



Second Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

LAW AMENDMENTS

40 Elizabeth II

Chairman
Mr. Jack Reimer
Constituency of Niakwa



VOL. XL No. 3 - 7 p.m., THURSDAY, JULY 11, 1991



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS
Thursday, July 11, 1991

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Jack Reimer (Niakwa)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Derkach, Downey, Ducharme,
Gilleshammer, Orchard

Mr. Carr, Mrs. Carstairs, Messrs. Chomiak,
Reimer, Rose

Substitution:

Mr. Doer for Mr. Evans (Brandon East)

WITNESSES:

Ms. Judy Bradley, Manitoba Teachers' Society
Peter Olfert, Manitoba Government
Employees' Association

Bruce Buckley, Private Citizen

Martin J. Stadler, Private Citizen

Donna Finkleman, Private Citizen

Larry Hogue, Private Citizen

Eric Penner, Private Citizen

Pat McDonnell, Private Citizen

Stephen Kormilo, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 40—The Education Administration
Amendment Act

Bill 41—The Public Schools Amendment Act
(2)

Bill 42—The Public Schools Finance Board
Amendment Act

Bill 49—The Colleges and Consequential
Amendments Act

Committee Substitution

Mr. Chairman: Bring the meeting to order, please. Before we proceed, I have a motion moved by Chomiak of Kildonan, with the leave of the committee, that the honourable member for Concordia (Mr. Doer) replace the honourable member for Brandon East (Mr. Leonard Evans) as

a member of the Standing Committee on Law Amendments, effective immediately, with the understanding that the same substitution will also be moved in the House to be properly recorded in the official records of the House. Moved by Chomiak, signed by Dave Chomiak. Is there leave? Agreed.

Will the Committee on Law Amendments please come to order. Bill 40, The Education Administration Amendment Act; Bill 41, The Public Schools Amendment Act (2); Bill 42, The Public Schools Finance Board Amendment Act; Bill 49, The Colleges and Consequential Amendments Act.

Is it the will of the committee that we proceed with the bills as I have called them out? Agreed.

It is the custom to hear briefs before consideration of the bill. What is the will of the committee? Is it agreed? Agreed.

I have a list of the persons wishing to appear before the committee. For Bill 40, Ms. Judy Bradley with The Manitoba Teachers' Society; for Bill 41, Ms. Judy Bradley of The Manitoba Teachers' Society; Bill 42, Ms. Judy Bradley of The Manitoba Teachers' Society; with Bill 49, The Colleges and Consequential Amendments Act, we have Peter Olfert, Manitoba Government Employees' Association; Bruce Buckley, Private Citizen; Grant Rodgers, Private Citizen; Don Hillman, Red River Community College Students Association Inc.; Carolyn L. Stadler, Private Citizen; Martin J. Stadler, Private Citizen; Donna Finkleman, Private Citizen; Rainer Rossing, Private Citizen; Larry Hogue, Private Citizen; Eric Penner, Private Citizen; Rob Holland, Private Citizen; Stan Jaworski, Private Citizen; Pat McDonnell, Private Citizen; Stephen Kormilo, Private Citizen; Brian Timlick, Private Citizen; Archie Prescott, Private Citizen; and Mrs. Sonia Praznik, Private Citizen.

Does the committee wish to impose a time limit on the length of the public presentations? No. Okay. Does the minister responsible have an opening statement?

* (1915)

Hon. Leonard Derkach (Minister of Education and Training): No, Mr. Chairman, except that I would like to say with regard to the presentations on Bills 40, 41 and 42, in conversation with Ms. Judy Bradley of the Manitoba Teachers' Society, she indicated that their presentation is one on the three bills and, therefore, I would recommend that consideration be given to all three bills and the presentation only be one.

Mr. Chairman: Agreed? Okay. Ms. Judy Bradley, if she would come forward. I believe her presentation has been handed out.

Ms. Judy Bradley (Manitoba Teachers' Society): In addition to your player roster that you were straightening out at the beginning, you need a larger podium down here. It is difficult to get all your papers and everything.

We are presenting on the three bills. We are making one presentation on the three bills. Largely, we are in agreement with the vast number of amendments that are being made here, but we feel that it is fitting that we appear before you as a representative of the educational community in the province and also to congratulate you where we agree with you and not only appear when we have disagreements.

We are aware that there is a consultation paper that has been released, and some of our concerns we will be addressing later through submissions to that particular paper, and we will be making some references as we go through these particular bills.

It is not my intent to read every word on these pages. Rather, I would like to draw attention to specific areas and comment as we go through each page. So, to move to page 2 of our presentation, I would draw your attention to the third paragraph starting with "the society notes with appreciation" and draw to your attention that we do appreciate that there have been changes that have come about. We are in agreement and we do concur with a good number of these changes, and we do wish to extend the appreciation to the Provincial Auditor for putting forth such improvements and several of those appearing in this legislation.

Moving on to Bill 40, The Education Administration Amendment Act, beginning with Section 5 of this act—this is an act or this particular amendment is related to the suspension of the certificate of a teacher and the provision of a written reason for the cancellation or suspension.

First of all, we would like to highlight a comment in the middle of the paragraph that follows the quotation, and that is that the society believes that both Sections 5 and 6 represent poor legislation.

What we have here, first of all, is legislation that is using the word "forthwith" which may be legal words but are not very clear or very well defined, and we would be far more comfortable if a specific time line was put in there in place of the word "forthwith," so that there was a detailed time line as to when this written reason would be presented.

To further comment on this particular amendment to Bill 40, we find that this amendment does not really address the aspect of due process. We find that this is a large problem for the society, that with the legislation and even with the amendment it still leaves the minister with powers that other ministers do not exercise and/or enjoy. When I say that, what I am referring to is that the minister does have the sole authority to remove the certificate of a teacher upon allegations and, for example, the Minister of Health (Mr. Orchard) would not have that kind of right if there were allegations that came against a nurse. For example, the Minister of Health would not be able to remove the certificate of a nurse. However, the Minister of Education (Mr. Derkach) does have that kind of authority.

We feel that the amendment should go beyond what they are presented here. We would certainly support any amendment that would include a provision for a right of appeal for these kinds of circumstances. Of course, with the inclusion of an amendment for the right of appeal, we would also anticipate that there would be a time line and, for similar kinds of situations, there is a precedent in law for a three-month time period.

* (1920)

This kind of thing we will be addressing with our presentation that we will be making to the government's consultation paper on Education Law Reform later in the fall. In that presentation, we will be suggesting and looking for some legislation being put in place which would, in fact, allow the society to be responsible for its membership. Rather than the minister having the sole authority to grant certification and also remove it, it would then be in the hands of the professional body that does oversee these teachers in the province.

I will just continue on, unless you want to stop me with questions at this point.

Mr. Chairman: If you could continue and then we will question you at the end.

Ms. Bradley: Thank you. I will move on to Bill 41—oh, just one moment, forgot some of my crib notes here—Bill 40—two other comments I would like to make on Bill 40. There are a couple of amendments that do include the private school with the public school.

We have not overlooked that. We have not specifically included that in our presentation, because that is something that we will be addressing later through the consultation paper. We do find it interesting that the government is putting amendments in to include The Public Schools Act rather than proposing actual legislation and having a separate piece of legislation addressing the private schools and the regulation of the private schools. Once again, we would certainly endorse a separate piece of legislation and not try to fold them in with the public school system.

Further in Bill 40, there is reference to the copyright, and it is our omission in not having it in print. We do appreciate the initiative that has been taken here, where the minister will be entering into licensing agreements in terms of copyright. We see that as a positive way to go. However, we do have problems with Part 4(c) and (d) which also gives the minister the right to transfer costs to the school divisions in terms of the copyrights. We see that this is something that really should stay at the provincial level, and it is not a cost that should be passed on to the school boards. We would certainly be in support of an amendment that would change the direction of the cost and who is paying for the cost related to the copyright.

Bill 41 starts about midway down on page 3. Our opening statement there I would like to emphasize, and I would like to congratulate the government on putting forth the legislation that is presented here in Bill 41 related to the boundaries review. We know that this is not going to be an easy piece of legislation for the government, that there will be a great deal of opposition out there, probably in the rurals. We are certainly in support of this piece of legislation, and we feel that it is far overdue. We are certainly happy to see that it has been brought forward at this particular time.

We would like to emphasize our support for the boundaries review. I would like to make a couple of comments just to emphasize that the boundaries

review really is a review of the operating scale in the province. It is not just merely a review of boundary lines and adjusting boundary lines on the provincial map. Rather it is addressing the operating scale of what is happening in terms of the delivery program and services in the province so that our students are going to be able to receive equitably the programs and services being offered in the province which is becoming more and more difficult today because of the change of the demographics that have occurred over the past few decades.

* (1925)

We will be making formal presentations related to this later in the future, but we certainly do encourage the passing of this piece of legislation.

A further comment on the boundaries review in Bill 41—once this process for the boundaries review has been put into legislation, we would encourage the government of the day and any future governments to keep that on the books, so to speak. Back in I believe it was the '60s, which was the last time there was a boundaries review in terms of education in the province, the legislation outlined in the process so that this could occur was later deleted. Now you have the problem of putting it in again and there will be opposition. We are well aware of that.

We think that it would be forward looking if the government would leave it on the books so that there could be a review from time to time of the boundaries, as the demographics do change similar to the way you as MLAs, cabinet ministers, have your own constituency boundaries reviewed from time to time as the demographics change. We would see a similar kind of treatment here, so we are encouraging that.

Section 6 of Bill 41 related to transportation. With Section 6, we do have some concerns here that we would like to raise. We are well aware of the fact that transportation is becoming more and more of a pressure on school board budgets in this province, and we know that the minister and the government is aware of that and that they are trying to address it. Hence, we have this particular recommended piece of legislation in front of us.

We do have some very real concerns related to this, and I would like to highlight those by drawing your attention to the third paragraph on page 4, under Section 6, which says: Contracting for services in the marketplace is based on the

tendering process. A successful tender presents the lowest cost. Hence, student transportation would be entrusted to the vendor exhibiting the lowest ongoing cost. The society is concerned about the daily transportation of students being consigned to a marketplace environment in which the prevailing consideration is not safety and the adequacy of service but the lowest cost.

We are quite concerned about that. We would have something like 69,000 or more students being transported on buses in any one given school day. If we have this on a tendering basis, tenders mean that people try to underbid each other, and if they are going to underbid each other, they have to look at where they can save costs themselves. So where are they saving the costs?

Are they saving their costs because they are not replacing tires when needed, they are not repairing seats, there are no maintenance records, they are not ensuring that they have properly trained drivers and so on? So we have some concerns about the idea of getting into the tendering and buying fleets of buses and having the transportation addressed in that particular manner.

Also in connection with this, we are aware that there is a transportation steering committee that is overseeing a pilot project in the province, where they are looking at transportation and seeing how it can be improved and it can be more cost efficient. I guess we are curious and a little disturbed that what is being proposed in Section 6 is coming forward at this time when this particular steering committee is in place, and the legislation is, or some pieces of legislation are, coming forward before that committee has even reached its deadline for a preliminary report, never mind final decisions and recommendations to the government. We find that a little disturbing, and we feel that maybe the cart is being put before the horse in this particular regard.

* (1930)

Also, we would like to point out that the Teachers' Society was not invited to have any representation on this particular steering committee, and we are indeed concerned about all aspects of students. That includes the transportation of the students to and from the schools.

In Section 18, we largely endorse the amendment here with the provision or the start of several amendments that clearly identify the responsibility of the Public Schools Finance Board to be the

capital in terms of education finance and the minister overseeing the operational.

We have a couple of concerns here in 18, even though we do endorse what is being suggested here. We have concerns of whether or not this is going to be able to be carried out because of the reduction that has taken place in the Civil Service and just general operating expenditures. To do this, we see that you are going to require a certain work force, not to mention computers and so on, and we are concerned that with the cuts that have been made in the last months that the Department of Education may in fact be short in trying to carry this out. So we are drawing that to your attention.

Section 22 does relate back to Section 6, and with this one we are encouraging that yes, contracts do be made public, that they are open for accountability, for public scrutiny, whatever choice of words you care to use. I would like to stress and clarify that when we say this, we are referring to contracts that would be entered into for the purchase of services. We are not referring to personnel contracts. So for example, if you are entering into transportation contracts, those we feel should be made available for examination by the public.

Section 25, we have some problems with. We need some clarification. Depending on what that clarification is, we may or may not remain having problems with this. I suspect we will remain having problems here.

With Section 25, what is being suggested here is that a percentage of municipal contribution be raised by a special levy. Now, our difficulty is that we need a clarification on what the intent is of this percentage of municipal contribution. The wording is awkward. It is not very clear, and I would like to draw your attention to the bottom paragraph on page 5 of our presentation here, which sets out our real concern in this particular area.

What we are referring to here is a lack of equity that would be created if this was passed the way it is written at the moment. The way it is written at the moment, it is not clear if you are talking about having a basic mill rate being levied by each and every school division or if in fact you are talking a percentage having to be raised by each and every school division. There is quite a difference between those two.

If you are talking the mill rate being levied by each and every school division, then that would be more equitable. So if you are saying that every school division will levy 12 mills, then they would each be putting forth the same kind of effort; they would all be levying 12 mills. However, if you were going to say that every school division has to raise X number of dollars, which would be a percentage of, then what you are talking there are dollars. You are not talking the effort, and that is quite significant.

If you talk 12 mills, then the effort in Evergreen, for example, would be the same as the effort in Fort Garry. If you are talking X number of dollars, then you would be putting Evergreen at a disadvantage with their tax base as compared to Fort Garry, and you would not have an equitable kind of meeting of financial responsibility of each division to their students and to their residents in their divisions. So we really feel that this needs to be clarified, because it is not very clear, and we have some difficulty with that.

* (1935)

Going on to page 6, which is a further explanation of what my brief summary just said, I would like to draw your attention to the fourth paragraph down on page 6, where it starts off another question. In the legislation it does refer to a minimum, and we would like to know the intent here. Is this minimum mandatory or optional?

If we are talking that every division should be levying a mill rate, then of course we would see that should be a floor and it should be mandatory and not optional. If it is optional, and you have divisions decide that they are going to opt out and they are not going to levy this requirement and they are going to in fact levy less than, from our point of view, we have to ask, what is going to happen to the students? We are quite concerned about that. So if there is going to be a mill rate, that a floor mill rate that is to be levied by each and every division, we would like to see the legislation stating that would be mandatory and make it clear that would be a mandatory rate.

The last paragraph related to this particular section, I would like to draw to your attention and highlight that we do say here that we support the mandatory minimum special levy mill rate, and if the intent of this is not to do that, then we would have difficulty and we would find ourselves opposing the recommendation.

Section 27: We concur with the entitlement for the public school division districts to appeal a decision regarding the provincial funding to the Public Schools Finance Board. We do have a couple of comments, though, that we would like to draw to your attention, and they are on page 7.

There has been an omission here with this particular amendment, and we would like it corrected or we would support it being corrected. With the formal law that was there, boards had the right to appeal to the minister and that was in legislation. We would like to see that remain in legislation, that the boards would have the right and would be entitled formally in law to have the right to appeal to the minister so that the minister would then have to give them that hearing. With all due respect to our present minister, we are not concerned about our present minister because we are sure he would, but we are just wanting to see that in legislation to ensure that in the future that particular practice is continued.

Section 28: Here this amendment seeking to change the recipient of the annual estimates of the public schools divisions/districts from the Public Schools Finance Board to the minister—basically, we do agree with this. We do concur with this proposal. We have a couple of comments that go on in the subsequent paragraphs. We feel that this particular amendment is not totally complete, and we would like to draw this to your attention and would be supportive of any amendments to make this complete.

* (1940)

We are referring to the time lines that are indicated here. We recognize that with the change in the school board's year from—not from but rather to—starting at July 1 to June 30 that there are amendments that have changed other dates accordingly to fall in line with this particular calendar. However, there is a date that has not been changed and that is indicated at the top of page 8 where we would like to see the deadline changed from January 15 to December 15. What we are referring to here are the preliminary budgets that school boards start early in the fall.

We are aware that school divisions are asked for these budgets on or about December 1. We are also aware that they do not all submit them at that time, and we are aware that there are some that do not even submit these until February sometime.

We see that this is not only hampering the process within the divisions, but it is also hampering the government's process.

We feel that the preliminary budgets are equally as important as the final budgets which are submitted and that if there is going to be appropriate planning given to education in this province and to the funding of education in this province, then we need to have the preliminary budgets so we know what is anticipated in advance of allocating dollars, and we can more adequately address the funding of education.

We are encouraging that this particular time line be amended so that it would be December 15. We would even be happier if it was December 1 which is the date that the government does, in fact, use with their verbal requests. We would encourage the divisions taking a more serious attitude toward these preliminary budgets.

Section 34: With Section 34, here, first of all, we would like to congratulate the government and say good work. We are happy to see these kinds of recommendations coming forward. Of course, we cannot let it go without making just another suggestion, and our suggestion would be that February 1 would be even better. You can take that as you wish, but we are happy to see the adjustment here, and we feel that it is encouraging and it is for the better.

Bill 42, starting with Section 4: With Section 4, there is an area that will be left out. We are concerned with that particular area being left out. We have included it in quotes at the bottom of page 8: "The purposes and objects of the board are to facilitate the financing of the education support program for school divisions and to assist boards of school divisions in the economic operation of the school system."

We feel that by leaving this out and even with the inclusion that is being suggested: "to perform and exercise such duties, functions, and powers as may be imposed or conferred upon it . . .", that those new words being there in place are not all-encompassing and do not really replace what is being taken out.

We feel that this really should be left in. What is being eliminated here really is the whole planning aspect and if they are not going to be looking at economic operations, the cost-effectiveness in education, this is going to be a big void. It is going

to be a very real loss, and we may regret this down the road.

Section 9: With Section 9 which requires the Public Schools Finance Board to continually review the operations and cost of the capital support program, here once again, basically, we are in agreement with this, but we have to raise our concern of whether or not this can be done in light of the cutbacks to the Civil Service, the operating budgets, and so on, of the government. We would like to really draw that to your attention because these things are needed. We agree with them but we are not so sure that these are not just empty words, that they will, in fact, be able to be carried out in light of the cuts that have been made.

Section 15: With Section 15, here we would support an amendment. The suggested legislation indicates that the minister would have the final and binding decision. We have some difficulty that the minister would have final and binding decision and that litigation could not occur if parties involved felt that this was their next course of action. We would support a period following "minister" so that "final and binding" would be left out of this particular piece of legislation.

Those would conclude my comments on these three bills. I would like to reiterate my remarks at the beginning that, by and large, we are supportive of a majority of the amendments that are here. We know that a lot of them are housekeeping, but we do feel it is important that we come forward and give our positive comments as well as any of our constructive criticism.

Mr. Chairman: Thank you, Ms. Bradley.

Mr. Derkach: I would first of all like to thank Ms. Bradley for the presentation and the concise way in which you have gone through the various amendments to the three bills.

I do have a couple of questions or comments that I would like to make with regard to your presentation. First of all, with regard to Bill 40, you indicated that the Teachers' Society is concerned about the changes to the section dealing with the cancellation or suspension of a teaching certificate and that you would like to see the change of wording from "forthwith" to something that would be more immediate. You are using the example later on of 10 days.

Do you not see that—or would you not concur that "forthwith" means immediately rather than waiting

for any period of time, that, indeed, by leaving the word "forthwith" in the act, that it would simply mean that action is taken now and not waiting for any period of time? If we had "within 10 days," of course, there could be a significant lag when, indeed, sometimes an action may have to be taken on that very day or within days.

Ms. Bradley: In response, by changing it to 10 days that would, of course, not preclude you taking action within a day or two. That would be considered a maximum. In reviewing legislation, we have found that over time, "forthwith" has been replaced with specific time lines to spell it out in a more clear, concise manner. Our suggestion here is in keeping with some of those past kinds of amendments that have been made.

* (1950)

Mr. Derkach: I recognize the society's concern with regard to the suspension or cancellation or revoking of teachers' certificates. Of course, we have gone through a couple of years now where there was some turmoil with regard to certificates being suspended immediately as was mandated within The Public Schools Act.

We did make some changes in the policy of the department last year at the request of the Teachers' Society and, of course, recognizing the fact there was a need to reconsider the approach that had been or the practice, I guess, that had been used in the past and the way the school act had laid it out. However, in your presentation, you are indicating that perhaps there should be a different forum for teachers to go to or perhaps a different system set up for the certification of teachers. I would just ask you if you could elaborate on that.

Ms. Bradley: What I had alluded to is, we believe that the professional body is the body that should have the kinds of powers that are presently in legislation, in terms of granting certificates, withdrawing of certificates. We will be addressing that further and in more detail with the legislative reform process that has been put in place. So with our presentation in the fall, we will be giving a more detailed report on that.

Mr. Derkach: I guess my question was, specifically to this particular bill, is that you are in support of the recommendations that are being placed in amended form to the bill at this time, as I read it, and you will be making further representation when we go forth with the public consultation process on legislative

reform this fall. So you are not seeking any changes to this legislation at this time.

Ms. Bradley: We are in support, up to a point, of what is printed here. Just to go back over what I had pointed out, we are in support of the written reasons being presented. We would like to see a time line on that. We feel that what is being omitted here is the right of appeal, and we would certainly support any amendment that may come forward to include a right of appeal and some appropriate time line on that. I made the reference that there is a precedent for a three-month time line for appeal to the Court of Queen's Bench, and we would certainly support that kind of an amendment coming forward.

Mr. Derkach: I guess I need a little more clarification. You are suggesting, in the tone of your presentation here, that is something that you would address in the overall changes, which will result from the public consultation process in the fall.

Ms. Bradley: In response, we are not suggesting at this point in time that an amendment come forward removing the powers of the minister who has the absolute authority at this time to remove certificates from teachers in the province. That is something we will be addressing through the legislative reform.

Mr. Derkach: Yes, I appreciate that, Ms. Bradley, because I think that any amendments beyond this which would give either the appeal process or authority to a different body would require some time to structure and put together, so that it would give adequate time for the Teachers' Society, for example, to ensure that they had adequate representation to the process before it would be brought forth before the Legislature in the form of legislation.

Ms. Bradley: Yes, we certainly agree with that.

Mr. Derkach: Secondly, I just ask the question for clarification purposes, why you see it necessary to have a separate legislative act for private schools, as opposed to having the same act apply to private schools as applies to the public schools?

Ms. Bradley: Well, that is a whole separate meeting and discussion, but basically, we see that The Public Schools Act does not apply to the private schools or the independent schools one hundred percent. For example, they do not have full disclosure of their school board budgets—using "school board budgets" might not be the correct terminology for private or independent schools,

because they do not have an elected board of trustees the way the public school division does—and their budgets are not available for public scrutiny in the same manner. Their accountability is not directly parallel with the public school system. There is not open access in terms of who can attend and who cannot attend. I could go on with the differences, and if these differences are going to remain, then we see that there needs to be a separate piece of legislation.

Mr. Derkach: Okay, and again, I am not going to debate it. I just wanted some clarification as to what your reasons were for that, and we will leave it there.

You had asked for clarification, if I could go on, Mr. Chairperson, in terms of the transportation committee that has been set up. You made some comments with regard to the process of contracting, and I guess I could clarify the reasons why this particular section was brought forward, and that is, that up until this point in time there has never been, within The Public Schools Act, any section that dealt with legitimizing the contracting of school bus transportation services to outside contractors or to anyone for that matter. So for that reason, to be conducting our functions in accordance with the law, it was necessary to bring this section forward at this time. This was brought to our attention, of course, by legal counsel.

It does not preclude changes being made to the act once we have heard from the committee that it now studying the entire issue of school bus transportation safety, costs and so forth. You asked for clarification for that, and I thought I should provide that for you because, from your comments, there may have been some confusion with regard to that.

You also had indicated that you wanted clarification with what the intent might have been with regard to Section 25.

Ms. Bradley: Is that the mill rate?

Mr. Derkach: Yes. The reason, once again, that this section is before us, is to ensure that school divisions, which now have a new fiscal year of June 30, can set their special levies so that they correspond to the school division's year. As you know, when we changed the school year-end a couple of years ago, we did not change this section of the act to correspond to the changes to the end of the school year. For that reason, we are making the change here and now, to ensure that school

divisions will simply not postpone, if you like, or push off their special levies to the next calendar year, but will indeed raise special levies in accordance to that particular portion of the school year, because the school year and the fiscal year are not one and the same. So you wanted clarification on that, and I thought I should provide that for you.

Ms. Bradley: If I may respond, that is not what this legislation is referring to. This legislation is referring to a regulation prescribing the percentage of municipal contribution to be raised by special levy in each school division for each fiscal year. It is very cloudy as to whether you are talking about a minimum mill rate that each division would be levying or whether you are talking a percentage which would be actual dollars. It does leave one to assume that what is being suggested here is some kind of a floor. That is why we are saying we could support a floor if you are talking minimum mill rate, but certainly not if you are talking percentages.

Mr. Derkach: No, Mr. Chairman, the fact is, as I have just described in terms of clarification, it is precisely the reason why we have changed this section of the school act. It is because of the fact that we had moved from a fiscal year-end which was the end of March to a school year-end, and for that reason, we have had to change this section of the act to ensure that school divisions would split the raising of special levies, so that they raise an appropriate amount for each portion of the school year. That is the only reason that this section has been put in place at this time.

* (2000)

Ms. Bradley: Then I think we are agreed that there needs to be some clarification in the wording to make the intent perfectly clear, because if the society is misinterpreting this, I am sure many other people will be misinterpreting this.

Mr. Derkach: Well, Mr. Chairman, if I could just refer Ms. Bradley to the proposed section of the act, section (g), and we could go back to section (d) which reads: prescribing procedures whereby school divisions may submit matters to the minister or the finance board as the case may be for approval.

Now, if we go to section (g), here it talks specifically about prescribing the percentage of the municipal contribution, in each school division for each fiscal year, that is to be raised by special levy, which means that you have to be able to prescribe

the amount of special levy that you are raising in that fiscal year.

Ms. Bradley: As long as we have it clarified and the wording of the legislation is clear so there will be no confusion.

Mr. Derkach: Yes. There was also, in Section 176 of The Public Schools Act—we have repealed one section and there was a question for clarification again from Ms. Bradley as to why that was happening. Again, we are repealing it from The Public Schools Act because this section has been inserted into The Public Schools Finance Board Act where it should be. Again, that is in accordance with the recommendations that were brought forth by the Provincial Auditor who said that there should be a clarification of mandate. It is for that reason that this section has been repealed here, and has been now placed into The Public Schools Finance Board Act.

Ms. Bradley: Correct me if I am misinterpreting this, but I am interpreting it as being that, yes, there will be an appeal to the Public Schools Finance Board for the capital, but there will no longer be an appeal to the minister for the operational.

Mr. Derkach: No, Mr. Chair, there will always be an appeal to the minister regardless of what the situation is. The last form of appeal is always to the minister, so the practice is still going to be the same. That does not change at all. It is just a matter of making sure that on capital, the first appeal is not to the minister. It is to the Public Schools Finance Board.

Ms. Bradley: Okay, but I believe with the changes here that the wording which would ensure a formal entitlement to appear before the minister to appeal any of the operational has been left out, so therefore it is left to the boards to make that appeal, and for it to be granted at the discretion of the minister.

We are not concerned about the present minister not granting a hearing if it is requested, but we are thinking about the future.

Mr. Derkach: No, Mr. Chairperson, I would have to indicate that the last form of appeal on any matter regarding education is to the minister, not just on operating, but indeed even on capital. If there is some lack of addressing the situation when it is appealed to the Public Schools Finance Board, the school board still has the right to appeal that matter to the minister, regardless of who the minister is.

Ms. Bradley: However, if there is no formal wording in legislation, there is no obligation on the part of the minister to grant that hearing.

Mr. Derkach: Well, I do not want to get into a debate here.

Ms. Bradley: I understand what you are saying.

Mr. Derkach: Okay. Also, there was a question again for clarification with regard to Section 3 in Bill 42, and that is under the Public Schools Finance Board again. Here, this section particularly talks about the financial roles and responsibilities of the Public Schools Finance Board and the minister, so that it separates those matters which belong to the Public Schools Finance Board from those that belong to the department. That is basically what this section speaks to. I thought in your comments you wanted some clarification on that as well.

Ms. Bradley: No, we were not wanting clarification on that. We concur with that kind of separation and spelling it out in the legislation.

Mr. Derkach: Okay, then we agree.

Ms. Bradley: Yes.

Mr. Dave Chomiak (Kildonan): Just at the onset, I would like to thank you and the Teachers' Society for a thorough, excellent presentation with respect to the act. It can only serve to help us in terms of reviewing the amendments as proposed. These acts are somewhat complex in the amendment form and this really helps us, so I think all members of the committee thank you for the thorough presentation.

I have a few questions I would like to ask you with respect to some of the highlights of your brief, and the first—I did not have the question until the minister queried you and attempted to clarify. Now I want to reclarify what I heard in terms of your presentation. I believe what you were—correct me if I am wrong, so that we do understand—I believe what you are saying is that your preference would be some new form of legislation with respect to ministerial powers vis-a-vis teachers and the right for ministers to suspend.

In other words, at some point you would look for a, perhaps, new legislation creating a professional body or some form of legislation like that, like every other profession virtually has in the province. Having said that, with respect to this legislation that is now before us in terms of the amendments, you agree with the amendment as it relates to—the minister provided written reasons, but that particular

amendment does not go far enough with respect to the form of natural justice, and you want to take that one step further to allow a right of appeal.

In other words, the amendment is all right, but it should go one step forward to allow right of appeal, and that is what you are looking for in this legislation. Did I correctly capture it or have I confused it?

Ms. Bradley: No, I think you have summarized it accurately.

Point of Order

Mr. Derkach: I do not want to get into a debate here, but I am hearing two different things now. When I questioned Ms. Bradley for clarification before, she indicated that she did not want the amendment to the larger question at this time, that she would be prepared to agree with the amendment that has been proposed at this time, but wanted to assure us that they were seeking greater amendments, and that would be done through the consultation process of the review of The Public Schools Act.

Ms. Bradley: Yes, and it was my interpretation of what Mr. Chomiak's summary was, in fact, saying. At least, that was my interpretation.

* * *

Mr. Chomiak: Perhaps I will repeat, and we can clarify for all parties what I was saying. I was saying that my interpretation of what Ms. Bradley stated to us was twofold. Firstly, that at some point the society would be making presentations—

Ms. Bradley: At some point.

Mr. Chomiak: —at some point making presentations with respect to a different view and a different way of dealing with teachers than the present anachronistic system. That is the first point.

The second point was, notwithstanding that, they agree with the minister's amendment, but they would prefer to see the minister's amendment go one step further to allow for an appeal process, and they would like to see that.

An Honourable Member: That is not what she said.

Mr. Chomiak: That is my interpretation.

An Honourable Member: But that is not what she said.

Mr. Chomiak: Can I ask Ms. Bradley what she said?

Ms. Bradley: Well, if this was the provincial executive, we would have a vote at this point.

What I said was, with regard to Bill 40, we agree with the amendment to that legislation in terms of the written report, that we felt that the wording needed to be more concise, and we would like to see a specific time put in there. We suggested 10 days as an example.

We felt that the amendment did not go far enough, and we would certainly be supportive of an amendment that would include a provision for appeal, and along with the inclusion of a provision for an appeal, also include a time line attached to that, and then I did make my other comments aside related to what we would be coming forward with in the future.

Mr. Chairman: Are there any further questions for Ms. Bradley?

Mr. Chomiak: Just with respect to copyright, you indicated a concern about offloading onto school boards. Would you see that funding coming centrally from the provincial government, from the consolidated revenue rather than from individual schools and school divisions?

* (2010)

Ms. Bradley: Yes, we would. Where these kinds of arrangements are being made from a provincial level, we see that the responsibility should remain at the provincial level.

We take the same stand, for example, with curriculum where we have curriculum outlines, where we have parent handbooks, that type of thing that is produced by the department, and where a decision is made that copies are to be made available by divisions to specific people, we take the position there as well that those costs should be absorbed by the department and not passed on to the school divisions. We are being consistent with our approach here.

Mr. Chomiak: With respect to the transportation matter that you raised, and although it is peripheral, and since you are not a representative on the committee, I am wondering if you can give us your opinion as to the present arrangements for transportation vis-a-vis students, whether you think it is working adequately or not?

Ms. Bradley: Well, we are not on the committee so I cannot give any opinions or comments on the committee, and I would be negligent if I did. I can

comment from another point of view in terms that we recognize that transportation is a very big pressure and is causing significant increases in school board budgets. Part of that are the boundaries which create some very bizarre transportation patterns in this province that have on occasion caused students to be sitting on buses for two hours. Things like that do concern us.

I am sure the committee is looking at this and trying to figure out better transportation patterns, sharing, so buses can, in fact, cross these boundary lines. That will alleviate some of the distress on students, and it would certainly be most cost efficient. I am not part of that committee so I do not know what kinds of discussions are going on there.

Mr. Chomiak: Thank you for that comment. I hope the committee is looking at those particular points that you have raised. I am sure the minister has taken note of those comments.

Moving on to your comment about the minimum, and the suggestion about the minimum special levy rates, while the minister was commenting, the minister did clarify the department's interpretation of the amendments.

I looked through the act while you were discussing it and I agree. I had concerns as well. I was not clear as to what that provision suggested necessarily, and your comment about a minimum special levy is most interesting. I have just a small question about that. That would presuppose an equalization of mill rates around the province. There would have to be an equalization factor built in, would that not be the case?

Ms. Bradley: Yes, there would still have to be an equalization, but with a minimum special levy, the equalization that would need to be built in would not be as great as an equalization that would be required if you had a percentage.

Mr. Chomiak: I think that is generally, for now, my comments.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Thank you, Ms. Bradley for your presentation. Many of the comments that you have made tonight have already been made, both in the House and with meetings with the minister.

I am particularly interested in your comments today about the need for further amendments with regard to teachers' certification, but you posed an interesting question by comparing teachers with the medical profession. Are the teachers considering a

model similar to the medical profession in which there is a nationwide medical examination to which all doctors must be submitted and which all doctors must pass before they are admitted as a professional physician in the nation?

Ms. Bradley: In response, I am not at liberty to answer your question as specifically as you would like me to answer it at this time. Those kinds of things are being addressed by a committee of the society which has been meeting over the past almost two years now, will be continuing to complete its task this year, and we also have it addressing our group that is working on putting our brief together for the consultation. We will have a position and recommendations regarding the profession later in the year.

Mrs. Carstairs: The comments that you made with regard to busing were ones that I raised specifically with the minister because I was somewhat surprised knowing that there was this committee involved in a transportation study, that changes to the legislation would be made at this particular point in time.

The response that I was given that was not given this evening, and I think it is important that it be heard again, was that the reason for this is that there is some contracting out presently going on in the province, and there was a necessity to regulate that within the legislation because it was not presently regulated in the legislation.

I think that this is a fair assessment of the information that I was given, and that eased my fears somewhat, but I was a bit concerned, as you, that the horse was going before the cart, as may be appropriate, but the cart was not attached.

Those are the only questions and comments that I have, Mr. Chairperson.

Mr. Chairman: Thank you very much, Ms. Bradley.

Ms. Bradley: Thank you for the opportunity.

Mr. Chairman: I would like to call on Mr. Peter Olfert, with the Manitoba Government Employees' Association. This is on Bill 49. If you could just hold on, we will just pass your brief around. You may proceed.

Mr. Peter Olfert (Manitoba Government Employees' Association): I would like to thank the members of the Legislative Committee on Bill 49, and thank you for the opportunity to be here today to make a presentation on behalf of the MGEA

and the members of ours who work in the community college system.

The Manitoba Government Employees' Association represents all of the employees of the Manitoba community college system with the exception of management.

Until Bill 49 was introduced, these people all worked with the knowledge that they had certain rights and protections as regular civil servants. Now that is under direct attack because of Bill 49, but it is not only and simply because my members are under attack that I wish to speak to you here today. It is also because these fundamental changes to our community college system will have a far-reaching implication for Manitobans. My children, your children, all will be affected by this bill. I believe the impact of the bill will be largely negative, and as president of Manitoba's largest public sector union, I have a right and an obligation to speak out on important issues of the day.

First, let us look at the rhetoric surrounding the government's announcement of the legislation, and compare it to reality. Ostensibly, this legislation is being enacted to make the community colleges more flexible, more sensitive to local needs, more able to react to changing demands and technology. By having independent boards, the argument goes, each college can react as it sees fit to meet the changing society we all live and work in.

Upon closer examination, the legislation does not appear to allow the proposed boards to achieve any of these objectives. The minister still must approve any course changes. Budgets for the colleges must still be vetted by the Estimates process. In effect, the real decision-making process has not changed one iota.

In my view, there is an alternative to this proposed structure, an alternative widely studied and understood by staff at the Department of Education. That opinion is the delegated authority model. Using this approach, managers in the present college system would be allowed to manage. It would no longer be necessary to seek ministerial approval for anything except the broad policy issues which a minister should be involved in. It would no longer be necessary to get ministerial approval to hire a sessional instructor, which sources tell me is the case at the present time.

* (2020)

Equipment purchases could be made, new courses designed and implemented and outreach programs with other organizations and corporations could be tried out, and all without the need to ask for the minister's approval. It is easy to imagine the increased efficiency and flexibility this model could provide.

The other major advantage of this delegated authority model is that the entire infrastructure of the community college system is already in place to achieve that change. There would be no need to create another entire bureaucracy for each college, as is the case with Bill 49. This latter point is the most serious aspect to all of this legislation.

Under a system of quasi-independent boards, each community college will for the first time need to hire its own maintenance and security staff. It will have to set up new systems including hiring extra staff to implement purchasing, accounts receivable, accounts payable, auditing, support to the board, union negotiations and job classification, to name a few.

It will also have to purchase expensive new computer systems and software to meet these needs. More office space will have to either be leased or built to house this extra staff. Naturally, all of this going to cost money, lots of money. The bill for all three colleges will run into the millions.

The MGEA has tried on many occasions to get information from the government on this issue. To date, the answer has not been forthcoming. Mr. Derkach and company have either refused to tell us or they do not know. All we have been told about the cost is that the boards themselves are estimated to cost approximately 1.7 percent of existing operating budgets, and of course, this is just the tip of the iceberg.

If they are simply refusing to tell us, that tells me something about their respect for openness and process. If they do not know what the cost implications really are, that tells me something else. If they do not know what this new system is going to cost, how can the government even consider such legislation, much less table it for passage?

The final point to be made about cost is that if the recentralization of the Family Services agency is any example, there will be no new money to bring about these changes. In order to implement the college governance system, there will be staff

reductions and program cuts. There is simply no other way to achieve these changes.

The college governance as outlined in Bill 49, then, is a guaranteed way of further reducing access to the system for our young people. Fewer courses, locations and instructors will be the result. Following on the heels of the recent budget with its massive cuts and layoffs in the community colleges, this bill is a recipe for disaster.

Then we come to the question of the boards, and judging from past experience, the board members will be populated with the party faithful, the bagmen, hacks and hangers-on this government seems unable to resist. Are these the kinds of people we need to involve in determining the future course of our community colleges? I think not. The cost of running the boards themselves is also unknown, but it will not be inconsiderable.

The bill also has some very serious implications for the people we represent who work in the community college system. Earlier, I made reference to the fact that our members in the college system will lose their status as civil servants under Bill 49. Included in this change is the specific exclusion of our members from The Civil Service Superannuation Act.

For months now, we have been trying to get some assurance that this provision be changed so that they can remain in the government pension plan. We have not been successful. If, as we have been told, an equivalent plan will be provided, why not simply continue the plan they are in? I can tell you, this kind of callous toying with people's lives is not without a cost. Poor morale is widespread in the community colleges. Our people simply do not believe that anything this government says can be believed.

In addition to the threatened loss of pension, the instructors and support staff will lose seniority in the Civil Service. They will lose access to Civil Service competitions for jobs since they will no longer have the benefits of the common employer provisions.

These workers will also lose the portability of benefits, have greatly reduced career paths and may even lose their rights under the terms of the master agreement with the Manitoba Government Employees' Association. It is possible each college will have to negotiate a separate agreement with the MGEA. This is a huge undertaking in itself and a tremendous duplication and waste of resources.

Let me assure this committee that the MGEA is going to fight for these members' rights. You may not consider people's rights to be important or worthy of concern. Some members of government may think it is smart to use this bill to bash the employees at the colleges under the guise of Bill 49. I do not. It is cruel, unnecessary and speaks volumes about the real agenda here. This bill should be defeated solely on the basis of the terrible way it treats community college employees.

In summary, this bill does not address the real problems of the community colleges. They are underfunded. This bill offers no new money. The colleges are hamstrung by a system of overly centralized decision making and bureaucracy. Finally, this bill tramples on the rights of all community college employees, without reason, need or concern. This bill is yet another example of cynical, confrontational government which entirely avoids the real issues of education for Manitoba's young people.

I urge this committee to recommend that this bill be dropped. Failing that, there are two absolutely critical issues which must be settled before Bill 49 proceeds. First, the rights of the employees affected must be clarified. Second, the issue of cost must be clearly defined. The public interest cannot be served unless the financial implications of this bill are publicly aired. To do less would contravene the responsibility of this Legislature. Thank you very much.

Mr. Derkach: I would like to thank Mr. Olfert for his presentation. Mr. Olfert, you raised two important points in your presentation which I think perhaps warrant some discussion, one being the protection of employees with regard to the Superannuation Fund, and secondly, the issue of the addition of funds to ensure that the transition to college governance is not going to take money away from programs that are now in place.

The first question I have is, you have been, I hope, apprised of the discussions that have been going on in the organization that has been structured which includes the employees' representation with regard to the transition of the colleges from this particular system over to college governance. In that committee, there has been discussion with regard to making sure that employees are going to either retain their benefits under the present Superannuation Fund or will have the right to have a fund that is equal, but, indeed, there will be no

diminishing of their pension availability or any of their benefits. Are you aware of that?

Mr. Olfert: Well, I am aware that—I mean, I know we have a human resource group that is working with designated members of the government, and one of the major issues that they have been grappling with is, obviously, the whole issue of superannuation and benefits under that superannuation and insurance act. It certainly would be our strong recommendation, and I do have over 1,000 petitions that we have gathered from the people that work at the community colleges from around the province, which basically talks about and addresses the legislative committee on Bill 49.

* (2030)

It says, with the introduction of college governance, Bill 49, I as a worker in the community college system want my present Civil Service pension and benefits maintained. We will send those on to the committee once we have gathered all of them up. They are still coming in. We will make those available to the committee.

You can certainly see that pretty much unanimously everybody who works at the colleges is very concerned about their past contributions into a plan, something that they have, you know, contributed to and feel that it is a key to their retirement, obviously, as a pension plan and want to see that maintained.

I understand that the government has tabled or has indicated that they may be looking at some comparable plan, but I guess our position would be that, as a minimum, they could very easily be written into the superannuation act with respect to pension purposes.

Mr. Derkach: Mr. Olfert, I would have to agree with you that one of the major concerns of employees moving from one employer to another would be that their benefits are retained, and I think that I have indicated right from the very beginning of embarking on this fairly significant initiative that employees who are very valued in the community college system had to be treated fairly and equitably.

To that extent, when the concern was raised about pension benefits, I stated very early in the process that we would ensure that the employees' rights with regard to pension and pension benefits, et cetera, would be retained. The plan at that time, I think, was not defined and was certainly one where there needed to be consultation with the employees

of the community college so that they would be able to have their views aired as well. I think that has happened and, indeed, the cards that have been signed are an indication that there is a will for them to move in a certain direction. I have to assure you, Mr. Olfert, that there is no intent to diminish the rights of the people under the Superannuation Fund.

Let me also ask you the question with regard to funding. I am sure you have been aware that there has been a cost associated or a budget associated with college governance. The cost of moving towards college governance is about \$960,000 in the first year. Then there is an ongoing annual cost, which I think you might be aware of or perhaps you are not, of about \$800,000 per year. So to ensure that we are not taking money out of programs, this is additional money which will be made available to assure the colleges continue to be able to allocate those funds that are now there towards programs.

Mr. Gary Doer (Leader of the Opposition): Well, thank you very much, Mr. Chairperson, for that very interesting brief dealing with a very important matter before the Legislature today. It is rather ironic, I think, that we are fighting to maintain a system that was established by Duff Roblin in the mid-'60s in the province of Manitoba. On the whole, we thought it worked rather well, which begs the question—certainly not perfectly, there is no perfect system, but why have the massive changes in the community college system in our province—and so it begs the question: What are the criteria that we must consider to make these very major changes?

Now, I have reviewed the Alberta system which this seems to be modelled after, and it seems to us, in tuition and in other matters, that in Alberta the changes have been all negative. Have the employees of the colleges reviewed other similar examples of major governance change?

I know the community college system in Alberta used to be similar to Manitoba, and then the Conservatives moved it over to a NAIT and SAIT, as I recall. It has added such negative experience to the last four or five years that in fact even delegates at Conservative conventions were criticizing the Premier, Don Getty, at the last convention. Now that is not germane to my question or to this committee, I know, but I was just wondering whether there has been any study on that issue by the organization.

Mr. Olfert: I do not have those specific numbers with me but I certainly concur with the member's question. We have looked at Saskatchewan fairly closely, as well, and Ontario. We found that when governments have moved to this model, tuition fees have increased because the colleges become very competitive among one another in terms of which one is going to put on what course, and there is less direct control in terms of the boards setting their tuition fees. Again, that is one of the issues we have tried to address in our brief.

One of the issues we have tried to address publicly is, not only are we talking about the fact that the instructors at the community colleges are going to lose their Civil Service status, their pensions, the portability of benefits—because if you are working at Red River and you want to move to another college there may be another set of benefits over there or another collective agreement or another five collective agreements. There could be as many as four or five collective agreements at each college under this model. There are no career paths. You know, if people want to move to another college to take a promotion and improve their careers, that could be blocked as well.

We have looked at the costs of the boards, the costs of governance, and the costs of tuition fees. We have found that in Saskatchewan, Alberta and Ontario the tuition fees have increased substantially. That is certainly, in terms of the accessibility to education as I mentioned in the first two pages of the brief, a concern for my young children and me, as a father, personally. I mean, what are the tuition fees? Who is going to control the tuition fees? Who is going to set the tuition fees? Is each board going to have different tuition fees. That certainly is a concern that we have?

Mr. Doer: Would there be any comparisons of the existing tuition fees between the existing system in Manitoba and the college governance type of system in Saskatchewan and Alberta for students? Is there any data on that, in terms of the comparison between Manitoba and the now proposed model of Alberta.

Mr. Olfert: I do not have that specific information with me, but I am sure there will be other presenters this evening that will have that information.

Mr. Doer: The most recent study of graduates at the community colleges indicated over a 90 percent success ratio for people getting jobs from

community colleges and a further very, very high ratio of people who stayed within the province and within their own communities. When one really looks at that, compared to other experiences of post-secondary educational facilities, there is quite a quantum difference.

I was wondering whether the employees or the instructors of the community colleges have been able to concur with the management reports, quite frankly, that were conducted at community colleges and whether they feel that those kind of success ratios for jobs and keeping people in our province are in jeopardy with the changes to the governance and, ultimately, to the changes to access to those colleges.

Mr. Olfert: Yes, I do have with me a document "Education Manitoba 1990, June 4: "Community college grads satisfied with courses." For the record, I would just like to indicate that in terms of Red River, of the students that participated in a survey, there were 1,401 graduates who responded, and "93.5 percent indicated a high degree of satisfaction with their courses and 88.1 percent were working in a training-related field."

* (2040)

Now, Assiniboine Community College graduates, of 314 who responded, "93.6 percent expressed satisfaction and just under 90 percent said they would recommend their course to others. Nearly 80 percent were using skills obtained through training in their employment."

KCC: "120 graduates replied to the survey with 95 percent claiming to be very satisfied or satisfied with their training. Almost 90 percent said they were using skills obtained through training in their current job." So it clearly indicates that the college system, as we know it today, is working and people are being trained in the fields and are able to get jobs here in Manitoba in those fields.

Mr. Doer: Mr. Chairperson, my colleagues in the other party in the Legislature, not the government but—well, I will let them speak for themselves—but there has been a proposal to have not just three boards as a college governance model but one board as a college governance model.

Now, reading through this brief, in terms of the college instructors, it seems to me that it is not some of the same concerns in terms of access, tuition fees and other issues that you have identified in your brief that would be contained within one college board,

but I may be wrong on that. What would be the opinion of the college instructors on the proposal for one college governance board, as has been articulated as another option?

Mr. Olfert: Well, there is no question that, (a) we believe that there is no need to go this model. We believe the delegated authority model is flexible enough and given the fact that through policy and government policy they could provide that structure and that flexibility to the various colleges through the existing Department of Education, community college system.

However, I guess, if we had a choice between three boards and one board, we would certainly be in favour of one board because at least then you are dealing with one employer and would have one collective agreement potentially, and benefits would be the same at each college. It would provide for the portability of the benefits and career paths as well, that people could transfer from one community college to another without having to go through another process, so it would certainly be beneficial.

Mr. Doer: You have talked about employee morale, and I have talked to my own constituents that are community college instructors as well. I am sure all members of this committee have talked to community college instructors because, obviously, they are represented by all three political parties in this House, and they are represented in many constituencies in this province.

The morale, of course, from the funding and layoffs, et cetera, has been well documented by the organization. I am concerned about the move now from the existing system established by Duff Roblin in the mid-'60s—which affects some instructors, by the way, including my own constituents who were community college instructors from Day One when former Premier Duff Roblin established that system in our province.

They are very concerned about, as you say, the existing benefit plan, because many of them left the private sector. Many instructors over the years left the private sector. Part of the consideration for leaving the private sector, because the relevance of community colleges has always been very important, has been, what is the whole compensation package. That, of course, is a consideration that all people should make in a marketplace in terms of their career.

The minister mentioned the issue of pensions, and he thanked you for the consultation on the pension plan issue in terms of benefits. Given the fact that everybody agrees about what it should be, the existing superannuation act, it sounds like there is no disagreement on that point, would there be greater comfort to the employees who are concerned about this issue to have a clarification and an amendment in the act to make it clear what we are all saying is really, in fact, the intent of the bill?

Mr. Olfert: There is no question about that. It certainly would be a positive move on behalf of the committee if that were to occur. We would certainly encourage committee members to do that.

Mr. Doer: Another issue, and if one reads the Higgins Report in British Columbia dealing with some of these issues in the public service, it deals with the issue of proliferation of quasi-public sector bargaining groups. I am surprised that the Minister of Education and Training (Mr. Derkach), if you read the '78, '79 and '80 Auditor's report, it talks about two-thirds—I spoke about this yesterday—spending authority outside of the Legislature, but it also deals with the proliferation of standards and benefits based on separate units of employees.

Would it be possible, do you think, to have a situation where you could have three different sick leave plans between three different community colleges, three different holiday plans and, therefore, three different schedules for students, and three different levels of pay for the same type of instructor, based just on the employer-employee relationship in the community colleges under this proposed system?

Mr. Olfert: There is no question, and that has been one of our major concerns, the whole right of employees to maintain their existing collective benefit rights and provisions in the collective agreement. Currently, we have one master agreement which covers such things as sick leave, LTD plans, dental plans and maternity leaves. All those things are in a master agreement.

We also have several other subagreements which cover the clerical group working at Red River, the instructor working at ACC, or the tradesperson working at KCC. They all have the same benefits whether they work in the North, in Thompson, The Pas, Dauphin, or Portage or Winnipeg. It certainly is of a concern that there potentially could be five

collective agreements if you look at the five groups that we have employed in the various colleges.

We could have about 15 collective agreements with the three colleges in this province, and then we do not know exactly where Thompson would fall. Under the existing model, Thompson comes under Kewatin, but I guess potentially Thompson could be set up as a separate entity as well. How about Dauphin, and how about Portage la Prairie? Where do those groups, those sort of satellite operations fall? It could be a major proliferation of collective agreements and varied benefits in the province.

Mr. Doer: Just a last question, in the discussions and the consultative process with the transition groups established in the Department of Education, has there been any indication from you that some of these difficulties that would be created are not worth the benefits?

You have raised tuition fees, job issues and a number of other issues. Do you feel that this bill is more ideological than practical for the students and the public of Manitoba based on the complete analysis in the advisory committee?

Mr. Olfert: Yes, I believe that is correct, because in my view, I cannot see any practical reason to move to this model. I mean, I just cannot see that through a delegated authority model, which we have proposed, that those things that are in this bill that give the colleges flexibility and the ability to develop programs to be closer to the community and all those things, why they could not be done through policy, rather than going through the expense the minister has indicated of \$960,000 in the first year and \$800,000 in each consecutive year to run the system.

That money could be better spent and more wisely spent by keeping the system within the department, but giving and delegating authorities through policy to the various presidents and their senior managers to run the colleges.

Mr. Doer: How many students could be taught and how many instructors could be maintained for the economy in Manitoba with the \$960,000 that is being proposed for this new gimmicky administration rather than the existing system?

If we really were to make a decision based on students and the community, what would be the rough estimate, because it is the first time I have ever seen the numbers, but a million dollars seems

to me to be a lot of instructors and a lot of courses for a lot of students in Manitoba.

Mr. Olfert: I would think that approximately 30 instructors could be provided for the million dollars on an annual ongoing basis.

Mrs. Carstairs: The minister knows that I object to this bill because I do not think that it does either one of two things. It does not provide a better opportunity for young people, and it does not provide a better climate for teaching in the province of Manitoba.

What I would like to ask you, Mr. Olfert, is in consultation with any of your community college teachers, do you see any evidence that one more student will be educated under this program than at the present time?

* (2050)

Mr. Olfert: No, I cannot say that there would be.

Mrs. Carstairs: Can you give any indication that your community college teachers believe there will be a broader range of programming offered at our community colleges because of these changes?

Mr. Olfert: No. They feel that not only will there be potentially fewer because—we have raised the issue of tuition fees, and I just want to get back to your first question because I should have indicated that being a concern as well, the whole issue of tuition fees. Quite frankly, I think that there could be fewer students, with increased tuition fees, attending our colleges, and the fact is that, you know, there are potentially going to be fewer students able to take those courses.

Mrs. Carstairs: Have any of your instructors indicated any concerns to you about a competition that will develop now between the community colleges which may lead to duplication of programs, rather than the development of new initiatives which means new students trained in new technologies to meet the needs of the 21st Century?

Mr. Olfert: There is no question. It is something that we have been talking about as we have had meetings around the province with our community college instructors and others who work at the colleges, and that is one of the concerns, obviously, that fact exactly.

Mrs. Carstairs: Thank you, Mr. Chair.

Mr. Chairman: Thank you very much, Mr. Olfert.

I now call on Mr. Bruce Buckley, a private citizen. Do you have extra copies of your submission?

Mr. Bruce Buckley (Private Citizen): I actually have no submission. I will just be making a few comments to the committee, thank you, Mr. Chairperson.

Mr. Chairman: Okay, you may proceed.

Mr. Buckley: I would like to thank the committee and the chairperson for the opportunity to appear tonight. I appear as a private citizen, but for the record, I work for the Manitoba Government Employees' Association. I am the servicing rep which looks after the employees at Red River College.

I would like to limit my comments tonight on a couple of areas of the bill. One is the general impact on the benefits that the employees presently enjoy under their collective agreement and elaborate on some of my comments last night to the Minister of Finance (Mr. Manness) on the accountability and the advisability of proceeding with this legislation from a fiscally responsible point of view.

To begin my comments, the general impact of the bill is of some concern to the employees at the colleges mentioned by the previous speaker. Unless the government of the day declares otherwise, pursuant to Section 1, subsection (2) of The Civil Service Act, employees transferred to the employ of the community colleges will cease to become members of the Civil Service.

This would mean certain statutory and negotiated benefits could disappear unless the government makes a firm commitment to provide an orderly transfer of existing benefits to the new employing authorities. The continuation of the statutory benefits and entitlements would require either writing identical provisions into the legislation respecting community colleges or amendments to existing legislation which would enable the provisions to apply to the employees of the community colleges.

The labour relations legislation provides for the continuation of collective agreement provisions where a collective agreement is in force when an employer changes. There is also a statutory freeze period of one year after the expiry of a collective agreement.

However, as college employees are currently covered by The Civil Service Act, it is not clear whether current employees covered by The Civil Service Act would be covered by this provision, and a dispute could arise between the government and

present bargaining agents that would hamper the smooth transition, in my view, to governance.

It would also, should we be able to agree, as a smooth transition to benefits, notwithstanding the present Labour Relations Act, I think it would require that the government and the present bargaining agent, the MGEA, sign an agreement ensuring that continuity. It is not clear under the present Labour Relations Act and The Civil Service Act whether that could be accomplished without an agreement, and I just bring that to the committee's attention.

There is a human resources committee, as mentioned by the previous speaker, working on the transition, and there have been a number of meetings of this body trying to work through the transfer. I would recommend that certain changes or certain things initially be agreed to that would enhance the work of that committee, and I would just briefly like to state them: Basically,

THAT any changes to existing legislation required to ensure the continuity of statutory benefits be made well in advance of the incorporation date,

THAT the Province of Manitoba execute an agreement with the bargaining agent, presently the MGEA, to ensure the continuity of collective agreement entitlements for such a period that may be necessary beyond the incorporation date to negotiate a new collective agreement for the college employees, and

THAT the Minister of Education announce at the earliest possible date the government's intention to provide the continuation of existing Civil Service statutory and negotiated benefits and entitlements for the college employees beyond the incorporation date.

I think the implementation of the above recommendations that I am making tonight would ensure that there would be a smooth transition and would go a long way to alleviate the fears of the present employees.

I would just like to pause on that. I had lunch this morning with the president of Red River. The purpose of the lunch was to speak to him about a concern that I have been dealing with for the last year at the college, and that is the low morale that seems to be rampant at Red River, and basically get some indication from him, (1) if he is aware of it, and (2) to see what could be done to begin to address the concerns and address the morale problem at Red River.

I cannot speak for ACC and KCC, but the unsettling changes that are coming forward as a result of the budget cuts and this particular act have had an impact on the morale at the college. It is of some concern to me, as someone who services that collective agreement, but also in a general view just the fact that people should be happy when they go to work. Happy employees make for better teachers and better students.

I would like to briefly go through and beg the committee's indulgence here just so that you are aware of some of the statutory benefits that are potentially affected by this bill. The first one has already been mentioned by the previous speaker, and that is the superannuation act. Employees in an agency of the government, which newly incorporated colleges would be, are specifically excluded from the provisions of The Civil Service Superannuation Act unless employees of the agency of the government are designated pursuant to Section 2(2) of the act—that is the superannuation act—by cabinet, Lieutenant Governor in Council, or that the employing organization—in this case, the college—is specifically written into this legislation.

It would be my recommendation that the Legislature amend this act before us, bridging The Civil Service Superannuation Act, but I would also recommend that cabinet pass an Order-in-Council pursuant to the superannuation act to enable the transfer of superannuation pensions should the legislative committee be amenable to that type of an amendment.

The reason why I recommend that we go with The Civil Service Superannuation Act, rather than an equivalent pension plan that has been mentioned, is that certain benefits flow from the superannuation act that would not necessarily flow from a different pension plan or an equivalent pension plan. One of them would be that the existing group insurance plan would automatically continue being a benefit to the existing employees through the superannuation act. Presently there are extended health benefits available to employees of Red River, through the Civil Service collective agreement. In addition to the ambulance and hospital semi-private plan provided under the current collective agreement, the province also makes available to employees an extended health benefits plan which is administered by Manitoba Blue Cross with premiums paid by the payroll deduction method through the Manitoba

employees' computer system through the Civil Service.

These benefits are not provided by statute, but I would recommend that a mechanism be found to make these benefits continue to be available to the employees of the colleges. Also, an interesting benefit that flows through the Civil Service collective agreement is the Buffalo Credit Union group home insurance. Presently it is set up for civil servants, and agencies of Crowns are not eligible. A number of college employees utilize the services of Buffalo Credit Union, including the group home insurance plan, and I would recommend that colleges make the necessary arrangements with the credit union to ensure that the continuity of this benefit and service be available to employees. It is a small thing but it is an important thing. Basically, you do not have to go out and find another house insurance plan when the colleges act comes into play.

* (2100)

Another thing I would like to point out to members of the committee is the severance pay. It is an entitlement under the present collective agreement, but the superannuation act incorporates it, by reference, as severance pay specifically granted on retirement in accordance with the provisions of the act, not the collective agreement or not solely the collective agreement. Therefore, in order for the benefit to continue after incorporation, even if the collective agreement is enforced, the the provisions of the superannuation act must continue to apply to the college employees. It has been discussed, I believe, by the human resources working group. I would also point out to the committee that if these provisions are not continued you may be liable to pay severance to all your employees on incorporation, and that would be an incredible liability that the province would have to bear, if that certain thing is not bridged.

The Civil Service pay procedures: Sections 10, 11, and 12 of The Civil Service Act currently contain provisions dealing with pay procedures for employees. On incorporation, the colleges will need to have their own policies and procedures in place to deal with the certain aspects of remuneration for employees, including the payment of expenses incurred in the course of one's duties. I think the previous speaker alluded to this. Presently the employees are on the central government payroll system.

Should this act pass as proposed, it would be my view that each college would have to have its own independent management information services, their own computer payroll system, if you like, and that, in my view, is a needless expense. Also, if each college has its own and they are not the same, then it hampers the ability for people to transfer between the colleges, et cetera. It is a major expense, I do believe, that the government is incurring here, and I would urge you to rethink that aspect of it.

There are other benefits such as the classification plan. Presently there is a classification plan in place. It is my view, if it is not continued, that a new one would have to be established in each particular college—the same with the selection and hiring procedures. It is my view, should we proceed with this bill, that each college or each board would have to initiate its own selection procedures.

There are also benefits such as the educational leave policies and procedures that are presently available to civil servants through The Civil Service Act that would have to be re-established in each of the colleges. We are kind of reinventing the wheel here all over the place in three different places, and I think it would be a smoother transition and would make a lot more sense to carry on the status quo.

One of the benefits that the previous speaker spoke about was the career path and the portability of benefits between the present system now for all members of the Department of Education, regardless of whether you are at KCC or ACC or Red River. It is not clear to me, in reading this act, what would be the outcome of having three independent Crown corporations. I would urge, if you are proceeding with the three independent Crowns, that you look at some sort of agreement between the three Crowns so that there is this portability. Also, on a good business sense, you may want to be able to move instructors from Winnipeg to Keewatin or from Brandon to Winnipeg, this type of thing. I think that makes some sense in a business sense. Rather than having three programs, one in each college, you may want to be able to have a continuity of service and program, as well as the ability for the employees to transfer between the two colleges.

I would just like to again focus on a very real benefit that has been derived by employees recently in the layoffs due to the budget. We have, through the VSIP program and within the department

personnel system, been able to redeploy people within the college systems. That is a benefit that people enjoy on layoff, where they have been able to take a job at ACC or take a job at KCC in order that their employment be continued, or vice versa, come in from Brandon to Red River. That is a clear benefit to the employees but also, I think, it makes good business sense for the government to be able to redeploy its resources like that.

I am skipping through some of these other benefits. There are other speakers coming along behind me who can elaborate on them. A very important benefit that employees enjoy right now is access to the employee assistance program. This is a jointly administered program by the MGEA and the Civil Service at no cost to employees, and a number of people have access to that program now. There are private plans available to be purchased. I believe Blue Cross has one and Great-West Life has one. We have a very good one now that employees have access to, and if it is not broke, do not fix it.

Finally, the bargaining agent presently is the MGEA, and I think it is in the interests of the public of Manitoba, in the interests of the employees and, in fact, the interests of the employer to avoid the problems that have occurred in other jurisdictions on the transition to board governance. There is a smart way of doing it, and then there is a hard way of doing it. I point to the protracted labour dispute that happened in Saskatchewan in their transition to governance. I would urge members of the Legislature to take any steps and all steps to avoid that type of situation from developing here. I will leave it at that. There will be other people coming along behind me with respect to benefits and the bargaining agent issues.

I would like to, just for the information of the members of the committee who were not here at 12:30 last night when I gave my comments on Bill 70—in answering questions from the Minister of Finance (Mr. Manness) I expressed some surprise that members of the present government are embarking on this type of model for the changes in governance.

I do not think anyone, including employees at the three colleges, would argue that there cannot be improvements made. The concern I have, I guess, is at what cost. When I look at this bill, when I look at the plan, I see a lot of triplication, if you like, of expenses. That is certainly not necessary, given

we have centralized services now through the government and through the Department of Education. I have a concern that, in creating the boards and the independent colleges, the Legislature and the minister himself is going to lose control over the spending of the money. Crown corporations' budgets do not come to the Legislature for prior approval. Annual reports are reviewed by the committee, and I think members around the table on both sides have experienced over the years examples of Crown corporations out of control expenditure-wise.

As a taxpayer, I think you are making an error here. I think that basically what you are doing here is giving the tiller to three boards and the ship may not sail in a straight path. You are losing the ability to review the estimates, in my view, for the expenditures prior to them being spent.

It is quite true that the colleges will be coming before the Legislature as Crown corporations to have their expenditures and annual reports reviewed, and there are certainly audit provisions in the act here. I notice Section 21 of the act speaks to that. I have a concern with this. I think you are giving up accountability and giving up fiscal control, and I am surprised that members of the Treasury bench are going this route. I am a little shocked that down the hall we are debating Bill 70 because the government is broke, and in this committee room we are spending additional monies, in my view, that are not needed to be expended to accomplish the goal.

* (2110)

I am not saying that the goal is wrong. I think that there needs to be change in the way these colleges are administered to give the presidents and the existing structure the flexibility they need to deliver the program in an efficient manner. I just think we will be here in three or four years, perhaps, reviewing the annual reports of the Crown corporation of Red River, the Crown corporations of ACC and KCC, and we will all be scratching our heads as to how they are in debt.

I would like to draw the committee's attention to one particular section of the act that I have a lot of problem with as a taxpayer, and that is Section 34 where we are allowing the boards the authority to borrow \$20 million. It is a cap. I am glad to see they put a cap on it.

Mr. Chairman: Excuse me, Mr. Buckley. We have a bit of a technical problem behind. If we could have

just a short recess for about two minutes. They have to change some reels here and then we can get back to your presentation. Excuse me for interrupting.

* * *

The committee took recess at 9:11 p.m.

After Recess

The committee resumed at 9:13 p.m.

Mr. Chairman: You can now continue, Mr. Buckley.

Mr. Buckley: Basically, just to conclude my point on Section 34 of this act, I understand that Crown corporations or colleges may need the ability to borrow temporarily for cash flow and to run their business. I have a problem that what we are doing here is giving three Crown corporations and three boards the ability to borrow money under the authority of the province, and all we have done here is just cap it at \$20 million.

There is no division of who gets how much, whether ACC gets \$10 million, whether Red River gets \$8 million. I guess that is something that will have to be worked out between the boards. I see a potential problem there, but the real problem I see is that we are giving the Crown corporations the ability to go into debt on the authority of the province. I have a real problem with that.

The other thing I would like to point out, and this really surprises me—I may not understand the provision of the bill, so please feel free to enlighten me if I have this wrong—is Section 34(1) of the bill which authorizes the college to borrow or raise by way of a loan a specific or maximum number of dollars by the issue of the sale of notes, bonds, debentures or other securities, and the amount of the loan is raised in whole or part by issue and sale of securities payable in a currency of a country other than Canada, or in the units of monetary value or equivalent amount that, in that other currency unit or monetary value, may be raised.

This I assume is a standard clause in Crown corporation acts. I am not so worried that Hydro has the ability to go to the New York bond market and raise money because Hydro has an income. Hydro sells hydro. MTS is the same. They provide a service; they have revenue coming in. I understand that there is market-driven revenue coming in from the colleges, but it is not what I would call the type

of business that I would like going out and borrowing money on the international money market, when the revenues are basically tax driven. It is federal dollars coming in to pay for training, or it is corporate dollars coming in to pay for the market-driven training, whatever it is. It is not like Hydro. It is not like MTS which has a fixed revenue that is going to come in.

I think this is a big mistake, that you are going to be able to go out on the international money market and float a bond issue. I do not know where the ability to pay comes, other than back here through the Minister of Finance and the Province of Manitoba. So I would urge folks to reconsider what you are doing here. It is a bit of a blank ticket to go into debt. I think it is bad business.

The only other comment I would make about the bill is Section 50, subsection (3)—no, wrong one—Section 41, pardon me, where you are writing the colleges out of Section 59 of The Labour Relations Act. This is the employer-in-common provision in The Labour Relations Act.

The reason I have a concern with this is it signals to me that the intent is—it is consistent with the intent of the act and that is, you want three independent boards. I think it also signals to me that there is the intent of the government to have a continuity of benefits, and the continuity of labour relations and the bargaining unit is hampered by this.

There are other provisions of The Labour Relations Act that apply here, successor rights, et cetera, that the bargaining agent, the union would be able to exercise, but I think that this looks like somebody from the Civil Service Commission's addition to the act as a result of some successes the MGEA has had in other moves. I think it is unnecessary.

With that, Mr. Chairperson, I would like to thank the committee for their time and their patience. I know I have been fairly long and detailed. I would just conclude by urging the Legislature to amend this bill to allow the continuity of both the statutory benefits and the negotiated benefits for the employees and to have a real hard look at the fiscal stuff you are doing here because I think you are setting yourselves up for a fall in the future if these colleges are not able to keep on budget. We could be setting ourselves up to incur some more

additional debt that our Finance minister is working so hard to get rid of.

Mr. Chairman: Thank you, Mr. Buckley. Any questions?

Mr. Derkach: First of all, I would like to thank Mr. Buckley for his presentation. The presentation was an interesting one in that you did provide some interesting perspective into some issues. I think there was a bit of misunderstanding, and I am a little surprised at that because I thought through the process of the transition team that has been put together to work out some of the detail, that there would be a greater understanding of some of the issues with regard to the act. Indeed, I would be prepared to clarify some of the positions that you have talked about this evening.

Although, Mr. Buckley, you indicated that you are opposed to the three boards of governors, you indeed indicated that there is a need for greater flexibility within our community college system. I would simply point out that we are probably the last province in Canada to enter into an arrangement whereby community colleges have a greater autonomy from the department and where they are able to conduct their affairs in a more flexible manner. Of course, this is the intent.

I have to indicate to you very clearly that there is no intent on my behalf or on this government's behalf to try and minimize the benefits that employees currently have as employees of the government of Manitoba. Indeed, I have said from the very beginning, as I indicated before, that in the transition, we will ensure that the employees do have the same benefits transferred to the new boards of governors.

With regard to costs, I think I have spelled that out in terms of what our guesstimate is, our best guesstimate, if you like, on the costs for, first of all, implementing the change and, secondly, an annualized cost as well. This has been done to ensure that program monies are not taken away from the colleges.

I would like to just make a reference to the money that colleges are allowed to borrow that you had alluded to, indicating that colleges will be allowed to borrow up to \$20 million. Of course, this is done with the intent to make sure that colleges can pay their employees when, perhaps, the budget of the Legislature has not been passed at that time, to give them that cash flow flexibility that they require, but

Section 27 of the act and Section 31, I think, speak to the fact that the colleges cannot run deficits without the approval of the minister.

* (2120)

With regard to long-term borrowing or offshore borrowing as you called it, entering into agreements like that is simply giving the Minister of Finance (Mr. Manness)—and that is why it is in the act here, because it allows the Minister of Finance to borrow rather than the colleges. It is not giving authority to the colleges to borrow the money offshore or anything of that nature. I just thought I would clarify those particular issues.

One of your concerns as an official of the MGEA, perhaps, is the fact that you retain being the agent for the college staff. Of course, I think that is entirely up to the people who work at the colleges to choose their bargaining agent. Indeed, I am sure that because many of them have been with MGEA for such a long time that you may, in fact, be the agent who is their bargaining agent. That is something, I think, that has to be addressed between the MGEA and the people who work at the college, rather than imposing it on them by the Legislature of this province.

In moving to this model, our intent is not to drive colleges into debt, not to drive them into any kind of unfortunate situation, but, indeed, to allow them greater flexibility, to allow students in this province to access educational programs in a more flexible and readily available manner.

Mr. Chairman: Thank you. Any other questions of Mr. Buckley?

Mr. Buckley: If I could just respond to the minister, I appreciate his clarification. In his remarks, he mentioned that we are the last province to go to governance. Just because we are the last, it does not mean it is a good system or that just because everybody else is doing it, we should do it too.

I am not an expert in this matter and I find it interesting. I grew up in Ontario and in Ontario they have had governance, I do believe, for a fairly long time. They call the system there a community of colleges rather community colleges. I think it speaks something for the system in Ontario.

Manitoba is not other provinces. We are a small province. The present system has worked well, in my view, in order to provide jobs in The Pas, Brandon and Winnipeg. I am not saying that under the system these jobs would be lost. The system

does need to be fine-tuned and more flexible. I just think in order to do that by going to the three boards, you are incurring some costs that are not necessary.

On Section 27, I guess you are right. The minister does not allow them to go into debt. They are not allowed to go into debt, but that has never stopped anybody else before. I hate to break it you. My concern is that when we are reviewing the first annual report of the three community colleges, I would not be surprised to find they are not on budget.

All I have to do is point to the situation that the universities in Manitoba find themselves in and it is an annual ritual. They come cap-in-hand to the Legislature looking for dough so that they can keep the programs going and pay for their programs. I think you will find that we will have three more pied pipers after the passage of this bill in the spring coming to the Legislature looking for additional funds from the cabinet. That is my concern.

Mr. Chairman: Thank you, Mr. Buckley. I call on Mr. Grant Rodgers. Mr. Grant Rodgers? Mr. Don Hillman. Mr. Don Hillman? Ms. Carolyn Stadler. Ms. Carolyn Stadler? Mr. Martin Stadler. We have your brief, I believe, and we have passed it around so you may proceed.

Mr. Martin J. Stadler (Private Citizen): Good evening. My name is Martin Stadler. I would like to thank the committee for letting me speak here today. I have a rather short brief. I know you are having a long day, and I will try very hard to keep it within the minister's attention span.

Before I start, however, I—just on an offside—I would like to compliment the minister on his admirable sense of humour. I am, of course, referring to his prior remark about the “valued” employees of Red River Community College. I am one of the people who was dumped after working there for 12 years.

My first concern is the bill's uncertain effects on the status and welfare of the existing and future employees working within the Manitoba community college system. In particular, Bill 49, as it now stands, seeks to remove the colleges' employees from the Civil Service.

As you all know, all civil servants in Manitoba enter into a very special employment relationship. Civil servants are required to swear an Oath of Allegiance to Her Majesty the Queen and are subsequently required to abide by a strict code of

professional conduct. Civil servants are ruled by The Civil Service Act which takes precedence over other labour legislation and significantly restricts their rights in employment and collective bargaining. Overtime entitlement is just one example of such rights given up by the members of the Civil Service.

In return for their dedication, civil servants are also granted certain rights and benefits. These include the right to fair treatment by their employer, fair wages and extended benefits, seniority rights within the Civil Service and a general expectation of job security.

All civil servants are allowed and required to participate in the Civil Service Superannuation Fund. By removing these employees from the Civil Service, the government seeks to unilaterally terminate or alter a longstanding contract between itself and its employees.

The list of specific concerns is a long one, so I will concentrate only on the most severe problems with Bill 49. Under the proposed legislation, all affected employees would lose their seniority rights, including their province-wide bumping rights and portability, lose their right to participate in a Civil Service pension plan, risk losing their collective agreement in its entirety, including all negotiated rights and benefits, lose their current dispute-solving mechanisms and grievance procedures, lose their job security.

The best way to address these problems is to alter the proposed legislation to retain the Civil Service status for all employees. As a second choice, the government must first negotiate with its employees the orderly conversion of rights and benefits before proceeding with this legislation, and the result of such negotiations must be the fundamental kernel of this legislation.

As a third and final option, the government must compensate its employees for what is an intrinsic layoff from the Civil Service, and this entails the paying out of all severance and unfunded benefits, an option which the government can, by its own admission, ill afford.

The second and not least concern is the effect of Bill 49 on the community and on the quality of education in Manitoba. The proposed board of governors is not to be democratically elected by academics, as is often done at universities to make them truly autonomous from political interference. The board is to be appointed by the government with

a very heavy representation by the business community. While business input is highly desirable in helping to formulate our educational policy, I do not believe that business interests should be allowed to dominate the process.

* (2130)

The interests of the community at large must take precedence over all others. I fear that the proposed board of governors will convert the role of the colleges from general public education toward narrow and specific industrial training. The business community will thus offload its internal training programs onto the taxpayer, and the student will get lower quality and less portable education at a higher cost.

Finally, given the government's track record, I fear that the government is merely creating a buffer to isolate itself from the potentially unpopular effects from its politically driven fiscal policies. Bill 49 is badly flawed and should be withdrawn. Alternately, it requires major amendments to avoid damage to the community and to prevent the unfair treatment of a large number of government employees. Thank you.

Mr. Chairman: Thank you, Mr. Stadler. Any questions of the presenter?

Mrs. Carstairs: Well, it is more of a comment than a question. I just want to say that I thank you for putting the needs of the students very much uppermost in your presentation tonight, because I think it is the students who are going to suffer from this particular form of legislation, as well as the employees. The employees might go on to be protected. I am afraid there is no such protection for the students.

Mr. Stadler: The employees at Red River, and I used to work there, I do not any more, are very conscientious about the welfare of the students.

Mr. Chomlak: I have a couple of questions, but I am just going to preface it with a comment. There is some excellent new material in this brief that I have not reviewed before, and I compliment you on a concise way of putting it, specifically on page 2, where you make the point that it is an intrinsic layoff from the Civil Service.

I had not thought of it in that context in terms of labour relations, and I am wondering, have you given any thought as to what kind of—that would entail some kind of a severance package en masse

as a result of this. Have you thought about that, what kind of a package?

Mr. Stadler: The standard package or the standard several packages would cost the government quite a bit of money. I believe it is—I forget how many weeks' pay, but it is a large one.

Mr. Chomlak: Yes, I agree with you on that. Also, the point about the business community offloading internal training programs on the community college, do you have any examples in mind that you can cite offhand?

Mr. Stadler: Well, we do a lot of training for industry, or used to do. The college does a lot of training for industry, and that is a good thing. I am concerned strictly from pure logical deduction, and that is, if you have a board which has a very large representation of the business community, the board is going to steer the college in such a direction that is going to benefit the business community.

The business community is important. I mean, we want students from Red River to get jobs, and traditionally, they hold many advisory meetings with business to make sure that business needs are being satisfied. However, when you put business at the top of the board, they are going to look after their own interests first. Any group would.

Mr. Chairman: Thank you, Mr. Stadler. Ms. Donna Finkleman. Would you have extra copies of your presentation?

Ms. Donna Finkleman (Private Citizen): I do not. I am going to be speaking from my notes, and I would not push on you the task of deciphering those.

Mr. Chairman: Would you proceed then.

Ms. Finkleman: My name is Donna Finkleman. I am here as a private citizen, but I am also an employee of Red River Community College, and from time to time I speak out on behalf of employees at Red River Community College. I am an MGEA representative, and I am also an elected representative to the steering committee that is to be effecting the orderly transition to board governance.

My comments will cover four areas generally. Some of them have been made by previous speakers, but I think some of them do bear repeating. The four areas that I am going to concentrate on are: 1) limited or almost lack of public consultation on the move to board governance, a matter that, in fact, affects the

taxpaying voting public; 2) concern about the cost of implementing board governance; 3) concern about the impact of Bill 49 on employees in the colleges and in other government departments; and 4) I would like to comment on some specific sections of Bill 49.

To begin, as a taxpayer and as an employee of the college, I agree strongly and encourage granting of increased flexibility and autonomy to the colleges. I am not convinced that this bill necessarily does it, but another major issue is at what price do we effect the change to board governance?

My first topic, lack of communication about board governance—this is a matter that affects both consumers, that is, students and those who fund their training, and it affects taxpayers. Until recently, it appeared that it did not affect employees. There has been limited consultation, if any, with students, the consumers, with taxpayers and with employees.

The community colleges serve a broad community—business and industry, the health sector, the nonprofit sector, a wide variety of special interest groups, taxpayers, students, voters. The community colleges have a responsibility, and I think the government has a responsibility, to serve in proper balance the interests of all groups associated with this business. That includes customers and students. It includes taxpayers, or another word possibly could be forced stockholders. It includes employees. It includes suppliers and it includes other government departments.

There has been virtually no public consultation with individuals and groups who access and pay for college services, and, as I said, until recently, only limited consultation with persons providing the services; that is, employees. I have some comments to make about how effective that consultation is but that will come later.

This lack of consultation has led at least to the employees' mistrust of the motives and of the integrity of the government, and I think you should be aware of that. There is a perception that the government is behaving in a paternalistic fashion.

You know, to me, an analogy comes to mind, and this lack of consultation I think is especially significant in my mind in light of last year's Meech Lake process and Mr. Filmon's comments about the process, and others made comments about the process as well. Simply put, the issue at that time

was governance on a macro-level, and all agreed that the lack of consultation regarding that form of governance was not acceptable, and yet almost immediately, this government followed the same process on a micro-level.

The issue is governance in a specific area. The reality is lack of consultation with the groups and the individuals affected, and it appears that last year's Meech Lake process either taught us nothing, or the government is not intending to practise what it is preaching, and I think you should be aware of that.

The mushroom theory of leadership—and perhaps most of you, if not all of you know about that, essentially keep them in the dark and feed them garbage—is counterproductive and, in my view, it is inconsistent with Mr. Filmon's statement on a similar issue. It is insulting to taxpayers and voters, of which I am one, and other individuals who have an interest and have some very worthwhile views on this subject and deserve to have their views heard.

The cost of implementing board governance during a recession is an issue, and previous speakers have commented on this. Unquestionably, we are all faced with financially difficult times. Government and college programs have been eliminated, employees have been laid off, some on a day's notice, budgets have been cut, and yet, during difficult economic times, the government is proceeding to board governance which no doubt will be costly.

How costly will it be? You have heard from other speakers that the colleges currently access services provided by other government departments. Under board governance, colleges will require expanded and new support systems. The boards, in addition to their own expenses, will require support services. This will entail a cost, and the taxpaying voting public, including me, has a right to know what cost benefit analyses have been done.

* (2140)

What are the results of those findings? How will the transition to board governance be funded? Will it be at the expense of college programs and services? Will it be through increased taxation? Lotteries? Will it be through tuition fee increases, reduction of staff, freezing of employees' salaries, benefits, some other manner? How much? How will you do it? What will it cost? What will we have to give up in exchange?

Third, I have a concern about the impact of Bill 49 on employees and labour relations in general. Some of my comments have been made by previous speakers; they bear repeating. Currently, the level of labour relations in government is dreadfully low, and Bill 49 brings labour relations to a subterranean level in the community colleges. I know this from talking to employees and from listening to them.

This bill is written in a way that creates, or has created to date, ill will and leads to the potential for abuse of employees. Section 41 states that Section 59 of The Labour Relations Act relating to common control does not apply to boards and colleges. We have heard comments about that.

This immediately puts employees' pensions and benefits at risk. I am glad to hear Mr. Derkach's comforting comments about not intending to negatively impact pensions and benefits, but let me tell you, as an employee representative on the committee studying college governance, your message is not getting through. We have had no commitment, either at the steering committee level or from the human resource working group that pensions and benefits will not be affected. In fact, we have been told that our committee does not even have the right to recommend that conditions, pensions and benefits not be affected.

While I am glad to hear your comments, I do have a suggestion that either the communication system be cleaned, or the alternative is that people are going to wonder whether it is your view or someone else's that, in fact, will be put in place. It is not speculation. I am on the committee. I know that and that is why we collected the cards that Peter Olfert referred to earlier. We were able to collect those cards on two or three days' notice. People volunteered; they asked for them. This is a major issue.

Moreover, Section 50, item 3, I believe it is, of Bill 49 confirms and compounds the risk by allowing the transfer of any employees in the Civil Service to a college and causes them to be employees of the college. Of course, you have heard about Civil Service status and benefits being at risk, but we also wonder what you mean by "any" employees to "a" college. Is this a ridiculous extreme, or can we expect that a clerk in the Department of Finance currently helping to process colleges' payrolls will be on April 1, 1993, or whatever other proclamation date, sent up to Thompson or to Keewatin in The

Pas to process payrolls there? It is a very small word, but often the shortest words are the most powerful.

This bill is silent on maintaining coverage under the superannuation act and does not address other statutory and negotiated benefits, but the transfer from Civil Service to a new employer puts those items at risk unless the books are balanced in some other fashion.

This issue is of paramount importance to employees and has had a deplorable effect on morale, commitment and respect for the government, and I really urge you to change that.

For a year we have been asking about the government's intention with regard to pension and benefits. Peter Olfert mentioned several months; he was being kind. For a year we have not received a definitive answer. We have been told, "There is no intention to mess with the pension plan," and shortly after, almost in the same breath, "The government has actuaries reviewing the options regarding pension plans." The two statements are contradictory, especially when they are spoken almost in the same breath, not quite, but almost—same meeting.

If there is no intention of messing with the pension plan, what are the actuaries doing, at what cost to us, to the taxpayer? We have been told, "We will let you know as soon as the government has decided. You will have a pension plan or equivalent." Equivalent?

Probably the most honest answer we have had to date, although still not acceptable, is, we just do not know yet. Mr. Derkach, your intentions have been noted but please formalize them.

If I can just carry on for a short period longer because I cannot underscore or I cannot stress strongly enough the importance of this issue—imagine yourself and 1,500 or 2,000 other employees having purchased a financial retirement plan from Great-West, Investors or any other company with which you deal. In good faith, you invest your money based on commitments that are made to you at the time of purchase. You receive annual statements advising you of your contributions and the expected return on your investment. Your money is not available to you because it is locked in for a specific period.

Fifteen or 20 years later, the company indicates that it is reorganizing, and the officials do not know

what will happen to your investment. They do not want to mess around with it, but they have had actuaries review the options, you hear, and they will let you know as soon as they are ready, but for a year their reply is that they do not yet know the disposition of the matter. What reaction would you and the 2,000 other people have? What action would you take? To what extent would you trust and respect the motives of the officials of that company? We are in the same position.

Also, despite countless questions during the past year, there has been no commitment about maintaining any other statutory or negotiated benefits; and as I have mentioned earlier, we were told that we did not even have the right to recommend on them. We do know, however, that the government does intend to remove civil servants from the Civil Service, or this group of civil servants from the Civil Service, thereby eliminating statutory and negotiated benefits which are currently enjoyed. This is perceived as an attempt to erode the quality of life, working life and personal life, and the buying power of the very people who make the organization run.

The anxiety level is extremely high, and this is abusive. This silence is abuse, and people who are abused will not have the level of commitment that exists when employees are treated humanely and as partners who have an integral role in making the organization successful.

To digress just a bit, you know, our employees buy produce grown in Manitoba. We buy goods and services made and sold in Manitoba, and generally support our own local business communities. The government's refusal to commit on this issue, and the implied erosion of pension and benefits does nothing to enable employees to support the economy. It does the reverse. It makes people anxious, it makes them cautious and it makes them very angry.

The refusal to make a commitment also restricts employees and their families to plan their lives. I have had people asking me if they should retire, should they take early retirement, should they hang on? I do not know. Should they be looking for another job? I do not know. What will I do about my family, I am a term employee? I do not know. All right. They have laid people off, some on short notice. What should I do? I do not know. The worst part of it is, people in authority do not seem to be any better informed. That is not a shot, that is a

perception that we are getting, or they do not want to tell us.

Now, this external restriction on voting, taxpaying employees is paternalistic, unethical, and either through neglect or intent, we do not know which, it is abusive. In this bill, the right to collective bargaining is not specifically addressed, and there have been some comments made about that. While some protection exists under other existing legislation, there is potential for employees to be without a collective agreement on the date of proclamation. This is an invitation to acrimony and hostility, and I suggest that a far more productive and professional approach is to address these major issues, and thereby ensure as smooth a transition as possible. The alternative is to invite and, indeed, encourage further hostility.

* (2150)

The last item deals with other sections of legislation. Section 17, I believe it is, which refers to general powers of the board, generally fine except for item (k) where the board may "do any other thing that the board considers necessary or advisable to carry out the mandate of the college." What parameters are there on the word "any," again, a small but could be a powerful word? There is no reference to other legislation, notwithstanding clauses. It is an extreme word in this context. Does "any," in fact, give the board power to violate either other legislation or collective agreements? I think the intent is not, but I suggest that a more appropriate approach would be to clarify that.

Section 24, Regional campus advisory committee. A board may establish regional advisory committees, but we lack guidelines. I draw your attention to Section 9(2), which refers to "the desirability of achieving . . . equitable representation of the diversity of educational and community interests in the region . . ." I suggest that the same apply to regional advisory committees.

Section 26 (2) college councils: Not less than one-third of the total number of members of the college council will be instructional staff. It is an improvement. One third of how many? One out of three? Eleven out of 33? Fifteen out of 45? What other constituencies will be represented by the remaining two-thirds?

Section 26 (3) and Section 26 (4): The college council will advise on academic and other matters, Section 23 and Section 24: The college council

shall make recommendations to the board with respect to any matter that the board refers to the college. What parameters are there on the word "other" in 26 (3), and on any matter? Will the college council be allowed to recommend a lockout of employees? Will the college council be allowed to recommend on collective bargaining matters? Will the college council, as one of its other or any other matters, have the right to recommend firing of the president? Will the college council, under that item, be empowered to make recommendations on recommendations made by the minister's colleges advisory board, mentioned in Section 7(1)? In my view, that needs clarification.

In sum, and owing to unanswered questions, this bill has created an impression, certainly among employees, that the government has an agenda that will be costly both in quantitative and in qualitative terms. That is an understatement. I urge the committee to either address these issues positively, or work toward either withdrawing or defeating this bill until there is a willingness to resolve these issues positively, and I thank you for your time and consideration.

Mr. Chairman: Thank you, Ms. Finkleman.

Mr. Derkach: Thank you very much, and thank you for your presentation.

Through the process of moving towards college governance, we have attempted to make sure that there was involvement from the community and from staff and from the MGEA with regard to moving towards it and matters which may come up where questions need to be addressed. The reports that I have had from these meetings have been indicative that there has been some good discussion and good dialogue from those individuals who are on the transition board and the human resource committee. This is the first I have heard about the fact that the message about the superannuation and the pension plan not getting through come forward.

Now, I have indicated personally in the Legislature, to the media, that indeed members of the staff, who are valued by all Manitobans because they provide a very important function to the students who attend the colleges, have to be protected in terms of their pension plans and in terms of the benefits that they now have when we move to college governance so that they do not lose any of those benefits that they now enjoy. However, you must understand that at the present time the

province does not fund the liability, if you like, of its portion of the pension plan.

So if you were to move to a different pension plan outside the Superannuation Fund, we had to calculate the amount of money that would have to be put into the fund to make up the province's share. I think that is what the actuaries were working on when the comment was made, and I am just assuming that is probably what was referred to, but there has never been any intent on the department's side or government's side to somehow limit or take away any of the pension benefits, any of the superannuation benefits that employees now enjoy under the Civil Service. Indeed, I have indicated many times, and tonight on at least two occasions, that the intent is still to maintain that attitude and that atmosphere.

With regard to some of the clarification on the other aspects of the bill, when you talk about the size of the councils I think that is something that still has to be addressed in terms of the numbers—the advisory councils. At least we are highlighting in the legislation that there has to be an important presence of employees on those advisory councils. If we were to leave that open then it may eventually come that you only have one out of 10 people on the board who are employees. We are saying that if your council is going to be 10 members in size then at least one-third of those members must be employees, must be instructors or employees, I think it is.

So I think through the discussion and through the transition committee and the human resource committee that we have—those aspects in terms of determining the sheer numbers still are bridges that have to be crossed as we move towards college governance over the next two-year period.

Mr. Chomlak: Ms. Finkleman, do I understand it correctly that you stated you were on the steering committee?

Ms. Finkleman: I am on the transition team that is studying and making recommendations on the transition to board governance. We call it a board governance committee.

Mr. Chomlak: That is the team at—is it Red River Community College?

Ms. Finkleman: The steering committee is composed of elected representatives from the three community colleges, from the Civil Service Commission, from the Department of Education.

The college presidents are on the committee as are senior officials from other departments where there is an interest in colleges' governance.

Mr. Chomlak: Mr. Chairperson, nothing speaks more eloquently to me of the real problems being encountered in terms of what is happening out there than if we have a person who is in the know, who is on a steering committee, who is involved and who is interacting with all of the key players and still does not have the answers to these questions. It clearly indicates to me, instead, a botched process is taking place. Would you like to comment on that?

Ms. Finkleman: You are right. It is not something I have heard from someone else. It is something that I have heard—these are comments that I have heard myself, and other employee representatives also have heard. Again, I am happy that the intent is not to erode pensions and benefits, but informal agreements or, as we used to call them in the olden days, gentlemen's agreements are in place only for as long as the gentlemen are there. All right? We have to have something in writing.

In the absence of communication, in the absence of a statement to the contrary, our perception is that what we see is what we get, and this is what we see. What we hear is no comment, or we cannot tell you, or, the most insulting of all, this committee does not even have the right to recommend on employee pensions and benefits. We have had some questions among ourselves as to why we are here, but we decided as employee representatives to continue with the process. This was a comment that was made as late as last Tuesday at a meeting at which I was present. That was a meeting of the human resource working group which is a subcommittee of the steering committee.

* (2200)

I am also a member of the financial management working group, and the proceedings of that committee are quite positive. They are doing a great deal of work. I think they are moving in a positive way to addressing the issues, and I am happy with that.

Mr. Chomlak: Just one final question, did you hear Mr. Buckley's presentation prior to yours?

Ms. Finkleman: I heard most parts of it. I do not recall it all.

Mr. Chomlak: Mr. Buckley made reference to numerous human issues and numerous employee issues, some of which were new to me. Can you

advise me whether or not, from your recollection of his presentation, whether or not most of those have been canvassed at your steering committee or not.

Ms. Finkleman: Actually, in fact, all of the comments that Mr. Buckley made are issues of which our employees are aware. Those are issues that arise out of legislation currently covering employees' benefits and out of collective bargaining, I helped to prepare a paper on some of the very issues that he discussed, so yes.

Mrs. Carstairs: Well, thank you, Ms. Finkleman, for your presentation and particularly the way in which you did present it. It was very clear that you feel very passionate about this, and I think what affected me the most was your statement. If I can paraphrase it a little bit, you said that you felt that the treatment was abusive through intent or neglect and it was resulting in people feeling anxious, cautious and angry. Those are pretty powerful words about a piece of legislation; obviously, you feel somehow or other that you have been disenfranchised from the process.

You obviously are attending a lot of meetings. I mean, you are on the main committee; you are on two subcommittees. Do your feelings permeate these meetings? Would you say that that is the feeling that all of the employees express either before, during or in fact after those meetings?

Ms. Finkleman: Simply, yes. The discussions at the Human Resource working group have centred almost exclusively on pensions and benefits. We had one meeting of a Human Resource working group in March; we did not have an answer at that time. There was no other meeting until recently; there were a number of meetings that were to have been set up, they were cancelled for whatever reasons. We had another meeting just this last week, and the issue is still the same.

There was some progress made, in my view, in a relatively minor way but, nevertheless, some progress made toward at least recognizing that these issues are important and perhaps doing something to recommend that they be addressed, but it has been an uphill battle and it should not be. It is not necessary because until the pensions and benefits issue is addressed, the other matters which the Human Resource working group is mandated to deal with will not be effectively dealt with, nor can they be effectively dealt with if we do not know what

benefits we are going to be, in fact, supporting through a Human Resource management system.

Mrs. Carstairs: I have been in the House on two occasions when the minister has stated, as he stated again tonight, that there is no intention on the part of government to, in any way, infringe upon the pension rights that you have achieved, and they are looking for a way in which they can make those pension rights go with you. Has that position ever been expressed by his officials at these meetings in the kind of terms that the minister expressed them here tonight?

Ms. Finkleman: I do not recall that that has been done formally. I do recall in the fall at a meeting of Red River Community College staff, our deputy minister did indicate that there was the intent. I do not recall the exact wording, I am sorry, but there was no intent to jeopardize pension and benefits.

Subsequent to that, meetings have been held with other individuals representing other government departments, and the message that we got from those meetings was in conflict with the message that we received from our deputy minister.

Mrs. Carstairs: A final comment. Obviously, the minister has a problem, and I hope the minister is listening because the minister has to rectify that problem and soon.

Mr. Chairman: Thank you, Ms. Finkleman.

Ms. Finkleman: Thank you for your time and patience.

Mr. Chairman: Mr. Rainer Rossing? Mr. Larry Hogue? Do you have a written presentation?

Mr. Larry Hogue (Private Citizen): No, I do not, sir. I just have some notes.

Mr. Chairman: You can just proceed.

Mr. Hogue: Thank you for the opportunity of being here to speak today. First, I should say that I am from Brandon. I work at Assiniboine Community College as a community college instructor. I am also a parent and a private citizen and a taxpayer in Brandon.

I guess, sort of, to start with I would like to mention, and you have heard it quite often this evening, that the benefits and our pension are a major concern with the employees in Brandon, as they are in Red River, as they are in The Pas and Thompson. We are all concerned with our pensions; we are all concerned with our benefits.

I think that a lot of us and especially when we—and I can only speak for Brandon, because that is where I work. A lot of people have been there since 1966, when that college opened, and a lot of people have decided that being a civil servant is their career and that is where they want to work and that is what they want to do.

With this act in being made employees of colleges, we lose a lot of things from being a civil servant. I have had the opportunity, the good fortune, to work in three different areas within the government in my career as a civil servant which spans 22 years. I worked with the Manitoba Liquor Control Commission; I worked in the department of Corrections; and I have also worked at the Department of Education for the last 14 years.

I think that has certainly given me an opportunity to see government. It has given me an opportunity to build a career which I personally feel, by losing my civil servant status, I am losing out on that; I lose the opportunity to transfer; I lose the opportunity to work in another area within our government.

I feel that there are a lot of people who look at that. If we look around the community colleges, both instructors and the support staff in the community colleges, we will find the people have come from different areas and a lot of people are career civil servants. I think that is important, and I think the people should not lose that perspective, that we are doing this because this is our career. We have decided it is our career, like a scientist decides that a scientist is his career, a football player decides that football is his career. We decided to be civil servants; that is our career. I feel that we are losing that with this bill in the Department of Education.

Granted, I realize that, yes, we can try to transfer before we are made employees of community colleges. I do not know if that is the answer to run out right now. I think that we have obligations with our students; we have obligations with our families; we have obligations with the communities that we are in, and we would like to maintain those.

Enough on the benefits part of it, but I think that is an important point that we should not lose is that we are losing our Civil Service status that a lot of us worked a long time and worked hard at to get.

As a parent, I guess, I have to look at what could happen, and listening to some previous speakers, reading some of the things, having the opportunity to work in the Department of Education, if we do in

fact lose programs in a place like Brandon or Keewatin Community College in Thompson and The Pas, if we lose programs, what that means to us outside of Winnipeg is that our children have to go outside of Brandon or outside of The Pas or outside of Thompson to get an education.

* (2210)

I can speak that way from first-hand experience, because I have a son who is a machinist who was educated at Assiniboine Community College. He is working as a machinist. I realize he had the opportunity to live at home while he got his education; I have another son who is going to university who has to leave Brandon to go to university. I also realize what that is going to cost, and it is going to cost a lot of money for him to go to another university to go to school. I am more than willing to help with; I mean, that is part of my responsibility as a parent. I think the people in Brandon do not realize that some of our programs that we do lose and that we have lost because of the recent cuts are going to create large amounts of income that they are going to have to put out to educate their children.

A prime example of that just in the past budget cuts was the Broadcast Arts program in Brandon. We had approximately 60 or 70 students on the wait list; the program has been cancelled. They are going to finish off the second-year students and then the program is finished. Now, for those students, if they want that kind of training, they have to go to Confederation College, which is presently advertising in the Brandon Sun for their broadcast arts program, or maybe Alberta, but they are going to have to leave the province of Manitoba to get their education and that is really unfortunate.

As a parent, I see that those kinds of things would happen. I guess, I have been very happy with the government running the community colleges, with the government being my employer. Most of the people, and I say most of the people—I guess, maybe, I should have clarified it at the beginning, I was the president of the education component in the MGEA until recently. So I have had the opportunity to speak to employees, and employees have talked to me about these kinds of things, so that I think that I can speak on their behalf in that they are concerned about those kinds of things.

I guess the other thing that I see happening with college governance, we agree, as Ms. Finkleman

mentioned earlier, that yes, we would like to see more autonomy and, yes, we would like to see more control in the local colleges. I think that can be accomplished. I had the opportunity to attend one of the advisory committee meetings when they were first looking at college governance, and I think at that time, one of the models—I guess, to be simple, I could say model No. 1 was one where the community colleges were given the autonomy, where the employees were left as civil servants, and the presidents of the community colleges were made accountable for what happened there.

I think that those kinds of things can happen. I think that we have people who are willing to take those risks and do those kinds of jobs. I am wondering if we have to change everything. As the three community colleges—and I have been involved with them, as I said, for 14 years. We worked very closely together, not only in union matters, but also in our programs, in the opportunity for students to transfer from one community college to another one, to stay in the programs that they might be in, or to carry on into second year programs. I guess what I see happening is, if we become three separate businesses, three separate companies, three separate community colleges, we are going to lose that co-operation. We are going to lose the sharing that we do have right now with our colleagues in the other places, because what we are going to end up being is competitors.

I think we are going to be competitors, and we are going to be going after the same buck. To keep our colleges open, we are going to have to go after those dollars, so we are going to be competitors. I do not know if we are going to be able to have that co-operation and the sharing of materials, the sharing of the expertise that we have right now with different colleges. We have that opportunity, and I wonder if we will lose that. I guess those are basically some of the things that I wanted to mention, and on behalf of the employees at Assiniboine Community College, we really are concerned and we would like to see, if there was a possible way of amending the act, that we stay as civil servants where we have chosen our careers, we continue that and provide the good service that we do provide. I believe that the community colleges do provide a good service, and if you look at our record of employment of graduate students, you can see that we do provide a good service right now. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Hogue.

Mr. Derkach: I would like to thank you for your presentation, sir. There is no question by anyone that the performance of staff at the community colleges has not been up to par or that we are not producing some very excellent graduates from our community college system. As minister responsible, I am extremely proud of the quality of students we are producing and the employment these students find within our province.

Yes, we need to allow colleges to have more flexibility. You have indicated that yourself as an employee of the institution. The question is: How do we do it in the best way? If we take a look around the country, in Canada, and look at the systems that are in place, we find that there is some benefit to college governance in terms of being responsive to the needs of industry that requires training, institutions that require training and indeed in government that requires training. College structures have worked quite effectively, yet staff within those colleges do not have to lose any of the benefits, any of the quality that they now enjoy.

I would just like to ask you, sir, do you have the same level of fear that was expressed by both Ms. Finkleman and Mr. Offert, even though I have made statements now for some time with regard to transference of staff from community colleges under the governance, whereby staff are fearful that they may lose benefits?

Mr. Hogue: Oh, yes, by all means. We realize, once we become employees of a community college, that we are no longer civil servants and that we do not have any benefits. I guess that is a major concern for us, and we realize that is going to happen. We have been told that. Nobody has told us. Today is the first day I heard that you had made a comment that you were going to try your best to keep us in our present pension plan. Did I hear that correctly?

Mr. Derkach: I have indicated to the college system very emphatically that there would be no loss of benefits to employees who are transferring from the Civil Service to the college governance system in terms of their pensions and in terms of the Superannuation Fund, whether it was the Superannuation Fund or one that was equivalent to it.

The benefits would not be lost, and that was not our intent in any way, shape or form. I have made

that statement, and it has been recorded in the newspapers. It has been recorded in Hansard. Indeed, I am surprised that the Manitoba Government Employees' Association, the executive, has not communicated that to the employees throughout. Indeed, it was our responsibility to communicate that as well, but I was under the impression that that information was getting out to you.

Mr. Hogue: I guess a question on the pensions, and not being a pension expert or a superannuation expert, Mr. Minister, when you say that people would not lose their pension, if people no longer are civil servants, which means their seniority, their years of service no longer count, how does that affect the pension?

Mr. Derkach: The transference of benefits and seniority would simply have to be the same as they are now so that you would not lose any of your seniority, you would not lose any of your pension benefits if you transferred from the community college system as it is now to a governance system, and that is what we have stated.

Mr. Chairman: Any further questions of Mr. Hogue? Mr. Ducharme, could you bring the mike up?

Mr. Ducharme: Sometimes, when you have city employees come over from the city, they carry all the benefits and carry all the seniority right over onto the Manitoba pension plan, so it is not out of the way to have such a system.

* (2220)

Mr. Hogue: So then do I hear you saying that that could be written into the act then, that those benefits would be carried over once this act is proclaimed?

Mr. Derkach: It is certainly not something that I have seen in any of the other acts in terms of it written specifically into the act. It is covered under either the regulations or through an understanding, I suppose, but that is not something that I am opposed to.

Mr. Chairman: Thank you, Mr. Hogue.

Mr. Hogue: Thank you very much for your time.

Mr. Chairman: Mr. Eric Penner. Do you have a written presentation?

Mr. Eric Penner (Private Citizen): I do not, Mr. Chairman.

Mr. Chairman: You just may proceed then.

Mr. Penner: Thank you. I also am an employee of the community college system. I more specifically work at Assiniboine Community College in Brandon as an instructor. The comments I would like to make are largely in regard to the section dealing with the transfer of employees to the employ of the colleges when the act is proclaimed.

As has been stated by most of the previous speakers, the loss of the Civil Service benefits is one of the greatest concerns of employees at the colleges. Things like superannuation that has been mentioned many times, other examples would be vacation benefits, sick leave, dental plan, to name just some of the benefits that exist at the present time.

It is also a feeling amongst staff that the quality of education may suffer because of the change that is being promulgated by the act. There are examples in other jurisdictions of a large increase in part-time employees rather than full-time, career-type employees within community college system. Because of that, people are in and out of the system on a fairly regular basis delivering programs that are deemed important by the corporations that are making the decisions. They do not retain a lot of tie to the system, and therefore there is some concern that the quality of education may suffer because of that.

It is also my understanding that the human resources subcommittee is not being allowed to make recommendations to the main conversion team committee. That, not being the case with some of the other subcommittees, such as finance and purchasing, etc. It is the feeling of the staff at the colleges that the human resources committee is one of the most important committees, and in order to oversee the smooth conversion to college governance, the concerns of that committee certainly should be met, or should be aired and dealt with.

There is another example, in Newfoundland, of where they went to a board governance system and did maintain status of the employees as civil servants. It may behoove the committee to look at that particular jurisdiction and see how that was achieved. I would urge the committee to consider amendments to this particular section, that it be written into the act that the benefits of the employees will be maintained. It is one thing to have a verbal commitment. It is another thing entirely to have a

written commitment in the act that we can look at and judge at its value. I thank you.

Mr. Derkach: Mr. Penner, thank you for your presentation. I have to tell you, I respect the fact that one of the concerns that I would have as an employee of an institution who has banked certain benefits because of the years that I have put in at that institution or because of the fact that a certain portion of my wage goes towards buying those benefits; I would be concerned about losing them as well if that were not spelled out clearly in terms of how we would deal with it. Therefore, I sympathize with the comments that you make, but let me assure you that, and I will state it again for the record, there has never been any intent to take away, to rob valued employees of benefits that they are legitimately entitled to. I will be the first one to stand up and fight very hard to ensure that those employees who have banked and who have earned those benefits will retain them under a governance system.

Although I have stated that from the very beginning, it does concern me somewhat that message has not permeated through the system to the very valued employees that we have within our system. I know you personally, and I know the work that you have at Assiniboine and appreciate the contribution that you have made to our education system there. So thank you very much.

Mrs. Carstairs: Mr. Penner, I would just like to see if you can give us any more details of how Newfoundland, in fact, did this. They transferred the responsibility over to a governing body or to several governing bodies, but everybody maintained their Civil Service status. Is that what you are saying?

Mr. Penner: I do not have that information at my fingertips, but I am sure that we could forward that information to you, to the committee, for your consideration.

Mrs. Carstairs: Thank you.

Mr. Chairman: Thank you very much, Mr. Penner. I will call Mr. Rob Holland. Mr. Stan Jaworski. Mr. Pat McDonnell. Do you have a written presentation?

Mr. Pat McDonnell (Private Citizen): I do not, Mr. Chair.

Mr. Chairman: Okay, just proceed.

Mr. McDonnell: I will be speaking from some notes.

I want to thank the Chair and the committee for the opportunity to appear this evening and your patience at this hour. I am Pat McDonnell, an employee of the community college system, an instructor at Red River Community College. I am also vice-president of Manitoba Government Employees' Association, but appearing here tonight as a citizen.

If I can beg the indulgence of the committee, just a little further back on history that relates to how I feel this government is attacking the community college system and where it is going if this attack goes unabated. I came to Canada as an immigrant at the age of 12 in 1957. There were no community colleges in Canada at that time. The support systems that there are in Canada in the present day, these came after long struggles. I had to go to work when I was 14 years of age to help my parents support a family of six children. We were promised great things when we came to Canada. They did not materialize. However, through my older brother and myself going to work, we survived those first years and, since then, Canada has been very good to us.

Going to work at that age I had menial tasks, job entry levels, minimum wage jobs with no opportunity really for advancement. Private schools were financially out of the question. As I said, there were no community colleges until later on in the '60s. When they came on the scene, that was my first opportunity in Canada to improve myself both financially, educationally, to become more a part of the Canadian mosaic and to move forward.

* (2230)

I am suggesting to you that, in my mind, looking back at those days, that we are heading the same way now. We are moving back to that period of Canada's history with the denial of opportunities for people who cannot afford private training, with a denial of opportunities because of reduced options in the community college system, a denial of opportunities because of reduced funding to the community colleges, and that bothers me.

Before I go into the main part of my presentation, the other part that bothers me about this is the process. The Chamber of Commerce produced, allegedly of their own volition, a study on community colleges. I think it was an eight-hour study done by

a private consultant who is set up to take advantage of Canadian job strategies dollars, new in the training biz, and since out of that business. That is a bit like the fox in charge of the chicken coop, really.

From that came a government task force with representation once again from the Chamber of Commerce, from the Canadian Manufacturers' Association, but no other users of the community college system, and the buzz word in that is community. Colleges support services and provide services for all constituents of the community, not just manufacturers' associations and the Chamber of Commerce. No women's groups were invited to sit on that task force, no visible minorities representation, no aboriginal representation on that, and that is the major flaw that brings us where we are today. It was flawed from the beginning.

Really, the colleges act that was introduced on May 26 holds nothing in the way of good news for the 1,300 or so members of the college system. Given the initial secrecy of the minister and his failure to release the initial report, his refusal to let employee representatives even see, let alone contribute to the legislation, his press release statement, strengthening our partnership with employees, is nothing short really of a great hoax and a cruel one at that.

The first thing members of this committee should be aware of is the loss of Civil Service status for employees. We have had entreaties from the minister. The first I heard of it was last Friday in the House. I will come back to that later with respect to the benefits. The reduction of that status all but eliminates opportunities for its advancement in government. Career pathing is over. It impacts more severely on the other end of the spectrum by killing opportunity for transfers and redeployment in the event of cutbacks and layoffs such as those we recently experienced, and the education and college component, by the way, was the worst hit in the April 16 layoffs.

This, coupled with the government's refusal to be open and honest about their intentions, bodes ill for our pensions and other fringe benefits. It is a hoax to cover up the hidden agenda of cutting costs at employees' expense by rolling back those benefits that we have negotiated over the years. The increase in bureaucracy brought about by the establishment of four new paid boards, and there are four, one for each college plus there is provision there for a superboard, will only serve to reduce the

dollars available for programming. There will be transfer of dollars to administration from delivery of service. We wonder, maybe that was the reason there were such massive layoffs in the college system, to pay for these new boards.

This is particularly Machiavellian on the part of the Filmon government. Universities received approximately a 4 percent increase. The public school system received a 3 percent increase, and yet there was a 7 percent-plus cutback to funding in the college system.

Legislation introduced, it becomes patently obvious that the boards will be merely a political buffer for the minister and for the department. The minister can play Pontius Pilate behind these, wash his hands of any problems that occur in the colleges. They can be underfunded, and if there is any outcry, it is not the government's fault, it is the board. They are there to administer it. We have seen this in Ontario, and the strike record of the colleges in Ontario is one of the worst in the country for this very reason. There is underfunding of the college systems. The colleges, the board of regents open their books to the Ontario Public Service Employees Union and say, we cannot pay anymore, this is what the government gives us. They get into a strike situation in order to get legislation allowing for more funding for the colleges, and it is not the method of negotiation we would like to see in Manitoba.

The definitions in the act—there is nothing referring to collective bargaining, nothing referring to the Manitoba government employees, which is, by the way the one that the membership has chosen, Mr. Minister. We have had numerous meetings on board governance. We are the only constituency in the college system that has debated this and passed resolutions saying that we are not in favour of the board of governance that you have proposed. The students' association have had no discussions on this, the management have had no real input in this, in terms of debate.

In order to carry out this, we have an interim board being set up with absolutely no representation or input from staff. Administration's poor staff will have no input in policy and faculty will have no input on academic matters other than through the presidents, and we all know where they were when it came to the recent cutbacks and attack on the college system.

Also, look at the protection the government has given itself under the legislation. To achieve its ends, the Filmon government, in the legislation, sets itself above the law. The proposed colleges act suspends, thereby denying employees certain rights, specific sections of The Corporations Act, as well as The Labour Relations Act. Section 59 is an example.

Section 40—I do not understand it, and I would look for some clarification—basically denies us the right to collective bargain, and gives the boards the right to hire and set salaries for any individual that they wish, so it overrides the collective bargaining process, in my interpretation.

Section 50.3, transferring employees to the college is, in effect, a mass layoff of employees, and to top it all off, you are not sure the boards will do a good job because under Section 48 you indemnify them in the act against incompetence.

What is changing? Look at the minister's prerogatives contained within the legislation. The board can only recommend to the minister on academic matters such as courses and campuses, regional campuses. Ministerial rights as outlined in the legislation include determining programs, determining campuses, regional campuses and areas, program evaluation, the budget and where it will be spent, the right to suspend the board's appointed administrator if they do not agree with him, hold quasi-judicial inquiries or appoint a provincial committee to review and report in any matter. So what has changed? The minister has those prerogatives now. All it is doing is introducing another layer of management, another layer of administration and diverting dollars from program delivery.

One thing has changed actually. There are 35 more positions at the public trough for patronage and that, as an educator, we resent deeply because we are paying for it, in addition to the users of the college system, as referred to earlier.

I want to talk a bit about morale in the college. The stress levels are very high. We have had two suicides at Red River Community College recently. We have two deaths from heart attacks. We have one particularly sad case, an individual with 30 years service laid off similarly April 16, and the stress brought about in that family, his wife died of a heart attack yesterday. Now, I cannot prove any direct cause-and-effect relationship there, but I am

convinced that the stress contributed in more than a marginal way.

The public health nurses at Red River Community College tell me that the stress levels are up. The people who are visiting there with stress-related problems have substantially increased in the last 12 months.

One of the frustrating parts about it is, if you take the faculty of the three colleges, you have approximately 10,000 years of experience there, and you have a government with less than 300 who are implementing these changes to the college system without any consultation, without any input until we demanded and got on the steering committee, limited membership, some few months back. We heard from a previous speaker who is on that just how little input they are really being allowed there, particularly the human resources subcommittee. There is no public debate, which is abnormal for an academic milieu, no internal consultation, as with universities. The reduction in the college budgets that I mentioned earlier, the 7 percent, is indicative of where this government is going with the college system.

Decision making, the current system has been frustrated, maybe not intentionally, maybe by accident or omission. Decision making currently is pushed up to the high end, and the simplest of decisions are made in the minister's office. For example, part-time secretaries, the need for them has expired by the time the staffing approval has been signed. We have cases of that.

* (2240)

When you see that happening in the current system and you hear the rhetoric, we are looking for more flexibility in the colleges, and they tighten up what decision-making authority was there, you know this sort of contradiction is just too much to accept. If you believe in flexibility, try the flexibility model first, work through it, give them more autonomy. As that develops, go to the board system, but when you say, we believe in flexibility, we are going to give you more autonomy and we are doing it this way, in the meantime, you cannot do this, you cannot do this, they were doing it in the past, one wonders about the real commitment to autonomy.

We established, under the previous administration, market-driven training, a revenue-producing area for the college system.

Under this current administration, some six months ago, market-driven training was frozen. They were not allowed to sign contracts that brought in money, extra revenue for the colleges. We had one case where a multihundred-thousand-dollar contract, which was signed by the college and the client in April, still was not signed at the ministerial level in September. The students had to be delayed a week while the contract was couriered up to Roblin or Russell so it could be signed, and this is from a government that says that colleges should be more autonomous.

We have cutbacks in English as a Second Language funding. The work we do with immigrants has been cut back there. There is a negative impact on visible minorities, negative impact on women's programs. For example, the recent cutbacks in the Business Education division, where single-family parents are the principal clients, the principal students there, that was cut, and the answer was, they can go to the private sector, they can go to Success. Well, ladies and gentlemen of the committee, the course at Red River was \$600 course; the course at Success was a \$5,000 one, and a single mother just is not in the position to make that change.

There has been reference to making the colleges more responsive to the community's needs. We are responsive. We can set up a course faster than any other post-secondary institution. We do it faster than the universities with their processes. There has not been one complaint about the college itself being unable to deliver a course because of the processes involved, because we are unresponsive.

There is a reduction in the opportunities for youth wanting nonuniversity, post-secondary education. Between the cutbacks in money, the cutbacks in program options, we are getting back to where we were when I came to this country in 1957 and started to work in 1959.

What cost-benefit analysis was done? Where are the figures? You know, the cost of board governance has not been published; it has been kept secret. We do not even know if it has been costed. Again, somebody referred earlier to the Meech Lake syndrome, and this is a duplication of it. We have done some figures in the dark. Our estimate is a \$2-million start-up cost and a million to one and a quarter million costs after that for administration.

The three boards that are proposed, plus the super board, plus the existing structure, PACE and so on, fly in the face of what is happening in other provinces. Saskatchewan has moved to a single board. Alberta is moving to single boards. B.C. is amalgamating colleges under boards rather than individuals. We see the same process happening in this government. They are moving the regional housing authorities under a super board—why the colleges to three? They are moving the Family Services to a single board—why three for the colleges? Where is the consistency?

I would like to point out to the minister, with respect to Civil Service status and autonomy, that the good model for this exists in the government with the Manitoba Health Services Commission. It is somewhat autonomous. It operates on its own. It negotiates with the doctors. It negotiates with the hospitals. Yet every member of that organization is a civil servant. So you do not have to reinvent anything new. The model is there for you to use.

There was some question earlier as to the success, the achievements of our community college system. We currently rank No. 1 in the country. We have the highest record of job achievement at a higher criteria level than exists with the Canada Employment and Immigration for what constitutes work. We have a high success rate in terms of student satisfaction with the courses, and I think one of the reasons is that because we are not board governed, we are different in Manitoba. There is one other jurisdiction, New Brunswick. They are toying with the idea right now. Where you have board governors and you have competitive poverty, where you have competitive setting up of courses and a reduction in the quality of those courses, and duplication of those courses, you do not have good education. You do not have quality education, and I think that is the reason that we stand at 92 percent while the next best is just under 90—89 percent. I will conclude my remarks at that point.

Mr. Chairman: Thank you very much, Mr. McDonnell. Any questions? Thank you very much.

Mr. Stephen Kormilo. Do you have a written presentation?

Mr. Stephen Kormilo (Private Citizen): No, I do not, Mr. Chairman.

Mr. Chairman: Okay, you may just proceed then.

Mr. Kormilo: My name is Stephen Kormilo. I am an instructor at Red River Community College, and I will tell you right now I would feel a lot happier if I had a white board over here and a couple of pens to write with. It would make it a little more comfortable. By the way, there will be a quiz at the end of this presentation, just to make sure that everyone is awake.

My main concern is about the unilateral nature of this entire process leading to Bill 49. The governance model was chosen by a committee with no college staff representatives. The staff raised concerns at a meeting with Mr. Carlyle and others, so we got our staff representative on the governance transition committee. Staff representatives appear to have little real input and, consequently, little or no effect on the policy decisions being made, as we have already heard a couple of times. I am afraid that this is setting a precedent, because I think there is every indication that the government and its board—because after all the government will be establishing this board primarily—will continue to ignore or downplay any input from the staff at the college.

* (2250)

For example, I understand there is an interim board for the transition period that contains no college staff. Even the permanent board of 10 to 12 members, as established under Bill 49 or proposed to be established under Bill 49, contains only one staff member.

Ministerial powers—basically the same story. We are supposed to be going to a more flexible and more autonomous system, and the minister still retains very sweeping powers that can eliminate this and basically does not change his powers very much over the current system. So those ministerial powers, in my viewpoint, effectively negate any benefits a board of governance may have given or had the potential to give.

I wonder, in fact, if this entire public hearing process and this committee might prove to be a colossal waste of time for everyone in this room, or whether you, the members of this committee, have the actual intestinal fortitude to make or recommend amendments to Bill 49 that will address the issues that have been raised this evening.

What are those issues? It is part of the quiz, by the way. Reduce the ministerial power provisions to ones of general policy. I have no qualm about

that sort of thing. Increase staff representation on the board, at least two, probably one from the academic staff and one for the administrative staff. Also, I would like to see in Bill 49 how the employees of the colleges will select their representatives. All it says is that a representative will be selected by the members of the staff.

I would also like to see the pension issue clarified as part of Bill 49. There are basically two options, and I would like to see one of those chosen before the bill proceeds to the House, either continuation under the Civil Service Superannuation Fund, or that the government provide a fully funded alternative.

Conditions for continuing employment of existing staff—can we maintain the Civil Service status? There have been plenty of precedents that indicate that is possible with, of course, existing vacation, health, dental insurance as well as cumulative long-term disability and sick leave entitlements—the whole ball of wax. We also, I think, want to establish a reasonable sort of criteria for continuing employment at the college to avoid the term-contract syndrome that the government has been imposing on the Civil Service as well as the college, of course, being part of the Civil Service. This is really detrimental to morale in the colleges when the person does not know from six months to six months whether he is going to be working at the college or anywhere in the Civil Service, for that matter, so there should be some sort of criteria other than a simple time-period one to establish how long a person will be employed or what the conditions of employment are.

This evening I have listened to repeated verbal assurances and indications of intent regarding these matters and others from the minister. I would like these assurances to be made part of Bill 49. The current government has proven that verbal assurances are worth the paper upon which they are written.

I am also concerned about a couple of other issues which also have been raised but, as an instructor, the more often you repeat something, the more often it is likely to sink in. I am concerned re affordability under a board of governance system. Coupled with that is accessibility to minorities, underprivileged, women and so on.

The government has decreased funding to the college system this year. If they continue on that

path, then the only way that the colleges under a board of governance are going to be able to continue is with increased tuition fees. There is also the issue of education versus training. With financial pressures upon the college system under a board of governance, there is going to be more pressure for money making or attempted money making, short training courses, very specific job oriented courses of a short-term nature.

While these undeniably have a certain place in the system and, in fact, our department is doing that sort of thing already, I am afraid that long-term courses are going to suffer. The more general educational aspects of these long-term courses, of course, are very, very desirable, because they are training students, creating graduates who are more general in nature and able to adapt more easily to technological change in the workplace.

I think that primarily covers what I had to say, and I thank you for listening. If you have any questions, I will be pleased to try and answer them.

Mr. Chairman: Thank you, Mr. Kormilo.

Mrs. Carstairs: Thank you for your presentation. You have made a suggestion that we should rather radically amend this piece of legislation. If you had your choice between radically amending it or not passing at all, what would be your choice?

Mr. Kormilo: That is a difficult situation, because I see that there are some very positive benefits to a board of governance type system. There is no question that the government imposes a lot of overhead on certain aspects of our functioning but, probably, given the current status of Bill 49 and the way it is and is postulated to be, I would probably go for defeat of the bill rather than radical amendment.

Mrs. Carstairs: Thank you.

Mr. Chairman: Any further questions of Mr. Kormilo? Before we proceed, I have been asked by the last presenter, Mr. Pat McDonnell, he had another page in his presentation. Is there will of the committee to hear it? Leave?

Some Honourable Members: Leave.

Mr. Chairman: Leave.

Point of Order

Mr. Derkach: Excuse me, on a point of order. Mr. Chairman, I think that perhaps we should allow the—there are three other names here that we have

not called yet. Perhaps we should call them before, just to be fair to those who are still waiting.

Mr. Chairman: Okay. Yes.

Mr. Chairman: Mr. Brian Timlick, Mr. Archie Prescott, Mrs. Sonia Praznik. Okay, we go back to Mr. Pat McDonnell for the remainder of your presentation.

Mr. McDonnell: Thank you, and my apologies to the committee for my nervousness and oversight.

What is missing in the act is what I wanted to go over with you. One is union security. Section 40, I refer to in it, gives us a great deal of concern. The way the layoffs were handled in government, particularly in the colleges with no respect for the length of service of instructors, the time it has taken the government to settle those dislocation questions and to meet with us—it is two and a half months now and we have not gotten them anywhere near settled. Those actions give us concern, and this is why we are looking for that union security.

Pension benefits—with the greatest respect to the minister and his comments this evening about no intent, let me remind him that the road to hell is paved with good intentions. The Premier (Mr. Filmon) of this province stated three times in the House they would respect the collective bargaining process, and then he introduced Bill 70, so tell me how I can trust an intent not to play around with pension and fringe benefits? Where do I develop a respect and recognize or give this government any credibility when the Premier has three times in the House assured us of the collective bargaining process would not be tampered with and then introduces Bill 70?

I challenge the minister, sit down and put these things in writing and sign a memorandum of agreement with us that our pension will continue. You assure us the other benefits will continue, but in the very act of laying off college staff and setting them under a new employer, you eliminate the opportunity for career pathing in the Civil Service. That is a benefit that this minister, with all the best intentions in the world, cannot give us right here and now, can you?

* (2300)

So it is not—you know we have a problem with the credibility of the government when they say,

well, we have no intent to do it. Well, if you have no intent to do it and you have not had any intention to do this all along, why have you not said so?

Deputy Minister Carlyle, when he was asked this question at the initial announcement of board governance—we got, I do not know, we are not sure where we are going with that. Until last Friday in the House, Mr. Minister, we did not hear through government channels what the intent of this government was on pension and benefits. Seniority rights is another issue. You know, you assure us it is not your intention to play around with seniority rights. Sit down and give us a memorandum to that effect. That will eradicate the fear, the mistrust, the suspicion, if you will do that.

College interlocking for portability of expertise; one government board or one contract so that if we have expertise in one college we can transfer it to another as we do now; an interlocking, as I mentioned, of the Civil Service for career pathing—now these recommendations are very basic. There is nothing revolutionary about them. The Newfoundland model was referred to earlier. Newfoundland made a conversion to governance without any of this dislocation, without any of this mistrust, without any of this concern. On the other end of the spectrum, we have the Saskatchewan model, where you had a strike, you had dislocation and a reduction in the quality and level of teaching that was going on in that province. What I am suggesting to the minister is, if the political will is there, you can make a positive change and that all it takes is political will to do it and do it properly. Thank you for the extra time.

Mr. Chairman: Thank you very much, Mr. McDonnell.

This concludes the public presentations on Bills 40, 41, 42 and 49. We will now proceed with the clause-by-clause consideration of Bill 40.

If we could just break for two minutes, they have to change the tape in the back here behind us.

* * *

The committee took recess at 11:03 p.m.

After Recess

The committee resumed at 11:06 p.m.

Mr. Chairman: The bills will be considered clause by clause. During the consideration of a bill, the title

and the preamble are postponed until all other clauses have been considered in their proper order by the committee.

Bill 40—The Education Administration Amendment Act

Mr. Chairman: Bill 40 (The Education Administration Amendment Act; Loi modifiant la Loi sur les poursuites sommaires), Clause 1 through 5—pass.

Clause 6.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Are we on Section 6(1.1)?

Mr. Chairman: Yes.

Ms. Carstairs: All right. The motion reads the following: That the proposed subsection 6—

Mr. Chairman: Just one moment, Mrs Carstairs. We have to distribute the amendment. You may proceed.

Mrs. Carstairs: THAT the proposed subsection 6(1.1), as set out in section 5 of the Bill—

Mr. Chairman: You do not have to have a seconder—

Mrs. Carstairs: You do not need a seconder. In committee you do not require a seconder.

Mr. Chairman: We will begin again.

Mrs. Carstairs: I move

THAT the proposed subsection 6(1.1), as set out in section 5 of the Bill, be amended by striking out "forthwith" and substituting "within 10 days".

Well, if they would like me to move it also in French—

(French version)

Il est proposé que le paragraphe 6(1.1), énoncé à l'article 5 du projet de loi, soit amendé par adjonction de "dans les 10 jours" après "fournit".

Hon. Leonard Derkach (Minister of Education and Training): Mr. Chairperson, with the greatest respect for the intent of the resolution, I have to say that if we were to pull out the Webster's Dictionary—"forthwith"—we would know it means immediately. Here we are saying that we are going to allow 10 days, and there is nothing to compel any particular school division or authority, for that matter, to wait until the ninth day. I am suggesting that would not probably happen, but it could be conceivable that someone could wait nine days

before taking action, when indeed action should be taken within a day or two or as soon as humanly possible.

For that reason I cannot support that, because I think we have to have the opportunity—and it has to be stated that you must deal with it forthwith rather than an extended period of time.

* (2310)

Mrs. Carstairs: With the greatest respect to the minister, this does not affect school boards. This affects the minister himself. It says that the minister must act within 10 days so he has ample opportunity to get the correct information at his disposal or her disposal. If he wishes to act on the first day, he may do so. If he wishes to act on the ninth day, he may do so. He must act within a 10-day period.

I think that Legal Counsel would show us plenty of precedent that the word "forthwith," as a definition of the word "immediate," has had extended use of time frames, many far more than 10 days.

Mr. Chairman: On the proposed motion—Mr. Rose.

Mr. Bob Rose (Turtle Mountain): Again, I am having to get people to explain things to me here. Are we not talking about providing the teacher with reasons? Am I understanding this correctly? You wish to allow the minister to have 10 days, then, to provide the teacher with reasons why the certificate was lifted?

Mrs. Carstairs: I want it to be done within 10 days. "Forthwith" will not guarantee that teacher will get it in 10, 20, 30—there is a very broad definition of the word "forthwith" in legal documentation.

Mr. Chairman: On the proposed amendment to Bill 40, Education Administration Amendment Act, moved by Mrs. Carstairs

THAT the proposed subsection 6(1.1), as set out in section 5 of the Bill, be amended by striking out "forthwith" and substituting "within 10 days."

(French version)

Il est proposé que le paragraphe 6(1.1), énoncé à l'article 5 du projet de loi, soit amendé par adjonction de "dans les 10 jours" après "fournit".

All in favour of the motion, say yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

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

Mr. Dave Chomlak (Kildonan): I move, in English and French,

THAT section 5 of the Bill be amended by adding the following after the proposed subsection 6(1.1):

Teacher's right of appeal

6(1.2) A teacher whose certificate is suspended or cancelled by the minister under subsection (1) may appeal to the Court of Queen's Bench within three months from the day of the suspension or cancellation, or from the day he or she receives written reasons under subsection (1.1), and the court may make such order as it considers proper in the circumstances.

Court decision is final

6(1.3) The decision of the court under subsection (1.2) is final and not subject to appeal.

(French version)

Il est proposé que l'article 5 du projet de loi soit amendé par adjonction, après le paragraphe 6(1.1), de ce qui suit:

Droit d'appel de l'enseignant

6(1.2) L'enseignant dont le brevet d'enseignement est suspendu ou annulé par le ministre en vertu du paragraphe (1) peut interjeter appel de cette décision à la Cour du Banc de la Reine, dans les trois mois suivant la date de la suspension ou de l'annulation ou suivant la date à laquelle il reçoit les motifs écrits visés au paragraphe (1.1). La Cour rend alors l'ordonnance qu'elle juge indiquée dans les circonstances.

Décision définitive

6(1.3) La décision du tribunal visée au paragraphe (1.2) est définitive et ne peut faire l'objet d'aucun appel.

I can indicate, Mr. Chairperson, this is identical wording from The Denturists Act of the Province of Manitoba—similar in nature.

An Honourable Member: You swung me over.

Mr. Chomlak: There is precedent for this wording in Manitoba statutes.

Mr. Derkach: Mr. Chairperson, can I have the member explain this amendment, please?

Mr. Chomlak: My understanding of the minister's amendment, is to provide natural justice, and by virtue of that the minister is providing in his amendment, and it is something that we agree with,

written reasons for suspension or cancellation. The other component, and a component of natural justice, is to allow the aggrieved individuals a right of appeal. In this instance, since it is the minister who has the ultimate authority, it is very difficult to determine who the appeal should be to. Consequently, we are suggesting, using the precedent of The Denturists Act, that the appeal be made to the Court of Queen's Bench. It allows an individual a right to appeal, which is a natural component of natural justice, something the Manitoba Teachers' Society referred to, and I think ultimately, given that you have gone the one step in providing written reasons, you are ultimately going to have to do anyway.

Mr. Derkach: This is a very important and a very sensitive area. One of the premises that has to be upheld is that the teacher who is accused or who is alleged or who is found guilty must have his or her certificate suspended and must have his or her—or the presence of that individual has to be taken out of the classroom.

We have a system now whereby we do not automatically suspend a teacher's certificate when the allegation is made. That used to be the case. That is no longer. During the period between the time the teacher has been alleged to have conducted himself in an unethical way and the time that the court hears the case, the teacher is taken out of the classroom, but the certificate is not suspended. In other words, the teacher still can work in the education system somewhere as long as that individual is not in contact with children. That is something that we have impressed upon boards that is necessary to do. Once that individual has had his or her day in court, and if the person is found guilty, then the certificate is immediately removed.

Mr. Chairperson, I have to indicate that we also have a Certificate Review Committee that is made up of individuals from within the department, people who are professional teachers themselves and who have the authority to listen to the case. Indeed, the teacher can be represented by legal counsel at these hearings as well. At that point in time, the Certificate Review Committee makes a decision whether or not this certificate should be revoked, which means cancellation permanently. At that point in time, the committee will make that recommendation to the minister based on their hearings, the rationale is provided, and the

certificate then is either revoked or is given back to the individual teacher.

The process that we have now works because it does give ample opportunity for that individual's case to be heard by not only one jurisdiction but, indeed, by two. If the teacher, I guess, having been found guilty by the courts, wants to appeal that, that can be done. In terms of the Certificate Review Committee, the Certificate Review Committee deals not only with the legal aspects but also with the ethical aspects of revoking or cancelling a teacher's certificate. That, I think, is very important, because we are talking about dealing with children. We are talking about dealing with students. We need to have the ability for the Certificate Review Committee to be able to deal not only with the legal aspects but also the ethical aspects in terms of how an individual conducts him or herself in front and within a classroom.

It may mean that it is not just a case where a certificate is revoked or cancelled because he or she had been found guilty in court. Indeed, it could be for other reasons that are not related to an abuse case or anything of that nature, that a Certificate Review Committee may have to revoke it. It is based on professionalism. It is based on the premise that teachers have a very important role to play in developing the minds and in conducting themselves as role models before children. So we have to have the authority of a Certificate Review Committee to deal with these issues very carefully and that is why, I think, that has to be the authority. Now if the teacher wants to appeal, after the Certificate Review Committee has heard them, he or she may still appeal to the minister if they so choose. That has always been the case. I think we have to allow that process to continue because we do have teachers who themselves are sort of monitoring the system through the review committee.

So, for that reason, I would encourage us to leave the act as it is at this time, understanding that the Teachers' Society may want to make presentation during the whole issue of legislative reform, at which time, I would be prepared to listen to their arguments and perhaps consider it more fully at that time.

Mr. Chairman: On the proposed motion of Mr. Chomiak:

THAT Section 5 of the Bill be amended by adding the following after the proposed subsection 6(1.1):

Teacher's right of appeal

6(1.2) A teacher whose certificate is suspended or cancelled by the minister under subsection (1) may appeal to the Court of Queen's Bench within three months from the day of the suspension or cancellation, or from the day he or she receives written reasons under subsection (1.1), and the court may make such order as it considers proper in the circumstances.

Court decision is final

6(1.3) The decision of the court under subsection (1.2) is final and not subject to appeal.

(French version)

Il est proposé que l'article 5 du projet de loi soit amendé par adjonction, après le paragraphe 6(1.1), de ce qui suit:

Droit d'appel de l'enseignant

6(1.2) L'enseignant dont le brevet d'enseignement est suspendu ou annulé par le ministre en vertu du paragraphe (1) peut interjeter appel de cette décision à la Cour de Banc de la Reine, dans les trois mois suivant la date de la suspension ou de l'annulation ou suivant la date à laquelle il reçoit les motifs écrits visés au paragraphe (1.1). La Cour rend alors l'ordonnance qu'elle juge indiquée dans les circonstances.

Décision définitive

6(1.3) La décision du tribunal visée au paragraphe (1.2) est définitive et ne peut faire l'objet d'aucun appel.

Shall the motion be adopted? All in favour, say yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Nays have it. The motion is defeated.

* (2320)

Clause 6—pass; Preamble—(pass); Title—(pass). Shall the bill be reported?

Some Honourable Members: Yes.

Mr. Chairman: Is it the will of the committee that I report the bill?

Some Honourable Members: Yes.

Bill 41—The Public Schools Amendment Act (2)

Mr. Chairman: We will now move onto Bill 41 (The Public Schools Amendment Act (2); Loi no 2 modifiant la Loi sur les écoles publiques). We will consider this bill clause by clause.

Shall Clauses 1 through 15 be passed—(pass).

Hon. Leonard Derkach (Minister of Education and Training): Mr. Chairperson, I have an amendment that I would like to present at this time. I would like to move

THAT section 16 of Bill 41 be struck out and the following substituted:

Section 171 amended

16 Section 171 is amended

(a) in the definition of "eligible enrolment", by adding "or" at the end of clause (d) and by adding the following after clause (d):

(e) pupils who are not residents of a school division;

and

(b) by striking out the definition of "government support to education program".

(French version)

Il est proposé que le projet de loi 41 soit amendé par substitution, à l'article 16, de ce qui suit:

Modification de l'article 171

16 L'article 171 est amendé:

a) par adjonction, après l'alinéa d) de la définition de "inscription recevable", de ce qui suit:

"e) les élèves ne résidant pas dans une division scolaire.";

b) par suppression de la définition de "programme gouvernemental d'aide à l'éducation".

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

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Yeas have it. The amendment is carried, in English and French.

Clause 16 as amended—(pass); Clause 17—(pass); Clauses 18 through 24—(pass).

Mr. Derkach: Mr. Chairperson, I have another amendment for Section 25.

I move

THAT section 25 of Bill 41 be struck out and the following substituted:

Subsection 175(1) amended

25 Subsection 175(1) is amended by adding the following after clause (f):

(g) prescribing the percentage of the municipal contribution, in each school division for each fiscal year, that is to be raised by special levy.

(French version)

Il est proposé que le projet de loi 41 soit amendé par substitution, à l'article 25, de ce qui suit:

Modification du paragraphe 175(1)

25 Le paragraphe 175(1) est modifié par adjonction, après l'alinéa f), de ce qui suit:

g) établir, en pourcentage, la contribution de la municipalité, dans chaque division scolaire pour chaque exercice, qui doit être perçue au moyen d'une taxe spéciale.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Will the minister tell us why he has removed (h)?

Mr. Derkach: Yes, Mr. Chairperson, it is included in the expanded definition and therefore is not required. Therefore, we are simply deleting it completely and including section (g).

Mr. Chairman: All those in favour of the proposed amendment, please signify, saying yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

In my opinion, the Yeas have it. The motion as amended, in both English and French, is adopted.

Section 25 as amended—pass; Sections 26 through 35—(pass).

Mr. Derkach: Mr. Chairperson, I have another amendment to make in Section 36.

I move

THAT proposed section 194 of The Public Schools Act, as set out in section 36 of Bill 41, be amended by striking out "in addition to support that may be provided to assist" and substituting "in addition to support that may be provided, to assist".

(French version)

Il est proposé que l'article 194 de la Loi sur les écoles publiques énoncé à l'article 36 du projet de loi soit amendé par substitution, à "en plus de l'aide financière accordée pour aider", de ", en plus de l'aide financière accordée, pour aider".

Mr. Chairman: All those in favour of the proposed amendment, please signify by saying yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

In my opinion, the Yeas have it. The motion is carried.

Motion agreed to.

Mr. Chairman: Clause 36 as amended—pass; Clauses 37 through 38—pass; Preamble—pass; Title—pass; Bill as amended be reported—pass.

Is it the will of the committee that I report the bill as amended? Agreed.

Bill 42—The Public Schools Finance Board Amendment Act

Mr. Chairman: We will now proceed to Bill 42 (The Public Schools Finance Board Amendment Act; Loi modifiant la Loi sur la Commission des finances des écoles publiques), the bill to be considered clause by clause. Shall Clauses 1 through 15 be passed?

Hon. Leonard Derkach (Minister of Education and Training): Mr. Chairperson, I would like to move an amendment to this act. I move

THAT proposed new section 19 of The Public Schools Finance Board Act, as set out in section 15 of Bill 42, be amended by striking out "under this Act" and substituting "under this Act and The Public Schools Act".

(French version)

Il est proposé que l'article 19 de la Loi sur la Commission des finances des écoles publiques, énoncé à l'article 15 du projet de loi 42, soit amendé par substitution, à "en application de la présente loi", de "en application de la présente loi et de la Loi sur les écoles publiques".

Mr. Chairman: All those in favour of the proposed amendment, please signify by saying yea.

Some Honourable Members: Yea.

Mr. Chairman: All those opposed, say nay. In my opinion, the Yeas have it.

Motion agreed to.

Mr. Chairman: Section 19 as set out in Section 15 as amended—pass; Clause 16—pass; Preamble—pass; Title—pass; Bill as amended be reported—pass. Is it the will of the committee that I report the bill as amended?

Some Honourable Members: Agreed.

Bill 49—The Colleges and Consequential Amendments Act

Mr. Chairman: We will now proceed to Bill 49.

Consideration of Bill 49 (The Colleges and Consequential Amendments Act; Loi sur les collèges et modifiant diverses dispositions législatives). The bill will be considered clause by clause.

Clauses 1 through 5—pass; Clause 6—(pass); Clause 7—(pass); Clause 8—(pass); Clause 9.

Mrs. Sharon Carstairs (Leader of the Second Opposition): I move, motion de Mme Carstairs

THAT the proposed clause 9(1)(a) be amended by striking out "on terms acceptable to the board and the students' association" and substituting "by the students' association".

(French version)

Il est proposé que l'alinéa 9(1)(a) soit amendé par substitution, à "à des conditions que le conseil et l'association des étudiants jugent acceptables", de "par l'association des étudiants".

I may point out that earlier in the act the employees get to appoint their own representative. I think it is only appropriate that the students also get to appoint theirs.

* (2330)

Hon. Leonard Derkach (Minister of Education and Training): Mr. Chairperson, I do not have any great hang-up with this one. I have always advocated that it is important to have student representation. Indeed, if the student is acceptable to the students, then I think certainly "the board" part can be deleted.

Motion presented.

Mr. Chairman: Shall the amendment pass? All in favour, say yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Yeas have it, and accordingly passed in the English and French.

Shall Clause 9(1) pass as amended?—(pass). Shall Clauses 10 through 15 pass?—(pass). Shall Clauses 15 through 20 pass?—(pass). Clauses 20 through 27—pass.

Mr. Dave Chomlak (Kildonan): I move

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

Annual report referred to standing committee 28(3) An annual report laid before the Legislative Assembly under subsection (2) shall be referred to a Standing Committee of the House designated by the Legislative Assembly.

(French version)

Il est proposé que le projet de loi soit amendé par adjonction, après le paragraphe 28(2), de ce qui suit:

Renvol en comité

28(3) Le rapport annuel est, après son dépôt, renvoyé devant le comité permanent désigné par l'Assemblée législative.

That makes sense, Mr. Chairman, considering that some other statutes—most notably, the Justice minister will indicate that The Provincial Judges Court Act does that and I think certain aspects of The Crown Accountability Act provide for reference to a standing committee to allow for proper debate of the annual report.

Mr. Derkach: Mr. Chairperson, I am opposed to this particular amendment because there is no other act in the House that I am familiar with—I guess there is one that the member refers to, that I will not argue with—that specifically has this within the act. We tabled the annual reports and, indeed, I guess the Legislature still has that power to do it, but it is certainly not stipulated within any of the other statutes that we have that I am familiar with, and I think that this is just cluttering up the legislation. We have tried to make it as clear and concise as we possibly can and I do not think this is necessary at this point in time.

Motion presented.

Mr. Chairman: All in favour of the motion, please say yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

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

Clauses 29 to 39 be passed—(pass).

Mr. Chomiak: I have an amendment after Section 40, Mr. Chairperson.

I move

THAT the following be added to the Bill after section 40

Application of Civil Service Superannuation Act
40.1 The employees of a college are employees within the meaning of The Civil Service Superannuation Act.

(French version)

Il est proposé d'ajouter, après l'article 40 du projet de loi, ce qui suit:

Application de certaines dispositions

40.1 Les employés des collèges sont des employés au sens de la Loi sur la pension de la fonction publique.

Mr. Chairperson, considering the declarations made by some individuals tonight and the minister tonight, I do not anticipate that members would have much difficulty with this particular aspect, and I recommend it highly.

Mr. Chairman: I want to advise honourable members that I had some concern with this amendment. It might impose a new financial charge on the government and, therefore, be out of order.

I have reviewed the amendment and obtained legal and procedural advice. I am advised that the amendment does not impose a new financial charge on the government. It simply continues the employees' existing pension plan under The Civil Service Superannuation Act. The amendment, therefore, does not contravene the rules respecting money matters and is in order.

All those in favour?

Mr. Derkach: We have heard from the presenters here today that one of the most important concerns they have had as employees is to have this particular clause in the act and, as I have indicated before, we have not found it in other statutes and, therefore, understanding that there was the good will of government, and of course it could be included in a memorandum of understanding or indeed in regulation, it was left out. I have no difficulty with this and I support this amendment and recommend that it become part of the legislation.

Mr. Chairman: All those in favour of the proposed motion of Mr. Chomiak

THAT the following be added to the Bill after section 40

Application of Civil Service Superannuation Act
40.1 The employees of a college are employees within the meaning of The Civil Service Superannuation Act.

(French version)

Il est proposé d'ajouter, après l'article 40 du projet de loi, ce qui suit:

Application de certaines dispositions

40.1 Les employés des collèges sont des employés au sens de la Loi sur la pension de la fonction publique.

All in favour, say yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay. In my opinion, the Yeas have it.

Shall Section 40 as amended be passed?

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Yeas have it.

Clause 42—(pass).

* (2340)

Mr. Derkach: Mr. Chairperson, I have an amendment.

Mr. Chairman: If we can just pass it out.

Mr. Derkach: Yes. Mr. Chairperson, I move

THAT subsections 43(1) and 43(2) of the Bill be struck out and the following substituted:

Student activity fees

43(1) A students' association may set student activity fees.

Collection of fees

43(2) A board may collect student activity fees and where it does so, it shall require the payment of the fees before registering a student.

(French version)

Il est proposé que les paragraphes 43(1) et (2) du projet de loi soient remplacés par ce qui suit:

Cotisations pour les activités des étudiants

43(1) L'association des étudiants peut fixer des cotisations pour les activités de ceux-ci.

Perception des cotisations

43(2) Le conseil peut percevoir les cotisations visées au paragraphe (1), auquel cas il en exige le paiement avant d'inscrire un étudiant.

Mr. Chairperson, if I might just explain this. There has always been the provision for students to collect fees. When this particular bill was drafted, it was understood that students would still continue to have the right to collect those student fees. However, there was an expression by the students' association that they would like to have this included in the legislation. We see no need to exclude it, and I would think it would certainly spell it out more clearly for the board and for the administration of the college. Therefore, I recommend that we accept this.

Mr. Chairman: All those in favour of the amendment, signify by saying yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay. In my opinion, the Yeas have it.

Clause 43, as amended—(pass); Clauses 43 through 49—(pass). Shall Clauses 50 through 56 pass—pass.

Mr. Derkach: I have the final amendment here, Mr. Chairperson, that is being circulated now. Knowing full well that my colleague the Justice minister will

have no difficulty with this one, I would propose that the amendment be as follows:

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

(French version)

Il est proposé que le conseiller législatif soit autorisé à changer tous les numéros d'articles ainsi que les renvois nécessaires à l'adoption des amendements faits par le présent comité.

Mr. Chairman: Shall the motion be carried? All in favour, say yea.

Some Honourable Members: Yea.

Mr. Chairman: All opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairman: In my opinion, the Yeas have it.

Shall the preamble pass—(pass). Shall the title be passed—(pass). Shall the bill as amended be reported?

Some Honourable Members: Agreed.

Mr. Chairman: Agreed. Is it the will of the committee that I report the bill as amended?

Some Honourable Members: Agreed.

Mr. Chairman: Agreed. Committee rise.

COMMITTEE ROSE AT: 11:46 p.m.