

**Second Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Mr. Tom Nevakshonoff*  
*Constituency of Interlake*

**Vol. LXV No. 11 - 6 p.m., Tuesday, October 29, 2013**

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**Fortieth Legislature**

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

**Tuesday, October 29, 2013**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Tom Nevakshonoff**  
*(Interlake)*

**VICE-CHAIRPERSON – Mr. Rob Altemeyer**  
*(Wolseley)*

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mses. Braun, Howard, Hon. Mr. Mackintosh, Hon. Mses. Marcelino, Selby*

*Messrs. Altemeyer, Briese, Friesen, Nevakshonoff, Mrs. Rowat, Mr. Smook*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Bill 26–The Accessibility for Manitobans Act*

*Mr. David Lepofsky, Accessibility for Ontarians with Disabilities Act Alliance*

*Ms. Gail Mores, March of Dimes Canada*

*Mr. Kevin Rebeck, Manitoba Federation of Labour*

*Mr. Patrick Falconer, Barrier-Free Manitoba*

*Ms. Laurie Helgason, private citizen*

*Ms. Libby Zdriluk, Independent Living Resource Centre*

*Mr. David Steen, private citizen*

*Mr. Samuel Unrau, University of Winnipeg Students' Association*

*Ms. Megan Fultz, Canadian Federation of Students of Manitoba*

*Ms. Jeannette Delong, Abilities Manitoba*

*Ms. Ruth Enns, private citizen*

*Mr. Oly Backstrom, private citizen*

*Ms. Jess Turner, Manitoba League of Persons with Disabilities*

*Ms. Jennifer Frain, New Directions for Children, Youth, Adults and Families*

*Mr. Ross Eadie, private citizen*

*Mr. Rob McInnes, Diversity World*

*Mr. George Pasieka, Canadian Mental Health Association, Manitoba Division*

*Mr. John Ruppel, private citizen*

*Ms. Geraldine Sage, private citizen*

*Bill 24–The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments)*

*Mr. Peter Marykuca, private citizen*

*Mr. Christian Artuso, Bird Studies Canada*

*Ms. Doris Ames, Native Orchid Conservation Inc.*

*Ms. Shaunna Morgan Siegers, Canadian Boreal Initiative*

*Bill 45–The Competitive Drug Pricing Act (Various Acts Amended)*

*Mr. Barret Procyshyn, Manitoba Society of Pharmacists*

*Ms. Kristine Petrasko, Canadian Pharmacists Association*

*Ms. Amy Oliver, private citizen*

*Bill 13–The Fish and Wildlife Enhancement Fund Act*

*Mr. David Carrick, Fish Futures*

*Mr. Paul Turenne, private citizen*

*Bill 28–The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges)*

*Ms. GERALYN Reimer, Manitoba Association of Midwives*

**WRITTEN SUBMISSIONS:**

*Bill 13–The Fish and Wildlife Enhancement Fund Act*

*Cherry White and Stu Jansson, Manitoba Trappers Association*

*Doug Tesch, Netley Marsh Waterfowl Foundation Inc.*

*Bill 24–The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments)*

*Helios Hernandez, private citizen*

*Cam Dahl, Manitoba Beef Producers*

*Bruce Ford and Elizabeth Punter, University of Manitoba Department of Biological Sciences*

*Ron Thiessen, Canadian Parks and Wilderness Society*

*Terry Galloway, private citizen*

*C-Jae Breiter, Wildlife Society, Manitoba Chapter*

*David Punter, private citizen*

*Bill 26—The Accessibility for Manitobans Act*

*Doug Dobrowolski, Association of Manitoba Municipalities*

*Karen Wittman, The Manitoba Bar Association*

**MATTERS UNDER CONSIDERATION:**

*Bill 4—The Personal Health Information Amendment Act*

*Bill 13—The Fish and Wildlife Enhancement Fund Act*

*Bill 15—The Employment Standards Code Amendment Act (Minimum Wage Protection for Employees with Disabilities)*

*Bill 19—The Waste Reduction and Prevention Amendment and Environment Amendment Act*

*Bill 24—The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments)*

*Bill 26—The Accessibility for Manitobans Act*

*Bill 28—The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges)*

*Bill 30—The Forest Health Protection Amendment Act (Heritage Trees)*

*Bill 45—The Competitive Drug Pricing Act (Various Acts Amended)*

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**Mr. Chairperson:** Order. Good evening. Will the Standing Committee on Human Resources please come to order—*[interjection]*—correction, the Standing Committee on Social and Economic Development, please come to order. Thank you, thank you.

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

**Hon. Jennifer Howard (Minister responsible for Persons with Disabilities):** I nominate Mr. Altemeyer.

\* (18:10)

**Mr. Chairperson:** Mr. Altemeyer has been nominated. Are there any other nominations?

Hearing no other nominations, congratulations, Mr. Altemeyer, you are elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 4, The Personal Health Information Amendment Act; Bill 13, The Fish and Wildlife Enhancement Fund Act; Bill 15, The Employment Standards Code Amendment Act (Minimum Wage Protection for Employees with Disabilities); Bill 19, The Waste Reduction and Prevention Amendment and Environment Amendment Act; Bill 24, The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments); Bill 26, The Accessibility for Manitobans Act; Bill 28, The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges); Bill 30, The Forest Health Protection Amendment Act (Heritage Trees); and Bill 45, The Competitive Drug Pricing Act (Various Acts Amended).

Before we get to the presentations, we have a number of housekeeping items to discuss, so I will ask for your patience as I take us through them.

Requests for special accommodations have been made regarding Bill 26, The Accessibility for Manitobans Act. Specifically, a request was put forward to the House leaders to consider this bill first this evening starting with hearing public presentations on Bill 26, followed by clause-by-clause consideration of the same bill. After that we will return to hearing presentations on all the other bills listed for consideration. This divergence from our normal practice is to meet the requests of many of the members of the public who are attending tonight. In addition, we have translation staff here tonight for people who request to make their presentations with a sign-language interpreter and live closed-captioning of the proceedings. Dealing with Bill 26 first will allow the translation and closed-captioning staff to leave following the consideration of the bill. Does the committee agree with this arrangement? *[Agreed]*

Additionally, one of these presenters, No. 12 on Bill 26 list, David Lepofsky, has asked to make his presentation by telephone, and we have arrangements in place to accomplish this. I would ask if it is the will of the committee to entertain this presentation first and then move on with the other presentations. Is that agreed? *[Agreed]*

On the topic of determining the order of public presentations, both for Bill 26 and for the other bills on the agenda, I will note that we have out-of-town presenters in attendance marked with an asterisk on the list. With this consideration in mind, in what order does the committee wish to hear the presentations on Bill 26?

**Ms. Howard:** I think we should follow our usual practice of hearing from out-of-town presenters first.

**Mr. Chairperson:** The minister has said—is that agreeable to the committee? *[Agreed]*

And in what order does the committee wish to hear the presentations on all the other bills?

**Ms. Howard:** I was not—I did not prepare for that question, but I think what generally makes sense is we group them by portfolio or—*[interjection]* Oh, just the presenters, out-of-town presenters first, is that the question you're asking? *[interjection]* Okay, that's what we'll do. It's like playing charades.

**Mr. Chairperson:** The minister has said—is that agreeable? *[Agreed]*

I would like to inform all in attendance of the provisions in our rules regarding hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets at 6 p.m.

As of 6 p.m. this evening, there were 40 persons registered to speak, as noted on the lists of presenters before you. Therefore, according to our rules, this committee may not sit past midnight to hear presentations. Therefore, how late does the committee wish to sit this evening?

**Ms. Howard:** I would like to suggest that we sit until we're completed business tonight, if at all possible. I recognize that may take us beyond midnight, but I know people have made arrangements to be here. There isn't another night scheduled for this committee so I think we should make best efforts to complete our business tonight. If it just becomes practically impossible, I'm open to reconsidering it, but I think we should give it a shot.

**Mrs. Leanne Rowat (Riding Mountain):** I agree with the minister; I think we should sit through the evening and, again, I agree, if it's getting into the wee hours, then we revisit where we go following. But I think sitting through is probably the best way to go.

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

Written submissions from the following persons have been received and distributed to committee members: on Bill 24, Helios Hernandez; Cam Dahl, Manitoba Beef Producers; Bruce Ford and Elizabeth Punter, University of Manitoba Department of Biological Sciences; Ron Thiessen, Canadian Parks and Wilderness Society; on Bill 26: Doug Dobrowolski, Association of Manitoba Municipalities; Karen Wittman, The Manitoba Bar Association.

Does the committee agree to have these submissions appear in the Hansard transcript of this meeting? *[Agreed]*

Public presentation guidelines: Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room. Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

Speaking in committee: Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn microphones on and off.

Thank you for your patience. We will now proceed with public presentations.

Okay, just for the information of the committee, we've agreed to do this telephone presentation first. So it'll take a few moments to set that up and we'll commence in short order.

\* (18:20)

### **Bill 26—The Accessibility for Manitobans Act**

**Mr. Chairperson:** I now call on Mr. Lepofsky on the telephone to begin your presentation, sir.

**Mr. David Lepofsky (Accessibility for Ontarians with Disabilities Act Alliance):** Well, I want to begin by thanking the committee very, very much for the honour and the privilege of being able to present to you and for letting me do it by telephone from Toronto.

I'm the chair of the Accessibility for Ontarians with Disabilities Act Alliance. We're the non-partisan province-wide coalition that advocates for the effective achievement of a barrier-free Ontario for people with disabilities through the implementation of our disabilities act. From 1994 to 2005, I had the privilege of chairing, also in a volunteer capacity, the predecessor coalition which fought for the enactment of our disabilities act.

And I want to begin by, on behalf of my coalition in Ontario, congratulating the government of Manitoba, Minister Howard, for bringing forward this legislation and for the opposition party for supporting it. This is a huge and momentous development.

Because time is short, I'm going to get right to the contents of what we'd like to propose. Clearly, what you are trying to do is admirable and commendable, but it needs some refinements so that Manitobans with disabilities at least get the same accessibility rights that Ontarians with disabilities now enjoy. There's no reason why Manitobans with disabilities would deserve anything less.

In Ontario, we began fighting for a disabilities act in 1994. In 2001, the Mike Harris Conservative government brought forward our first disabilities act. It was called the Ontarians with Disabilities Act. It was a good—it was well intentioned, but it didn't go far enough. That's what led our—the successor McGuinty government to pass a stronger law, the Accessibility for Ontarians with Disabilities Act, under which we're now operating. Now, it's far from perfect, and we've had issues with how it's implemented, but it's certainly a good guide for Manitoba.

In some ways, Bill 26 is closer to the Conservative—the Mike Harris Conservatives' Ontarians with Disabilities Act, 2001, and I'm going to explain why, and I'm going to offer you some concrete suggestions of how you bridge the gap and move forward within the framework of the bill that's before you.

First and foremost, I want to endorse—we want to endorse the brief from Barrier-Free Manitoba. Every single thing they're recommending is a good idea. We're going to elaborate and add a few things. As Barrier-Free Manitoba points out, it is absolutely indispensable that your law be amended, that your bill be amended, to set a specific requirement of full accessibility, that the government has to lead the province to full accessibility and that it set a deadline.

We have the deadline of 2025. That has been an absolutely central part of what's made our bill contribute to progress, and without it, we would be considerably further behind. Now, you might wonder, or some of you may wonder, well, why do that? Well, it—because it, actually, it creates a yardstick by which all action can be judged. Without a deadline, you're basically saying, well, we'd like to achieve full accessibility but we may never get there, or we're not prepared to say when we will get there, if ever, and it may not be in our lifetimes or anyone's lifetimes.

Let me put it to you this way: If the deadline was 2090, I can't imagine that there is a public servant or a politician who'd say, well, no, that's too—that's not far away enough, we can't get there. On the other hand, if I said a deadline of 2014, you'd probably all say that's too soon. That proves that really the debate isn't whether we need one but simply when it should be. And if there's some debate within the government or the opposition when it should be, consult with the business community quickly and with the disability community and come up with a designation that you can live with. That's what happened with us: Some with us—within the disability community thought the government's 20 years was too long. But, even if it was, it served a really important role. So that's my first recommendation: You've got to set a deadline, and it will guide everything.

The next thing, your law—the second point I'd like to make is this: Your bill is commendable because it sets out the—a regime for developmental—developing accessibility standard. That's pivotal to what we're doing in Ontario. I will tell you, however,

that your law falls short and is much closer to the Mike Harris bill that we've all now recognized did not go anywhere near far enough, because it does not require accessibility standards to be made; it merely says, they may be made. That's what we got in 2001, and we found out over the next couple of years that no one was making any, and we tried to get them made. The only thing that led to progress for us is a requirement in law that they must be made now, at least discretion of the government which ones to make, when to make them and what to—excuse me—what to include in them. We absolutely need a mandatory requirement that accessibility standards be made.

The next thing that we learned is that once accessibility standards are made it is pivotal that any recommendations that are brought forward must have a representation of 50 per cent of people with disabilities or their representatives at the table otherwise, they get outnumbered. They get outmaneuvered and the resulting standards that will be proposed will be inadequate. Our law didn't require 50 per cent originally, but—in 2005—but we quickly learned about this deficiency, and in 2007 we got election commitments from the government that no one has opposed since that there be 50 per cent disability representation around the table. It's absolutely vital.

The next recommendation I'd like to make is this. It is absolutely critical. You've got a good regime in the law—in your bill for how to develop the standards, but the problem is, even if one is made, the act allows the government—another government or the same government—to learn around—turn around and repeal it or gut it without any need to consult with anyone. It's really important. It's got a great regime for consulting and working collaboratively to develop it, but then someone else could come along and say, after you did all that hard work we're now slashing the whole thing and we don't need to consult with anyone. It's absolutely critical to change that. You need to embed in legislation protections that once there are gains made under this legislation through standards, that you don't turn around and cut them back without the appropriate consultation process. Obviously, government has to be able to amend things. It'll learn by doing and so on, but it's important not to have that risk that one government makes progress and another one comes along and cut it without even needing to have a moment's public consultation or a moment's public debate. People with disabilities deserve better than that.

Because time is short, I've got lots of other ideas, but I want to—I'm going to shorten our contribution to two others.

One is in the area of enforcement. Without effective enforcement, a law like this doesn't get you very far. In fact, it doesn't get you far at all, and while you've got some good enforcement tools, they're not—it's not mandatory that the government ever use any of them. It provides that you can have inspectors, but it doesn't require that you appoint any or that you appoint any in any of our lifetime. So it's important to beef up those enforcement provisions not only as Barrier-Free Manitoba has recommended, but also to require that the powers that are in the act are actually exercised. One thing you might want to consider is to require the minister to make an annual report of what its plan—the plans will be for enforcement and what has been done in the past year for enforcement as part of the reporting mechanisms.

The final thing I'd like to propose to you in terms of concrete suggestions is this: let's use a measure to achieve accessibility that could have a huge impact and won't cost the government a dime. What's that? The government spends a fortune every year on capital and infrastructure spending and on procurement. Could you amend this bill to require that whenever the government spends money on procurement or capital or other infrastructure projects, that that money can never be used to create barriers, perpetuate barriers or exacerbate barriers? All you're—I'm not suggesting you increase your procurement or your infrastructure budget by a dime. All we're suggesting is that you make it clear that anyone who wants to get government money to—either selling goods or services to the government or to—for a capital project of any sort, that they've got to make it clear that that money won't be used to make things worse for people with disabilities and at least it'll stay neutral. If not, it will make things better.

I hope those ideas are successful—are helpful. I think Manitoba can be—

**Mr. Chairperson:** One minute, sir.

**Mr. Lepofsky:** —proud in attempting to develop this legislation, but please learn from what we've learned. We learned that the Mike Harris bill didn't work, and support for progress came not only from the disability community but from others, and that led to our disability fact that we passed in 2005.

So make your access—make it mandatory to have—make a goal that must be met by a deadline and

full accessibility and require the government to develop accessibility standards, not just permit them to, and require enforcement steps to be taken and to be made accountable to the public.

Thank you again, and I welcome your questions.

\* (18:30)

**Mr. Chairperson:** Thank you for your presentation, Mr. Lepofsky. The floor is open for questions.

**Hon. Jennifer Howard (Minister responsible for Persons with Disabilities):** Yes, thank you very much, Mr. Lepofsky. It's nice to talk to you again, and it's been a while now since we first met but you were a big part of us being in this position now, so I want to thank you for that.

I want to respond to some of your concerns. First of all, we will be bringing forward an amendment tonight to require significant progress to full accessibility by 2023. We have had some discussions and some debate about how to phrase that, and those will probably continue, but I agree that there should be a timeline. In my view, it should be meaningful. I think a 10-year timeline is meaningful because I do think folks who will be working on this will likely still be here in 10 years—maybe not me, but other people—and I also think that significant progress is, frankly, an achievable goal. I'm not sure that full accessibility in a decade is an achievable goal.

So that's one of the thing—one of the amendments we'll be making tonight. We do currently have an Accessibility Advisory Council who will be spearheading the standard development. They are made up half of people with disabilities and half of people who represent sectors that are affected by the standards, and they will work to construct committees and take advice, but they are the ones that will forward the recommendations.

And I think to your point about permitting government to do things or requiring government to do things, I think what we've done in this bill is put in place a number of reporting mechanisms, a number of reviews, so that any government will set standards, and that's certainly the intent of this government. I think, given the fact that we have broad support from the opposition, if the government were to change, I believe that would continue.

There is an annual reporting requirement from the minister. There is a five-year review requirement of progress on the bill. In respect to your comment

about government procurement, there is right now a procurement initiative, ongoing, to look at how we do some of the things that you're talking about, require accessibility built into our projects.

So I think we are making progress on a number of your concerns, and I just wanted to share that with you and thank you very much for your advice on how we make this bill stronger and more meaningful.

**Floor Comment:** Well, Minister, I want to—

**Mr. Chairperson:** Mr. Lepofsky. I have to recognize you, sir, before you reply.

**Mr. Lepofsky:** Oh, sure. Thank you.

Thank you, Minister, and it's been a privilege to have met you back when you were getting started on this, and I think you've come a tremendous way, for which you can be proud.

In our experience, the public service, as they advise the government how to draft this kind of legislation, sort of gets caught in a bit of a dilemma because at times they're looking at themselves as being the regulated body worried about, oh, what are we going to have to do, and at times they're worried about advising government, don't tie your hands, don't give yourself too many commitments, this might be hard, give yourself a lot of flexibility. And when I reread this bill this afternoon, it read to me like a bill that was all about saying, good intentions, lots of flexibility. And what we found in Ontario is good intentions are great, but lots of flexibility means you can end up with the—people move on to other issues and the ball gets dropped.

And, in fact, that's become a bit of a—more than a small issue in Ontario right now, even with greater benchmarks than you've got built in. And if there's something we've learned from the Ontario experience, it's that you don't write a law for the people sitting around the table there tonight. You're excited about this and you're looking forward to being proud about achieving it and collaborating on it. You've got to write a law for the people who are going to be doing this three, four, five, six, seven, eight, 10 years down the road, and making sure that they are directed to take actions because, invariably, they will find flexibility means we don't really have to do as much as the people may have thought they had to do when they were sitting where you're sitting today.

**Mr. Chairperson:** Okay, I just want to remind—I want to remind everybody we only have five



minutes for questions and answers, so just keep that in mind when you're putting your question, and I also advise the presenters that we have other people who want to ask questions.

**Hon. Jon Gerrard (River Heights):** Yes, I'll be brief. I just want to say thank you for your comments, David. They're very helpful. I raised some of these issues when I spoke at seven—at second reading, particularly the need for specific targets and goals, and I just want to say thank you for your presentation.

**Floor Comment:** Well, thank you. I'd just give you one other—

**Mr. Chairperson:** Mr. Lepofsky.

**Mr. Lepofsky:** Well, thank you. I'll just give you one other idea that you might want to build in, and that is this. We're—and we learned in Ontario that this is totally worth doing. What about putting a provision in the bill that requires the government to undertake a review of all provincial statutes and regulations for accessibility barriers? Ontario's now in the midst of doing that. It's something that—it needs to be done that wouldn't otherwise be done, and it's the kind of—you could set a benchmark, say, get it done in the next three years. It—that doesn't commit the government as to what they'll do with that review. You may end up amending laws, you may not. You—obviously, the government has to decide that on its own. But at least you get the process going.

Anyway, again, I appreciate very much on behalf of my coalition the opportunity to participate, and I—we can only reiterate that Barrier-Free Manitoba has brought superb ideas to the table that are not just practical and workable, but they're balanced and they take into account the needs of people with disabilities and the obligated sectors, and we encourage you to give them serious thought.

**Mr. Chairperson:** I'll allow one more question, briefly, please.

**Mrs. Leanne Rowat (Riding Mountain):** Thank you, David, for your presentation. I'm the PC critic for persons with disabilities. I want to thank you for your comments and your suggestions. I think they're valid and they do provide some thought to strengthening the bill.

I have a question for you. If—one of the amendments that we're looking at is time periods. If the impact of a barrier is quite substantial, the barrier

needs to be addressed sooner rather than later. So we're looking at amending the legislation to provide the Accessibility Advisory Council to have, you know, more strength. What is your opinion on that?

**Floor Comment:** I think that that's a good idea—

**Mr. Chairperson:** Mr. Lepofsky.

**Mr. Lepofsky:** I think you got to look at two things, one of which is targeting the efforts at the barriers that affect most people and building on one of the things that Barrier-Free Manitoba's raised. You've absolutely got to change the definition of disability. The—there is no benefit in saying only long-term disability. I don't know who's got long-term ones and short-term ones except for people like me who are totally blind—oh, you know, I have been for decades and will be the rest of my life, I expect—and our legislation has a very broad definition of disability; it has not gotten in the way of anything. It has not impeded development of standards. It has made—it has liberated the government and those who are developing recommendations to be able to target problems without looking over their shoulder going, well, does this fit that technical definition? I'm not sure whether your definition of disability would just freeze out people with learning disabilities, for example. You have to take a serious look at that. I sure wouldn't want you to and I don't think you'd probably want to either.

But I think you're right. You want to focus on making sure you've got a broad definition of barriers, a broad definition of disabilities and your recommendation of having—focusing efforts on the biggest barriers that hurt the most people first, as well as focusing on the things that are the easiest to fix first so that you can get some wins in and get people excited about the progress you're making.

**Mr. Chairperson:** Thank you, Mr. Lepofsky. Time for this presentation has expired.

Before we move on, it has been brought to my attention that presenter No. 1 and presenter No. 6 would like to exchange positions on our list. Is that agreeable to the committee? *[Agreed]*

I now call Gail Mores, director of community engagement and accessibility services for the March of Dimes Canada.

Ms. Mores, do you have any written materials for the committee? I see you do. Our staff will distribute them for you.

Good evening, Ms. Mores, you may proceed.

**Ms. Gail Mores (March of Dimes Canada):** Thank you. Good evening, Mr. Chair, honourable members. My name's Gail Mores. I'm director of community engagement and accessibility services at March of Dimes Canada. I want to thank you for this opportunity to speak to you about Bill 26.

Over the past few years March of Dimes has been a part of the consultation processes that have led to the development of this legislation. My colleagues, Jerry Lucas and Steven Christianson, briefed many of you last November, providing both an update on how similar legislation's working in Ontario and, more importantly, on how the accessibility for a Manitobans' act could improve upon the Ontario law and make Manitoba a model of inclusion and accessibility.

\* (18:40)

I'll first take a few minutes to explain the role of March of Dimes in working with government to develop accessibility legislation or to learn about best practices in other jurisdictions. We have collaborated with representatives of governments ranging from Korea and Australia to the US and the UK. We remain active with the United Nations Disability Committee. Across Canada, we are in the process of advancing the learning dialogue about accessibility legislation in Newfoundland, Nova Scotia, whose newly elected government is committed to introducing similar legislation, Alberta and Saskatchewan. In Ontario, we continue to work with the provincial government to refine and improve the accessibilities for Ontarians with the disabilities act.

Let me state up front that we believe Bill 26 is a good example of how to legislate accessibility, one that recognizes the intersection of aging and disability and one that complements existing human rights codes to help achieve inclusion and create a barrier-free society and economy. This is clearly a made-in-Manitoba approach, something that is critical to the sustainability and efficacy of the legislation. But the one thing that is consistent, regardless of where such legislation exists or is in the process of being introduced, is how transformative such law—a law actually is and how few people fully appreciate its transformative nature.

Accessibility legislation will ultimately touch every aspect of the economy and society in ways that very few other laws ever do. To quote the former Ontario Community and Social Services minister, Charles Beer, it is an instrument for transforming

our attitudes towards people with disabilities. Its overriding goal is to achieve meaningful and tangible improvements to the lives of people with disabilities.

The last thing you want to do is enact legislation of this magnitude only to relegate the administrative functions of support, outreach and compliance to minimal levels of staff with inadequate resources. Our accompanying written submission, which you have, gets into the detail of where we recommend greater consideration. In sum, clarity of obligation will help ensure compliance. And while this sounds too obvious, we all know of regulations that have passed the face of uncertainty from obligated sectors.

**Timelines:** We think an ultimate overall deadline or point of measure is something the government ought to include in the legislation. You may want to identify your measures of success and when and how they are determined. Bill 26 won't solve everything, and this has been the case with accessibility legislation everywhere. But that doesn't mean that complementary initiatives to help advance accessibility can't be used.

In Ontario, for example, accessibility requirements for many existing homes was not to be included in the law. It was identified that similar objectives could be achieved in another way and complement the AODA. We helped to introduce the home renovation tax credit, a tax incentive available to homeowners who want to conduct accessibility renovations, and, given the aging population, that complementary measure is doing wonders across the province.

**Leadership:** Immediate application of the law should apply across the government and specifically to the Legislative Assembly. Of course, this means MLA offices. But, as we experienced during a set of 2013 by-elections in Ontario, shouldn't also—shouldn't that also apply during the electoral cycle to campaigns and campaign offices of candidates seeking election to the Legislative Assembly? There are many questions over—on how Ontario's AODA would apply to candidates and parties—which accessibility standard would regulate them, or if their offices and staff volunteer training were even required to comply with the law. Certainly, a learning experience for many, but something we really feel should never have been left as a question.

As we look back on the Ontario legislation and consider what could've been done better, we pause to consider many elements of the process need improvement and possible reconsideration, and you

too will experience that exact sentiment in the years ahead. But it is important to remember the tremendous opportunities in front of us to proactively address the ever-changing challenges of tomorrow through accessibility legislation. And while it's a long journey, Manitoba's Bill 26 is a solid example of how we can begin realizing those opportunities.

Thank you very much. I would be pleased to address any questions you may have.

**Mr. Chairperson:** Thank you, Ms. Mores.

The floor is open for questions.

**Ms. Howard:** Thank you very much and thanks for making the journey to be with us tonight.

I know we met earlier in the year with some other folks from your organization, and one of the things they talked to us about is the work that they have done with organizations, businesses that are subject to the Ontario act, and I know that will be one of the questions going forward. As we develop the standards, people who have to abide by those standards will want help on how to do that. So, if you could talk more about the work that you've done in Ontario to provide that assistance, I think that would be a valuable contribution tonight.

**Ms. Mores:** Certainly. We took the opportunity to create a consultation service with a partner from the for-profit sector, an architectural firm, and together what we've done is we've provided consultation services to the broader public sector business community and the not-for-profit sector. We help them by taking the burden of pulling together the policies, procedures and practices that they require to comply with the legislation by saying, for a price, we will come in and we will audit your policies, procedures and practices, we will develop a training program for you based on your policies, procedures and practices, and we will help your business become more accessible. That may mean by sending staff in to do an accessibility audit to find out if the built environment is truly accessible. It may mean coming in and rewriting all of their policies. It may mean developing a training program or, if the company is large enough, a train-the-trainer program so they can continue on doing an in-house program. We have online e-learning solutions as well, and we continue to do that to help people as they make their way through compliance.

Our learning on this is there's a whole bunch, particularly in the private sector, that don't know about the legislation, that are very reluctant and

confused even though the legislation states in the province of Ontario if you have a business or an operation that serves at least one person and you employ at least one person in the province of Ontario, you must comply with the regulation. It's pretty simple; everybody has to do it.

**Mr. Gerrard:** Yes, I notice in your comments and in your brief you had a discussion about the inclusion or not of private residences. Do you think that there should be a date, even if it was a longer time, when all private residences that are newly built should be accessible?

**Ms. Mores:** That's a dream. I think the reality is the concept of visitability, which is something that I know comes from Manitoba and one that I myself think is a marvellous concept, is something that we should look towards. I believe, quite honestly, that what we should be doing is making some legislation so that when contractors and builders are starting to develop a new neighbourhood, that a certain percentage of those homes be developed to be visitable or have complete barrier-free-design type of thing.

**Mrs. Rowat:** Great. Thank you for your presentation this evening. You've provided us with an extensive amount of information and some very good ideas on how we can strengthen this process, so I appreciate that.

Could you just share briefly what your thoughts are on timelines and the significance of timelines in implementation of deliverables?

**Ms. Mores:** Thank you. As the previous speaker said, they're critical. I have been working around this particular legislation since it was enacted. What we know is with every piece of the legislation with the exception of the one in the built environment, they've all become now law and we're now moving towards it. They're still having some issues around the legislation comp—finalizing what those standards are for the built environment one. And that's the one that concerns me the most, quite honestly, because that's the one that's going to take the most amount of money and the longest time to do it, because what we're talking about is having the capital dollars to renovate and modify existing buildings, and that one concerns me.

What I do think that we did that was a really good win—and it was an easy win—was to have the customer service regulation be the first one that became law because that's the one about the

attitudinal issue. When I talk to my friends who have disability and I talk to them, they say, you know, it's great to get into a building—that's wonderful; I get really excited when I'm actually able to use the washroom in a building. But the thing that is the greatest barrier to me is the attitude of the people. If I'm going shopping with a friend who uses a wheelchair, quite often the clerk will speak to me as if my person, who has much more education than I, is—you know, doesn't have a voice for herself, because people see the disability instead of the human being first. What we need to do is that customer-service piece or the attitudinal, the sensitivity piece is absolutely essential. What I can tell you positively, I have noted and my—I have been told by people that I live—work and live with who have disability, that there is a difference. It's like eating an elephant; it's one bite at a time, but there is a difference.

\*(18:50)

**Mr. Chairperson:** Time for this presentation has expired. Thank you, Ms. Mores.

Now call Mr. Kevin Rebeck, president, Manitoba Federation of Labour.

Mr. Rebeck, do you have any written materials? I see you do. Our staff will distribute them for you. You may proceed.

**Mr. Kevin Rebeck (Manitoba Federation of Labour):** The Manitoba Federation of Labour, or the MFL, is pleased to share its views with the committee on Bill 26, The Accessibility for Manitobans Act. For those not familiar with the Manitoba Federation of Labour, we are chartered by the Canadian Labour Congress to represent the interests of CLC-affiliated unions in Manitoba and their over 96,000 members. Because those numbers include persons with disabilities, and because we advocate on workplace safety and health and workers compensation issues, there's a great deal of interest in Bill 26 within our ranks.

Let me say at the outset that we commend the NDP government for introducing what has been described as historic because it's one of only a very few occasions over the last 50 years that any government in Canada has moved to comprehensively address disability and accessibility rights. The bill is landmark because it sets out an entirely new and potentially powerful legislated framework to promote and protect the human rights of the 200,000 Manitobans with disabilities.

In its response to recommendations of the Accessibility Advisory Council published in March this year, the government outlined a clear agenda to prevent accessibility barriers by using this bill to lay out a framework for the development and implementation of accessibility standards leading to a barrier-free society.

Analysis of Bill 26 by the persons with disabilities community identifies its strong points among the following: that persons with disabilities should have barrier-free access to those things that will give them equality of both opportunity and outcome; that the responsibility for preventing and removing barriers to accessibility rests with those who create and perpetuate them and not by those faced by them; that the whole range of disabilities are addressed, not just physical disabilities; that it enables the enactment of accessibility standards by regulations that specify what barriers must be prevented or removed, and that will apply to all sectors.

It centralizes the development of accessibility standards in one single council. It makes one specific minister responsible for the overall implementation of the proposed legislation. It requires that public sector bodies, including municipalities, develop and publish accessibility plans addressing the identification, prevention and removal of barriers. It provides mechanisms for the active enforcement of accessibility standards enacted under this proposed law, and it provides for administrative penalties for non-compliance and maximum \$250,000 fines for parties found guilty of an offence under the new law. And, finally, it requires an independent and comprehensive review of the effectiveness of the proposed law four years after it's passed and every five years thereafter, all reports of the review being made public. These highlights are just the tip of the spear that Manitobans will use to take away the unfairness and injustice long faced by persons with disabilities across our province.

One of the community organizations that the MFL counts among its social justice allies is Barrier-Free Manitoba. Its analysis of Bill 26 identifies a number of areas where a good bill can be made better. In support of that organization, I'd like to echo a few of them and urge the government to take them to heart. The first one I was about to push you on was on timelines, and I heard you address the first presentation and say that there is a timeline of 2023 being put in place, and that's great. I was going to push you for 2025 and you're exceeding that, so

I commend you for that amendment and look forward to it.

Further adjustments that could be made is under clause 3. The bill reads as follows: What is a barrier? For a person who has a long-term physical, mental, intellectual or sensory impairment, a barrier is anything that interacts with that impairment in a way that may hinder the person's full and effective participation in society on an equal basis. We recognize that this is the phrasing used in article 1 of the United Nations Convention on the Rights of Persons with Disabilities, but Barrier-Free Manitoba points out that the government's last policy document accepted the recommendation from the Manitoba Accessibility Advisory Council that Bill 26 would use a definition of disability that embodied an inclusive, broad meaning of impairment including long-term physical, mental, intellectual, invisible, episodic or sensory impairments. It's not clear to us that the current wording of Bill 26 meets this inclusive approach to disability.

We further ask the minister should be required to give public written notice to the council if the terms of reference of an accessibility standard are withdrawn. These amendments will lead to predictability and accountability in the standard development process, and they'll promote the best decisions in a transparent way.

There's also concern about clause 6(4). It reads: Private residences excluded—6(4)—an accessibility standard may not impose any requirement on the owner or occupier of premises that contain one or two dwelling units. If the intention is that the accessibility standards developed under this law will not apply to private owner-occupied single or duplex housing units that are being used exclusively for residential purposes, then it should say so. In its current form it could also be interpreted to exclude commercially owned and operated one- or two-dwelling unit properties where no accessibility standards would apply.

And finally, in support of Barrier-Free Manitoba, we suggest that the timing of the minister's release to the first plan, as required in clause 5(3), be moved from the 2015-16 fiscal year to no later than April 1, 2014.

There are long-term benefits associated with this important initiative that have been documented elsewhere. In Ontario, a team headed by Dr. Kevin Stolarick, research director of the Martin Prosperity Institute at the University of Toronto, the impact of

five standards through which the accessibility for Ontarios with disabilities act was implemented—the study reviewed the economic impact of increased accessibility on individuals on markets and on social units. It was found that there are opportunities at all three levels to realize substantial economic gains by removing barriers to people participating fully in the province's economy. The most significant gains will be realized in workplaces and schools, enabling increased workforce participation among persons with disabilities. It will not only increase their individual and their family income, but could also increase the GDP per capita by up to \$600 per annum, or in provincial GDP terms, 16 to 18 billion.

Enabling people with disabilities to achieve parity with the general population's average educational can mean an additional boost to Ontario's GDP per capita of up to \$200.

The bottom line is, when society tolerates barriers to accessibility, the result is large pools of untapped human capital that could help drive the province's prosperity.

Businesses can benefit from these standards in three ways: first, increased access to retail and tourism opportunities could result in accelerated growth in these sectors; second, there is the capacity to support accessibility-focused businesses able to serve global markets which are grappling with these very same challenges; and third, our universities, colleges, and other institutions can help educate the next generation of workers and develop new intellectual property that can prepare businesses to compete in the growing number of markets defined by accessibility requirements.

The point must be made that there are costs associated with doing nothing and tolerating the current social exclusion. Continued exclusion means significant costs from the entire province through increased health-care demands and poverty-related social programs. These costs are born by persons with disabilities, their families and the communities they live in.

The study concludes with the following assessment: What we have learnt, however, leads us to conclude that every day that people who want to learn, cannot; people who want to do, do not; and businesses that wish to serve these markets must wait to see what will be required. The report goes on to say Ontario is losing extremely valuable contributions from its citizens. Releasing the constraints that limit full participation in the

economy will create a significant force for economic growth.

My final thought on this is that we should all remember that the measures we take to remove barriers to accessibility for persons with disabilities can benefit everyone in society. Some of the examples are curb cuts that enable people with disability to more easily transition from sidewalks to road services. Those same curb cuts help parents pushing strollers or people moving along with hand dollies and large packages. Elevators and escalators are used by people moving boxes, either by hand or on carts—

**Mr. Chairperson:** One minute.

**Mr. Rebeck:** —and closed captions on televisions meant to assist the hearing impaired are meant—there to assist the hearing impaired, but they are the—only the fourth largest group in society who uses them. The largest is people exercising in gyms, followed by those who are in sports bar watching their favourite sport while interacting with friends, and the third group being those who are watching television trying not to disturb their partner while they might be sleeping.

It's plain to me that everyone comes out ahead with Accessibility for Manitobans Act. Thank you.

\* (19:00)

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

Order, please. Questions.

**Ms. Howard:** Thank you very much, Kevin, for coming and making your presentation. I wanted to respond to a couple of the things that you've raised; first, on the definition. It's also my intention tonight to bring an amendment that ensures that that definition is reflective. I believe the current definition does achieve that, and that's why the United Nations used it. But I've heard that not everybody sees themselves reflected in that definition. That's important, so we'll take the phrase long-term out of the definition and we'll replace the term impairment with disability, and hopefully that will be as inclusive as we mean it to be.

The other thing on private residences is a good point that's been raised. Our intention was to exempt only private residences, not a whole building where there may be a private residence, so we'll bring forward an amendment to clarify that.

I want to thank you for raising the work of the prosperity institute. We—I think we brought somebody from there to speak at one point in time, and one of the great learnings from this journey has been working with many members of the business community who I think have also realized that this is not a cost, this is an opportunity. Having more people be able to come into your store or your restaurant or your hotel is a good thing, and that's been a real strength of the process that we've used to date.

**Mr. Rebeck:** I think that's great, and thank you for listening to those suggested changes and acting on them and being a leader in that.

**Mrs. Rowat:** I thank you for your presentation, Kevin, tonight, and I think you've raised some very good points, and we also are looking at some amendments with regard to definition and timelines, et cetera. So we appreciate, I guess, your support in that area.

I just have a question for you. With regard to—you had mentioned or had commented about exclusion and poverty-related programs, the exclusion of. We've actually committed to raising the rental allowance portion of EIA to 75 per cent of median market rates or rents. This is a move that we've had some debate on in the House, and we haven't been able to move it forward. And we feel that this is critical and a very important policy point for all Manitobans, all vulnerable Manitobans. So we're just wanting to know what your perspective is on raising the rental allowance and the debate that we've been having with regard to that.

**Mr. Rebeck:** Well, I think that's a different bill, of course, and there's lots of areas in public policy areas that we need to address to make things equitable for people and to raise the standard and bar. I think the point I was raising under the measures that the rest of society pays in a number of areas, including poverty areas, is that if we don't make these changes and create a more accessible environment for training, for participation in business and the economy and employment, then they become more reliant on other systems that put pressures on all of us.

**Mrs. Rowat:** Thank you, Kevin, for that comment. But just specifically to the policy of increasing the rental allowance and how that would definitely provide additional supports financially for individuals with disabilities, what is the position on your organization on that?

**Mr. Rebeck:** So I do know that we've had some discussion on that. I don't have our policy paper on that. There are a number of factors that fall in that line, in creating supports for that, so I don't want to misspeak on behalf of my organization and the debates and position there.

**Mr. Gerrard:** Thanks, Kevin. Yes, I'm glad that you brought up the point that this shouldn't be just long-term disability and that short-term disabilities are also important, and I'm pleased that the minister is going to move in that direction. I also note—and thank you for bringing up the discussion of the importance of when we are bringing in changes to make spaces more accessible, that we help a lot of other people who don't have disabilities often too.

**Mr. Rebeck:** Thank you very much, and I appreciate the work of the committee and government in moving this agenda forward.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation, Mr. Rebeck.

Now move to the top of the list as per our agreement, Mr. Patrick Falconer, Abilities Manitoba—*[interjection]* Sorry, representing Barrier-Free Manitoba. Mr. Falconer, I see you have some written materials. Our staff will distribute them. You may begin when ready.

**Mr. Patrick Falconer (Barrier-Free Manitoba):** Thank you. The ministers and other community members, I've the honour and responsibility, a little bit of both, to formally submit Barrier-Free Manitoba's written brief to you this evening. Barrier-Free Manitoba along with many others celebrated the historic tabling of this legislation back in April of 2013. Kevin has mentioned we don't use those terms lightly. It's indeed both historic and it is landmark.

We want to congratulate the minister and government for taking this incredibly important bill forward, but we recognize that the congratulations don't stop there. The bill was developed through recommendations where you had representation from business, seniors, the municipal sectors in terms of an advisory council, and they contributed and did a lot of heavy lifting on this, and we want to acknowledge that.

We'd like to acknowledge that the opposition parties, the Liberals and the PCs, have played a major role in terms of supporting this legislation, both in consultation with us and in terms of debate in the House. So we believe, we've always said that

this is non-partisan legislation; this is good public policy. We believe this is a major public issue, and we appreciate, applaud and very much are aware of the support we have had from all of the parties.

As you may know, certainly, I know, Barrier-Free Manitoba has worked tirelessly over the last five years in efforts to secure this strong and effective legislation. It's hard to fathom, but this actually is our 13th substantial paper report related to this legislation. So this won't be the first time that we've spoken or made our views known. Indeed, you—what you have before you is a fairly lengthy document. We took the liberty, if you will, of trying to submit it to you beforehand yesterday so you had a chance to look at it. It's a 24-page document along with a three-and-a-half page summary. My intent—my hope would've been to have read the entire thing word for word because it's very well crafted, but I don't think that's possible or of any particular interest to you. Perhaps when I go to bed tonight I'll try to re-read it.

We believe this legislation is a once-in-a-generation opportunity to enact strong and effective accessibility rights legislation that will address widespread systemic discrimination while providing meaningful benefits to all Manitobans. Bill 26 as written gets us ever so close to realizing this opportunity, but we feel that it falls short in 11 areas that are outlined in our brief. It needs to be strengthened before it goes on to third reading.

Our brief, as you look at it, outlines three paramount concerns. There will be other people who will speak those concerns. I'm going to move on to what we call eight priority areas. Most of them are relatively straightforward and all of them are important. They're not paramount concerns, but they're priority concerns. We have worked to look for progressive, pragmatic and realistic legislation. We believe that the amendments we're asking for are also progressive, pragmatic and realistic.

We distributed the brief to you earlier and it's here now, so I'm not going to go through everything in great detail, but I'll run through the eight areas that we have. Some of them, again, are straightforward. There's a WHEREAS clause. The WHEREAS clause talks about the built environment, and it doesn't include any discussion or appreciation that we're talking about social, economic and physical infrastructures. When I talk to people about barriers and accessibility, the first thing they think of is one; they think of, well, a wheelchair. People jump

immediately to the conclusion that this is talking about physical disabilities and the WHEREAS clause feeds into that kind of bias, and we feel that a slight wording of that WHEREAS clause would provide a much fuller, holistic and meaningful context for the bill, not a big change, not a change in substance, just a change in style and in wording.

Second one is the—we understand that the—currently written, the bill does not apply or standards would not apply to the Legislative Assembly. We are here today. The Legislative Assembly has a central role to play in the business of government. It has a central role to play in the citizenship of all Manitobans, and we believe there must be some kind of a way to address the issue that if there are standards developed for the rest of Manitoba, business and government, that it also applies to the Legislative Assembly. We understand there is some complexity in doing that, but we feel it would be a major shortfall if there was not an obligation for this Assembly to be able to have the same standards apply to them.

\* (19:10)

Number 3: Kevin Rebeck has spoken to this, the issue of the minister's first plan—timing currently using for 2015-2016. We had hoped, perhaps optimistically, that this bill would've been passed in June of 2011. We waited until April 2013 when it was introduced. We thought that this bill was going to be passed by June of 2013—we hoped. We understand other things have happened that have delayed the passage of this bill. Now we're talking about perhaps December, December 5th—December 3rd would be lovely, International Day of Persons with Disabilities—it's going to be passed. Had it been passed in 2011, had it been passed in June of 2013, we would be well ahead in implementation. The fact of the matter, it is not, so we have a constrained timeline. We're saying, no, don't wait for another year and three months—15 months—before there's even a plan as to how it's going—implemented; have that plan tabled for April of 2014. I understand it's a constrained timeline. We're saying it's been waiting a long time, right, and we believe that that kind of quicker timeline is both necessary and appropriate.

Item 4: Throughout the bill, there is a number of places where people are required to provide information, information the minister provides, information that public bodies provide. Nowhere in the act is there any requirement that information

be available in accessible formats. It's somewhat ironic that a bill which deals with accessibility would require information to be provided but not accessibly. Not a big change, just again a tinker, but it's meaningful, it's substantial and it's symbolic.

Number 5: It's been talked about, the residential exclusion clause. We feel that it is written much too broadly. Our own view would be that there is no need for this clause. There is an extensive process laid out in the bill for how regulation—how standards will be developed, the kinds of consultation which will occur, and in those processes there's a way for people to decide what things could apply to what. We do not believe that any sector should be categorically excluded from possibly the development of accessibility standards five years, 10 years, 20 years from now. We believe the process will provide for wise and effective standard development. This precludes one whole sector, and not only does it preclude that sector, but it's described in a way which is way too broad and open to misinterpretation.

Number 6 in my series of seven: Clause 9(2) deals with the issue of considerations that the council must have in establishing timelines for compliance. There are two areas which we feel should be added. One is—and it's been talked about—the impact of a barrier; David Lepofsky spoke about that. The issue is, if you're looking at timelines for compliance and for removing barriers, that look at what the impact that barrier is as being one of those considerations. The second thing we've asked for is that there be regard given—not driven—regard given to existing legal requirements pertaining to that barrier. We've been told in some consultations that that is implied. We like the word implied; we just don't think implied means the same thing to more than five or six people or even two people. If this is what it means, then say it. Clarity and precision, to us, would be a strong attribute of strong legislation, rather than expecting that these things are implied and understood.

Number 7: There is nowhere in the bill where there is a requirement that the—there's a public release of council recommendations for accessibility standards. If the minister receives a recommendation for standards and decides to act upon those standards, then it obligates her to be able—or him—to be able to release those standards as being part of what they do. If, however, after months and months of serious labour and investment of time as volunteers to develop standards, a recommendation's made and a minister says, I'm not going to act upon



that, we have no way of knowing whether that recommendation was ever made, it will ever see the light of day. We're asking people to spend a considerable amount of time and effort to be able to be part of this process, and we think, if their recommendation—

**Mr. Chairperson:** One minute, sir.

**Mr. Falconer:** —from a council, they should become public at some point in time whether or not the minister decides they want to act upon them.

And 8—number—last one—there is a provision in this, 33(3), which deals with information which must be provided by the public sector in accessibility plans. There was a clause which talks about looking at measures to address any proposed laws, policies or programs. We'd like to be able to see obligation—organizations have to actually look back at existing laws, because that's where many of the barriers are. This clause doesn't require that and, indeed, it works against that by saying that if they have measures to deal with those kind of existing things, they need not report upon them. So we believe striking the—any proposed, we think would be a strong improvement to the bill.

Thank you for your time. May I say just one more thing? Sorry—may I report to you that there is food in the hallway, that you can tell the people behind me that there is food in the hallway. Should they grow hungry over this period of time, they may and you may go and enjoy. It's from the Barrier-Free reception. Thank you.

**Mr. Chairperson:** Thank you for that.

The floor is open for questions.

**Ms. Howard:** At first I thought you said there's fluid in the hallway. I was worried we were being flooded in there. Okay, phew.

Thanks very much, Patrick, and thanks for all your work on this. It has been a journey, and it's been an honour to be on the journey with you and the folks that work with you.

I just want to talk very briefly, some of the things you've raised were going to address the issue of the Legislature. We are going to bring forward an amendment to make the Legislative Assembly Management Commission responsible for how this bill will apply to the Legislature. That's typically the way we handle this because MLAs are not accountable to each other, we are accountable to the public. The LAMC is a place where all the parties

are represented and we can come together and talk about how to make sure that we're abiding by this. So there will be a way that this will apply to the Legislative Assembly. We're also going to bring forward an amendment to make sure information is available in accessible formats. So those will be addressed.

We're not going to address everything that you've raised, all legislation is imperfect, but I want you to know that without you and the work of Barrier-Free, we would not be here discussing any legislation. So thank you for that.

**Mr. Falconer:** It has been—it's been a journey I've never been on before. I've never been on a journey for five years to build a secure systemic change. It's been an honour. It's been a pleasure to work with you on this and it's been a pleasure to work with all those who are concerned in the House and outside the House, so thank you.

**Mr. Gerrard:** Yes, I'd like to just have you comment a little bit further on the application of the act to private residences. I mean, one earlier comment was that maybe it could be that you would make it a target to a certain proportion of newly constructed private residences, but I think that what you're suggesting is that there are aspects of the construction of private residences, that the code could be changed that would make it easier for people with disabilities, whether it's the size of the front door or whether it's the position of light switches or the accessibility of washrooms. Just could you expand a little bit on what you said?

**Mr. Falconer:** I believe there is a standard in England where all new-build housing must have some zero-grade entrances. So I think there's, you know, precedence where there has been regulation looking forward. We have the situation of Vancouver, who I think has introduced some very important changes in terms of the building code in Vancouver. So I think there are ways looking forward. I'm less convinced there are ways to look backwards unless there are major renovations.

The issue for us is don't categorically exclude something which might make sense. We have this long process where you go through a long committee process and then it goes for a public review and then it goes for—it goes to the minister who develops recommend—standards, and then it goes for public review process. Trust the process. If it makes sense, and housing will make sense at some point in time, let that standard process—development process deal

with that. Don't categorically exclude something which 10 years from now say, well, why didn't we include that? Well, it doesn't make sense to categorically—we don't categorically exclude small business; we don't categorically include non-profit organizations. We seem to categorically exclude the Legislative Assembly, although there's a way to address that. Why would we categorically exclude any party as being possibly something where it might make sense? From our point of view is trust the process.

**Mrs. Rowat:** Thank you very much, Patrick, for your presentation and providing the information that you have this evening. I really appreciated the time and—that you've given me and to our staff in educating us on this whole process. It's been a—very interesting and it's very, very important legislation, and I agree that it—we have to do it right. and so I'm hoping that a few of our amendments today will be supported and lead towards a stronger piece of legislation.

\*(19:20)

My question for you is with regard to your comment grand goal and target dates. With regard to proposed standards or, you know, what the community would indicate as a need within the community and prioritizing that as something that needs to be done, is—there appears to be some concern that there's not enough clarity with regard to the minister having a timeline and responding to that position presented by the disability community. Can you elaborate on that a little bit? Because it is a concern. *[interjection]*

**Mr. Chairperson:** Mr. Falconer, I have to recognize you.

**Mr. Falconer:** I'm so sorry.

You know, I started gaining weight over time, and I always said, you know, I'm going to do something to lose some weight. I'm going to do something, and I did lots and lots of stuff and, you know, finally, I could have said, you know, I'm going to do it, and here's my timeline for doing it and here's my plan. And you know what? You know, I—it worked. Why? Because I was serious. I had a plan. I had a timeline. I had something to be able to drive what I was going to be able to do. I think all of us, when we look at change in our own personal lives, you know, let's take away the legislation in your own personal lives. Is it good to say, well, we'll just do

our best. We'll do our best through time and that's really good. Maybe it works for some of you. It's never worked very well for me. To say here's a firm thing I want, I can describe it in conceptual terms as a goal and I can establish a way of getting there and a timeline for achieving that. Wow, that makes a difference. Throw away the timeline. It's—I've got great intentions. I got great ideas, but you know what, other priorities come up and I just don't get around to them. That's the concern that we have.

**Mr. Chairperson:** Time is up for the presentation. Thank you, Mr. Falconer.

Now, for the attention of the committee, presenter No. 18 has brought it to the attention of the Chair that she has some special needs. She also has staff in attendance who are at the end of their shift already, so she would like to present next. Is that agreeable to the committee? *[Agreed]*

On that note, I call Ms. Laurie Helgason. Ms. Helgason, do you have any written materials for the committee?

**Ms. Laurie Helgason (Private Citizen):** No, I do not.

**Mr. Chairperson:** Okay, you may proceed.

**Ms. Helgason:** Okay, I'm just waiting for the mic to be set up. I want to thank you, Chair, and your honourable members, for getting this legislation off the ground. You've done a great job. I think you have done an admirable job, but I do believe there needs to be some changes.

My name is Laurie Helgason. I have some concerns about this bill. My biggest worry is that this bill has no teeth and no timeline. Without a realistic timeline of when things are supposed to be equal for us, it'll never happen. The white paper promised us equality in 20 years, and now 20 years have gone by and we're still second-class citizens. While most of you enjoy shopping wherever you want, we're restricted in where we can go. People often tell me that I can't expect businesses to become accessible—it's quite an expense—when most times all that's needed is a \$15 asphalt patch. I can't take a bus in winter, even though it's accessible because the sidewalks aren't plowed, and many others can't get there. I'm not the only one that feels that way. People with walkers and canes, they have a hard time getting to the bus stop too, and if you have trouble at all with getting dizzy, it's almost impossible to navigate sidewalks that are filled full of ruts. I think there needs to be a firm relationship between the

Province and the City so—the municipalities—so that they understand what the meaning of accessibility is. I even—our buses are fully accessible, but now they've made them so that carriages can be open on them. I know that's against the law in the States for the baby's safety. We didn't do that here; instead, we fill them up full of carriages, five or six at a time, and when I—the—when the bus gets to my stop, and I go—I'm the one that has to wait in -40 for the next bus. I don't think that that makes it very accessible. They can fold up; I can't. So I think we need to really think about what it really means to be accessible.

When sidewalks aren't plowed, I take the highway, and that pisses off the semis to no end, to see this wheelchair coming towards them down the highway. But, you know, I can't just stay at home all the time. I do need to have a life and I'd like to have quality of life.

If you have to take Handi-Transit, that reduces you to two grocery bags. Who among you without a disability goes shopping and just takes two bags of groceries home? Come on, when you get paid, just buy in bulk and you do a big shopping and you take it home. That's the way I did it before I was in a wheelchair, and that's the way I'd like to do it again, but I can't.

There are other disadvantages to being a second-class citizen. Last year, for a full year I was homeless, and there were no shelters here in Manitoba that were accessible. I think that's disgraceful. I called Family Services. I called all—a lot of you I called, and said, look, I don't have anywhere to stay. I'm on oxygen. I'm in a wheelchair. There are no shelters. What am I supposed to do? And there isn't anything for me to do because there's nothing—nowhere for me to go. So I ended up staying in a place that was not accessible, and on the charity of someone—on someone else's charity. They didn't like it that much but I've since met a lot of women with disabilities that are homeless and that—I can tell you there are a lot of things that women will do to make sure there's a roof over their head, and I think you can only imagine what those things might be.

One of the bigger things that bothers me is when I go out to places far from home, I have to take Handi-Transit to allow for enough oxygen just to get there. And I'm not—I can't get Handi-Transit for social occasions, so I have to call everything medical and get to a nearby hospital and hoof it from there.

Another thing that bothers me is we're talking about we can't grandfather old buildings so they

aren't—so they're accessible. Why—we can—we don't need to grandfather them. It's not fair. Every building in London and Manchester is accessible, for sure. And the way it works is if you want to access that building, I give them a tag, and that lets them know a person with a disability wants to enter their building. After two weeks and it hasn't become accessible, I give them a second tag. This lets them know that they've got a reasonable amount of time that they must make it accessible. If I give them a third time, there's a date on that tag that lets them know that the government is coming by this date, and you—they will make you accessible and it will be charged to you in your taxes. So if—from start to finish the whole process is six weeks.

I—we can't do this in under 10 years? I think we can. I think we can be fully accessible in under 10 years. I think it just takes the will to do it, and the will to want—the 170,000 of us, voting members of the public, to want to. I mean, even the places we vote sometimes aren't accessible. We have to somehow get in there and vote. I've done it. I've had to be carried into the voting booth.

If a reasonable amount of time passes—oh, sorry—the disability movement in England made sure that all buildings that needed to become accessible became accessible by tagging them all. So here in Manitoba we have no timeline for becoming accessible. And if in England it can be done in six weeks, why have we waited for 20 years? Why should we wait another 20? This can be done just as quickly as it was done in England.

An accessibility plan without a timeline and enforceable steps is not solving the problem of inaccessibility here in Manitoba. Here in Manitoba we can be fully accessible in less than 10 years. There's no reason it can't be done. If they can do it in England, we can do it here. Our buildings are not older than the buildings in England.

\* (19:30)

Bill 26 does not have a timeline for when we're going to become fully accessible and it does not have measures for when accessibility will be enforced. We're still doing what we were doing 10 years ago, saying it should happen and hoping it will by using pretty words. We need this bill to have teeth to be able to make it accessible for those of us here that have been waiting so long to be a full citizen of Manitoba. I pay taxes just like everybody else. I vote just like everybody else. Why can't I go to any store

just like anybody else? It's not fair and it needs to stop. That's all I have to say. Short.

**Mr. Chairperson:** Thank you, Ms. Helgason. I'll open the floor to questions.

**Ms. Howard:** Thank you very much, Laurie. It's nice to see you. I just want—I don't have a question for you, but I want to thank you for your presentation. I want to thank you for making it real for us and giving us some real, tangible examples of the cost, both human and financial and emotional, of not moving forward with accessibility. So I want to thank you for making that real and I want to thank you for the research you did into some of the processes in England. Throughout this process we tried to learn from other places and I think you've given us another example of some places we can learn from. So thank you.

**Mr. Gerrard:** Thank you, Laurie. It's a very powerful presentation and example of the problems.

I think what you're saying is that having one timeline or target for 2023 is not good enough, that there are certain things like accessibility to every grocery store which should be done in—if not six weeks, at least something that's a little more credible in terms of time.

**Ms. Helgason:** I think 10 years is quite reasonable. I don't think that there's anything that can't be done in 10 years. I've been seeing that in some areas where they have older buildings they've raised the sidewalk to meet the top step to make it accessible. Now, if the City can raise the sidewalk to meet the top step, then—of the buildings that I'd like to enter, I don't see that that's a big problem. Why can't we do that everywhere?

**Mr. Gerrard:** Thank you.

**Mrs. Rowat:** Thank you, Laurie, for your presentation. It was full of experience and it provided a lot of thought, you know, for all of us here, and I think there's an opportunity where we can all learn from this, and I believe that your advocacy and your commitment to ensuring that Manitobans have access to shopping—and I agree. I can't imagine just having two bags of groceries. I agree with you. That is—*[interjection]*

**Mr. Chairperson:** Ms. Helgason. *[interjection]*

Mrs. Rowat.

**Mrs. Rowat:** I wasn't finished. Thank you, Mr. Chair.

I just want to thank you, Laurie, for what you've—for taking the time today in presenting, and I know that it's been a long day, but it's definitely a day that we all recognize as a significant day.

**Ms. Helgason:** Okay, I thank you, Ms. Rowat. The big thing that I'm really concerned about is the whole business of there being absolutely no accessible shelters. I think that's almost criminal, and it really affects me badly. I have a home now, thank God, but I could lose that if they decide to go condo. You never know. So I sure don't want to be in those—that place again with no hope and nowhere to go. Thanks very much.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation.

Now, for the attention of the committee, our person who is doing the closed-captioning is working alone, and it's a very intense process, I'm sure, and on that basis I'm going to call a five-minute recess to give her some rest. Resume in five minutes.

*The committee recessed at 7:34 p.m.*

*The committee resumed at 7:48 p.m.*

**Mr. Chairperson:** Order, please. I call the committee back to order.

We did have a little technical difficulties with closed captioners, but this is 13 minutes we're into. When I call a five-minute break the next hour, let's try and keep it to, say, 10 minutes. But we will proceed here.

And I have another presenter with similar circumstances to the last presenter. So I'm wondering if the committee will agree to hear that presenter next. Is that agreeable? *[Agreed]*

I call Ms. Libby Zdriluk, Independent Living Resource Centre. First of all, how do you pronounce your name, please?

**Ms. Libby Zdriluk (Independent Living Resource Centre):** I was just going to say you did pretty good. You almost got it, there. Zdriluk. Only one in the province, so, yes.

**Mr. Chairperson:** Okay, well, being a Nevakshonoff, I can relate to you.

**Ms. Zdriluk:** Awesome.

**Mr. Chairperson:** So do you have any written materials for the committee?

**Ms. Zdriluk:** No, I do not. I was making some edits, and—

**Mr. Chairperson:** Okay, that's fine. You may present, then.

**Ms. Zdriluk:** Okay. Good evening. My name is Libby Zdriluk, as you know. I work for the Independent Living Resource Centre, or ILRC. For those who do not know, ILRC is a unique agency in that its programming is community directed and it remains one of the leading employers of persons with disabilities in Manitoba. ILRC provides resource and programming for the disability community, and they've been breaking down barriers for years. That's what I want to talk about: barriers.

\* (19:50)

I'm a 27-year-old woman and single, living with a disability, and I'm transitioning into the next phase of my life into adulthood, experiencing greater levels of independence. I want the same options as anyone else: gainful employment, home ownership, family, equal access to transportation and continuing education opportunities. I want to be able to hang out with my friends, go shopping when I need to, or simply catch a good movie downtown. I want to continue to do all these things, and this could not be possible unless barriers are taken down. This legislation is designed to take down barriers and we need to make sure it is done right.

I'm glad to live here in Manitoba, knowing we are a better province than many in terms of disability rights and inclusion. This act, Bill 26, is certainly a huge step forward for securing the 'partic'—for securing participation in the community for persons with disabilities. This leap forward will create greater community- living opportunities and continue to move away from institutionalization.

But our work is not yet done. Barriers exist. Some of biggest barriers are how people are not aware and transportation is not fully accessible. We are missing ramps. We still have developers needing to be reminded that the disability community wants to be involved.

It falls on the provincial government to ensure that community stakeholders, grassroots groups and leaders in the disability community have a real voice in how this act is monitored and maintained. When

the act is finally rolled out—and we have waited long for this, many papers and discussions, paper after paper after paper—who is responsible for monitoring? I would go so far as to say that the Minister responsible for Persons with Disabilities should appoint a third-party community group in the role of co-ordinator for the Province to ensure this act is implemented, understood, remains strong and that the general public is well informed of the strides we've taken to get here.

When all is said and done, Bill 26 shouldn't be a copy or a watered-down version of the Ontarians with Disabilities Act. This is our own, this is Manitoba-grown and this is our chance to set a precedent for the disability community in Canada. There must be a strong response to those who fail to follow the legislation. The fines for noncompliance are still too weak. Developer and private sector fines must have real effect and they should scale with time. ILR—if ILRC can break barriers over the years, certainly this act can do so and certainly the Province can do so.

This legislation provides an opportunity to teach the general public about the awesome, untapped potential of the disability community. We are educated, we are entrepreneurs, we are leaders and we have families. We are involved in the community and many of us choose to remain connected to it. Some of us are gamers, others are teachers, et cetera. Employers should be encouraged to hire people with disabilities to truly see our capabilities and the amounts that we can contribute, not because of fear of accommodation.

I want to participate fully. I want opportunity, education, employment. If this legislation is just a discussion point without set dates, goals, targets, impact, real fines for not following the law, then why am I here? If I am to represent the average young person with a disability, then it falls on the provincial government to ensure there are tools for me to make sure that my potential is realized, and all I need is for the barriers to be continued to be taken down. And, more importantly, let's not allow barriers to be built in the first place.

We've come a long way to get to this point. We must recognize the hard work of the community collaborative agents like Barrier-Free Manitoba. We must thank all those who came out in support of this act over the years and the tireless efforts of the accessible legislation advisory committee.

There are many who must be recognized, but one specifically remains: the Minister responsible for Persons with Disabilities, Jennifer Howard, who brought this forward. Thank you, Minister.

From the white paper to the made-in-Manitoba paper, are finally here. Let's not blow this opportunity. Let's do it right. Let's become the model of inclusion not only for Canada, but for the entire world. Let's continue to be known for our commitment to human rights and have people say, they are including everyone.

It is the expectation of the community at large and community of persons with disabilities that the new accessibility act be far-reaching and precedent-setting. This is an excellent opportunity for the Province of Manitoba to respond to the needs of the community as a whole and create legislation that will resonate for generations to come. Thank you.

**Mr. Chairperson:** Thank you, Ms. Zdriluk. Floor is open for questions.

**Ms. Howard:** Thank you very much, Libby. Thanks for coming out and making your presentation.

I want to address the issue of fines. You may be right; they may not be high enough. The \$250,000 level for a fine is one of the higher fines that we have in legislation, and what I'm going to propose we do is see if that's going to work, and if it doesn't work, we can revisit it.

We're probably a few years away from ever having to levy a fine, hopefully. We're going to take some time to develop the regulations. Then there'll be a process of education. We want people to comply and we hope that most people will.

When we get to fines, not only do we have the fines that could be levied by the courts, we're also going to have a system of administrative penalties, which will be immediate consequences that the inspectors, the director will be able to levy. We have more flexibility to design a system there and we're going to look at things like, as mentioned before, if we have the ability to say, you have to comply, if you don't in this many days we're going to do it for you and charge you for the cost of doing that. I think that's a good thing to look into.

So my mind's not closed on fines, but I'd like to have some experience of how it's going to work first before we change it.

**Mr. Chairperson:** Ms. Zdriluk, any comment?

**Ms. Zdriluk:** That's very encouraging and I hope that, as we move to making more of a reality, that we can continue to address fines in a productive and accountable way. And it seems like what you'd proposed, hopefully, will be added to the final bill, so thank you.

**Mr. Chairperson:** We have a few more questions. First of all, though, our closed-captioner's indicated as having some difficulty hearing, so we all need to speak up, okay?

**Mrs. Rowat:** Thank you, Libby. It was a pleasure meeting you on my visit to the Independent Living Resource Centre. You were our greeter and you were very pleased to see Rob, so I really appreciate, you know, you coming today and presenting. I think what you shared was very interesting, and I believe that the organization that you work for, when you talk about unique and creative ways of providing supports for individuals with disabilities, that the Independent Living Resource Centre is one of those organizations. So thank you for your presentation today and keep up the great work.

**Mr. Gerrard:** Yes, thank you for your presentation. You were talking about, sort of, give me the tools to help break down barriers, and I think what you were talking about was if there's a building that you can't get into or a room you can't get into or whatever it may be that there needs to be a very clear process for you as a person with a disability to act and ensure that barrier is broken down. Is that what you're saying?

**Ms. Zdriluk:** Essentially, yes. And the way I look at it is, you know, like being a young person—well, still relatively young; I'm not 30, so I don't think I'm dead yet—but best thing that comes to my mind as an example of the need for barriers to be broken down, when you're young you want to be integrated with your friends and be part of your community, and I think a lot of the barriers are, the social barriers, as a result of the physical barriers. Limited to being social and getting that experience as a twentysomething and getting to do all those things that your able-bodied counterparts would do and missing out on key moments in your life, if you will, because the physical barriers of a building are there, just as a small personal example. I don't know if that makes sense. Thank you.

\* (20:00)

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation.

Okay, again I seek leave of the committee. Presenter No. 20 is in the same position that the previous two presenters are in. Do I have leave to call that individual? *[Agreed]*

I call Mr. David Steen, Society for Manitobans with Disabilities.

Mr. Steen, do you have any written materials for the committee, sir?

**Mr. David Steen (Private Citizen):** I do.

**Mr. Chairperson:** Our staff will distribute them on your behalf. You may begin when you're ready.

**Mr. Steen:** Thank you, Sir. I want to make sure I'm in the right committee. The Chair's got me disoriented here, and he seems to have trouble knowing what committee he's in and having time-trouble with his timing. So I'm really out of whack on all of this—in all jest, Sir.

You introduced me for—as Society for Manitobans with Disabilities. I am not here in that capacity. I am here as an individual and I'm also—because I'm here as—in my individual capacity. I'm not speaking on behalf of Barrier-Free Manitoba which I'm involved with through work-related stuff. So I'm here in a personal capacity.

Having said that—Ian *[phonetic]*, I need a copy of that paper as well. Oh, thanks, Don *[phonetic]*. What I'm going to do is read just a bit from the first page, and with the Chair's permission, I would ask, then, that the presentation be read into the minutes. Is that good process? Can I do that? Okay.

Let me just tell you that I've had a disability and lived with the disability for 60 years.

*During this period I have witnessed many improvements in the services and supports available to Manitobans with disabilities. I have benefitted personally from many of them. Notwithstanding the array of services and supports available, I continue to experience exclusion, stigmatization, paternalism and discrimination based purely on my disability.*

By the way, I was introduced outside in our event as a cantankerous person. I'm sitting here, I'm hot and I'm tired. I'm grumpy and I'm not getting any less cantankerous, and that was coming from my friends. So, by the time I'm done tonight, you know, I'm going to have to beg forgiveness all around.

So 60 years with a disability. I continue to experience on a daily basis the many ways in which our society excludes people to acts of omission

and commission. I'm constantly subjected to the conspicuous stares, pointing fingers and whispered comments of an uninformed public that does not understand how my disability foreshadows their future. Disability is one of the fastest growing cohorts in the Manitoba population.

*The UN Convention defines disability as follows. "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."*

I am subjected on a daily basis to the paternalistic policies of public services like home care that is causing me grief tonight because of their inflexibility that deny me the ability to control my life in my home and in my community. A service intended to do for me has morphed into a service that does to me. Rights enjoyed by others are denied to me. I'm regularly denied choices in the marketplace that others take for granted. I regularly endure poor customer service from businesses that have failed to make their establishment accessible and inviting and that have failed to provide proper training to their staff. That happens every time you go out, and it's insulting.

Notwithstanding great efforts to facilitate my vote on election day to the use of accessible facilities and new technology, I'm unable to engage in other political activities or play out my rights and obligations as a citizen the day after the election. This has a bit of an aside. You are a witness and part of a process tonight that has a huge variety of accessibility features built into the process. As a result of that, some people are getting for the first time the opportunity to see the democratic process at work. I want you to be aware that there are many hundreds and thousands of others who don't have that opportunity because of barriers that are in the way. Be aware of that. I am increasingly aware that even though my tax dollars helped build our Manitoba health-care system, I am effectively denied access to many aspects of this system at a stage in my life when I need it most.

Now, that's the positive stuff. If the rest of the submission could be read into the record, I will delay reading that.

A couple of extemporaneous comments. I want to talk about political will. The changes in our society for the last 60 years have been tremendous.

Think about the telephone. Think about communications. Think about physics. Think about space exploration. You name it, we've done wonderful things. In fact, it makes you stop and say, why the hell can we not get doorways two inches wider? What is so earth shattering about that? And I want to come back to that in a minute.

The other issue is we've changed public attitudes. We changed public attitudes to the ParticipACTION stuff. We changed public attitudes around seatbelt legislation. We changed public mindsets around drinking and driving. We've done tremendous stuff, but I can't walk into a store and have the clerk talk to me as though I was able to make a decision. Why? There are many reasons for it. Two of them that I'll talk about—one is public education, and we need to do a whole lot more of that. The other, which I want to dwell on tonight, is political will. If we had had the same political will that Jennifer Howard has demonstrated to this Legislature and to this community 60 years ago, I wouldn't be here tonight. We need that political will. We need the political will, not only here tonight, but we need it going forward. You, as people privy to the political process, have got an awful lot of challenges on your plate. Jennifer Howard has just inherited a whole bunch more. I've seen her juggle all kinds of issues. I'm not sure she's going to be able to maintain them all. I think there's too many balls in the air, but we'll see how thing goes on. She's demonstrated remarkable ability so far.

But that political will got us here. Now what? The now what, is that, I think I'm going to be dedicating myself to the whole process of ensuring that that political will continues. So I've handed out a little placard that I'm hoping that we will be able to use in the next couple of years with some momentous events coming along. I'm sorry that my MLA is not here tonight so I could take a few shots at him, but, nonetheless, I would suggest to you that political will is the issue that we need to address and we need to address it on a very strong basis.

I'm struck by Kevin Rebeck's comments about closed-captioning and who gets to use them. I grew up in rural Manitoba, Parklands area. Now I live in the Interlake. Do you—can you imagine what our forefathers, our ancestors, were thinking about when they built garages 300 yards from the house. In 40-below weather with a blizzard coming, what in your mind were your thinking about to put the garage that far away? Well, now, we have attached garages. What a concept, okay? What that speaks to, and what

Kevin was speaking to, is a concept of universal design, that the benefits that come with that are applicable not just to people with disabilities, but to people of all walks of life. Ramps are used more by women with baby carriages than by the disabled. So we're talking about a much broader concept, and I think that as we go forward, this legislation is not about the disability community, it's about making it a better world for all of us, and we need a political process, and we need political will to ensure that that happens.

Thank you.

**Mr. Chairperson:** Thank you, Mr. Steen. Floor is open for questions.

**Ms. Howard:** Thank you, David. Great presentation. I don't have any questions for you. I know well your views on this. I just do want to, on your behalf, ask the committee's agreement that your presentation appear in the record as written.

**Mr. Chairperson:** Minister has said—is that agreeable? *[Agreed]*

*I am also speaking to you today as a person who has been active in the voluntary sector.*

*I have served on the board of several of the 250+ disability organizations in Manitoba. I have done so out of self-interest, and like thousands of other board members serving in a similar capacity, I have done so as a contribution to the well-being of one of my communities. Each and every volunteer, through their gift of time and expertise, is making a public statement about the issues that are important to them. I would urge you, as elected officials, to take note of the strong statements made daily by Manitoba voters. The number of volunteer hours dedicated to disability issues constitutes very strong support for a growing issue.*

*I have also worked in the voluntary sector and had the opportunity to see the incredible good work done by many organizations. The energy, resources, commitment and expense required to perform this good work is beyond calculating. And the unfortunate thing is that so much of this good work is unnecessary! Why? Because much of the work consists of removing barriers, ramp by ramp, so to speak. We are forced into a repetitive, never ending mode of fixing the same problem over and over again, at great cost to all taxpayers, when a systemic response would have eliminated many of the barriers. Surely we can work smarter not harder? Surely our energies and our tax dollars can be*



*shifted from the performance of the unnecessary to the performance of much needed individualized care?*

*I am speaking to you as a person who is a consumer of goods and services in the private sector marketplace:*

*Like each of you, I am a purchaser of goods and services in the marketplace; everything from gasoline to groceries and household products. Unlike you I do not have the same choice of retailer or product. My choices have been limited by barriers imposed by various businesses; architectural barriers, attitudinal barriers, and procedural barriers. These businesses have lost my consumer dollar and I have lost choice. Is this simply an issue to be resolved through the play of market forces? Or has there been an effective denial of my rights? The playing field is not level.*

*The Province addressed accessibility issues pertaining to the use of service animals in public and commercial spaces. Does the Province not have an obligation to finish the job and address the accessibility issues of other people with disabilities?*

*Addressing accessibility issues has positive economic benefits. Barrier Free Manitoba has noted the following:*

*"A new Canadian study, just released by the University of Toronto-based Martin Prosperity Institute, has concluded that "releasing the constraints that limit full participation in the economy will create a significant force for economic growth." And its findings are clear:*

*"The demand for accessible goods, services, buildings and employment is not just large but growing, and will overtake the demand for their conventional counterparts. Of further importance is our finding that the impact of increased employment accessibility for Ontarians with disabilities will increase the average incomes of all Ontarians."*

*The already exemplary performance of the Manitoba economy could be further enhanced for the benefit of all Manitobans.*

*Through my vote and my tax dollar, I am also a participant in the public sector (broadly defined).*

*I believe that the concept of rights and the concept of citizenship are inextricably linked. The rights and obligations of the individual, and the rights and obligations of the state are central to a discussion of citizenship. Through the democratic process, we*

*define and redefine the "rights" of each. As we have seen, there is an ongoing process to redefine rights. Recent events in the Mid-East serve as an example of "rebalancing" the relationship between the respective rights and obligations of the individual and the state.*

*From the disability perspective, one could ask, "Do people with disabilities have citizenship rights?" And "are those citizenship rights different than the citizenship rights accorded the rest of the population?"*

*In the Canadian context, there can be no distinction between the rights of one and the rights of another. In practical terms, however, the state, through its actions and inactions, has placed barriers or failed to remove barriers to the effective exercise of my rights. The state, in this case the Province of Manitoba, has effectively created a second class of citizen.*

*My status and the status of people with disabilities as second class citizens is not acceptable! Immediate "rebalancing" is required and the UN Convention on the Rights of Persons with Disabilities sets the high water mark for the definition of rights for all Manitobans with disabilities.*

*So I am here today in an effort to*

- *Raise the profile of disability issues*
- *Seek a "rebalancing" of the rights accorded to Manitobans with disabilities*
- *Challenge all MLA's and all Parties to create and articulate a Vision for Manitoba that is big enough, rich enough to embrace Manitobans of all abilities; and to proactively do those things necessary to make this Vision a reality within my lifetime.*
- *Request all party support for Bill 26; knowing that it represents an important but first step*

*The arguments in support of this have already been well researched and documented by Barrier Free Manitoba. I would suggest that, as elected officials, you have an opportunity to move forward on a number of fronts.*

- *You have the opportunity to create and implement a Vision for Manitoba*

*That responds to the everyday reality of a growing segment of the population*

*That is founded on clearly articulated and widely supported principles of human rights and social*

justice including the principles embodied in the Convention on the Rights of Persons with Disabilities.

- You have the opportunity to demonstrate leadership

The continuing high rates of discrimination against people with disabilities have been consistently documented by the Manitoba Human Rights Commission (MHRC) for the last decade. Discrimination on the grounds of disability now exceeds all other grounds combined. And what action of a systemic nature has the Province taken to address this embarrassing and unconscionable situation?

Manitoba is both in the spotlight and under the microscope. The advent of the Human Rights Museum juxtaposed against Canada's signing of the CRPD will focus all eyes on Manitoba. The universal question is, "can Manitoba walk the talk?"

Manitoba has a unique opportunity to demonstrate proactive leadership and raise the bar, through systemic means, on the articulation and enforcement of human rights. It has the opportunity to abandon the ramp by ramp approach and demonstrate to the world how rights-based progressive legislation can create a better society for all Manitobans.

- You have an opportunity to recognize your self-interest, invest in your future and prepare for the inevitable

The increasing incidence of disability has been well documented elsewhere. This increasing incidence is in large part the result of aging. An interesting convergence is taking place; seniors are developing functional limitations and people with disabilities are aging. Although the mindset and language used by each is different, the results are the same. Both groups are experiencing issues of accessibility.

The high incidence rates have led some people with disabilities to refer to the rest of the population, those without disabilities, as TABs, that is "temporarily able bodied". In other words, if you're not disabled now, you soon will be.

Many TABs will soon be encountering their own accessibility problems and seeking redress, which will not be forthcoming unless we can move beyond mere words and take action today. Self-interest demands that the profile of disability issues be raised, and substantive accessibility legislation

enacted. If it is not, you too will be making presentations to a future Standing Committee.

These incidence figures represent a growing cohort of the population with similar issues. Again, the mind set and language used by members of this group may be different but issues and voting patterns may be very similar. Those in the political arena should take note.

People with disabilities are not a homogeneous population. Disability plays no favorites. As a result people with disabilities are as diverse as the general population. With diversity of population comes diversity of viewpoint and opinion. But I am confident that there would be widespread support for Article 9 of the Convention on the Rights of Persons with Disabilities:

#### Article 9—Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to inter alia:

a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b. Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

a. To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

b. To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

c. To provide for stakeholders on accessibility issues facing persons with disabilities;

*d. To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;*

*e. To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;*

*f. To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;*

*g. To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;*

*h. To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.*

*I am equally confident that people with disabilities would agree that the time for research, studies, reports and white papers has long passed, and, that the time for concrete action is now!!*

*Thank you for listening.*

**Mr. Chairperson:** Any further questions?

**Mr. Gerrard:** One of the things which you point out is that it is imperative to change. Is addressing people with disabilities, if you're going into a store or a supermarket or grocery, now, do we need a, you know, a major public advertising campaign? Or what would you suggest? What's the most effective way to change that?

\* (20:10)

**Mr. Steen:** What Ontario did is that they put forward as one of their first standards something called customer service standards, and the customer service standards in effect required that businesses, places of business, train and educate their staff on how to deal with disabilities. If that were to be—if we were to model our behaviour on Ontario and such a practice were to occur in Manitoba, we should see some fairly significant change fairly quickly.

**Mrs. Rowat:** Thank you, Mr. Steen, today, for your presentation and also for your very wise words at the Rotunda reception today. I believe that you are a true advocate for persons with disabilities and I believe that you will ensure that Bill 26 does become the

best legislation in Canada. So thank you very much for all that you've done for us. Thank you.

**Mr. Steen:** Thank you.

**Mr. Chairperson:** Seeing no further questions, sir, I thank you for your presentation.

Just a correction for the record. Mr. Steen requested that it be noted he presented as a private citizen, not on behalf of the Society for Manitobans with Disabilities.

I now call Mr. Samuel Unrau, University of Winnipeg Students' Association.

Mr. Unrau, do you have any written materials for the committee, sir? I see you do.

**Mr. Samuel Unrau (University of Winnipeg Students' Association):** Yes, Mr. Chair.

**Mr. Chairperson:** Our staff will distribute them. You may begin when ready.

**Mr. Unrau:** Thank you, Mr. Chair, and thank you honourable members. It is with great pride that I'm here today to present on behalf of the University of Winnipeg Students' Association as their accessibility director. At their last annual general meeting, the UWSA put forward a motion to change the title of this directorship to accessibility director to fulfill the need of the students and the true role of my position, which is to provide an accessible space and to ensure that education at University of Winnipeg is as accessible as possible. I additionally have the privilege of representing students provincially and nationally as the students with disabilities commissioner for the Canadian Federation of Students, both which I am proud to say call—support the call for accessibility legislation on a provincial and national level. I can speak for the UWSA board when we say that we are excited to see this legislation come forward at is it—at it is long overdue. While society has generally molded to accept other types of marginalization as normal, there hasn't been a general trend to eliminate barriers faced by persons who are disabled by such. It is our hope that through this process outlined in Bill 26 we can work towards an accessible and inclusive province.

To understand the importance of Bill 26 we have to examine the current realities. In Manitoba and in Canada generally we have an ever-present stigma towards disability. We see this in community when accessing goods and services, while participating in sports and recreation, when attaining gainful

employment and when accessing education. Achievements done by persons with disability or persons who are disabled by barriers often are highlighted as extraordinary and their actual achievements themselves are downplayed. Our society thrives on the concept of compromise instead of addressing accessibility concerns in the beginning. Lastly, there are still government policies that act as barriers to peoples of various abilities, an event that is currently not experienced by their able-bodied counterparts. This is what I've noticed from my lived experience, and as you examine the lived experience of Manitobans, this list will only continue to grow. Together, this speaks heavily for the need for comprehensive and functional accessibility legislation.

As mentioned, the UWSA is thrilled that this legislation has come forward, as it contains a lot of positive elements in which Manitobans who are disabled by barriers can be excited about. As is, the legislation could work for the disability community, although with some amendments—and I've already heard from Minister Howard that some are going to be proposed here tonight, which we are very excited about—can actually make this legislation even stronger and knock the ball home for people with disabilities.

The UWSA categorically supports Barrier-Free Manitoba's recommendations here tonight and we would like to share some of our recommendations as well.

Currently there is a concern in regard to the requirement to actually establish standards, as currently as it appears worded in the current draft that it is up to the minister's discretion to provide the recommendation towards the council to start the process. This provides very concern—or this provides concern to me. Although the political will, currently, right now, under Minister Howard, is to continue on with this process, in a change—what is the plan for their successor? We propose that there should be an amendment that also gives the council the ability to recommend terms of reference for a proposed accessibility standard and that those terms of reference also be made public.

As mentioned by previous presenters, an end goal is required, and I am proud to hear that there is a proposal that's going to be coming forward tonight for 2023. Without an end goal, there is really no purpose, and to have this goal for an inclusive and accessible province, this time frame is desperately

needed. And the UWSA definitely supports the recommendation for 10 years.

The third item I'd like to speak to is accessible reporting, and it's been apparent that throughout the consultation process and the drafting of this legislation that if you were not connected to a specific organization that was involved in this process, that you were not informed. It is important to have this information accessible so that it encourages Manitobans participate in this important process.

Full reporting—we encourage the development of a centralized website around Bill 26. Further to this, the UWSA encourages the development of a mailing list that distributes recommendations to those who are interested. This will allow regular Manitobans to have the opportunity to be involved in the development of standards and to be kept informed throughout the process.

Lastly—and the first speaker did speak to this point, and that is in regards to the Accessibility Advisory Council as—in itself; there's an opportunity to improve its structure. Currently, as it stands, there's a possibility that persons with disabilities could be outvoiced at the table by industry and their able-bodied counterparts. We acknowledge the importance to consult with industry and those who will be heavily affected by this legislation, but it is also paramount that we ensure that at this table and at this council that persons with disabilities and their voices are protected.

The UWSA would support an amendment to clause under section 15(2) that would include the criteria to which the majority of members of the council must be persons disabled by barriers or representatives of organizations that serve persons disabled by barriers. This will ensure that the constant situation that we find where able-bodied—or telling those who are—people who are disabled what their lives are going to be, happens no more.

In conclusion, we have come a long way towards implementing legislation that protects persons disabled by barriers in Manitoba. And there is still a lot of work to achieve this crucial goal. Two hundred thousand Manitobans who face barriers on a daily basis are counting on us and particularly as you—particularly to you, as MLA, to work to protect their rights. We have a great culture to get this mission done, and many here tonight are here to show their support for this mission.

It is my hope and the hope of the UWSA board of directors that this committee takes the steps needed to ensure that this legislature is effective and strong. I look forward to a day where I don't have to say I wish I lived somewhere else; I wish I lived in a society where I actually felt I was welcome. Manitoba is my home and will always be my home. And in time I look forward to the ability to refer to myself simply as a Manitoban and not as a Manitoban who is disabled by barriers. Thank you.

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

Questions?

\* (20:20)

**Ms. Howard:** Thanks very much for your presentation. And to your last point, that's exactly why we called it The Accessibility for Manitobans Act, not the accessibility for Manitobans with disabilities act, that because, I think, as has been said by many other people, accessibility benefits all of us, those of us who live with a disability now, those of us who will live with a disability and those of us who like to watch television in bars and watch Law & Order while we work out at the gym. I don't like to do either of those things, but I know there are people that do.

Some of your comments about information, the central website, I've written those down. I think those are good suggestions, and as we go forward with consultation on the regulations and on the standards, I think that would be a useful way to communicate with people.

**Mr. Gerrard:** Yes, thank you for coming to present. Just get your insight into, as a student at the University of Winnipeg, what needs to be done in the environment of the University of Winnipeg or other post-secondary education institutions to make them, you know, fully accessible for people like yourself.

**Mr. Unrau:** I appreciate that question. Particularly at the University of Winnipeg, there seems to be short staff as far as those who actually provide the proper accommodations for those with disabilities, and as well as—there occasionally can also be some stigma towards those who are affected by barriers within the institution itself.

Through my work with the provincial level of the Canadian Federation of Students, we were deeply concerned when the University College of the North decided to close their accessibility resource centre. That is a huge barrier, and that will be detrimental to those experiencing disabilities altogether.

I think, importantly, when speaking towards access to post-secondary education for those with disabilities, there is some interest in policies that are government-driven and one is particularly around health care. Those who decide to seek the university out at various provinces, the able-bodied people are still covered under Manitoba Health; however, those who face disabilities and require accommodations such as, for example, home care are expected to give up their Manitoban citizenship and to proceed to gain citizenship with the province in which their institution is hosted. This is definitely a discriminatory practice. Manitobans who are affected by barriers should not have to give up their Manitoban citizenship in order to pursue post-secondary education.

So there are definitely many barriers present when accessing post-secondary education; definitely, poverty is also going to be one of them. Those involved in the EIA system and under welfare, there are many barriers within them that prevents them from enriching their lives and to enriching their education as well to become people that can contribute great amounts to our society.

**Mrs. Rowat:** Thank you for your presentation, Samuel. That was very, very well done, and I am so impressed that the UWSA has incorporated a position and has somebody with your skills and insight at the table.

You had mentioned the university of the North losing that position or disbanding that position. Could—do you have any insight into this current status of that? We were very—also very concerned, we raised this during question period, and we're, you know, bringing legislation forward for accessibility and we're finding our post-secondary institutions falling back with regard to that accessibility model. Can you just enlighten us a little bit on the status of that?

**Mr. Unrau:** Unfortunately, I don't have too much knowledge over there, as—since I am not a student of the organization.

Originally, we were contacted by Patrick Falconer in regards to this developing situation and, immediately, we began to mobilize to express our opposition to this event. I spoke with the accessibility co-ordinator that was there prior to her position being terminated and she—we had at least an hour and a half conversation on the concerns that she had for people with disabilities there. There were concerns in regards to their confidentiality and

also in regards to the access to appropriate medical care so that they can have appropriate medical documentation up there.

CFS Manitoba had received a letter from the University College of the North indicating that this would not affect the services that are happening up there. However, we still remain concerned, because you need a centralized resource centre in order to protect the confidentiality and also the dignity of students with disabilities. It becomes very hard when a person with a disability, especially those who are really shy about it—I'm in a wheelchair. Unfortunately, my wheelchair kind of stands out. It's 30 pounds of hunking metal. But for those who might have an invisible disability it's really difficult to have to express to individual professors that you have a disability and that this is what you're requiring, and especially if they're not receptive to that as well. So we remain really concerned, but at this time we have no further updates.

**Mr. Chairperson:** Time for this presentation has expired. Mr. Unrau, I thank you.

Presenter No. 5, for the Canadian Federation of Students of Manitoba, was Bilan Arte. Is it agreeable to the committee that Megan Fultz present instead? Is that agreeable? *[Agreed]*

I call Megan Fultz.

Ms. Fultz, do you have any written materials for the committee?

**Ms. Megan Fultz (Canadian Federation of Students of Manitoba):** No, I do not.

**Mr. Chairperson:** You may proceed.

**Ms. Fultz:** Thank you, committee members. Good evening. I am very pleased to be here tonight and to have the opportunity to present to the committee on Bill 26. My name is Megan Fultz and I am the deputy chairperson of the Canadian Federation of Students, Manitoba, and I am also the president of the University of Winnipeg Students' Association. In my role as the deputy chairperson of CFS Manitoba, I'm representing over 42,000 university and college students in the province.

I would like to take a moment to acknowledge what the creation of Bill 26 really means. This piece of legislation represents the real and tangible impact that can be generated by effective governing documents and setting standards for inclusion in our province. When we talk about Bill 26, we are talking about changing the fundamental structure of the way

in which our province works to include and support all of its citizens. This bill is also a critical opportunity for Manitoba to act as a leader in understanding that exclusion is destructive and in no one's best interest, because what we're really talking about this evening is that when 200,000 Manitobans are not able to fully participate equally in all aspects of life in our province, we are not operating at our fullest capacity. And when we talk about the cost of implementing this bill and working towards the ultimate goal of a fully accessible Manitoba, the most significant cost is the one that we are already bearing: the cost to 200,000 individuals who face significant barriers every day in our province, the cost of not having standards for accessibility and of not having the valuable contributions of these members of our community. This bill is an investment in our economy and in a better Manitoba for all.

As a 22-year-old woman who spent the first 15 years of my life in a wheelchair, only gaining more mobility over the last few years, I have lived and experienced the serious consequences of inaccessibility. And from my own life experience I have come to believe in and know that without the barriers that this bill seeks to eliminate, there is no disability; there are only different abilities.

Bill 26 is significant and we should feel a strong sense of pride for being a part of this process, and while there are countless positive aspects of this document, as many have already outlined, there are also components that need to be strengthened in order to ensure that it is operational and effective in its practice.

So our first recommendation which has already been addressed, which I'm very pleased to see, is to set a deadline, and we would strongly encourage that the proposed amendment is supported to include a clear deadline for Manitoba to attain full or at least substantially improved accessibility standards. By setting a deadline we hold everyone accountable to making real progress. Setting a deadline is also imperative because every single day thousands of Manitobans are living without full access and inclusion. So the fewer days like this that we have, the better, and as we have seen from the example of Ontario, setting a tangible timeline is crucial for creating real and positive outcomes.

Our second recommendation is for an earlier report release. Bill 26 mandates that the minister's first plan be prepared and released for the

2015-2016 fiscal year. With ample time to pass and begin the planning process, it is recommended that the report be released in the 2014-2015 fiscal year. An earlier release will allow for this legislation to be fully realized and clearly implemented in a timely manner.

\* (20:30)

Our third recommendation is for a full, accessible public information, and Sam already touched on a few of these points of access to information in a centralized website. Throughout the bill there are clauses requiring any information released by the minister, council and public sector may be made publicly available. While these clauses are applauded, they do not set accessibility requirements on that information. And in order to stay true to the intentions of the bill, it is recommended that any and all information be made public by the minister's office, be made available in alternate formats and made available upon request.

Our fourth recommendation is for consistent consultation and inclusion throughout this whole process. As you all are very aware, consultation and inclusion in all aspects of this process are paramount. We have seen time and time again that the most significant, the most pervasive, the most destructive and the often underlying barriers to persons living with disabilities are ones of an attitudinal nature. When our perspective and framework is not one of inclusion and accessibility, we are fighting a losing battle. The best way to ensure that an accessible mindset is utilized in all parts of this legislation, is to seek consultation and directional leadership primarily from those with lived experience in navigating inaccessible environments.

I'm reminded of an experience I had a few years back when I was approaching a local business which had a large set of stairs at its entrance and had a very enthusiastically written sign that said, yes, we do have a wheelchair ramp, please inquire within. So I think that's kind of a stark example of how, if you're not the one with lived experience, it's very difficult to adopt that perspective and it's very difficult to understand that independence is one of the fundamental parts of accessibility and one of the most often forgotten parts as well.

Accessibility and increasing access is an ongoing conversation as well, in all aspects of post-secondary education. Representing over 42,000 students in Manitoba, I can say with confidence that creating an accessible post-secondary education is

our top priority. While we often focus on the barrier of tuition fees, it is also important to recognize the non-tuition-related barriers that students with disabilities often face in accessing and excelling in post-secondary education. Bill 26 has the potential to make a significant difference in the experience of these students and the subsequent opportunities available to them.

We recognize and appreciate the work ahead for the stakeholders in this legislation and those facilitating its implementation. Anything with this scope of lasting impact requires the kind of commitment that has already been observed and will continue to rely on the dedication of those in and outside of this room to be upheld, but the work required is far outweighed by the importance of valuing and including all Manitobans equally. Thank you.

**Mr. Chairperson:** Thank you, Ms. Fultz. The floor is open for questions.

**Ms. Howard:** I just want to thank you for your presentation, Megan. Thanks very much for coming tonight.

**Mr. Gerrard:** Thank you, Megan. One of the things you emphasize is an ongoing process of consultation and inclusion. How would you envisage that happening? What would be the best way of that being done?

**Ms. Fultz:** Well, it's hard to say specifically what that would look like, and I think that obviously it would depend on the circumstances. All circumstances require a different level of consultation with different stakeholders. I think that we've seen in the work that I do with University of Winnipeg Students' Association and the Canadian Federation of Students as well, that oftentimes the most work is required when the least consultation is done. And so I would say just to emphasize that where—wherever possible, consultation be done and integrated in the most sort of meaningful way to those who have a stake in the accessibility measures that are being put into place.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation.

Now call Jeannette Delong, Abilities Manitoba.

Ms. Delong, do you have any written materials for the committee?

**Ms. Jeannette Delong (Abilities Manitoba):** Just an oral report.

**Mr. Chairperson:** Okay. You may proceed.

**Ms. DeLong:** Good evening. Abilities Manitoba is a network of agencies which exists to foster excellence in services for people with intellectual disabilities. We have over 70 member agencies throughout Manitoba who serve over 3,000 Manitobans with intellectual disabilities and their families. Our member agencies also provide employment to over 4,000 Manitobans in carrying out the services. Our work is primarily to support vulnerable adults to access their communities and be active contributing members of the community. We, along with the people we serve and the people we employ and all of their families, have a vested interest in this legislation which will help to realize the rights of persons with disabilities to have equal access to and within their communities.

Abilities Manitoba has endorsed and supported the work of Barrier-Free Manitoba for five years. We're excited to be on the verge of seeing this historic legislation enacted. We want to extend congratulations to Minister Howard for tabling this legislation and for the leadership she has shown to bring us to this day. We recognize and are grateful for the support of all parties for this legislation. We are encouraged to know that you recognize the importance and value of equal access for all Manitobans.

For the most part, we're very pleased with the content of Bill 26. It captures many of the principles that Barrier-Free Manitoba set out and that Abilities Manitoba endorsed. We are hopeful that this legislation will bring about positive changes for many people in this province.

Despite all of the positives within the legislation, there's still some work that needs to be done to ensure the highest level of positive impact for persons with disabilities.

One shortfall in this legislation that has been of particular concern to Abilities Manitoba is the lack of target dates or benchmarks to drive progress towards the end goal. The act does not explicitly state a goal of being fully accessible. We did hear from Minister Howard earlier that an amendment will be coming to ensure significant progress by 2023. We're very encouraged by that.

We do recognize that full accessibility may never be 100 per cent achieved because concepts of disability and accessibility will continually evolve over time. We do believe that having a goal of full

accessibility will get us closer to the 100 per cent than if there's no target for which to strive. We also believe that it will get us closer to full accessibility in a more timely way. The fear of failing to meet the 100 per cent accessibility target should not prevent the inclusion of strong language in the legislation that boldly commits to an explicit goal of full accessibility. It should rather drive the urgency of the need for full accessibility in Manitoba.

We believe that setting target dates and a clear end goal helps create and sustain a sense of urgency and priority to meet the goals. A timeline and goal is an empowering tool for keeping the feet to the fire, keeping the dream alive, creating accountability, measuring progress and providing an opportunity for correction, communication and encouragement. Without a defined target date and effective drivers, the expected outcomes for this legislation will be more susceptible to delay, disregard and, at worst, eventual disappearance.

Barrier-Free Manitoba has made the case for the fundamental importance of a grand goal and target date. Disability activists report that this feature of the Ontario legislation has been crucial in their efforts to hold the government accountable for progress. Jim Sanders, Chair of the Ontario Accessibility Standards Advisory Council; David Lepofsky, who you heard from earlier by phone; Charles Beer, the independent reviewer of the Ontario legislation, have all indicated that the timeline in the Ontario legislation has been crucial to keeping the momentum going and keeping the government accountable for progress on the grand goal of full accessibility.

Abilities Manitoba strongly encourages you to learn this lesson from the Ontario experience. Make the language for progress by 2023 clear and an unmistakable target to aim for. We believe this target will not only send a message of commitment to people with disabilities in Manitoba, but it will also provide for accountability on the part of those who need to eliminate barriers and prevent the creation of new ones. The drive to keep this as a priority for the province needs to be embedded in the legislation and not simply rely on being a priority of this current minister and ministers who follow. People with disabilities have already had a lifetime of not having full access, and effective implementation of the law should not require persistent lobbying from persons with disabilities. Now, you have an opportunity to get this legislation to be the best it can be.

\* (20:40)



I've worked in this field, in the disability field, for over 30 years, and it strikes me how inspiring the presentations have been this evening, even though I'm in the field. It also strikes me that this accessibility legislation has brought together and unified the disability community like never before. We are becoming a power and a voice that needs to be reckoned with, and you will hear from us if you don't get it to the best that it can be. Thank you.

**Mr. Chairperson:** Thank you. The floor is open for questions.

**Ms. Howard:** I just want to thank you, Jeannette. You've been a stalwart on this, I think, from the beginning or close to the beginning, and I know that the work you do with Abilities Manitoba also helps us in many other policy areas, so I just want to thank you and thank you for your presentation tonight.

**Mr. Gerrard:** Thank you for your presentation. Now, you work with people with intellectual disabilities, I understand, and I'd like you to help us understand the range of barriers that we need to breakdown and what we need to do to make the world fully accessible for people with intellectual disabilities, because it's not just physical barriers that we're talking about. Can you help us what look—you know, understand exactly what that world will look like and when we reach that target or what sort of targets we need to set?

*Mr. Vice-Chairperson in the Chair*

**Mr. Vice-Chairperson:** Ms. Delong.

**Ms. Delong:** Thank you.

**Mr. Vice-Chairperson:** I've just been briefed.

**Ms. Delong:** I see that. It's good we have briefers.

So, really, with the population of people who have intellectual disabilities, frequently there are other disabilities that also compound. So, many of the people who are served by Abilities Manitoba agencies would also have physical disabilities, so any of the presentations that have 'albeready' been made by people who have physical disabilities are certainly relevant for the people that are connected to Abilities Manitoba. There is a need for a lot of plain language documents so that people don't have to decipher legalese. I mean, that's hard enough for the rest of us to do, but that plain language is an accessibility issue. And probably the—again, the biggest barrier that people face is an attitudinal barrier. And so the public education and the increasing the understanding of disability and that

people are people first is a key part to full access for people with intellectual disabilities.

**Mr. Vice-Chairperson:** Seeing no further questions—unless someone really wants to? No? Thanks very much for your time with us this evening.

Now calling Marg Friesen from the Environmental Health Association of Manitoba. Is Marg Friesen with the Manitoba environ—or Environmental Health Association of Manitoba in the room? Not seeing her here. She'll be dropped to the bottom of the list. We'll proceed with the next name. Her name will be called again after we've gone through everyone once.

So now calling Richard Allan McRae, private citizen. Richard Allan McRae, also to the bottom of the list.

No. 9, Ruth Enns. Ruth Enns, you're here?

Good evening. Thank you for joining us tonight.

**Ms. Ruth Enns (Private Citizen):** Thank you.

**Mr. Vice-Chairperson:** Do you have copies of your presentation or just an oral one?

**Ms. Enns:** No, I—just an oral one.

**Mr. Vice-Chairperson:** You go right ahead then.

**Ms. Enns:** I have lived with one disability for many decades and have acquired a few more since the first appeared. In that time, I have seen many improvements made to public spaces. And I see many more people in malls—people with disabilities in malls and in other public spaces than I did as a child, and I see more participation by people with disabilities in other aspects of life. However, numerous barriers remain.

Barriers of any kind, whether physical or attitudinal, are forms of rejection, shunning, abandonment, compartmentalization, containment. They relegate us to the status of the different, the unacceptable—us, I mean people with disabilities—to the status of the different, the unacceptable and the burdensome other. They bar us from full participation in our communities.

Barriers create unnecessary dependency, something I call forced dependency. In creating dependency, barriers bring learned helplessness, fear and all the symptoms of emotional abuse. They force us to use greater energy, determination and creativity just to get through the day.

Barriers are a burden on society. To me the biggest barrier is attitude. If attitudes were to change, all other barriers would crumble. These barriers, such as the belief that life with disability is to be avoided at all cost, that people with disabilities cannot speak for themselves, that people with disabilities are burdensome non-contributors, et cetera, are the very things that make a life with disability so difficult, not the disabilities themselves. These beliefs create double standards and self-fulfilling prophecies. I regularly encounter well-intentioned people whose only interaction with me is to so-called help me, whether I want it or not. If I politely decline such offers, I have been testily informed more than once that I am too independent. Such encounters tell me that not only am I seen as perpetually dependent, I'm supposed to remain dependent, burdensome and non-contributing. I am never supposed to be an equal.

Token gestures—a ramp here, a poorly functioning lift there—are supposed to be enough. I should be grateful for whatever's doled out to me and I should not presume to expect anything. I face many barriers every day both outside my apartment and inside. I have to be cautious everywhere I go, planning my outings as much as I can. Which buildings have electronic doors or at least doors I can manage? Where can I find other accessible facilities? Do I have to make alternate plans, et cetera? Obstacles such as doors on heavy springs—you can see the theme here, it's doors and doorknobs—on heavy springs and/or with round smooth doorknobs can force me to change my chosen path or prevent me from accessing my destination altogether.

I used to do my own laundry when my late husband and I lived in the country. When I moved to an apartment in Winnipeg I couldn't access the laundry room because management had decided not to install electronic door openers there as they had done for the front and back entrances. They have also installed machines I can't operate. Consequently, I now need assistance doing something I could once do for myself.

Recent construction in and around my apartment complex threatened the simultaneous closure of the only two doors I can use, both to enter and leave the building and to access my car. When I complained to management, I was told to use other doors and given a map to find these alternatives. They didn't seem to understand that the problem was not an inability to find another door, but rather to use those doors.

The doors accessing fire escapes in my building are another example. They are not consistent. Only a few have lever handles while most have smooth round knobs and, of course, the doors are all on heavy springs. I don't dare use the fire escapes alone. I can only hope there will never be a fire.

When the front door was closed for construction, blocking visitor access to the intercom, management installed the intercom at another entrance with an electronic door opening the outside door, but not the inside one. Those tenants like me who rely on electronic doors to access our homes had only one inconvenient alley door we could use while other tenants still had two. My building is regarded as accessible, but this was not accessibility; partial accessibility is often no accessibility.

One would expect that medical personnel and those in medically related fields would have some understanding of accessibility and the importance of flexibility of the term—of the—of accommodations. There is no one-size-fits-all in accessibility any more than in pantyhose. A few years ago when I was hospitalized for a broken jaw and just months after rehab engineering had made my apartment more accommodating, a social worker visited me in my hospital room, saying that she had just the place for me to live: a wheelchair-accessible apartment building. She had not done an assessment, at least none involving input from me. She rushed to a solution before identifying the problem or, indeed, determining whether there was a problem. I pointed out that I don't use a wheelchair, but she was adamant that I needed wheelchair accessibility. I didn't comprehend her problem until she left. Apparently, she didn't understand that for me wheelchair accessibility is not always a help. In fact, it can be a hindrance.

One would think that medical buildings would apply universal access principles when they are being renovated. The building used by my ophthalmologist is an example. A number of years ago the building was being renovated. I suggested a few things to my doctor, including universal access guidelines, and she promised to pass them on. She did, but none of the guidelines were implemented.

\* (20:50)

My most recent major encounter with barriers has been in getting my newer car refurbished so I can drive it with my feet. I have been driving for almost 40 years. On Friday, November 1st, it will be one year since I purchased the vehicle but I still don't

have it. The work is being done at rehab engineering by an amazing and talented staff, some of whom—excuse me—also worked on my two previous vehicles.

Rehab engineering, now being renamed to assistive technology products and services, is a very small in-program at HSC providing vital services for those of us requiring adaptive devices. It appears to be perpetually underfunded, understaffed and underappreciated by those holding the purse strings. However, this little department doesn't just spend money, it saves taxpayers' dollars.

When I had surgery for a broken jaw in 2009, one person in rehab engineering created an alternative for the scissors usually given to patients in my circumstances when they go home. I couldn't operate the scissors, so I was stuck in a \$1,200-a-day hospital bed until this little device was created. It got me out of the hospital a week earlier than I would have otherwise. This small expenditure in rehab engineering allowed tax dollars to serve more people in another part of the health-care system than would've been possible without that device.

This department creates many other devices that allow people to maintain independent living, sometimes eliminating or lessening the need for home care which costs much more public money than these devices. Again, a relatively small expenditure in this small department saved money in another part. However, I wonder whether department budgets are isolated from one another so that restraint in one budget can create a strain on another. Some of the projects are more costly and complicated than others. My newer vehicle is one such project. Ideally, those requiring more complicated work would not be financially inconvenienced any more than those requiring less complicated ones. To do so is to say that those of us with unusual disabilities will be penalized for being different, for requiring something other than the run-of-the-mill cases.

I had enquired whether rehab engineering would be able to handle another foot-control project, and their staff had helped me find a vehicle suitable both for me and for them. I was told I would be expected to pay some expenses but I was not given even a rough estimate before I bought the car. Immediately after I bought it, I was informed that I would be expected to pay not only the cost recovery of the expenses, but an amount that will increase the cost of the vehicle by 30 to 50 per cent. When I protested, I

was told that there are no policies, no rules, that these administrators go on a case-by-case basis, that driving is not a right, it's a privilege. The message was very clear: my access to the privilege of driving is at their discretion. I am supposed to shut up and pay up.

Given the aging population, this department should be expanding. Instead, it appears to be heading in the opposite direction. I can only assume that attitudes dictating financial allocations are to blame. Such treatments of a vital, unique service just creates more barriers. We are regularly being reminded that the Canadian population is aging, that the baby boomer generation will strain our resources. We need creative thinking to solve these looming problems fairly and equitably. Bill 26 is a good beginning, but we will need more. If we relinquish equality in hard times, then we don't have equality in good times either. Thank you.

**Mr. Vice-Chairperson:** Thank you very much for your presentation.

**Ms. Howard:** Thank you very much, Ruth, and I want to thank you, as other presenters have done, of giving us some very practical examples, and not only of how the lack of accessibility affects your life but the cost of that, the sometimes hidden costs of that. So I want to thank you for bringing that to the committee.

**Mrs. Rowat:** Thank you, Ms. Enns, for your presentation this evening. I think it's definitely most powerful when people provide their personal experiences and their personal opinions to committee. So I want to thank you for that.

**Mr. Gerrard:** Just to help me to understand a little bit more of the problem in adapting the car, from your story it sounds like you had the car purchased November 1 of 2012, and we are now essentially a year later and the car is still not adapted? Can you help us understand why that delay has been as long as it is?

**Ms. Enns:** A few of them I can explain, some of them I don't know. Initially there was a delay because one of the men who was supposed to work on it was injured. So that delayed them even getting the car; it stayed at the dealership for several months. And, by the way, the process started about September or early October, the process of getting the car, so they were well aware of all of this before the purchase date. Some of the other problems were initially with steering, and then, you know, lately

with the steering, unexpected glitches that they found in the vehicle. They are much more complicated now than they were 22 years ago when I purchased my last vehicle.

The other ones, I don't know. I know that they are understaffed. I know that a number of their most experienced people have left very abruptly so they are dealing with newer staff who aren't as acquainted with doing these kinds of modifications. And, consequently, on that note, I think they used—they're down by staff. They're not—the staff has shrunk slightly and so they are probably, I'm guessing, overworked and can't handle all the work there. When I walk down the hallway, the main hallway, it's lined on one side with wheelchairs and walkers all the way down from where rehab engineering begins to where it ends. And I can only assume that that means that they are being overworked and they just can't keep up with it.

And a project like mine is then on the burner—on the back burner. For months, from February 'til September, my car sat in their car bay over a wheelchair—the only wheelchair access to the car bay, blocking it. So it's—I don't know. I mean, I don't know whether my protests have delayed it. I don't, you know, I don't know.

**Mr. Vice-Chairperson:** Seeing no further questions, thank you very much for your time with us.

Our next presenter is Oly Backstrom.

Good evening to you, sir. Do you have copies of your presentation or just your own presentation?

**Mr. Oly Backstrom (Private Citizen):** I have my own notes, but I would just ask that you use the Barrier-Free Manitoba brief as my reference document that I'll be—

**Mr. Vice-Chairperson:** That's great. Please proceed.

**Mr. Backstrom:** Great. So good evening and thank you for your time and careful consideration of the work that will be done on Bill 26.

I would like to start by saying that I am grateful for the hard work that has taken place to date by everyone involved in this—moving this forward. There are significant things to celebrate in Bill 26 and it is truly landmark and historic legislation.

But there are a few things that can make it more robust and effective. I personally feel that we as Manitobans have it within ourselves to frame

legislation up that will serve all Manitobans well, particularly Manitobans with disabilities. We as Manitobans have it within ourselves to raise the bar high.

I would like to be clear that I agree with all items of concern raised in the brief provided by Barrier-Free Manitoba. And I would like to speak in most detail about one concern, and that is pertaining to the definition of disability. I'll speak to it in a little less detail than I was going to before. I'll get to that, though.

Barrier-Free Manitoba had been concerned about the sole reference in Bill 26 that addresses a definition of disability that may prove to be restrictive or problematic. The current wording did—or the wording as it had been framed in the legislation, at least, failed to address the principle that the legislation covered all abilities. And the clause originally read in 3(1), what is a barrier—3(1). For a person who has a long-term physical, mental, intellectual or sensory impairment, a barrier is anything that interacts with that impairment in a way that may hinder the person's full and effective participation in society on an equal basis.

Now, this is where I'd like to draw attention to the leadership that Minister Howard has exemplified throughout the last four-plus years of this journey. Minister Howard, you took some of the wind out of my sails earlier today by already suggesting that you're going to make amendments to this by removing the reference to long term and changing the reference to impairment to one to disability, and I commend you for that. And if that is taking the wind out of my sails, you can take the wind out of my sails all day and through the rest of the evening; I would appreciate that.

\* (21:00)

But I do still want to speak to that. It does make reference to specific types of disabilities, and I believe that the harder we try to box in the definition of disability by adding those qualifying words, the more likely we are inadvertently boxing something out.

And, therefore, I would still like to draw to the committee's attention to the elegant definition that I think has been proposed by Barrier-Free Manitoba in the brief, and that simply states: What is a barrier? 3(1) A barrier is anything that may—hinders a person's full and effective participation in society on an equal basis because of their disability.

I would also like to comment—earlier, Laurie Helgason, I don't think, could have more succinct in what she said. She said, let's make sure the legislation has teeth and has a timeline, and I really liked that. So further to that I would just like to say, let's make sure that the cost of not complying with this legislation will be higher than the cost of complying, and I do agree with the Barrier-Free Manitoba brief in this regard.

And then, finally, I just wanted to reiterate the importance of timelines as have already been articulated by many other previous speakers. That cannot be overstated. I really do believe that a grand goal and a deadline can act as an important driver to ensure action is taken, and I do appreciate the movement on that front as well. But I do believe that we probably need to do a little bit more work to firm up exactly what that means and make sure it is a grand and defined goal that will truly be a driver. Thank you.

**Mr. Vice-Chairperson:** Thank you very much, sir.

**Ms. Howard:** I just want to thank you very much, Oly, for your work on this and your work in the community working with people with disabilities gain employment, which I think, I hope, will be another benefit of this legislation. We'll be looking at many of the barriers that keep people from disabilities from employment and, frankly, deprive our economy of skilled people who can do good work and who can help Manitoba businesses expand and take advantage of new markets.

So I'm looking forward to picking your brain even more as we go forward and reinflating your sails and all sorts of things so that we can meet that goal, because we want this legislation to have a real impact in people's lives, but not only people with disabilities, but a real improvement for all of Manitoba.

**Mrs. Rowat:** Thank you very much, Oly, for your presentation today. It's been a very long, but a very, I think, productive day, and I just want to thank you for your presentation. I look forward to meeting with you as well with—regarding employment barriers and how we can address removing those. So thank you very much.

**Mr. Vice-Chairperson:** Seeing no further questions, we thank you very much, Mr. Backstrom, for making time for us tonight.

I don't know how well any of you can type and I don't know how many different languages you speak,

but our hard-working transcriber and translator need a break. So let's again have a short five-minute recess so that they can collect themselves, and we'll meet back here in about five minutes. Thanks, all.

*The committee recessed at 9:04 p.m.*

*The committee resumed at 9:15 p.m.*

*Mr. Chairperson in the Chair*

**Mr. Chairperson:** Order. Call the meeting back to order.

And call the next presenter, Jess Turner, Manitoba League of Persons with Disabilities.

Ms. Turner, do you have any written materials for the committee? You do not? You may proceed.

**Ms. Jess Turner (Manitoba League of Persons with Disabilities):** Good evening, honourable Chair and committee members. I have intentionally kept my presentation short, given my personal anxiety with public speaking. And when we all heard that there are 40 speakers tonight, I'm hoping you'll appreciate that my presentation is short and sweet as well.

So my name is Jess Turner. I'm the co-chair of the Manitoba League of Persons with Disabilities. The MLPD was founded in 1974 as a cross-disability organization supporting the equal rights and full participation of persons with disabilities in society and facilitates positive change through advocacy and public education. We are a unique organization in Manitoba as we speak from the lived experience of disability. We are a consumer-controlled organization.

The MLPD is in full support of this important piece of legislation. The Accessibility for Manitobans Act highlights the need for equal rights through increased access and inclusiveness in Manitoba. The legislation is vital as it will extend beyond removing the physical barriers that exist in society, since the legislation defines disability within a social context. Often when I speak to others about my disability, it's not the physical barriers in society that cause me the greatest challenges. As many of the other presenters have mentioned, if a building has stairs and I can't access the space, that's one thing. But my greatest barrier, and the barrier of all persons with disabilities, continues to be society's negative perception of disability. This legislation will serve to bring accessibility issues to the forefront of the

general public's mind. In turn, individuals will come to realize that disability affects everyone in society.

MLPD is pleased that we've been consulted in the development of this bill and will continue to play an active role in the development of accessibility standards. We encourage the Accessibility Advisory Council to continue engaging the public, both persons with disabilities and those in the public and private sectors, as the legislation advances. Although MLPD is hesitant to support the notion that all barriers in society can be removed, since disability is always changing and new barriers will continue to be identified, MLPD does support the creation of concrete timelines for implementation and review. We commend Minister Howard for setting a timeline of 2023 this evening. MLPD also believes that the Accessibility Advisory Council must strike balance between bolstering public awareness with regards to accessibility issues and enacting penalties for non-compliance. If penalties are too stiff, backlash will be directly experienced by persons with disabilities.

MLPD would like to be actively involved in creating and implementing public education processes. We believe that this legislation will go a long way in helping to reduce and eliminate barriers for persons with disabilities and ultimately allow all members of society to lead active and fulfilling lives. As I stated in the beginning, MLPD is in full support of this legislation and strongly encourages the Manitoba government in taking a positive stance in support of accessibility for persons with disabilities in Manitoba.

\* (21:20)

And lastly, the majority of speakers have added a personal anecdote to their presentation. I was first diagnosed with my disability at the age of 13. I'm now 31 years old, and the fact that I'm in this room speaking about this legislation in the year 2013 means something special to me. But that's just me. I have an odd fixation with numbers. I'll admit that.

So thank you for your time, Minister Howard, and committee members.

**Mr. Chairperson:** Thank you, Ms. Turner.

Questions?

**Ms. Howard:** Thank you very much, Jess. Thanks for being here tonight, and earlier tonight at the event that was held we heard about some of the leaders in the disability community that are no longer with us.

But I also look at folks like you and Libby and Samuel who are here tonight, and I know that there is the next generation, the current generation, of leaders—you are leading now—that the community is in very good hands and we're going to continue to benefit from your leadership and expertise. So thanks for coming tonight.

**Mrs. Rowat:** Thank you very much, Jess, for your presentation tonight. It has been a, you know, a great experience for the committee members, I believe, in learning as much as we have with regard to accessibility needs and how we should be addressing the barriers. So thank you so much for your presentation.

**Ms. Turner:** I'd like to speak to Minister Howard's comment. I've only been involved with MLPD for the last three years and it's been a huge learning curve for me, but I certainly appreciate the experience that I've been given, especially when it comes to my time with the members like Nick Ternette who are no longer with us. I've certainly learned a lot from them and I also realize that I have very large shoes to fill. So thank you for your comment.

**Mr. Gerrard:** Thank you, Jess. You know, you speak about the greatest barrier being the negative perceptions of people with disabilities. In bringing forward this legislation and implementing it, what do you think are the most critical components to breaking down those negative perceptions and giving us people-positive perceptions?

**Ms. Turner:** We have to create space and opportunities for individuals like myself and the rest of the presenters this evening to share their story, because that's really how we learn and that's how society's perception will change.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation, Ms. Turner.

Call Dr. Jennifer Frain, New Directions for Children, Youth, Adults and Families.

Dr. Frain, do you have any written materials for the committee?

**Ms. Jennifer Frain (New Directions for Children, Youth, Adults and Families):** I do.

**Mr. Chairperson:** I see you do. Our staff will distribute them on your behalf. You may begin.

**Ms. Frain:** Good evening, everyone. It's a long evening. I acknowledge that, and I'm just getting

over a cold, so hopefully my voice will—well, you hope my voice carries out because otherwise I'm hacking at you.

I am the, as it was just said, the CEO of New Directions. I'm also a clinical psychologist. I'm responding to Bill 26 from my perspective as the CEO of a large social-service agency that provides support to children, youth, adults and families, many of whom have a disability if not several disabilities. We provide a wide range of residential and day services to adults and children with intellectual disabilities, and very frequently additional challenges such as mental health issues, mobility issues and other physical disabilities. We also serve a number of people who are deaf and employ a lot of deaf staff, actually.

Our participants face all sorts of barriers each day of their lives. Most of them face multiple barriers each day such as physical barriers, barriers to transportation and attitudinal barriers presented by their fellow Manitobans, as we've heard about a lot tonight. Our work is to support people so they may live their lives as independently as possible. Often our work is impeded by the current circumstances presented in Manitoba, including inaccessible buildings, but also discriminatory attitudes.

First, I'd like to congratulate the government and specifically Minister Howard for having developed and tabled Bill 26. It's extraordinary legislation. Thank you, Minister Howard, for your tremendous leadership. And because Bill 26 is so important to the future of our province it's ever so important that when it's passed, the law is also—is very strong as well as being effective.

One area for improvement—and I know it's been talked about, but I think I have a few more points to make on this one tonight—for improvement, is the critical importance of the bill setting out adequate penalties for wilful and flagrant non-compliance. We, the service providers for persons with disabilities, were delighted by the government's commitment to, as Oly had said, a fine under the new act should be set so that the cost of paying the fine is not less than the cost of compliance with the act. This was the March 2013 response to the recommendations made of the—by the Accessibility Advisory Council.

However, right now we're quite concerned that Bill 26, as it currently stands, does not adequately or actually meet this commitment. We hope that

penalties will never be required—and I know you said this, Minister Howard—we all hope that they'll never be required to deal with wilful and flagrant non-compliance with an excel—accessibility standard established under the act. We all hope that compliance is achieved primarily through effective public education and information, clarity of standards and community outreach. We all have those hopes. But, if required, the bill needs to have teeth that meet the government's commitment.

And, as I understand it, there are two ways that the government may proceed to deal with flagrant non-compliance. One way is through administrative penalties set out by—in clause 29 point 1. But the bill does not actually set out the maximum amount of an administrative penalty, rather it states that that will subsequently be worked out in regulation. This is in contrast to the clear maximum administrative penalties that Ontario felt were important enough to enshrine in its 2005 accessibility for Ontario's—Ontarians with Disabilities Act. The Ontario act set the maximum daily administrative penalties at \$100,000 for a corporation and \$50,000 for individuals. These amounts add up quickly. So one business week would cost a corporation half a million and an individual a quarter of a million. These penalties are written right into the act itself in Ontario, not left for legislation to deal with.

A second way in the current Bill 26 to deal with wilful and flagrant non-compliance is through prosecution and conviction, and this is set out in clause 34(3) which establishes a one-time maximum fine of \$250,000 for a conviction. While this maximum penalty of \$250,000 would be quite potent and very effective for dealing with non-compliance by a small- to medium-sized organization, it might be seen as an unfortunate and inconvenient cost of doing business by sizable organizations which likely are responsible for the majority of the current barriers that need to be removed. Indeed, an organization with a primary focus on cost containment and one that places lesser priority on meeting its human rights obligations might well choose to pay the one-time fine and remain in non-compliance when the long-term investment required to meet any particular standard would exceed \$250,000. So the list of large organizations in Manitoba that have deep pockets and the con—commitment—'commitment'—consequence for persons with disability is of an enormous significance. It seems patently unreasonable and inequitable that this landmark legislation would set out a maximum

penalty that would effectively force small organizations but not large ones to comply.

So we're asking for Bill 26 to be amended clearly—to clearly meet the government's commitment which we love, which is a fine under the new act should be set so that the cost of paying the fine is not less than the cost of compliance with the act. This could be done, like in Ontario, by setting out a maximum administrative penalty in the bill that increases on a daily, weekly or monthly basis. Alternatively, clause 34(3) could be amended without changing the current maximum to become a daily, weekly, monthly or even annual fine while the party remains in non-compliance.

Bill 26 landmark legislation that has been developed to drive systemic reform required to promote and protect the basic human right to accessibility that is enshrined in international, national and provincial law. This legislation needs to be substantial with serious consequences for non-compliance. As it stands, Bill 26 doesn't accomplish that; it's missing its teeth.

\* (21:30)

To close, and as a member of Barrier-Free coalition as well as Abilities Manitoba, New Directions would like it on record that we support the detailed brief presented to the standing committee by Barrier-Free's Patrick Falconer earlier this evening. We support all of those recommendations made for the amendments to Bill 26.

Thanks for your attention.

**Mr. Chairperson:** Thank you, Dr. Frain. Questions.

**Ms. Howard:** Thanks for your presentation and hanging around to present to us.

I want to address the issue of fines—and I think there is some misunderstanding based on the Ontario model, and Ontario and Manitoba have different approaches in this respect in all of our legislation, not just this legislation—and the fine that we're talking about, \$250,000, that's when we get to court. This legislation will rarely get to court. People will rarely be prosecuted at court, as is the case under most of our other legislation that sets out standards, and when it gets to court, a court is not going to assess a fine under this legislation that is way out of line with fines for similar offences in other legislation. It's not the way judges are going to make decisions. So, when we set the fine, we have to look around at other legislation. Two hundred and fifty

thousand dollars is one of the highest levels of fines that we set in any legislation for an infraction, so going much beyond that is not going to have any impact.

We do have a lot of room in the administrative penalties where it—which is likely where we'll enforce the law, and putting it in regulation is not to have—to make it less strong. It's to make it more strong, because in regulations we have more flexibility and more time to talk about what those things are going to look at—like. So in regulation we can do things like have a daily fine that escalates. We can do things like, say that if you're in non-compliance the fine is going to be the cost of what it would take to put you into compliance, and those are options that we're looking at. So Ontario has a different approach and that's fine, but that's been the approach in Manitoba under laws like the Workplace Safety and Health laws, like the Employment Standards laws. Most of the compliance—most of the enforcement happens at the administrative penalties, and the administrative penalties have been quite successful at encouraging compliance and that's the pattern that we're going to follow for this legislation.

**Mr. Chairperson:** Response, Dr. Frain.

**Ms. Frain:** Thank you, that's very illuminating. But it would be good somehow to have in the act some sort of serious warning to folks that are in non-compliance, because the way it reads currently it looks like the big guys could get away with it, and so that shouldn't be—there should be no whiff of that, I think, and that should be made really clear.

**Mrs. Rowat:** Thank you very much for your presentation this evening and for taking the time to share your views and your concerns with the legislation. Thank you.

**Mr. Gerrard:** Thanks, Jennifer. Just to be completely clear on the—what you're advocating for is the administrative penalty to be very similar to what is in Ontario based on the fact that the Ontario experience has been positive. Can you talk about the Ontario experience and whether that's worked?

**Ms. Frain:** I'm not a great expert on that. I'm sorry, I was looking—I was coached more on the Ontario act in terms of the escalator clause and that that being a good thing and something that was valued, because of the way our act currently reads as having a real gaping—like we can get away with it if we're—I don't want to name anybody, but if we're really big, and so



that was what we wanted to get nailed down. I can't be more specific than that. Thank you.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation.

Now call Mr. Ross Eadie, private citizen. Good evening Mr. Eadie, do you have any written materials for the committee, sir?

**Mr. Ross Eadie (Private Citizen):** Yes, good—well, good night? No. I have no presentation material due to some non-accessibility barriers that have been presented to me over the last couple of weeks and I haven't had time. So—

**Mr. Chairperson:** Okay, Mr. Eadie, you may proceed then.

**Mr. Eadie:** I am here to present what I think is—well, let me just start off. I've been facing barriers as a person with disabilities for 29 years; I've been blind that long—well, 29 years in a month. But I've been an activist in the disability community trying to get rid of, tear down barriers and make things better for Winnipeggers and Manitobans for 23 years. And I've had a lot of experience, so some of that experience—I'm here as a private citizen, but I've had a lot of experience in various roles at the City, as a city councillor and roles prior to that. So when I speak today, I'm talking about experience, and I'll give some examples; I hope that I have time to do that.

What I'd like to do is start off by reflecting what David Steen had to say to you, another private citizen who's had many, many years of experience: political will. Yes, it requires political will, but, you know, the political will is to create the will within society, to create the will within organizations and in sectors, because that's what really needs to happen. Just the political will to pass some legislation is not quite there. But what I can say is that this Bill 26 and this piece of legislation, what it will do, it will create the will of sectors, organizations and society to tear down those barriers and fix those because you have the provisions in here to do that.

And you are leaders. And Chairperson Nevakshonoff, Minister Howard and respected members, what I submit to you, the words of Susan Thompson: It isn't just a political party philosophy. The needs and the barriers related to persons with disabilities is and should not be a political debate; it should be something that is simply done. And that was Mayor Susan Thompson in her discussion when she set out and established a permanent access advisory committee at the City of Winnipeg. Now,

that was way back in 1993. Prior to that, there was ad hoc committees, but there needed to be a will created within the City of Winnipeg to be able to implement and move forward what are tearing down barriers and making things accessible. And it took, you know, another mayor and it took a number of years to create that will, but there's a policy that exists at the City of Winnipeg today because of the activism of people in this room, people you've heard from, and many people who can't be here today because they just aren't here but they did a lot of work to move the agenda forward. And this legislation moves that agenda forward.

So—but, you know, we need to understand some of the experience of that City of Winnipeg, because that policy goes way beyond anything that you will find in Ontario. And I want to speak to a couple things. First of all, I think it's important to look to Ontario to see what their experience was, but you know what? We need a made-in-Manitoba solution, and I don't think that—for example, I was—I've been looking at the Ontario thing. Some of the standards they've come up with are actually less than we deliver in the City of Winnipeg. They're less. So when we come up with our plan for Manitoba, we need to look at what we're doing. We heard from a person who talked about the Ontario experience and talked about a home renovation idea. Well, it's been a very long time since the City of Winnipeg has had a home renovations grant for persons with disabilities to outfit their homes. That's been there a long time. It could be increased, needs to be done. I think that we need to provide a number of incentives to improve accessibility.

But I want to speak to setting a date. Ontario will not be fully accessible by 2025. Setting a date like that, I think, is kind of difficult because they didn't even know what the real problem was. Like, how big is that problem? How are you going to solve that? And that's been the City of Winnipeg's experience. How far and how long is it going to take you to do that?

And for example, just quickly, audible signals. You know, it was 1998 we established a policy, universal installation of audible signals at every signalized intersection. The government of Manitoba right now, I believe, already has that policy in place where they do that in smaller towns and that sort of thing at signalized intersections, but it's going to be 25 years to implement that at every intersection. And what has happened is we've had technological difficulties. You just can't install audible; you have to

do it in the right way. And you have to work through those problems, and it's incremental and it takes time. And what they did in that increment is they're outfitting the ones where users ask for them first, and then they outfit the most complex ones next. That's very important.

\* (21:40)

So you're setting—while you want to achieve a certain goal, it is going to take 25 years for the City to get there. But the reality is, is that there are a number of issues that you're going to have to deal with in every sector. When you set a standard, each sector will be different. And, you know, once you've achieved full accessibility in one sector, you know what's going to happen, right? We're going to have to re-educate people because what's going to happen is the people that were working at, say, for customer service, the people that were working there and got the idea, there's an ongoing need to continually educate, and we might fall back.

So it's an ongoing process. This legislation is ongoing forever for Manitoba to make sure that accessibility exists for people with disabilities. And so we need to keep that in mind. And I think that you can set proper timelines within what you have because once you set a standard, it talks about—and I think you can do it by sector. We heard from one of our presenters who talked about access to health care, basic needs, groceries. Those should be priorities, and so grocery stores where most people go, those should be made accessible first. And they're big enough to handle it; let's get them to do it. There's no reason why you can't get that done in a shorter period of time. But, you know, when you look at the corner store, and you're asking them to comply and allow us to come and get and shop there, well, that's going to take more time because it takes amount of time to collect the money and deliver.

I think that the London thing that was explained to you is for easy-to-solve accessibility issues. There's no way in six weeks you're going to put in an elevator, provide access. There's no way. You cannot do that. That's not going to happen. So, when you do set the regulations, set the timelines. I think that people with disabilities will tell you you're doing all the consultations. When you're creating these regulations, it's important to find out from them what are the priorities; go to those sectors first and I, you know what? I say health care. There—you know, I go to my doctor's clinic, and you know what? It's awful because they're located in a building, it's not

accessible. We should be saying to doctors, when you rent a space, let's do it. There are some difficulties in that there's not a great building stock. So, you know, there's all these issues we need to deal with, and when you're coming up with those regulations, you can do that.

Now, I don't know how much time I have left. Could Chairperson let me know how much time I have left?

**Mr. Chairperson:** About two minutes.

**Mr. Eadie:** Two minutes? Well, I want to focus in on something because I spoke to the timelines, and I think that you can really achieve that within what you have. But I wanted to point out I think that Barrier-Free has pointed out something very important about section 6(4). And I want to point out something from practicality that we have a problem with. I think you need to take that clause out. And it can be dealt with, as they said, in other clauses because what you have a problem is, you're saying that two dwelling units per building, they will not be forced to comply.

Now, I want to point out something. We implemented our garbage plan in the city of Winnipeg, and what happened is, over time, we have old housing stock, and it was recorded and somebody went through a process and established three dwelling units in one big house on Mountain Avenue. And, lo and behold, there's one woman living in there; her parents passed away, there's no renters in there. They delivered her three sets of garbage carts, three sets. And she had to pay for three sets of garbage carts. And what the City did was—our database is so backwards that in order to change the number of dwelling units that our assessment department says is there, you have to pay a fee, and that fee can be too much for people, and so it hasn't been done over time.

And so you're going to face a problem when you ask the City of Winnipeg to tell you how many dwelling units there are. And I really think you need to take this out because when you're looking at regulating in this area for housing, you really need to consider that and how you're going to deal with it because what we did is all's we do is we go in and inspect; we don't change the number of dwellings. What we do is we go in and inspect and we apply for—and we apply under the garbage—under your water bill—is—

**Mr. Chairperson:** One minute, Mr. Eadie.

**Mr. Eadie:** Yes, we reduce what is called—we provide what is called a reduced service to that house because you'd have to pay \$500 just to change the number of dwelling units in there and go through this whole hearing process.

So you need to consider those kind of practicalities when you're delivering the message.

So I'd just to conclude by saying that I'm so appreciative of everybody in the Legislature that we're moving this particular legislation ahead because I think that, again—I'll quote the words of Susan Thompson—disability issues are not a political issue. It is simply about need, and we need to deliver.

And thank you for providing the will to change the will of society and organizations and the sectors to achieve accessibility for all of us.

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

Questions?

**Ms. Howard:** Yes, thanks very much, Ross, and I do want to say we are very grateful to the staff at the City of Winnipeg who work in the—with the accessibility committee. They were helpful to us on the advisory council. The City in many respects is a model for other municipalities and cities to follow, even though not everything is perfect. But it was a model for us in the legislation in requiring all municipalities to come up with plans for how they're going to achieve greater accessibility, recognizing that municipalities of different size may have different plans, and we want to be flexible enough to accommodate that. But the leadership that had been shown by the City of Winnipeg did show us that when a city, a municipal government decides that they want to improve accessibility and they make a plan and they involve people and they report on that plan, they can achieve tremendous, tremendous progress. So I want you to pass that on to the folks who work with your accessibility committee. They've been tremendously helpful and we are going to count on them to continue to help us with this.

**Mr. Eadie:** If I may, Minister Howard, I would just—you know, there are some issues, though, right? Like we have good intentions, and what happens sometimes is we force people with disabilities to have to cry out, that we've actually created something that's not accessible even though we have processes put in place, and so when you're creating this legislation it really needs to acknowledge that. Because, you know what? It—you know, it doesn't make anybody with disabilities very happy to have to

go to the media and say somebody made a mistake. I didn't want to say anything at the University of Winnipeg. They built that beautiful science centre there, and for the most part it's all accessible. But I was walking out of the elevator that takes you to the lower level where people can congregate and have forums, and I was walking along and my cane came underneath some stairs and I whacked my head. It was an oversight, right, and when we set up and we ask people to commit to processes and have inspections of plans and stuff we need to make sure that we don't create a situation where—you know, because often, you know, the public will say, well, what more do they want? All's we want is simple access, that's all, that's all.

**Mrs. Rowat:** Thank you, Mr. Eadie, for your presentation. I've had the privilege of hearing you speak at several committees, and I think what you provide is very solid information and solid advice to our committee. So thank you very much for your time.

**Mr. Gerrard:** Thank you so much, Ross, for coming here and talking about the experience of the City of Winnipeg. That clause that you're talking about which deals with units, why there's two units within a dwelling, deals with residential homes, and the point has been made earlier on that you really don't need to single out and exclude residential homes because you could set, for residential homes, standards which are rational and reasonable for residential homes which are different from that for other categories. I'd just like you to comment on that, and maybe by eliminating that clause you would, in fact, do that.

**Mr. Eadie:** Yes, Dr. Gerrard, the—here's the issue. With some of this housing you'd have to rip it all down to make it accessible, for some of these homes, and I think what the clause was trying to achieve is address that issue that there might be a lot of money. But within the regulations that are set you have an ability to acknowledge that certain conditions may exist in terms of how to deal with that. It may not exist for a lot of housing, and we do need to be able to set some standards for housing because we are all getting older and if you want to really live in a house you need to have that accessibility. So within the—I think the inspectors would have—anybody who's inspecting a home will have to look at a dwelling and say, you know, take a practical look at that, just like we had to, because you can't just look at our database and say that it's going to work. So—but, you know, we do have programs to try to make these residential

homes accessible. We don't necessarily need to exclude them, but we do—what we do need to do is acknowledge, though, that there are—you know, there's the term undue hardship, and that needs to be dealt with from a certain perspective when you get down to the residential. One of the things I would point out to you, though, in the city, though, what is very clear, what is commercial space is commercial space, what is residential space is residential space.

\* (21:50)

So one of the concerns that I seen in the barrier-free thing, I don't think that's an issue within the city of Winnipeg. It's very clear what is commercial because it's zoned commercial, whereas the residential, say, upstairs at a retail outlet, for example, that is defined as residential. It's quite different, but I think you really need to deal with it in the regulation. Get rid of the clause when the regulations are created to deal with housing because, you know, there are—what's the term we use—accommodations, which is a term I find kind of interesting because we're talking about hotels or apartments or, you know, those kind of accommodations, but accommodation traditionally in the disability-accessibility thing is accommodate me in my workplace, in my employment, right? So for me, I was a little confused on that, so.

**Mr. Chairperson:** Seeing no further questions, Mr. Eadie, I thank you for your presentation.

Call Mr. Rob McInnes, Diversity World.

Mr. McInnes, do you have any written materials for the committee, sir? I see you do. Our staff will distribute them. You may begin.

**Mr. Rob McInnes (Diversity World):** Good evening, my name's Rob McInnes, and as Bill 26 is in this final stage of revision, I'm thankful for this opportunity to share my reflections with you. When you're assigned No. 18, you know you're bound to be redundant and I apologize for that.

In making this presentation, I'm speaking on behalf of Diversity World. It's a small training and consulting company that my wife and I established about a decade ago. While residing in Winnipeg, we're engaged in workforce diversity issues particularly as they affect people with disabilities throughout North America.

Primarily, I want to address what I perceive to be some hesitancy in the bill as it stands, with some

reluctance to stand tall, some posturing to avoid feather ruffling and some seeming giving into politeness instead of rightfulness. In that context, I want to encourage you, rather, to truly seize the day. In that context, Bill 26 is enjoying a unique point in history where brilliant, well-positioned and committed Manitobans, both within the government and from the public, have been able to work long and hard to craft it and where it currently enjoys strong non-partisan support from all major parties. This moment in time, this perfect storm, has not been seen before and is not likely to be seen soon again.

It's imperative, therefore, and incumbent upon all who have any remaining degree of influence, to make the very most of this occasion, to take full advantage of this once-in-a-lifetime, perhaps once-in-a-century opportunity. If passed as it currently stands, Bill 26 will assuredly earn a place in history as a memorable event in the advancement of human rights and the human experience of Manitobans with disabilities. However, the important thing for us to consider today, at this time and place, is that it is not all that it can be. It can be more and should aspire to be more. We have an obligation to make Bill 26 as strong and as impactful as we possibly can. Strengthening Bill 26 with purposeful timelines and non-compliance penalties can position it not just as a contributing factor, but as the defining act, the watershed event that effectively turns the tide in what Manitobans with disabilities can expect from living life in our province. We are toying with legislation which enhanced only slightly could well stand as the de facto emancipation act for Manitobans with disabilities.

While The Accessibility for Manitobans Act is a fine name, Bill 26 is much more than simply an accessibility act; it is, in fact, a citizenship act. In effect, it is fundamentally redefining how Manitobans—how Manitoba views its citizens with disabilities. It is a radical reframing of the social contract that underpins the lives experienced by Manitobans with disabilities. It is a bold about-face from exclusion to inclusion. We need to get it right the first time; too many lives are in the balance. It will likely be many years before this act will be revisited in a meaningful way. What we do now, what we put forward now and what is passed now will govern the life experience of thousands and thousands of Manitobans for years to come: those of us living with a disability now, those of us who will be acquiring disabilities and those who with disabilities will be born into our families.

I lived in the United States for over a decade and saw first-hand what real social change can be brought about by effective legislation. The Americans with Disabilities Act was not apologetic. It did not ask for change; it demanded it, and change happened. Those businesses and institutions that welcome change, welcomed the ADA and made changes. Those businesses and institutions that resisted change, opposed and resisted the ADA, and made changes. Welcoming or resistant, it didn't matter, they all made changes. The ADA was not designed to encourage change; it was designed to make change. Let's design The Accessibility for Manitobans Act to make change.

The Americans with Disabilities Act was signed into law on July 26th, 1990. That was 23 years ago. After more than two decades, the ADA is still widely celebrated throughout the United States every July through gala events, public gatherings, award ceremonies and more. A Google inquiry that I made for Americans with Disabilities Act celebration 2013, resulted in 288,000 references. Why? Because whatever had taken place before, and whatever has taken place since, the signing of the Americans with Disabilities Act is still seen as the defining moment, the game-changing event, when Americans with disabilities won full and equitable citizenship. Almost a quarter of decade later, it still calls for dancing in the streets.

As some of you know, Justin Dart Jr. was the visible champion of the Americans with Disabilities Act. In his trademark Stetson hat, cowboy boots and wheelchair, he sat beside George Bush Sr. as the ADA was signed into law.

His vision for justice and human rights, however, extended well beyond the borders of the United States. Several months after the ADA was signed, I had the honour of hosting event in Toronto where Mr. Dart spoke to representatives from many of 'canadi'-Canada's leading corporations. In a profound speech that brought most of us to tears, he invited us to be bold, to seize the moments and make change happen.

Mr. Dart has soon passed—has since passed away, but I know that his invitation is still open to all of us in this room. I want to read a small part of it: Now, colleagues, the gravity of the challenges we face, the magnitude of our opportunity and of our responsibility, is almost beyond comprehension. There is a public passion for profound cultural change that is unprecedented in all human history.

The historic window of opportunity will not remain open long. Our aggressive leadership can create a dynamic momentum for civil rights and empowerment in every nation. Our inaction, simply pursuing advocacy and rehabilitation as usual, could condemn hundreds of millions of 21st century humans to continued isolation, poverty and early death. We are responsible to generations of children yet unborn, in every nation, who have the right to live lives of quality. We must unite. We must struggle. We must love—Justin Dart Jr.

I listen to that full speech at least once a year and always draw important new resolve from it. Whether I should have or not, I've attached a copy of the speech to my submission. However, it's also available to listen to online and I've provided the link for that.

Given the enormous impact that Bill 26 will or won't have on the lives of so many thousands of Manitobans and their families, I invite all members of the standing committee to spend a few minutes listening to that full speech. If, personally, you need a good reason to make the bill stronger, I can almost assure you that you will find it in Mr. Dart's words.

I want to thank everyone, particularly the folks behind Barrier-Free Manitoba, for getting this 'monupiece'—monumental piece of legislation to this stage. I hope my presentation will prove helpful as the final revisions are made.

In closing, I envision a life—as I envision a life in a post-Bill 26 world, I hope that we will also see annual dancing in the 'manit'-in Manitoba streets. I hope that we will have found the courage and the resolve to give Bill 26 the strength that it needs to do its job. I hope that Manitobans will not look back on it as a once-made promise of better things to come, but as the signed, sealed and delivered gateway to a life of inclusion, equality, opportunity and protection. Thank you.

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

Questions?

\* (22:00)

**Ms. Howard:** Thank you very much for your presentation. I admire your ability to be this articulate after sitting for this long. But thank you very much, and to take your words to heart, I think the ADA is a good model and, in many respects, before its time, and we know that we benefit from that legislation. Many of the accessibility features in

businesses that are part of chains that have their home in the United States are there because of that legislation, and we get to have them here also. So I want to thank you for your presentation and your words tonight.

**Mrs. Rowat:** Thank you, Mr. McInnes, for your presentation, and I look forward to listening to the presentation by Mr. Dart. Thank you very much for taking the time today to share your views on this very important piece of legislation.

**Mr. Gerrard:** Thank you so much. And my question is this: If you compare the American disabilities act and this Bill 26, are there some critical things that we are missing compared to the American disabilities act or that we should put in it which weren't recognized in that act which should be put in now?

**Mr. McInnes:** I don't think there's much missing. I will say that the biggest challenge the Americans with Disabilities Act has had is having an impact on the area of employment, and so I really look forward with anticipation as to what we can do in the area of employment. It was designed, a large portion of it, to address employment for people with disabilities and, in fact, it has not increased their participation in the American workforce. In fact, some studies show it has had a negative impact. And so I think that's the real challenge.

It's improved life dramatically. We have Americans coming up here to visit and they can't believe how backwards we are in terms of their personal experience getting around in our communities. But—so I think we've got a really good template here.

I guess I am a little bit worried about what we do in terms of penalties, because they need to be—I know in Europe where they put in penalties that haven't been strong enough, particularly large businesses, they just take it as a cost of doing business and they write that cheque once a year for the penalty and just get on with business the way they want to run it, their companies. So I think we have to be really careful about that, but—thank you.

**Mr. Chairperson:** Seeing no further questions, Mr. McInnes, I thank you for your presentation.

Call Sandi Reimer, private citizen. Sandi Reimer? Sandi Reimer will be dropped to the bottom of the list.

Joan Braun, the Manitoba Human Rights Commission. Joan Braun? Ms. Braun's name will be dropped to the bottom of the list.

Mr. George Pasioka, Canadian Mental Health Association, Manitoba Division.

Mr. Pasioka, do you have any written materials for the committee, sir?

**Mr. George Pasioka (Canadian Mental Health Association, Manitoba Division):** Be careful what you wish for.

**Mr. Chairperson:** Okay, our staff will distribute them on your behalf. You may proceed.

**Mr. Pasioka:** Good evening, ladies and gentlemen and honoured ministers. I'm going to try and keep this as short as possible because I think you'd like to get out soon. Thank you for this opportunity to present. I speak in favour of Bill 26, the accessibility for Manitobans.

My name is George Pasioka. I'm the executive director of the Canadian Mental Health Association, Manitoba Division. We're part of a national organization. CMHA was incorporated in 1918 nationally. There's 135 organizations across the country. In Manitoba, there is six regions. The regions align more or less with the regional health authority boundaries. We were founded in 1956.

One of the principles of Bill 26 is equality. We've heard about physical disabilities. We've touched on hidden disabilities. One of the principles of Bill 26 is equality, specifically, persons should have barrier-free access to those things that will give them equality of opportunities and outcomes.

For people living with mental health issues, barrier-free looks differently. It includes reduction in stigma, access to appropriate supports and services and providing sufficient income and assistance for rent and food. Barrier-free also includes physical design. So as part of the physical design, sometimes people with mental health issues need to be considered. So, for example, if you have seasonal affective disorder, you really don't want to be living in a basement, that kind of thing. It affects your anxiety and other orders also, other types of mental health issues. The physical design of the building and the location where you are affects—in 2008 a study was done between—with the Canadian Mental Health Association, Winnipeg region, and the Canadian Centre for Policy Alternatives of Manitoba. That study is in front of you. It's on enhancing the provisions of housing and support for people living with mental health illness. Copies of that report are, again, in front of you. Primary concern from that study was a lack of housing supply and inadequate

social assistance rates for the—are the primary weaknesses in the mental health and housing system.

I just want to thank you very much for this opportunity to present, and just—it's not just physical disabilities. It's those disabilities which you can't see also.

**Mr. Chairperson:** Thank you, Mr. Pasieka. Questions.

**Ms. Howard:** Thanks very much for coming tonight and sticking around until now to make your presentation. I want to thank you. I know we've had some representation from the CMHA on the access advisory council and, honestly, when we first started this process I wasn't thinking about the impact of this kind of legislation on people with mental illness and it took me a while to get there, and that's one of the reasons why we slowed down the bill, why we didn't bring forward a full bill in June of 2011. Because I'd met with the CMHA and they very pointedly and persuasively said you have not considered us in the formation of this legislation, and they were right.

So I hope we've done a better job. But I—it is going to continue to be a challenge, and you know this better than I can put it, but it continues to be a challenge because people with mental illness don't experience disability in the same way that many other people with disabilities do, and we don't even always really know who people are with mental illness because there's still that tremendous stigma that other people with disabilities face in different ways, but not in the same way.

So we're going to continue to need you folks to be involved in how this legislation and these standards are meaningful for people with all kinds of disabilities. That's going to continue to be a challenge going forward. I am hopeful one of the things that I don't know if you can comment on that's recently been developed, I know there's been a standard that's been put forward by the Mental Health Commission on what workplaces can do to address some of the issues around mental illness. I think that's very—a very hopeful model and a hopeful way of addressing some of those things, but I don't know if you have any comments or any insight into how that standard might work.

**Mr. Pasieka:** At this point in time, no. Those standards do exist and we'll be working on those just to raise the awareness to the public about those standards.

**Mrs. Rowat:** Thank you for your presentation this evening. I just wanted to touch on one point that you had included in your presentation on inadequate social assistance. The rental allowance portion of EIA, we've as a party have indicated we believe that there should be 75 per cent of median market rate. Can you indicate to the committee how you feel this type of policy would impact Manitobans with disabilities, specifically to mental health?

**Mr. Pasieka:** So what you're saying is that increasing the employment insurance income to 75 per cent? It would help substantially. We have people—we have volunteers, as an example, that work as a volunteer and then they get a hundred dollars. I got a phone call from a lady today. She had 97 cents in her bank account and she had to go to the food bank to get food. Other people—it's not enough money. Like, there's bus tickets, there's transportation, many of them need food. Some of them sometimes smoke. So it's just the income they have right now is marginal and it hasn't increased in 20 years. So anything that can be done to improve that—because most of the people around this room have a reasonably affluent style, but those that live on mental health issues, they have a very restricted income. They have—may not have the ability to work for themselves and we need to, as a society, help them out as much as we can within reason.

\* (22:10)

**Mrs. Rowat:** Thank you for your perspective on that. That's something that we believe is important, an important tool and piece of the puzzle. Thank you.

**Mr. Chairperson:** Seeing no further—oh, Mr. Gerrard, I'm sorry.

**Mr. Gerrard:** Thanks, George. One of the things that was discussed earlier on was the need for developing change in customer service to people with physical disabilities. And I think that there is also a need for change in customer service to people with intellectual disabilities or mental health issues. And the discussion earlier on focused on the issue of training people and having customer service standards. Would this be something which could be useful with respect to people with mental health issues?

**Mr. Pasieka:** Absolutely, yes. I have a family member that has been institutionalized. He lives in a group home. He's lived there for a substantial part of his life. Sometimes we'll go to a restaurant and he won't look at the server; he'll look down. And the

server doesn't actually talk to him half the time. And there's—and it's not because he's slow or—like, he hears voices, and those voices distract from him. So the servers get very, very impatient. They talk to me all the time. So it's a kind of a goofy thing, but it's education. And it's going to take a long time to change that. We all, as individuals, can prompt the servers or prompt the people that are—we're talking to, to—you know, to be patient. But as the world gets busier and busier, I see more of this, is that people are just—they're shuffled to the side; I don't have time to deal with it, come back or tell me what you want later on.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation, Mr. Pasieka.

Call Mr. John Ruppel, private citizen. Mr. Ruppel's name was added to the list.

Mr. Ruppel, do you have any written materials for the committee, sir?

**Mr. John Ruppel (Private Citizen):** Yes, I do. One—pardon me—one moment.

**Mr. Chairperson:** Mr. Ruppel, you may proceed.

**Mr. Ruppel:** May I speak, yes? Thank you very much for allowing me to come present today. First, in opening, I want to let you know that three or four days ago I made these rough notes for myself. There's some errors in the document that I've given to you.

So my first point is to talk about employment, and, as I said before, my name is John Ruppel. And I just want to help you have more understanding about the deaf community across Canada and in the province of Manitoba. I feel very sorry for the fact that many people are not gainfully employed. Often deaf people will have to lodge human rights complaints, and I, in fact, was involved for 10 years, from 1980 to 1990, trying to have—and again, you will see some differences in what I've written on the paper that I'm giving out to you—but I was trying—now I've lost my place, just one moment—just speaking about deaf people being employed, please hire deaf people. Give them jobs. Years ago, people had very—deaf people had very good jobs, and then those positions were cut.

And now, across Canada, there's an 85 per cent unemployment rate which is very regretful to me because deaf people are certainly capable, but they are unable to find employment. I know friends here that have tried for six years to get jobs and they

haven't been able to. And they see the general population being hired for jobs every day, but they are trying very hard to work and they are not being hired. So the rate of unemployment for deaf people is very high now compared to what it was years ago. So I don't understand why deaf people aren't being hired. Private business, I think, and other entities are afraid to hire deaf people. They're afraid because they think they won't be able to communicate, and so they end up discriminating against deaf people who could certainly do the work. The only thing they might not be able to do is hear. So I would really encourage you to help deaf people gain employment. The federal government used to hire deaf people. They used to provide training. There were a lot of deaf people that were hired through different programs and different subsidies that came from the government and, unfortunately, that subsidy was cut and that really, again, influenced the unemployment rate for deaf people.

I would also like to see assistance for deaf-blind people. They really require a lot of support. They're very isolated and unable to be out in the community independently. There is one or two deaf-blind people living at the Deaf Centre Manitoba and they're not out in the community because they require intervener services or other supports and they're not getting them. So they're very, very isolated. I would like to see deaf-blind housing. I would like to see services put in place such as intervening services. I know Echo, the interpreter referral service, has the ability to provide intervening services and interpreting services. If there was deaf-blind housing, you could have the services all in place in that building so that deaf-blind people could be actively involved.

I know in BC there's a deaf-blind woman who has many, many services that we don't have here. There's a lot of different things put into place. Deaf-blind people there are able to access a lot more things. But in Manitoba we're very much behind that. We don't have the services required and so without those services deaf people or deaf-blind people often live in isolation. So it's a very different situation in BC than what we have here in Manitoba for supports for deaf-blind people.

Even just looking at Grand Forks, North Dakota, in the States and going to visit there and seeing what they have, they have all the assistive devices already in place for people who are deaf. So they have the alarms for—the visual alarms for fire alarms or for doorbells that are in all of the public buildings and we don't have those here in Manitoba. There's a lot



of apartment buildings that deaf people reside in and they don't have those devices. They used to provide them. But they don't now, and they're very expensive so individual deaf people really can't afford to purchase them themselves. We need government support for that. We need that to be included in Bill 26 that assistive devices are made available for deaf people and deaf-blind people, assistive devices that will help in terms of identifying a fire, someone being at the door, any of those audible alarms that we wouldn't hear that would make them visually accessible to us. So please help the deaf community out with this, and perhaps you don't know about these different assistive devices and that's why I wanted to tell you about them today.

I know in Europe they're very accommodating of deaf people. They have a lot of supports in place, as is the case in Sweden. I'm not sure of other countries, but there are certainly countries that are far more advanced than us, and the United States with their American disability act is one such country. I think it was about eight years ago that the United States president—the president of the United States, pardon me—was in BC and I was there and they talked about the differences they saw in Canada, and when they saw people with disabilities and deaf people not being accommodated, they couldn't—he couldn't believe that it was that much different here than in Canada—or, pardon me, than in the United States—and that's because of the power of the Americans with Disabilities Act that they have. So please I would like to see us have a bill that's strong enough to have the teeth that the ADA does.

Most people that can hear are very privileged and they have things that they need, but deaf people often can't afford the things that they need to be accommodated. They're very expensive, as I said, so for apartment buildings or other buildings it's really important that the deaf-friendly devices be put into place. Deaf people can't hear. So if someone comes to a deaf person's door, they can't hear that someone's there. They're completely unaware that somebody's trying to visit them or that there's an emergency happening, and as I've said, when I went to the States all that technology is there so access is complete. I really want to see that for Canada, not just Manitoba, but for all of Canada, all of the provinces. We should have a standard that's federal not just provincial.

\* (22:20)

So, again, I think we in Canada need something similar to the Americans with Disabilities Act. And I think I covered everything. I hope I have.

Another point regarding health and safety, and building safety, just, for example, like being in a retail environment, you know, there might not be the automatic doors, there might not be the physical accessibility for different needs such as the physical door width to be able to access a bathroom. Like, those types of things can be put in place and benefit everybody. So I would like to see that improved too.

And this is just a thought I just had. But with the UN convention, that should have a lot of power behind it. Oh, just the whole notion that if you can't hear, you are given these assistive devices so that you are accommodated.

And like I said, I don't want to just see this in Manitoba, I want to see it across Canada just like it is across the United States.

There are codes that are in place that even different entities in the city, they don't follow. So those assisted devices can really help deaf people to have accommodation and access completely.

I know I'm probably being a bit redundant and I don't want to say some of the same things that the speakers before me have said, so I won't talk about those right now. So thank you for the opportunity.

**Mr. Chairperson:** Thank you, Mr. Ruppel. The floor is open for questions.

**Ms. Howard:** Thank you very much for your presentation.

One thing I wanted to tell you about, you addressed the issue of fire alarms, visual fire alarms. We did recently change the Building Code to require that new apartment buildings and apartment buildings that are undergoing major renovations, do install visual fire alarms for everyone. And that hasn't been easy; it's met with some resistance. But we are proceeding with it and we are trying to use the experience in other jurisdictions to make the case to folks that it does not have to be very challenging, it does not have to be very high cost, but it is very necessary. So I just want you—and that is—comes as a result of having, as part of the Building Code process, an accessibility subcommittee that looked at that. So I wanted you to know that.

**Mr. Ruppel:** Well, I have a friend who lived in an apartment and had no devices at all. In fact, the fire department attended an emergency one time and they didn't even know that there was a deaf person there. And the fire department were the ones that told the landlord they had to put something in place for that

deaf tenant. So that really impressed me. I like the fact that the fire department could recognize that there was that need and I really appreciate that there's a law or a Building Code amendment going in place, because it should be a requirement. It needs to be a safe living place for all deaf people.

**Mrs. Rowat:** Thank you for your presentation this evening. I think we all learnt a little bit about your disability and how we can, as a province and a country, improve services and supports.

**Mr. Ruppel:** Thank you. Any more questions? That's all I wanted to say. I think I missed something but I'm very, very tired. It's been very helpful. I help my mother, who is blind, so I was in a big rush helping out and getting here late. So I apologize. I'm tired and maybe not being as articulate as I would be otherwise.

**Mr. Gerrard:** I want to say thank you very much for coming and presenting, and you have a very important perspective.

I would like to ask you, you know, how do we make sure that the standards which are put in the regulations include standards which are vital for people who are deaf and for people who are deaf and blind?

**Mr. Ruppel:** Well, again, I would maybe refer you to the ADA. They probably have some regulations in place that would be very useful for us to emulate. And I know the UN world human rights have some things as well that would be useful to look at. I don't have that in front of me. I can't refer you to them and I can't even tell you how to get that information, but I know that there is valid information that you can look to.

**Mr. Chairperson:** Seeing no further questions, Mr. Ruppel, I thank you for your presentation.

**Mr. Ruppel:** Thank you very much and God bless all of you.

**Mr. Chairperson:** That concludes the first reading of the list. We'll now go through it a second time.

Call Marg Friesen, Environmental Health Association of Manitoba. Ms. Friesen's name will be dropped from the list.

Call Mr. Richard Allan McRae, private citizen. Mr. McRae's name will be dropped from the list.

Call Sandi Reimer, private citizen. Sandi Reimer's name will be dropped from the list.

Call Ms. Joan Braun, Manitoba Human Rights Commission. Ms. Braun's name will be dropped from the list.

I think before we go to line-by-line consideration of the bill—*[interjection]*—first I'll read this, as per the instructions of my worthy clerk here.

That concludes the list of presenters on Bill 26 that I have before me. Are there any other persons in attendance who wish to make a presentation to this bill?

Okay, ma'am, would you please identify yourself?

**Ms. Geraldine Sage (Private Citizen):** Geraldine Sage.

**Mr. Chairperson:** Geraldine what?

**Ms. Sage:** Sage, S-a-g-e.

**Mr. Chairperson:** S-a-g-e, okay. Do you have any written materials, ma'am, for the committee?

**Ms. Sage:** No.

**Mr. Chairperson:** Then you may proceed.

**Ms. Sage:** Yes, I haven't noticed anything for—directly for the blind. I don't know; I have not had access to this bill. That's one of the problems. The blind don't have access to a lot of stuff, the written material that comes out, and I'd like to see that corrected so that we can participate in things too. And also if we're voting, our civil rights and stuff, we don't have access to what is being offered by various politicians or whatever.

So that, I—I'm not sure how we could do it, but I would think we should have a school for the blind, something like the School for the Deaf, so that we are taught how to use our accommodating equipment. And nowadays with the Internet, that's how a lot of people try to pass this news around, I guess, which I can't access, the web. And I think there's a lot of others out there that we're older and we haven't got no skills, grown up with them. So I'd like to see something that would help us out to have access to all the information that other people have. And the school for the blind would be one.

There's also purchase of the equipment that we need so we can read material. I think in Ontario the government will pay for your accommodating equipment. The people here that are blind are most often, I think, quite poor and can't afford the equipment. There is one that I've seen at the CNIB,

but that—it scans and it reads out to you what's on a piece of paper. Something like that would help a lot, if we could all have something like that so we could better, I guess, get along and help ourselves.

\* (22:30)

Transportation is another problem for the blind. Of course, we don't drive. But we—the bus service, Handi-Transit, I just come from the country, had to move in for health reason, and no transportation out there to get in to my doctor's. The cost of the handi-van for about 60 or 70 miles was \$240. Well, we can't afford that. So we need something for transportation for the—not just the blind but other people that can't drive either, but the blind for sure. In the city here, handi-van, as you've heard, is not too handy, and neither is the bus service, the transit system. If you're waiting for a bus and you're blind, you have to stand out in all kinds of weather and wait and ask each bus that goes by if that's your bus, eh, and you can't read the pamphlets they put out to see what your schedule is. The—I guess the handi-van is not handy in that, you know, like now I have to go home, I'm going to have to pay \$20 for a taxi to go home. I can't travel at night on the buses; it's an hour or so in between, an hour at least in my bus.

There is something that they had in Calgary that was—my aunt had it; it's hereditary blindness we have—and just about 10 years ago, I was talking to her, and they have something they work with the taxis. She got—I think it was \$75 a month to use for a taxi if she needed it. Now, I'm not sure how it worked. It seemed to be a lot of paperwork for the taxi driver, of course, they didn't really want to do.

So—but if we could have at least those two things, it would make our lives a whole lot better. And—well, I guess that's about it for now. I know there was more, but I can't remember and I can't write things down, so that's a disadvantage too, but I thank you very much for hearing me at the last moment.

**Mr. Chairperson:** Thank you, Ms. Sage. The floor is open for questions.

**Ms. Howard:** Well, thank you very much for coming tonight, waiting through the presentations and coming forward to add your voice and to add your experience to the things that we need to pay attention to. Transportation has been a big issue that we've heard from many, many people. That will be one of the areas that we look at to develop standards so we can make transportation systems that are more

accessible. So I just want to thank you for sticking it out and coming forward at the end.

**Mrs. Rowat:** Thank you, Ms. Sage, for your presentation. You've provided some very good advice and also shared some personal concerns that we need to pay attention to going forward. Thank you very much for your—for sticking it out, as was said earlier, and presenting.

**Mr. Gerrard:** Thank you so much, Geraldine, for coming even though it was not easy to get here, and we very much appreciate your comments and your insight. And I hope that, you know, we will do better when this bill is implemented and the good regulations are put in place for people like yourself.

**Mr. Chairperson:** Seeing no further questions, Ms. Sage, I thank you for your presentation.

Are there any other persons in attendance who wish to make a presentation to this bill? Seeing none, that concludes public presentations on this bill.

As previously agreed, we will proceed to clause-by-clause consideration of the bill, but I think we should take a short recess for our assistants to take a break. We adjourn for five minutes.

*The committee recessed at 10:34 p.m.*

*The committee resumed at 10:44 p.m.*

**Mr. Chairperson:** Order, please. We will resume.

First of all, in regard to the closed-captioning, we'd like to know if anybody in the audience wants us to continue with this service, and if not, then we will excuse our scribe in that regard. Anybody who wants the closed-captioning, please raise their hand. *[interjection]* There is one individual who wants the closed-captioning, then we will continue with it.

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

We will now proceed to clause-by-clause consideration of Bill 26.

Does the minister responsible for Bill 26 have an opening statement?

**Ms. Howard:** Mr. Chair, very briefly, I just want to say a few things.

I want to talk about the process that's led us to this moment, and we've heard a lot about that tonight, but one part we haven't heard enough about is the role that the access advisory council has played in that process. And we've a couple of members of that council here in the audience tonight, a couple that I can see anyway. Yvonne Peters and Doug Momotiuk are both here. They've been part of the work of that council. And that council is also made up of representatives from the business community and municipalities, because it's been very important to us, as we get to today, that we are not only involving people who have lived experience with disabilities, people who work with people with disabilities, but also people who are going to be responsible for removing the barriers that we identify, and that key to this legislation being successful is that there is a consensus to move forward with this kind of legislation and we have achieved that. And that is because of the hard work of those council members. So I want to give them complete credit for doing that.

And the other thing I would like to say is what a consensus means is that you have legislation that is durable. You have buy-in from the people who are going to be affected by it. That ensures that it will last a long time. But it also means that not everybody gets everything they want, including the minister. So this isn't a perfect piece of legislation. There is no such thing, but this is a very good piece of legislation and some of the ideas that people brought forward tonight, we will bring forward amendments and make changes to make it a better piece of legislation. And some of the things we'll not bring forward or support amendments for because we think that the consensus that this bill is based on needs to be durable and the people who have formed that consensus made those discussions and made those negotiations for good reason. So we're going to make some changes, but not all the changes.

And I think, as I've also said, as we move forward, as we do the standard process, we'll also involve both people with disabilities and people who are going to be responsible for putting in place those standards, because we think it's important to hear all those voices and, hopefully, we'll also get a consensus on what those standards will look like.

That doesn't mean that we will stop if we don't have a consensus, but my experience, and I think our experience in Manitoba, is we make more progress when we move together. So I think, you know, I'm going to rely on a proverb I heard recently, an African proverb that says, if you want to go fast, you go alone; if you want to go far, you go together.

And we want to go far, so we're going to go together. And that may sometimes mean that it's going to take a little longer.

I also want to thank John Wyndels, who's joining us over here from the Disabilities Issues Office. John and I started this journey together, getting around Toronto to go and visit many of the people who are responsible for the Ontario act and learning from them. That was five years ago now, and John has been tireless in his efforts behind the scenes as a staff person in the Disabilities Issues Office to also bring us to this day, and I want to say thank you to him.

And with that, I will stop talking and we'll move on to bringing forward some amendments and hopefully getting this bill through to third reading.

\* (22:50)

**Mr. Chairperson:** Thank you, Minister Howard.

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

**Mrs. Rowat:** I certainly do. Thank you, Mr. Chair.

I would like to take this opportunity to thank everyone who took their—took the time this evening to present their views and their support and concern with regard to this very important piece of legislation. This has been a very long, long day, including the wonderful reception that was held earlier in the Rotunda. Supporting people with disabilities and fighting for their rights is of the utmost importance not only to the PC Party of Manitoba, but I know that the—our colleagues within this Manitoba Legislature all hold that view.

With respect to Bill 26 specifically, I'm pleased to say that our caucus is undertaking considerable consultation with groups like the Retail Council of Canada, Barrier-Free Manitoba and the Independent Living Resource Centre and many, many others. And what we found from those consultations was a keen interest in making sure that this legislation moved forward and also to be as strong as possible in supporting their stakeholders. One of the things we heard during the consultation was that this legislation is a step in the right direction but it didn't go far

enough in providing and promoting accessibility for Manitobans with disabilities. And I know that we'll be presenting some amendments tonight from both sides and I think that it will improve the legislation. But I do know that we could probably do more, and going forward we will be looking at those options.

For example, although the legislation provides for an advisory process on developing standards, it doesn't actually compel the minister to make Manitoba more accessible. And my vision and the vision of our party would be that Manitoba is open, accessible and allows everyone in the province the opportunity to be prosperous and successful. I know this is a vision many of you share and were shared this evening by many of the presenters, and I will be bringing the amendments that I have felt that need to be presented tonight to create a discussion and hopefully strengthen the bill.

I want to take this time to let you know of several policies that the PC Party has taken in support of persons with disabilities, and one of them would be, as I was mentioning earlier tonight, our support for and our commitment to the EIA shelter allowance to 75 per cent of median market rates. I believe that this—what this means is that Manitobans with disabilities who often face higher rental costs because of accessibility requirements won't have to take funds from other areas to fulfill their housing needs, and we heard that tonight from several presenters. To put this into perspective, the current rental EIA housing allowance for a single person is \$285 a month, which just doesn't meet those challenges. So we have also proposed a basic personal exemption to \$10,700 which would also move—that would see more Manitobans with disabilities keep more of their money in their own pockets. So we're taking concrete steps to ensure Manitobans with disabilities are better represented in this Legislature, and we will continue to do that.

So, in closing, I want to just say that I want to thank everybody for presenting tonight. I want to thank the minister and her staff for bringing this legislation forward, and we look forward to seeing Manitoba become more accessible and—for all Manitobans and to ensure that everyone becomes—that this becomes an equalizer for our province. Thank you.

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

Clause 1—pass.

Shall clause 2 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Howard:** Yes, I have an amendment.

I move

*THAT Clause 2(2) of the English version of the Bill be amended by striking out "impairment" and substituting "disability".*

**Mr. Chairperson:** It has been moved by Minister Howard

*THAT Clause 2(2) of the English version of the Bill be amended by striking out "impairment" and substituting "disability".*

The amendment is in order. The floor is open for questions.

**Ms. Howard:** I just briefly—coming up we're going to propose an amendment on the definition, which we discussed earlier. This is just to ensure that we're consistently using the word disability.

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

**An Honourable Member:** Question.

**Mr. Chairperson:** The question before the committee is as follows: That—moved by the Honourable Ms. Howard

*THAT Clause 2(2) of the English version of the Bill be amended by striking out "impairment" and substituting "disability".*

Amendment—pass; clause 2 as amended—pass.

Shall clauses 3 through 5 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Howard:** I move

*THAT Clause 3(1) of the Bill be replaced with the following:*

**What is a barrier?**

**3(1)** For a person who has a physical, mental, intellectual or sensory disability, a barrier is anything that interacts with that disability in a way that may hinder the person's full and effective participation in society on an equal basis.

**Mr. Chairperson:** It has been moved by Honourable Ms. Howard

*THAT Clause 3(1) of the Bill be replaced with the following:*

**What is a barrier?**

**3(1)** For a person who has—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Ms. Howard:** Yes, I think as we said earlier, this is designed to address some of the concerns that have been raised, that the definition wasn't as broad or inclusive as people had hoped. We don't believe it actually changes the meaning, that the definition that was in the bill was a good definition and did what we needed it to do. This legislation is different than human rights legislation, in that the definition of disability isn't really the key here. It's how we deal with barriers. But it's been a concern that's raised. We don't want anyone to feel left out and so that's why we're proposing this amendment.

**Mr. Chairperson:** Amendment—pass.

Shall clauses—[interjection] Sorry, my microphone was not on.

Is the committee ready for the question?

**An Honourable Member:** Question.

**Mr. Chairperson:** Amendment—pass.

Shall clause 3 pass?

**An Honourable Member:** Pass as amended.

**Mr. Chairperson:** Clause 3 as amended—pass; clause 4—pass; clause 5—pass.

Shall clause 6 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Howard:** I move

*THAT Clause 6(4) of the Bill be amended by adding "residential" before "premises".*

**Mr. Chairperson:** It has been moved by Honourable Minister Howard

*THAT Clause 6(4) of the Bill be amended by adding "residential" before "premises".*

The amendment is in order. The floor is open for questions.

**Ms. Howard:** This is to address the concern that the intent here is to exempt residences, not buildings that may have somebody living on the top floor and a store or a business on the main floor, and that's what this does.

On the whole subject of residences, there are other places we can deal with residential accessibility through the Building Code and that, I think, is felt to be the right place to deal with it, not in this kind of legislation.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Amendment—pass; clause 6 as amended—pass.

Shall clauses 7 and 8 pass?

**An Honourable Member:** No.

\* (23:00)

**Mr. Chairperson:** I hear a no.

Clause 7—pass.

Shall clause 8 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Howard:** I move

*THAT Clause 8 of the Bill be amended by adding the following after subsection (3):*

**Terms of reference—significant progress in initial 10 years**

**8(4)** The minister must ensure that the terms of reference prepared under this section will enable the implementation of the measures, policies, practices and other requirements necessary to make significant progress towards achieving accessibility by 2023.

**Mr. Chairperson:** It has been moved by Honourable Minister Howard—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense? Dispense.

The amendment is in order. The floor is open for questions.

**Ms. Howard:** So it's been a great deal of discussion as we move through this bill, and it was a discussion we had with our colleagues in Ontario about how to have a goal and a timeline that was achievable and

would serve the purpose of putting in place something that people hold the minister accountable for. And this is where we've come to. I think this achieves that. I think 10 years is a reasonable time frame, but not such a long time frame as to be put off and off and off into the future.

I think this makes clearer that it's the minister who is accountable for that time frame for—the minister has to do things in a timely way so that there can be significant progress towards accessibility by 2023, and I think that significant progress is an achievable goal. I think we heard tonight differing views on whether having full accessibility as a goal is useful or not. I think there is a view that it's useful because if you put out a big goal, at least you'll get close.

And I think there's another view that, really, accessibility is about progressive realization. We don't know today what disabilities may be considered 10 years from now. And we don't know today what technology may look like 10 years from now. So saying that there is a day when perfection will be achieved is not possible, and I don't think it does drive change. I think what happens is that people look at a goal that is unachievable and they decide that it's not meaningful so they're not going to try, that it's some, frankly, politician trying to say something to make themselves feel better.

I think 10 years, significant progress, holding the minister accountable, will put a time frame in place, will mean that there is action that has to be taken and will be very clear that there'll be political accountability for that action. So that's the reason for this amendment.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Amendment—pass; clause 8 as amended—pass.

Shall clause 9 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mrs. Rowat:** *Clause 9(2) of the Bill be amended by striking out "and" at the end of clause (b) and adding the following after it:*

(b.1) the impact of the barriers on persons disabled by them; and any other—continues on—any other matter referred to in the terms of reference.

**Mr. Chairperson:** It has been moved by Mrs. Rowat

*THAT Clause 9(2) of the Bill be amended by striking out "and" at the end of clause (b) and adding the following after it:*

(b.1) the impact of the barriers on persons disabled by them; and

The amendment is in order. The floor is open for questions.

**Mrs. Rowat:** This amendment, which our caucus feels substantially strengthens The Accessibility for Manitobans Act because it compels the Accessibility Advisory Council to add an important consideration into their deliberations in terms of recommending time periods for the implementation of an accessibility standard to the minister. That's important consideration because it is impacting the barriers for persons with disabilities. The logic behind this amendment is very straightforward in that if the impact of a barrier is quite substantial, the barriers need to be addressed sooner rather than later, and that was in the discussion, I think, with our first presenter, who believed that was the right way to go.

Although many of the government's, you know—oh, never mind, that's—it is my hope that this amendment will pass. It's pretty straightforward, and we believe it would be most helpful for Manitobans with disabilities.

**Ms. Howard:** So we also took a look at this amendment. It's our belief, it's my belief, that impact is contained in (a) when we talk about the nature of the barriers. Certainly, the impact of those barriers is part of the nature of the barrier. And so we would expect that the advisory council would look at the impact of the barrier, that a barrier that has a large impact and is difficult to remove, that would be part of the consideration of the timeline versus a barrier that doesn't have much of an impact and is difficult to remove. That would have an impact on the timeline. So it's my belief that it's just not necessary, that it's already contained in (a).

**Mrs. Rowat:** I just believe and I—our caucus believes that this would just strengthen that aspect of it. It would compel the Accessibility Advisory Council to consider this as an important factor in their deliberations in terms of recommending time periods.

So we feel that it needs to be there. We feel that it goes beyond the nature of the barriers. It talks

about the impact. And I think it just sort of provides that extra support for the council to review.

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

**An Honourable Member:** Question.

**Mr. Chairperson:** Question is: Shall the amendment pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Clause 9—pass.

Shall clause 10 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mrs. Rowat:** The minister's response to council's recommendations, 10(1), I would—would be replaced with, within 90 days after receiving the council's recommendations—I'm sorry. *[interjection]* Okay, what—oh, okay.

I move

*THAT Clause 10(1) of the Bill be replaced with the following:—thank you—*

**Minister's response to council's recommendations 10(1)** Within 90 days after receiving the council's recommendations, the minister must either

- (a) prepare a proposed accessibility standard; or
- (b) provide a public explanation as to why he or she has decided not to prepare a proposed accessibility standard, by posting the explanation and the council's recommendations on a

government website and by any other means the minister considers advisable.

**Mr. Chairperson:** It has been moved by Mrs. Rowat *THAT Clause 10(1) of the Bill be replaced with the following:*

**Minister's response to council's recommendations 10(1)—**

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense? Dispense.

The amendment is in order. The floor is open for questions.

**Mrs. Rowat:** Just like the last amendment, which wasn't supported but is also very straightforward, it provides the necessary clarity and latitude that Bill 26 and Manitobans with disabilities require and deserve.

First off, this amendment provides for a time frame of 90 days for the minister to prepare an accessibility standard once one is recommended by the minister's Accessibility Advisory Council. This is a time frame we feel provides a reasonable amount of time for the preparation of a standard. And this is obviously addressing some of the concerns raised earlier tonight with regard to timelines.

\* (23:10)

Second, and perhaps most importantly, if the minister chooses not to prepare an accessibility standard that is recommended by the Accessibility Advisory Council, we feel a public explanation on the part of the minister is a reasonable expectation.

So I look forward to the support of this—from the committee for this amendment.

**Ms. Howard:** This is also something that we had considered.

The way that it works is that the minister starts the process by ask—setting terms of reference and asking the council to prepare a standard, and then the standard comes in, there's a period for conversation and public discussion. And the council, in many places, publicly reports on its activities. It has to post its minutes. It has to make an annual report. The minister has to make an annual report. And then all of those places, if this happens, it can be disclosed. So, again, we, in looking at this and hearing from the folks putting it forward, we felt that the spirit of this is captured in the bill. There are many, many places for disclosure. The council will report. If the minister



sets terms of reference and doesn't follow through with a standard, that will be known and the minister will be accountable for it. And we do believe, on the advice of the folks on the advisory council, that building in flexibility and time for us to have those conversations, to get to, if we can, a point of consensus, is going to make for stronger standards. And so that's why the bill is written the way it is.

**Mrs. Rowat:** I believe that what we're presenting here is—will have—will be explicit in the requirements, and I believe that we all agree that any recommendation that's put forward by an individual or by an agency should be taken con—taken seriously, and if, for some reason, the minister chooses not to prepare an accessibility standard, I think the individual or that organization deserves the right to know the reasons why that is being denied and I—being revised.

I think that this takes away, I think, an individual's right to put forwards an accessibility standard or an idea and, you know, we could, you know, miss out on an opportunity to provide a standard that would be, you know, respected and approved by the community.

**Mr. Chairperson:** Committee ready for the question?

**An Honourable Member:** Question.

**Mr. Chairperson:** The question before the committee is: Shall the amendment pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no. The amendment is accordingly defeated.

Shall clause 10 pass?

**An Honourable Member:** Pass.

**Mr. Chairperson:** Clause 10 is accordingly passed—*[interjection]*—pardon me?

**An Honourable Member:** No.

**Mr. Chairperson:** Again, shall clause 10 pass? I hear a no.

**An Honourable Member:** No.

**Mrs. Rowat:** I move

*THAT Clause 10(2) of the Bill be amended by adding ", within 14 days after making a proposed accessibility standard" at the end.*

**Mr. Chairperson:** It has been moved by Mrs. Rowat

*THAT Clause 10(2) of the Bill be amended by adding ", within 14 days after making a proposed accessibility standard" at the end.*

The amendment is in order. The floor is open for questions.

**Mrs. Rowat:** What we have been doing with our amendments that we've been presenting is providing an opportunity for the government to meet timelines and create standards and be transparent in how they're moving forward with this legislation. We've seen and we've heard from individuals with regard to Ontario, where there were a number of setbacks with regard to implementation of standards and regulations, and we feel that the amendments that we've been presenting would address some of that concern within the community, with regard to clarity and implementation.

So this amendment provides the necessary clarity to exactly when the minister must make a proposed accessibility standard and the minister's Accessibility Advisory Council's recommendation on a standard public. It's my feeling that 14 days is a reasonable period of time to make a standard and proposed recommendations public once the standard itself has been developed.

We understand and we support that this minister's very committed to this legislation and this—and wanting to make sure that it's the best legislation possible. But ministers do change, and we want to ensure that that same commitment is there for this to move forward. So we need the clarity. We need the accountability, and we need the timelines to ensure that any standards that are being presented are being acted upon and actually are being transparent with the community itself. Thank you.

**Ms. Howard:** I appreciate the spirit in which this is coming forward, and I think it's a good goal to strive for. But I think there could be times when it's not achievable, and one of the concerns I would have, part of—and we'll be bringing forward a future amendment on this—part of what we will want to do through this process is make sure that, as we make information available, we do it in accessible formats. And sometimes that can take longer, and it may take longer than 14 days to do that. So I wouldn't want to have this stringent a time period in legislation. Certainly, the goal will be to get it out as quickly as possible because we want to start the public discussion period so that we can get the standards in place.

I also think by putting in the legislation the responsibility of the minister to do things to make sure that we meet that 10-year timeline will take care of any concern about foot dragging. I think that will hold them to account. I just think 14 days is too prescriptive in the legislation and could create some challenges for us to get that information out in an accessible way.

**Mrs. Rowat:** Thank you, Minister, for those comments. I guess, what would the minister consider an appropriate time, a length of time that it would take for those hurdles to be addressed? You know, you said you support the principle of this amendment or these amendments that I presented, but I would just like to know what timelines you would consider appropriate in meeting those requirements.

**Ms. Howard:** Well, I mean, certainly we're going to strive to get that information out as quickly as possible, but I can't anticipate the challenges that might come forward to doing that. So I can't give you a hard and fast time frame.

I've learned a lot—you know, this is the second time we've had a meeting on this legislation, the second time that we've brought together all of the accessibility dimensions in this meeting and we didn't do it perfectly. And I've learned a lot from this meeting, and I'll know more the next time we do it. And so I don't want to close off the possibility that we're not going to be perfect. We're not going to perfectly get all the information out in an accessible format, and, by putting in place an artificial timeline, I worry that we'll miss more of that.

So I think we'll strive to do it as quickly as possible, but I wouldn't be in favour of a prescriptive time frame.

**Mrs. Rowat:** I appreciate the minister's comments, but, based on the presentations this evening, there was a keen sense of urgency and need to ensure that standards were being put forward, that access—you know, that transparency on what standards were being implemented and that these were being done in a timely manner. So I just feel that the amendments that we put forward were speaking to a lot of the statements that were presented this evening, and we just feel that there should be a timeline attached to this. I believe the community is looking for that. So we're disappointed, but we will deal with it as we go forward.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is: Shall the amendment pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

\* (23:20)

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

Clause 10—pass; clauses 11 through 14—pass; clause 15—pass; clauses 16 through 18—pass; clauses 19 through 22—pass; clauses 23 and 24—pass; clauses 25 through 27—pass; clause 28—pass; clause 29—pass; clause 30—pass; clauses 31 through 33—pass.

Shall clauses 34 and 35 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no. Honourable—

Clause 34—pass.

Shall clause 35 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

I'll try it again.

Clause 35—pass.

**Ms. Howard:** Yes, I have an amendment.

I move

*THAT the following be added before Clause 36 of the Bill and after the centred heading "GENERAL".*

**Providing copies in accessible format**

**35.1** The following information must be provided in an accessible format and at no charge to a person within a reasonable time after the person requests it from the person or body indicated:

(a) in the case of the minister,

(i) the minister's annual plan,

(ii) the terms of reference for a proposed accessibility standard,

(iii) a proposed accessibility standard and the council's recommendations;

(b) in the case of the council, the council's summary of its meeting;

(c) in the case of a public sector body, its accessibility plan.

### **Accessibility—Legislative Assembly**

**35.2** In carrying out its duties and responsibilities under *The Legislative Assembly Management Commission Act*, the Legislative Assembly Management Commission must

(a) have regard for any accessibility standards; and

(b) report to the public—at the times and in the manner the commission considers appropriate—the measures, policies, practices and other requirements implemented by the commission to make progress towards achieving accessibility in respect of the Assembly and its offices.

**Mr. Chairperson:** It has been moved by Honourable Minister Howard

*THAT—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Ms. Howard:** So this amendment is meant to do two things: one, it is to make clear that information that is developed to implement this act and to report on this act be made available in accessible formats to people at no charge, and the second is to deal with the issue of how this act applies to the Legislature.

And the approach we've taken there is consistent with the approach we've taken with other legislation in that we give the responsibility to the Legislative Assembly commission, which is bipartisan. They have to adhere to the act, but they have to talk about how they adhere to the act and they have to report on it. And my understanding is the reason why we do that is to avoid a situation, for example, where a government makes law that binds MLAs in the exercise of their MLA duties, that MLAs are not meant to be accountable to the governing party, they're accountable to the people who elected them.

But, of course, we want to and should be accessible. So this is the way that we're going to achieve that as MLAs and the things that we do in the Legislature and in carrying out our duties. And that will make sure that we're all having input into how we do that and that we're all accountable for how we do that.

**Mrs. Rowat:** I have no issue with 35.2. I appreciate that, and I think that's probably the appropriate way to go with regard to that.

Mr. Chairperson, 35.1, providing the information within a reasonable time, again, I would just reflect back on the amendments that I brought forward earlier, and just indicating that it would be probably more useful to have a timeline set so that individuals would then have a better idea of when and what will be presented other than, you know, within a reasonable time—a reason—within a reasonable time could mean one thing to the minister and mean something totally different to a stakeholder in the community.

So that's just my feedback on that.

**Ms. Howard:** So my hope and my expectation would be that these bodies who have this responsibility to report aren't going to wait for somebody to ask for the present—for the report to be made available in an accessible format, that they're going to plan for that, and, you know, one good thing about technology—although, as we've heard tonight, it doesn't serve everyone, that makes it a bit easier now with a lot of the programs that people have. So my hope is that it would be able to be quickly done. But, again, as I said earlier, I can't forecast what kinds of accessibility needs. I think I have a good grip on what they are, but, as I've experienced tonight, I don't know all of them.

So I just want to make sure that we have the ability to meet that requirement, and sometimes it may take longer than other times. But my expectation would be, for my own department and for other places, that we're going to put the report in an accessible format to begin with. So there won't be a wait. It'll be available right away. But it's possible that what we think is an accessible format turns out to not be an accessible format and we're going to need some time to correct that.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Amendment—pass; clause 35.1—pass; clause 35.2—pass; clauses 36 and 37—pass; clauses 38 through 41—pass; table of contents—pass; preamble—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Okay, that concludes the business of Bill 26.

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**Mr. Chairperson:** We will now return to hearing presentations on all the other bills listed for consideration.

We do thank the interpreters for their—and the closed-captioner for their work this evening. Thank you very much.

\* (23:30)

Order, please. We're going to go to Bill 13 now. As usual, we will deal with out-of-town presenters first.

Order, please. The following people who have—who registered to present have left and provided the committee with copies of their presentations: on Bill 13, Cherry White and Stu Jansson of the Manitoba Trappers Association; Doug Tesch, The Netley Marsh Waterfowl Foundation; on Bill 24, Terry Galloway and C-Jae Breiter, Wildlife Society, Manitoba Chapter—also David Punter.

Does the committee agree to have these submissions appear in the Hansard transcript of this meeting? *[Agreed]*

I will now call on Mr. Ray Frey, Fish and Lake Improvement Program for the Parkland Region.

Mr. Ray Frey, is he in attendance this evening?

**Floor Comment:** He went home at 6:30.

**Mr. Chairperson:** Mr. Frey's name will be dropped to the bottom of the list then.

Mr. Ken MacMaster, Manitoba Wildlife Federation.

**Floor Comment:** He went home too.

**Mr. Chairperson:** Mr. MacMaster's name will be dropped to the bottom of the list.

**Bill 24—The Endangered Species  
Amendment Act (Ecosystem Protection  
and Miscellaneous Amendments)**

**Mr. Chairperson:** We'll now go to Bill 24 out-of-town presenters. Bill 24, The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments). Out-of-town presenter Mr. Peter Marykuca.

Good evening, Mr. Marykuca. Do you have any written materials for the committee, sir?

**Mr. Peter Marykuca (Private Citizen):** You betcha.

**Mr. Chairperson:** Our staff will distribute them on your behalf.

Welcome this evening. You may proceed when ready.

**Mr. Marykuca:** Good evening, Chairman and ladies and gentlemen. My name is Peter Marykuca. I'm a resident of the Interlake, and I live in the RM of Bifrost. I want to thank you for taking this initiative to get this new act into place to help protect and identify all endangered species including their environment.

Things that should be considered: Will crocus flowers and lady's-slippers be protected? We need to consider establishing more local fish hatcheries. We must include helping Lake Winnipeg to do what is necessary to get rid of the world's—get it off the world's endangered list even if it means getting rid of the man-made groin called Hecla Island causeway. This groin is more like a dam. It has changed the lake's natural currents and ability to flow back and forth. What affects Lake Winnipeg's—what effect does the barometric pressure play when it comes to currents and the way they have eroded the shoreline—have shoreline erosions. Ask yourself this: What happened to the plovers study, those once-seen birds that nested on the shores of Lake Winnipeg sand dunes? Where are they now? Are they going to be protected from the loss of their nesting grounds? Is it because the sand dunes have been carried off by the erosion because of the changing currents?

Manitoba Hydro stated that Lake Winnipeg is at the same water level as it was in 1922. The lake is getting wider because of the erosion, yet it remains the same in height. How come? Where is the sand and soils ending up? Could it be that the water is displaced by the sand and soil? Has anyone asked Dr. David Schindler if he had an opinion on the building of this groin? How much money's been spent trying to build retaining walls in the past years, and why is there still erosion?

All of inland lakes and ponds, sloughs and other service waters should be 'scientifically' tested and recorded so a baseline is established for water quality. They should all be named and identified as such, where they start, headwaters locations, and tested, as in the Fisher, Icelandic, Dauphin, Waterhen rivers; all creeks, like Netley, Willow, Washow, Sugar, Beaver Creek, including all draining ditches, be tested again before they're emptied into Lake Winnipeg. See what results are contained. If polluted, find and identify the polluters and shut

them down. All waters on Grindstone Point, Hecla Island, Black Island should be included. All species—plants, fish and birds and other critters—should be considered in the entire Interlake region, should be identified and recorded.

Healthy fish stocks will provide opportunities for tourism. Could it be that Otter Lake can be used to grow and export walleye fingerlings to other Manitoba lakes and rivers or even other provinces or countries? All Interlake waters must be protected. Without safe water, all life quality suffers. That's how things work; you can't have one without the other.

Many years ago in a bog near Otter Lake, east of the Sylvan pastures, below the escarpment, I—we saw several Venus flytrap plants. Can you imagine that? Besides moose habitat, what other plants and wildlife could be out there in the bogs and in our Interlake region? What we don't know about—excuse me—when I mentioned it to a local trapper, he told me to be careful about the quicksand pockets.

What about frogs, snakes and insects? Speaking of which, Manitoba should take a lead from Europe and ban all known chemicals that, in fact, kill bees. Any intelligent person should know that without pollination of crops, will not produce.

All bogs need to be identified as off limits to all, including private landowners. Those that deface any bog must be punished. I make mention of this because it has been done down the road from me. It appears the individual has stockpiled peat moss. How come that was allowed to be done?

Restoring prairie chicken nesting grounds, a.k.a, also known as, leks, in doing so, cattle pastures on all marginal lands will be off limits for other agricultural activities. The Interlake region, for the past generations, has been home to free-range cattle as well as chickens. Spreading a concoction of liquid hog manure is not the answer to enhance the environment.

There are two species of these fowls. The true greater prairie chickens have large dark markings, and males have yellow-orange cheek patches. They are rare to see. I've seen several in the area, as well as the odd flock of lesser prairie chickens called pinnated grouse, which have smaller and lighter markings. The male birds have no yellow cheek patches. In early settler times, these birds were in abundance, as was the buffalo. It's suspected that, because of agriculture activities, including aerial

spraying of chemicals, has led to their decline in numbers. They also feed on insects.

Leks, a place where these chickens dance and mate, are also a tourist attraction in parts of Colorado, USA, can be visited as our Narcisse snake pits. Raising these birds wild—raising these wild birds can be done by raising pheasants in—like they do in North Dakota in the USA, to maintain hunting stocks and to help generate tourism. Manitoba should consider this type of industry but with wild chickens, including partridge, Hungarian ruffled grouse and even turkeys.

To do so, those agricultural activities that utilize chemicals and liquid manure management systems, regardless of any zoning, will no longer be utilized on marginal lands and cattle pastures as a sewage disposal ground, as they are trespassing on a wildlife habitat.

\* (23:40)

Not only that, according to our provincial law, some of their waste in some circumstances is not permitted to be spread. I have reason to suspect that evaporation from hog manure and 'stewage' lagoons and their disposal grounds could contain phosphorus that come down with the rain, because my rain barrel had algae in it. Where did it come from? If that is possible, we're in big trouble. That stuff, one way or another, is contributing factor to the added pollution of Lake Winnipeg. We do not need any more hype, popcorn or balloons.

As a youngster, I asked my mother, how did she end up her—with her family end up in Fisher Branch. She said there was no water near Portage la Prairie. We walked to the Interlake with two teams of oxen because there was plenty of good, clean water.

I remind you that in—for this reason alone, we must protect our surface and ground waters, regardless of any proposed economic developments, especially those that pose any possible risks to our environment and resources. These facts were ignored by the previous Conservative government; that is evident by the effects that we are dealing with today and in the past.

Thank you for your time.

**Mr. Chairperson:** Thank you, Mr. Marykuca. The floor is open for questions.

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** Well, thank you, Peter, for your patience and staying with us here tonight,

and I think that demonstrates, in addition to your presentation, your passion for the environment and wildlife and ecosystems, so thank you very much.

**Mr. Stuart Briese (Agassiz):** And I'd like to thank you too, Mr. Marykuca, for coming in. I know you sat here most of the evening, and you've got a fairly lengthy trip home, I expect, to the—*[interjection]*

**Mr. Chairperson:** Mr. Marykuca.

**Mr. Marykuca:** I'm sorry. But, when I looked around, I heard the previous presentations, you can see what they're dealing with. In this presentation, we can't see, but we've got to look at the whole logic because there is an answer.

**Mr. Chairperson:** Mr. Briese, I'm not sure if you were putting a question there or—Mr. Briese.

**Mr. Briese:** No, I wasn't actually putting a question. I was just thanking Mr. Marykuca for the presentation.

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

**Hon. Jon Gerrard (River Heights):** Thank you, Peter, for coming. And you mentioned one of the birds that many people have been concerned about, the piping plover, on the beaches on some of our big lakes, and seem to be fewer of these birds. And I guess the question is in terms of—you've probably given this some thought. There's still beaches out there; why aren't there plovers? How do we go about and preserve the ecosystem that they're using?

**Mr. Marykuca:** I'm not an authority, but 40 years ago when we'd go down to the Arnes Dock, there were sand dunes there. They're gone, okay? Forty-five years ago or thereabouts, we were hunting in the Riverton marshes. We went in in the morning, had three feet of water. By the midday, the water was gone; we'd drag the boat for two miles back to the drainage ditch. I couldn't figure it out, and that's where the barometric pressure came in. It's pushing down the south basin, the water goes one way; it pushes down here, the water's going the other way. And I take up thinking that these beaches have been eroded and the dunes have been eroded because of the causeway goes to Hecla. From Hecla to Black, from Black to Manigotagan, so there was three channels the water has to move from the south basin to the north basin. The water's always going north to Jenpeg; it's going into the Nelson River and on up to the Hudson's Bay. But the currents change from the air pressure, so that water's going one way, one way, underneath it's going that way, but on the top it's

going one way or another. And, eventually, you look around and this lake is getting wider. So what caused that? Nineteen sixty-eight, they decided to put the road in to Hecla Island, but the opening maybe was too small. It's time to put a bridge in there. Get it scientifically tested out; figure it out and say, okay, so what's another 20 million bucks?

Look, the problems we've had. It's just a thought, because I don't know what's in the bill, but I think when we look at the—to the restored prairie chicken, take an account of what we have. Can you imagine going into a swamp and looking down with my two young kids there and I take a look and there's a Venus flytrap closing on a fly? Look around, saying, what the, you know, you think you're in the jungle someplace, and that's right at Otter Lake. My trapper friend tells me, he says there's 40 feet of water in that lake, and the fish frequent—they come up there to spawn. Could be an interesting process, you know. We had a fish hatchery in Riverton, but they couldn't keep the minnows alive, from what I'm told. He said, what's wrong with the water? Maybe it doesn't have enough oxygen in it because it came from the Icelandic River, which is mostly artesian water, and artesian water—and here, again, I'm not a scientist, but I'm sure Dr. Pip or Dr. Peyton *[phonetic]* can tell you that there's less water in artesian water than there's in surface—or less air in artesian water than there is in surface water.

So we've got to look at the whole ecosystem, including the Assiniboine River, going into Lake Manitoba and then onward into Lake St. Martin, onward up the Dauphin River, into Anama Bay and into—eventually into Lake Winnipeg. We should be testing all that stuff. We might be surprised one day and say, hey, you know, there's something going on here.

**Mr. Chairperson:** Okay, seeing no further questions, Mr. Marykuca, I thank you very much for your presentation.

#### **Bill 45—The Competitive Drug Pricing Act (Various Acts Amended)**

**Mr. Chairperson:** The next out-of-town presenters are for Bill 45, The Competitive Drug Pricing Act (Various Acts Amended).

Call Mr. Barret Procyshyn, the Manitoba Society of Pharmacists.

Mr. Procyshyn, do you have any written materials for the committee, sir? *[interjection]* I see you have some written submissions. Our staff will

distribute them on your behalf. You may begin when ready, sir.

**Mr. Barret Procyshyn (Manitoba Society of Pharmacists):** Good evening, Minister, Chairman, honourable ministers, committee members, ladies and gentlemen. My name is Barret Procyshyn, and I'm here to present on behalf of the Manitoba Society of Pharmacists with regards to Bill 45, The Competitive Drug Pricing Act.

I am a community pharmacist, practising in a northern rural setting, working in both Dauphin and in the small village of Winnipegosis.

The Manitoba Society of Pharmacists has met with Manitoba Health quarterly for a number of years, and the issue of availability of drugs listed on the Manitoba drug formulary has been a long-standing agenda item. Pharmacists recognize this legislation will enhance the ability of government to delist products the manufacturer is unable to supply, therefore creating a more reliable supply chain.

When Bill 45 was introduced for second reading on May 23rd, former Health Minister Oswald stated the government has listened to Manitoba families and our pharmacists, who have shared their frustration when a particular drug is not in stock at a local pharmacy. Averting drug shortages and maintaining the drug supply are fundamental to the provision of primary care services, and pharmacists support the government in their efforts to ensure patient access to medications.

Bill 45 also addresses the lowering of generic drug prices, and pharmacists from across Manitoba are present today to support these savings. Manitoba's pharmacists support these savings because we know they're available to be in 'res'-reinvested into the future of Manitoba's health-care system. These savings need to be invested into the reimbursement of pharmacy services, which accomplishes one goal we all share: it will improve the health care Manitobans receive.

The Manitoba Society of Pharmacists has been watching change take place in other provinces and have also had discussions on the issue with Manitoba Health. Our society has been carefully monitoring the pan-Canadian competitive drug pricing initiative through the Council of the Federation. And we have been actively involved with the Health Care Innovation Working Group that is part of that process.

If you consider the other provinces and their competitive drug pricing initiatives, these provincial governments are successfully reinvesting savings from generic drug pricing reform into reimbursement for pharmacy professional services at the same time.

\* (23:50)

During the introduction to second reading, Minister Oswald stated: "Government is committed to finding efficiencies and reinvesting those savings into protecting front-line services." Front-line services begins with your pharmacist.

In 2012, the Manitoba Society of Pharmacists presented a proposal to Manitoba Health demonstrating how the savings generated through generic drug price reform provide a unique opportunity for the Manitoba government to redirect resources into front-line patient care services, improve health-care outcomes, and offer Manitobans the care they need when and where they need it. This includes rural and remote areas, and I am well aware there are many rural and northern MLAs in attendance today who keep their constituents' health care a top priority.

Pharmacists in Manitoba want to be part of the solution when it comes to protecting and enhancing front-line patient services, and, as the most accessible health-care provider, they are well positioned to take on this role.

Other provincial governments have recognized the important role pharmacists can assume and have developed frameworks for reimbursement of professional pharmacy services above and beyond the medications dispensing fee attached to a prescription. These near country-wide reforms ensure pharmacies remain viable, protect front-line services Canadians demand, and ensure pharmacists remain as integral part—members of the health-care team. Enabling pharmacists to take a—on a greater role in primary care is widely regarded as an opportunity to improve patient experience and relieve stress on the health-care system.

Over the past several years provinces and territories have come to better understand the role that pharmacists can play in achieving the objectives of better care, better health and better value. As Canada's most accessible health-care professionals, pharmacists are extremely well placed to deliver better health outcomes for Canadians at a lower cost and a lower wait time.

As a pharmacist, I take pride in knowing my patients can walk into a pharmacy and I can help them. In my pharmacy, no appointment is necessary, with an extremely short waiting time. Imagine our emergency room and walk-in clinic wait times if Manitoba pharmacists were given the resources to handle some of the patient load.

We are calling on the government to commit to introduce changes to regulatory policy, budgetary and other related frameworks in order to implement and ensure pharmacy–pharmacists practise to their full scope and their services are recognized and adequately compensated for their contribution to improving health care and health outcomes.

Recently, Manitoba Health has committed to establishing a table to discuss pharmacy services and remuneration with the objective of developing options for them to consider. This is a very good step towards utilizing a pharmacist's expertise; however, this is a very time-sensitive issue. We are well behind our colleagues in other provinces. We are extremely concerned about the impact of Manitoba price reductions on the quality of care and sustainability of community pharmacies, especially in rural areas.

Enabling pharmacists as a primary care providers is an opportunity to improve the patient experience and, again, relieve stress on our health-care system. Ontario recently published economic analysis which demonstrates significant return on investments in health-care spending when pharmacists fully implement and are reimbursed for front-line services within our scope of practice.

Pharmacists improve patient care, patient safety, and prevent adverse events. Pharmacists effectively provide institution- and community-based clinical services within a variety of practice settings. Pharmacists are consistently ranked as the top-most trusted professionals within the public. Pharmacists alleviate pressure on doctors, nurses and other health-care team members and health-care facilities, especially in rural and remote communities. Pharmacists ensure continuity of care and transition of care, from acute care to community, long-term and palliative care. Pharmacists are often the only health-care provider in rural communities, improving timely and quality access to a health-care professional.

Pharmacists are an integral member of the health-care team, yet are the only health-care professional not compensated for services provided.

Dispensing fees are not fees for professional services. Dispensing fees cover the high cost of managing drug supply, inventory costs, human capital costs, product dispensing costs, educational material costs, and the technologic infrastructure required in a pharmacy.

The depth of services that can be provided in an unfunded model is not equivalent to the services provided to other Canadians where a clear funding model is in place and pharmacists are utilized as key members of the primary health-care team.

The savings generated from generic price reductions provides the needed opportunity to invest in pharmacy services, redirect resources to front-line patient care, and offer Manitobans the care they need in the right place with the right health-care provider at the right point in their health-care needs.

Engaging pharmacists in establishing a compensation plan for their unique scope of pharmacy practice, expertise and health-care services will have a positive impact on patient outcomes and health-care access.

Community pharmacy and its pharmacists hold the potential to deliver a wide range of health-related services and benefits beyond current practice. There has already been progress on compensating pharmacists for their services and expanding scope of practice in most Canadian provinces, except for Manitoba.

Along with improvements to the drug supply chain–

**Mr. Chairperson:** One minute.

**Mr. Procyshyn:** –and lower generic drug prices incorporated in Bill 45, the government must commit to ensuring the viability of community pharmacy. With firm commitment and strong leadership to enable a regulatory and policy regimen, we can implement front-line patient services so Manitobans can expect better health-care outcomes with fewer burdens to our taxpayers. Just yesterday Minister Selby stated: Families deserve access to today's most effective drug treatments.

The medication is only a small piece of an ideal treatment; a pharmacist's work completes it. Manitoba pharmacists are ready for the reinvestment of generic savings into better patient-centred care. Pharmacists are the key to a better, more accessible health care in Manitoba. Give us this opportunity. Thank you.



**Mr. Chairperson:** Thank you, Mr. Procyshyn. The floor is open for questions.

**Hon. Erin Selby (Minister of Health):** Well, thank you very much for coming down here, for waiting 'til now to speak, and speaking so passionately. I feel that we can already be sure that showing your commitment to speaking tonight assures me that you've got this sort of commitment to your clients which is wonderful.

I don't think anyone here tonight—and if they did have a doubt hearing you speak—would've confirmed that we know the importance of pharmacists in patient care. It's not just one element; it's the whole package together. And we also know that pharmacy is changing in really exciting ways, and I recognize that as well.

I would want to encourage you to keep speaking with Manitoba Health. As you said, that's a regular ongoing conversation, and I'd want to continue to see that happening.

And, of course, we do want to see cost savings both at government level but for patients as well but not on the backs of business and, certainly, recognizing the particular importance of smaller pharmacies and particularly in rural areas. So just know that that is definitely in our minds as well, and thank you.

**Mr. Cameron Friesen (Morden-Winkler):** Well, Barret, thank you for coming this evening and speaking to us on behalf of your association. I'm very—or on behalf of the society. I'm very aware of the issues that you're bringing up, continue to talk with many people across the province, stakeholder groups, pharmacists.

With respect to the issues you're bringing up, just a few quick questions for you, but I do want to acknowledge at the outset that changes that many jurisdictions are making with respect to the interchangeability formulary and the way we put drugs in our—into the system in the province has implications and creates some real opportunities for savings. And so, in principle, of course we acknowledge that in a system where health-care dollars are increasingly stretched we need to find areas in order to improve.

\* (00:00)

At this point in time, you mentioned in your presentation that it's time and, indeed, I agree with you that to engage pharmacists in a comprehensive

conversation about remuneration, how we pay pharmacists in this province for work that they perform. Has the Minister of Health—and I know this minister's new in her role, but has this—either this minister or the previous one consented to engage with pharmacists in that kind of comprehensive conversation around modernizing how we remunerate pharmacists in the province of Manitoba? *[interjection]*

**Mr. Chairperson:** Mr. Procyshyn.

**Mr. Procyshyn:** Sorry. I think the discussions so far have been solely with Manitoba Health. We haven't had, since I've been on the Manitoba Society of Pharmacists, we haven't had any direct contact with the Minister of Health and that's something we're looking for. I think we're at a point where we need the government to tell Manitoba Health, let's move this forward, because you guys are the ones that can make it happen. And you guys are the ones that can push Manitoba Health and improve the health care that Manitobans deserve, and I think that's what we're looking for.

**Mr. Friesen:** I say it because I concur with you that Manitoba lags behind many other jurisdictions—well, all the jurisdictions, when it comes to having these necessary conversations. And I think that our reliance on certain aspects of our system until now has created the conditions in which we've been, you know, as a province, too willing to stay with the model that we currently have in place.

But I did just want to just quickly direct your attention to one more area of inquiry and that is, we have some concerns with respect to this bill, that it gives the minister tremendous latitude to make decisions, discretionary decisions, about what drugs come off the formulary and it gives her new powers.

Is your group at all concerned, with respect to this bill, that it could create conditions in which the minister could pick winners and losers when it comes to supplying drugs to Manitoba, and that, as a result, we could see exactly the kind of shortages to rural and remote and other geographic communities in Manitoba, as you alluded to?

**Mr. Procyshyn:** I don't think that—you know, it's about picking winners and lunar-losers on the formulary; I think it's about getting medication to Manitobans. And I've been a pharmacist since 2009 and when I became a pharmacist, the drug shortages hit and that was a—it's been a big issue. It's been a big issue for my patients, for family members. They

don't have access to these medications that they deserve and we're hoping Bill 45 fixes that, and from what we can see, it's going to solve some of those problems, maybe not all of them, but I think it's a step in the right direction.

**Hon. Jon Gerrard (River Heights):** Perhaps you can just give us an example of the sorts of services pharmacists have providing in other provinces that they're getting reimbursed for, and what you would expect here. I mean, do—are we thinking of things like drug interactions? Are we thinking of broader things, like prevention of diabetes? Just give us some examples.

**Mr. Procyshyn:** That's a great question that I can comment on, because I do have colleagues in Ontario, Saskatchewan. MedsCheck in Ontario has become famous; pharmacists can go—or pharmacists in a pharmacy can do a medication review and they're compensated for that medication review in Ontario. So they can sit down with a patient, they can sit down with a patient's family and review those medications and make suggestions to physicians on how to improve drug treatment.

Saskatchewan has some prescribing rights and they're compensated for those prescribing rights. So simple things—rashes, poison ivy, fungal infections, just examples—the pharmacy can handle that. Right now, my patients are going to walk-in for some of those things.

And in Winnipegosis, we didn't have a family physician for over a year. So, when you see somebody having to drive over an hour to a walk-in clinic for these simple things, that's something a pharmacist can do.

Injections, pharmacists can do injections, and they're helping out with injections in many other provinces across Canada. That relieves some stresses on the health-care system. There's a wide range of things; home visits, insulin—you know—delivery, counselling, working with families on inhalers. Things like that, we can all contribute to. And we're ready for that.

**Mr. Chairperson:** Okay, time for this presentation has expired. Thank you, Mr. Procyshyn.

Call Mr. Mel Baxter, private citizen. Mel Baxter will be dropped to the bottom of the list.

That concludes our list of out-of-town presenters.

### **Bill 13—The Fish and Wildlife Enhancement Fund Act**

**Mr. Chairperson:** We would return to Bill 13, The Fish and Wildlife Enhancement Fund Act, and welcome Minister Mackintosh back to the front of the table here.

Call Mr. David Carrick, Fish Futures. Good evening, or good morning, Mr. Carrick.

**Mr. David Carrick (Fish Futures):** Good morning.

**Mr. Chairperson:** Do you have any written materials for the committee? I see you do.

**Mr. Carrick:** Yes, I do.

**Mr. Chairperson:** Sorry, the Clerk Assistant has reminded me to remind all of you that we are now past 12 o'clock, and, as previously agreed, we are going to sit to the conclusion of all business this evening.

So, on that note, Mr. Carrick, the floor is yours.

**Mr. Carrick:** Thank you, Mr. Chairman, members of the committee. My name is David Carrick. I'm the founder of Fish Futures. I'm also the chair of the Project Review Committee of the existing Fisheries Enhancement Fund.

You have a copy of my submission, and because of the importance of this submission to the members of the Project Review Committee, I will be reading it. I prefer not to read directly but, in this case, given the importance of this getting into Hansard, I will be doing so.

You'll note that the first paragraphs in this submission is made—respectfully made on behalf of seven organizations. We've attached signature pages from six of those organizations to the submission. Unfortunately, the Manitoba Wildlife Federation, with the all changes they're going through right now, were not able to sign on to this submission before tonight's presentation, but I have no reason to believe that they do not concur with everything in it.

So those seven organizations are the seven organizations represented on the Project Review Committee, defined in here as the PRC of the current Fisheries Enhancement Fund, defined as the FEF, and are collectively referred to herein as the FEF Founders.

Initially, the FEF Founders were advised that the sole focus of the new fund would be wildlife and that fisheries enhancement would continue under the

FEF. However, in the late fall of 2012, we were advised that the new fund would focus on both fish and wildlife, and that the fisheries component under the new fund would replace the FEF.

The FEF Founders carefully reviewed Bill 13 when it was introduced and were very pleased with the following feature of the new fund, and, in general, I'm here on behalf of the six organizations to say that we very much support this new legislation. And these are several of the key reasons why we do so: the fact that the fish enhancement account of the new fund will not form part of general revenues.

Secondly, the fact that the fish enhancement account does not have to be fully expended during each fiscal year, and that creates greater flexibility in funding multi-year projects and in dealing with individual years, when, for whatever reason, there is a lack of high-quality fisheries-related projects submitted to the fish enhancement 'submittee' for their consideration.

Thirdly, the fact that the new fund can be promoted with its own website, logo, et cetera, which will make it much easier for anglers to know what projects are being funded with their portion of the licence fees that are contributed to the fish enhancement account and for individuals and organizations who wish to apply for funding to know what types of projects are being funded.

And, finally, the fact that other revenue streams, and not just angler licence fees, can be contributed to the fish enhancement account. These other revenue streams that are referred to in section 2(4) of Bill 13 include prescribed amounts of the fees for other prescribed licences or permits involving fish; gifts, donations and bequests; and amounts authorized by another act of the Legislature to be so contributed.

However, the FEF Founders were, and continue to be, very concerned with what they regard as fundamental flaws in the administration of the fish enhancement account of the new fund, in particular, the composition of the Fish Enhancement Subcommittee.

So, against that background, the purpose of this submission is to trace the history of the FEF and its evolution into the new fund, identify what the FEF Founders consider to be those fundamental flaws in the composition of the fish enhancement committee under the new fund, and propose amendments to Bill 13 to address those fundamental flaws. The name FEF Founders to describe the

seven organizations making this submission was deliberately chosen, because it's our opinion that the FEF wouldn't even exist today, would not be a model for a wildlife enhancement fund, and would not be evolving into the new fund if it were not for the efforts of the FEF Founders.

\*(00:10)

In particular, the FEF Founders, at the initiative of Fish Futures, banded together in 2004 to lobby the provincial government to work with them to create a new fund that would replace the existing Fisheries Enhancement Initiative, defined as the FEI. The FEI had been created in 1993 and, since then, had distributed \$350,000 in annual funding to fisheries-related projects. The FEF Founders were of the opinion that a significantly larger fund was required to support recreational fisheries-related projects and thereby enhance recreational fisheries in Manitoba and that anglers would support an increase in licence fees to create this larger fund—and this is the key part—so long as there was stakeholder representation in how the fund was distributed.

The FEF Founders were also of the opinion that Fisheries branch as well as other government departments and agencies should be able to apply for funding under a new fund. They were not able to do so under the FEI, as the FEI as effectively administered within government. So the Fisheries branch in particular would have additional funds available to it to better manage and enhance recreational fisheries in Manitoba.

The FEF Founders spent more than \$75,000 in commissioning two consultants to work with them in building a business case for a new fund and in creating a PowerPoint presentation that summarizes, in this case, a presentation to Minister Ashton, who was then the minister of Water Stewardship. At Minister Ashton's request, the FEF Founders then worked closely with Joe O'Connor, then-director of Fisheries, to create the framework for a new fund called the Fisheries Enhancement Fund, which included drafts in the terms of reference for that new fund.

As a result of all of this work that was undertaken by the FEF Founders, which included hundreds of hours of volunteer time, Minister Ashton ultimately agreed that the FEI should evolve into the FEF, with the result of the FEF was officially launched in 2007 with \$600,000 of funding. Licence fees were then increased by \$3 per licence in 2008, with the result of the FEF increased to \$850,000 per

year in 2008, with anglers funding that entire amount each year, and it's remained at that level in annual funding until this year.

And, in anticipation of the creation of the new fund, the Fisheries and Wildlife Enhancement Fund, licence fees increased by a further \$5 per licence this year, with this entire additional \$850,000 in funding being dedicated to the operation of the fish culture program by Fisheries branch, in particular, the operation of the Whiteshell Fish Hatchery. As a result, beginning with this year, anglers are now funding the entire operation of the fish culture and hatchery program in the province of Manitoba.

As of today's date, less than \$100,000 of the 2013 FEF remains available for future projects, and we anticipate that all of those remaining funds will be allocated to projects at our meeting next month. This means that the members of the PRC have, to date, recommended for approval either to the Minister of Conservation and Water Stewardship or to Treasury Board, depending on the amount to be funded under each project, more than \$5 million in fisheries-related projects. Until this year, none of the PRC's recommendations had ever been rejected, with rejections occurring this year in respect to applications to fund additional capital improvements to the Whiteshell Fish Hatchery.

We share this information with your committee because it clearly and unequivocally demonstrates the integrity of the processes applicable to the FEF and, in particular, to the stewardship of the individuals constituting the PRC on behalf of the FEF Founders from time to time. Each of these individuals has viewed himself as a virtual trustee of that portion of licence fees paid by anglers that was notionally contributed to the FEF each year and took it upon himself, on behalf of anglers and the FEF founder that he represented on the PRC, to review and score applications submitted to the FEF in the best interests of recreational fisheries in Manitoba.

Back in 2004, Fish Futures hand-picked the other six organizations who eventually became the FEF Founders with Fish Futures. In Fish Futures' opinion, it and these other six organizations were the only private sector organizations in Manitoba at that time that had demonstrated longevity, commitment and success in conserving and enhancing fisheries in Manitoba, particularly recreational fisheries.

If Fish Futures was starting this process all over again today, it would make exactly the same decision as it did back in 2004, as these seven organizations

are still the only private sector organizations in the province with this demonstrated longevity, commitment and success. This is a very important point, because section 3(4) of Bill 13 contemplates a Fish Enhancement Subcommittee comprised of nine members appointed by the minister and states, in part, as follows:

**Mr. Chairperson:** One minute, Mr. Carrick.

**Mr. Carrick:** Thank you.

A majority of the members appointed to the Fish Enhancement Subcommittee must be nominees of organizations representing anglers.

And you'll see the definition that we have proposed to the minister. Unfortunately, we have not yet received any response from the minister's office. We have not seen draft regulations. And, as a result of that, we do not believe that simply 'alleviating' the members of the committee to nominee—a majority being nominees of organizations representing anglers can suffice under the current legislation. And we believe that legislation in the bill [*inaudible*] has to be amended to specifically put forward the amendment that we have proposed tonight.

So, in summary, we believe that the definition of organization representing anglers is too critical to the composition of the Fish Enhancement Subcommittee. To leave it in very general terms, we have provided a definition for that very, very important definition. And when you read that definition in the submission, you will see that it specifically refers to the five-to-five—that five of the nine, being the organizations that are on the project review committee currently. And it's respectfully submitted that these amendments will reflect the integrity of the fish enhancement fund as it currently exists, and I look forward to any questions that your committee may have.

Thank you for listening to this submission.

**Mr. Chairperson:** Thank you, Mr. Carrick. Floor is open for questions.

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** Well, thank you, David, actually, for not only your extraordinary conservation efforts over the years and your leadership on it, particularly protecting fish populations and enhancing fish populations.

But you really went over the top tonight by just sticking around; I want to say that.

**Floor Comment:** Everybody else did.

**Mr. Mackintosh:** But great job and we, certainly, in addition to having provided written assurances about the continuity between the existing configuration and the future one, we'll certainly give further consideration to this one. But we do have to keep in mind, of course, that organizations do come and go, and names come and go, which is usually why this kind of thing is in regulation.

But I think we'll work together to achieve a consensus as best we can, in terms of composition. I think that's really where we need some more work, to ensure that there's fair representation and a respect for those that have really put in place a remarkable conservation effort for fish.

**Mr. Carrick:** Thank you, Mr. Minister.

And, certainly, the members of the Project Review Committee will look forward to those discussions. We're very excited about the new legislation for the real reasons I've outlined, and we look forward very much to working with your officials and with your office to improve this bill and really create the long-term integrity we're all trying to seek.

**Mr. Stuart Briese (Agassiz):** Thank you, Mr. Chair, and thank you, Mr. Carrick, for your presentation.

I—in looking through the bill, and I haven't had a chance to read some of the presentations that have been made here, and I'll look forward to reading them sometime tomorrow, I hope. Not—well, I guess it is tomorrow now.

But the—this is—we already have the fish enhancement fund and the fee that's taken off the fishing licences. And this will take a fee or place a fee on all other hunting licences. I—on the hunting licences, I believe. Do you see this as being two separate streams? Like, there's going to be two committees, by the—what I see in this. That'd be two separate funds funnelled in two different places, or will it be one fund that is drawn on from both aspects?

**Mr. Carrick:** Thank you very much for your question.

The legislation is drafted, strictly in contemplation of two separate funds and that is critically important from our perspective.

I don't hunt; I don't believe that I, who would be hopefully—hint, hint—a member of the fish

subcommittee would have any value in reviewing hunting or wildlife or trapping-related applications. I think that the money that comes in for the fish enhancement side of the new fund has to be administered by the fish subcommittee, and the same thing for money coming in on the hunting and the trapping licences.

I think it would be a mistake to comingle the funds. I can see that there might be the opportunity to have projects that are jointly funded, but that would have to be a decision made jointly for very special projects and, in the normal course, it would be the Fish Enhancement Subcommittee looking at fishery-related projects and the Wildlife Enhancement Subcommittee looking at the wildlife enhancement projects.

\* (00:20)

**Hon. Jon Gerrard (River Heights):** Yes, thank you, David, and for your work with the Fisheries Enhancement Fund over the last number of years.

Perhaps you could give us an example of a particularly successful project from the many that you've worked with. *[interjection]*

**Mr. Chairperson:** Mr. Carrick, sorry. Mr. Carrick.

**Mr. Carrick:** Sorry. I think that the most—the best projects that we have seen are the ones that are undertaken in local regions, where local organizations, like the group in Swan Valley, the group in Dauphin and the new FLIPPR group—unfortunately, Ray Frey had to leave and drive home tonight. These are the creation of local fisheries that wouldn't exist if it wasn't for this fund, so I put that into one category of very, very important projects that we've got and incredible prototypes of future projects.

The purchase of the electrical fishing boat that is being used by Fisheries Branch for research. That's an asset that I don't believe would ever have been acquired by our Fisheries Branch, so that is critically important. And I believe that just the funding of the work that we've done through Fisheries Branch has allowed for research and management techniques and knowledge that wouldn't otherwise exist.

So we have done a remarkable job working with Fisheries Branch in particular, but with all of these groups and individuals across the province, spending \$5 million and there is absolutely no doubt in my mind that we have a significantly enhanced recreational fishery in this province because of this

fund, and I'm excited to see what we can do in the future, not only with the part of the fund that goes—that replaces the FEF but the new funding for the hatchery and fish program—the fish culture program as well.

**Mr. Chairperson:** Time for this presentation has expired. Thank you, Mr. Carrick.

Call Mr. Paul Turenne, private citizen.

Good morning, Mr. Turenne. Do you have any written materials for the committee, sir?

**Mr. Paul Turenne (Private Citizen):** No, I don't. I'm not a very good writer, so I didn't prepare anything for you.

**Mr. Chairperson:** The floor is yours.

**Mr. Turenne:** Thank you. So, yes, I'm here representing the Manitoba Lodges and Outfitters Association. I'm registered as a private citizen, but private citizen Paul Turenne happens to also be the executive director of the Manitoba Lodges and Outfitters Association. So, with your blessing, I'll speak on behalf of that organization.

There's three main things that I want to talk to you with respect to fish and wildlife enhancement fund. The first and most—

**Mr. Chairperson:** Pardon me.

**Mr. Turenne:** I'm just allowing you guys to confer there. It's all good? Okay.

The first and most important thing I want to talk about is the budget of the regular Conservation and Water Stewardship Department with respect to the fund. We want to make sure that this fund is in fact an enhancement fund and not seen as a convenient operational fund for the department. That's not to suggest that that's anyone's idea or that that's going to happen, but, I think, it's—we definitely have to recognize it as a possibility, even down the road, and it's a dangerous possibility that we do not want to see happen. In essence, with a fund like this, our organization, other organizations representing anglers and hunters in Manitoba have given their blessing to go ahead with this fund. In our case, we did so with the proviso that the regular budget doesn't go and, all of a sudden, magically get reduced by the same amount of money that's raised by this fund.

And, you know, Gord, we've talked about this before. This isn't news to anyone in the room, but it's something I feel strongly enough about that I felt

it was important to get it on the record. It's a possibility that these types of things happen, where the department sees, you know, a convenient opportunity, perhaps, to download some responsibility and to cut, you know, trim a little bit of the fisheries budget or the wildlife budget and rely on, you know, groups or even the department applying to the fund instead. And that is absolutely not something we want to see. I don't know that necessarily there is any room for a legislative amendment that would guarantee that. But, certainly, you know, have it noted today that, you know, should that ever happen, we'll let it be known that we're not pleased about it and we'll make noise about it.

The second thing that I wanted to talk about was the composition of the board. This—to do with primarily the wildlife side because that'll be new. David spoke, of course, about the fishing side. But it does apply to both, in theory and that is the idea that we involve as many groups as possible. So this includes groups like the Manitoba Metis Federation and First Nations and, you know, eco-tourism operators and really anyone at all who has a stake in ensuring that wildlife and fish populations are healthy and that their environments, their habitats are healthy as well.

But what I would say with respect to that is, if these groups are going to have representation on these boards, we also expect them to have some buy-in in the fund. That is, you know, to put it bluntly, you've got to have some skin in the game. If you are not contributing to the fund, if your members or your constituents are not contributing to the fund, in our opinion, you have not earned a place in the board that then decides what happens to that money. I absolutely encourage and welcome the department and whoever else to approach those groups and ask them to be involved in this fund because I strongly believe that that is one of the ways that we can get over what's otherwise, in some cases, an uneasy relationship between licensed anglers and hunters and rights-based anglers and hunters. And there's one resource; we're going to have to jointly manage it. This is a perfect vehicle for getting everyone in the same room around the same table, making those types of decisions, but, again, we don't feel that anyone should have representation if they're not willing to contribute to the fund as well.

And the third thing that I wanted to talk about is specific to the lodge and outfitting end of things. We represent the fishing lodges, the hunting and fishing

outfitters, guides in Manitoba, so it's primarily a tourist industry. And I know that at least one of the options at the very beginning of this was that there'd be a differential scale for Manitoba residents, Canadian residents, foreign residents, where foreign residents would pay more into this fund on each licence than Manitoba residents would. I'm pretty sure we've gotten beyond that and it's going to be a standardized fee for everyone. If it's \$5 per licence, it's \$5 per licence, no matter who you are, no matter where you're from. We just think that that's fair. There's no reason that someone from Kansas or something should be paying more into this than someone from Manitoba, so those are my main points to do with this so.

**Mr. Chairperson:** Thank you, Mr. Turenne. The floor is open for questions.

**Mr. Mackintosh:** Thanks very much, Paul, again, for staying up late and just to debunk the record, you're an excellent writer. And I'll just reiterate what I said with David as well. We'll have ongoing discussions now, as the bill progresses, to get to conclude the composition. We'll tune that up so that everyone is happy in the end and that we're fair. So we'll have some more work to do on that one, but your voice and your leadership will be critical to that movement. Thank you very much.

**Mr. Briese:** Thank you, Mr. Turenne, for your presentation.

Just ask if you're—I know that, as I said before, I know the fish enhancement one is already in place and it's supposedly a segregated fund. Now we're going to the wildlife segment and I don't think any particular fee has been set on licences yet, as far as I know.

\* (00:30)

So I was just wondering if you've got any information on how much this enhancement fund may be, and are you—secondary question would be: Are you completely satisfied it will be kept segregated and used as it should be?

**Mr. Turenne:** I'm sorry, Stu. I didn't catch the very last part of your question.

**Mr. Briese:** Are you satisfied that the enhancement fund will be kept segregated from other government funds and used for the purposes that are talked about in this bill?

**Mr. Turenne:** Yes, as per the first part of your question, Stu, it's my understanding the numbers that

I've heard have been in the \$5 per hunting licence range. I'm not the best person to ask about that. I'm not, by any means, in charge of the process or anything, but those were the numbers that had been presented to us all along and that we've been discussing all along.

As for the second part, I just want to be clear. I'm not worried that the fund itself would be used for projects other than fishing and hunting and habitat projects. What I'm worried about is that the normal departmental expenditures that you would otherwise see and have seen in the past, the existing expenditures, the existing fisheries and wildlife branch budgets, would be cut and that they would rely on the fund instead.

And just to be clear, the government—for the fisheries one, the way it works now is that the government is allowed to apply—any government, feds, whoever, can apply to the fund. Doesn't mean the committee will necessarily accept those submissions, but we think that they certainly should be allowed to continue to apply to it. For one thing, the government—for certain projects, only the government has the capacity or the expertise to perform certain projects or studies or whatever the case may be. So we don't want to take that ability away, but we just want to make it clear that we don't expect—we do expect this to be an enhancement fund and not, you know, an operating fund.

**Mr. Chairperson:** Mr. Gerrard. And I'll come back to you, Mr. Briese, if time allows.

**Mr. Gerrard:** Yes, thank you, Paul, for a good presentation, and I'm sure if you'd written it out, it would've been written very well.

What—one of the things that you talked about was including representation from, for example, the Manitoba Metis Federation. Now, it's my understanding that they collect a harvester card fee of some point amount and that that is, at least part of it, to go toward wildlife enhancement or so on. And so what you're suggesting is that there be a partnership of some sort. Is that right? Or just explain what you're proposing a little more.

**Mr. Turenne:** Yes, absolutely, Jon. You're correct. The Manitoba Metis Federation does collect—I think it's \$25 a year from everyone who has a harvester card. And at least part—I think most, actually, of that money is put into a very similar type of fund that we're talking about here today, where they use the money for habitat projects and that sort of thing.

You know, obviously, it's my opinion that it would be better than rather than having all these separate little funds that, you know, it all be pooled together primarily for the reason that, you know, there's only one resource that we're all, you know, bound to share. And, you know, we've got a lot of work to do yet on getting together and sharing it properly and sharing our harvest data with each other and, you know, jointly managing it in a true sense and, you know, collaborating on a fund like this. And having all those people around the same table would certainly go a long way towards that, yes.

**Mr. Chairperson:** The time for this presentation has expired. Thank you very much, Mr. Turenne.

**Bill 24—The Endangered Species  
Amendment Act (Ecosystem Protection  
and Miscellaneous Amendments)**  
*(Continued)*

**Mr. Chairperson:** We'll now move to Bill 24, The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments).

Call Christian Artuso, Bird Studies Canada. Mr. Artuso, do you have any written materials for the committee, sir?

**Mr. Christian Artuso (Bird Studies Canada):** No, Sir, I do not.

**Mr. Chairperson:** You may proceed.

**Mr. Artuso:** Thank you very much, everyone, and for this opportunity. I apologize for not having any written material.

I'm here tonight to speak in favour of Bill 24 on behalf of my employer, Bird Studies Canada. And Bird Studies Canada is a non-for-profit organization that is Canada wide. We're a science-based organization and we engage in what we call citizen 'sciencists'—citizen scientists across the country, many thousands of them, in fact.

In my role with Bird Studies Canada is as the Manitoba project manager. And I have multiple projects here, but the biggest one is, of course, the Manitoba Breeding Bird Atlas, and I bring that up just as a little example of why I am here tonight, because the Manitoba Breeding Bird Atlas engages approximately a thousand people who generously give their skills and their time to go out and count the birds and trudge through the swamps to do so. And we are the people who, basically, are out there reading the environmental thermometer. In our case, it's counting birds, but we're all interested in

the same thing: We're looking at a stable and sustainable environment for our grandchildren, our grandchildren's grandchildren.

And, of course, for me, it's bird populations, looking for signs of stressors, looking for declines and so on and so forth. So my day in and day out—my every day, in fact, deals with species at risk and bird monitoring in general.

And, therefore, I would like to say to you tonight that I strongly applaud this proposal for an endangered ecosystem legislation, which I think is a significant first step for where we need to be going, in terms of our conservation efforts.

Now, in my job, on a day out day basis, I am fortunate that I get to talk to a lot of people. They may be my volunteers, they may be a farmer who has a Sprague's Pipit in his back 40 and wants to know what I think of this. Sometimes they're government, sometimes they're other NGOs, sometimes they're all sorts of different people. Very often, I find myself in committee meetings such as, for example, I sit on the Manitoba Chimney Swift Initiative. I'm also on the federal recovery team for the Golden-winged Warbler under—which is a threatened species under schedule 1 of our federal species at risk act.

And, when I'm on recovery teams like that, or having those conversations with a farmer, it strikes me how often, when we start talking about the management of species X, or the threat to species X, how often we end up talking about species X and its association and integral relationship with species Y, Z, A, B, C, D, E and so on, because these species are very strongly tied together. And the thing that ties them is effectively an ecological community or an ecosystem, if you will.

And, constantly, we are reminded in the work that we do, of how important it is to consider those ecological communities and their interactions. And that any action that we do for the management of one species has strong implications for the management of other species. They're co-dependent.

And, you know, I know the frustrations that we sometimes have when we're dealing with endangered species, and I'd like to—I think that I understand a bit the road that we have travelled to get us to this place where we are strongly wedded to single-species management, both in many cases in our conservation planning frameworks and in our legislative frameworks.



But we, nonetheless, you know, that has to do with our evolution as conservationists and ecologists as well.

But, nonetheless, we are coming to a very strong growing consensus of the need for ecosystem-level management and planning. We're not alone in this; in fact, the IUCN, the—sorry, the International Union for the Conservation of 'nature'—of Nature—sorry to use acronyms—the IUCN strongly recommends this as working towards a framework to implement just this type of thing on a global level.

So it's exciting for me that Manitoba is a little bit ahead of the curve on this one.

Now, I could talk for—at great length about the importance of ecosystems, the services that ecosystems provide. I could talk at great length about the threats to ecosystems, about habitat loss and habitat fragmentation, and how ecosystems are weakened to all sorts of processors, when one element is tinkered with and others.

\* (00:40)

I do believe that ecosystems are resilient, but I also believe that they—there is sometimes a critical mass, and, you know, we all know the saying, extinction is forever. We need to really recognize what we mean by the word forever when we say that. And so, when we're talking about ecosystems, we need to recognize when we get close to that critical mass and start acting, and, in Manitoba, I think the most obvious example of that is our prairie ecosystems.

So I'm not going to talk at length about that tonight and I'm going to cut this short for obvious reasons, but, you know, just let me say this. I think this bill is a very important first step. I don't think it will solve all the problems that I face as a conservationist, not at all, in fact. But it is very important, and I think that if we ever are going to secure a sustainable future for our, as I said, grandchildren's grandchildren, if we're going to pass on to them the extraordinary quality of life that the biodiversity of this planet can provide, then ecosystem in—protection in endangered ecosystem legislation is exactly the right road that we need to start along.

And so that's why I have stayed up here until the owl hours and why I am here in support of this bill, and I think that it's fair to say that I say that on behalf of many people of my feather as well. Thank you for your time.

**Mr. Chairperson:** Thank you, Mr. Artuso. Floor is open for questions.

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** Thanks very much for flocking together here tonight, Christian. But thanks for your passion and your interest in this, and I actually would like to understand more about what Bird Studies Canada does and what it does in Manitoba. We certainly have some particular species that we are really focused on right now and we do think that the Baird's Sparrow, actually, was one of the species that this legislation will go to help sooner than later. So thank you very much for staying up as well.

**Hon. Jon Gerrard (River Heights):** Thank you for what you do in terms of monitoring species around Manitoba, bird species in particular, and with the breeding bird atlas.

Just a question for you: How would you envision, with your knowledge and background, the integration of, you know, the plans to protect individual species with the plans to protect ecosystems?

**Mr. Artuso:** That, in fact, is an excellent question, and I think that is one of the directions that we need to be moving towards because these eco—sorry, species recovery plans can potentially come into conflict. And so I think that a broader ecosystem legislation might be one of the frameworks that would permit us to address some of those concerns. But, mostly, I think it gives us the ability to look at broader suites and the underlying threats, because, so often, the underlying threats are related to an ecological community.

And I'll use the grassland example here since Baird's Sparrow was brought up as a grassland bird. In this case, it is severe habitat loss and habitat fragmentation. Fragmentation, in fact, affects birds in very interesting ways. There can be habitat left available but that habitat may not be usable, and the reason for that has to do with the intactness of the ecosystem as a whole. And, if you want me to go into detail on that, my door is open and I know you have my contact information.

So, without elaborating on that too much, it's—I think, when we start to talk about a suite, when we've stopped talking about Baird's Sparrow and say, okay, so we have grasslands ecosystems now, including Baird's Sparrow, Sprague's Pipit, Chestnut-collared Longspur, a prairie subspecies of

sharp-tailed grouse that was mentioned by an earlier speaker on this bill, and others as well. And that's just the birds. I'll speak to the birds, since that's what I know, but, of course, much broader and other taxa that are involved and dependent on the same ecosystem.

So, if you want to talk specifics, I would very much welcome that—of being involved in consultation on that. But, as I said, I think, I'm delighted to see us moving in that direction.

**Mr. Stuart Briese (Agassiz):** Thank you, Mr. Artuso, for your presentation, and I certainly understand what you're saying. I've lived in rural Manitoba all my life. I was a farmer for most of my life, so I've seen what—basically, what you're talking about, about the ecosystem, rather than strictly a species. And, at times, we see that change too. In about 1960, there was a PRFA lake went in near where I live and the bird species automatically changed around there when you've got a body of water that large on that.

So it was quite interesting to see that. And so the lake, I guess, in essence, under your scenario, became part of the ecosystem that then changed the makeup there.

But I do want to thank you for your presentation. It was very interesting. Thank you.

**Mr. Artuso:** No, I don't believe that was a question, sir. Although, I would say, in comment, that, you know, making changes to the landscape is not necessarily looking—making them become part of an ecosystem. I think exactly what we need to do, when we make any changes, is consider the bigger picture of the ecosystem and how that will affect how your lake will affect all the stuff that lives downstream. The water that flows in and out, how that will affect the uplands.

And so I'll just answer that that way. Thank you very much.

**Mr. Chairperson:** Thank you for your presentation, Mr. Artuso.

Call Mr. Ed Hiebert, the Mining Association of Manitoba. *[interjection]* Huebert. Mr. Ed Huebert will be dropped to the bottom of the list.

Doris Ames, president, Native Orchid Conservation Incorporated.

Ms. Ames, do you have any written materials for the committee?

**Ms. Doris Ames (Native Orchid Conservation Inc.):** I do.

**Mr. Chairperson:** Our staff will distribute them. You may begin.

**Ms. Ames:** Yes, honourable Chairman and committee members. Well, I'm, as you said, I'm Doris Ames. I'm president of Native Orchid Conservation Incorporated, and it's actually a pleasure to be here this evening, or I should say this morning, to speak in support of Bill 24, The Endangered Species Amendment Act, and to share some of our group's observations with you.

Native Orchid Conservation Incorporated is a non-profit organization. It was founded in 1998 and our members work to conserve Manitoba's 37 orchid species and their habitats. We conduct rare plant surveys to locate significant populations of native orchids and we share this information with the Manitoba Conservation Data Centre or NatureServe.

As well, we put on presentations throughout the year and conduct field trips in the summer for our members, in order to educate the general public about the need for conservation of native orchids and other rare plants and about the ecosystems that support them.

The Manitoba Conservation Data Centre ranks orchids on the basis of their range-wide status, G for global and their province-wide status, S for subnational. Species are then assigned a number, ranging from No. 1, very rare, to 5, 'demonstrably' secure. Of the 37 orchid species in Manitoba, 20 species are ranked S1 to S3. So, in other words, only 17 of Manitoba's 37 orchid species are ranked as secure.

So you may refer to the list of these orchids and their rankings on our website or, of course, with the CDC.

Now, we would hope that these 20 rare species would fit the new designation of species of special concern. Three of the orchid species that are very rare—the western prairie fringed-orchid, the small white lady's-slipper and the Great Plains ladies'-tresses are found in tall grass prairie habitat, with large populations of them presently being protected on the Tall Grass Prairie Preserve near Stuartburn. Your continuing support for these orchids at that location is commendable. However, there are other scattered locations where they're not as well protected.

Most of the other S1 to S3 orchids are found in wetlands, and already more than 70 per cent of Manitoba's wetlands have been lost. S1 species such as the little ram's-head lady's-slipper, the ragged fringed-orchid and the bog adder's-mouth are all highly susceptible to wetland drainage, to drought and to elevated temperatures.

Other rare plants, for example, carnivorous plants, are also susceptible to lowering of the water table when too many demands are placed on the aquifers. Designation of a large part of the Brokenhead wetland as an ecological reserve is already protecting 28 species of orchids and many other rare plants for future generations. The handicapped-accessible trail that's being built adjacent to it will allow many more Manitobans to enjoy its beauty.

\* (00:50)

Three orchids in Manitoba, the small purple fringed-orchid, the showy lady's-slipper—this one here—and the rose pogonia not always grow on wetlands, but can be found growing in roadside ditches where they are susceptible to mowing and to ditch work.

The rare and delicate S1 rose pogonia is sometimes found in meadow fens along main highways where its habitat is destroyed by people digging up tree seedlings and other orchid species. They don't intend to destroy it, but in fact they do.

The purple fringed-orchid is especially vulnerable because it's only found in one location along the edge of the ditch near Buffalo Point, and the showy lady's-slipper, often found in ditches, is always a favourite of poachers because of its great beauty.

Species such as the small white lady's-slipper, *Cypripedium candidum*, are often found growing in scattered locations in abandoned fields and roadside ditches where they are exceedingly vulnerable to activities such as mowing, spraying and ditch work. And these are one of Manitoba's endangered species.

As a whole, these roadside habitats would not be deserving of the designation endangered habitat, but because these same roadside habitats, whenever they include highly endangered species, we would hope that the designation for endangered habitat is broad enough to include protection for such locations.

Even simple measures like postponing mowing of the ditches until September 15th would allow

seeds of these plants to ripen and the plant itself would keep its leaves long enough to manufacture and store food to help it make it through our cold winters and early springs.

Additionally, a watch should be kept on northern orchids, orchids such as Franklin's lady's-slipper, those beautiful white lady's-slippers up there, and northern twayblade, where climate change is having such an incredible impact. Although Franklin's lady's-slipper is presently ranked S4, that could change very rapidly.

The fragile rare plants like western spiderwort growing on—now, that is not an orchid, but just the same, it's a humdinger—and growing on the sandhill complexes throughout the province are very vulnerable to increasing drought conditions, invasive species and human activity. So it wouldn't like us to forget about them, either.

The Manitoba's government's prescient actions to protect the rare and vulnerable alvar systems is an excellent initiative. The many orchid species, ferns and other rare plants, for instance, that grow at the base of the alvar formation on Marble Ridge near Fisher Branch and at other locations will benefit from this protection enormously. Quarrying is of course a great threat to their survival.

We're also very pleased to see that this new legislation will empower Conservation officials to pre-emptively stop activities of any kind that would endanger habitats or ecosystems rather than waiting until after the damage is done. Fines and penalties for violations will demonstrate the commitment of Manitobans to protection of the environment.

And we certainly applaud the efforts of Conservation staff members, and especially we'd like to thank you, Mr. Mackintosh, as Conservation Minister, and Premier Selinger, both of whom have so heartily endorsed the need for conservation of Manitoba's unique ecosystems. I know also that Premier Selinger has a special love for the carnivorous plants, and I have to mention that. We know that it takes both persistence and courage to continue to protect the environment in the face of increasing demands for more development, and we appreciate your efforts very much.

Thank you.

**Mr. Chairperson:** Thank you, Ms. Ames. Floor is open for questions.

**Mr. Mackintosh:** Thank you very much, Doris, for your passion, and I'm sure glad you chose this endeavour and that you came out tonight. And thank you for introducing me to the species at the Brokenhead fen. Of course, I went home and embellished a bit. I told the kids I was introduced to a number of man-eating plants. But thank you for your support, as well, and your—the issues that you raise here. I as well have been very impressed with the work of Dr. Duncan and his staff in trying to work with the municipalities in terms of the orchids in ditches in southern Manitoba. But you raise other issues that we'll follow up on. So thank you very much.

**Mr. Gerrard:** I just wanted you to give us a little bit of concrete examples of, if you've got orchids in ditches, what you might—what might be done to, you know, preserve the species and the ecosystem. *[interjection]*

**Mr. Chairperson:** Ms. Ames.

**Ms. Ames:** I'm sorry, yes, of course.

In the case of the showy lady's-slipper, which often grows in ditches, I really think a lot could be done to protect it just by not mowing so early. Like, they mow in the early spring, it's fine, but when they want to do the summer mowing, if they could just hang on into September so that the thing had a chance to ripen the seed capsules and spread the seeds rather than just cutting it right off, and also let it collect some starch into the bulb. That would save a lot of plants.

Something like the rose pogonia is a funny thing. It likes to grow in these kind of wet meadowy fens in ditches, and along the No. 15 there's just a wonderful fine patch of them. And I think there, actually, a sign might be helpful.

I know this sounds kind of crazy, but we—one time we had this situation, there was a ragged fringed on a decommissioned bog of Sun Gro's near Elma. And so we, actually, the bog—the plant helped us and we put a sign up, please don't ride the ATV through there and so on, because there's these rare plants. So everybody said, oh, man, that sign is just going to be shot up big time, you know. Well, it's been about seven years and it's looking good.

So I think sometime, most of the time, people don't really mean to harm things; they just aren't aware that they're there. So I think signs could help them this way too.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation, Ms. Ames.

Call Shaunna Morgan, Canadian Boreal Initiative. Ms. Morgan, do you have any written materials for the committee?

**Ms. Shaunna Morgan Siegers (Canadian Boreal Initiative):** Yes, I do.

**Mr. Chairperson:** I see you do. Our staff will distribute them for you. The floor is yours. You may begin when ready.

**Ms. Morgan Siegers:** Well, good morning, everyone. Thank you for the opportunity to speak to Bill 24. My name is Shaunna Morgan Siegers, and I'm the regional adviser for the Canadian Boreal Initiative, and I'm also a new member to the Endangered Species Advisory Committee, although this evening—or sorry, this morning—I'll be presenting on behalf of the Canadian Boreal Initiative.

We would like to start with a brief summary of who we are. The Canadian Boreal Initiative is a convenor organization guided by a vision and framework that was negotiated with, and supported by, leading resource companies, First Nations, and conservation groups.

Our goals are to balance sustainable resource development with long-term production of approximately half of Canada's boreal region, all in the matter that respects and advances Aboriginal rights. We get behind real solutions. Many of our First Nation partners are bringing forward land-use plans that balance protection with opportunities for sustainable resource development. We work with a wide range of others, such as oil-sands companies, banks, investors, environmental groups and the mining and forestry sectors, on solutions that will contribute to sustainable jobs for Canada, while protecting wildlife and community values. We are an adviser and a collaborator with federal, provincial, territorial and Aboriginal governments on a wide range of initiatives.

I'm just going to skip down a bit here given the late hour.

Over the past decade CBI has worked with First Nations and the Province of Manitoba and others to advance a number of important and successful boreal conservation and land-use planning processes in Manitoba. We have supported advancing Pimachiowin Aki and, in particular, the land-use planning work of Poplar River, Little Grand Rapids,

and Pauingassi First Nation. We have worked with Manitoba towards the creation of the Peatlands Stewardship Strategy, the passage of The East Side Traditional Lands Planning and Special Protected Areas Act and participated in the Surface Water Management Strategy among other initiatives.

Based on our past collaborations with Manitoba and on the far-reaching goals of the TomorrowNow plan, it is clear to see that there's broad support within the government of Manitoba for land and water conservation. So we were pleased to see the commitment of the government to amending The Endangered Species Act that builds on a solid track record of success.

As development and other human activities alter an even larger portion of the landscape, endangered ecosystems are valuable remnants of living history and conserve biodiversity providing a legacy for future generations.

\* (01:00)

We support the government's efforts to add ecosystem protection to The Endangered Species Act. The protection of scale-appropriate endangered ecosystems helps to ensure that—the protection of associated species at risk while allowing for ecosystem processes to continue.

CBI commends Manitoba for taking a leadership role in North America and for adhering to the IUCN guidelines for endangered ecosystems. We are happy to see progress being made to implement this goal, identified in the TomorrowNow strategy.

We recognize that The Endangered Species Act is about protecting biological diversity. However, this needs to be done in partnership with Canada's First Peoples. Given the central role of—Aboriginal communities play in Manitoba, we are very surprised to see no reference to Aboriginal peoples in this legislation. This omission needs to be fixed.

The Province rightly says upfront in the TomorrowNow that the green plan will only successfully proceed with Aboriginal community engagement. We recommend taking this intent and reflecting it in the act. We are encouraged that Manitoba has recognized the need for consultation in the development of the interim provincial policy for Crown consultations with First Nations, Metis communities and other Aboriginal communities, and we recommend including a consultation clause in the act.

The federal Species at Risk Act, commonly known as SARA, offers further help in recognizing Aboriginal peoples in this respect. SARA includes a non-derogation clause that ensures the act does not infringe on Aboriginal or treaty rights as affirmed by section 35 of the Constitution, terms to take into account any applicable provisions of treaty and land claim agreements, terms that recognize possession exceptions for Aboriginal people for ceremonial and medicinal purposes, the use of Aboriginal traditional knowledge for assessment of species and for recovery measures and the establishment of an Aboriginal advisory committee to assist in the implementation of the act. Specific language of these SARA measures are appended to this brief as are relevant sections of the United Nation's Declaration on the Rights of Indigenous Peoples which Canada has signed on to support.

In closing, the time is right for new approaches that protect species and ecosystems, support Aboriginal rights, traditional knowledge and cultural values and can also reinforce Manitoba's—sorry, Manitoba's position internationally as a conservation leader. We are convinced that the amendments to this legislation can lead to better protection and conservation of Manitoba's endangered species and ecosystems while affirming and protecting Aboriginal and treaty rights, thereby securing our biodiversity in a respectful and socially just manner. We see the endangered species and ecosystems amendment act as supporting the boreal, helping to protect endangered species like the woodland caribou and enabling the Aboriginal peoples who have relied on caribou for millennia to be engaged in these conservation matters in a meaningful way. The Canadian Boreal Initiative is committed to working in this way. Miigwech. [*Thank you.*]

**Mr. Chairperson:** Thank you, Ms. Morgan. Floor is open for questions.

**Mr. Mackintosh:** Well, thank you very much, Shaunna, for your perseverance tonight and, as well, welcome to your new committee duties. We look forward to your involvement and, of course, your ongoing advice and your assistance from the CBI.

When considering the language in statutes regarding Aboriginal and treaty rights, of course, we're bound by the overriding constitutional requirements that affect all the legislation that we operate under, so whether specific wording in the act would enhance it is questionable because of that constitutional imperative. The—and traditional

knowledge—of course, you know we use the best available information including traditional knowledge.

But you do raise some issues here that I'll take back and we'll consider further as to whether amendments at report stage would be called for or not, and we may have some further discussions with you on that, Shaunna. Okay?

**Mr. Gerrard:** You know, I'd like to take the issue of Aboriginal language a step further, because I think it is important. And can you tell us a little bit about what you would like to see in terms of partnerships, including Aboriginal people in preservation of ecosystems, and so on?

**Ms. Morgan Siegers:** Yes, thank you for the question. I think there's an opportunity—myself, I'm a Cree person, so as a member of the Endangered Species Advisory Committee, I think there's an opportunity to perhaps invite other people of Aboriginal descent to sit on the advisory committee and perhaps have a subcommittee that's specific to the—Aboriginal rights related to the act, and I think there's also an opportunity for, you know, either myself or a subcommittee to reach out to other organizations that would have knowledge of these things and other individuals that have knowledge of species—plants and animals. Fungi are also included as medicinal and ceremonial plants—or, sorry, species.

**Mr. Chairperson:** Seeing no further questions, Ms. Morgan, I thank you for your presentation.

**Bill 28—The Health Services Insurance  
Amendment and Hospitals Amendment Act  
(Admitting Privileges)**

**Mr. Chairperson:** Bill 28? Move to Bill 28, The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges), and I'm calling Geralyn Reimer, who is replacing Tracey Novoselnik for the Manitoba Association of Midwives.

Do I have the leave of the committee to do so?  
*[Agreed]*

Ms. Reimer, do you have any written materials for the committee, ma'am?

**Ms. Geralyn Reimer (Manitoba Association of Midwives):** I'm sorry, I don't.

**Mr. Chairperson:** You may proceed.

**Ms. Reimer:** Thank you. Welcome to working in this hour of the night that I usually work at. Thank you for the opportunities to speak tonight. I am the president of the Midwives Association of Manitoba currently, and I would like to speak to this bill.

Midwives—a hundred per cent of our clients that we work with are eligible for hospital admission. In the 13 years that we've been working in Manitoba we have admitted thousands and thousands of women into hospitals and managed or were in charge of their care while they were in hospital, not requiring any physician at all to—for—as a consultation process. So what this bill is planning to do or trying to do is to kind of catch up and actually put into law what we have already been practising. And so I wish to speak on—to this bill, hoping that and encouraging the government to pass the amendments.

After the second reading of Bill 28, MAM met with the then-minister of Health, Theresa Oswald, and we had a bit of consultation just regarding the wording of the bill and the amendments that were proposed. And while—and in that discussion we mutually agreed that the way that we admit our clients, our women, into hospital should follow pretty well the same system of credentialing, admitting and having admitting privileges as a physician would. And, because so many of our clients actually do get admitted to hospital, it would only stand to reason that as the bill is read or as is written that it would—we would be lumped into that sentence that would say that we would have the admitting privileges, and that would be similar to physicians and nurse practitioners as well, and rather than having extra oversight to midwives and putting us with dentists.

We are primary care providers, and we believe that that little change is important. And the then-minister of Health, Theresa Oswald, was agreeable to that.

\* (01:10)

MAM, or the Midwives Association of Manitoba, is the voice of midwives in the province, and we know that midwives are very instrumental in good outcomes—maternal-child outcomes, and, as we continue to provide care, to deliver care to women of this province, midwives really are a good solution to being able to provide well care and the appropriate care. To this end we would like to continue working with and consulting with the Department of Health and with the new minister, Erin Selby.

Thank you again for this opportunity.

**Mr. Chairperson:** Thank you. The floor is open for questions.

**Hon. Erin Selby (Minister of Health):** Well, thank you very much, and it's a pleasure to meet you in the middle of the night as so many women do. And I suppose these long hours waiting for something to happen have not phased you whatsoever.

Of course, we do recognize the increasing role that midwives are playing in maternal care. As we're training and growing our workforce, of course, that—we'll see that continue to increase.

I do understand, and you confirmed it tonight, that there has been plenty of consultation on the amendment, so I think that everybody should be in agreement and supportive of it. And, yes, I look forward to continuing the relationship that you had with the last minister, but perhaps we'll meet more on hours that I'm more used to rather than your 24 hours on the clock.

Thank you so much for being here tonight.

**Hon. Jon Gerrard (River Heights):** Thank you for coming to present at this witching hour.

**Floor Comment:** Birthing hour.

*Mr. Vice-Chairperson in the Chair*

**Mr. Gerrard:** Yes, right.

Two points maybe you can just quickly address. One is that there has been a fair switch from physicians admitting to having hospitals—hospitalists, right?—in hospitals so that you have less of a traditional situation and more of a diversity in positions responsible in hospital or out of hospital.

And the second is that you've clearly got—what's the situation that happens if you've got a high-risk baby in terms of the partnership that you must then develop if you need to have a C-section or what have you? *[interjection]*

**Mr. Vice-Chairperson:** Sorry, sorry. Hold on a second. I just have to recognize you so we know where to switch the speakers. Ms. Reimer, sorry about that. Go right ahead.

**Ms. Reimer:** Over the last 13 years, we have been developing those collegial relationships with the obstetricians, with physicians or whoever the appropriate person is that we need to consult with.

Midwives are quite skilled in dealing with some emergency situations, but when a consult is required, the obstetricians in this province have just stepped right up and we are in—and then there are—there is definitely a procedure that is in place for—if a transfer of care has to happen and then who is then in charge of that—who then is the admitting person, then, at that point and what our role then becomes.

**Mr. Vice-Chairperson:** Mr. Friesen—*[interjection]* Oh, sorry. Do you have another question, Mr. Gerrard?

**Mr. Gerrard:** Just the issue of what's happening with hospitalists—I mean, as midwives you're operating inside and outside of hospitals so it would seem unlikely that you would set up a separate group of hospitalist midwives.

**Ms. Reimer:** Yes, it is. Right now we would love—we love that continuity of care. We also—our clients also—the women of the province also love that continuity of care that we are able to provide. It definitely is imperative for prevention, for keeping women healthy and for babies healthy, which is always when things get very compartmentalized, cracks can always happen and people can fall through cracks. That, I think, is one of the real star features of midwifery, is that we have that safety net over—under the woman and the child over that whole continuum of care.

**Mr. Vice-Chairperson:** I'm going to squeeze in Mr. Friesen's question here, very quickly here, please.

**Mr. Cameron Friesen (Morden-Winkler):** Thank you for appearing here with us so late in the night. It's good to have you making this representation on behalf of midwives in Manitoba. So I would then presume from your presentation that in many respects this is, from your vantage point, just a formalization of practices that have been continuing for a long time in the province with midwives and admitting. I know that's not the case when it comes to nurse practitioners, but from the point of view of midwives, and we're just formalizing something that's been in play—in practice for some time.

My question—well I had a number for you, but Dr. Gerrard actually did address some of the ones I was going to ask you. So, but, just to be clear, then, midwives would be able to admit to hospital, certainly see their patients on ward, but not discharge from hospital?

**Ms. Reimer:** No, admitting means that you can both admit and discharge. That's—it's part of the parcel.

**Mr. Vice-Chairperson:** Our time for this lovely chat has unfortunately expired, but thank you very much for your time with us this evening.

**Bill 45—The Competitive Drug Pricing Act  
(Various Acts Amended)**

*(Continued)*

**Mr. Vice-Chairperson:** Calling next, Kristine Petrasko, from the Canadian Pharmacists Association.

Evening, Ms. Petrasko. You've got copies; you're in the good book. You can proceed whenever you like.

**Ms. Kristine Petrasko (Canadian Pharmacists Association):** Thank you very much. Okay. I'm nervous, so excuse me. It's very late. This is way past my bedtime, and I just had a chocolate bar so.

Thank you, Mr. Chair, Honourable Minister Selby and all honourable members at the table. My name is Kristine Petrasko. I am the Manitoba board member for the Canadian Pharmacists Association, and I have been a practising pharmacist for 13 years.

*Mr. Chairperson in the Chair*

I am pleased to be here to show my support towards making drug costs more affordable to all Manitobans with the new Competitive Drug Pricing Act, or Bill 45. However, with these cost changes comes a new—a need for a new funding model for pharmacy services, and we will need the help of government to make these changes sustainable.

Pharmacists need to be considered as part of the patient-care model. They work closely and collaboratively with doctors, nurses, other health-care providers, and the patient. Pharmacists are the most accessible. Their work in promoting health promotion, disease prevention helps to save money in the health-care system. They can be cost effective if utilized to their full potential. Unfortunately, they are not currently being used in this way across the board, and this is something we're hoping to work towards changing with your assistance.

I guess one example I'd like to bring forward here just as—just to bring forward the cost-effectiveness numbers. A question had come forward earlier. An example is with a COPD exacerbation. So a patient that has chronic obstructive pulmonary disease, and an exacerbation is when they have a full lung attack and they're generally hospitalized in the hospital. They are placed in the hospital or they go to emergency. And,

generally, we're looking at about \$10,000 a day for their stay, if they're there for 10—that's 10, or a hundred thousand dollars. So, along with COPD being the fourth leading cause of death, the seventh most common cause of hospitalization—and thinking about that number—many of these actually are very unnecessary if we could have been involved with that patient a lot sooner.

So, again, exacerbations account for 1.5 million physician visits annually, many of these unnecessary. So, if we look at an average physician visit being five minutes, on average, and the patient has multiple—multiple—disease states that they're going in with, COPD is often of one of them that's overlooked.

\* (01:20)

What can we do as a pharmacist if we have that time that we can offer and sit down and spend an hour with that patient? We can actually develop an action plan for them to prevent that hospitalization, and we can help make recommendations for the antibiotics and the prednisone that can be placed on file. So, instead of them ending up in emergency, we could help them with developing this action plan, collaborating with their physician, and they would fill their meds as soon as they recognized those symptoms rather than ending up in the hospital. And right there, you've saved a hundred thousand dollars.

So what would one visit to the pharmacist cost? Anywhere from maybe \$40 to maybe \$160, depending on the—what the Province is charging. I know in some places like Ontario, they might be charging about \$320 an hour. Some drug plans will pay for the services. We're hoping that government can assist us in having reimbursement for these services, not necessarily that the government is paying solely for it, but third-party plans can be paying for our services. They pay for massage. They pay for all sorts of things, and I think pharmacy services can be one of those pieces that could be utilized. And I do believe many people have a health-care spending account, which they don't realize they have. So that's probably about \$350 to \$500 that could be used towards pharmacy services.

So, cost-effective really stands out to me. We are highly trained, highly skilled practitioners that can provide quality and patient-care outcomes. And we can no longer do this for free. A lot of the pharmacists that are out there doing the additional above and beyond, they are doing it for free and not



charging the clients. So we're looking at making that change.

We are asking the government to assist us in the reimbursement model, working closely with MSP to come up with solutions on how this can be worked through. MSP is the Manitoba Society of Pharmacists and Barret spoke on behalf of them. I work as a liaison with them through the Canadian association of—sorry, Canadian Pharmacists Association.

Okay, so the three big words I wanted to throw out there: accessible, cost-effective and providing quality care. With the new regulations that are coming forward for pharmacists, which we're planning on implementing January 1st, 2014 with your assistance, and along with Bill 45, I believe that there's an opportunity to reinvest some of these dollars that have been saved into the pharmacy world. And so my ask is just to continue, please, working alongside us and with MSP, and please make this a priority.

Thank you.

**Mr. Chairperson:** Thank you. Floor is open for questions.

**Hon. Erin Selby (Minister of Health):** Well, thank you very much for sticking around. It is long past my bedtime as well. I'm a morning person, so we're almost into the hours that I do prefer if we keep speaking.

I did want to correct the record a little earlier. I understand Minister Oswald has met with the Manitoba Society—or—when—of Pharmacists when she was the minister and did ask the department to work with pharmacists on—*[interjection]*

**Mr. Chairperson:** Order, please. I have to recognize you in order for your microphone to be—so I'd rather let the minister finish the question and then I'll give you the floor.

Minister Selby.

**Ms. Selby:** We're losing our decorum because of the late night. I understand; I feel the same the way.

But I understand that there are regular meetings that the minister had begun, and I will absolutely look forward to meeting with you, preferably when the sun is up, next time, so we're both in our best form. But thank you so much, and I will appreciate to hear what you have to say and to work with you and make sure that we're all providing the best care

that we can, which is, I think, the mutual goal that we have.

**Ms. Petrasko:** Thank you very much. Any further questions?

**Mr. Cameron Friesen (Morden-Winkler):** Thank you, Kristine, for coming in today and reinforcing some of the same arguments that were made earlier this evening and adding to that discussion. We are in complete agreement that the way that we remunerate pharmacists in the province of Manitoba must modernize. We're behind many provinces, all provinces, when it comes to this. It remains to be seen that we will have that discussion, going forward, and we appreciate the good work of your group to continue to focus attention on this.

Just with respect to this bill itself, I'm interested that, you know, much of what you've said, in the previous presentation about this bill, said was that this creates an opportunity to have this conversation about a better understanding of what a pharmacist could do for the system in terms of all those things you talked about, the preventative aspect of a pharmacist's role. And I agree with you, but I just wanted to ask you this. Do you have any concern about the fact that the bill doesn't give an indication of projected cost savings or it doesn't even provide a framework in which there could be a reporting of the cost savings that is achieved through the results of Bill 45?

**Ms. Petrasko:** I think that's an excellent question and I think that's part of what we have to work towards is developing that framework. I don't think it exists here yet. So I think that's going to be first and foremost that we want to work with you to try to come up with—we have to look at whether provinces are doing as well and to see if that's actually happening. There's an actual framework, which I don't think there is, because there's no consistency even across the provinces. So nationally we're still struggling.

**Hon. Jon Gerrard (River Heights):** Yes, thank you, Kristine, for your presentation and for your example of the COPD and the prevention of exacerbations of the COPD.

Just to—I'd asked earlier on about the prevention of something like diabetes. Would the pharmacist sort of role—play a role there, would be primarily after somebody who'd already been on medication of some sort?

**Ms. Petrasko:** Excellent question as well. And my background is the—I'm a certified respiratory educator so that's why I brought in the COPD example. But, absolutely, the diabetes, from front line, from very beginning before they even come in with the medication issues, I think we can prevent a lot of the issues from occurring in the first place and, as Barret mentioned earlier, the insulin piece as well. So, yes, there's a whole gamut of things that we could be working on with diabetes alone. And so there are certified diabetic educators as pharmacists, CREs that are certified respiratory educators and, then, there's many others, anticoagulation. I think that Barret was kind of listing a bunch of different things, but we can specialize and assist the physicians in the practice.

Thank you.

**Mr. Chairperson:** Seeing no further questions, I thank you for your presentation.

Call Ms. Amy Oliver, private citizen.

Ms. Oliver, I see you have some written materials for the committee.

**Ms. Amy Oliver (Private Citizen):** Yes, Sir, I do.

**Mr. Chairperson:** Our staff will assist you in that regard.

**Ms. Oliver:** Thank you.

**Mr. Chairperson:** You may proceed.

**Ms. Oliver:** Good morning. I know everyone is a little bit tired. I'm used to functioning at 1:30 in the morning, I have five-month-old twins at home, so I won't keep mine short, sorry. So, good morning. I am here as a pharmacist and a private citizen and to speak to Bill 45.

So Bill 45 provides the opportunity for Manitoba Health to be flexible when issues arise with drug pricing and drug shortages. The changes proposed by Bill 45 are a benefit to Manitobans and enable the government of Manitoba to be responsive to market changes while sustaining affordable access to prescription medications.

A significant fact that is often missed when considering the significant role of pharmacists in Manitoba's health care is that Manitoba pharmacists are the implementers and stewards of the government's programs and policies, including Bill 45. We sign agreements with the government which delineate our role to enforce your policies, ensure only those medications which are defined by

the drug formulary are utilized and are your communicator with physicians and other prescribers as to your decisions, rules and application processes. Physicians, nurses, midwives, medical residents and optometrists, just to name those who have prescribing authority, are not the health-care professionals that endorse, monitor and defend your drug policies, it's the pharmacists.

The pharmacists, your advocates, are also the answer to your health-workforce issues, and that is why I'm here this evening—morning to remind you of our strong partnership and mutual roles in sustaining affordable health care and to redirect your awareness and actions to our capacity to improve care and treatment of Manitobans across the health-care continuum. In essence, to enhance your knowledge of our unique role above and beyond that of medication dispensing.

The strategic direction in health-workforce resource planning is the right person in the right place at the right time. Let's begin with pharmacists as the right people. Pharmacists are medication experts. We are the true health-care professional with education, expertise and knowledge to conduct medication reviews and medication reconciliation. These two activities alone reduce medication errors, prescription errors, wrong dosages, incorrect dosages and improve public education and understanding.

\* (01:30)

These are primary health-care activities which improve patient safety, health and well-being. The pharmacist also plays the singular role in transitioning patients from hospital to community, and bridge health care across health-care providers. However, these roles are underutilized and, worse even, not compensated for. Physicians have long lists of tariff codes to compensate them for their time and service to patients, even including the ability to bill Manitoba Health for correcting, revising, or writing new prescriptions when the pharmacist, who's been the health-care professional responsible for identifying the error or mistake, has taken their time to connect with the physician, to identify and educate about the error or problem and has been the one to define the correct medication, dosage, alternative and, yes, even including the drug from the government of Manitoba drug formulary that must be the one prescribed and dispensed.

Given the significant safety and interdisciplinary team roles pharmacists take responsibility for, who should be compensated? Right now only the

physician or another prescriber is, and that no longer makes sense. We are the right person. Pharmacists provide their expert opinion and chronic medical condition counselling now, and, with the expanded scope of practice coming very quickly, will also be able to administer injections, provide minor ailment interventions and prescribe medications.

Health-care service and access is an issue in Manitoba. Government sources recognize that less than 60 per cent of the population has an attachment to a primary health-care provider, such as a physician, nurse, nurse practitioner or physician assistant. Even with the intention to train more nurse practitioners, ensure commitments from physician and nurses in training to work in rural and remote communities, the success rate of retention under these strategies is less than perfect. Pharmacies and pharmacists are available and accessible in every community in this province. Pharmacists have current scope of practice and pending expanded scopes of practice which will establish their role as community primary health-care providers. Pharmacists are well educated and well placed to provide primary health-care services to reduce the burden of lack of medical and nursing resources, the burden of inappropriate usage of emergency room visits and the burden of not enough family physicians and nurses to provide care in all the communities that need it most.

Pharmacists are at the right place. Again—pharmacists—pharmacies are in every community. When health-care systems talk about access, we as pharmacists already know the solution. We're the solution. We're the most accessible, we're the most trusted health-care provider in the health-care system. Every other province in the country has already realized that pharmacists were the most underutilized resource in their health workforce strategy. Every province in the country has already committed the time and resources to enabling legislation and compensation for pharmacists to provide solutions to the health-care service system issues and limitations, except for Manitoba.

Taking immunizations alone, the pharmacist has had a significant impact on the provision of immunizations in Canada. In Alberta, 23 per cent of all immunizations were provided by pharmacists in 2012-2013. In British Columbia, more than 15 per cent of flu vaccinations were provided by pharmacists in 2012. That translates to 184,000 flu vaccinations. Also in British Columbia, the pharmacists were so successful in providing the

publicly funded HPV vaccine in their catch-up program that they now provide 50 per cent of all the HPV vaccines in the publicly funded program. In New Brunswick, physicians were compensated \$20 for a flu shot plus \$40 for the office visit. Pharmacists were paid \$12—obvious cost savings. In Nova Scotia, more than 80 per cent of recipients of vaccinations in a pilot project preferred the pharmacy as their preferred site to receive a vaccination.

It's the right time. A minor ailment is a noncritical condition that can be reasonably self-diagnosed. Examples include cold sores, insect bites, acne, heartburn, allergic rhinitis, oral thrush, minor pain, diaper rash, et cetera. Patients often present themselves to their community pharmacist to address these ailments as their first point of care in the health system.

The pharmacist will confirm the diagnosis, provide self-care advice, and recommend treatment, which may include prescribing a medication. Treatment of minor ailments is one of the new scopes of practice for trained pharmacists expected in January 2014 in Manitoba with the passing of the new pharmacy regulations.

Between February 1st, 2012, and June 30th, 2013, Saskatchewan pharmacists provided 5,668 treatments for minor ailments, with cold sores, allergic rhinitis and insect bites rounding out the top three ailments. Furthermore, according to an August 2012 survey conducted by the Pharmacists' Association of Saskatchewan, 95 per cent of the respondents said they'd be comfortable receiving these services from a pharmacist, while 66 per cent indicated they were likely or very likely to consult a pharmacist for minor ailments.

In a poll conducted for the Ontario Pharmacists' Association, 86 per cent of respondents stated they would rely on their pharmacist for providing advice on minor ailments. A similar survey in New Brunswick revealed that 85 per cent are in favour of pharmacists delivering noncritical health-care services.

Two studies conducted in Canada estimate that allowing Ontario pharmacists to treat minor ailments would avoid one million general practitioner visits per year, capacity estimated at 570 full-time GPs. In British Columbia, \$95 million is spent annually to treat minor ailments by physicians. If those visits were transferred to pharmacists, it's estimated that BC health—the BC health system would save \$32 million.

A strong partnership between our government, the Manitoba Society of Pharmacists and community pharmacies is necessary to implement the expanded scope of practice in the community. We need to work collaboratively on effective promotional strategies to educate citizens that pharmacists are able to perform these services. Fair compensation for the provision of service has been demonstrated across the country to be very effective in achieving improved health care for patients and engagement of pharmacists. We also need to engage and collaborate with each other and other health-care providers and be included in the development of, and access to, electronic health information systems to improve health-care service delivery, individual care and efficiency of information collection. Pharmacies are the best and consistently established centres where technology and electronic connectivity with health systems is already in place and, again, extremely underutilized.

While the government in Manitoba establishes practices and policies which reduce the costs of medications for Manitobans, we ask that you recognize the role of a pharmacist as the solution to the provision of quality health care to our communities and our people. Manitoba lags behind other jurisdictions that have recognized the value of pharmacists by establishing frameworks for service and compensation and have committed funds from drug cost savings to build better access to more preventative and primary health-care services delivered by pharmacists.

This has been my chance to awaken your attention and request your commitment to recognizing the integral and significant role pharmacists have with implementing your programs and policies and utilizing our skills, expertise, availability and accessibility to work within our health-care system.

Value us, recognize us, engage us, utilize us, because we are the right people, we're in the right place and this is the right time. And I thank you for your time.

**Mr. Chairperson:** Thank you, Ms. Oliver. The floor is open for questions.

**Ms. Selby:** Well, thank you very much for sticking around and sharing your presentation with us. Amy, you said you have twins. I got you beat. I have triplets.

**Floor Comment:** I know. I think you're a superhero.

**Ms. Selby:** Well, we can talk about that at some point.

I did want to ask you something that I haven't really raised with the other folks here tonight, but since my colleagues are so eager to keep our conversation going here tonight I will take advantage of it. We've talked a little bit about what some of the provinces do that Manitoba doesn't do, but we also don't do some things. We don't regulate dispensing fees; most other provinces do. I wonder if you think it would be fair that if we did regulate those, if we perhaps put a cap on dispensing fees and then reinvested that money in—I believe the correct term is cognitive fees, I'm just learning the lingo right now—if you would see that as a fair way to look at that service. *[interjection]*

**Mr. Chairperson:** Ms. Oliver.

**Ms. Oliver:** Thank you. I think that they are a little bit separate and I think that maybe to help provide an—maybe if I provide an example I can show some clarity on that. But if I put myself in a community pharmacy in a typical situation with a typical patient—we'll take, for example, an 80-year-old female patient comes in. If I have the compensation to provide a medication review for her, I could realize that she's on a benzodiazepine, which is a medication that is not appropriate in seniors. She may have been put on it 20 years ago; at the time, it may have been appropriate. She comes in now, she's 80 years old, she's on a medication that I don't deem appropriate, so I want to remove that medication. By removing that medication, I am saving the government money. By removing that medication, I am decreasing her risk of falling, which in turn is saving health-care costs.

What else I'm doing is I'm removing one prescription from my total count over the course of the month. The only compensation we're getting is currently from dispensing fees. So now I have removed a source of income for myself as a pharmacy owner, and I'm no longer getting compensated for that service.

So I think dispensing fees are—have to be a conversation that can be discussed, and I think that, you know, the society would be willing to have conversations around that with you, you know, as we develop our relationship further. However, I think that the conversation doesn't go hand in hand with the discussion of compensation for services because they are separate.

If you have a patient coming for smoking-cessation counselling, for example, we want to work with the government to focus on disease prevention and not just making people better. If you're helping someone with smoking cessation, you're not filling a prescription necessarily, in which case it's not tied to a dispensing fee. So, again, someone comes in, you recommend behavioural therapy for smoking cessation and you've spent half an hour with them. You're not selling them a product. You're not filling a prescription. You've been compensated zero dollars at the end of your consultation. So does that help answer your question?

**An Honourable Member:** Thank you.

**Ms. Oliver:** Okay.

\* (01:40)

**Mr. Friesen:** Thanks for coming in, Amy, and spending this time with us. And, again, you have us, you know. We're right there as a party when we understand the need—compelling evidence to have this conversation now with pharmacists and talk about the way we do business in the province of Manitoba. We understand all the compelling evidence about how we can do this better and more cost effectively.

I had to smile when I saw that you included optometrists in a name—in the list of those ones who had the right to prescribe, and, of course, we know that's only a month old in the province of Manitoba. And now you, as a pharmacist, are seeing the effect of optometrists who, before, could understand completely what prescription, you know, what kind of steroid-based application their patient would need but didn't have the power to prescribe and so would send that same patient down the street to their medical doctor who would probably phone either you or the optometrist to say, what does this patient need? And it was such an ineffective way of doing business and just a very small example. Think what we could do if we were actually doing this with vaccinations and with med checks in the province of Manitoba with respect to your profession.

Just one comment to you, and I'll invite your response on this, and that is, now, with respect to the way remuneration works, we also know that right now with generic drugs you receive also some bonuses or, you know, payments from generic companies—that those payments also flow to pharmacists. Now, we need to modernize all of this, because, of course, I think the Province was happy to

allow that to go ahead and it didn't then create the conditions in which they had to address some of the issues that were going on in other provinces. Do you see also or do you share a concern that we have that without having this conversation with respect to now the pressure that's being exerted on companies to bring that generic brand price down, that in the—in larger urban centres, of course, you can have big box providers and large companies who can offset losses in terms of their generic costs as, you know, as an expression of the brand name drug by raising prices other places in rural, in remote areas where the big, big stores won't go, would that—could that create additional challenges for delivering pharmacy in rural and remote areas in Manitoba?

**Ms. Oliver:** So just to clarify, your question is whether or not removal of generic rebates would have an effect on pharmacies, yes? *[interjection]* Okay, so it would. I think that something that needs to be considered is that many of the services we've been providing up 'til date, we haven't been compensated for. And the reason that we've been able to provide some of the services to date is because we have these other sources of income. However, that being said, those services, you know, may in part be covered by things like generic rebates. But all of the services we're talking about, having the ability to perform with the new regulations in January 2014, it's unlikely that we would have any other sources of income large enough to fund those type of services from pharmacy.

**Mr. Chairperson:** Time for this presentation has expired. Ms. Oliver, I thank you for your presentation.

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**Mr. Chairperson:** That takes us to the bottom of our list, ladies and gentlemen.

We'll go through second call for Bill 13, Mr. Ray Frey. Is Mr. Ray Frey in the audience? Mr. Ray Frey's name will be dropped from the list.

Mr. Ken MacMaster, Manitoba Wildlife Federation. Mr. MacMaster will be dropped from the list.

Mr. Ed Huebert on Bill 24, the Manitoba—or the Mining Association of Manitoba. Mr. Huebert's name will be dropped from the list.

And finally, Mel Baxter, private citizen, on Bill 45. Mr. Baxter's name will be dropped from the list.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

\* \* \*

**Mr. Chairperson:** In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Hon. Jennifer Howard (Minister responsible for Persons with Disabilities):** I'm going to suggest we group them by portfolio so that we can at least relieve some people on staff to go home, so I would suggest we start with Conservation bills, 13, 19, 24 and 30, then move to the Health bills, 4 and 45, and end with the Labour bill, 15.

**Mr. Chairperson:** Minister has said—is that agreeable to the committee? Is that agreeable to the committee? *[Agreed]*

**Bill 13—The Fish and Wildlife  
Enhancement Fund Act  
(Continued)**

**Mr. Chairperson:** We welcome Minister Mackintosh back to the table and begin with Bill 13.

Bill 13. Does the minister responsible have an opening statement?

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** I won't have opening statements generally, but I just—I wanted to thank the Chair of the committee, actually, Mr. Nevakshonoff, for his groundwork on this one and pushing this forward, as well the Manitoba Wildlife Federation, the Lodge and Outfitters. And I also want to 'petay'—pay particular attention to the great work of David Carrick in—over the years and, as well, his work in developing this legislation. Thank you.

**Mr. Chairperson:** Thank you, Minister Mackintosh.

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

**Mr. Stuart Briese (Agassiz):** Yes, very briefly. The fish enhancement process has worked fairly well for a number of years, and I think moving to the wildlife enhancement fund will probably be a positive move too. And I expect, over a period of time, we may see the odd weakness in this and maybe be able to correct it, but I think it's a bill that we can support. I do have a couple of amendments to it, and so we'll proceed from here.

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

Clause 1—pass; clause 2—pass.

Shall clause 3 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

Mr. Briese, you have the floor.

**Mr. Briese:** I move

*THAT Clause 3(3) of the Bill be amended by striking out "may request" and substituting "shall request".*

**Mr. Chairperson:** It has been moved by Mr. Briese

*THAT Clause 3(3) of the Bill be amended by striking out "may request" and substituting "shall request".*

The amendment is in order. The floor is open for questions.

**Mr. Briese:** Just the comment that this means that the minister would have to—would make—would be forced to do the request rather than may. It's more enforceable.

**Mr. Mackintosh:** Well, we question whether this is either practical or necessary. You know, 3(4) requires that the majority of members appointed to the subcommittee must be nominees of organizations. So there's a mandatory aspect to it there. But moving to "shall" in 3(3) is saying that we have to identify every organization. I think that that is problematic in and of itself, and organizations do come and go. So this recognizes that the situation can be fluid and is really just about workability.

But I understand where the member's going. I think that the intention, though, is there, when you look at section 3 as a whole.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**An Honourable Member:** Yes.

**Mr. Chairperson:** I hear a no.

\* (01:50)

**Voice Vote**

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

**An Honourable Member:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Clause 3—pass; clause 4—pass.

Shall clauses 5 through 7 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

Shall clause 5 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** Mr. Briese.

**Mr. Briese:** I have an amendment. I move

*THAT Clause 5(1) of the Bill be amended by adding ", and may provide funding only for initiatives that have been recommended by the Committee" at the end.*

**Mr. Chairperson:** It has been moved by Mr. Briese

*THAT Clause 5(1) of the Bill be amended by adding ", and may provide funding only for initiatives that have been recommended by the Committee" at the end.*

The amendment is in order. The floor is open for questions.

Is the committee ready for the question?

**Mr. Briese:** The—this amendment simply makes for—the committee has to make the recommendations for any initiatives that are—the enhancement funds are used for.

**Mr. Mackintosh:** Well, you can see by the lawyers on this that obviously there are some legal questions about whether that is consistent with what's set out in 2(5), particularly (iii), with regard to the ongoing funding of the fish hatcheries which is an important priority for fish—the fish enhancement fund, and

whether that would be precluded then by the amendment to clause 5.1.

I think the best thing that we can do right now is we'll vote this down for now, but we'll take it under advisement as to whether this should be supported at the report stage, or some take on it, because I know where the member's going on that one. I support that. But the council has some concerns about internal consistencies within the act. So, with that understanding, we'd be prepared to consider it further, and then I can have some further discussions with the opposition critic on that.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is: Shall the amendment pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no and I hear an aye.

**Voice Vote**

**Mr. Chairperson:** So all those in favour of the amendment, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Shall clause 5 pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** Clause 5 is accordingly—

**Some Honourable Members:** No.

**Mr. Briese:** Another amendment in clause 5. It would be:

5(1.1) Before making a decision under subsection (2), the minister may request the Fish and Wildlife Enhancement Committee to amend its recommendations, and the Committee may amend its recommendations accordingly.

**Mr. Chairperson:** It has been moved by Mr. Briese

*THAT Clause 5 of the Bill be amended by adding the following after subsection (1):*

**Amendments to recommendations**

**5(1.1)** Before making a decision under subsection (2), the minister may request the Fish and Wildlife Enhancement Committee to amend its recommendations, and the Committee may amend its recommendations accordingly.

The amendment is in order. The floor is open for questions.

**Mr. Briese:** This amendment kind of ties into the one that was just defeated. And I hope, following the minister's comments, that maybe he'll look at these two amendments in concert because this, the first one, was saying that the initiatives have to be recommended by committee. This gave the minister an option of being able to present something to the committee that they could look at and explore and maybe become an initiative for it. Thank you.

**Mr. Mackintosh:** Well, this amendment seems to really undo what I think is the integrity of the committee and this recommendation, is that when a recommendation goes, the minister—I think it's incumbent on the minister to consider the recommendation before him or her and not just to nullify it by sending it back.

So I don't know how this actually furthers the strength of the committee recommendation, so I wouldn't support this.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

**Voice Vote**

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

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**Mr. Chairperson:** Clause 5—pass; clause 6—pass; clause 7—pass; clauses 8 and 9—pass; table of contents—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Bill 19—The Waste Reduction and Prevention Amendment and Environment Amendment Act**

**Mr. Chairperson:** We'll move on to Bill 19.

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

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** No.

**Mr. Chairperson:** We thank Minister Mackintosh for that.

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

**Mr. Stuart Briese (Agassiz):** No, I don't.

**Mr. Chairperson:** Clauses 1 through 3—pass; clauses 4 through 8—pass; enacting clause—pass; title—pass. Bill be reported.

\* (02:00)

**Bill 24—The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments)**

*(Continued)*

**Mr. Chairperson:** Move on to Bill 24.

Does the minister responsible for Bill 24 have an opening statement?

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** No.

**Mr. Chairperson:** We thank Minister Mackintosh for that.

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

**Mr. Stuart Briese (Agassiz):** No.

**Mr. Chairperson:** We thank Mr. Briese for that.

Clauses 1 through 3—pass; clauses 4 and 5—pass; clauses 6 through 9—pass; clauses 10 through 13—pass; clauses 14 through 17—pass.

Shall clause 18 pass?

**Some Honourable Members:** Pass.



**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Briese:** I move

*THAT Clause 18 of the Bill be amended by adding the following after the proposed subsection 12.1(2):*

**Advisory committee recommendation**

**12.1(2.1)** The Lieutenant Governor in Council may make a regulation under this section only if the advisory committee has recommended the declaration. In determining whether to recommend that an ecosystem be declared endangered or threatened, the advisory committee must obtain expert third-party advice.

**Mr. Chairperson:** It has been moved by Mr. Briese—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Briese:** This amendment simply brings in third-party advice on recommendations of the advisory committee.

**Mr. Mackintosh:** The advisory committee is designed as the expert body. I don't want to have a message to them that they're not recognized for their expertise or their role here in providing the advice. I think that this is a duplication and may be, in fact, a costly duplication of expertise in this area.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Voice Vote**

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Shall clause 18 pass?

**An Honourable Member:** No.

**Some Honourable Members:** Pass.

**Mr. Briese:** I actually have five of them on Clause 18, so if anybody's getting excited about it.

I move

*THAT Clause 18 of the Bill be amended by adding the following after the proposed subsection 12.1(3):*

**Review of regulation**

**12.1(4)** Within five years after a regulation is made under this section, and not later than every five years thereafter, the advisory committee must review the regulation to determine whether it is still warranted, and provide the minister with its advice and recommendations.

**Mr. Chairperson:** It has been moved by Mr. Briese—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Briese:** This amendment simply calls for regular five-year reviews on the regulations under the committee.

**Mr. Mackintosh:** Well, I'm trying to comprehend why there would be an assumption that there would be a—that an ecosystem becomes unthreatened, if that's a word, after five years. I think that there's an assumption built in there that there's a certain time period after which ecosystems no longer are threatened. I think that's a false assumption. I think if anything the assumption should be that the threat continues indefinitely, particularly as things are going in this world.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee: Shall the amendment—is the—shall the amendment pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Shall clause 18 pass?

**An Honourable Member:** No.

**An Honourable Member:** Pass.

**Mr. Briese:** I move

*THAT Clause 18 of the Bill be amended by adding the following after the proposed section 12.1 as part of Part III.1:*

#### Advertising proposed regulations

**12.4.1(1)** At least 90 days before a regulation is made under section 12.3 and 12.4, the minister must, in a newspaper or general circulation in the affected area, advertise the fact that a draft of the proposed regulation has been posted on the department's website.

#### Written objections

**12.4.1(2)** Within 45 days after the advertisement is published under subsection (1), any person who has a direct interest in an area of Crown land that is subject to the regulation—including a lease or permit allowing for use of the land, or a demonstrated history of using the land for hunting, sport shooting, angling or trapping—may refer a written objection to the proposed regulation to the minister.

#### Minister's actions

**12.4.1(3)** Within 45 days after receiving an objection under subsection (2), the minister must consider the objection, and advise the person who submitted the objection whether or not the proposed regulation will be withdrawn, varied or revised in light of the objection.

**Mr. Chairperson:** It has been moved by Mr. Briese—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Briese:** I think this amendment is fairly self-explanatory. It requires advertising of proposed regulations and a time period for written objections and the action that the minister will have to—needs to take after receiving a written objection.

**Mr. Chairperson:** My apologies to the committee. My microphone was off. I just want to put it on the record that the amendment is in order.

**Mr. Mackintosh:** The—in suggesting that those who use the land should be able to continue to cause threats to the ecosystem I think is really what the mischief might be if a particular section—if this section proceeded. The development of the plan will be done in consultation with stakeholders. That is the way it's done, so that would be the notice and the engagement exercise. So I think, in terms of notice and engagement, that is being—that's dealt with, and to take this amendment really says that those that have been threatening the habitat can make a case to somehow try and overcome the science of the ecosystem threat. So I think that goes contrary to the fundamental principle of the act.

Having said that, we will be prepared to look to see whether any other public notification may be warranted in addition to the development of the plan, but those are always very extensive and there's a process well established with—whether it's park management plans or other plans under this legislation, but we will consider that as an offshoot of the proposed amendment. In other words, whether any other public notification would be useful.

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

**An Honourable Member:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

\* (02:10)

### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

\* \* \*

**Mr. Chairperson:** Shall clause 18 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** Mr. Briese.

**Mr. Briese:** I move

*THAT Clause 18 of the Bill be amended by adding ", but only with the consent of the owner or occupant or under the authority of a warrant" at the end of the proposed section 12.6.*

**Mr. Chairperson:** It has been moved by Mr. Briese

*THAT—*

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Dispense? Dispense.

The amendment is order. The floor is open for questions.

**Mr. Briese:** This is simply adding a clause that would respect landowners' rights, requiring consent of the owner or occupant to give permission to enter their land unless there was the further authority of a warrant.

**Mr. Mackintosh:** This amendment would be a step back from the powers that the officers currently have. This is a section that is being transferred from The Wildlife Act so that it is within this act as well rather than being in this act by reference. And so this would significantly impact on the ability to undertake enforcement duties and act on a timely basis. Sometimes access to land is necessary to get to land on the other side as well. So for that reason we don't support it. We think enforcement is very important to this legislation and, indeed, the legislative scheme in our other legislation that backs up the commitments that are made by public policy.

**Mr. Briese:** I don't want to get into a debate, but there are very definite rules on trespass law in this province. And we've seen—in fact, just recently we've seen pipeline companies getting into a lot of trouble on biosecurity going on to farmer's land. And this is another case with the diseases and things that we have in crops now where biosecurity and trespass rights onto private property can be extremely costly to farmers. So I think this is something that does need to be looked at. Thank you.

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

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Shall clause 18 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** Mr. Briese.

**Mr. Briese:** Move—I move

*THAT Clause 18 of the Bill be amended by striking out the proposed section 12.10.*

**Mr. Chairperson:** It has been moved by Mr. Briese

*THAT Clause 18 of the Bill be amended by striking out the proposed section 12.10.*

The amendment is in order. The floor is open for questions.

**Mr. Briese:** This amendment simply followed up to the last proposed amendment about going onto private property and this takes out—basically, takes out of there the right that—the exemption for an officer. And I—being a farmer all my life, I just don't want strangers tramping all over my property or something without my permission or a warrant. One of the things that happens is when they're on my property, I'm liable for them. Somebody steps in a hole and breaks their leg, they can sue me and my insurance has to pay it. So I want to know when somebody's entering my property as a farmer, and I think every farmer in Manitoba does. Thank you. *[interjection]* Every landowner, I should say.

**Mr. Mackintosh:** Well, again, these are provisions that are in The Wildlife Act now which allow for investigations to take place and to ensure that the act is applied. So I think to weaken those provisions would be contrary, I think, to the compatibility and the comparability of the two acts, The Wildlife Act and this legislation, which now just incorporates, really, The Wildlife Act provisions into the statute.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**An Honourable Member:** Yes.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** My opinion, the Nays have it.

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Clause 18—pass.

Shall clauses 19 and 20 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** Did I hear a no?

**Mr. Briese:** You can do 19 if you want.

**Mr. Chairperson:** Clause 19—pass.

Shall clause 20 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Briese:** I move

*THAT Clause 20 of the Bill be amended by striking out "\$50,000" in the proposed clause 13(1)(a) and substituting "\$25,000".*

**Mr. Chairperson:** It has been moved by Mr. Briese

*THAT Clause 20 of the Bill be amended by striking out "\$50,000" in the proposed clause 13(1)(a) and substituting "\$25,000".*

The amendment is in order. The floor is open for questions.

**Mr. Briese:** Simply going under the premise that for a property owner, \$50,000 is a pretty major fine, probably in excess, so looking at lowering the fine that would be there. You get a small-property owner and charge them a fine that's worth more than the property they have, I think it's a little onerous. Thank you.

**Mr. Mackintosh:** I just find it unacceptable that we're—they're—we would entertain cutting in half the maximum penalty for destroying an endangered species. I think that that would be a weakening of the legislation that would be regrettable. And I remind the member, though, that \$50,000, of course, is the maximum available to the court.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

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

Clause 20—pass; clauses 21 through 26—pass; enacting clause—pass; title—pass. Bill be reported.

#### Bill 30—The Forest Health Protection Amendment Act (Heritage Trees)

**Mr. Chairperson:** Move on to Bill 30.

Does the minister responsible for Bill 30 have an opening statement?

**Hon. Gord Mackintosh (Minister of Conservation and Water Stewardship):** No.

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

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

**Mr. Stuart Briese (Agassiz):** No.

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

Shall clauses 1 and 2 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** Clause 1—pass.

Shall clause 2 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** Mr. Briese.

**Mr. Briese:** I have actually four amendments in this clause.

I move

*THAT Clause 2 of the Bill be amended in the part of the proposed subsection 26.3(4) before clause (a) by adding ", and provide written notice of a nomination to the owner of the land where the nominated tree is on private or municipal land" after "nominations".*

**Mr. Chairperson:** It has been moved by Mr. Briese—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** The amendment is in order. The floor is open for questions.

**Mr. Briese:** This, once again, going to my arguments about private property and that there should be 'notifigation'—notification to the landowners.

\* (02:20)

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is: Shall the amendment pass? *[interjection]*

Minister Mackintosh, to speak to the question.

**Mr. Mackintosh:** Yes, this is a topic that we considered when we were developing the legislation and recognizing that on private land there is no legal protections but there could be public pressures and neighbourhood pressures once a tree is nominated, so we were looking at the pros and cons of what would be the role of the particular landowner at the time and it was thought that that would be—that a notice would be a procedure of the committee. Putting in legislation is certainly not offensive; in fact, it's entirely consistent with that concern. So we're—I don't know if the member has other proposed amendments that are part of this theme, but we're certainly prepared to have a look at that and perhaps

we can put something together at report stage that deals with notice to a private landowner.

**Mr. Briese:** Yes, thank you, Mr. Chair.

The other three amendments follow this theme and they're more about respect for the farmer—or, for the landowner's property and also some part of consent being involved there. After all, the tree standing on my property is my tree. You can designate it as a heritage tree; that's fine, if I consent to it being done, but that is my tree on my property.

**Mr. Chairperson:** Is the committee ready for the question? No?

**An Honourable Member:** Just a second.

**Mr. Mackintosh:** Yes, the intention here is to recognize that trees belong to greater Manitoba, to the community, that, according to the criteria set out and the decisions of the committee, a tree can be nominated on its own merits and without being limited or prohibited, which is a real risk by landowners that just simply say no. It's to recognize the broader value of trees, remembering, of course, that this is not putting in place protections on that private property; this is about public awareness and appreciation. So, for that reason, the notion of consent was not included. But, as I say, we certainly are prepared to consider a notice to the landowner nonetheless and we are prepared to look at fashioning something after further consideration.

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

**An Honourable Member:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Shall clause 2 pass?

**An Honourable Member:** No.

**An Honourable Member:** Pass.

**Mr. Briese:** I move

*THAT Clause 2 of the Bill be amended by adding the following after the proposed subsection 23–26.3(4):*

**Land owner may make submission**

**26.3(4.1)** Where a nominated tree is on private or municipal land, the owner of the private land or the municipality, as the case may be, must be given the opportunity to make a submission to the heritage tree review committee before the committee finalizes its recommendation.

**Mr. Chairperson:** It has been moved by Mr. Briese—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Briese:** This is still basically following the same theme. It's about respect and it's about consent of the landowner. There's certain rules put in place where a particular tree that may be on private property and may for some reason need to be removed at some point, and the landowner and the tree owner should have the right to do what needs to be done in the situation. So they need prior consent. They need to be part of the process rather than just have a committee that specifies this and this is the way it's going to be. Thank you.

**Mr. Mackintosh:** Yes, well, just again, the act does not offer that protection on private property, so there's not that impact, but making a submission as well would not be a consent. So that may be some other amendment the member has, but we're prepared to take this under consideration at least but not support it at this time. We want to give this some further thought with legal counsel as well. But making a submission may be compatible with the notice provision, and we'll consider that in a more sure-footed way.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

**Voice Vote**

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Shall clause 2 pass?

**An Honourable Member:** No.

**Some Honourable Members:** Pass.

**Mr. Briese:** I think this is the last one, isn't it?

I move

*THAT Clause 2 of the Bill be amended by adding the following after the proposed subsection 26.3(6):*

**Heritage tree on private land**

**26.3(7)** Despite subsection (6), the minister must not designate a tree located on private land as a heritage tree without the consent of the owner of the land.

**Mr. Chairperson:** It has been moved by Mr. Briese—dispense?

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Briese:** This follows the same theme. The right of the private landowner to manage their land is one which should not be infringed upon. Therefore, the—this amendment is a common-sense and relatively minor amendment which gives more input into the designation process.

**Mr. Mackintosh:** Well, the amendment is proposed, though, on an assumption that this takes away the ability of a landowner to manage his or her land and the tree. That's not the case. There's nothing in the act that would do that. So, for the reasons given and stated earlier, we can't accept this.

\* (02:30)

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Shall clause 2 pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

**Mr. Briese:** I move

*THAT Clause 2 of the Bill be amended by adding the following after the proposed section 26.4:*

#### **Heritage tree on private land—no right of access**

**26.4.1(1)** Nothing in this Part imposes any obligation on the owner of private land on which a heritage tree is located to provide public access to that—heritage tree.

#### **Public access to heritage tree on private land**

**26.4.1(2)** The owner of private land on which a heritage tree is located may consent to allowing public access to the heritage tree, and may advise the minister of that consent.

#### **Withdrawing consent to public access**

**26.4.1(3)** Where the owner of private land on which a heritage tree is located consents to providing access to the heritage tree, and has advised the minister of that consent, the owner may subsequently withdraw his or her consent by giving the minister 30 days' written notice.

**Mr. Chairperson:** It has been moved by Mr. Briese

*THAT Clause 2 of the Bill—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Briese:** This still goes back to the theme I've been following all through on this is the rights of private property owner and infringements on those rights. Thank you.

**Mr. Mackintosh:** Well, there's nothing in the bill that impacts on the private property rights of a landowner where there may be a heritage tree. There's just nothing in there. And the law of trespass applies. So I think the member's setting up some complex scheme of give-and-take that really doesn't do anything. I think, you know, if there's a trespasser, there's going to be a trespass. If somebody wants to allow someone on their property, they can do so, but the bill is never intended to deal with the—interfere with the law of trespass.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

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

Clause 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 4—The Personal Health Information Amendment Act**

**Mr. Chairperson:** We'll move on to Bill 4.

Does the minister responsible for Bill 4 have an opening statement?

**Hon. Erin Selby (Minister of Health):** Yes, I do.

This bill will strengthen PHIA by making it an offence for a person to falsify or gain unauthorized access to another person's personal health information. I think it's probably pretty clear to members that the importance of being able to discuss your health and health care with your doctor, nurse practitioner or any other provider to know that that will be kept confidential. The Personal Health Information Act does provide some strong protections for patient privacy, but Bill 4 will further strengthen PHIA to provide improved protection of patients' private and confidential health information.

I should point out these amendments represent a swift response to recommendations made by Manitoba's Ombudsman, and this legislation does strike that delicate balance between individuals' privacy, on one hand, but, of course, the need for the health-care providers to access relevant information, on the other hand.

But I also do want to advise the committee that, in addition to this legislation, amendments to the PHIA regulations are being pursued to entrench other Ombudsman recommendations on health-record snooping, including further requirements for 'traff'-staff training on PHIA.

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

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

**Mr. Cameron Friesen (Morden-Winkler):** I'm going to use the time allotted to me to read a submission, and I thank the Clerk's office for rendering an opinion about how I could share this information. The individual who brought forward the original concerns about the eHealth snooping on the files of her daughter while receiving treatment at CancerCare Manitoba had intended to come and present, but obviously this individual is still concerned about maintaining the privacy of her daughter and so that didn't allow her the freedom to present at committee in the same way. If she was to make a written submission, her name would be attached to it and there isn't an ability for our committee to receive presentations from individuals without disclosing identity. So I'm going to use my—the time allotted to me to read a submission that she had prepared to committee, and I will provide copies of this report to the Clerk.

Dear Committee Members,

I am writing in response to Bill 4 regarding the Personal Health Information Act. My daughter was the child who had her personal health information violated not once but many times at CancerCare Manitoba. The first breach was suspected by myself and reported to the patient representative at CancerCare Manitoba. The disturbing part was that the breach was done by our next door neighbour. When we met with human resources and the patient representative at CancerCare and asked why the individual breached my daughter's PHIA, the response received was alarming. I was told that they needed to protect the employee's right to confidentiality and that they would not share with us

why she breached our child's PHIA. The individual that breached my daughter's PHIA, I should also mention, was not involved in her care in any way at CancerCare, yet was able to easily access her information.

I was not provided any information regarding that if I was dissatisfied that I could report this to the Manitoba Ombudsman. I did some investigation on my own and reported it to the Ombudsman. The entire investigation took a year and it provided an incredible amount of additional stress on my entire family. The individual that breached my daughter's PHIA portrayed herself as the victim informing people that she had done nothing wrong, that she was merely checking to see if my daughter was going to be her patient. This caused people in our community to believe that we were in the wrong for reporting the individual. Once the first breach was completed and I was provided access laws that I requested and finally received due to the intervention of the Manitoba Ombudsman, I discovered a second breach had occurred.

A nurse who works at Health Sciences Centre who treats only adult oncology patients had been accessing my daughter's electronic records for a period of 14 months. It was incredibly disturbing considering that CancerCare Manitoba assured my family that they would be safeguarding my daughter's medical records. This breach happened right under their noses, and they never discovered it until they were informed by the Manitoba Ombudsman's office. The second breach proved to be the most distressing since this individual was monitoring my daughter's records frequently. I requested to see the information that this individual viewed, and was informed by WRHA that the information viewed was not really that much.

When I received the envelope in the mail, I was astounded. The nurse had read over 30 pages printed out of the most sensitive medical information about my daughter. She even had the audacity to read my daughter's oncologist's transcribed notes from the night she was diagnosed with cancer, how we as a family were coping, reports from specialists involving the case and so on. She had access to information that we, as parents, did not have and may have even seen results from tests before we had. When I read the pages the nurse viewed, it brought me back to the most challenging time in my life when my daughter was diagnosed. It stirred up all of the emotions that came with her initial diagnosis, all of the fear and tremendous grief that was felt.



What appalled me the most was that once again information was not shared about the reasoning for the breach. This individual knew my daughter as an acquaintance through recreational activity. Her morbid curiosity about my daughter is disturbing. This individual continued to be employed by WRHA and, in fact, was present one day in the child's CancerCare clinic when my daughter was receiving treatment there. She did not leave when she saw us and we have never received an apology from the individual. She has also intimidated my daughter and me at our recreational activities, lurking around us, witnessed by other individuals.

I am pleased that the government will move forward and provide protection to other Manitobans in light of the Ombudsman's report on the breaches. Unfortunately, my daughter did not receive the respect or privacy she deserved while battling cancer. The two PHIA investigations by the Ombudsman's office also took longer than her treatment for cancer, which was more than two years.

I hope that in the future PHIA breaches will be taken much more seriously, as it is concerning that both employees had signed PHIA oaths and have a complete disregard for the oath they took. It is critical that the rights of the patient are of the most importance and not protecting employees who have violated their oath. In this case, CancerCare Manitoba and the current PHIA legislation failed my child twice by having her records vulnerable, by employees who lacked professionalism.

\* (02:40)

And what I would add to this submission by this individual is that, clearly, it was time for the government to act and we've seen that in other jurisdictions. Other governments have acted much quicker to respond to issues in their jurisdictions having to do with electronic record breaches and unauthorized and unlawful access by people who would have had no role in the treatment of those individuals.

And I would just add that I think it's very important for this government to move to fully implement the recommendations of the Ombudsman with respect to his report.

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

Shall clauses 1 and 2 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Friesen:** No.

**Mr. Chairperson:** Okay, let's try and pass one clause.

Clause 1—pass.

Shall clause 2 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** Mr. Friesen.

**Mr. Friesen:** I move

*THAT Clause 2.2 of the Bill be amended by replacing the proposed subsection 63(2) with the following:*

**Offence by employee, officer, agent or trustee 63(2)** The following are guilty of an offence:

(a) despite subsection 61(2), a person who is an employee, officer or agent of a trustee, information manager or health research organization who, without the authorization of the trustee, information manager or health research organization, wilfully

(i) discloses personal health information in circumstances where the trustee, information manager or health research organization would not be permitted to disclose the information under this Act, or

(ii) uses, gains access to or attempts to gain access to another person's personal health information;

(b) a trustee who, knowing that an individual's personal health information was disclosed, used, accessed or attempted to be accessed in contravention of clause (a), fails to notify in writing the following:

(i) the individual,

(ii) the Ombudsman.

**Mr. Chairperson:** It has been moved by Mr. Friesen

*THAT Clause 2(2)—*

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Friesen:** This amendment attempts to provide a breach notification provision. The Ombudsman noted in his report that it would be a good idea for the government to go in this direction. We understand that even right now under the current Bill 211, personal information protection act, there are similar provisions that requires notification of affected individuals if their information is accessed in an unauthorized manner. The Ombudsman recommended that in his No. 7 recommendation about the need to proactively communicate with the affected individual, but this particular amendment goes simply to extend an obligation for the institution or the organization or the entity to notify the individual that they have had their information breached and that a trustee who doesn't do so actually then commits an offence. And we feel like this is a logical and necessary extension of the provisions of this act, and we would invite co-operation on it.

**Ms. Selby:** I want to thank the member for bringing this amendment forward. I do want to take a little more time to have a proper look at it. So we will be voting against it tonight, but with the understanding that we'll commit to looking at it a bit further so that we have some more time to digest what is obviously a very important bill.

**Mr. Friesen:** And I would just add this, and I thank the minister for her comments, our ability to address this issue is, of course, curtailed by the changes that are made in the legislation you're bringing forward, and so we would invite a conversation about how to realize the Ombudsman's concerns with regard to an agency or group organization or entity, and a compelling need to notify the individual. The Ombudsman did cite in his report the fact that in this case there was no move on the part of the organization to indicate to the individual that the breach had been done and they had to do all of that work on their own.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

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**Mr. Chairperson:** Clause 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

### Bill 28—The Health Services Insurance Amendment and Hospitals Amendment Act (Admitting Privileges) (Continued)

**Mr. Chairperson:** We'll move on to the Bill 28.

Does the minister responsible for Bill 28 have an opening statement?

**Hon. Erin Selby (Minister of Health):** Yes, I do. Thank you very much.

This bill will allow hospitals to grant admitting privileges to nurse practitioners and midwives. We know, of course, they play an increasingly important role in delivery in Manitoba, and these changes will recognize the fact that they possess the high level of training and skill necessary to admit to hospital, in a safe and appropriate way, that benefits patients and streamlines the admission process.

Now we know that the majority of women in the excellent care of midwives are having those births take place outside of a hospital, but giving birth does remain one of the main reasons why women are hospitalized, and these proposed changes will formalize the law that the hospital admitting practices of midwives.

I will be making some amendments which are supported, as I think we all heard tonight, by the Manitoba Association of Midwives and the College of Midwives of Manitoba. Essentially these changes will enshrine the existing practice of having RHAs define privileging as opposed to defining the conditions in regulation. But this will require amending clauses 2 and 5 and voting down clauses 3 and 6.

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

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

**Mr. Cameron Friesen (Morden-Winkler):** We understand why the minister is bringing forward legislation that would formalize what midwives already enjoy across the province in terms of their right to admit to a hospital. And we understand that this legislation will further give those rights as well to nurse practitioners.

Of course, this bill will then invite further conversation around issues about the ultimate responsibility for a patient by a practitioner, because this will create interesting challenges when it comes to in-hospital care provided by practitioners.

In the province of Manitoba right now, there is no model in place that would remunerate nurse practitioners to see patients on a ward. In fact, there would be no circumstance in which a nurse practitioner could, in the performance of their role, see a patient in a hospital after having admitted them.

So this legislation will invite further conversation and will require the minister to further clarify with respect to the role of practitioners and how they work in community and in hospital.

**Ms. Selby:** If I can just address the member's question.

Nurse practitioners are paid a fee for service by the RHAs as it stands.

**Mr. Chairperson:** All right. We're going to move on to clause by clause. Each of—the minister and the critic had their opportunities to make their opening statements.

So that done, shall clauses 1 through 3 pass?

**An Honourable Member:** No.

**Some Honourable Members:** Pass.

**Mr. Chairperson:** I hear a no.

Honourable Minister Selby—oh, let's try and pass some of these clauses.

Clause 1—pass.

Shall clause 2 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

Honourable Minister Selby.

**Ms. Selby:** I move

*THAT Clause 2 of the Bill be replaced with the following:*

*2 The definition "in-patient" in subsection 2(1) is amended by adding ", registered nurse (extended practice) or midwife" after "practitioner".*

\* (02:50)

**Mr. Chairperson:** It has been moved by Minister—Honourable Ms. Selby

*THAT Clause 2 of the Bill—*

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Ms. Selby:** No questions.

**Mr. Chairperson:** No comments?

Is the committee ready for the question?

**Mr. Friesen:** Mr. Chair, based on the minister's request to amend, I also have an amendment. I think that this will require a little work by Leg Counsel at this point in time just to create a subamendment, and so I think, at this point in time, we may have to recess just for a very short time to allow them to draft a subamendment.

**Mr. Chairperson:** Is it agreeable that we recess briefly for Mr. Friesen to consult with Legislative Counsel? Is that agreed? *[Agreed]*

*The committee recessed at 2:52 a.m.*

*The committee resumed at 3:16 a.m.*

**Mr. Chairperson:** Order. Call the meeting back to order.

**Mr. Friesen:** I move

*THAT the amendment to Clause 2 of the Bill be amended by striking out everything after "the Bill" and substituting the following:*

*be replaced with the following:*

*2 The definition "in-patient" in subsection 2(1) is replaced by the following:*

**"in-patient"** means a person who is admitted to, and assigned to a bed in, a hospital before being discharged, on the order of the following:

(a) a medical practitioner;

- (b) a registered nurse (extended practice);
- (c) subject to the conditions prescribed in the regulations, a licensed dentist or a midwife.

**Mr. Chairperson:** It has been moved by Mr. Friesen *THAT the amendment to Clause 2 of the Bill—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense? Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Friesen:** The amendment is intended to just bring clarification in a way just to understand better that, you know, a person who is admitted to a hospital and then assigned a bed in a hospital before they're being discharged. I know it's been expressed that a discharge is implied by admitting, but we know that that is not the case throughout all jurisdictions, so we felt like that was a useful clarification. And then further on in that amendment, then, we would prefer to keep the midwives indicated as subject to the conditions prescribed in the regulations because, of course, a licensed dentist or a midwife have a constraint, a necessary constraint, on their ability to admit to hospital—is more closely constrained than a registered nurse or a medical practitioner.

**Ms. Selby:** Two points to make on this: One, the midwives did say when they were here very clearly that discharge is in regulation admission also means discharge as well, but also in terms of the subamendment to (c), midwives have also very clearly told us that this is not something that they would be supporting and, therefore, we would not be supporting this subamendment.

**Mr. Friesen:** Yes, just the clarification that I would bring is that this bill has been before—you know, it's been in front of the Legislature already and, certainly, I've not heard it expressed until this point that midwives wouldn't support them being included under (c). I think it's necessary that they be included under (c) because, of course, a midwife can only admit to hospital on the basis of the performance of their professional role in assisting a birth, and so it would be in the context of that that they would be able to admit to hospital. Certainly, they couldn't admit to hospital for the whole range of things that a nurse practitioner could or a medical practitioner could. So I think to say that midwives wouldn't support it doesn't seem to fully answer the concerns of this amendment.

\* (03:20)

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

**An Honourable Member:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the subamendment to the amendment pass?

**An Honourable Member:** No.

**Some Honourable Members:** Yes.

#### Voice Vote

**Mr. Chairperson:** All those in favour of passage of the subamendment, say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** My opinion, the Nays have it.

The subamendment to the amendment is accordingly defeated.

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**Mr. Chairperson:** We'll now go back to the amendment itself.

Floor is open for questions.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question for the—the question before the committee is: Shall the amendment pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** My opinion, the Ayes have it.

The amendment is accordingly passed.

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**Mr. Chairperson:** Clause 2 as amended—pass.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Selby:** We are not passing clause 3 because it is no longer needed, in light of the amendment to clause 2.

**Mr. Chairperson:** Shall clause 3 pass?

**Some Honourable Members:** No.

**Mr. Chairperson:** The clause is accordingly defeated.

Shall clauses 4 through 7 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

Clause 4—pass.

Shall clause 5 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Selby:** I move

*THAT Clause 5 of the Bill be replaced with the following:*

*5 The definition "in-patient" in section 1 is amended by adding ", registered nurse (extended practice) or midwife" after "practitioner".*

**Mr. Chairperson:** It has been moved by—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Ms. Selby:** This amendment replaces clause 5 to provide that admitting privileges for midwives will not be subject to conditions prescribed in the regulations.

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

**An Honourable Member:** Question.

**Mr. Chairperson:** Question before the committee is: Shall clause 5 pass—shall the amendment to clause 5 pass?

**Some Honourable Members:** Pass.

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

Clause 5 as amended—pass.

Shall clause 6 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Selby:** It is no longer needed in light of the amendment to clause 5.

**Mr. Chairperson:** Shall clause 6 pass?

**Some Honourable Members:** No.

**Mr. Chairperson:** Clause 6 is accordingly defeated.

Clause 7—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Bill 45—The Competitive Drug Pricing Act  
(Various Acts Amended)  
(Continued)**

**Mr. Chairperson:** We'll move on to Bill 45.

Does the minister responsible for Bill 45 have an opening statement?

**Hon. Erin Selby (Minister of Health):** I do. This bill will enhance government's ability to negotiate lower drug prices and to implement the pan-Canadian drug pricing initiative by allowing the Province to cancel a product listing agreement with the manufacturer if there are issues with the price or supply of the drug. The ability to delist drugs from manufacturers that do not meet the price set by provinces is a critical part of the pan-Canadian initiative and why this legislation is needed. It will also help protect the supply of drugs by giving the Province the ability to cancel a product listing agreement with the drug manufacturer if it isn't able to supply the drug to Manitoba.

I would also like to signal to the committee that, since this bill did not pass in the spring as originally expected, I will need to amend clause 10(2), which specifies September 30th, 2013, as the date before which an agreement with a drug manufacturer can be terminated with 30 days' notice. We're planning to move that date back to March 31st, 2014, to ensure that there are not agreements signed between September 30th and when the bill comes to effect where Manitoba does not have the authority to delist if there is a need to do so.

**Mr. Chairperson:** Thank you, Minister Selby.

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

**Mr. Cameron Friesen (Morden-Winkler):** In lieu of the fact that it is so early or so late, depending on how you look at the clock, I will keep my comments brief. But I would like to say that, of course, our party supports efforts of the, you know, government to control drug costs, but this legislation brings up some questions that need answering and that only really the minister or the new minister can answer.

There are—we would invite the minister, in the context of this legislation, to better indicate what specific policies that she's trying to achieve. She seems to be trying to achieve it in isolation in this bill.

Certainly, there is—we find it troubling, in the context of this bill, that the language of the bill is such that it seems to give tremendous powers and tremendous latitude to the minister. And there are—there's wording that includes things like being able to cancel at any time for any reason without notice. There's language that says that they should be able to supply a drug at any price acceptable to the minister. There's conditions that disallow challenge through the courts. And so we believe that—we'll be bringing amendments that would seek to curtail some of the inappropriate licence that this legislation seems to grant to the minister.

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

Clauses 1 and 2—pass.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** Mr. Friesen.

**Mr. Friesen:** I move

*THAT Part 1 of the Bill (The Pharmaceutical Act) be amended by replacing Clause 3(2) with the following:*

*3(2) Section 79 is further amended by renumbering it as subsection 79(1) and adding the following as subsections 79(2) to (4):*

**Notice required**

**79(2)** Subject to subsection (3), a regulation may be made under subsection (1) only after the minister has posted the following on a government website for at least 30 days:

(a) a draft of the regulation;

(b) a statement of the reasons why the minister is proposing that the regulation be made.

**Notice requirement—product agreement**

**79(3)** Subsection (2) does not relieve the minister of any notice requirement set out in a product agreement.

**Considerations when making regulations**

**79(4)** When making a regulation under this section, the minister must consider the need to ensure that drugs are consistently and appropriately accessible to citizens in all areas of Manitoba, including in rural, remote and northern areas.

**Mr. Chairperson:** It has been moved by Mr. Friesen—

**Some Honourable Members:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Friesen:** As I said earlier, this amendment seeks to curtail the minister's latitude that this legislation would otherwise give her to basically make a regulation at any time without prior notice to anyone, which we feel is inappropriate. Instead, this amendment would, we believe, appropriately call on the minister to actually post her intentions to provide advanced notice. This would actually produce the conditions in which the—in which a company or a supplier of a drug or a product could respond.

**An Honourable Member:** Clarity.

**Mr. Friesen:** And it provides clarity. So not only would the minister provide a draft of the regulation, but it would also provide a rationale, and the minister would be required to state why the regulation is being made. Further to this, I expressed earlier in the evening that we consider it essential that the minister consider and keep in mind the necessity to make all of—all drugs consistently and appropriately available to places in Manitoba outside urban areas, so rural, remote and northern areas.

**Ms. Selby:** I guess, first of all, I'd want to just, you know, assure the committee that, of course, the minister relies on the advice of the Manitoba drugs and therapeutics committee, which is a committee of doctors and pharmacists. But I would note that the amendment that the member is proposing right now would actually slow down our ability to put new

generic drugs on the formulary, so that's something we couldn't support.

\* (03:30)

**Mr. Friesen:** I would just want to make the comment that this is the government that has had some of the slowest updates to the interchangeability formula in the entire country. As a matter of fact, in the last number of years, there have been instances in which there have been only two bulletins published in a single year. So I think the minister can hardly protest that this would slow down an enterprise that seems already bogged down so far it couldn't get any worse.

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

Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

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

Clause 3—pass.

Shall clauses 4 through 6 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** Clause 4—pass; clause 5—pass.

Shall clause 6 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Friesen:** I move

*THAT Part 2 of the Bill (The Pharmaceutical Act (S.M. 2006, c. 37 (unproclaimed))) be amended in Clause 6(2) by replacing the proposed subsection 81(2) with the following:*

**Notice required**

**81(2)** Subject to subsection (3), a regulation may be made under subsection (1) only after the minister has posted the following on a government website for at least 30 days:

(a) a draft of the regulation;

(b) a statement of the reasons why the minister is proposing that the regulation be made.

**Mr. Chairperson:** It has been moved by Mr. Friesen—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Friesen:** The rationale for this amendment is exactly the same as the previous.

**Ms. Selby:** Well, I guess I would like to point out that, of course, we all heard at committee tonight that several pharmacists spoke in supporting this legislation, and, of course, we're going to take that to heart. I'd also want to correct the record that we have actually had five bulletins so far that have come out in 2013, five brand new drugs listed as a result of our commitment to the pan-Canadian pricing initiative. But this current amendment that the member is suggesting is basically the same thing he just suggested, which would slow down our ability to put new generic drugs on the formulary, so we won't be supporting it.

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

**An Honourable Member:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**An Honourable Member:** Yes.

**Voice Vote**

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Clause 6—pass.

Shall clauses 7 through 9 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

Clause 7—pass; clause 8—pass.

Shall clause 9 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Friesen:** I move

*THAT Part 3 of the Bill (The Prescription Drugs Cost Assistance Act) be amended in Clause 9(2) by replacing the proposed subsection 9(4) with the following:*

**Notice required**

**9(4)** Subject to subsection (5), a regulation may be made under subsection (1.1) only after the minister has posted the following on a government website for at least 30 days:

- (a) a draft of the regulation;
- (b) a statement of the reasons why the minister is proposing that the regulation be made.

**Mr. Chairperson:** It has been moved by Mr. Friesen—

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Mr. Friesen:** The rationale for this amendment is exactly the same as the others. Again, this is simply a move to, we believe, appropriately curtail the minister's ability to, without notice to anyone, make changes. We feel like it's only appropriate to have a notice be given and a rationale provided.

**Ms. Selby:** We will not be supporting this amendment because this particular amendment would actually slow down our ability to add additional drugs to Pharmacare coverage, which we would not want to do.

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

**An Honourable Member:** Question.

**Mr. Chairperson:** Question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Yes.

**Voice Vote**

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Mr. Chairperson:** My opinion, the Nays have it.

The amendment is accordingly defeated.

\*\*\*

**Mr. Chairperson:** Clause 9—pass.

Shall clause 10 pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

**Ms. Selby:** I move

*THAT Clause 10(2) of the Bill be amended by striking out "September 30, 2013" and substituting "March 31, 2014".*

**Mr. Chairperson:** It has been moved by honourable Minister Selby,

*THAT Clause 10(2) of the Bill be amended—*

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Dispense.

The amendment is in order. The floor is open for questions.

**Ms. Selby:** I mentioned this earlier, but I'll just state it again, that this bill was, of course, expected to pass in the spring. This will need to be amended from September 30th, 2013, as the date before which an agreement with a drug manufacturer can be terminated with 30 days' notice. By putting it to March 31st, 2014, we'll ensure that there are not agreements signed between September 30th and when the Bill comes into effect that Manitoba would not have the authority to delist if there is a need to do so.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** Amendment—pass.

Shall clause 10 as amended pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Mr. Friesen:** I move



*THAT Part 4 of the Bill (Transitional and Coming Into Force) be amended in Clause 10(3) by striking out clauses (a) and (c).*

**Mr. Chairperson:** It has been moved by Mr. Friesen

*THAT Part 4 of the Bill (Transitional and Coming Into Force) be amended in Clause 10(3) by striking out clauses (a) and (c).*

The amendment is in order. The floor is open for questions.

**Mr. Friesen:** While previous speakers this evening on Bill 45 did talk about the opportunity to realize cost savings for the health-care system, clearly the caveat here is that the minister must recognize that her ability to drive price change and save Manitoba's money occurs exactly in negotiations on contracts for drugs, and that she is always able and Manitobans encourage her to get the absolute best value for money when at the table dealing with companies.

At the same time, we completely recognize that in the event that a manufacturer or distributor is unable to supply a drug in the quantity or in the manner agreed upon that's an issue. But there's three issues here: one is performance, one is supply, one is price. And that's why we simply, as a party, cannot support terms in which the minister would somehow have carte blanche to cancel contracts because a drug price is not acceptable to her as stated in (a) or in (c), where the minister considers it advisable in the public interest to do so. We are clearly not satisfied by that kind of definition. We would lack confidence in what the minister would deem to be advisable and in the public interest.

And, again, I would just underscore these points by saying the essential question to the minister is, what is it in contract that she finds is unsubstantial and does not go far enough that she needs legislation to remedy? Because, clearly, all these things are dealt with in contractual law and these things seem to express an unwillingness to abide by a contract.

Clearly, as a party we have to state on the record that we fear that this legislation will create the opportunity for litigation and, certainly, that's the reason why the minister is quick to try to add in as well that there would be no opportunity for companies to do so. So this is the reason for this amendment.

**Ms. Selby:** We will not be supporting the member's amendment. As for 10(3)(a), that particular clause is the one that pharmacists spoke to tonight supporting,

because it ensures us to be able to guarantee them a supply of the drugs that their patients need. As for (c), this clause is here for safety reasons and, for that reason—a responsibility to keep the public safe. We couldn't amend something that would put them at risk.

\* (03:40)

But also want to keep in mind that if company A and company B come different prices. What the member would be doing would be removing our ability to get a better price for Manitoba families, for patients, for pharmacists, and so for those reasons we will not be supporting this amendment.

**Mr. Friesen:** The minister is incorrect when she states that it is somehow for health safety reasons that in (c) the minister would consider it advisable and in the public interest. There are federal regulations and federal rules that determine safety of drug products. That kind of safety is not measured or ascertained or overseen by a provincial minister. So could this minister just indicate for us in what capacity and under what conditions, then, would she consider it advisable in the public interest to do so as her legislation states?

**Ms. Selby:** If the federal government does a withdrawal of approval of a particular drug, then I think it's pretty clear that we wouldn't want to keep it on our formulary or on our Pharmacare program.

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

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before the committee is: Shall the amendment pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

The amendment is accordingly defeated.

\*\*\*

**Mr. Chairperson:** Clause 10 as amended—pass; clause 11—pass; enacting clause—pass; title—pass. Bill as amended be reported.

**Bill 15—The Employment Standards  
Code Amendment Act**

**Mr. Chairperson:** We now move on to our final agenda item, Bill 15.

Does the minister responsible for Bill 15 have an opening statement?

**Hon. Erna Braun (Minister of Labour and Immigration):** Yes, thank you. I'd like to thank Minister Howard for having brought this bill forward earlier. This bill repeals the provision of The Employment Standards Code that allows certain employers to pay less than minimum wage to persons with mental or physical disabilities. This is a recommendation from the Labour Management Review Committee with consensus of the employer-employee reps on the committee. Currently, there are fewer than 14 such permits issued. This bill will allow those remaining permits to be in effect as a result of discussions that have been had with those individuals and their families. It will allow the director to make changes to those permits in order to ensure employees are protected.

**Mr. Chairperson:** Thank you, Minister Braun.

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

**Mrs. Leanne Rowat (Riding Mountain):** I just want to say that this legislation was brought forward a number of years ago to ensure that there would be opportunities for persons with disabilities to secure employment and to assist employers in providing work for individuals who were looking for that type of work. But 14 permits remaining and those being grandfathered, I think, addresses some concern with employers who may be concerned that they will be losing that opportunity to continue, as well as the families and the individuals who are working at those jobs will continue to do the work that they wanted to do. Thank you.

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

Clauses 1 through 4—pass; clauses 5 and 6—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 3:45 a.m., what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT: 3:45 a.m.**

**WRITTEN SUBMISSIONS**

Re: Bill 13

On behalf of The Manitoba Trappers Association (MTA)

The Manitoba Trappers Association was established in 1972 to serve the trappers of Manitoba. Lac du Bonnet has been the office location since 1992. Responsibilities for representing the trappers are divided into 11 geographical locations throughout the province, each represented by a volunteer Zone Director. Most of our Zone Directors are First Nation or Metis people.

Some of our objectives are

- To improve communications within the trapping community
- To encourage sustainable and humane furbearer management
- To work with government, industry and other provincial associations to enhance fur harvests and marketing opportunities
- To encourage and provide educational and training opportunities for trappers and establish professional standards
- To establish and maintain communication with the public, other stakeholders and resource users

Our association organizes the Thompson Fur Table each December, where northern trappers have the opportunity to offer their catch to competitive buyers under one roof. This results in significantly higher prices realized. This is a one of a kind event which has received national recognition. Last year trappers garnered \$683,000 for the furs brought to the tables.

We are also active, in partnership with the Wildlife Branch of CWS, in providing mandatory trapper education courses and certification, especially for first time trappers. At this time there is an urgent need for increased funding for trapper education and a review and updating of current materials.

The trapping profession is one of the oldest occupations in Manitoba. The traditional pursuit of wild fur is synonymous with the lifestyle of northern and aboriginal peoples.

For many present day trappers fur harvesting is an integral part of income and is not viewed as a recreational pastime.

#### Concerns for Content of Bill 13

We are not opposed to the proposed impost; however the MTA does have some concerns with details or the lack thereof in the content of the Act.

It should be clearly specified that funds are designed only for new initiatives submitted through the Enhancement Fund Committee, and will not be utilized as a replacement for any existing grants, incentive bounties, or subsidies already in place.

There must be adequate representation for the trappers on the wildlife subcommittee. The appointed designates should be affiliated with a provincial trapping association and acting on behalf of the trapping community as a whole.

Committees—There should be no members appointed to a committee who do not represent hunting, fishing or trapping organizations or interests.

There must be a clear commitment stated to ensure impost funds collected from trapping licenses will be expended on initiatives that directly benefit furbearing wildlife and the trapping community, and that are requested by them.

- Disbursement of funds from trapping licenses impost must be recognized as a direct benefit to the trappers. Failure to provide this assurance could result in the reluctance of some northern and remote trappers where income and cash flow are limited not purchasing licenses at the increased cost. Simply stated, people are averse to paying for something from which they receive no tangible benefit. Families may share one license, and this will compromise their personal production records and also result in inaccuracies in Manitoba Conservation fur harvest records and statistics.

When recommendations are made by the subcommittee it should be specified that grassroots initiatives and proposals be awarded due consideration and that direct involvement by trappers is given priority.

It is also noted that final selections to receive funding are awarded by the minister. There appears to be no process included for a review, appeal or challenge where recommendations made by subcommittee are selected by the minister. There is an expectation that this will be addressed in the Terms of Reference.

Payments from Fund—page 3 of bill: 2(5) appears ambiguous.

"Pay the cost of administering this Act in relation to wildlife enhancement initiatives"

Is there potential for excessive funds to be expended on administration?

It is our position that there should be a definite percentage "cap" placed on impost funds used for administration purposes.

Thank you for the opportunity to address the Committee.

Stu Jansson  
Cherry White

\* \* \*

#### Re: Bill 13

The Netley Marsh Waterfowl Foundation Inc. was established in 1995 as a grassroots organization to bring a focus to the Netley-Libau Marshes, their restoration and to provide support for initiatives to manage the marshes including public education and youth orientated projects. The marshes also known as the Red River Delta are located at the south end of Lake Winnipeg, approximately 15 kilometres north of Selkirk MB.

Today the marshes provide a diverse ecosystem supporting an abundant and viable fishery but historically they were known for waterfowl hunting and muskrat trapping. At its peak, over 39,000 muskrats were trapped one spring (1949). In today's market value at \$14/average per muskrat this would have amounted to approximately \$540,000. One of the main goals of the Foundation have been to support any initiative that would enhance fisheries and wildlife management in these once very productive wetlands associated with the Netley-Libau Marshes. The foundation has supported and funded various research and education projects over the years, and wishes to continue this legacy of awareness and support for the management of our precious fish and wildlife resources in Manitoba.

The Foundation's membership is comprised of waterfowl hunters, trappers, guides, outfitters, students and bird watchers.

The Foundation, over the years, has undertaken several initiatives including the following:

1. Installation duck nesting tunnels to increase duck production;

2. Installation wood duck nesting boxes to increase wood duck production;
3. Youth mentored waterfowl hunting programs as the Foundation was one of the many organizations that encouraged the Federal Government to introduce a mentored youth waterfowl hunt program. Since the introduction of this program the foundation has sponsored successive mentored youth hunts;
4. Supported and funded research on "Changes in the Emergent Plant Community of Netley-Libau Marsh Between 1979 and 2001". (Delta Marsh Field Station (University of Manitoba - Occasional Publication No. 4);
5. Presentations on the regulation of Lake Winnipeg;
6. Scholarships to students within Lord Selkirk School Division;
7. Important Bird Area initiatives;
8. Purple Loostrike control; and
9. The annual Waterfowl Festival which brings a focus to waterfowl hunting; its past historic aspects as well as waterfowl hunting today and wetland management.

The Netley Marsh Waterfowl Foundation Inc. would like to go on record that it supports the establishment of the Fish and Wildlife Enhancement Fund Act and the "new" impost on hunting licences to support it.

The Foundation's support is based upon the following:

1. That the impost that is to be collected from each hunting licence that is sold to hunters these funds are to be placed in a separate fund to be used entirely to support wildlife management initiatives and those funds collected from game bird and waterfowl hunters to be returned to game bird and waterfowl related initiatives or projects. This includes:
  - a. Projects to conserve or increase game bird and waterfowl populations;
  - b. Projects to protect, manage or restore game bird and waterfowl habitats
  - c. Studies of game bird and waterfowl populations and their habitats
  - d. The acquisition by purchase or lease or other means of property, or and interest in order to protect critical wildlife habitat.

2. That the funds collected through this new impost on hunting licences not be used to offset budget reductions in existing wildlife management programs. and
3. That the Wildlife Subcommittee is to be comprised of members representing hunters including waterfowl hunters and trappers.

As the Netley Marsh Waterfowl Foundation Inc. subscribes to the goals of the Fund as identified in Bill 13 and as the Foundation members are mostly waterfowl hunters who support wetland development, management and research.

Therefore the Foundation would like the Minister's consideration to appoint a member of the Netley Marsh Waterfowl Foundation to the Wildlife Enhancement Subcommittee to represent water fowl hunters, their interests and wetland management.

On behalf of the Netley Marsh Waterfowl Foundation Inc. I would like to congratulate the Minister of Conservation and Water Stewardship for undertaking this important initiative.

I believe that most hunters are willing to pay more provided they can see tangible results for the money they spend and in this instance all of it toward wildlife management initiatives.

Thank you  
 Doug Tesch,  
 President  
 Netley Marsh Waterfowl Foundation Inc.

\* \* \*

Re: Bill 24

Introduction

Due to prior commitments that I cannot change, I am unable to attend the Committee meeting that will consider Bill 24: "The Endangered Species Amendment Act (Ecosystem Protection and Miscellaneous Amendments)" (referred to in the comments that follow in this submission as "Bill 24"). I thank the Committee for the opportunity to submit the following written comments and ask that they be added to the formal record of the Committee's deliberations.

I have over 40 years of experience as plant ecologist and impact assessment specialist, both in the private sector and in government. The most recent 27 years included a major focus on parks and protected areas including policy and legislation. The following comments to Bill 24 are drawn from this experience.

### My Comments

I have reviewed Bill 24 and the changes it proposes to the current Endangered Species Act (CCSM c.E111). I strongly support, endorse, and welcome the proposed changes. They strengthen the current Act in various ways. First, the ability to list "species of special concern" brings Manitoba's legislation in line with that of other jurisdictions by flagging species before they become more at risk. Second, strengthening of enforcement and penalties demonstrates a desire to make those breaking the rules pay more than token penalties for what may be irreparable, at times possibly fatal, harm to our biodiversity.

Third, and most important, is the ability to designate "ecosystems at risk" as endangered or threatened ecosystems. It is a tenet in ecology that, to protect a species effectively, one needs to protect its habitat. In many cases, the designation of ecosystems at risk will result in capturing the key, if not the critical, habitat of many species considered to be at risk, be they listed as extirpated, endangered, threatened or of special concern. Bill 24 would achieve one of the original roles envisaged for the original Endangered Species Act first introduced May 24, 1989 and passed March 14, 1990.

The preponderance of species known to be at risk in Manitoba is found in the south, the part of the province with the longest history of European settlement, just as are most at-risk species elsewhere in Canada. Examination of the current list of Manitoba "species at risk" reveals that many are found in tall grass or mixed grass prairie ecosystems. Similarly, the south also contains only remnants of some of the most endangered ecosystems.

I will provide some comments on two candidates for consideration for designation as "ecosystems at risk": tall grass prairie and alvars.

### Tall Grass Prairie

Tall grass prairie is now known to be one of Manitoba's most endangered ecosystems, if not the most endangered. In 1987, the Manitoba Naturalists Society (now known as Nature Manitoba) began to systematically survey 6000 km<sup>2</sup> of Manitoba's Red River Valley to identify surviving remnants of the tall grass prairie that greeted the European settlers who began to arrive 200 years ago. Manitoba is the northernmost limit of this prairie type that ranged from Texas through the US Midwest. Less than 0.1%

of the original area remained in Manitoba, all of it in marginal lands that were unsuitable for converting into cropland. This recognition led to the establishment of the Critical Wildlife Program in 1989, a cooperative program involving the province and several conservation organizations, to study and begin the process of securing lands for establishing a tall grass prairie preserve.

(See <http://www.gov.mb.ca/conservation/wildlife/habcons/cwhp/tgp.html>).

On August 12, 1992, I attended a ceremony at The Forks to witness the signing of the "Tall-Grass Prairie Accord". The Hon. Harry J. Enns, then Manitoba Minister of Natural Resources, signed The Accord on behalf of Manitoba (see Appendix 1). Also signing were representatives of Wildlife Habitat Canada, Manitoba Habitat Heritage Corporation, World Wildlife Fund Canada, Manitoba Naturalists Society and The Nature Conservancy of Canada.

The Accord States: "Native prairies have become one of Canada's most threatened natural regions. Less than one percent of the Tall-grass Prairie remains; in Manitoba, Tall-grass prairie is the most endangered ecosystem. It is critical that the biological diversity and ecological process of this unique landscape are secured. We are in firm in our commitment to continue our efforts to preserve, restore and manage Tall-grass Prairie for its intrinsic value and as an important part of Canada's and Manitoba's natural heritage."

In the past 21 years, this Accord has guided a wide variety of efforts, including inventories and evaluation of management technique, to document the tall grass prairie and help secure its future.

### Alvar

In 2012, a study conducted by staff of Manitoba Conservation and Water Stewardship, The Nature Conservancy of Canada and the Manitoba Association of Plant Biologists confirmed the presence and documented the occurrence of alvars, a globally rare ecosystem, in Manitoba's southern Interlake

(See: <http://www.natureconservancy.ca/assets/documents/mb/2012-alvar-initiative-final-report-public-distribution-jan-2013.pdf>, and <http://www.natureconservancy.ca/assets/documents/mb/Manitoba-alvar-fact-sheet-2013.pdf>).

Manitoba alvars harbour several species considered to be rare or found to be new to Manitoba, including ferns, mosses and liverworts. To date, none of these species has been designated under the Endangered Species Act. Whether they may be designated in the future is unclear. However, passing Bill 24 with the ability to designate alvars as an "ecosystem at risk" would go a long way to protecting these noteworthy species simultaneously. It would also help meet the goals stated by The Hon. Gord Mackintosh, Minister of Conservation and Water Stewardship, when the alvar study report was released: "Manitoba is pleased to partner with conservation organizations and landowners to identify, manage, and protect alvars and the unique species that call them home." "This project helps us move ahead to meet our commitments in "TomorrowNow – Manitoba's Green Plan" to protect special species and places across the province."

(see: <http://www.natureconservancy.ca/en/where-we-work/manitoba/news/alvar-in-manitoba.html>).

#### Summary & Conclusion

I support Bill 24 and urge its passage. The ability to designate endangered and threatened ecosystems will, in fact, strengthen the need to consider the habitat of designated species. Both Sections 6(1)(b) and 9(1)(a) of The Endangered Species Act, mention the habitat of designated species. Bill 24 makes explicit the ability to designate endangered habitats. Such designations are ecologically sound; they will simultaneously protect the habitats of many species currently listed as being at risk, as well as the habitats of many other associated species.

Once again, thank you for the opportunity to provide comments.

Comments by

Helios Hernandez

\* \* \*

Re: Bill 24

Manitoba Beef Producers'

Background – Who is Manitoba Beef Producers?

Manitoba Beef Producers (MBP) is pleased to make a submission on Bill 24 – The Endangered Species Amendment Act.

MBP is a non-profit organization with a producer-elected board consisting of 14 directors, each

representing cattle producers in a specific region or district.

MBP represents approximately 8,000 individual cattle producers involved in various aspects of the beef cattle industry in Manitoba, including the cow-calf, backgrounding and finishing sectors.

Background-The importance of the agriculture industry to Manitoba's economy

Agriculture drives a significant portion of Manitoba's GDP and is one of the largest wealth-generating activities in the province.

Beef production represents Manitoba's single largest agricultural sector in terms of the number of individual farm operations. Our industry plays a vital role in the maintenance of Manitoba's economic and environmental sustainability.

On an annual basis Manitoba's beef cattle industry purchases more than \$300 million in feed.

Beyond feed, beef producers purchase \$225 million in operating inputs each and every year.

The value of goods and services demanded by Manitoba's beef operations is about \$635 million annually.

#### Summary

Manitoba Beef Producers will be expanding on four key points as part of its submission. These include:

1. The recognition of grazing as a key component of conservation is a positive development;
2. While the government's recognition of beef production's positive contribution to conservation is welcomed, there is also a need to recognize – via ecological goods and services programming – the value of the ecosystem services producers provide and the costs they incur providing them;
3. Addressing uncertainty around if or how this legislation may apply to Crown Land leased for agricultural purposes; and
4. The need for ongoing consultations as the legislation and any accompanying regulations are implemented.

#### Basis For Analysis

In examining legislation such as Bill 24, Manitoba Beef Producers believes three key principles should be followed when public policy related to the environment is being developed.

First, MBP supports strong science-based initiatives designed to ensure the preservation of our land and water. Second, MBP strongly supports producers and governments working together to develop environmental

initiatives that can be embraced by all sectors of our industry without harming producers' ability to earn a living.

Third, MBP strongly believes that co-operation between producers and government, as opposed to excessive regulation, will always lead to more effective results and to programs that are flexible enough to meet challenges and changes over time.

#### Grazing's Contribution To Conservation

It has been said that if you want to preserve habitat you should try to preserve beef producers. This truth is probably not well understood by many Manitobans.

MBP was very pleased to see that when announcing this legislation that the Manitoba government acknowledged: "grazing is an important management practice to maintain healthy grassland ecosystems and populations of species at risk such as buffalo grass and burrowing owls, and would not be affected by the new legislation."

The provincial government's recognition of the value of grazing to the landscape is important. Beef producers are responsible for managing millions of acres of privately-owned and Crown lands in Canada.

According to the 2011 Census of Agriculture, in terms of land use as a proportion of total farm area, pasture makes up 31.2% of agricultural land usage in Canada. Total pasture, which includes both tame and seeded pasture and natural land for pasture, accounted for 50 million acres.

The benefits of beef production to the Canadian landscape are varied and considerable. It also produces many external benefits to society. Maintaining land in pasture production helps protect biodiversity for a broad range of species from plants, animals and birds to insects and amphibians. Species listed under both Manitoba's Endangered Species Act and the federal Species at Risk Act make their homes on both privately and publicly-owned pasturelands in our province.

This is demonstrated, for example, by work done on the 409,758 acres of lands that are preserved in the

community pasture program in Manitoba. These pastures alone provide a home to 33 different species at risk (endangered and threatened).

In addition to species protection, lands dedicated to pasture production provide other ecosystem services. Many pastures are home to wetlands and prairie potholes, helping to both store and to filter water. Carbon sequestration is another important function of pastures.

There are many economic benefits to maintaining healthy ecosystems such as those found on grazing lands. Beef production creates thousands of direct and indirect jobs in Manitoba. As well, helping to store water on pastures reduces the risk of flooding and the need for costly flood mitigation infrastructure.

Loss of biodiversity is also expensive for governments and society. The task of species recovery and habitat rehabilitation is very costly and often difficult to achieve. It is to society's benefit to try to prevent these types of losses in the first place.

#### Support Needed Beyond Words

MBP notes that TomorrowNow–Manitoba's Green Plan contains a provincial government commitment to develop added partnerships with the agricultural industry to "encourage the preservation and development of ecological goods and services to benefit Manitoba's environment while supporting a strong agricultural sector and rural economy."

MBP is pleased to see this commitment as it has long advocated for societal and financial recognition of the ecosystem services provided by Manitoba's beef producers.

Governments are searching for ways to increase protection for vulnerable habitat and species at risk. However, straight economic drivers can tend to encourage landowners away from practices that increase habitat and wetland conservation.

MBP believes there is a straightforward, market-based solution that will help society accomplish its conservation goals and give producers the opportunity to continue (and expand) the practices that generate environmental benefits.

To date, producers have not been compensated for the external environmental benefits that they provide to society. If governments were to amend this shortcoming and provide market-based compen-

sation for the ecosystem services already provided, MBP believes producers would have adequate economic incentives to increase conservation management practices.

Ecological goods and services pilot projects have been run in Manitoba. The projects include the joint Agriculture and Agri-Food Canada/Ducks Unlimited Canada research project at South Tobacco Creek near Miami. Manitoba has also played a role in the investigation and development of agri-environmental incentive initiatives. MBP has been directly involved in the development of environmental research programs through collaboration with the University of Manitoba and the former Manitoba Rural Adaptation Council on a \$500,000+ research project into the environmental value of Manitoba forages and the scientific quantification of carbon lifecycles on Prairie cow-calf operations.

It is MBP's position that enough work has been done to unequivocally state that programs designed to compensate producers for the delivery of environmental goods and services (EG&S) will increase conservation management practices and accomplish many of society's environmental objectives.

These societal benefits can be accomplished without rigid legislation and regulation. Market-based environmental incentives are flexible and can be easily adjusted to changing circumstances and new knowledge.

In November 2008, MBP had presented a detailed proposal for an Environmental and Rural Stewardship Incentive Program (ERSIP) to the Manitoba government. It requested the introduction of a province-wide, Social and Ecological Goods and Services payment program. It is an incentives-based approach and producer participation would be voluntary. MBP believes such a program would mesh precisely with the provincial government's policy objectives as set out in Bill 24.

MBP recognizes the value of the Ecological Goods and Services programming announced in July 2013 as part of Growing Forward 2 Growing Assurance. Financial assistance is being made available toward a number of important beneficial management practices utilized by beef producers. While this initiative is welcomed, MBP does have a number of questions about how this program was designed.

First, the amount of funding available for this important program in its first year is limited. Further,

the EG&S program funds will flow to Conservation Districts who will then seek out producer partners, as opposed to flowing directly to producers as was the past practice with similar BMP programs. As well, to access the programming, producers have to be located in a Conservation District, which could leave some producers ineligible for funding for important projects on their farms and ranches.

Looking ahead, Manitoba Beef Producers requests that a co-operative and flexible approach be adopted to meet society's goals for habitat and species preservation. MBP would welcome the opportunity to work all governments to develop meaningful incentives for beef producers designed to encourage both habitat and species preservation, as well as ongoing economic growth and development. This includes the development of future iterations of EG&S programs for Manitoba.

The Community Pasture program in Manitoba is an immediate area where, through support for ongoing grazing operations, the Government of Manitoba could encourage the preservation of both habitat and species while developing the rural economy. Manitoba's Green Plan contains a provincial government commitment to develop added partnerships with the agricultural industry to "encourage the preservation and development of ecological goods and services to benefit Manitoba's environment while supporting a strong agricultural sector and rural economy." MBP submits that one of the most substantial ways that this Green Plan goal can be accomplished is through the preservation of the community pasture program.

Manitoba Beef Producers strongly believes that by keeping cattle on the land, our province and society garners considerable environmental, economic and social benefits. Working together, industry and governments can create a climate that encourages beef production in Manitoba and that in turn provides valuable habitat for a broad array of species.

#### Uncertainty In Bill 24/Need For Amendments

MBP is supportive of the principles outlined in Bill 24, but has identified a couple of areas of potential concern for Manitoba's beef producers.

Because they are not explicitly excluded, MBP wants to ensure this legislation will not impact production practices used by beef producers on Crown lands leased for agricultural purposes. MBP has and will continue to outline these concerns to the Manitoba



government. Bill 24 contains an enforcement provision whereby an officer exercising a power under this Act may enter and pass through or over private land without being held liable for trespass. MBP has significant concerns with these provisions, primarily centred on issues relating to biosecurity.

All livestock industries have become much more conscious of biosecurity issues in recent years. This increased awareness is out of necessity. The spread of pathogens and disease from one area to another has the potential to devastate an entire industry from coast to coast.

MBP is concerned that the drafters of this legislation were not familiar with the ease at which pathogens can be spread, the potential consequences of this spread or what entails "good biosecurity practices".

For this reason MBP is requesting that this portion of the legislation be amended to explicitly require enforcement officers to receive approval of any third party livestock or other agricultural producers prior to entry onto or passage through their operation.

Further, MBP requests the legislation be amended to require enforcement officers to be trained in the principles of good biosecurity practices and be able to demonstrate these practices are followed if they are required to enter or pass through any agricultural operation in the course of performing their duties. It is MBP's position that these practices should be adhered to on both private agricultural land and on agricultural Crown land.

On a related note, Manitoba Beef Producers has for several years sought improvements to the management of Crown land to help protect the environment, the health of Manitoba's beef herds and to help ensure the ongoing viability of the producers who manage this important resource. To that end MBP is seeking an informed access policy.

Specifically, MBP believes changes are needed to provincial policies to ensure producers know when someone is going to access their leased Crown land.

The rationale is simple: knowing who comes onto our land is integral not only for the safety of our animals and for wildlife, but also for those who could come into contact with them.

Moreover, a fundamental principle of on-farm biosecurity programs is that producers should limit access to their operations whenever possible. This is essential in reducing the potential to spread livestock

diseases and to transfer materials like noxious weeds and invasive species. A foreign animal disease outbreak could be devastating to the beef industry.

MBP continues to pursue the following changes to agricultural Crown lands policies:

1. Notice to the lessee is required before public access,
2. Permission from the lessee is required before public access; and
3. Lessees should be given the ability to discourage public access where there is high risk to public safety. MBP looks forward to continued discussions with provincial officials on this important matter.

#### Ongoing Consultation

Approximately two weeks prior to the introduction of Bill 24 departmental officials discussed with MBP some of the key elements that would eventually be incorporated into the legislation. These elements were not entirely unexpected given the references to updating The Endangered Species Act in the provincial government's Green Plan. MBP appreciated the opportunity to have a discussion in advance of the legislation being finalized and the opportunity to provide feedback about the proposed changes. We hope that consultations like this will be more frequent and ongoing.

MBP supports the use of the proposed Endangered Species and Ecosystems Advisory Committee outlined in Bill 24. MBP requests that when the Committee is considering matters related to species or ecosystem protection that may impact Manitoba's beef industry, that producers, producer associations and other appropriate experts are consulted.

Similarly, Manitoba Beef Producers requests to be consulted – where appropriate – when the Department is contemplating species designations or is developing recovery strategies and management plans related to either species or ecosystems that could involve grazed Crown lands. In addition to providing technical expertise about beef production, producers can also provide important insights into how wildlife can thrive on their working landscapes.

MBP appreciates the opportunity to provide feedback on Bill 24, as well as any potential amendments to it that may arise based on our submission.

Sincerely,

Cam Dahl  
General Manager  
Manitoba Beef Producers

\* \* \*

Re: Bill 24

Dear Members of the Standing Committee on Social and Economic Development,

In our capacity as professional biologists affiliated with the Department of Biological Sciences, University of Manitoba we would like to express our support for the proposed amendments to Manitoba's Endangered Species Act as outlined in Bill 24. We are especially pleased to see that the mandate of the Act has now been expanded to conserve and protect endangered and threatened ecosystems in the province and to promote the recovery of those ecosystems. This holistic approach ensures that conservation strategies are not applied to species in isolation and recognizes the critical role of healthy ecosystems to the long-term persistence of species-at-risk.

Similarly, the creation of a new category called "special concern" would give the province the authority to intervene in the conservation of a species-at-risk before the factors affecting its long-term persistence become acute. These two amendments, combined with increased authority, will allow conservation officials to preemptively intervene before a species or ecosystem becomes endangered. We are also pleased to see that enforcement has been greatly strengthened and penalties have been increased to a level sufficient to discourage irresponsible behaviour and to recognize the value of Manitoba's natural heritage.

The proposed amendments to Manitoba's Endangered Species Act are particularly critical to the conservation of vulnerable ecosystems such as alvars, prairies, and southern peat bogs that are under increasing pressure from development and unsustainable management. Manitoba's at-risk species, many of which occur in these habitats, can be managed most effectively in an ecosystem context. Our province has special jurisdictional responsibility to study, conserve, and protect Manitoba's threatened and endangered ecosystems and species. The proposed amendments will help to clarify that responsibility.

Sincerely yours,

Bruce Ford  
Professor, Department of Biological Sciences,  
University of Manitoba

Elizabeth Punter  
Former Assistant Curator, University of Manitoba  
Herbarium

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Re: Bill 24

The Canadian Parks and Wilderness Society supports the addition of protecting ecosystems that are at risk and to promote their recovery to the Manitoba Endangered Species Act. As habitat loss or alteration is the major cause of species decline in Canada, this enhancement to the legislation would be a prudent move. Furthermore, including the protection of ecosystems to the Act would make Manitoba a strong example to follow for other jurisdictions with species at risk.

Ron Thiessen  
Canadian Parks and Wilderness Society

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Re: Bill 24

The Other 99%

Thank you very much for the opportunity to speak in support of the amendment of the Endangered Species Act, to create a new Endangered Species and Ecosystem Act. I think this is a progressive and far-sighted step to protect areas of ecological significance, far beyond what has been possible in the past.

By way of background, I consider myself to have been an entomologist since the age of six, giving me in excess of 55 years of experience. I graduated from the University of Guelph with a B.Sc. (Agr.) in 1973, with a major in Entomology. I completed a Ph.D. in Entomology at the University of Manitoba in 1977, and I have been an academic in the Department of Entomology in the Faculty of Agricultural and Food Sciences at the University of Manitoba for 36 years. I serve on the Endangered Species Advisory Committee for Manitoba, the Scientific Advisory Committee for the Nature Conservancy of Canada, the Biological Survey of Canada (Terrestrial Arthropods) and I am a trustee of the Biological Survey Foundation. I have also served as the Curator or Associate Curator of the J.B. Wallis/R.E

Roughley Museum of Entomology in the Department of Entomology at the University of Manitoba.

In essence, I have spent my career working with what I call "The Other 99%" of the animal kingdom. For me, this includes the insects and related arthropods such as ticks, mites and spiders. These are the animals that the majority of people never see or think about, but which provide essential ecological services, without which the world as we know it would be unsustainable.

We don't have a good idea about how many species of insects and related arthropods there might be in Manitoba. Most people are familiar with butterflies and moths, and dragonflies, as well as the many annoying insects such as cutworms, potato beetles, mosquitoes and horse flies. The pest arthropods, in particular, occupy the public and the press. Mosquitoes are a summer classic in Manitoba, especially now we worry about transmissions of West Nile Virus in addition to their beastly attacks with disruption of summer pleasures.

Yet how many people appreciate that we have more than 50 species of mosquitoes in the province? I have yet to encounter anyone who includes wood ticks in their list of top ten favourite animals. The blacklegged tick and the pathogens they transmit, the agents of Lyme borreliosis, anaplasmosis, babesiosis and Powassan fever virus, are legitimate concerns for human and animal health in Manitoba, yet how many people realize there are 13 species of ticks in the province? There are almost certainly more than 10,000 species of arthropods in Manitoba, and when all is said and done, I expect there will be closer to 20,000. That is a lot of bugs, most of which are small, nondescript, rarely encountered, and for most, inconsequential. Yet, each of these arthropods plays an essential ecological role in our environment.

Although there will always be species which require special conservation status, as threatened or endangered, to expend in exclusion, large quantities of resources to save these species is often fundamentally flawed. There are certainly examples where this approach was necessary for the survival of a species, the Whooping Crane, for example.

However, it is important to remember that the ultimate sustainability for each species is dependent on the environment in which they live and reproduce. Without the essential environmental support network, a species disappears. To protect these essential environmental resources makes supreme

sense if we are serious about preserving the enormous biodiversity of organisms that call Manitoba home.

I don't intend to lecture on what I consider the virtues of environmental protection, but I do want to relate to you a few examples of things I have seen in Manitoba in my 40 years of teaching and collecting the other 99%.

I have taught a course in Aquatic Entomology since 1978. The students in this course are expected to collect and identify at least 200 species of aquatic insects, in any and all developmental stages. This has become a reasonable expectation only since the publication of a number of identification tools, so that once the collection has been assembled, the students sequester themselves in a lab, hunched over a microscope, sorting and identifying the wonders in their samples.

The students weren't expected to make their collection entirely on their own. I always conducted at least two collecting excursions to habitats the students may otherwise have missed. These collecting trips were a great bonding experience for the students who would soon be spending endless hours in the lab identifying their insects, but it was also an opportunity to supplement the numbers of taxa they required for their collections. In fact, I have had students who wanted to enrol in their course in September, not having garnered one specimen for their collections, and after the field trips, they had sufficient mayflies, stoneflies, caddisflies, dragonflies, water beetles, water bugs and flies to compile a suitable collection to meet the course requirements. I have to tell you, there was nothing so gratifying as to take these students to habitat after habitat, pond after pond, stream after pond, and have the lot of them shouting and hollering with excitement about the strange and diverse animals in their nets. I can always count on the jet black, gigantic nymphs of the stonefly, *Pteronarcys*, to elicit the most extraordinary of reactions from students seeing them for the first time. Just when they thought they had seen everything there was to see in the habitat, I would take them downstream to a sandy patch on the riverbank and ask them to start throwing buckets of water up the slope. Curious expressions turned to delight as many species of beetles would appear, having been washed from their burrows in the sand, the weirdest being the round sand beetles (*Omopron*), of which there were usually two species! Round sand beetles live in isolated patches of sandy habitat. They are nocturnal, they seldom fly,

they are seen by hardly anybody, yet they are part of the fabric of biodiversity in the environment where they live.

One of our field trips was always taken to the Roseau River in southern Manitoba. I have taken my classes there every time Aquatic Entomology has been offered since 1978, more than 25 times. I always liked to take the class there at the end of October or the beginning of November, right about now, in fact. I did this for two reasons. I always found this an important learning experience, that aquatic ecologists don't always work in nice weather. Often it snowed on this trip, or at least there was ice along the river margins. The other reason I chose this time of year for the fieldtrip was so the students could collect winter stoneflies, a group of aquatic insects hardly a student ever collected unless they went on this trip. The reason is the immature aquatic stages of our Manitoba winter stoneflies are dormant from the entire summer season, found only deep in the gravel sediments on the river bottom. Late in October, they crawl up to live on the rocks on the bottom of the river, and here they grow and mature, to merge as adults to mate and reproduce in March and April, sometimes while there is still ice on the river. How bizarre is that?

When I first started taking classes to the Roseau River in 1978, we collected anywhere from 75 or more species of aquatic insects, just from one short stretch at this one date in the fall. This all started to change within the last ten years, until in 2010, for the first time, the total species for the class fell below 50 species, though one of the winter stoneflies was still as abundant as ever. In 2012, we collected one specimen of one bottom-dwelling species of insect, and no winter stoneflies. This to me emphasizes why I think we need to protect biodiverse habitats in Manitoba.

While the Roseau is a larger river with diverse habitat and arthropod fauna, sometimes aquatic insects live in much more specialized habitats. Many years ago, a graduate student in one of my courses decided to conduct a project on the stoneflies of Manitoba. This involved extensive research on the literature, but also collecting stoneflies in the field to supplement what was already known. One species of winter stonefly that captured his imagination and turned into a bit of a quest, was what was then called *Capnia manitoba*. This species was first described from a specimen collected at Aweme, Manitoba, but it had not been seen in the province for nearly 75 years, though quite commonly found in eastern

North America. If you know Aweme, it seemed hardly a location where a winter stonefly would be expected. There is no running water there. After many hours of pouring over topographical maps of the area, consultations with Alma Criddle about what she remembered from her childhood, and after studying Norman Criddle's diaries, the student identified what he thought to be potential habitat for this elusive stonefly, a series of tiny springs along the banks of the Assiniboine River near Aweme. After several targeted field trips, we were able to find *C. manitoba*, still known in Manitoba only from these relatively minute springs, habitats extremely vulnerable to human and natural disturbance.

I would like to describe to you one last example of hidden biodiversity, biodiversity right beneath our noses. For many years, I have explored the biodiversity of external parasites on birds and mammals in Manitoba, working closely with the Wildlife Haven, the Prairie Wildlife Rehabilitation Centre, Manitoba Conservation and the Canadian Wildlife Service. This study includes lice, louse flies, fleas, ticks, and mites. All of these arthropods are parasites on their hosts. That means they are totally dependent on their hosts for their survival.

But I want to relate to you some results I just received last week from Wayne Knee, a collaborator at the Canadian National Collection in Ottawa. We have been working on the diversity of nasal mites on birds in Manitoba. These are strange inhabitants of the nasal sinuses and upper respiratory tract of birds, where they crawl through the mucous and slime to feed on blood. And here I quote from his email: "Out of the 65 host samples processed there are 53 host species, 47 species of nasal mites are new host records from Manitoba, 41 are new for Canada, 26 are new for North America. Out of the mites identified, 17 are new mite species for Manitoba, 11 are new for Canada, this also includes 3 undescribed mite species." This is in addition to a 14-fold increase in the known nasal mite fauna from birds in Manitoba, including three newly described species, which we reported a few years ago. These birds are flying zoos!

I want to close with a couple of points to draw from these few examples: First of all when it comes to the other 99%, we have surprisingly little information about what species are found where in the province. We know even less about what each of these species does, and what roles they play in their environment. What we know for sure is that they are integrated into the ecosystem, and interact in bewilderingly

complex ways. While it is important to conserve the obvious elements of our flora and fauna we perceive as threatened or endangered, these species and others, rely on critical habitat for their continued existence. We can perhaps protect the as yet unknown components of an ecosystem by protecting the ecosystem as a whole. In addition, humans are bringing about rapid and extensive changes in our environment. These changes sometimes have devastating impact not just on species considered to be vulnerable, but to entire communities. For this reason, I feel it is critical that habitats identified as at risk be protected by legislation, and why I speak in favour of amendments to the Endangered Species Act.

Terry D. Galloway  
Department of Entomology  
Faculty of Agricultural and Food Sciences  
University of Manitoba

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Re: Bill 24

Hon. Mr. Mackintosh

The Manitoba Chapter of the Wildlife Society, is a provincial chapter of an international, professional conservation organization of over 11,000-members representing the professional community of wildlife scientists, managers, educators, technicians, and planners among others. As a representative of the Manitoba Chapter, I would like to express our full support of Bill 24: The Endangered Species Amendment Act. As a society, we encourage enactment of legislation and enforcement of existing laws designed to safeguard wild populations as well as oppose activities that jeopardize threatened and endangered species populations and support restoration of critical habitat.

Conserving biological diversity requires management at several levels including structure, function, and composition of genes, individuals, populations, subspecies, species, communities, and biotic provinces. The policy of The Wildlife Society regarding the U.S. Endangered Species Act is to support efforts to increase effectiveness of threatened and endangered species conservation under the ESA through improvements to and consistent interpretation of the law, and its funding, administrative implementation, and integration with efforts by other parties, and an increased emphasis on landscape-level conservation.

Similar to other environmental organizations such as the International Union for Conservation of Nature (IUCN), the ecosystem management approach is gaining in popularity and has been adopted by many as a forward-thinking method to wildlife conservation and management. As the Manitoba Chapter of the Wildlife Society, we believe that the principles outlined in Bill 24 may better assist in the recovery of species of conservation concern.

Thank you

C-Jae Breiter  
Secretary-Treasurer  
The Wildlife Society—Manitoba Chapter

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Re: Bill 24

I wish to express my general satisfaction with the amendments proposed in Bill 24. It is particularly gratifying to see that our province is strengthening legislation to protect at-risk species and ecosystems when our neighbouring province, Ontario, appears to be doing the opposite.

A common reason for species becoming at risk is the scarcity of the ecosystems in which they can flourish; thus the inclusion of ecosystems in the Act will have a double benefit.

I would like to focus on a few specific amendments that I find especially significant, namely:

9. clause 6.1 (2) It is good that the Advisory Committee be required to report to the Minister at least annually rather than biennially as was formerly the case.

clause 6 .2 (1) If the Advisory Committee does not have the capability or the wherewithal to carry out studies required of it by the Minister, it is to be hoped that appropriate resources will be provided.

14. clause 9 (1) (b.1) This clause is particularly important to protect at-risk species and ecosystems from potentially threatening or invasive organisms.

18. clause 12.12 (1) – (4) The use of Prevention Orders will provide the opportunity to forestall detrimental activities.

The proposed amendments constitute a major improvement and strengthening of the Act. In particular the part on enforcement will afford much

better protection for at-risk species and ecosystems provided that is rigorously implemented.

David Punter  
Senior Scholar  
Dept. of Biological Sciences  
University of Manitoba

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Re: Bill 26

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM), I would like to provide comments about Bill 26: The Accessibility for Manitobans Act.

The AMM supports the goal of improved accessibility for Manitobans. In fact, many municipalities already pursue increased accessibility in their communities by participating in the Age-Friendly Manitoba Initiative, or through initiatives of their own.

The AMM has made some of the following comments regarding accessibility on behalf of municipalities as a member of the Accessibility Advisory Council and in response to discussion documents released by the Accessibility Advisory Council since it was formed in June 2011.

Since accessibility standards have the potential to add to already increasing municipal responsibilities, the Province of Manitoba should provide funding to compensate municipalities for the costs of new reporting requirements and any additional training and enforcement skills required to upgrade municipal building inspectors. Additionally, it is recommended that the province should develop incentive programs to assist with complications of improving accessibility in older infrastructure. As we have stated previously, the AMM is against downloading of new responsibilities to municipalities without accompanying resources.

The AMM feels accessibility standards should not apply retroactively to existing aspects of the built environment. This is because design limitations may make changes unfeasible. AMM wishes to ensure that a reasonable balance can be reached in order to allow municipalities to reach all their long term plans and goals for infrastructure improvements.

Different sized municipalities will be affected differently by the accessibility standards still to be developed. As a result, the AMM is pleased this has

been recognized in principle in Bill 26 through the ability to establish different classes of organization for each accessibility standard based on the characteristics of the organization. However, it will be crucial to incorporate sufficient expertise on a range of different types of municipalities throughout the development of specific accessibility standards to ensure the effects on municipalities are considered.

The AMM also has some concerns about the enforcement of accessibility standards. It is our understanding that inspections will not change from what is currently required under the Office of the Fire Commissioner and Manitoba Building Code. Our concerns lie with the fact that inspectors will have increased work load and therefore more resources will be needed to enforce accessibility standards and other requirements outlined in Bill 26. The AMM has also emphasized the importance of having an appeal mechanism, and we are pleased this has been included in the Bill in section 30.

The AMM would like to encourage coordination of accessibility initiatives with Manitoba's Age-Friendly Initiative, as they share several of the same goals. As a partner in Age-Friendly Manitoba, the AMM feels it continues to have a very positive impact in many communities, and its success can help to strengthen efforts to improve accessibility.

Finally, the AMM would like to encourage responsible application of Bill 26, as unforeseen issues may arise. It is important to maintain flexibility and work in a spirit of cooperation to address the challenges created by barriers to accessibility. The AMM looks forward to working on the development of accessibility standards to improve accessibility for all Manitobans.

The AMM appreciates the opportunity to provide these comments. Thank you for your consideration.

Doug Dobrowolski  
Association of Manitoba Municipalities

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Re: Bill 26

The Manitoba Bar Association ("the MBA") is the voice of the legal profession in Manitoba, representing almost 1,400 lawyers, judges, academics, and students.

The MBA congratulates the Government for introducing this important piece of legislation, and it joins with the impressive list of supporting

organizations who each, in their own unique way, contributed to the development of Bill 26.

The legislation establishes a framework by which, in the fullness of time, Manitobans living with disabilities will no longer be hampered by barriers of various descriptions but will, rather, have an equal opportunity to participate fully and effectively in our society.

Through the Manitoba Accessibility Advisory Council, persons with disabilities and those responsible for implementing accessibility standards will work together to identify and eliminate the

barriers encountered on a daily basis by the disabled members of our communities.

As others have stated, this legislation positions Manitoba to become "an international leader in promoting and protecting the human rights of persons with disabilities".

The MBA is pleased to endorse that most worthy of objectives.

Karen Wittman  
President  
The Manitoba Bar Association

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

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