizations or both?

**Mrs. Mitchelson:** Taking Charge! is a nonprofit organization, but it does enter into agreements with both profit and nonprofit sectors, depending on where the job opportunities are and how they can match a single parent with those job opportunities

**Ms. Barrett:** The minister has stated that under the previous legislation, in order to enter into agreements such as this, they would have to be a longer and more tedious process which included Order-in-Council and cabinet. Is that accurate?

**Mrs. Mitchelson:** Without this kind of ability through legislation and the Department of Family Services, there are several convoluted, complicated different processes that have to be followed. In some instances it is an Order-in-Council process through the cabinet process. In other instances it is through legislation that is outside of our jurisdiction or mandate in the Department of Family Services through welfare

I may have put some incorrect information on the record when I indicated that Opportunities Manitoba had to go through an Order-in-Council process. It had to go through the process of The Executive Government Organization Act, which is outside of my jurisdiction, in order to enter into that agreement. So it makes it very complicated and bureaucratic, can I say, whereas it can be focused much more efficiently and effectively through this legislation, and those kinds of agreements would be facilitated in a more expeditious fashion with this inclusion in this legislation.

**Ms. Barrett:** I thank the minister for the clarification. I guess the point I want to make, though, is that the minister did say that there were—I think she did say that by going through Order-in-Council in some cases, that was perceived as a more complicated and less efficient method of dealing with entering into agreements with persons or organizations.

**Mrs. Mitchelson:** From time to time that process does take a longer period of time. If there is an opportunity to partner with a community organization or a company in order to facilitate job opportunity for those who are on welfare, I think it is important that we move as quickly as we possibly can, and this gives us the ability to move more quickly in some circumstances to form those kinds of agreements or arrangements.

**Ms. Barrett:** While I have never been in government in an elected capacity, I did have the opportunity of working in the government in an Order-in-Council appointment for two and a half years dealing with boards and commissions, and I happen to know—I do not think this government is any different than the previous government in the fact that you can, when the will is there—

**An Honourable Member:** We are a lot different.

**Ms. Barrett:** Well, yes, we are very definitely different, but the process is fairly similar, I would imagine. Where the will is there, Orders-in-Council can go through very quickly.

My point is that while I understand the need to put into one piece of legislation the ability of the government to enter into agreements—I have no quarrel with that—my concern is that I do not think the Order-in-Council process is a particularly onerous process to have to go through, and I would suggest to the minister that, again, such as in health legislation, one of which we will be dealing with later this evening, in several of the education bills and now here in Bill 36, what we are seeing in the guise of efficiency and effectiveness is a reduction in the ability of the public to actually access information about what is actually happening.

One of the positive things about Orders-in-Council is if you could not see the contract, at least you knew that the contract was let with someone or a grant was given to a person or an organization. Unless I am reading this

section of the act incorrectly, there is no way for me or a member of the public to find out who is going to be doing the services or entering into agreements with the minister in this regard, and I see no reason why this legislation could not say that all such agreements would go through Order-in-Council.

\* (2300)

**Mrs. Mitchelson:** There is not any agreement that is entered into by government that is not a matter of public record, and I want to indicate again for some clarification that the agreement that we signed with the Mennonite Central Committee was not an Order-in-Council process. It did not need an Order-in-Council, but we had to use a piece of legislation that did not fall under the Department of Family Services in order to facilitate that agreement. This makes it clear in our legislation that we can enter into agreements through this process.

**Mr. Chairperson:** Clause 13—pass; clause 14(1)—pass; clause 14(2)—pass. Clause 15.

**Mr. Martindale:** I wonder if the minister could clarify for us these changes to the regulations. My understanding is that the regulations can be changed at any time by Order-in-Council, and in fact there were changes to the regulations in February. I thank the minister for allowing the assistant deputy minister to brief me on those. It was quite interesting and helpful. So I guess, first of all, the process question: Why are the regulations being amended in this bill? Secondly, I wonder if you could give us the purpose for the first two there, (g.1) and (g.2).

**Mrs. Mitchelson:** Mr. Chairperson, in the old act, there was the ability to put in place regulations. This just clarifies what the work expectations and what the penalties will be very clearly so that everyone has an understanding what they might be.

**Mr. Martindale:** Well, I guess that was the answer to my first question. The second question would be: Can the minister explain (g.1) and (g.2)?

**Mrs. Mitchelson:** Mr. Chairperson, (g.1) does specify which applicants for social allowance would be expected to work, that is, the announcement that we made that said that anyone with a child over six and in school would

have work expectations placed on them. If in fact they did not make reasonable efforts to train or to work or to look for employment, there would be penalties that would be spelled out very clearly in the regulation. So it is that kind of specifically spelling out for individuals what the expectations might be. There will be different expectations for single parents with children, young children, versus single parents with older children, versus single employable individuals and disabled. So there will be specific regulations spelled out very clearly so that there is a clear understanding what the expectations around work might be of worker training.

I guess I have spoken to both (g.1) and (g.2) in my answer.

**Mr. Martindale:** Well, I guess that would explain the word "dependants." Can the minister tell me if this amendment to the regulation is the same as Order-in-Council 112, 1996, dated March 6, 1996?

**Mrs. Mitchelson:** The Order-in-Council that my honourable friend is referring to has the authority under the act that presently exists under 19(1)(g), but what this change will do will require us to be more specific in our spelling out of what the conditions of welfare are.

**Mr. Martindale:** Well, having read the Order-in-Council, I certainly believe the minister; the conditions are very specific. I have got it in the Order-in-Council and in the administrative manual. There are pages and pages and pages of employment expectations, for example.

Can the minister tell us what (g.3) is for?

**Mrs. Mitchelson:** Mr. Chairperson, (g.3) spells out very clearly what the penalties will be if people do not live up to the expectations that are spelled out in (g.1) and (g.2).

So it makes it very clear. It will be in the regulations, so there is a clear understanding of what the penalties will be.

**Mr. Martindale:** And there is still an appeal process in place, that people can appeal any decision of a director to the Social Services Advisory Committee.

**Mrs. Mitchelson:** Yes.

**Mr. Martindale:** Well, I am sorry that my amendments got ruled out of scope by the Chairperson, because I would like to ask the minister what she thinks of the suggestion by the Social Planning Council, which was incorporated in my amendment. Rather than discontinuing social assistance, which is usually what happens to people until an appeal, I am wondering what the minister thinks of the idea of having assistance continue until the appeal hearing because currently this causes great hardship on people. One day, they have a source of income, and the next day, they have nothing. They could have no source of income for up to two weeks until an appeal is heard.

I know of a situation where an individual was terminated, or their assistance was terminated, and the family had no income. So the spouse and child moved out in order to apply as a single parent, and the individual who was cut off, the male in the household, went to live with a friend. So I think there are situations where it is very unfair that people's assistance is discontinued immediately until the hearing of an appeal. My amendment would have taken care of this. [interjection] As the member for Wellington (Ms. Barrett) points out, they are basically guilty until declared innocent, or they have to prove their innocence at the appeal hearing.

**Mrs. Mitchelson:** Well, Mr. Chairperson, the appeal panel is clearly that, it is an appeal panel. You appeal the decision for any changes in your status and your support, but can I indicate quite clearly that as a result of the new legislation—I think the case that my honourable friend was referring to was a two-parent family on City of Winnipeg welfare that was cut off and did appeal. Under the new proposal and the new regulations, anyone with dependants will not be able to be cut off welfare. Indeed, their rates will be able to be reduced based on the \$50 or \$100 reduction, but there is not anyone with a dependant in the future that will be able to be completely cut off social allowance.

**Mr. Martindale:** And this is a change that would affect people on the city social services?

\* (2310)

**Mrs. Mitchelson:** If it is a sanction or penalty that is regarding employment obligations and they have

dependants, not for the single employable caseload, but for those with dependants.

**Mr. Martindale:** So single employables could still be cut off pending a social services hearing?

**Mrs. Mitchelson:** Yes.

**Mr. Martindale:** So the change only relates to the new things in this bill or the regulations regarding employment expectations or training?

**Mrs. Mitchelson:** Yes.

**Mr. Martindale:** And only for individuals with dependants, not for singles?

**Mrs. Mitchelson:** Yes.

**Mr. Chairperson:** Clause 15—pass. Clause 16.

**Mr. Martindale:** I move,

THAT section 16 of the Bill be amended by adding the following after "section 22:"

#### **Offence and penalty**

22.1 Everyone who discriminates against a person on the basis that the person is or has been a recipient of income assistance is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500. or to imprisonment not exceeding three months or to both.

#### **[French version]**

*Il est proposé d'amender l'article 16 du projet de loi par adjonction, avant l'article 23, de ce qui suit:*

#### **Infraction et peine**

*22.1 Quiconque fait de la discrimination à l'endroit d'une personne du fait que cette personne est ou a été bénéficiaire d'une aide au revenu commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 500 dollars et un emprisonnement maximal de trois mois, ou l'une de ces peines.*

**Motion presented.**

**Mr. Chairperson:** Again, Mr. Martindale, I hate to inform you that I have to rule the amendment out of order. It is out of scope.

**An Honourable Member:** It was a good idea, though.

**Mr. Chairperson:** Clause 16—pass. Clause 17.

**Mr. Martindale:** I have some questions about the transitional provisions, specifically 17(2).

**Mr. Chairperson:** Clause 17(1)—pass. Clause 17(2).

**Mr. Martindale:** I wonder if the minister could tell us what she means by, on a relatively cost-neutral basis, that is, the amalgamation or the takeover of city social assistance.

**Mrs. Mitchelson:** My honourable friend has to understand and realize that this is something that the City of Winnipeg has wanted for a long time, and that is a one-tiered system. They do not want to be responsible for administering the welfare program to the municipal caseload.

I had several meetings with the City of Winnipeg before the decision was made to look at amalgamation, and there was a clear understanding when those discussions took place that it would be somewhat cost neutral, that the city would not be paying any more or any less, but that some of the unconditional grant that we give to the City of Winnipeg is in order for them to deliver welfare services.

So we are going to be looking at what is a fair and reasonable agreement between the City of Winnipeg and the Province of Manitoba, to have one level of administration delivering the Social Allowances Program, and it is not unlike what many other provinces across the country are doing presently. There is only one or two provinces that do have a two-tiered system. Most are delivered by the provincial governments.

So what will happen over the next period of time will be that negotiation with the City of Winnipeg as we get the consultant's report and the steering committee which is comprised of officials from both levels of government. Working together we will determine what is fair and reasonable as a means of settling and transferring through

the transition period. I cannot indicate to my honourable friend today exactly what that will be, but I have made a commitment, I have said it publicly that we will be looking at a fair approach and working with the City of Winnipeg to determine what that fairness will encompass.

**Mr. Martindale:** Has the minister had any representations from the City of Winnipeg other than the director of Social Services, who appeared at the committee, either for or against the cost-neutral proposal by this minister?

**Mrs. Mitchelson:** No.

**Mr. Martindale:** The minister has said in her speech in the House and again tonight that there are certain advantages in having a one-tier system, such as eliminating duplication, making it easier for individuals who do not go on and off different systems and also administrative savings.

I wonder if the minister could tell us how much she anticipates will be saved. I believe a chartered accountant firm did an analysis for the minister, so I wonder if there are projections. For example, in the first year, how much will be saved on administration?

**Mrs. Mitchelson:** I do not have that kind of information for my honourable friend at this point in time. I have not received a report from the consultants on what in fact, I mean, they are still doing their work and, as we move through that process, it only makes sense if we have maybe a few less offices and we do not have the office overhead that there will be dollars saved.

That is the kind of detailed analysis that the consultant is doing in order to make the business case for the merger, and I do not have that information as yet. Hopefully, we will have that soon, and I am sure as we move—this is not a short-term process either, I want to indicate to my honourable friend. There will be a transition period because there are a lot of issues that have to be dealt with, but once we can come to an agreement with the City of Winnipeg on that process, then we will start, and that kind of information will be public.

**Mr. Martindale:** I thank the minister for that answer, but it is pretty interesting. We have a minister speaking

in the Chamber—I am sorry, I cannot find the minister's debate—saying in committee tonight that a one-tier system will save money, but the minister does not know how much, and the minister has not received a report yet. How can you say that what you are doing is going to save money and then not being able to tell us how much? How are we supposed to believe the minister. [interjection] Well, she has no numbers. She cannot back up what she is saying [interjection]

**Mr. Chairperson:** Order, please.

\* (2320)

**Mrs. Mitchelson:** Mr. Chairperson, it only makes sense that if there is not the overlap, the duplication, if there is one computer system—I think my honourable friend should realize that we have two computer systems right now, one at the City of Winnipeg and one in the province, both antiquated and outdated, and as we look to—

**An Honourable Member:** It is going to cost more money to buy a new computer system.

**Mrs. Mitchelson:** Well, I guess maybe that is part of why we have asked the consultants to do a business case and an analysis for us and, quite frankly, there might be some up-front costs to develop the system that is going to in the long run serve clients better and save money. I would rather see the dollars, as we get an amalgamated system, going to the people that need the resources, not to the overlap and the duplication and the, you know, office space that is required by two levels of government delivering the service.

So I am extremely hopeful that as we move along this transition process—do I know whether there might be some up-front costs in order to develop the better system? I am not sure, but that is what we have asked the consultants to identify for us, and then we will move from there. But it is something that both levels of government want, and I fully expect that there will be some savings.

I am not prepared to say today—and I know that my honourable friend would, if I made any comment on what I thought the savings might be, hold that up forever and a day and say this is what you said. I am not prepared to make that commitment today because I do not know. I

would rather be honest and up-front with my honourable friend tonight and tell him that I do not have those numbers than to try to make up some numbers, which maybe my honourable friend might do if he was in government, but I want to say that I am not the kind of person that would make those kinds of statements, rash, irresponsible statements, without having the data and the information and the analysis in front of me to give an informed answer.

**Mr. Martindale:** Would the minister confirm that the firm KPMG and also IBM and Online Communications were hired for phase one, that is a business—

**Mr. Chairperson:** Order, please. Could I ask you to repeat your question. Your mike was not turned on when you started it, and Hansard would have missed it.

**Mr. Martindale:** Mr. Chairperson, I would be happy to repeat my question. Can the minister confirm that the firms of KPMG, IBM and Online Communication were hired to do phase one of a business case for amalgamation.

**Mrs. Mitchelson:** Yes.

**Mr. Martindale:** And is the phase-one report complete?

**Mrs. Mitchelson:** No.

**Mr. Martindale:** In other words, the minister is going ahead with amalgamation of the two systems alleging that, and this is what she said on June 4 in Hansard on page 3182, and I quote, we expect to reduce cost to elimination of duplicate administration in the system. So the minister is bragging in public about eliminating duplication and saving money and she cannot tell this committee how much money is saved, and she is saying that she does not even have the report on Phase 1 of the case for an amalgamation. Is that correct?

**Mrs. Mitchelson:** Mr. Chairperson, you know, I suppose that if the business case, when we receive that business case, told us that it was going to cost millions of dollars more to amalgamate, which common sense tells me is not going to be the case, but if in fact that happened, this legislation only gives us the ability. This is enabling legislation, and upon proclamation, this part of the legislation would become law. This will not be

proclaimed on the day of Royal Assent, this piece, but it enables us, once the business case is made, to look to that merger and the transition period.

(Mr. Edward Helwer, Vice-Chairperson, in the Chair)

It only makes sense to me that we should be looking to reduce the overlap and the duplication, and I have a difficult time believing that it is going to cost a lot more to do that if we are looking at efficiencies in the system, and that is exactly what we have asked the consultants to do, is to identify what the business case might be for that merger. So I have every confidence that there will be savings that will be able to be achieved on the administrative side, and I do not have the numbers yet. It might be a very small amount. It might be a large amount. But if our ultimate goal is to find a more efficient and effective system that streamlines that system so the clients benefit, I think it is in our best interest to move ahead with that.

**Mr. Martindale:** Well, I suspect that amalgamation would probably save money, not cost more money, but I am incredulous that the minister would brag about amalgamating the two systems in order to make them more efficient and to eliminate duplication. It assumes that this would save money, and yet the minister does not have the consultant's report yet and does not know how much money will be saved. Why are you passing enabling legislation if you do not even know what the cost savings are?

**Some Honourable Members:** Oh, oh.

**Mr. Martindale:** Well, she does not even have the report.

**Mrs. Mitchelson:** Well, Mr. Chairperson, I consider that a very stupid question, but I will answer it.

Mr. Chairperson, I will repeat for the record. I consider that an extremely stupid question, but I will answer it and indicate to my honourable friend that if we have a more efficient and effective system and the clients are going to benefit, that has to be our No. 1 priority. I mean, they know that they are not going to be running to this office and that office and applying here and applying there and not knowing whether they fit into the City of Winnipeg's program and the employable caseload or if

they are a provincial recipient. It will make the service for the clients, first and foremost, better, and I think that is very important. If we did not save a dollar, but the clients were served better through this process—because it is not going to cost more. My expectation is that it will cost less, but if we do not save significant dollars on the administrative side but we have better service for our clients and we are able to facilitate their move from social allowance to employment, I think our clients will be well served and Manitoba taxpayers will be well served. So I think it was the kind of question that I probably would not have asked if I was sitting in my honourable friend's chair, but nonetheless I have tried to explain to the best of my ability what we might hope to accomplish through the amalgamation.

**Mr. Martindale:** We know what is happening to clients; clients are getting screwed by this government, and that is where the major savings are going to come for amalgamating the system. This minister has no figures on how much the government is going to save. She does not even have the consultant's report yet. I am incredulous that the minister can continue to debate this bill, a major piece of legislation, implying they are going to take over the city and then say, well, it is just enabling legislation so that maybe some time in the future they can take over the City of Winnipeg.

\* (2330)

#### Point of Order

**Hon. Leonard Derkach (Minister of Rural Development):** On a point of order, Mr. Chairman, I really reject and resent the kind of language that is being used by my honourable friend, especially in describing the government—[interjection] Well, Mr. Chair, I think that members of the committees here and of this Legislature are supposed to conduct themselves in an honourable way, and I would request that the member withdraw that statement because I think it is certainly not in keeping with an honourable member of the Legislature.

**Mr. Vice-Chairperson:** Mr. Derkach, unfortunately, I do not think you do have a point of order, but I would like to caution Mr. Martindale to choose his words carefully and to be cautioned.

Mr. Chomiak, on a point of order?.

**Mr. Dave Chomiak (Kildonan):** Yes, on the same point of order, Mr. Chairperson.

**An Honourable Member:** It is not a point of order. New point of order.

**Mr. Vice-Chairperson:** It is not a point of order. Let us carry on.

#### Point of Order

**Mr. Martindale:** Mr. Chairperson, on a point of order, I will withdraw the remarks since it upset the government members so much.

**Mr. Vice-Chairperson:** Thank you, Mr. Martindale.

\* \* \*

**Mr. Vice-Chairperson:** Shall Clause 17(2) pass?

**Mr. Martindale:** No. I have a question for the minister. How can the minister proceed with amalgamation when there is no report on Phase I of a one-tiered project, when there is no report on Phase II or Phase III on implementation? There is no business case that has been presented to the minister. There is no vision of the combined systems. There is no consultant's paper on issues and costs. How can you argue for efficiency and eliminating duplication and serving clients better when you do not even have the consultant's reports yet?

**Mrs. Mitchelson:** Mr. Chairperson, I will try to explain again to my honourable friend that this is enabling legislation, and I am not prepared to wait until next November to have enabling legislation passed if, in fact, the reports indicate that it is the right thing to do. This enables us to do it, and for us to wait another year to do the amalgamation and to get the legislation passed, that is a year lost. I am not prepared to wait for that period of time unless my honourable friend could guarantee me that he would come back in and make every effort to pass legislation by next spring to enable this to happen. I think that, if it is in the best interests of Manitobans and Manitoba taxpayers to amalgamate, we want to have the ability to do that.

**Mr. Martindale:** I would like to ask the minister: What would happen if the reports that the minister has not even

received yet came in with analysis or recommendations that it was going to not be cost efficient? Would the minister then put the whole process on hold, or what would the minister do then?

**Mrs. Mitchelson:** Mr. Chairperson, it is a very hypothetical question, but I want to indicate that if it makes common sense to do it, we will do it, and if does not, we will have to reconsider. I want the ability to move forward in the best interests of the taxpayers of Manitoba, if it is the right thing to do, and I guess I would not be doing my job in a very serious way if it was not the right thing to do and we pushed ahead with it anyway.

So I want to say to my honourable friend that I believe it is the right thing to do, and I believe that we will achieve better service for our clients as a result of the one-stop shop. I believe there will be administrative efficiencies, but as to how much they will be, I cannot indicate. If, by some strange chance, it was not feasible, it was not going to be better for the clients and it was not going to be cost effective, no government in their right mind would move ahead with it. I want to indicate that I want the ability to do it when the results come in, if it is the right thing to do for Manitobans.

(Mr. Chairperson in the Chair)

**Mr. Martindale:** Well, the minister is being hypothetical because you are assuming that it is the right thing to do, and you do not even have the consultant's reports yet.

On the issue of one-stop shopping, I know a few years ago I had, I think it was, a federal government discussion paper report, and I asked the minister questions about it in Estimates. It talked about a single wicket and a single window and one-stop shopping, and it used the expression, "visualize it clearly now," and I said it reminds me of a song: I can see it clearly now. We had a good laugh in Estimates, but that was a couple of years ago. Now the federal government and the City of Winnipeg are co-operating, and they have an employment centre. It is on York Avenue; I had a tour. The former Revenue Canada building was renovated for them, and guess which level of government is not there at the one-stop job bank, job training, job finding club centre? The Province of Manitoba.

This minister talks over and over again about one-stop shopping. Two levels of government are co-operating to help people find jobs, and the Province of Manitoba that has the largest caseload is not even there. Is this minister asleep at the switch, or what is going on here? Why is the Province of Manitoba not represented in that building?

**Mr. Chairperson:** Order, please. Can somebody tell me where this—I was away for a few minutes, but we are under what? Madam Minister, it is okay.

**Mrs. Mitchelson:** I sort of question where my honourable friend is coming from. We have an agreement with the federal government that deals with our caseload, which is single parents, through the Taking Charge! initiative. Now, the member opposite might want us to be involved in delivering service to City of Winnipeg clients. I am not sure where he is coming from on this, but I think probably it was pretty premature for the City of Winnipeg to join forces with the federal government when they do not know a year down the road whether they are going to be delivering services or not to clients.

It does not make much sense to me that they would move in that direction until they knew for sure whether they were still going to be in the business of delivering that kind of service, but I do want to indicate to my friend that not only is Manitoba looking at the roles and the responsibilities and the rules and what level of government should be delivering programs, all provinces across the country are saying, if the federal government is going to be reducing funding to provinces, which they have done, let us get a clear understanding of what the federal government should be delivering and what the provinces should be delivering; let us get some principles developed around those activities and reduce the overlap and duplication.

So we are working in a concerted way with all of our counterparts right across the country to see what we should be doing in the way of defining roles and responsibilities, reducing overlap and duplication and trying to ensure that Canadians are better served by both levels of government.

**Mr. Martindale:** Mr. Chairperson, that is a pathetic answer, considering that the minister tonight talked about

one-stop shopping. I asked the minister why the province was not there, and she criticized the City of Winnipeg. Let us pass the clause.

**Mr. Chairperson:** Clause 17(2)–pass; Clause 18–pass; Clause 19–pass; Clause 20–pass; Clause 21–pass; Clause 22–pass; Clause 23–pass; Clause 24–pass; Clause 25–pass; Clause 26–pass; Clause 27–pass; Clause 28–pass; Clause 29–pass; Clause 30(1)–pass. Clause 30(2).

\* (2340)

**Mrs. Mitchelson:** The intent of this amendment is—move it first? Okay. I move

THAT the following be added after section 30 of the Bill:

#### Consequential repeal

**30.1** If during the second session of the 36th Legislature Bill 54 entitled “The Municipal and Various Acts Amendment Act” is assented to, section 279 of that Act is repealed on the proclamation of sections 4, 7, 17 to 27, and 30 of this Act.

#### [French version]

*Il est proposé que le projet de loi soit amendé par adjonction, après l'article 30, de ce qui suit:*

#### Abrogation corrélative

**30.1** *Si, au cours de la deuxième session de la trentième législature, le projet de loi 54, intitulé Loi concernant les municipalités et modifiant diverses dispositions législatives, est sanctionné, l'article 279 de cette loi est abrogé à la date d'entrée en vigueur des articles 4, 7, 17 à 27 et 30 de la présente loi.*

#### Motion presented.

**Mrs. Mitchelson:** If I can just for clarification indicate to you that we have just passed The Municipal Act, or it will be going to third reading, and if in fact we move to proclaim the section of this legislation that relates to a one-tier system in the City of Winnipeg, the reference to the City of Winnipeg in The Municipal Act would be repealed accordingly.

**Mr. Chairperson:** Amendment—pass; Clause 30(2) as amended—pass; Clause 30(3)—pass; Clause 31(1)—pass; Clause 31(2)—pass. Clause 31(3)—pass.

**Mrs. Mitchelson:** I move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

#### [French version]

*Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.*

**Mr. Chairperson:** Amendment—pass; Preamble—pass. Title—pass. Bill as amended be reported.

#### Committee Substitution

**Mr. Edward Helwer (Gimli):** Mr. Chairman. I wonder if I might have leave to make a committee change with the understanding that I would do it in the House tomorrow.

**Mr. Chairperson:** Does Mr. Helwer have leave to make a committee change? [agreed]

**Mr. Helwer:** I move, seconded by the member for Emerson (Mr. Penner), that the composition of the Standing Committee on Municipal Affairs be amended as follows: the Honourable Mr. McCrae for the Honourable Mr. Findlay.

**Mr. Chairperson:** Is that agreed? [agreed]

\* \* \*

**Mr. Chairperson:** Shall we take a 10-minute recess to allow the staff an opportunity to get in place? [agreed] The committee will take a 10-minute recess.

*The committee recessed at 11:43 p.m.*

#### After Recess

*The committee resumed at 11:59 p.m.*

**Bill 49—The Regional Health Authorities and  
Consequential Amendments Act**

**Mr. Chairperson:** Committee will come to order. On Bill 49, we shall resume consideration at the point where we left off, which is in Clause 11. I have been informed by committee members that there are a couple of amendments on a number of clauses that we have already passed.

Is there leave for the committee to revert to the clauses where we have amendments in waiting? Leave? [agreed]

We have reverted to Clause 5, page 7.

\* (0000)

**Hon. James McCrae (Minister of Health):** Yes, Mr. Chairman. I will keep my comments throughout the piece on Bill 49 this evening extremely brief, not because what we are doing this evening is not extremely important, but because many of the issues have already been discussed by our presenters, and it is our wish to be responsive to the presentations made. But I do need to report very quickly that we have reached an understanding with the organization representing faith-related facilities in Manitoba about the following amendment that I am going to move.

So it is, with some pleasure and pride, Mr. Chairman, that I move

THAT section 5 be amended by renumbering it as subsection 5(1) and that the following be added as subsection 5(2):

**Agreements with health corporations**

**5(2)** Without limiting the generality of subsection (1), the minister may enter into agreements with a health corporation, or an organization representing health corporations, respecting the preservation of corporate ownership, autonomy, governance and mission of the health corporation or health corporations.

**[French version]**

*Il est proposé que l'article 5 devienne le paragraphe 5(1) et que soit ajouté, après le paragraphe 5(1), ce qui suit:*

**Accords**

**5(2)** *Sans que soit limitée la portée générale du paragraphe (1), le ministre peut conclure des accords avec une personne morale dispensant des soins de santé ou un organisme représentant des personnes morales dispensant des soins de santé à l'égard de la préservation de la propriété corporative, de l'autonomie, de la gestion et de la mission de la ou des personnes morales dispensant des soins de santé.*

I move this amendment in both the English and French languages.

**Motion presented.**

**Mr. Dave Chomiak (Kildonan):** Mr. Chairperson, I, too, will keep my remarks to a minimum in order to expedite the important work that we have to do in this committee, particularly in light of the many presentations that were made and the fact that we have got an early start today at 12:02 as opposed to the last time when we were dealing with this at around 2:15 a.m.

We are in agreement with this amendment, certainly in principle. Our concerns were that the autonomy of organizations, particularly faith organizations, be respected as well as their values and missions. One of my concerns was that, as the minister knows, we have some agreement to disagree about the model of this act, whether or not it is the New Zealand model or not. One of my concerns about the New Zealand model is the contractual nature of it. I would prefer that it be nonprofit, but I am not going to quibble because we have achieved, I think, a positive amendment.

I do not want to be picky, but when I read this, and this is the first time I have seen this and I will repeat, the minister may enter into agreements with a health corporation or an organization representing health corporations. I would have thought it would say, that respects the preservation of corporate ownership, autonomy, governance and mission of the health corporation or health corporations, but I am not going to quibble.

It just seems to me that the wording should probably be, that respects the preservation of corporate ownership, autonomy, governance and mission of the health corporation or health corporations, but insofar as we have

agreement and assurance that this amendment will preserve the autonomy of faith organizations and allow them to continue their values and their mission, then we are in full agreement with this.

**Mr. McCrae:** Mr. Chairman, very briefly, the amendment is the result of very careful and protracted discussions and, indeed, negotiations, and it is the culmination of all of that, the very happy culmination of all of that, that I present this amendment in the wording that we see.

I am sure the points the honourable member is raising were discussed as part of those negotiations. People on both sides of the table were very well qualified to analyze the appropriate wording to be used for this particular amendment, so that is the comfort I can offer to the honourable member.

**Mr. Chairperson:** Amendment—pass. Clause 5 as amended—pass.

We will now move on to another clause which we had passed prior, too, and it is 9(3).

**Mr. Chomiak:** Our amendment, self-explanatory, is that subsection 9(3) be amended by striking out “appointed or” so that the effect of the amendment—

**Mr. Chairperson:** Order, please. Mr. Chomiak, was that amendment already put forward and defeated?

**An Honourable Member:** It was defeated, yes.

**Mr. Chomiak:** Oh, okay. Well, then, we do not have to do this by leave. Sorry.

**Mr. Chairperson:** In that case, this amendment has already been defeated.

We will move on to Section 10(2). Section 10(2) has been withdrawn at this time. We will now move on to Section 11, which is where we had left off last time. Would the committee want me to go in groups of clauses up to where the amendments are being stationed, or do you want to go clause by clause?

**Mr. Chomiak:** I think you can go to groups of clauses.

**Mr. Chairperson:** Clauses 11 through 13—pass. Clause 14(1).

**Mr. Chomiak:** The amendment we are making is self-explanatory and I think the point was made repeatedly by presenters and by our speeches, so—

**Mr. Chairperson:** Order, please. Mr. Chomiak, if you could move the motion and then we can speak to it after.

**Mr. Chomiak:** I move—

**Mr. Chairperson:** Dispense.

*THAT section 14 be amended*

*(a) by adding the following after subsection 14(1):*

***Elections to regional health boards***

***14(1.1) One year after this Act comes into force, the minister shall cause to be held elections for all positions on the boards of regional health authorities, which elections shall be held in accordance with the regulations***

*(b) by adding the following after subsection 14(2):*

***Subsequent elections***

***14(2.1) Subsequent elections for all positions on the boards of regional health authorities will be held at times and on conditions determined by the Lieutenant Governor in Council.***

**[French version]**

*Il est proposé que l'article 14 soit amendé :*

*a) par adjonction, après le paragraphe 14(1), de ce qui suit :*

***Élection des conseils d'administration***

***14(1.1) Un an après l'entrée en vigueur de la présente loi, le ministre fait tenir des élections à tous les postes au sein des conseils d'administration des offices régionaux de la santé. La tenue de ces élections est conforme aux règlements.***

*b) par adjonction, après le paragraphe 14(2), de ce qui suit :*

**Élections subséquentes**

**14(2.1)** *Des élections subséquentes à tous les postes au sein des conseils d'administration des offices régionaux de la santé seront tenues à la date et à l'heure ainsi qu'aux conditions que fixe le lieutenant-gouverneur en conseil.*

**Motion presented.**

**Mr. Chomiak:** As indicated, this point has been made repeatedly, and this amendment is self-explanatory to provide for elections of boards or directors.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**An Honourable Member:** No.

**Mr. Chairperson:** No?

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion is defeated.

**Formal Vote**

**Mr. Chomiak:** Recorded vote.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 5.*

**Mr. Chairperson:** The motion is accordingly defeated.

Clauses 14 through 14(4)—pass. Clause 15(1).

**Mr. Chomiak:** Mr. Chairperson, I had a motion that was predicated on our winning the last motion. Insofar

as we have lost that last motion, there is no point in presenting this motion, so I will withdraw this motion.

**Mr. Chairperson:** Is there leave for the member to withdraw his motion? Leave? [agreed]

**Mr. McCrae:** He never made it, so there is no need to withdraw it.

**Mr. Chairperson:** No, there is no need to withdraw it. I am sorry. Then I withdraw my statement.

Clauses 15(1) through 18(4)—pass. Clause 19.

**Mr. Chomiak:** I move,

THAT clause 19(b) be struck out and the following substituted:

(b) all other meetings shall be open to the public with exceptions prescribed in the regulations.

**[French version]**

*Il est proposé que l'alinéa 19b) soit remplacé par ce qui suit:*

*b) d'autres réunions accessibles au public, à l'exception de ce que prévoient les règlements.*

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**Some Honourable Members:** No.

**Mr. Chairperson:** No?

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division, Mr. Chairperson.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clauses 19 through 22—pass; Clause 23(1)—pass. Clause 23(2).

**Mr. Chomiak:** I move—

**Mr. Chairperson:** Dispense.

*THAT subsection 23(2) be amended*

*(a) in clause (g), by adding the following after subclause (iii):*

*(iv) ensure the development of methods for ongoing community involvement, input and participation,*

*(v) establish provider advisory committees as a mechanism for input by health professionals;*

*(b) by striking out clause (j) and substituting the following:*

*(j) comply with provincial objectives and priorities, and with prescribed services and standards, as set out in subsections 3(1) and (2);*

*(c) in clause (k), by adding “health outcomes as measured by population health status, and” after “evaluate”.*

**[French version]**

*Il est proposé que le paragraphe 23(2) soit amendé:*

*a) dans l'alinéa g), par adjonction, après le sous-alinéa (iii), de ce qui suit:*

*(iv) la création de moyens visant le développement de mécanismes permettant la participation des communautés et la collecte de l'opinion des membres de celles-ci et ce, de façon continue,*

*(v) la création de comités consultatifs afin d'obtenir l'opinion des professionnels de la santé;*

*b) par substitution, dans l'alinéa j), de ce qui suit:*

*j) se conformer aux objectifs et aux priorités provinciales ainsi qu'aux services et aux normes prévus par règlement en vertu des paragraphes 3(1) et (2);*

*c) dans l'alinéa k), par adjonction, après “évaluer”, de “les conséquences sur la santé, mesurées par l'intermédiaire de l'état de santé de la population, et”.*

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**An Honourable Member:** No.

**Mr. Chairperson:** No?

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**An Honourable Member:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division, Mr. Chomiak.

\* \* \*

**Mr. Chairperson:** Clause 23(2)—pass. Clause 24(1).

**Mr. Chomiak:** I move,

THAT the following be added after section 24(1):

**Quality of regional health plans—**

**Mr. Chairperson:** Excuse me. I will pass 24(1) first then. Clause 24(1)—pass.

\* (0010)

**Mr. Chomiak:** I move—

**An Honourable Member:** Dispense.

*THAT the following be added after section 24(1):*

***Quality of regional health plans***

*24(1.1) Regional health plans which provide for the planning and delivery of community health services must be consistent with the principles of primary health care delivery including: integration of services, multidisciplinary approach; intersectoral involvement; holistic view of the individual; emphasis on health promotion; politics and programs reflecting ongoing community based input and perspectives.*

[French version]

*Il est proposé d'ajouter, après le paragraphe 24(1), ce qui suit:*

***Qualité des plans sanitaires régionaux***

*24(1.1) Les plans sanitaires régionaux qui prévoient la planification et la fourniture de services de santé communautaires doivent être conformes aux principes de fourniture de soins de santé de base, notamment l'amalgamation des services, l'approche multidisciplinaire, la participation intersectorielle, la vision holistique de la personne, la promotion de la santé ainsi que les politiques et les programmes qui reflètent les apports et l'opinion de la communauté de façon continue.*

**Motion presented.**

**Mr. Chomiak:** Yes, Mr. Chairperson, I am sure all members will agree that this was a consistent theme that was made by presenters; I look forward to the support of all members with respect to opening up the process of providing for regional health plans very much in line with the presentations that were made.

**Mr. McCrae:** Mr. Chairman, it is our contention that the process that we are putting in place is already a very open process, and we cannot support the amendment.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment is defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 24(2).

**Mr. Chomiak:** Mr. Chairperson, I move

THAT subsection 24(2) be struck out and the following substituted:

**Consultation**

**24(2)** In the course of preparing a regional health plan, the regional health authority shall

(a) undertake a wide-ranging and inclusive consultation process, including public forums;

(b) have regard to the terms of provincial objectives set by the minister under subsection 3(1); and

(c) ensure that the consultation process includes adequate input from women and cultural communities residing in the region.

[French version]

*Il est proposé que le paragraphe 24(2) soit remplacé par ce qui suit:*

**Consultation**

*24(2) Au cours de l'élaboration de son projet de plan sanitaire régional, l'office régional de la santé:*

*a) procède à une consultation générale et notamment, à des tribunes;*

*b) tient compte des objectifs provinciaux que le ministre établit en vertu du paragraphe 3(1);*

*c) fait en sorte que le processus de consultation permette aux femmes et aux communautés culturelles de la région en cause d'intervenir.*

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**An Honourable Member:** No.

**Mr. Chomiak:** Mr. Chairperson, despite the stunning defeat of the last amendment, I am still going ahead with this in the hope and anticipation that the recommendations of many committee presenters will see their way into this legislation by virtue of this amendment which, I think, reflects the opinion of many presenters.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment has been defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 24(2)—pass; Clauses 24(3) through to 24(6)—pass. Clause 25.

**Mr. Chomiak:** Mr. Chairperson, I move

THAT section 25 be amended by striking out clause (e).

[French version]

*Il est proposé que l'alinéa 25e) soit abrogé.*

**Motion presented.**

**Mr. Chomiak:** Mr. Chairperson, again, it was almost unanimous, I think, of the presenters that user fees not be attached to this act, and I know that the minister may make an argument with respect to the need for the charging of fees, but I think the principle of the repeated mention in this act of the charging of user fees is something that we cannot support and is very detrimental to the future of medicare. We cannot support this amendment—we support this amendment to the bill, but we certainly cannot support this particular action that the minister wants to reword it in such a way to give us assurances that no user fees will be charged in the future; then we would be happy to change our position.

**Mr. McCrae:** Mr. Chairman, it would be nice if we could give the assurance that no user fees are charged now, but the reality is that there are user fees now. The honourable member's amendment tends to gloss over that part, and so, therefore, we are unable to support it.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**An Honourable Member:** No.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment has been defeated.

**Mr. Chomiak:** On division.

\* \* \*

**Mr. Chairperson:** Clause 25—pass; Clauses 26 through 30(2)—pass.

**Mr. Chomiak:** Mr. Chairperson, I move

THAT the following be added after subsection 30(2)

**Reports to regional health authority by minister**

**30(3)** The minister shall provide the regional health authority with any reports, returns and statistical information that the authority may require from time to time for the purpose of carrying out its responsibilities under this Act and the regulations.

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 30(2), ce qui suit:*

**Rapport ministériel présenté à l'office**

**30(3)** Le ministre fournit à l'office régional de la santé les rapports, les déclarations et les données statistiques dont celui-ci a besoin pour remplir ses obligations en application de la présente loi et de ses règlements.

**Motion presented.**

**Mr. Chomiak:** Mr. Chairperson, we feel this is a very innovative amendment, in line with some other amendments we are proposing that will ensure that the minister provides meaningful information to the regional health authorities along the same line that the minister requires information from the regional health authorities, and we think it for that that it is a fairer way of dealing with the system and will ensure that timely information is provided to the regional health authorities and ensure the minister has to provide that information to allow them to carry out their duties.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division.

\* \* \*

**Mr. Chairperson:** Clauses 31 through to 32(2)—pass; Clause 33—pass. Clauses 34 through to 38(2)—pass.

**Mr. Chomiak:** Mr. Chairperson, I move—

**Mr. Chairperson:** Dispense.

THAT the following be added after subsection 38(2):

**Report to regional health authority by minister**

**38(3)** Within four months after the end of the government's fiscal year, the minister shall provide each regional health authority with a report outlining the fiscal position of the government and setting out, in general terms, the minister's goals for the delivery and administration of health services in the province.

**[French version]**

*Il est proposé d'ajouter, après le paragraphe 38(2), ce qui suit:*

**Rapport ministériel présenté aux offices**

**38(3)** Dans les quatre mois suivant la fin de l'exercice financier du gouvernement, le ministre fournit aux offices régionaux de la santé un rapport faisant état de la situation financière du gouvernement et, en termes généraux, des objectifs du ministre en matière de fourniture et de gestion des soins de santé dans la province.

**Motion presented.**

**Mr. Chomiak:** Again, along the same lines as in my previous comments, this is an attempt to ensure that timely information is provided to the regional health authorities and ensure the minister must provide that information, again along the lines that if the government is dealing with grass roots and dealing with these

individuals as equal partners that kind of information ought to be mandated and be provided to those regional health authorities.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clauses 39(1) through to 49—pass; Clause 50—pass. Clause 51(1).

**Mr. Chomiak:** I move that the following be added after section 51—

**Mr. Chairperson:** Order please, if I could just pass that then. Clause 51(1)—pass.

**Mr. Chomiak:** I move—

**Mr. Chairperson:** Dispense.

*THAT the following be added after section 51:*

*DIVISION 5.1*

*DIVISION OF REGIONAL HEALTH AUTHORITIES*

***Proposal to divide regional health authorities***

**51.1(1)** *A regional health authority may submit to the minister a proposal to divide the authority into two or more regional health authorities and health regions.*

***Criteria***

**51.1(2)** *A proposal under subsection (1) must indicate the way in which the division of the health region into smaller health regions would meet provincial objectives for the overall delivery and administration of health care in the province.*

***Division 5 procedures applies***

**51.1(3)** *A proposal under subsection (1) shall be dealt in the same manner as a proposal to amalgamate submitted under Division 5, and the provisions of Division 5 apply with such modifications as the circumstances may require.*

**[French version]**

*Il est proposé d'ajouter, après l'article 51, ce qui suit:*

*SECTION 5.1*

*DIVISION DES OFFICES  
RÉGIONAUX DE LA SANTÉ*

***Projet de division***

**51.1(1)** *Chaque office régional de la santé peut présenter au ministre un projet visant à diviser l'office en plusieurs offices et en plusieurs régions sanitaires.*

***Critères***

**51.1(2)** *Les projets visés par le paragraphe (1) précisent de quelle façon la division de l'office en offices plus petits permettra de respecter les objectifs provinciaux en matière de fourniture et de gestion générales des soins de santé dans la province.*

***Application des dispositions de la section 5***

**51.1(3)** *Les projets visés par le paragraphe (1) sont traités comme des projets de fusion soumis en vertu de la division 5, et les dispositions de cette section s'appliquent avec les adaptations nécessaires.*

**Motion presented.**

**Mr. Chomiak:** Just by way of explanation, there is no magic, I think, to the way that the regional health authorities have been established and set up. At one time, the government advocated much smaller regional health authorities and then withdrew those proposals and

went back to the proposals that we presently see before us in terms of this act.

There is ample provision in this act for the expansion of regional health authorities, but there is not an opportunity in this act for regional health authorities who feel that they should be divided—I do not believe there is—who feel that they should be made into smaller parcels because it is unwieldy or not adequately functioning for these health authorities to do that.

Now, this amendment may not be the perfect amendment with respect to this, but we certainly suggest that the regional health authorities ought to be provided with the opportunity to divide themselves up into smaller parcels if they think that would more adequately deliver and in a better manner deliver health care in the province. That is why we are putting this amendment forward, and we look forward to the support of the committee in this regard.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clauses 51(2) through to 53(3)—pass. Clause 54.

**Mr. Chomiak:** Mr. Chairperson, I move

THAT section 54 be amended by striking out clause (f).

#### [French version]

*Il est proposé que l'alinéa 54f) soit abrogé.*

**Mr. Chairperson:** It has been moved by Mr. Chomiak that section 54 be amended by striking out clause (f).

**Mr. Chomiak:** I think we would say *ibid.* in this regard.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion, please yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division.

\* (0020)

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clauses 54 through to 58—pass; Clause 59—pass; Clauses 60 through to 61(2)—pass. Clause 62(1).

**Mr. McCrae:** Mr. Chairman, this whole part has received further consideration by the government.

**Mr. Chairperson:** Mr. Minister, if I could ask you to move the motion before we speak to it.

**Mr. McCrae:** Oh, certainly. I am sorry. I move this in both English and French,

THAT subsection 62(1) be amended by striking out the definition "commissioner" and substituting the following:

"commission" means the labour relations commission appointed under section 63; ("Commission")

**[French version]**

*Il est proposé d'amender le paragraphe 62(1) par substitution, à la définition de "commissaire", de ce qui suit:*

*"Commission" La Commission du travail nommée en vertu de l'article 63. ("commission")*

**Motion presented.**

**Mr. McCrae:** Mr. Chairman, this amendment and a few that will come after it are the result of further consideration and work done by the government in direct response to concerns raised by presenters in this committee. Again, I would like to think that it points out that we are taking a very consultative approach to health reform. I would like to commend some of my colleagues who have been part of the discussions in helping us arrive at these amendments, which we believe go some distance to alleviating some of the concerns that have been raised by those concerned about the labour aspects of this bill, and so there will be further amendments following which will give a better understanding of why we are making this change to this definition part with respect to the commission, because we are going to be talking about more than one commissioner.

**Mr. Chomiak:** Mr. Chairperson, I am presuming that throughout the balance of this section the minister will change the word "commissioner" to mean "commission" and it therefore means we are appointing a commission to deal with the issues in lieu of the former—well, the act that you are amending said "commissioner." So instead of having one commissioner, we are going to have three members of a commission, but that still will not be the labour board.

**Mr. McCrae:** That is correct.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The motion is accordingly carried.

\* \* \*

**Mr. Chairperson:** Shall Clause 62(1) as amended pass?

**Mr. Chomiak:** Mr. Chairperson, I move

THAT Part 6 of the Act be deleted and the following be substituted:

**Management of labour relations issues**

**62** The Manitoba Labour Board shall manage the labour relations issues arising during the transition to regional health authorities under this Act with appropriate consequential amendments and resources.

**[French version]**

*Il est proposé que la partie 6 soit remplacé par ce qui suit :*

**Gestion des questions relatives aux relations de travail**

**62** La Commission des relations du travail gère les questions relatives aux relations de travail qui se présentent au cours de la transition à des offices régionaux de la santé en vertu de la présente loi en apportant des modifications corrélatives opportunes et utilisant les ressources disponibles.

**Mr. Chairperson:** Shall the motion pass?

**Some Honourable Members:** No.

**Ms. Becky Barrett (Wellington):** I would like to speak to this amendment, and the reason I am speaking to this

amendment instead of Mr. Chomiak is that over the last 24 hours I have had the pleasure of working together with the Minister of Rural Development (Mr. Derkach) in bringing forward an amendment to The Municipal Act, which has the same effect that the amendment that is being presented to the Minister of Health (Mr. McCrae) in dealing with Bill 49.

The Minister of Rural Development listened to the presentations on The Municipal Act; in particular in relation to this amendment, he listened to the presentations from the Canadian Union of Public Employees of the city of Winnipeg who stated in their presentation that the regulation-making authorities should not be as it was originally despite a collective agreement. The city has expressed concern that these regulations would be able to override any type of contractual agreement that had been bargained in good faith.

CUPE went on to say the collective bargaining is one which is legally recognized and specifically encouraged by The Labour Relations Act of Manitoba. This act contains provisions that specifically contemplate situations like amalgamations or mergers or annexations. The Minister of Rural Development listened to that and removed those elements from Bill 54. What we are asking for today in this amendment is exactly the same provision. We recognize that the Minister of Rural Development made the right decision where he stated—and he stated in his discussions with us and in his listing of the motions and concerns that he was going to raise—that the authority to override a collective agreement was one which was of concern to him and was of concern to his caucus. His caucus agreed obviously because they supported that amendment in the context of Bill 54. All we are asking for is the Minister of Health, in the context of Part 6 of Bill 49, to do exactly the same thing, and that is what this amendment does.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea

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

**Some Honourable Members:** Nay.

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

The motion has been defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 62(1) as amended—pass; Clause 62(2)—pass. Clause 63(1).

**Mr. McCrae:** Mr. Chairman, I will be as brief as I can. We have determined that we ought to amend this part of the legislation to bring about a commission instead of legislation which allows us to appoint a single commissioner.

Mr. Chairman, I move—

**Mr. Chairperson:** Dispense.

*THAT section 63 be struck out and the following substituted:*

#### *Appointment of commission*

*63(1) The Lieutenant Governor in Council may appoint a commission of three persons to inquire into and make recommendations respecting trade union representation and jurisdiction in the health sector in the context of the transition to regional health authorities under this Act.*

#### *Chairperson*

*63(2) The Lieutenant Governor in Council shall appoint one of the commissioners as the chairperson.*

#### *Knowledge and experience of commissioners*

*63(3) As to the appointment of the other two commissioners,*

*(a) one must be a person who, in the opinion of the Lieutenant Governor in Council, has knowledge and experience related to the management of health services delivery in the province; and*

(b) one must be a person who, in the opinion of the Lieutenant Governor in Council, has knowledge and experience related to the representation of employees in the health sector in the province.

#### **Consultation regarding appointment**

63(4) For the purpose of making the appointments referred to in subsection (3), the Lieutenant Governor in Council shall consult with

- (a) regional health authorities;
- (b) trade unions representing workers in the health sector; and
- (c) health corporations.

#### **Term of appointment**

63(5) The commissioners shall be appointed for a term to be prescribed by the Lieutenant Governor in Council.

#### **Remuneration**

63(6) The Lieutenant Governor in Council shall determine the remuneration of the commissioners, which shall be charged to and paid out of the Consolidated Fund.

#### **Expenses**

63(7) The commissioners shall be paid such travelling and out of pocket expenses incurred by them in the performance of their duties as may be determined by Lieutenant Governor in Council.

#### **Recommendations**

63(8) If the commissioners cannot reach a unanimous agreement with respect to a recommendation under this Part, the recommendation of the chairperson shall be the recommendation of the commission.

#### **[French version]**

Il est proposé de remplacer l'article 63 par ce qui suit:

#### **Nomination de la Commission**

63(1) Le lieutenant-gouverneur en conseil peut nommer une commission formée de trois personnes afin qu'elle enquête et formule des recommandations à l'égard de la représentation et de la compétence syndicales dans le secteur de la santé, dans le contexte de la transition à effectuer vers les offices régionaux de la santé en vertu de la présente loi.

#### **Présidence**

63(2) Le lieutenant-gouverneur en conseil peut nommer l'un des commissaires à la présidence de la Commission.

#### **Connaissances et expérience des commissaires**

63(3) Pour ce qui est des deux autres commissaires devant être nommés:

- a) l'un doit avoir, de l'avis du lieutenant-gouverneur en conseil, des connaissances et de l'expérience en matière de gestion de la fourniture des services de santé dans la province;
- b) l'un doit avoir, de l'avis du lieutenant-gouverneur en conseil, des connaissances et de l'expérience en matière de représentation des employés du secteur de la santé dans la province.

#### **Consultations relatives aux nominations**

63(4) En vue d'effectuer les nominations prévues au paragraphe (3), le lieutenant-gouverneur en conseil consulte:

- a) les offices régionaux de la santé;
- b) les syndicats représentent les travailleurs du secteur de la santé;
- c) les personnes morales dispensant des soins de santé.

#### **Durée du mandat**

63(5) Le lieutenant-gouverneur en conseil fixe la durée du mandat des commissaires.

#### **Rémunération**

63(6) Le lieutenant-gouverneur en conseil fixe la rémunération des commissaires, laquelle rémunération est payée sur le Trésor.

#### **Dépenses**

63(7) Les frais de déplacement et les autres dépenses qu'engagent les commissaires pour l'accomplissement de leurs fonctions leur sont remboursés selon ce qui détermine le lieutenant-gouverneur en conseil.

#### **Recommandations**

63(8) La recommandation du président vaut recommandation de la Commission lorsque les

*commissaires ne parviennent pas à faire l'unanimité sur une recommandation faite sous le régime de la présente partie.*

**Motion presented.**

\* (0030)

**Mr. McCrae:** Mr. Chairman, the commissioner as set out in the bill will be replaced by these amendments by three commissioners, and the amendment sets out the circumstances under which—or the type of people we need for this particular function. It is felt that this will allow for an appropriate response to have been made to those raising concerns, notwithstanding the very thoughtful comments made by the honourable member for Wellington (Ms. Barrett). After considering these matters very carefully and consulting further, we have arrived at this determination, and we think that this will meet some of the legitimate concerns that have been raised.

**Mr. Chomiak:** Mr. Chairperson, we do not think that this amendment in any way changes the intent and the wrongness of the decision of the government to bring in this kind of regressive labour legislation, and we are certainly not going to support this amendment. I note that in the amendment, if no unanimous consent can be reached, the Chairperson ultimately still will make the decision. In effect, it changes very little with regard to what we view as a massive intrusion by the government into labour relations inappropriately, when in fact, as all of the presenters from my recollection indicated, the government has the authority to make these changes within, with slight modification, the existing powers contained in The Labour Relations Act, and consequently we cannot support this amendment.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The motion is carried.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Shall Clause 63 as amended pass, in its entirety?

**An Honourable Member:** No.

**Voice Vote**

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. Clause 63 in its entirety, as amended, is passed.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. McCrae:** I have another amendment which is consequential to what we have just passed, and I will now move it as follows:

**Mr. Chairperson:** Dispense.

*THAT Part 6 be amended*

*(a) by striking out "commissioner" wherever it occurs other than in section 69, and substituting "commission"; and*

(b) by making any other necessary grammatical modifications.

**[French version]**

*Il est proposé d'amender la partie 6:*

*a) par substitution, à "commissaire", à chacune de ses occurrences, de "Commission";*

*b) par l'exécution de toutes les adaptations grammaticales nécessaires.*

**Mr. Chairperson:** Is it the will of the committee to adopt the motion? Agreed?

**An Honourable Member:** No.

**Voice Vote**

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The motion is accordingly carried.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 64

**Mr. Chomiak:** Mr. Chair, I move

THAT section 64 be renumbered as subsection 64(2) and the following be added as subsection 64(1):

**Labour Relations Act principles**

**64(1)** In considering any matter under this Part that concerns successor rights, as that term is used in The Labour Relations Act, the commissioner shall take into account the same factors and the same principles of law

that the Manitoba Labour Board must take into account when it considers issues of successor rights under The Labour Relations Act.

**[French version]**

*Il est proposé que l'article 64 devienne le paragraphe 64(2) et que soit ajouté ce qui suit:*

**Principes de la Loi sur les relations du travail**

**64(1)** Dans l'étude, en vertu de la présente partie, de toute question ayant trait aux droits du successeur, au sens de la Loi sur les relations du travail, le commissaire tient compte des mêmes facteurs et des mêmes principes de droit que ceux dont tenir compte la Commission des relations du travail du Manitoba lorsqu'elle se penche sur des questions touchant les droits du successeur en vertu de la Loi sur les relations du travail.

**Motion presented.**

**Mr. Chomiak:** Mr. Chairperson, given the effect that not having this amendment in the act can make, I do not see how anyone could not support this amendment. Although we disagree vigorously and completely with these sections of the act, nonetheless it is an attempt to make a very unpalatable section at least somewhat palatable, and the basic right of successor rights as was pointed out by many presenters here and the principles of law taken into account by the Manitoba Labour Board surely cannot be something members opposite would be opposed to, and I look forward to their support of this very, I think, positive amendment of an otherwise very bad section of the act.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 64—pass; Clauses 65(1) through 68(2)—pass. Clause 69.

**Mr. McCrae:** I move—

**Mr. Chairperson:** Dispense.

*THAT section 69 be struck out and the following substituted:*

***Powers under Part V of The Evidence Act***

*69 The commissioners have the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act, but section 85 of The Manitoba Evidence Act does not apply to the commission, and no notice of appointment, of the purpose and scope of inquiries to be made by the commission, or of the time and place of the holding of any hearing or inquiry by the commission need be published as required under section 86 of The Manitoba Evidence Act.*

**[French version]**

*Il est proposé de remplacer l'article 69 par ce qui suit:*

***Pouvoirs prévus par la partie V de la Loi sur la preuve***

*69 Les commissaires jouissent de la protection et des pouvoirs d'un commissaire nommé en vertu de la partie V de la Loi sur la preuve au Manitoba. Toutefois, l'article 85 de la cette loi ne s'applique pas à la Commission et l'article 86 de cette même loi portant sur les avis à publier au sujet de la nomination de la Commission, de la fin et de l'étendue de l'enquête pour laquelle elle a été nommée et de la date, de l'heure et du lieu des audiences ou des enquêtes qu'elle tient ne s'applique pas.*

**Motion presented.**

**Mr. Chairperson:** Just for clarity. Clauses 65(1) through to 68(2)—pass. Is it the will of the committee to adopt the motion?

**Some Honourable Members:** Agreed.

**Mr. Chomiak:** Mr. Chairperson, just in a quick reading of the act, I wonder if the minister might explain for me why this amendment has been brought in.

**Mr. McCrae:** Mr. Chairman, there are reasons related to grammatical correctness and the inconsequential. This is consequential to the other amendments we have already passed.

**Mr. Chomiak:** This puts us in a dilemma, and since we do not agree with this section of the act, despite the grammatical corrections, we are still going to be forced to vote against this amendment.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**An Honourable Member:** Agreed.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**An Honourable Member:** Yea.

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

**An Honourable Member:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. Amendment—pass.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 69 as amended—pass; Clauses 70 through to 73—pass. Clause 74.

**Mr. Chomiak:** I move—

**Mr. Chairperson:** Dispense.

*THAT section 74 be struck out and the following substituted:*

**Appeal**

*74(1) Any person affected by a recommendation, action or decision of the commissioner may appeal the matter to the Manitoba Labour Board.*

**Method of appeal**

*74(2) An appeal may be made by filing an application with the Manitoba Labour Board within 15 days of the commissioner's recommendation, action or decision.*

**Powers on appeal**

*74(3) On hearing an appeal, The Manitoba Labour Board may*

*(a) make any recommendation or decision or take any action that in its opinion ought to have been made or taken;*

*(b) quash, vary or confirm the recommendation, decision, or action or any part of any of them; or*

*(c) refer the matter back to the commissioner for further consideration in accordance with any direction of the Manitoba Labour Board.*

**[French version]**

*Il est proposé que l'article 74 soit remplacé par ce qui suit :*

**Appel**

*74(1) Toute personne touchée par une recommandation, une mesure ou une décision du commissaire peut en appeler devant la Commission des relations de travail du Manitoba.*

**Modalités d'appel**

*74(2) L'appel est interjeté par dépôt d'une requête auprès de la Commission des relations du travail dans les 15 jours suivant la recommandation, la mesure ou la décision du commissaire.*

**Pouvoirs en appel**

*74(3) Après avoir entendu l'appel, la Commission des relations du travail peut :*

*a) faire toute recommandation ou prendre toute décision ou mesure qui, à son avis, aurait dû être faite ou prise;*

*b) annuler, modifier ou confirmer en tout ou en partie la recommandation, la décision ou la mesure;*

*c) renvoyer la question au commissaire pour qu'il effectue un examen plus approfondi en conformité avec ses directives.*

**Motion presented.**

**Mr. Chomiak:** Again, it is self-evident, certainly to members on this side of the House, that despite the bad nature of these provisions in the act, we are attempting to make a silk purse out of a sow's ear, and we are putting in this provision and it may not even be a—if the minister wishes to amend it to make it more appropriate, we would certainly accept that. but certainly the right of appeal ought to be one that be allowed and permitted. I, certainly given the presentations that were made in the committee, look forward to support of all members on this basic right of appeal.

**Mr. Chairperson:** Is it the will of the committee to adopt the motion?

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the motion, please say yea.

All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays—the motion is apparently—

**Mr. Chomiak:** I heard one yea over there.

\* (0040)

**Mr. Chairperson:** Recorded vote.

### Formal Vote

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 5.*

**Mr. Chairperson:** By five to three, the motion is defeated.

\* \* \*

**Mr. McCrae:** Mr. Chairman, as I have set out already, that this—I have to move it first?

**An Honourable Member:** Yes.

**Mr. McCrae:** I move—

**Mr. Chairperson:** Dispense,

*THAT section 74 be renumbered as subsection 74(1) and the following be added as subsection 74(2):*

#### *Judicial review*

*74(2) Notwithstanding subsection (1), a recommendation, action or decision of the commission may be reviewed by a court of competent jurisdiction if the commission has committed an error of law or acted beyond or refused to exercise its jurisdiction.*

#### [French version]

*Il est proposé que l'article 74 devienne le paragraphe 74(1) et que soit ajouté, après le paragraphe 74(1), ce qui suit:*

#### *Révision judiciaire*

*74(2) Par dérogation au paragraphe (1), les recommandations, les mesures ou les décisions de la Commission peuvent être revues par un tribunal compétent lorsque la Commission a commis une erreur de droit ou qu'elle a outrepassé sa compétence ou refusé de l'exercer.*

**Motion presented.**

**Mr. McCrae:** We want it to be very clear, Mr. Chairman, that the decisions of the commission may

indeed be reviewed by a court if there is an error in law or if there is a jurisdictional issue.

**Mr. Chomiak:** Mr. Chairperson, well, this amendment does not go far enough. It deals only with administrative law matters, and pursuant to our previous amendment that was narrowly defeated, on sober second thought—[interjection] Yes, this does not go far enough at all.

**Mr. Chairperson:** Shall the amendment pass?

**An Honourable Member:** No.

### Voice Vote

**Mr. Chairperson:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The motion is carried.

\* \* \*

**Mr. Chairperson:** Clause 74 as amended—pass. Clause 75.

**Mr. Chomiak:** Mr. Chairperson, I move—

**Mr. Chairperson:** Dispense.

*THAT section 75 be struck out and the following substituted:*

#### *Labour Relations Act prevails*

*75 If there is a conflict or inconsistency between*

*(a) a regulation, recommendation or decision under this Part; and*

*(b) The Labour Relations Act, any regulation under that Act, or any proceedings or orders made under that Act;*

*The Labour Relations Act, the regulation under that Act and any proceedings or orders under that Act prevail.*

**[French version]**

*Il est proposé que l'article 75 soit remplacé par ce qui suit:*

***Incompatibilité***

*75 La Loi sur les relations du travail, ses règlements et les instances ainsi que les ordonnances visées par cette loi ont préséance en cas de conflit avec les règlements, les recommandations et les décisions visées par la présente partie.*

**Motion presented.**

**Ms. Barrett:** Mr. Chairperson, I would like to ask, if I may, the minister, before I decide how I am going to vote on this particular amendment. I would like to ask the minister the thinking behind Section 75 which basically says that if The Labour Relations Act comes in conflict with any part of this act, the regulations under this part take precedence over The Labour Relations Act. I would like to have the minister on record as explaining the rationale for this.

**Mr. McCrae:** Mr. Chairman, should this part of this legislation ever be required, which we very much hope it will never, ever be required because sweet reason will always prevail amongst members of the unions of this province and the regional health authorities, but if that should unfortunately not work out that way, we need the provisions in this part of this legislation to work as they are designed to work, and that is why this section is here, so that the legislation and the regulations thereunder can be used.

**Ms. Barrett:** Mr. Chair, so what the minister is saying is that he does not trust The Labour Relations Act of the province of Manitoba to be able to deal with the disputes that may arise under this piece of legislation. Is that an accurate assessment of what the minister has just stated?

**Mr. McCrae:** Without ever wanting to adopt the language used by the honourable member, Mr. Chairman, what I am saying is what I just finished saying.

**Ms. Barrett:** I will reiterate. It is very clear to me and to the presenters at the public hearing and to our opposition and to the many people in the province of Manitoba who have very serious problems with parts of

this act that abrogate The Labour Relations Act, it is very clear to me that the minister and, by extension, his government does not trust The Labour Relations Act, which has worked for decades in this province of Manitoba, and is putting huge authority in the hands of the minister and a three-person commissioner. I think it is very clear, this section is incredibly clear as to what the real intent of this government is, and I think it is an appalling comment.

**Mr. Chairperson:** Shall the amendment pass?

**Mr. McCrae:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The amendment is accordingly defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

**Voice Vote**

**Mr. Chairperson:** Clause 75.

**Some Honourable Members:** No.

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the clause is accordingly passed.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clauses 76(1) through to 77.

**Some Honourable Members:** No.

**Mr. Chairperson:** Mr. Minister, where are you going to?

**Mr. McCrae:** 76 and 77, amendments to those sections.  
Mr. Chairman, I move

THAT the French version of section 76 and 77 of the Bill be amended by striking out "Commission des relations" wherever it occurs and substituting "Commission".

[French version]

*Il est proposé que les articles 76 et 77 du projet de loi soient amendés par substitution, à "Commission des relations", à chaque occurrence, de "Commission".*

I move that in French and English languages.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Some Honourable Members:** No.

**Mr. Chairperson:** On division?

**An Honourable Member:** On division.

**Mr. Chairperson:** On division. The motion is accordingly carried.

**Voice Vote**

**Mr. Chairperson:** Clauses 76(1) through to 77 as amended.

**Some Honourable Members:** No.

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

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The clause is passed.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division, Mr. Chomiak.

\* \* \*

**Mr. Chairperson:** Clause 78.

**Mr. McCrae:** Mr. Chairman, I move

THAT subsection 78(1) be amended by striking out "by regulation,".

[French version]

*Il est proposé d'amender le paragraphe 78(1) par suppression de " par règlement,".*

**Motion presented.**

**Mr. McCrae:** Yes, Mr. Chairman, if you look at Section 78, it says that the government may, by regulation, transfer employees in the civil service to a regional health authority and cause them to become employees of the regional health authority. We do not want to publish the names of all the employees, and that is why this amendment is required.

**Ms. Barrett:** Why do you not want to publish the names of the employees?

**Mr. McCrae:** I have a better and more technical explanation for the honourable member. There should not be a transfer, by regulation, under The Regulations Act of employees in the civil service to a regional health authority, and that is why we are doing this. It has to do with the drafting problem that needed to be corrected by this amendment. It is not a substantive thing. It is a thing that should not have been in the bill by regulation

in the first place. That is why the words "by regulation" are being removed by this amendment.

**Mr. Chomiak:** Mr. Chairperson, I am not certain that Manitobans, and even all health employees, are aware that by virtue of this act they will have their positions transferred, and I think that is one of the ominous and one of the negative aspects of this act, and I think it is going to have major, major ramifications down the road for thousands and thousands of people. We certainly do not support this section of the act, notwithstanding the minister has made an amendment with respect to whether it is done by regulation or whether it is by order-in-council or whatever the particular need is for this amendment. We certainly do not support this section of the act.

\* (0050)

**Mr. Chairperson:** Shall the amendment pass?

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The motion is accordingly carried.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 78(1) as amended—pass. Clauses 78(2) through 78(4)—pass.

**Mr. McCrae:** Mr. Chairman, I move

THAT the following be added after section 78:

**Repeal**

**78.1** This Part is repealed on April 1, 2002.

**[French version]**

*Il est proposé d'ajouter, après l'article 78, ce qui suit:*

**Abrogation**

**78.1** *La présente partie est abrogée à compter du 1<sup>er</sup> avril 2002.*

In both languages

**Motion presented.**

**Mr. McCrae:** Mr. Chairman, we certainly hope this commission will never be required, but we think it also signals the purity of our intentions, with respect to the transformation to the regional health association form of health governance. That labour issues ought to have been resolved by 2002. Hopefully we will never need the commission, but if we do we certainly do not expect to need the commission after 2002.

**Mr. Chomiak:** Certainly, Mr. Chairperson, given all the opposition that we have heard to this bill by the presenters and by the public, I can understand why the government is attempting to suggest—the addition of a sunset clause is somewhat of an improvement, but overall this section is so bad that it makes it very, very difficult for us to support these kinds of provisions. The imposition, as we have said over and over again, with respect to the imposition on labour relations in this act, is such that we have great difficulty supporting it in any way, shape or form.

**Mr. Chairperson:** Amendment—pass; Clauses 79(1) through to 79(11)—pass. Clause 79(12).

**Mr. Chomiak:** Mr. Chairperson, I move

THAT section 79(12) is struck out and the following is substituted:

**79(12)** Section 21 is repealed and the following is substituted:

**Board may engage employees and others**

21 Where a board is authorized to provide health services or social services under section 19, the board may employ or contract with such persons as are necessary for those purposes.

**[French version]**

*Il est proposé que le paragraphe 79(12) soit remplacé par ce qui suit:*

*79(12) L'article 21 est remplacé par ce qui suit:*

***Pouvoir du conseil d'engager des employés et d'autres personnes***

*21 S'il est autorisé à dispenser des services de santé ou des services sociaux en vertu de l'article 19, le conseil peut retenir les services des personnes qu'il estime indiquées à cette fin, notamment par contrat d'emploi.*

**Motion presented.**

**Mr. Chomiak:** Mr. Chairperson, this is one of our last efforts to try to improve this bill, and while there may be need in this act for provision to charge for some services that are already preexisting or some other legal requirements, because I know there are some legal requirements, we strongly oppose the intent of the imposition of user fees with respect to health care.

This provision and this intent is repeated over and over again throughout this bill, and it was almost unanimous from the presenters that appeared before us that the government ought not to be including these provisions in the bill because, while the government may have some legal requirements for including some provisions, Mr. Chairperson, it clearly signals an intent to move down a road that the presenters certainly felt the government ought not to do and we certainly do not agree with. So this is our attempt again to try to improve this bill and ensure that a message is sent out that the government through this act is not advocating the imposition of user fees and the move towards a profit system in health care.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**An Honourable Member:** Yes.

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Nays have it. The motion has been defeated.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Clause 79(12)—pass. Clauses 79(13) through to 83(4), all inclusive.

**An Honourable Member:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour, say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The clauses are accordingly passed—all inclusive.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division, Mr. Chomiak.

\* \* \*

**Mr. Chairperson:** Clauses 84(1) through to 84(3)—pass. Clause 84(4).

**Mr. McCrae:** Mr. Chairman, I move—

**Mr. Chairperson:** Dispense.

THAT subsections 84(4), (5) and (6) of the Bill be struck out and the following substituted:

**84(4)** Subsections 4(1) to 4(7) are repealed and the following is substituted:

**Appointment of medical officers of health and deputy medical officers**

**4(1)** Subject to subsection (2), the minister may appoint medical officers of health and deputy medical officers of health for the province.

**Appointment for City of Winnipeg**

**4(2)** The council of the City of Winnipeg shall appoint a medical officer of health as required under section 64 of The City of Winnipeg Act, and may appoint deputy medical officers of health for the City of Winnipeg.

**Duties and powers of deputy medical officer of health**

**4(3)** A deputy medical officer of health shall act at the request of the medical officer of health or where the medical officer of health is absent or unable or unwilling to act, and when so acting a deputy medical officer of health has all the powers and authority of a medical officer of health.

**Remuneration and dismissal**

**4(4)** A medical officer of health or a deputy medical officer of health

(a) appointed by the minister

(i) shall be paid such remuneration out of the Consolidated Fund as the minister may set, and

(ii) may be dismissed by the minister; and

(b) appointed by the council of the City of Winnipeg

(i) shall be paid such remuneration by the City of Winnipeg as the council may set, and

(ii) may be dismissed by the council.

**[French version]**

Il est proposé de remplacer les paragraphes 84(4), (5) et (6) du projet de loi par ce qui suit:

**84(4)** Les paragraphes 4(1) à (7) sont remplacés par ce qui suit:

**Nomination de médecins hygiénistes et de médecins hygiénistes adjoints**

**4(1)** Sous réserve du paragraphe (2), le ministre peut nommer des médecins hygiénistes et des médecins hygiénistes adjoints dans la province.

**Nominations applicables à la Ville de Winnipeg**

**4(2)** Le conseil municipal de Winnipeg nomme un médecin hygiéniste ainsi que l'exige l'article 64 de la Loi sur la Ville de Winnipeg et peut nommer des médecins hygiénistes adjoints dans la Ville de Winnipeg.

**Attributions des médecins hygiénistes adjoints**

**4(3)** Les médecins hygiénistes adjoints exercent leurs fonctions à la demande des médecins hygiénistes ou en cas d'absence de ceux-ci ou d'empêchement ou de refus de leur part d'exercer leurs fonctions. Ils jouissent dans l'exercice de leurs fonctions des mêmes pouvoirs que les médecins hygiénistes.

**Rémunération et révocation**

**4(4)** Les médecins hygiénistes et les médecins hygiénistes adjoints:

a) qui sont nommés par le ministre:

(i) sont rémunérés sur le trésor au taux de rémunération que peut fixer le ministre,

(ii) peuvent être congédiés par le ministre;

b) qui sont nommés par le conseil municipal de Winnipeg:

(i) sont rémunérés par la Ville de Winnipeg au taux de rémunération que peut fixer le conseil,

(ii) peuvent être congédiés par le conseil.

**Motion presented.**

**Mr. McCrae:** Mr. Chairman, these amendments are consequential to The Public Health Act and they concern the appointment, duties and remuneration of deputy medical officers of health.

**Mr. Chairperson:** Is it the will of the committee to adopt the amendment?

**Mr. Chomiak:** Mr. Chairperson, I wonder if you just might give me a few seconds because of the complicated nature of the way the bill is to review the act with the amendments.

**Mr. Chairperson:** Do you want five minutes?

**Mr. Chomiak:** No, just one minute. Thank you, Mr. Chairperson. I have had an opportunity to review and discuss the amendment, and actually what I was hoping for, I was trying to read into here that perhaps this was an amendment that dealt with the very serious issue raised about public health officers and medical officers of health by one of the presenters but, nonetheless, I do not see a problem with our supporting this amendment.

**Mr. Chairperson:** Amendment—pass; Clause 84(4) as amended—pass. Clauses 84(7) through to 87(2)—pass.

**Mr. McCrae:** Mr. Chairman, I move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

[French version]

*Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.*

In both languages.

**Mr. Chairperson:** Amendment—pass. Shall the table of contents pass?

**An Honourable Member:** No.

**Voice Vote**

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

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion the Yeas have it. The table of contents has—

**Formal Vote**

**An Honourable Member:** You must record the vote on that one.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 5, Nays 3.*

**Mr. Chairperson:** Table—pass. Shall the preamble pass?

**Voice Vote**

**Mr. Chairperson:** All those in favour of passing the preamble, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The preamble is accordingly passed.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Shall the title pass?

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of the title passing, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it. The title is accordingly passed.

**Mr. Chomiak:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Shall the bill as amended be reported? Agreed?

**Voice Vote**

**Mr. Chairperson:** All those in favour of reporting the bill, please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** In my opinion, the Yeas have it, and the bill will be reported.

**Formal Vote**

**Mr. Chomiak:** Recorded vote.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 5, Nays 3.*

**Mr. Chairperson:** It is five to three. Bill will be reported.

\* \* \*

**Mr. Chairperson:** What is the will of committee? Committee rise.

**COMMITTEE ROSE AT:** 1:01 a.m.