

Second Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Dennis Smook
Constituency of La Verendrye

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT
Wednesday, April 5, 2017

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Dennis Smook
(La Verendrye)**

**VICE-CHAIRPERSON – Mr. Len Isleifson
(Brandon East)**

ATTENDANCE – 11 QUORUM – 6

Hon. Messrs. Schuler, Wishart

*Ms. Fontaine, Messrs. Isleifson, Johnston,
Kinew, Meses. Klassen, Lathlin, Messrs.
Michaleski, Smook, Wowchuk*

MATTERS UNDER CONSIDERATION:

*Bill 10–The Manitoba Institute of Trades and
Technology Amendment Act.*

Bill 12–The Teachers' Pensions Amendment Act.

* * *

Mr. Chairperson: Good evening. Will the Standing Committee on Social and Economic Development please come to order.

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

Mr. Brad Michaleski (Dauphin): I nominate Mr. Isleifson.

Mr. Chairperson: Mr. Isleifson has been nominated.

Are there any other nominations?

Mr. Isleifson has been nominated.

This meeting has been called to consider the following bills: Bill 10, The Manitoba Institute of Trades and Technology Amendment Act; Bill 12, The Teachers' Pensions Amendment Act.

How long does the committee wish to sit this evening?

Mr. Wab Kinew (Fort Rouge): Until the work of the committee is done.

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

Currently, there are no registered presenters for tonight's meeting. If there is anyone in the audience who would like to make a presentation this evening, please come forward and state your name clearly for the record.

Seeing none, we will proceed immediately to clause-by-clause consideration of these bills.

In what order does the committee wish to proceed?

Mr. Kinew: Can we start with Bill 10, please?

Mr. Chairperson: Agreed? [*Agreed*]

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

Also, if there is an agreement from the committee, the Chair will call clauses in blocks that confirm–conform to pages with the understanding that we will stop at any particular clause or clauses where members may have questions–or comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

We will now proceed to clause-by-clause consideration of the bill.

**Bill 10–The Manitoba Institute of Trades
and Technology Amendment Act**

Mr. Chairperson: Does the minister responsible for Bill 10 have an opening statement?

Hon. Ian Wishart (Minister of Education and Training): I'm pleased to be here today to discuss Bill 10, The Manitoba Institute of Trades and Technology Amendment Act.

This bill will ensure—we'll make two amendments to the act to more closely align the Manitoba Institute of Trades and Technology with other post-secondary institutions in Manitoba.

The first amendment is to the institute's parking authority and will allow for management of campus parking infrastructure including setting standards and enforcing parking bylaws. This is consistent with the authorities of other existing colleges in Manitoba.

Additionally, this bill will call for the institute to seek ministerial approval when creating, amending or ceasing to offer post-secondary programs for study, a change that mirrors the requirements of Manitoba's universities and colleges.

Mr. Chairman, the amendments in this bill will ensure co-ordination and alignment of post-secondary programs across the province while continuing to provide our students with a range of flexible post-secondary educational opportunities. Our government values the perspectives of all Manitoba, and I was eager to hear from many presenters. Unfortunately, we don't seem to have any, but we will certainly take into consideration anything that we have heard.

Mr. Chairperson: We thank the member for his statement—or the minister for this statement.

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

Mr. Wab Kinew (Fort Rouge): I appreciate the minister bringing this bill forward to committee for consideration. It seems like it's a necessary change to help MITT carry out its business. It makes sense to me that you give legal standing to the authority for them to charge parking fees on campus so that if there's ever a dispute and things wind their way towards courts that the issue can be resolved in relatively straightforward fashion.

I'm also onside with the requirement to get ministerial approval for courses just so that MITT is operating in a way similar to how the other colleges and universities do in the province. I would just reiterate for the committee something that I've shared with the minister already, and that is that, you know, under his discretion, I'd hope that MITT be given the necessary latitude to make, you know, minor incremental changes to courses, you know, to, for example, keeping pace with certain technological designations and, you know, that that not be an unnecessary encumbrance for them to come back and forth to the department with each one of those relatively minor revisions.

But, with just that small note on the record, I just say I look forward to considering this clause by clause.

Mr. Chairperson: We thank the member for his statement.

Clauses 1 and 2—pass; clause 3—pass; clauses 4 and 5—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 12—The Teachers' Pensions Amendment Act

Mr. Chairperson: We will now move on to Bill 12.

Does the minister responsible for Bill 12 have an opening statement?

Hon. Ian Wishart (Minister of Education and Training): I do.

I'm pleased to present Bill 12, The Teachers' Pensions Amendment Act. Purpose of this bill is to make important and long overdue housekeeping amendments to the legislation that 'govers' teachers' pensions here in Manitoba.

The amendments in this bill are mostly technical in nature and have been requested by the Teachers' Retirement Allowances Fund, the TRAF board, for several years. These amendments bring The Teachers' Pensions Act in line with the changes made to The Pension Benefits Act several years ago.

As part of this bill, our government has also taken the opportunity to address changes requested by the Canada Revenue Agency to ensure compliance with the federal Income Tax Act as well as addressing general housekeeping amendments requested by the Office of the Auditor General.

Mr. Chairman, these amendments will allow the TRAF board to officially and effectively discharge their duties, which ultimately results—ultimately supports Manitoba teachers. I appreciate the opportunity to bring this bill forward.

Mr. Chairperson: We thank the minister for his statement.

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

Mr. Wab Kinew (Fort Rouge): I would just like to say for the record that, you know, teachers perform an invaluable service to our province and to our society in—you know, aside from parents being one of the foremost influences on the lives of young people and thus, you know, do play a very important role in shaping the future of our society.

* (18:10)

With that in mind, it's important to not only compensate them correctly but also to ensure that, you know, the pensions that they have earned are lived up to and that we honour those responsibilities

and obligations. And so this bill seems to be a necessary step to make sure that the Province is able to do so.

I do want to say, for the record, that I think one of the most top-of-mind issues for teachers who are already in retirement and those teachers who are currently working is twofold. I think one is to ensure that there's cost-of-living adjustments that are made so as to allow retired teachers to be able to maintain a good quality of life while they are in retirement. And then the second is a related point, but maybe a little more technical, and that is that the existing teachers' pension plan be kept as a defined benefit plan rather than a defined contribution plan.

So I just share that for the record. You know, we've already discussed that this bill doesn't really entertain changing from a DB to a DC plan at this point. But, again, it is something that teachers have spoken to us about, and so we want to ensure that both them and the other members of this committee that that's something that we will be vigilant on.

So, with those words, I would just thank you, Mr. Chair.

Mr. Chairperson: We thank the member for his statement.

Clauses 1 and 2—pass; clauses 3 through 5—pass; clauses 6 and 7—pass; clauses 8 and 9—pass; clause 10—pass; clause 11—pass; clauses 12 and 13—pass; clause 14—pass; clauses 15 through 17—pass; clauses 18 and 19—pass; clauses 20 through 23—pass; clauses 24 and 25—pass.

Shall clauses 26 through 28 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Clauses 26 and 27—pass.

Shall clause 28 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no. You have an amendment for this?

Mr. Kinew: I move

THAT Clause 28(2) of the Bill be amended by adding the following after the proposed subsection 45(1.1):

Board powers re decision reviews

45(1.2) The board shall also establish a policy on the review of decisions made under this Act, which shall include, without limitation,

(a) the following statements:

that the board must ensure that decisions made under this Act are made in accordance with the principles of natural justice and procedural fairness,

(ii) that a person may request a review of any decision directly affecting his or her benefits under this Act,

(iii) that a person who requests a review

(A) may apply and provide supporting documents in English or French,

(B) is entitled to be informed of the status of the review and of any delay or extension of a time limit during the review, and

(C) is entitled to receive a written copy of the decision made at each level of review, with reasons,

(iv) that a decision may be confirmed, reversed or amended on review; and

(b) the following information:

(i) who may apply for a review, which must include the person entitled to a pension or allowance or other benefits under this Act and, if applicable, his or her spouse, common-law partner, executor or beneficiary,

(ii) how and when to apply for a review,

(iii) what written information, including supporting documents, is to be provided to the board for the purpose of a review,

(iv) how a review is to be conducted, which must include who may conduct each level of review (which may be the board or a delegate or committee of the board), the scope of each level of review, what is to be done if a reviewer is in a conflict of interest or otherwise unable to act, and whether the person is entitled to any further review of the original decision,

(v) what information is to be compiled by the board for each level of review, which must include the original decision, a summary of the issues arising from that decision, and, if applicable, the decision of the first level of review, and which information is to be non-identifying,

(vi) when each level of review is to be completed by,

(A) which for a first level of review must be no later than 60 days after the person requests a review, and

(B) which for a second level of review must be at the next regularly scheduled board meeting that is at least 21 days after the date on which the first level review decision is made,

(vii) in what circumstances a time limit is permitted to be extended, such as when a matter involves complex facts or requires a legal opinion or actuarial report or calculation.

Mr. Chairperson: It has been moved by Mr. Kinew, that—board powers—oh, sorry.

THAT Clause 28(2) of the Bill be amended by—

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

If the amend—the amendment is in order. The floor is open for questions.

Mr. Kinew: Could I just make a statement with respect to the amendment?

So essentially, you know, during discussions with the minister and departmental staff, we discussed how there is an appeals process for, you know, teachers who may dispute some decisions made by the fund, and it exists currently as a policy. So what the thought process is behind bringing this amendment forward is to merely bring the policy into the legislation, so it would be a part of the statute once this bill is passed.

I think on, I guess, a theoretical level, the logic is pretty much the same as in the MITT act giving legal standing for that institution to be able to charge parking fees. The idea there is we wanted to bring that into the MITT act just in case there is ever any dispute that makes its way to the courts that there would be clarity in the legislation, there would be

clear legal standing providing direction to a situation like that so that it might be resolved equitably.

So, essentially, just doing the same thing here. Right now there is an existent policy, but perhaps since we are considering revisions to the act at this time—that it would make sense to grant legal standing for the appeals process to be included in the statutes itself.

So that is a quick overview of the rationale for bringing this forward.

Mr. Wishart: I appreciate the member bringing this forward, as it is very similar to existing policy within the—the draft board already has in place.

I think I'd like a moment to confer with my officials to see whether they feel it would be valuable in the legislation or whether it is something that would be best to remain part of regulations and therefore policy.

So, if that's agreeable, Mr. Chairman?

Mr. Chairperson: Would you like a five-minute recess? *[Agreed]*

The committee recessed at 6:19 p.m.

The committee resumed at 6:22 p.m.

Mr. Wishart: We'll wait 'til the members get back to the table.

The motion that's been brought forward—the amendment, sorry, that has been brought forward actually pretty closely mirrors the policy that is available on the TRAF website as to how to handle any appeal processes.

We're a little concerned that putting all of this inside legislation would limit TRAF's ability to respond in the future. And, in review, there have been changes in the policy in the last five-year period, so—which would mean that we would have had to open the legislation to make any changes.

Though it is my opinion, I think, that this would not add to the strength of the legislation, and it's my understanding that you did not consult with the TRAF board on this. And they're of the opinion, I'm told, that it would be stronger to have it in policy than it would be to have it in the legislation.

Mr. Kinew: Yes, we did consult with a few people, retired teachers and the teachers' society.

Again, I think the logic is that, just to bring about clarity with respect to the legal standing of such an issue, should it arise in the future, where the appeals process is exhausted and then there is a—still some dissatisfaction on the part of, say, a retired teacher or some other person. So this whole purpose and rationale behind this would be just to ensure that the board does have the necessary legal standing to be able to, you know, resolve such a situation.

And, you know, the only other thing I'd add is that it's interesting to hear a member of this government stand up for regulation. So we'll leave it at that for now.

Mr. Wishart: Well, and I appreciate the member's comments. I know he's trying to make the bill stronger in his point of view. But tying the hands of the TRAF board, whose advice we seek on this on a regular basis, in terms of how they deal with things into the future is not really always a wise way to deal with this.

There have been minor changes to reflect—in the policy to reflect changes in law, and we've—that's why we're out doing so much of this, is there's changes in other—other bills have impacted that.

We seek advice on a regular basis from the board, and of course actuaries are involved in—regularly in the review of the information for the board. So I still maintain my opinion that the policy published on the website and available to the members is adequate source of information. You can write anything into an act if you want to, but that doesn't necessarily make it stronger.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clause 28—pass; clauses 29 through 31—pass; clauses 32 and 33—pass; clauses 34 and 35—pass; clauses 36 through 39—pass; clause 40—pass; clauses 41 through 43—pass; clauses 44 and 45—pass; clauses 46 through 50—pass; clauses 51 through 53—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 6:28, what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise. We thank everybody for attending tonight.

COMMITTEE ROSE AT: 6:28 p.m.

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<http://www.gov.mb.ca/legislature/hansard/hansard.html>