



Second Session - Thirty-Seventh Legislature

of the

**Legislative Assembly of Manitoba**

**Standing Committee**

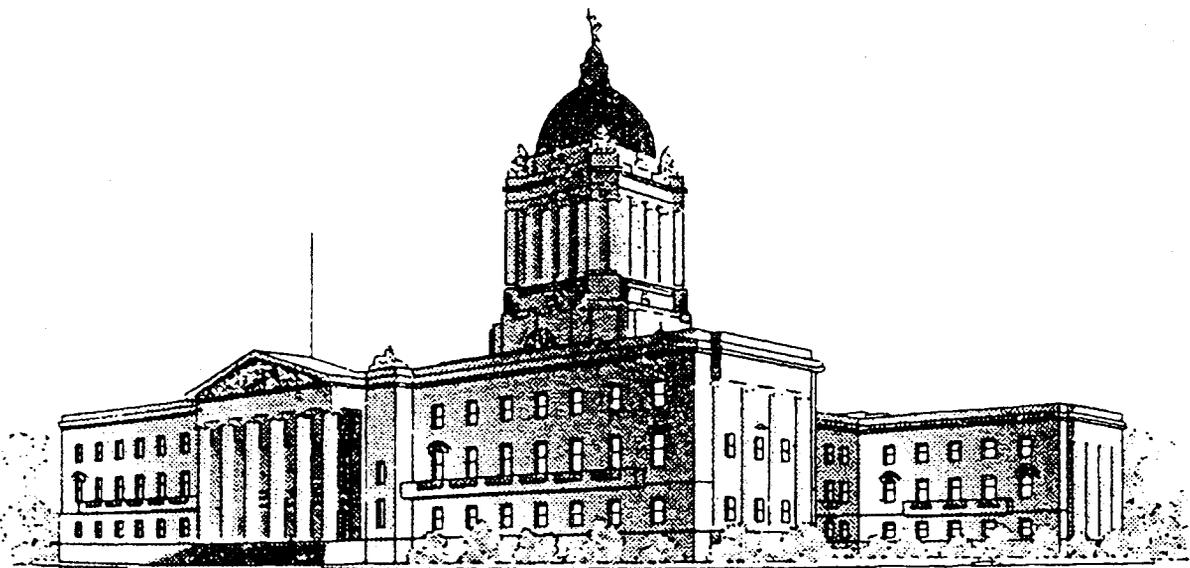
on

**Economic Development**

*Chairperson*

*Mr. Gerard Jennissen*

*Constituency of Flin Flon*



Vol. LI No. 1 - 6:30 p.m., Monday, June 18, 2001

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON ECONOMIC DEVELOPMENT**

**Monday, June 18, 2001**

**TIME – 6:30 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Gerard Jennissen  
(Flin Flon)**

**VICE-CHAIRPERSON – Ms. Linda Asper  
(Riel)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Lemieux, Hon. Ms. McGifford,  
Hon. Ms. Wowchuk

Ms. Asper, Ms. Cerilli, Mrs. Dacquay,  
Messrs. Derkach, Enns, Jennissen,  
Laurendeau, Maloway

**APPEARING:**

Ms. Val Perry, Legislative Counsel

**WITNESSES:**

Bill 17–The Student Aid Act

Mr. Krishna Lalbiharie, Canadian Federation  
of Students

Ms. Lonnie Patterson, Canadian Federation  
of Students/Brandon University Students'  
Union

Mr. Patrick Desjarlais, Private Citizen

Mr. Brennan McIntyre, University of  
Winnipeg Students' Association

Ms. Leah Bannister, University of Winnipeg  
Students' Association

Mr. Ed Janzen, Private Citizen

**WRITTEN SUBMISSIONS:**

**Bill 39–The Archives and Recordkeeping  
Act**

Ms. Georgina Lewis, Association for  
Manitoba Archives

**MATTERS UNDER DISCUSSION:**

Bill 17–The Student Aid Act

Bill 19–The Crown Lands Amendment Act

Bill 39–The Archives and Recordkeeping  
Act

Bill 301–The Bank of Nova Scotia Trust  
Company and National Trust Company Act

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**Mr. Chairperson:** Good evening, ladies and gentlemen. Will the Standing Committee on Economic Development please come to order. Our first order of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Jim Maloway (Elmwood):** I would like to nominate Ms. Asper from Riel.

**Mr. Chairperson:** Ms. Asper from Riel has been nominated. Are there any further nominations? Seeing none, Ms. Asper is appointed Vice-Chairperson.

This evening the committee will be considering the following bills: Bill 17, The Student Aid Act; Bill 19, The Crown Lands Amendment Act; Bill 39, The Archives and Recordkeeping Act; and Bill 301, The Bank of Nova Scotia Trust Company and National Trust Company Act. We have presenters registered to speak to Bills 17 and 301. Is it the will of the committee to hear public presentations on the bills first, and, if yes, in what order do you wish to hear the presenters?

**Mr. Marcel Laurendeau (St. Norbert):** I think the Chair had it right. Let us go through the presentations first. Let us do all the out-of-towners first and then we will do the clause by clause once we have heard all of the public presentations.

**Mr. Chairperson:** Thank you, Mr. Laurendeau. So we will be proceeding then with Bill 17 first. I will read the names of the people.

**Mr. Maloway:** I would like to recommend that we have time limits of 10 minutes and 5 minutes for questions.

**Mr. Chairperson:** It has been recommended 10 minutes for presentations, 5 minutes for questions.

**Mr. Laurendeau:** I do not think it is necessary to have time limits, Mr. Chair. I mean, we only have five presenters in total. Let us make sure they have enough time to make their presentations.

**Mr. Chairperson:** Is it the will of the committee that we have unlimited time for the presenters? No.

Is it the will of the committee then that the maximum length of presentation can be 15 minutes with 5 minutes for questions? *[Agreed]*

For Bill 17, the following people have registered: Elizabeth Carlyle for the Canadian Federation of Students; Lonnie Patterson for the Brandon University Students' Union; Leah Bannister and Brennan McIntyre for the University of Winnipeg Students' Association; and Ed Janzen, private citizen. We have one addition, Patrick Desjarlais, who, I believe, is out of town, so he would probably be the first one to start. I am sorry, Lonnie Patterson.

For the other bill, Bill 301, we have only one presenter at present. It is a double presentation. Andrew Swan and Barre Hall from the organization Thompson, Dorfman, Sweatman.

Is there anybody else in the audience that would like to make a presentation that has not yet registered? You may do so with the staff at the back of the room.

As a courtesy to the persons waiting to give a presentation, did the committee wish to indicate how late it is wishing to sit tonight?

**Mr. Laurendeau:** Let us just say midnight, Mr. Chair, but I do believe we will be done by then.

**Mr. Chairperson:** No later than midnight and if we finish earlier, so be it. *[Agreed]*

I would like to inform the committee that a written submission on Bill 39 has been received from Diane Haglund of the Association for Manitoba Archives. Copies of this brief have been prepared and distributed to committee members. Is it the will of the committee for this written submission to appear on the committee transcript for this meeting? *[Agreed]*

Finally, for the information of presenters, please be advised that 20 copies of any written version of presentations would be appreciated. If you require assistance with photocopying, please see our staff at the back of the room.

Our first presenter is Lonnie Patterson. I will now call on Ms. Lonnie Patterson from Brandon University Students' Union.

**Mr. Krishna Lalbiharie (Canadian Federation of Students):** Actually, my name is not Lonnie Patterson. It is Krishna Lalbiharie. This is actually Lonnie Patterson. There has been some sort of a procedural error. It is largely our fault.

The first presentation scheduled on your docket was from the Canadian Federation of Students. Myself and Lonnie will be conjointly presenting on behalf of the Canadian Federation of Students. With that in mind, Lonnie, I am presuming, would withdraw her application to present alone, if that is acceptable to the committee.

**Mr. Chairperson:** Is it the will of the committee then to allow these two people to present together? That would be Mr. Krishna Lalbiharie and Ms. Lonnie Patterson. *[Agreed]* Please proceed.

**Mr. Lalbiharie:** Before I begin my presentation, I would just like to alert you to a slight typographical error in the written presentation. It is located on page 3, in the fourth paragraph, which begins: "More than three decades ago" in reference to the United Nations covenant for social, economic, and then it goes on from there. After economic should be inserted "cultural rights."

**Mr. Chairperson:** Please proceed.

**Mr. Lalbiharie:** Once again, my name is Krishna Lalbiharie. I am the national executive representative for the Manitoba component of the Canadian Federation of Students.

**Ms. Lonnie Patterson (Canadian Federation of Students/Brandon University Students' Union):** I am Lonnie Patterson. I am currently the CFS liaison for Local 37, Brandon University Students' Union.

The Canadian Federation of Students welcomes the opportunity to comment on Bill 17, The Student Aid Act. The Canadian Federation of Students, Canada's national grassroots student activist and lobbying organization, represents over 400 000 post-secondary education students in more than 60 universities, colleges and technical institutions across Canada.

Provincially, the Canadian Federation of Students represents students from the University of Winnipeg, Brandon University, Collège Universitaire de Saint-Boniface and graduate students at the U of M. The federation was established in 1981 to advocate on behalf of its members in support of high quality, fully accessible, public post-secondary education and students' rights. The federation's predecessor organizations date back to 1927.

\* (18:40)

Overall, the Canadian Federation of Students supports Bill 17. As we stated when Bill 17 was announced on May 7, 2001, we are pleased that the NDP government is creating legislation in the area of post-secondary education. Manitoba is one of the few provinces with very little formal policy on post-secondary education, let alone legislation, to provide greater continuity and more concrete guarantees to Manitobans that student financial assistance, loans as well as grants and bursaries, will be available. The federation hopes that Bill 17, in fact, we urge the Government to consider it as the first in a series of new laws to protect and enhance access to education and the entire public post-secondary education system.

The argument is clear. The old Education Administration Act, established soon after the 1964 establishment of the Canada Student Loans Program, makes no specific reference to student assistance.

The bill itself is positive for three main reasons. First, Bill 17 will establish in law the Manitoba Student Aid Program. Secondly, Bill 17 will help to consolidate the patchwork of

provincial measures in student financial assistance. Finally, Bill 17 will help ensure a greater level of reporting and thus accountability in the area of student financial assistance.

**Mr. Lalbiharie:** Notwithstanding but certainly despite our support, our overwhelming support for Bill 17, we nonetheless must register a few concerns. These are primarily related to areas in which the bill falls short or where more detailed legislation is indeed required, although we are very pleased with the provincial government's May 31 announcement that it will finance and manage Manitoba student loans. The Canadian Federation of Students would like to see amendments to articles 4(1) and 4(3) to enshrine this public role in law. The current wording allows for contracts with "service providers," which, presumably, may include private for-profit financial services companies and collection agencies. Given the dubious track record of these types of service providers, we feel that more specific language should be included in the legislation. Amendments could include language around prioritizing public service providers for financing, managing and collecting student loans, as well as involving student organizations in the process of awarding any contracts.

Also, the federation is concerned about the lack of mention of specific groups of students. Most of all, we would like to see more consultation and discussion about how to ensure that Aboriginal and graduate students benefit from the full range of student financial assistance, notwithstanding issues of federal jurisdiction. Thirdly, the federation would like to see Bill 17 paired up with another piece of legislation, one that puts the issue of student financial assistance in its proper context. We argue that a tuition fee law is required to provide assurances that a student financial assistance program will certainly be effective. More than three decades ago, Canada signed onto the United Nations covenant for social and economic cultural rights and working toward the elimination of barriers, including up-front fees to all levels of education. With respect to Bill 17, the federation is concerned that this commitment is not clearly reflected in the legislation. Although the "WHEREAS" clauses are not substantive in many ways, they do provide an overall value statement for the bill.

The second clause reads: "WHEREAS it is in the public interest that high quality post-secondary education be accessible and affordable and that there be fair and equitable entitlement to student aid." While this clause is agreeable to the federation because it makes a clear statement in favour of public post-secondary education, it falls short in the sense that the term "affordable" is not clearly defined. We hope that affordable is synonymous with the covenant's commitment to the elimination of all user fees and other financial barriers to education. However, our questions about the meaning of the term "affordable" are an indication that this aspect of provincial policy needs to be addressed. As the committee will recall, the previous government undertook a very limited consultation with students and other groups in order to develop a policy on tuition fees. The final result proved to be terribly inadequate. The policy was barely two pages long, and the only ground-breaking element was to set down in policy that international students studying in Manitoba should pay higher fees than Canadian citizens. This is hardly an equitable or a visionary approach.

The federation urges the Government to re-evaluate and replace this policy with legislation on tuition and other user fees, such as that in place in British Columbia. We think this should be a high priority in the area of policy development. If this Government is indeed serious about providing access to high quality post-secondary education, and we think that it is, then several other laws and policies are absolutely required, from consultation with student organizations, through credit transfers, to the planning for the future.

The Canadian Federation of Students, as always, looks forward to working with the Province to develop these policies and laws. We also look forward to continuing to call upon the federal government to restore \$7 billion in federal funding that was cut from education and training between 1994 and 2001. The federation recognizes that without more federal funding, provincial governments in provinces like Manitoba will ultimately run out of possibilities to fund and improve education and other public programs.

In conclusion, the federation would like to restate its overall support for this bill. It is a remarkable piece of legislation, particularly and certainly relative to what was previously enjoyed, and that is a euphemism by the former government whose, I believe, only solid form of legislation occurred with respect to the establishment of the Council on Post-Secondary Education. In conclusion, we do applaud the majority of this bill, but we ask that you take our concerns with some seriousness.

Sorry to interrupt the committee. I was asked by the other presenters that are about to follow us, the following request. The other presenters are actually member locals of our organization, the Canadian Federation of Students. If the committee so enjoys, seeing as the findings that we will be presenting to you are very congruent, that perhaps a question and answer period could be enjoyed among all of us collectively, if that suits the committee, for the sake of expediency, perhaps?

**Mr. Chairperson:** Is that acceptable to the committee? *[Agreed]*

Thank you very much, Mr. Lalbiharie and Ms. Patterson, for your presentation. Do the members of the committee have any questions for the presenters?

**Hon. Diane McGifford (Minister of Advanced Education):** My understanding is that we are going to have a joint question-and-answer period? Is that what—

**Mr. Leonard Derkach (Russell):** So are you saying that the questions will be accumulative of 20 minutes at the end?

**An Honourable Member:** If you want.

**Mr. Chairperson:** Is that agreeable? *[Agreed]*

So as a Chair I am clear, first, if we have any presenters and then we ask the questions?

**Ms. McGifford:** Mr. Chair, that was the request from the students, and I believe the committee agreed to the request from the students.

**Mr. Chairperson:** Okay. I am sorry I misunderstood that. Thanks.

Our next presenter is Patrick Desjarlais, private citizen. Is Mr. Desjarlais here? Mr.

Desjarlais, I am sorry. Before you start, do you have any written copies of your brief for distribution to the committee members?

**Mr. Patrick Desjarlais (Private Citizen):** Yes. Actually he was just going to copy them but then you called me up, so there was a little confusion. What would you like me to do?

**Mr. Chairperson:** Is it agreeable to the committee that we will deal with the copies when they arrive and allow Mr. Desjarlais to proceed? *[Agreed]* Please proceed, Mr. Desjarlais.

**Mr. Desjarlais:** I have attended Brandon University over the past two years, and I am currently residing there right now. I am going back to university in the fall. I know many students at Brandon University have made great use of student aid available to them in the form of bursaries, scholarships and student loans. I myself have used student loans to help finance my education, and I know that these loans are an important part of financing post-secondary training for more and more young people.

Prior to attending Brandon University, I lived in Thompson, Manitoba. There are many significant barriers to people from the North attending university. There are culture barriers for a person from northern Manitoba or rural Manitoba leaving their communities to attend post-secondary institutions. The change in lifestyle, the breaking of community ties and support mechanisms which young people have grown up with in their home town all lead up to barriers to attending university or college.

For many in the North, the financial barriers are often too difficult to overcome. Many just do not go. Students from across Manitoba and many others from Brandon University travelled to Winnipeg on February 2, 2000, for the Access 2000 Day of Action. I would like to think that some of the efforts which students at Brandon University and students across Canada made in the interest of providing student aid to improve access to education were an important part of making this Government take action on bringing forward legislation such as Bill 17.

Bursaries for post-secondary students are another avenue for policy makers to use in

improving access to higher education. I congratulate this Government on re-establishing a bursary program in Manitoba for the first time since 1992. The funding that is coming to students from the Manitoba Bursary Program will help play a role in promoting fair access to post-secondary education. The issue of the Manitoba Bursary Program brings us squarely to the policies contained in Bill 17. I am glad to see that this Government is entrenching the Manitoba Bursary Program in legislation through this bill.

It is important for the Government to entrench this important program into legislation in order to ensure that public debate will be required through the legislative process in order for this or any other future government to eliminate the bursary program.

The current administration of student aid in Manitoba has fallen under The Education Administration Act. Through the institution of this legislation at least one barrier, that of financial ability, is lessened to some degree, although more can always be done.

While student loans are an important way for students to finance an education, the dramatic increases in tuition which took place in Manitoba and indeed all over Canada during the 1990s have meant that student loan debt has become a significant problem for many of us.

\* (18:50)

Tuition at Brandon University increased by some 125 percent over the '90s under the administration of the previous government. More recently, we have seen this Government make progress in the area of tuition policy by implementing a 10% tuition reduction, followed by a freeze in tuition for the upcoming year. I commend them on this also.

More can still be done by this Government to address high tuition at our universities and colleges. I remember that the tuition increase of 10 percent a year, for several years, at Brandon University had caused many students to become agitated, drop out and suffer undue stresses.

This act makes no specific reference to the Manitoba Bursary Program or student loan. This

lack of clear legislation has meant that as of 1992, provincial bursaries can be eliminated at the will of the government of the day when other priorities become more important. Student aid and access to education are too important to be left, from the perspective of the students, in the hands of such uncertainty.

By introducing Bill 17, this Government is showing leadership on developing a comprehensive plan for student aid. This bill establishes a program of Manitoba bursaries and student loans, which were given no specific reference under the previous legislation. I hope that Bill 17 proves to be only a first step by this Government to provide financial assistance to students attending universities and colleges.

I would like to thank Mr. Chairperson and the members for speaking today.

**Mr. Chairperson:** Mr. Desjarlais, we will see to it that committee members will get a copy of your presentation. Mr. Desjarlais, would you prefer to be part of the group questioning, or do you want to answer individual questions?

**Mr. Desjarlais:** I suggest that that would be fine.

**Mr. Chairperson:** Okay. Thank you very much.

Our next presenters are Leah Bannister and Brennan McIntyre. I will call on them now. Is it the will of the committee that these two present together? *[Agreed]*

Please proceed.

**Mr. Brennan McIntyre (University of Winnipeg Students' Association):** Oui, bonjour. Mon nom est Brennan McIntyre et je suis le vice-président des services pour étudiants de l'Association des étudiants et étudiantes de l'Université de Winnipeg, qui est la Section numéro 8 de la Fédération canadienne des étudiants et étudiantes.

**Translation**

*Yes, good evening. My name is Brennan McIntyre, and I am the vice-president of student services of the University of Winnipeg Students'*

*Association, which is Local 8 of the Canadian Federation of Students.*

**English**

I am going to continue in English.

S'il y a des questions en français, je peux y répondre.

**Translation**

*If there are any questions in French, I can answer them.*

**English**

I would like to begin by saying that we are in solidarity with the spirit in which this act has been taken. We are extremely pleased with the entrenching of student bursaries within legislation. We feel it is an extremely important step towards accessibility for all.

I would like to highlight one concern, more on a personal level, coming from the U of W as an institution. The U of W does have a higher percentage of part-time and mature students, 90 percent of which are female, many of them single mothers, single incomes. I would just like to say that we feel the lack of any amount for the bursaries being addressed is somewhat of a concern for accessibility, as well as indexing towards inflation, not being indexed, particularly in section 9. We feel this section should be used to its full potential to aid students.

As I realize this can be problematic, you do not want to legislate yourself into a deficit at any point, we feel that section 9 could be used to a point where some sort of bare minimum be established just for single income confidence within these bursaries. They view it as a real road towards accessibility for their post-secondary education and do not just write off the entire thing because they are unsure of the amount received. The only time any specific amount of money is mentioned in the act is in section 7(1) under Offence and Penalty, where the sum of \$5,000 as a fine is highlighted.

Besides that, I just would like to say that we are very pleased at the roads this Government

has taken towards accessibility of education. We see this as a good first step towards accessibility and look forward to working with you in the future on such initiatives. Can I let Leah continue?

**Ms. Leah Bannister (University of Winnipeg Students' Association):** Hi. My name is Leah Bannister. I am the vice-president advocate for the University of Winnipeg Students' Association. I speak with students daily about, well, basically I help students cope with debt loads. I have \$13,000 of student debt right now.

**Mr. Chairperson:** Excuse me for just a moment. Could we please ask you to come a little closer to the mike. We are having some difficulty hearing you. Thank you very much.

**Ms. Bannister:** Although we ultimately support Bill 17, a lot of my concerns echo Brennan's. We would like to see language to specify numbers, what kind of funding in terms of amounts, et cetera, that students will be able to see as a result of this legislation.

As well, this piece of legislation helps instil in students confidence in continuing with post-secondary education. However, to develop a sustainable assurance in post-secondary education, further legislation needs to be developed around tuition fee freezes. We would also like to see a push for the federal government to restore the \$7 billion that was cut from post-secondary education over the past 10 years, well, between 1994 and 2001.

Ultimately, we do support this. This is a really good move. It is great to see the NDP government is taking a leadership role in post-secondary education, and we would like to see this partnership continue.

**Mr. Chairperson:** Thank you very much, Ms. Bannister and also Mr. McIntyre. Our next presenter is Mr. Ed Janzen. I believe Mr. Janzen has already handed his submissions to the lady who is handing them out right now. Please proceed.

**Mr. Ed Janzen (Private Citizen):** Thank you for the opportunity to make this presentation. As a graduate student at the University of Manitoba, and thus also I should add as a member of the

Canadian Federation of Students, who has borne witness to the scant attention and neglect that has been paid to our system of post-secondary education over the past decade, I would like to begin by taking this opportunity to thank the provincial government for beginning to take the first steps in over 10 years toward addressing what has developed into a crisis.

In its first year in office, this Government has been the first in Canada in decades to reduce tuition fees. This year the Government held the line, freezing tuition at its current level, while providing appropriate funding so our post-secondary institutions did not find themselves forced to implement budgetary cuts. Truly I remain hopeful that these are positive first steps toward repairing Manitoba's post-secondary educational system.

Having said this, I wish to speak in favour of the proposed Bill 17 legislation, which represents, in my view, a further attempt to address deficiencies in the current system, in this case the problem of inaccessibility. Students across Canada are hopeful one day to see an integrated and complete system of post-secondary education in which education is enshrined as a right and in which accessibility in the form of no tuition is accordingly upheld as a top priority. Until that day comes, students find themselves in one of two categories, those who can afford their PSE by themselves and those who can afford it only with assistance.

Throughout the 1980s, before the previous triple-term government was first elected, eligible student loan applicants could receive over the full course of their programs \$17,000 in Canada student loans, \$17,000 in Manitoba government bursaries, and another \$17,000 in Manitoba government grants or loans in the case of students enrolled in professional fields like engineering and law. This changed in the first half of the 1990s as the Progressive Conservative government moved to transform all non-repayable granted bursary monies available to students into repayable loans instead.

Throughout the 1980s the maximum student debt load remained fairly steady at \$17,000, all available full government loans and bursaries

totalled for five years. Student loan and bursary recipients were allowed to take five years to finish a four-year program. In 1993 the repayable amount was doubled by the Conservatives, rising to \$35,000 with the phase-out of the non-repayable grant section. In 1994 the repayable amount rose again to \$46,750.

\* (19:00)

Even though students could get larger loans, because of the disappearance of non-repayable grants and bursaries no actual increases to student aid took place except for one \$5,000 increase in the amount of the Manitoba student loan. But rather a drastic increase in student debt occurred, especially in the face of continually increasing tuition fee levels resulting jointly from federal transfer payment reductions and provincial cuts to the post-secondary institutions operating grants.

According to Peter Dueck of the University of Manitoba's Enrolment Services department, as of 1997, the most recent data available, to my knowledge, some 47 percent of students attending the University of Manitoba carried debt loads. Until our federal and provincial governments take broader steps to reform Canada's and Manitoba's post-secondary education systems, it is the students, the ones who cannot afford their education by themselves, who most need the Government's help.

For this reason the importance of non-repayable monies cannot be overstated. It is my hope that this new program of bursaries will help to alleviate the problem of student indebtedness. I further hope that these monies will apply to all classes of students, graduate as well as undergraduate, and, I might also add, international as well as Aboriginal, and that they be based upon need.

Finally, let me also state my hope that this Government's resolve will not end with this bill, that these measures will lead to an even larger and more significant commitment to students on the part of this Government.

**Mr. Chairperson:** I would like to call upon all of the presenters now to be prepared to come to

the front and the committee members can pose questions to them. When you do answer a question, would you please state your name for our recording purposes. We are open to questions.

**Ms. McGifford:** I would like to take this opportunity to thank all six of you for coming down this evening and speaking on this bill. I might add or I may say that the Manitoba Bursary, when I was a student in the 70s, utterly changed my life. Without bursaries at that time I would not have been able to lead the life that I have been able to. Indeed, I consider myself very fortunate. My family life would not have allowed me to do what I was able to do, but Manitoba bursaries did.

So I feel very committed to the reinstatement of this program, and I thank you all for your support. I appreciate the concerns that Krishna and Lonnie brought up. Undoubtedly we will meet again. I know that you people have been to my office in the past. I expect that you will be there again and there will certainly be issues for us to discuss. I wanted to thank Patrick particularly for bringing the specific concerns of northern Manitobans to the table as well as talking about the troubling issues of student debt, which of course Leah and Brennan and Ed also addressed.

More can always be done and we will certainly endeavour to do more. To Leah and Brennan, I appreciate your solidarity of spirit which you said you felt with us. I certainly appreciate your concern regarding different kinds of students. I think you cited Aboriginal students, single-parent students, students who cannot come to school full time, whose circumstances are trying. Ed, too, talked about the matters of debt. Of course I would like to say to all of you that our government is committed to affordability and accessibility when it comes to education. That certainly is a part and parcel of this act and really what prompted this act.

I wanted to ask a couple of questions now that I have the floor. One of the things that I know you students have some strong feelings about is the whole question of the abolition of tuition. I wonder how you reconcile evidence from many countries where tuition is free with

the fact that in these countries the class composition of students does not change materially. It does not appear that not paying tuition changes the students who attend universities. So we wonder if it might be more important to focus on proactive measures such as recruitment, better supports for students, support for ACCESS programs, and the kinds of things that are part of the goals and priorities of this Government as opposed to simply eliminating tuition. So, while I appreciate that that would be perhaps an exciting thing to do, evidence does not really suggest that the elimination of tuition greatly changes the kinds of students who access post-secondary education.

**Mr. Lalbiharie:** I certainly appreciate the comments of the minister. I cannot speak on behalf of all countries where tuition is free or dramatically subsidized to basal levels, but I do know in terms of class competition, I have observed a reduction of such a competition. In Ireland, for example, where tuition is free, the class competition has radically changed since the installation of those sorts of policies.

In answer sort of to the other comments that you are making, I think it is a healthy combination of a recruitment process, of continuing on with progressive initiatives like student aid and financial assistance programs such as the ones that you are considering right now. Overall and quite philosophically speaking, I think the main question that this committee and all stakeholders within the post-secondary sector need to ask themselves is: Who in particular are the primary benefactors of a post-secondary education? Is it the individual in isolation or is it society as a whole? We ventured into an era of continued globalized politics, and globalization certainly is at the forefront now. I suppose in order for us to compete on a global economic level, it is important that the education of our citizenry remains the primary initiative and drive among our governments and our legislators.

There are arguments which suggest that there is no real connection with reducing tuition and the accessibility of education. Certainly regressive legislators have tried to promulgate such ideas, but I think overall and the findings of your Government certainly indicate that a simple but critical reduction in tuition fees over the last two years has seen a skyrocketing in enrolment

at our college level, at the University of Manitoba, at all institutions and colleges within the province. For that you are to be commended. I think it is that evidence itself which suggests that there is an ultimate reduction in class competition when tuition fees are reduced or annulled altogether. I think that is exemplified in the example of Ireland and its system of post-secondary education.

**Mr. Chairperson:** Thank you very much. Are there other questions?

**Mr. Desjarlais:** I would like to add something. To a lot of people it is whether education is a commodity or a right. I think we like to look at it as education is a right and we should be continually moving progressively so that it is almost free. That is pretty reasonable. So I think we can hold out an ideal in front of us and shoot for it.

**Ms. McGifford:** I wanted to respond to I think it was Leah's suggestion that perhaps amounts of bursaries could be included. I did want to point out that it would be very, very unusual to put amounts for bursaries into legislation, that this kind of detail is almost always part of regulation because it is so very complex. I do not think you would find it in legislation. I do not think it is found in legislation anywhere in the country. Well, since the deputy does not know, I certainly do not know.

\* (19:10)

I also wanted to make the point that financial assistance to students consists of many forms of aid. You have talked about tuition, I have talked about bursaries. There are scholarships. There are tax credits. I think tax credits, for example, provide some very needed support to students, especially the refundable tax credits clearly. I know that a lot of students do not make enough money for that to be helpful, but it can be held and carried forward in subsequent years.

So I just wanted to make that comment. I do not want to take all your time, because I am sure there are other people who have questions to ask of the students. But let me thank you once more for coming out tonight. I really do appreciate it and I know we will meet again.

**Mr. Chairperson:** Are there any other questions? If not, thank you very much. Please, proceed.

**Mr. Lalbiharie:** I would just like to inform the committee that the majority, if not all of us entirely, only received notice of the convening of this committee unfortunately on Thursday. We would like to assure you that we will be providing for the committee and for the ministry a more substantive and engaging document, our analysis on this. We would also like to, in closing again, reiterate our commendation of this government. I think, as Ed has indicated very articulately, this Government has in two years outstripped the efforts of the former government in terms of providing hard and sound financial assistance to students, and I think the effects of that are being well witnessed on our campuses and our communities.

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Mr. Desjarlais was having his presentation copied, and I wonder whether that has been copied and distributed. It was going to be distributed. *[interjection]* It will be done.

**Mr. Chairperson:** Apparently, it is on its way, but it has not yet arrived.

In consideration of Bill 301, the presenters were Andrew Swan and I believe it is Barre Hall, do not actually want to make a presentation on Bill 301. They were wondering if the committee would agree to them answering questions instead if Bill 301 was under consideration or when it is under consideration.

**An Honourable Member:** Hang around, and we will let you know if we need you.

**Mr. Chairperson:** That is agreed.

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? There do not appear to be any. So, hearing none, is it the will of the committee to proceed with clause-by-clause consideration of these bills? *[Agreed]* Are there any suggestions as to the order of consideration for these bills?

**Mr. Laurendeau:** Mr. Chair, I wonder if we could do The Student Aid Act, No. 17 first, and then 301, 19, 39.

**Mr. Chairperson:** Mr. Laurendeau has suggested 17, 301, 19 and 39.

**An Honourable Member:** The students are gone.

**An Honourable Member:** The students are gone. Well, let us do 301 first.

**Mr. Chairperson:** Is there agreement that we start with 301?

**Some Honourable Members:** All right.

**Mr. Chairperson:** Then 17.

**Some Honourable Members:** Yes.

**Mr. Chairperson:** And then 19, and then 39.

**Some Honourable Members:** Right.

#### **Bill 301—The Bank of Nova Scotia Trust Company and National Trust Company Act**

**Mr. Chairperson:** With regard to Bill 301, The Bank of Nova Scotia Trust Company and National Trust Company Act, we will first hear a report on the bill from, I believe it is Ms. Val Perry, Legislative Counsel.

**Ms. Val Perry (Legislative Counsel):** To the committee of the Assembly considering Bill 301, The Bank of Nova Scotia Trust Company and National Trust Company Act, as required by rule 121 of the rules of the House, I now report that I have examined Bill 301, The Bank of Nova Scotia Trust Company and National Trust Company Act and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

**Mr. Chairperson:** Thank you, Ms. Perry. We thank Legislative Counsel for that report. Does the member sponsoring the bill have an opening statement?

**Mr. Jim Maloway (Elmwood):** Now that I have the microphone, I would like to say that, as an explanation note to this bill, the bill transfers the

personal trusteeship and personal agency business of National Trust Company to the Bank of Nova Scotia Trust Company. It appoints the Bank of Nova Scotia Trust Company as successor trustee and clearly determines the rights and obligations of people who have relations with the two companies. This bill is all about saving people long delays, and retaining lawyers to make applications to the Manitoba Court of Queen's Bench for trustee substitution where National Trust acts as a trustee. Other examples of where we would be reducing government time and lawyers' bills would be for people who need their wills changed as a result of this. So, all in all, this is a very good bill for the people of Manitoba.

**Mr. Marcel Laurendeau (St. Norbert):** This is a mirror image of the two bills that I brought in when we were in government, Mr. Chair, and I supported. I am greatly appreciative of Mr. Maloway supporting the corporate sector for a change, instead of throwing rocks. Let us move on.

**Mr. Chairperson:** Does any other member wish to make a statement?

During the consideration of the bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clauses 1(1) and 1(2)—pass; clauses 2(1), 2(2) and 2(3)—pass; clauses 3(1), 3(2) and 4(1)—pass; clauses 4(2), 4(3) and 5—pass; clauses 6(1), 6(2), 6(3) and 6(4)—pass; clause 7(1)—pass; clauses 7(2), 7(3) and 8—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 17—The Student Aid Act**

**Mr. Chairperson:** Bill 17 is under consideration. Does the minister responsible for Bill 17 have an opening statement?

**Hon. Diane McGifford (Minister of Advanced Education):** I have spoken about the bill at

second reading and I think that its purposes are fairly clear. The new Student Aid Act is designed to establish the Manitoba Student Aid Program consisting of the Manitoba Bursary, Manitoba Student Loans and other awards.

It will serve to promote the key principles of accessibility and affordability of post-secondary education for Manitoba students, entrench the Manitoba Bursary to ensure that Manitoba students have continued fair and equitable access to financial aid for years to come, consolidate the existing regulations currently under The Education Administration Act into the new Student Aid Act, which serves to enhance the profile and importance of student aid matters for students and other educational stakeholders and provides for a higher level of program accountability through the tabling of an annual report, which identifies the numbers of students who receive loans, bursaries and other awards. This report is, of course, in addition to the regular annual report prepared by Manitoba Advanced Education.

I just wanted to say, Mr. Chair, that it was on January 17 that the Premier (Mr. Doer) appointed a Minister of Advanced Education, which, I think, was something of a historical moment in the history of our province. As the first Minister of Advanced Education, it certainly is my pleasure to bring in this very first piece of legislation under the Ministry of Advanced Education. I think I indicated in speaking to the students how important it is to me personally.

I think I will just leave it there and give the Opposition critic the opportunity to speak, if he so wishes.

**Mr. Chairperson:** Thank you, Madam Minister. Does the critic from the Official Opposition have an opening statement?

**Mr. Leonard Derkach (Russell):** No, just questions later as we go clause by clause.

**Mr. Chairperson:** Thank you, Mr. Derkach. During the consideration of a bill, the enacting clause, the table of contents and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks

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

**Mr. Marcel Laurendeau (St. Norbert):** You might want to stop at clause 3(1).

**Mr. Chairperson:** Thank you, Mr. Laurendeau. Clause 3(1).

\* (19:20)

**Mr. Laurendeau:** It is in the first group of clauses you are planning on moving. That is why I am giving you advanced warning.

**Mr. Chairperson:** Shall clauses 1 to 3(1) pass?

**Some Honourable Members:** No.

**Mr. Derkach:** In 3(1), the minister is identifying that the Manitoba government will be providing bursaries to students. However, throughout this bill, there really are not any substantive changes except that it brings this whole bill from regulation into legislation. I would just like to know from the minister what the budget for this year is for bursaries for the coming year.

**Ms. McGifford:** First of all, Mr. Chair, I want to disagree with the Opposition critic. We did have this disagreement, I think, in the Estimates process, because the purpose of this legislation is it is a piece of legislation that signals an intent, as does the balanced budget legislation. This signals our intent to provide Manitoba bursaries, and I think that is extremely important because it enshrines in legislation this intention.

If the future government wants to end Manitoba government bursaries, then it will have to amend that legislation in the House, Mr. Chair. Amending legislation in the House with an opposition and with the opportunity for presentations such as occurred here tonight is a much more taxing process for a government than simply changing a regulation behind closed doors in a Cabinet meeting. So I think it is very different.

Now, the answer to your question, however, is \$6,260,000 for Manitoba government

bursaries this year. *[interjection]* The Opposition critic has asked me to repeat the amount of money. It is \$6,260,000.

**Mr. Derkach:** The amount that is being provided here for bursaries alone, these are non-repayable bursaries to students who would fit criteria. Are the criteria for student bursaries established in regulation and have those been done yet?

**Ms. McGifford:** Yes, Mr. Chair, the regulations that we are using are the existing regulations.

**Mr. Derkach:** Would the minister agree to supply me with a copy of the current regulations as they exist and as will be followed for the bursary program next year?

**Ms. McGifford:** I have been informed by staff that we can do that and that we will do that.

**Mr. Derkach:** Can the minister tell me how this number of \$6 million compares with previous bursary amounts that were provided?

**Ms. McGifford:** Mr. Chair, I am informed that the \$6 million is about half of what we were paying out under the old program in 1993.

**Mr. Derkach:** So, in essence, the minister has kept intact the loan program and the level of the loan program without changes to date. Is that correct? That has not changed.

**Ms. McGifford:** Well, it has changed, Mr. Chair, in that the Manitoba government bursary program and the Canada millennium bursary program for a total value of \$17 million has reduced the amount of student loan that students as a mass in Manitoba are accessing each year.

**Mr. Derkach:** So the minister is telling me that the amount of money the provincial government has put into the student loan program has decreased.

**Ms. McGifford:** Mr. Chair, the Manitoba student bursary offsets loans, so that the amount of money that students borrow is, in fact, decreased because it is offset by \$6 million in Manitoba bursaries.

**Mr. Derkach:** So, when you talk about the Student Aid Program, the overall number has

decreased then from the Province. Is that correct? If you are telling me that you are offsetting the student loan program by the student bursary program, you are either at the same level or you are lower because you said that you were reducing it by the millennium bursary that the federal government has provided. I am just saying what you told me.

**Ms. McGifford:** Well, I am sorry if I did not make myself clear, Mr, Chair. Student loans have decreased because bursaries have increased. So we are offsetting loans with bursaries.

**Mr. Derkach:** Let me see whether I can understand this more accurately. The level of student loans, can the minister tell me what the level of student loan was in the past two years, what the cap on student loans was in terms of maximums?

**Ms. McGifford:** I am informed that for the past two years the payout in student loans has been approximately \$30 million, but there has been \$17 million in Manitoba and millennium bursaries which offsets the debt.

**Mr. Derkach:** Let us try to clarify once again. I asked for the previous two years. The minister tells me that the loan payout was \$30 million in each of the last two years, I would assume, and that the payout in bursaries has been \$17 million.

**Ms. McGifford:** Yes.

**Mr. Derkach:** So, in total, the aggregate, if you like, of student loans and bursaries in the previous two years was \$47 million. Is that correct?

**Ms. McGifford:** The fact is that, if it is \$30 million, then it is offset by \$17 million. In effect, by the end of the year, the student loan program will have paid out \$13 million. Because a student, for example, Mr. Chair, and I am just drawing these figures out of my head, who receives a student loan of, let us say, \$10,000 may receive a Manitoba Bursary of \$4,000 so that, at the end of the year, that student owes \$6,000. They still get \$10,000, but they only owe \$6,000.

**Mr. Derkach:** I may not have the number accurate in my head, but it seems to be, under

the former student loan program, the amount budgeted for student loans was \$47 million. I believe, in the old program, the repayable, if you like, student loan program maximum was set at something like \$47 million. I think that was acknowledged by the students' presentations here this evening. The minister is telling me that, out of a \$30-million program that was taken up in the last two years, in each of the last two years, approximately \$17 million in each of the last two years was given out as bursaries, or is that \$17 million over two years, in each of the two years?

**Ms. McGifford:** What I am telling the member opposite, Mr. Chair, is that Manitoba students last year borrowed about \$30 million as they did the year before. However, \$17 million is now being paid off by the Millennium Scholarship and the Manitoba Bursary so that, at the end of the year, those students who borrowed \$30 million owe only \$13 million because of the offset of those two bursary programs. So the debt load of Manitoba students is being dramatically reduced.

**Mr. Derkach:** That is in each of the last two years?

**Ms. McGifford:** Yes, Mr. Chair.

**Mr. Derkach:** So, this year, what will this bill do with regard to the bursary component?

\* (19:30)

**Ms. McGifford:** Well, Mr. Chair, as I thought I had explained a little bit earlier, the bill does not change the amount of money because it does not deal with money. What it does is enshrine the Manitoba Bursary, and I think this is extremely important. I know the member opposite has a bit of a disagreement with me. Although he is usually very easy to get along with, he is not being so tonight. Anyway, the point that I want to make is that it enshrines this bursary in legislation, and that is perhaps the most important overriding thing that this piece of legislation does. Plus, I think it is extremely important that the piece of legislation demands that a report be submitted to the Legislature annually, and therefore members of the

Legislature will get a really clear snapshot of the state of student aid in the province.

**Mr. Derkach:** That is exactly what I said, Mr. Chair. This bill does nothing in terms of providing access to more money for students. All this bill is doing is taking a concept of student bursaries from regulation and moving it into legislation. It does not do anything in terms of providing more access to funds for students. As a matter of fact, over the course of the last two years, it had reduced access to funding for students because, I think it was acknowledged here in Mr. Janzen's presentation that, in 1994, the government of the day provided \$46,750,000 in student loans. Currently, we are at \$30 million minus the \$17 million that is going for the bursary program in the last two years.

**Ms. McGifford:** Well, Mr. Chair, whether or not this piece of legislation increases funding to students depends on what future governments might decide to do with it. If a future government cancels it, then it will not, but I think what is clear is that this legislation certainly will not and has not reduced access to loans. The previous government did that in 1992, '93, when they cancelled bursary programs.

**Mr. Derkach:** Absolutely not, Mr. Chair. As a matter of fact, the minister just acknowledged that, in the last two years, the bursary component, including the federal government portion, was \$17 million, I believe. Is that correct?

**Ms. McGifford:** In the past two years, the combination of the Millennium Scholarship and the Manitoba government bursary were \$17 million in each of the past two years.

**Mr. Derkach:** That is correct. As a matter of fact, as acknowledged by Mr. Janzen's presentation here, in 1993 the repayable amount was doubled to 35 million, I believe, and in 1994 it went up to 47 million. Am I wrong or am I correct in that regard?

**Ms. McGifford:** I think that we need to make the point that Mr. Janzen's numbers include the Canada Student Loan, where we have only been talking about the Manitoba Student Loan, along with the Manitoba Bursary. Of course, it is true that in the 1980s there was more money in bursaries, but the past government cancelled that.

**Mr. Derkach:** The bursary component was always provided for by the Province previously. The loans program was provided through the federal government.

In, I believe it was, 1996, if I am not mistaken, the program was changed to where the bursary program that was being provided by the Province changed to a loans program, but the level of funding of the program also increased to a level of approximately \$47 million from the previous, I believe it was \$30 million. My numbers could be somewhat out, but nevertheless there was a substantive increase in the number of dollars that had been made available to students who chose to pursue post-secondary education.

As of today, in the Budget we have a number of I believe it is \$30 million for student loans, is it? Or is it \$13 million for student loans and \$17 million for bursaries? Is that correct?

**Ms. McGifford:** The \$30 million is provincial. When we add the federal loan into it, it is 80 total.

**Mr. Derkach:** We are talking provincial dollars, Mr. Chair. What I am saying is that the provincial dollars today are less than they were three or four years ago.

**Ms. McGifford:** We will have to disagree with the member. The provincial amount of money in the Manitoba Student Loan, I am informed, was not 47 ever. As I said, the current amount available through the combination of the federal government loan and the provincial government loan, when we put the two together, the borrowing amount available is around \$80 million. If I might just say, \$17 million of which can be offset by our combination of the federal Millennium Scholarship and the Manitoba government bursary.

**Mr. Derkach:** This is where this bill becomes very confusing to the public. When I listened to the student presentations tonight, it almost seemed from their glowing accolades of this bill that there was, all of a sudden, going to be a lot more new money available *[interjection]* Yes, they said that. It is in the presentations. It is written in the presentations that all of a sudden there was going to be a great deal more money

for access to universities. The reality is quite the reverse. If you combine the student bursaries, including the millennium, plus what the provincial government is putting in in student loans, the aggregate is less than it was three years ago.

**Ms. McGifford:** I think that the answer to the member's question is that there will be \$80 million available in a combination of provincial and federal student loans. It can be offset by 6 million in Manitoba government bursaries and 11 million in millennium bursaries and scholarships. There will not be a great deal more money. What there will be a great deal less of is debt. There will be less student debt in the province. That is what is so delightful to students. You heard them speak about the burdens of student debt. We know about that. That is the answer. That is what is important—less debt.

**Mr. Derkach:** There might be less debt by those few students who have an opportunity to access through the student bursary program. But, in an overall sense, those who do not qualify for student bursaries will have less access to student loan funding than they did previously. It has nothing to do with this bill. It simply has to do with how much money has been put into the program by the department.

More importantly, this bill does nothing for creating greater access to funding for students. All it does is preserve the status quo except that it enshrines it in legislation.

**Ms. McGifford:** Mr. Chair, every student has the same access to funding as the student previously had. I think the member is just plain wrong.

\* (19:40)

**Mr. Derkach:** I really do not care what the minister thinks. What is important is what the fact is. I guess, if the minister can prove otherwise to me, then I ask her to lay it out on paper for this committee and for the Legislature, to show us her numbers so that then we can compare with what was available there, even as short a time as three years ago.

**Ms. McGifford:** My department would certainly be happy to lay it out on paper and provide that information to the member.

**Mr. Derkach:** Can the minister tell me how much the Province put into student bursaries four years ago?

**Ms. McGifford:** I am advised zero.

**Mr. Derkach:** Then let me rephrase the question. May I ask the minister to provide for me how much money was put into the student bursary program prior to it being terminated?

**Ms. McGifford:** We are going on memory. We do not have the numbers here, but we believe just prior to cancellation the amount of the Manitoba Bursary was \$12 million. I think I already mentioned that this evening.

**Mr. Derkach:** So my point is, prior to the change of the program from bursary to a greater loan program, the amount of money that was made available to students under the program was \$12 million. This was provincial money that was made available for students through the bursary program. When that program was terminated, money was moved into the student loan program. As I recall from memory, the student loan program was expanded substantially during those years. As a matter of fact, I think, at one point, it was double, but, Mr. Chair, now we are moving in the opposite direction. We have the re-establishment, if you like, of the student bursary program, but we have done nothing to increase the amount of money made available through the student loan program. As a matter of fact, we have decreased that, and the amount of student bursary that we are putting in amounts to \$6 million as compared to \$12 million that was available prior to the change of the program.

**Ms. McGifford:** I want to make the point that money was not removed from bursaries to loans since the Province did not issue the loans. The bank put up the money. The amount of loans students can get is determined not by the Province but by the student's eligibility under the loans program, and every student gets the same total amount of loan to which they are entitled, whatever the amount is. The student gets the amount to which the student is entitled.

**Mr. Derkach:** You limit the program by declining the application. I have a classic case of that where a student was declined a loan based

on a whole series of frivolous reasons, but at the end of the day, staff simply indicated that the program was out of money. Now I do not know whether that is true or not, and I have no way of proving that. As a matter of fact, it was somewhat of a surprise to me because that was the first time that I received a response of that nature.

Let me ask the minister whether it is correct that, prior to the termination of the student bursary program, \$11 million or \$12 million or thereabouts was available for the student bursary program. It may have been provided by financial institutions, or whoever, but basically that was a provincial program, and the money was guaranteed by the Province. Today we have a bursary program that is equal to about \$6 million, as the minister has indicated, and basically the Province still has responsibility for that \$6 million.

**Ms. McGifford:** Let me say, Mr. Chair, we have a loan program that does not really have a cap on it, and I might add that we are not able to decline loans.

If a student is eligible, we simply cannot decline a loan because these rules are set by Canada, and we never decline a loan because we are out of funds, Mr. Chair. If the member knows students who are having difficulties, I know that officials in the Student Aid office would like to know about it. I invite the member to refer those students to the Student Aid office.

I am sure the member knows that from time to time things do not always quite work out, but we do not decline loans. A student and the Student Aid office might have some disagreements about the student's entitlement. That can perhaps be straightened out.

We do not decline loans on the grounds that there is not any money. We simply do not do it. It is not our practice.

**Mr. Derkach:** Mr. Chair, I accept the minister's explanation of that because, as I indicated, I was somewhat surprised when I got that comment and did not fully buy into it.

But I come back to the numbers now. I think we may have strayed from talking about the

numbers. I want to just establish from the minister that indeed in terms of student loans from the Province as of today, or last year, only \$30 million in total was paid out to students, including the student bursary portion, which also included the millennium bursary which amounted to about \$17 million.

So according to what the minister said previously, it is my understanding that the total student loans in this province in the last two years was approximately \$13 million in each of those two years. Is that correct?

**Ms. McGifford:** Well, that is true if we only consider the Manitoba portion of the student loan, but if we include the federal portion, then approximately \$80 million was paid out of which \$17 million was offset by the Millennium Scholarship and the Manitoba Bursary.

I want to make the point that Manitoba students now get more loans than ever before, but they still have less debt than at any time in the past eight years because of those two initiatives, the Millennium Scholarship and the Manitoba government bursary.

**Mr. Derkach:** Mr. Chair, is it fair to say that in the last year the federal government has contributed very significantly to both the student loan pool and the Millennium Scholarship?

**Ms. McGifford:** I would say it is fair to say that the federal government has contributed, I cannot remember the member's specific word, but has carried their weight, and the Province has carried the Province's weight.

\* (19:50)

**Mr. Derkach:** Can the minister tell me how much more money was put into the student loan pool in the last two years by the federal government?

**Ms. McGifford:** On a point of clarification, does the member mean how much more than the Province put in?

**Mr. Derkach:** I am talking about how much more money the federal government put in compared to the previous allocation to Manitoba

in the Student Loan Program, which is excluding the millennium bursary.

**Ms. McGifford:** Well, my understanding is that the feds pay 60 percent of the amount of loans as determined through student applications, so that if the loans grow based on need and demand, then the federal share will go up, but it is currently at 60 percent. So it depends on the demands, Mr. Chair.

**Mr. Derkach:** Mr. Chair, the minister tells me that she has put in from provincial funds in the last year approximately \$13 million.

**Ms. McGifford:** No. A point of clarification, Mr. Chair. No, the provincial government has put in \$30 million into Manitoba government loans.

**Mr. Derkach:** I am just trying to tell the minister what she told me a little while ago, if she would just bear with me. It is in the student loan area. We are talking about a provincial contribution of \$13 million in each of the last two years, and that is in student loans, plus \$6 million in bursaries.

That gives us a total of \$19 million provincially towards the student loan and bursary program, as I understand it, and that I think was confirmed by the minister. The additional portion came from the federal government.

I want to ask the minister how the \$19 million compares to what was put into the Student Loan Program prior to the last two years?

**Ms. McGifford:** We cannot count the loans and the bursaries as equivalent because the bursary money is paid by the Province, but the loan money is not. That is quite an important difference. The Province does not put in the loan money. We authorize students to borrow money from banks. We pay interest on them and we cover defaults, but the student borrowing is not paid by the Province. The student's borrowing is paid by the student.

**Mr. Derkach:** The money has to be made available by someone. The minister tells me that

in the last two years \$13 million was put into the loan portfolio, or that is how much students accessed, \$13 million. Six million dollars was accessed for student bursaries. The student bursary component, as was always the case outside the millennium bursary, was always the Province's responsibility. It still is, I understand.

The \$13 million that was accessed by students for loans came from a pool of monies that was put there by the Province and by the federal government. The Province's share, I understand, as the minister indicated, was approximately \$13 million. I am asking how that compares to how much money was accessed by students prior to the last two years in student loans.

**Ms. McGifford:** I want to make the point once again that students do not receive less money than they did previously. What students have at the end of the day is less debt. If the Province pays a bursary, then for every dollar that the student is awarded, the Province pays a dollar. If the student receives a loan, then that dollar sum is something like 25 cents, which is the money that goes to pay interest to service the debt, that sort of thing.

Let me reiterate that students do not receive less money than they did in the past.

**Mr. Derkach:** It seems that we are going to have to take this debate up in the concurrence section of the process that we go through in the Legislature, because clearly the minister is going to have to get some information from her staff as it relates to this program, to lay it out more clearly. There is a real discrepancy here in what the minister is saying, and what the students who are presenting here said tonight. If you go to Mr. Janzen's presentation, and in the first page, the second last paragraph, he indicates that in 1993 the repayable amount was doubled by the Conservatives, rising to 35 million, I am sorry, \$35,000 per student?

**Some Honourable Members:** Yes.

**Mr. Derkach:** With a phase-out of a non-repayable grant section in 1994, the repayable amount rose to \$46,000. I am asking the minister how this compares to what is available today.

**Ms. McGifford:** Today the amount the student could end up owing after four years, the maximum is about \$24,000. However, the amount that the student might borrow over the course of that four-year program has not changed. What has changed is that there are the two bursary initiatives which offset the student's debt.

I want to address Mr. Janzen's numbers because the member has brought it to my attention. I want to tell him that our department is not quite sure where Mr. Janzen got his numbers from, nor are we responsible for Mr. Janzen's numbers. I am giving the member the straight goods and the story. There it is.

**Mr. Derkach:** I am not disputing the numbers with Mr. Janzen nor with the minister. I am simply asking her to clarify for us whether in fact this is fairly close to what is realistic in terms of what has been made available to students by governments in the past, and how that compares to what is made available today. As I understand it, the student loan portion has not changed.

**Ms. McGifford:** On a point of clarification, the member used the pronoun "it," and I do not know what the antecedent to his pronoun is, so I cannot begin to answer his question. I do not know what "it" referred to.

**Mr. Derkach:** Let me rephrase my question. In Mr. Janzen's presentation, he indicates—and I am not disputing whether this is accurate or inaccurate; I am just simply indicating what he presents. He presents the fact that in 1993 the repayable amount for a student's loan was doubled to \$35,000, and in 1994, that repayable amount rose again to \$46,760.

I am asking the minister whether or not this amount has changed, and whether in fact students today have a difference in terms of what is available to them via student loans and/or student bursaries.

**Ms. McGifford:** I again do not want to really treat Mr. Janzen's figures, because I am not certain of the source of those figures. I do want to tell the member one more time, as many times as he wants me to tell him, that the amount of

actual money that a student can get to see that student through the course of a four-year degree, has not changed. The student can still access whatever the student was able to access. I do not have the numbers, so I do not want to say it. The difference is because of the bursary program, Manitoba Bursary, because of the Canada Millennium Scholarship, there will be an offset of that. So let us say, for example, the student over the course of a four-year degree borrows, let me say, \$35,000. The student would pay back a maximum of \$24,000 because of the offsets against that student's educational debt.

**Mr. Derkach:** Is there a limit in terms of how much a student can access vis-à-vis the bursary program over the course of four years?

**Ms. McGifford:** In principle, there is no maximum, but if we take a typical university student, that student can borrow \$275 a week if they qualify for that borrowing, or a total of \$9,550 a year, or \$37,400 over four years. However, instead of owing at the end of the period, instead of owing all that debt, that total \$37,400, because of the program, the Manitoba Bursary and Canada Millennium Scholarship, the student would end up owing only \$24,000. So there would be \$13,400 in bursaries. Even though the student had borrowed that, those bursaries would be offset against the loan.

**Mr. Derkach:** So we come back to my first premise. How much is the maximum in terms of a student's debt load, in terms of the bursary. What is the maximum of the bursary over the course of four years, let us say, to a student who is going through university? The minister says that out of \$37,400, \$24,000 would be the loan. The rest would be bursary. How is that number arrived at?

**Ms. McGifford:** We take the total debt, and since our commitment is to have a student only acquire a debt of something around \$6,000 a year, whatever the difference is between the total amount of money borrowed that year and \$6,000 becomes the bursary.

\* (20:00)

**Mr. Derkach:** So is there a limit to how much a student can borrow in a year?

**Ms. McGifford:** We have all kinds of different students, Mr. Chair, as I know the member knows. Normally the limit is \$275 a week, and I am looking to officials for some guidance here, but I believe under special circumstances, for example, a single parent from out of town there may be some flexibility.

**Mr. Derkach:** So the student bursary component would vary depending on the special circumstances. So that every student in Manitoba, according to what the minister just said, would not accumulate more than \$6,000 of debt in a year. Is that correct?

**Ms. McGifford:** Yes, Mr. Chair, if the student were attending a four-year university program and if the student were attending 34 weeks as opposed to 52 weeks. Some students attend 52 weeks and then they would accumulate more debt.

**Mr. Derkach:** Can the minister tell me what formula is used to arrive at these numbers? I do not understand how you arrive at \$6,000 and how you would arrive at the other numbers.

**Ms. McGifford:** Mr. Chair, the formula or the process is fairly complicated. If the member wants, we would be happy to give him a full briefing on it. The formula involves the average university tuition, expenses, et cetera, the student's needs, the student's revenue. From that we determine eligibility and eventually this is offset by the bursary. There is not a simple way of expressing it. It is fairly complicated, as I am sure the member remembers from his years as Minister of Education.

**Mr. Derkach:** I do not expect the minister to lay out the complex process here, but there is a principle that is involved here that I think we should all understand. I am not trying to trick the minister into anything or lead her down a particular path. All I want is some clarification for my own edification, if you like. I think we are getting somewhere here through the explanations, and I want to thank your staff for being patient with us.

We now have established that the maximum student loan program for an average student attending an average university year is \$9,550 or

\$275 per week. Out of that 9000-some-hundred dollars, the maximum that a student would be responsible for would be \$6,000. The other 3500-and-some-odd dollars would be a grant, if you like, a forgivable portion of that loan. So at the end of a four-year period that student would accumulate a maximum debt of \$24,000 regardless of the faculty. In other words, whether it was pre-med, whether it was engineering, MBA, law, the maximum that student would accumulate in terms of debt would be \$6,000 from the student loan program. Now the student may acquire other debt over and above what he accessed from student loan. So, in essence, the bursary program pays for clearly one third of the program.

Is that the formula that the minister has established in terms of this bursary program, that one third of the total loan portfolio of a student will be in fact a grant from the Province? If that is the case, we are talking about a different matter in terms of what the actual tuition is for university students.

**Ms. McGifford:** Well, that is not exactly correct. The formula is not one third. As the member knows, some students will get absolutely no bursaries at all. The idea is to try to give the bursary to the students with the highest borrowing needs, taking into account that circumstances in programs vary widely. For some students, instead of doing three years of 34 weeks the student might do two years at 52 weeks, and then their annual debt would be higher but the total, of course, would be approximately the same. I think, essentially, well, let me just leave it at that.

**Mr. Derkach:** Is the minister also telling me that a student who may qualify for a student loan will not necessarily qualify for a student bursary?

**Ms. McGifford:** That is correct, because the bursary is needs-based.

**Mr. Derkach:** So I come back to my very first set of questions with regard to criteria. Can the minister give us, for the sake of the committee, the criteria, whether they are on regulation or wherever they are with regard to the student bursary program? That was one of my beginning

questions with regard to regulations. Have the criteria for the bursaries been established and is it possible for the minister to share the criteria for the bursary program with us?

**Ms. McGifford:** Mr. Chair, they are in regulation. I have agreed to share them with the member and we will do that. I think that I want to make the point that students do not get a bursary until their combined federal and provincial loan amount hits at least \$6,000 for a year, because this is needs-based, as I said. Students, of course, may win scholarships, but what we are talking about is a bursary, which is needs-based.

**Mr. Derkach:** Mr. Chair, the minister is telling me that every student who is approved a student loan, well, first of all, the first call is the student loan, and the last call, if you like, for dollars is from the student bursary pool. So, from the student bursary pool, now, the minister is telling me that that is also a combined pool of money both from Province and from the feds. Or is the minister telling me that this is just a provincial bursary pool?

\* (20:10)

**Ms. McGifford:** I was addressing the Manitoba Bursary. It is totally needs based. I am advised that the Canada Millennium Scholarship is not as thoroughly needs based as is the provincial Manitoba government bursary.

**Mr. Derkach:** Mr. Chair, can the minister tell the committee whether the \$9,550 total also includes the millennium bursary, or is the millennium bursary a top-up to the \$9,550? In other words, do we reduce our amount by the millennium bursary?

**Ms. McGifford:** Yes, Mr. Chair, we are reducing our debt with the millennium bursary. Yes, Mr. Chair, the Millennium Scholarship is included.

**Mr. Derkach:** Mr. Chair, so can I ask the minister: As I understand it under the Millennium Scholarship criteria, students apply for the millennium bursary separately from student support, or is the millennium bursary just applied to a student who applies for a general bursary? I guess the question is: Is there a

separation between the millennium bursary and the regular provincial bursary?

**Ms. McGifford:** Yes, Mr. Chair, students do not apply for the bursaries. They apply for the loans and then the bursaries automatically offset the loans for qualifying students, although the rules for the Manitoba government bursary and the Millennium Scholarship are slightly different, but students do not apply for these bursaries.

**Mr. Derkach:** Mr. Chair, as I recall it, I received a package for the student financial assistance millennium program, which is separate and apart from the provincial program. Now, is that just information, or was that, in fact, an application sample for the bursary, because there was an application with it?

**Ms. McGifford:** My advice is that it was strictly information.

There is one application for all, for the student loan, for the Manitoba government bursary and for the Canada Millennium Scholarship. It is all the same.

**Mr. Derkach:** Mr. Chair, can a student apply for the bursary and not the student loan?

**Ms. McGifford:** No, Mr. Chair, because, as I explained earlier, the bursary only kicks in when the student's loan exceeds a certain amount per year.

**Mr. Derkach:** So after the \$6,000 per student, the bursary would kick in. Is the first call on the federal portion or the provincial portion of the bursary?

**Ms. McGifford:** Well, although they work slightly differently, we are using both amounts of money to bring debt down to a maximum of \$6,000 per year.

**Mr. Derkach:** Mr. Chair, is it fair to say that, depending on the call for student loans, in fact the Province could end up putting zero dollars into a student bursary program if, in fact, the total pool of what the federal government puts in, which is \$11 million, is not utilized?

**Ms. McGifford:** No, Mr. Chair, we use it all.

**Mr. Derkach:** My question is a theoretical one, I guess. If, in fact, the call for student bursaries did not exceed \$11 million, would that all come out of the federal portions first, or would the Province be contributing a portion of that as well?

**Ms. McGifford:** We have a deal with CMS on this particular matter, so we probably would not do that. I think it would be highly unlikely. If we arrived at such a situation, what we would probably do is make the bursary richer, so we might start paying at five instead of paying at six.

**Mr. Derkach:** How is the \$11 million of federal money allocated to the Province? Is it just a total amount that has been identified for the Province, or is this based on student need or student numbers?

**Ms. McGifford:** It is based on need. The Canadian Millennium Scholarship is awarded on need too, and we give it out. I should make the point that most students do not get both bursaries. Most students get one or the other.

**Mr. Derkach:** I understand that the bursary is all combined as one. The millennium and the provincial bursary are all together, is that correct?

**Ms. McGifford:** No, that is not correct. They have separate pools.

**Mr. Derkach:** So how is it that the minister, in her previous answer, said that they can either get the provincial or the millennium, but they will not necessarily get both? Can the minister explain that?

**Ms. McGifford:** In some years, the Manitoba Bursary is used, and in other years the Canadian Millennium Scholarship is used—

**An Honourable Member:** No. No, no, it cannot be.

**Ms. McGifford:** For example, first year students cannot get the CMS, but they can get a Manitoba government bursary, for example. I believe with graduate students it is the same, but with second, third, and fourth year students they can get both.

**Mr. Derkach:** There are many more questions here that I need to ask, but I am going to wait for the minister to table the criteria for the Manitoba student bursary program, and also the federal millennium bursary program. I think that will clear up some of the misunderstandings.

\* (20:20)

At the end of the day, I want to get back to the dollar amounts that have been reinstated for the bursary program. Prior to the bursary being terminated, approximately \$12 million was available to students in the bursary program that the Province had established. The bursary portion, at that particular time, was ended, and students were able to access a greater amount in the student loan pool. Today the minister, in this legislation, enshrines the student bursary program in legislation, but the level of student bursary is about half of what it was prior to that program being terminated.

**Ms. McGifford:** Yes, Mr. Chair, we think that is approximately correct.

**Mr. Derkach:** If you combine the two programs together, the bursary and the loans program, the minister tells me that today, if you combine the federal program and the provincial program, we are at the \$80-million level, of which approximately \$13 million would come from the Province I am sorry, \$13 million for the loans program, and another 6, which is about \$19 million that comes from the provincial program, if I understood her explanation correctly.

**Ms. McGifford:** The draw we expect this year to be approximately \$80 million. Of course, there is not a cap, as I said earlier, but we expect that the amounts be approximately that. I want to make the point that out of that \$30 million the loan money does not come from the Province. Loan money comes from the bank, and so we expect students to access approximately \$80 million, and we have put forth certain amounts of money to offset the students' draw on these funds.

**Mr. Derkach:** I understand that fully. The Province regardless of where the money comes from, at the end of the day somebody has to

guarantee that amount of money and that amount of money is guaranteed by both the federal and provincial governments. Now the financial institutions used to provide the money for the student loans program. Today the minister indicated that she is bringing the entire student loan portfolio into in-house or into government, with exception of some being administered through the credit unions of Manitoba. In that explanation during the Estimates period, the minister indicated that they would be bringing the portfolio in-house, which means that the Government would be providing the dollars now rather than simply guaranteeing this.

So, at the end of the day, whether it is financial institutions or government, the provincial taxpayer is still accountable and responsible for that money. If I understood the minister correctly in her explanations, previously she indicated that provincially in the last two years a total of \$30 million in each of the years was used. Part of that was for bursary and part of that was for loan, as I understand it. The loan portfolio was about \$6 million from the Province and the loan portfolio was about \$13 million in general terms. I am not talking about specific dollars.

**Ms. McGifford:** Yes, Mr. Chair, that is approximately correct.

**Mr. Derkach:** Mr. Chair, I just wanted to ask the minister how that compared again prior to 1999.

**Ms. McGifford:** I am informed in 1998, there would have been about \$70 million in loans and zero dollars in bursaries.

**Mr. Derkach:** Can I repeat that? Is that 70, seven zero million in loans?

**Ms. McGifford:** Yes.

**Mr. Derkach:** And that is both federal and provincial? Can the minister tell me what the split was between the Province and the federal government?

**Ms. McGifford:** Yes, I can confirm that it was 70, seven zero and that the split is 60-40; 60 federal, 40 provincial.

**Mr. Derkach:** Let us go to 1999. Could the minister tell me what the total was between the two levels of government then?

**Ms. McGifford:** I am informed that in 1999, there would have been about \$75 million in loans and zero in bursaries.

**Mr. Derkach:** Could the minister tell me what it was in the year 2000?

**Ms. McGifford:** If I can say about the year 2000, it was complicated because we only had half a year, so to speak, with bursaries, but if I might comment on year 2001-2002, we surmise that there will be \$80 million in loans and \$17 million in scholarships and bursaries.

**Mr. Derkach:** The increase is largely a reflection, if I can recall correctly, to the special millennium bursary program that was announced by the federal government, also the increased amount that the federal government is now putting into the whole student loan and bursary program.

**Ms. McGifford:** The \$17 million is 11 federal and 6 provincial, as I think the member knows. The reason for the amount going from 75 to 80 is because, well, a couple of reasons, increases in numbers of students accessing funding, for one thing, and, secondly, inflation.

**Mr. Derkach:** I think we finally got to where we wanted to be with all of this. I thank the minister and her staff for the patience and for the information. At the end of the day, the new bursary program does not add dollars to it in this legislation.

**Mr. Chairperson:** Shall we proceed clause by clause?

**Ms. McGifford:** I had always agreed with the member that we were not adding money. I said that right at the beginning.

**Mr. Chairperson:** Clauses 1 to 3(1)–pass; clauses 3(2) to 4(2)–pass; clauses 4(3) to 6–pass; clauses 7(1) to 9–pass; clauses 10 and 11–pass; clauses 12 and 13–pass; enacting clause–pass. Shall the title pass?

\* (20:30)

**Mr. Derkach:** I just would like to indicate that, although in principle this bill does not do a great

deal in terms of providing greater access to students, the Government has put this bill forward as though it is a salvation to the student financial assistance program. In fact, it is not. This is merely a window-dressing, smoke-and-mirrors kind of bill, which in essence does not do anything, does not do a single thing to provide students accessibility to more funding. As a matter of fact, all of the other elements of this legislation could be found in the regulations and indeed could be acted upon through the regulation process, as has been done over time in this province.

I want the record to show, before this bill passes, that indeed students cannot expect to have greater amounts of accessible funding available to them. Nothing changes. We simply have the status quo, and what we have now is a bill that brings what was in regulation into legislation and does nothing more.

**Ms. McGifford:** I think the member and I will have to agree to disagree. I think this bill does two very important things. It signals an important intention to students in Manitoba, and if this bill prevents the future government from cancelling the bursary program, as has happened in the past, I will consider it having performed its duty very well. It is kind of, as I said when we began this discussion, very reminiscent of the balanced budget legislation. It is a signal of intention.

**Mr. Derkach:** This is extremely different than balanced budget legislation. Balanced budget legislation makes it unlawful for any government to simply run a deficit or to in fact impose undue taxes on its citizens. All this does is it simply indicates to students that we will have a student loan program and a student bursary program that is done in legislation. I do not recall any government in the past who wanted to do away with student financial assistance. Whether it is through student bursaries or through student loans, there was always money available for a student.

The only difference here, and I think the minister and I both agree on this element, is we have the student bursary program reinstated. I acknowledge that. I do not dispute that with the minister. In essence of making more funding available to students, this bill does not do it.

**Ms. McGifford:** I want to thank the member for acknowledging the important work that this bill does.

**Mr. Chairperson:** Title-pass. Bill be reported.

#### **Bill 19— The Crown Lands Amendment Act**

**Mr. Chairperson:** I think the committee is ready to proceed to Bill 19.

Does the minister responsible for Bill 19 have an opening statement?

**Hon. Rosann Wowchuk (Minister of Agriculture and Food):** Briefly, Mr. Chairman, this bill amends The Crown Lands Act and "provides a formal appeal mechanism for leases, use permits and work permits for agricultural Crown lands."

In doing so, this bill "defines agricultural Crown lands; provides for the Director of agricultural Crown lands, and enables the Director to lease, issue work permits and use permits, and approve the transfer of leases and use permits, in relation to the agricultural Crown lands." It cancels leases and permits for non-compliance with conditions. It also creates the Agricultural Crown Lands Appeal Board to deal with appeals from decisions of the director.

Mr. Chairman, in looking at the bill, though we do have an existing Crown Lands, this bill does change the powers of the director and also changes the "Crown Lands Appeals Committee" to the "Crown Lands Appeals Board."

**Mr. Chairperson:** We thank the minister.

Does the critic for the Official Opposition or a member from the Official Opposition have an opening statement?

**Mr. Harry Enns (Lakeside):** I, first of all, want to indicate to the committee, and to the minister through you, Mr. Chair, that unlike my colleague from Birtle-Russell, I will be the very model of decorum and co-operation with respect to consideration of this bill before this committee, bearing fully in mind my approaching seniority of some 35 years in this Legislature that colleagues would expect nothing less of me. I do have a simple question, Mr. Chair, to the minister. It was my privilege to be the Minister of Agriculture for this Province for some six

years in the not-too-distant past. It was my impression that I had a fine director of Crown lands operating the office out of Minnedosa. It was my impression that he, in fact, provided the leases, work permits, use permits, approved the transfer of leases and the use permits in relation to agricultural Crown lands. If people took issue with that action by the department, through the director, as run by the agency now located in Minnedosa, there was, in fact, an appeal body, and appeal board that any aggrieved potential lessor could let his grievances be known. That board operated for as long as I can remember, quite frankly, at least certainly for the last 20 or 25 years. So my question is, really, why the bill?

**Ms. Wowchuk:** Mr. Chairman, currently under the act all authority sits with the minister. There is an Appeal Advisory Committee, but that committee only gives advice on appeal to the minister. It will be changed to a board and the board will have the authority to rule, will have the authority to make decisions made by the director, which is different from an advisory committee to the minister.

**Mr. Enns:** Correct me if I am wrong, but that gentleman, that fine looking relatively young gentleman sitting somewhat behind Mr. Lee, is he not the current director of Crown lands based in Minnedosa?

**Ms. Wowchuk:** The member refers to Mr. Bert Fleming, who is the Minnedosa officer, and he is the manager of programming. The director is Mr. Brent McCannell, who is the director of Crown Lands. Under the act the way it is, the decisions are advisory to the minister, and the final decisions rest with the minister. This transfers more power to the director to make decisions.

**Mr. Enns:** I appreciate that basic change was one that perhaps is appropriate. I certainly was aware that it was an anomaly, in the sense that the decisions made at the advisory board level still had to come to the minister for final signature. I recognize that purpose of this act, but I have trouble with the necessity, quite frankly, of the balance of the act. I always referred to it as an appeal board—if you want, appeal committee. I suppose you are more formalising it in legislation. Certainly the appeal committee, or board as I refer to it, did, from

what I can read in the act, carry out the functions that are prescribed in this act. I have no further objections.

I have one concern when it comes to section 2 of the act, which I will raise when we are dealing with it. I will let this proceed with clause by clause consideration.

\* (20:40)

**Mr. Chairperson:** Thank you, Mr. Enns. Does the minister have a response?

**Ms. Wowchuk:** Just to clarify, this creates a board. The previous one, under the existing act, is an advisory committee that advises the minister, and the minister has the final say on it. This shifts the power to the creation of a board, and the board will make the final appeal decision.

**Mr. Chairperson:** During the consideration of a bill, the enacting clause, the table of contents and the title are postponed until all other clauses have been considered in their proper order. Also if there is agreement from the committee, the chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions, or amendments to propose. Is that agreed? *[Agreed]*

Clauses 1 and 2—pass; clauses 3, 4 and 5—pass; clauses 6 and 7—pass. Shall the enacting clause pass?

**Mr. Enns:** I was co-operating, Mr. Chairman, but this is becoming a railroad. I indicated earlier that I had some concerns with clause 7.2 (1): "The minister may designate Crown lands as agricultural Crown lands." Is it appropriate for me to ask some questions with that respect?

**Mr. Chairperson:** Mr. Enns, we have already passed that point, but is there leave from the committee to revert to that? *[Agreed]*

**Mr. Enns:** It is a serious question in the sense that agriculture gets the use of Crown lands from what I kind of consider the parent organization, that is natural resources, the Minister of

Conservation, who has the legislative jurisdiction of all Crown lands in the province of Manitoba.

As a result of examination, the nature of the land, it was decided some many years ago that the Canada land inventory program of the late '60s or mid-'60s had something to do with it that determined that these acres of Crown land were suitable for agricultural use. They were then kind of ceded to the Department of Agriculture to manage as agricultural Crown lands. It was never the Minister of Agriculture that decided what was and what was not Crown land. That is a very fundamental change here.

I am looking at my colleague, the Member for Radisson (Ms. Cerilli), who from time to time—in fact I recall her making a somewhat aggressive entrée into the legislature, particularly on environmental matters. If all of a sudden the Minister of Agriculture decides which of the 80 million acres of Crown land are agriculture or not, then do not be surprised if Riding Mountain National Park all of a sudden becomes agricultural Crown land or some other jurisdiction. So it is a very fundamental change that I see in 7.2(1) that the minister, and I am assuming that this is the Minister of Agriculture, may designate Crown lands as agricultural Crown lands use.

Am I reading that right? We have currently right now, I think you administer in Crown lands some seven or eight millions of acres. It could be more, but at some point in time, these lands, largely marginal lands, in the Interlake, the west lake country, other portions of the province, were deemed to have multiple use, could be used in terms of wildlife management purposes, but also use for, particularly, the beef industry. I know that this minister has an understanding and appreciation of the beef industry and its potential growth in the province of Manitoba, and I support her in that cause.

I just draw to the minister's attention and to the staff's attention that that designation would raise feathers on the backs of my former staffers when I was a minister responsible for natural resources, for instance, that it was the ministry of Agriculture that could decide whether this land was more suitable for agricultural purposes than, for instance, wildlife purposes or park

purposes or some other purpose, and I am not so sure, Madam Minister, whether you have fully asked yourself that question.

**Ms. Wowchuk:** If we look at the original act, in the definition, it says "'minister' means the member of the Executive Council charged by the Lieutenant-Governor-in-Council with the administration of this Act . . ." If you then look at the statute's responsibility, Schedule B of the Order-in-Council that appoints ministers, you look under the Crowns, it spells out The Crown Lands Act and the sections, and it says: lands which may be designated by the Minister of Conservation as agriculture Crown lands and agriculture Crown lands grazing and a hay permit regulation and the forage leases. That is under Minister of Agriculture. Then, if you go to the Minister of Conservation under Schedule C, it is the Crown Lands Act and lists the sections under it. It says insofar as they are related to the administration of Crown lands, which may be designated by the Minister of Conservation as agricultural Crown lands.

So it is the Minister of Conservation. What that means is that when the Minister of Conservation designates Crown lands for agriculture use, then this appeal board has the responsibility and authority to hear appeals on those lands.

**Mr. Enns:** I am not going to argue the point. My cattle or anybody else's cattle do not really give a damn which minister is giving the designation of the fact they are right now belly deep in good grass and doing fine, and the price of cattle is doing fine, and everybody is happy.

You make the point. In your reading, it is the Minister of Conservation that makes, in the first instance, the designation of what is Crown lands. Then it is the Minister of Agriculture that administers that through this act and other acts. Your 7.2 (1) reads the minister, and I must assume we are talking on Bill 19. When it refers to the minister, I am referring to the Minister of Agriculture. The minister may designate Crown lands as agriculture. I maintain and I will let you look at it, we will have an amendment made next year. I maintain that there is a conflict in what information you just supplied, for the record, and how this bill reads.

\* (20:50)

**Ms. Wowchuk:** If the member looks, this is an amendment to Chapter C340 of The Crown Lands Act. Within that the minister is defined. It states which minister is responsible for administration of each act. In this case, it is the Minister of Conservation.

**Mr. Enns:** All those assignments have been made, if you like, once that land has been designated, by the Department—as it used to be called, of Natural Resources and now called Conservation. It is that initial designation.

I will put another question to the minister. I have a number of wildlife management areas right now, Crown lands that come fully and totally under the jurisdiction of the department of natural resources, administered by the Wildlife branch. I am petitioning the minister right now to use the powers of this act to declare those lands, those wildlife management areas as agricultural lands, because I have neighbours and constituents who want to raise cattle on those lands.

Will she undertake to do that with the power that we are investing here with this bill, with this act? It says in 7.2 (1) you can designate Crown land. *[interjection]* Am I not reading this right? Designation 7.2 (1) "The minister may designate Crown lands as agricultural Crown lands." I am talking about Crown lands that are right now being used for wildlife purposes. I want you to designate them as agricultural Crown lands. The act that we are passing gives you the power to do that. Will you do that, Madam Minister?

**Ms. Wowchuk:** The act would not give the Minister of Agriculture that power. Those powers would stay with the Minister of Conservation.

**Mr. Enns:** Mr. Chairman, I promised I would not be argumentative tonight. I will let my colleague the Member for Russell, who has a reputation for that kind of thing, carry on the argument.

**Mr. Chairperson:** Thank you, Mr. Enns.

**Mr. Leonard Derkach (Russell):** No. I am being quiet.

**Mr. Chairperson:** Are we on the record then that clause 5 is passed?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** Enacting clause—pass; title—pass. Bill be reported.

### **Bill 39—The Archives and Recordkeeping Act**

**Mr. Chairperson:** We will now proceed to Bill 39. Does the minister responsible for Bill 39 have an opening statement?

**Hon. Ron Lemieux (Minister of Culture, Heritage and Tourism):** Just a brief one, thank you. I just want to make a couple of brief comments with regard to this legislation, just to say that it affirms the importance of the archival record and outlines responsibilities of the government bodies and the archives in managing the government records through time.

At that, I will just end my brief comments. Thank you.

**Mr. Chairperson:** I thank the minister. Does the critic from the Official Opposition have an opening statement?

**Mrs. Louise Dacquay (Seine River):** No, Mr. Chair, but I do have some questions and I am prepared to be flexible. I just want to know if the minister would prefer that I raise the questions when we reach the appropriate section in the bill or if he would prefer to deal with them now. They are general in nature.

**Mr. Chairperson:** I think it is standard practice to do that when we come to the appropriate clause. Is the minister agreeable to that?

**Mr. Lemieux:** It can be open-ended. If the critic has any questions related to this legislation, I would be prepared to try to address them.

**Mrs. Dacquay:** It relates most specifically to the documentation we received this evening from the Association for Manitoba Archives and some questions and concerns they raised. So that is the basic premise of my questions, and I believe everybody has the document in front of them.

My first question relates to a comment in the second paragraph that caused me a little concern. My question is: Is this statement accurate, that this proposed legislation was drafted without consultation with the wider archival community?

**Mr. Lemieux:** Just a quick comment that this legislation is really prescriptive to Manitoba records. It does not impact negatively or take away from any other kind of archives. It is supportive of other archival activity. It does not take away from it. It is just geared specifically to our own Manitoba records.

\* (21:00)

**Mrs. Dacquay:** If I understand the minister's comments correctly, this legislation does not impact on anything that the wider archival community does in terms of restricting them or prohibiting them from doing anything that they currently do not do.

**Mr. Lemieux:** That is correct.

**Mrs. Dacquay:** In the third paragraph, they are raising questions relative to the change in name of the title of the legislation from Provincial Archives of Manitoba to The Archives and Recordkeeping Act.

I suggest that perhaps the concern is that Manitoba was deleted from the title.

**Mr. Lemieux:** Just a couple of points, I just want to mention that several provincial archives have changed their names in recent years, including Nova Scotia, now called the Nova Scotia Archives and Records Management Services, and also British Columbia to the British Columbia Archives. I guess the only thing to say is that any time there is a name change, it will often raise concerns, but I believe that the new name will quickly gain recognition and value with researchers and the archival community. One thing I did ask when this legislation came forward and I began to consider it, was what kind of costs, for example, might be incurred with name changes? I understand it is going to be very minimal because existing supplies are going to be used up before proclamation. So any kind of cost with regard to the name change and so on would be very minimal in nature.

**Mrs. Dacquay:** Yes, they are concerned about a significant increase in costs attributable to this name change. They have identified that in their last sentence where they say that they have limited resources currently, and they feel this name change will have a significant cost factor. I

assume they mean in terms of supplies of existing printed materials, such as letterhead, et cetera. So can the minister indicate whether immediately there is going to be some latitude in terms of using existing supplies before they adopt the new name, and insist that everything now take on the new name?

**Mr. Lemieux:** If one is going to be fiscally prudent and I am sure the member of the Opposition, the critic, is certainly wanting to be that, as we are, I just wanted to state that with regard to use of names, a lot of it is desktop. It is computerized and so on, but a lot of the paper that we have and we use, I am informed by staff, will be used up before proclamation. So I am assured that the cost will be minimal. Yet it is certainly their prerogative to raise the questions, and so it gave us an opportunity to think about it and to clarify it in our minds prior to addressing the meeting tonight.

**Mrs. Dacquay:** I have a couple of questions relative to the minister having to go back and ensure that the Lieutenant-Governor's proclamation was attached. That usually means there is money involved. I understand the one change was that there is now a position identified as the archivist and that will be, I understand, a full-time position. Is that correct? Can the minister tell me how much additional funding has been allocated for that?

**Mr. Lemieux:** I am informed that it is very similar to Bill 13 which we had just proceeded with prior. Because of the name change, it makes it look like a new act and any time there is anything new, a new act, the Clerk's Office as a precautionary measure—there is no increase in staffing. There is no additional cost. There is just a precautionary measure that the Clerk informed us at the last minute where I had to ask for leave in the House. So it was a precautionary measure that was done.

**Mrs. Dacquay:** I thank the minister for that explanation. Are any of the fees that are currently being assessed being changed or increased? I recognize there now are penalties that were non-existent previously.

**Mr. Lemieux:** I am soon finding, Mr. Chair, that when in government, you do look for

different sources, but in this particular case, there are none. There are no fee increases of any kind. The Critic is correct where there are different penalties put in place, different maximum penalties put in place for anyone deliberately destroying or removing government records. For fees and so on, there are no increases at all.

**Mrs. Dacquay:** I thank the minister for that response. Actually, I am very supportive of the penalties being assessed for the destruction or removal and non-return of archival material, because most of it cannot be replicated in its existing condition. So I am supportive of that. I have no further questions. I am prepared to go through the legislation and pass it by groups of clauses.

**Mr. Chairperson:** Thank you, Mrs. Dacquay.

During the consideration of a bill, the enacting clause, the table of contents and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

**Mr. Lemieux:** Just a point of clarification, Mr. Chair. *[interjection]* Yes, I have some amendments. They are language amendments or amendments with regard to the words used in title, the French translation and so on. Also, there are a number of different clauses, or certainly one clause, and all the others deal with the term "Manitoba" as well, so I am not sure which way to proceed. That is the clarification I am looking for. Do we just as we go through?

**Mrs. Dacquay:** Procedurally, I think you have to do it as you approach the clause, just prior to the agreeing of the clause.

**Mr. Chairperson:** Is it agreed then we proceed until we come to the clause, and the minister will interrupt with the amendment? Okay.

Clause 1—pass. Shall clauses 2, 3, 4, 5 and 6 pass?

**Mrs. Dacquay:** I guess, grammatically, either term is appropriate, but I am wondering why the

minister has made the change to read "archival value to present and future generations of Manitoba," as opposed to the way it currently reads: "Manitobans".

\* (21:10)

**Mr. Lemieux:** Mr. Chair, under 5(a), all we are doing is deleting the words "of Manitobans" at the end, and it should read "to provide for the identification and preservation of records and archival value to present and future generations." It is just the removal of the term "Manitobans".

**Mr. Chairperson:** Mr. Lemieux, you are introducing your amendment now?

**Mr. Lemieux:** Yes, I am, Mr. Chair. I would ask that, and I am not sure how I would do that.

I move,

*THAT clause 5(a) be amended by striking out "of Manitobans".*

**Motion presented.**

**Mr. Chairperson:** The motion is in order. Is the committee ready for the question?

**An Honourable Member:** Question.

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

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** The amendment is accordingly adopted.

Clause 2—pass; clause 3—pass; clause 4—pass; clause 5 as amended—pass; clause 6—pass; clauses 7 and 8—pass; clauses 9, 10 and 11—pass; clauses 12, 13 and 14—pass; clauses 15(1), 15(2) and 16—pass; clauses 17 and 18—pass; clauses 19, 20(1), 20(2), 21, 22(1), 22(2)—pass; 23, 24(1), 24(2)—pass; clauses 24(3), 25, 26(1) and 26(2)—pass; clauses 26(3), 27 and 28(1)—pass; clauses 28(2), 28(3), 28(4), 29(1) and 29(2)—pass; clauses 29(3), 29(4), 29(5) and 30—pass; clauses 31(1), 31(2), 31(3) and 31(4)—pass.

**Mr. Lemieux:** I have an amendment for section 32.

**Mr. Chairperson:** Would you introduce this amendment then, Mr. Lemieux.

**Mr. Lemieux:** I move that we amend section 32 by reading:

THAT section 32 of the French version be amended by striking out "Loi sur les archives" and substituting "Loi sur les archives et la tenue de dossiers". It is amending the French version.

*Motion presented.*

**Mr. Chairperson:** The motion is in order. Is the committee ready for the question.

**Some Honourable Members:** Question.

Is it the pleasure of the committee to adopt the amendment?

**Some Honourable Members:** Oui.

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** Oui. Agreed. The amendment is accordingly passed.

Clause 32, as amended—pass; clauses 33, 34, 35(1), 35(2), and 35(3)—pass; clauses 36, 37, 38, 39, 40(1)—

**Mr. Lemieux:** It is the French version. We are changing the French version to be closer to the English translation. I would like to move an amendment, please.

**Mr. Chairperson:** Okay, Mr. Lemieux, to move his amendment.

**Mr. Lemieux:** I move

*THAT clauses 36(a) and (b) of the French version be amended by striking out "Loi sur les archives" and substituting "Loi sur les archives et la tenue de dossiers".*

*Motion presented.*

**Mr. Chairperson:** The motion is in order. Is the committee ready for the question?

**Some Honourable Members:** Question.

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

**Some Honourable Members:** Oui.

**Mr. Chairperson:** The amendment is accordingly adopted.

Clause 36, as amended—pass. Shall clause 37 be passed?

**Mr. Lemieux:** Again, it is very similar, Mr. Chair, to the previous sections that had to be amended, and I will certainly attempt to read it in French. I know all the students that took French from the member from Russell—

**Mr. Chairperson:** Mr. Lemieux, please introduce the amendment before you discuss it.

**Mr. Lemieux:** *THAT section 37 of the French version be amended by striking out "Loi sur les archives" and substituting "Loi sur les archives et la tenue de dossiers".*

*Motion presented.*

**Mr. Chairperson:** The motion is in order. Is the committee ready for the question?

**Some Honourable Members:** Question.

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

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** The amendment is accordingly adopted.

Clause 37 as amended—pass; clause 38—pass; clauses 39, 40(1) and 40(2)—pass; clauses 40(3), 40(4), 40(5), 40(6) and 40(7)—pass.

Shall clauses 40(8), 40(9), 41, 42, 43—

\* (21:20)

**Mr. Lemieux:** Whoa. A similar amendment as previous.

*THAT section 42 of the French version be amended by striking out "Loi sur les archives" and substituting "Loi sur les archives et la tenue de dossiers".*

*Motion presented.*

**Mr. Chairperson:** The motion is in order. Is the committee ready for the question?

**Some Honourable Members:** Question.

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

**Some Honourable Members:** Agreed.

**Mr. Chairperson:** The motion is adopted.

Clauses 40(8), 40(9), 41, 42, as amended, 43(1) and 43(2)—pass. [*interjection*] Clause 42, as amended—pass; clause 43(3)—pass.

I am putting it on the record, rather, that clauses 5, 32, 36, 37 and 42, all, as amended, have passed. Agreed? [*Agreed*]

Enacting—pass. Shall the title pass?

**Mr. Lemieux:** I move,

*THAT the title of the French version of the Bill be replaced with the following:*

LOI SUR LES ARCHIVES  
ET LA TENUE DE DOSSIERS

***Motion presented.***

**Mr. Chairperson:** The motion is in order. Is the committee ready for the question?

**Some Honourable Members:** Question.

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

**Some Honourable Members:** Agreed.

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

That concludes the business before the committee. Committee rise.

**COMMITTEE ROSE AT: 9:25 p.m.**

**WRITTEN SUBMISSION  
PRESENTED BUT NOT READ**

Re: Bill 39—The Archives and Recordkeeping Act

The Association for Manitoba Archives would like to go on record in voicing its support for the proposed Archives and Recordkeeping

Act. We are encouraged by this attempt to bring archives legislation in Manitoba in line with modern archival practice.

The board notes with interest section 5, parts (d) and (e), in which the proposed purposes of the Archives of Manitoba would be to encourage and assist other organizations in good record keeping practices; and to encourage and assist archival activities and the archival community. Unfortunately, this proposed legislation was drafted without consultation with the wider archival community.

The roles identified in the above sections have been undertaken for a considerable period of time by the association itself and many of its member archives. Any new initiatives in this area must be orchestrated within the existing framework. The Provincial Archives of Manitoba is one of 32 archives in the province recognized as a full institutional member of the Association for Manitoba Archives.

The board notes the proposed name change for the Provincial Archives of Manitoba and, while this is a trend among Canadian Archives at the provincial level, we question the need of our provincial archives to climb on this particular bandwagon. Over the past three decades the staff of the Provincial Archives of Manitoba have worked hard to achieve the positive name recognition the agency currently enjoys.

The name Archives of Manitoba promises to create confusion as there are many archival agencies in Manitoba, all of which, to quote section 5(a) provide for the identification and preservation of records of archival value to present and future generations of Manitobans. As well, there would likely be significant financial costs involved in a name change, and we feel that these resources could be better expended elsewhere by an agency with chronic funding shortfalls. We apologize that a member of the board of the association is unable to attend this evening. However, a member could be available for future consultation.

Georgina Lewis  
Chair of the Board  
Association for Manitoba Archives