

**Fourth Session – Forty-First Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Legislative Affairs**

*Chairperson*  
*Mrs. Sarah Guillemard*  
*Constituency of Fort Richmond*

**Vol. LXXII No. 5 - 6 p.m., Wednesday, May 8, 2019**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-First Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

**Wednesday, May 8, 2019**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mrs. Sarah Guillemard  
(Fort Richmond)**

**VICE-CHAIRPERSON – Mr. Andrew Micklefield  
(Rossmere)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Fielding, Goertzen, Wharton*

*Mrs. Guillemard, Messrs. Lamont, Maloway,  
Michaleski, Micklefield, Swan, Wiebe, Wowchuk*

**PUBLIC PRESENTERS:**

*Bill 2 – The Municipal Amendment Act  
(Strengthening Codes of Conduct for Council  
Members)*

*Mr. Ralph Groening, Association of Manitoba  
Municipalities*

*Mr. Orvel Currie, DD West LLP*

*Ms. Diane Duma, private citizen (by leave)*

*Bill 13 – The Private Vocational Institutions Act*

*Mr. Robin Day, Herzog College*

*Bill 14 – The Reducing Red Tape and Improving  
Services Act, 2019*

*Mr. John Graham, Retail Council of Canada*

**MATTERS UNDER CONSIDERATION:**

*Bill 2 – The Municipal Amendment Act  
(Strengthening Codes of Conduct for Council  
Members)*

*Bill 13 – The Private Vocational Institutions Act*

*Bill 14 – The Reducing Red Tape and Improving  
Services Act, 2019*

*Bill 21 – The Legislative Building Centennial  
Restoration and Preservation Act*

\* \* \*

**Madam Chairperson:** Good evening. Will the Standing Committee on Legislative Affairs please come to order.

This meeting has been called to consider the following bills: Bill 2, The Municipal Amendment Act (Strengthening Codes of Conduct for Council Members); Bill 13, The Private Vocational Institutions Act; Bill 14, The Reducing Red Tape and Improving Services Act, 2019; Bill 21, The Legislative Building Centennial Restoration and Preservation Act.

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment.

A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause by clause of a bill except by unanimous consent of the committee.

We have a number of presenters registered to speak tonight to various bills as noted on the list of presenters before you.

On the topic of determining the order of public presentations, I will note that we have a couple of out-of-town presenters in attendance, marked with an asterisk on the list.

With this consideration in mind then, in what order does the committee wish to hear the presentations?

**Hon. Kelvin Goertzen (Minister of Education and Training):** It seems to me, if I'm reading this correctly, if we do Bill 2 and then Bill 13 in that order, we will have the out-of-town presenters present first.

**Madam Chairperson:** Does the committee agree to see the two bills that have presenters—[interjection]—the out-of-town presenters first? [Agreed]

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 the 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, 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.

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.

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 that person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience.

**Bill 2—The Municipal Amendment Act  
(Strengthening Codes of Conduct  
for Council Members)**

**Madam Chairperson:** We will now proceed with public presentations.

I will now call on Ralph Groening, Association of Manitoba Municipalities president.

Mr. Groening, do you have any written materials for distribution to the committee?

**Mr. Ralph Groening (Association of Manitoba Municipalities):** Yes, we do.

**Madam Chairperson:** Please proceed with your presentation.

**Mr. Groening:** Thank you very much for the opportunity to present on what we think is a very important bill: strengthening code of conduct for council members.

So, on behalf of the Association of Manitoba Municipalities, AMM, I would like to thank you for the opportunity to present the municipal priorities related to Bill 2, The Municipal Amendment Act

(Strengthening Codes of Conduct for Council Members).

I will begin my presentation today by providing a brief overview of AMM, then discuss Minister Wharton. And Manitoba Municipal Relations staff have extensively consulted with our organization and municipalities across Manitoba prior to the introduction of this legislation and share our perspective regarding Bill 2.

AMM was formed in 1999 as a result of the merger between the Union of Manitoba Municipalities and the Association of Urban Municipalities. Our organization is independent. We're bipartisan. Our mission is to identify and address the needs and concerns of our members in order to achieve strong, effective municipal government. Our membership consists of all of Manitoba's 137 municipalities, including the City of Winnipeg.

Now, let me be clear—let me be as clear as possible: AMM takes the issues that were brought forward by our members which prompted this proposed legislation very seriously, and we are absolutely committed to promoting respectful workplace policies and practices for all of our members. Harassment and bullying have no place in the workplace, including in and outside council chambers and municipal offices, and we commend local councils who highlighted these issues by sponsoring various resolutions which were debated and overwhelmingly supported—unanimously supported by our members at previous conventions.

These resolutions call on the provincial government to provide municipalities where a more—with a more comprehensive process for addressing continuous breaches of the code of conduct by a council member, as well as to strengthen the powers of censuring when a council member is clearly—very clearly in contravention of the code of conduct.

Now, Minister Wharton and Manitoba Municipal Relations took immediate steps to address these resolutions through extensive consultations with our organization, with elected officials and municipal administrators. In particular, the provincial government committed to reviewing The Municipal Act to identify opportunities to strengthen municipalities' ability to enforce violations of the code of conduct.

Now, in-person consultations with our members were conducted throughout the province at our June

district meetings as well as through a questionnaire which resulted in hundreds of responses from our members. Now, these—this questionnaire focused on five different topics: mandatory training for council members, defined standards and values, a process for dealing with complaints, sanctions and penalties and then, finally, an appeal process. Now, based on the questionnaire responses, the vast majority of respondents indicated that maintaining council autonomy was very important with respect to the process of dealing with complaints and imposing sanctions.

Now, more—over 90 per cent of respondents supported the notion of mandatory training for council members within—of course, a specific period of time. We understand the Province of Manitoba has committed to developing and providing this mandatory training course and the materials related. Now, the delivery of this training via online format or portal would certainly be advisable. We recommend this because of the distance of some of our members. This would prevent the cumbersome process and eliminate the possibility of added additional financial costs due to travelling. It's a large province.

\*(18:10)

The standardization of codes and conduct by defining certain content and minimum standards and values is a positive step forward. In addition, more than two-thirds of the survey respondents indicated council members should have access to an appeal process.

Now, we look forward to additional consultations with Manitoba Municipal Relations on key regulation, including the process dealing with complaints, the appeal process as well as sanctions and remedial measures.

So, in closing, the AMM would like to express its appreciation to Minister Wharton, thank you, Municipal Relations staff, thank you, for once again listening to our concerns—the concerns raised by our members in taking immediate steps to consult and to propose a new framework, going forward.

We also appreciate the efforts undertaken by Manitoba Municipal Relations staff to attend our annual convention in November of last year to explain these proposed changes directly to our members. The AMM will continue to work with the department closely to ensure that the needs and the

concerns of our members continue to be heard and addressed.

So, again, I thank you, the opportunity to provide these comments, and if you have questions of me, I would be happy to provide answers. Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Jeff Wharton (Minister of Municipal Relations):** Thank you, Mr. Groening, for coming tonight and making the presentation.

And, just for the benefit of the colleagues around the table, it's been wonderful to work with AMM through this process, and we're again looking forward to continued collaboration as we go forward to ensure that this bill and the legislation is exactly what's required with respect to issues and concerns that have come up over the past several years, and we're looking forward to continued collaboration with MMAA and AMM and other stakeholders as we go through this process. So thank you again.

**Mr. Groening:** Thank you very much, Minister. It absolutely has been a respectful process, and we appreciate your support and the support of the staff. Thank you.

**Mr. Matt Wiebe (Concordia):** Well, thank you, Mr. Groening, for coming out and presenting here tonight. It is, I can tell you, very much appreciated to hear from AMM, and your advice is always appreciated and guidance is always appreciated, I know, by members, I think, on all sides of the House. So very much appreciate you being here tonight.

The question I had was just with regards to the scope of this legislation, in particular with regards to Winnipeg and Brandon and just making sure that those municipalities as well are supported and ensure that they are in the same way that other municipalities given guidance that they would also have that. Do you feel that this legislation meets those requirements for those two particular municipalities, but, obviously, for, I guess, for any other members that you might want to comment on?

**Mr. Groening:** We are confident, and I hope my comments and our comments give some indication of the confidence that we do have in the minister and his staff and our members working together collaboratively. As I mentioned earlier, the enthu-

siastic and the near-unanimous response to the resolution was, I think, an indication we're absolutely confident that we can provide the needs and put in place a code of conduct for all of our members, including the City of Brandon and Winnipeg.

**Madam Chairperson:** Thank you very much for your presentation.

I will now call on Diane Duma, private citizen.

So Diane Duma has been called once. We will move her to the bottom of the list.

I will now call on Orvel Currie, DD West LLP.

Mr. Currie, do you have any written materials for distribution to the committee?

**Mr. Orvel Currie (DD West LLP):** I do, thank you.

**Madam Chairperson:** Please proceed with your presentation.

**Mr. Currie:** Thank you. Thank you, Madam Chair, Minister and Legislative Committee.

Just a bit of a background: I'm a municipal lawyer. I practise from Toronto to Vancouver. And now you still want to keep your ears open after I tell you I'm not a Manitoba resident—I'm an Alberta resident—but I lecture quite a bit on codes of conduct. And so what we do know is this is that Manitoba's going exactly in the right direction. Accountability and transparency is the rule of the day and particularly for municipal governments.

So I often lecture in this regard, and I say that 98 per cent, maybe 99 per cent of the government officials who are elected in municipal politics do the right thing. They're decent people. They're really good. They do it for a very cost-effective measure. However, there's 1 per cent that requires this, and it's really—what we're dealing with is a 1 to 2 per cent average where somebody's just acted out.

So all of what you're doing is asking for a code of conduct, and the code of conduct itself is really dealing with different issues. So, if you think about what you have in legislative authority across Canada, you have your conflict of interest act, which is really about a monetary issue.

What we've always been lacking here in Manitoba is a clear decision on what we refer to as a perceived conflict of interest; that is, I show up with my mother in front of council. I'm a council member, and I'm trying to get a subdivision. That's going to make everybody's hair on the back of their neck

stand up. That's—so that's what you're dealing with here is perceived conflicts, and they go quite deep. How far that goes we haven't yet decided across Canada.

So I'm here about very much supporting the bill, but asking you to consider some amendments to it to hopefully strengthen it in some ways. The first one is that I'm going to note that under section 83 of your current Municipal Act, you're entitled—or council's duties are to (1) attend meetings, and (2) to comply with a code of conduct and to not let in-camera conversations outside of that confidence.

Following that, you have a clause in section 94—and it's in the presentation, the materials there, section 94 is there—but essentially, what it does is it says if you miss three meetings or you are—you breach the confidentiality clauses under 83(1)(d), you can be removed from your elected position.

Now I'm not recommending that you use the same process here, but I am recommending that you look at that as a very serious amendment. I do not know how you really test the waters between a financial matter and a perceived conflict of interest.

So, if I come in and represent my brother-in-law or, for that matter, I come in and give my brother-in-law a certain level of information and he makes \$3 million, I mean, there's a real problem there. That's a conflict of serious nature. And that may or may not be caught under your current conflict of interest act, but, regardless of whether it is or isn't, the question is: What do you do with that, where you have a very serious case?

The amendment is very simple. It doesn't have to change your act a great deal. All it has to do is say a member of council who's found to be in breach of a code of conduct may have to face a court. So I've put a 94.1(1) at the bottom of my first page, which just reads a member of council may be disqualified from council on application to court.

So I don't think this should be something that's left up to council if she—if he or she is found to have breached the code of conduct and the court determines that such breach is deserving of disqualification. So that's really language that I'm using out of Ontario. We're already lecturing in Ontario for different changes there, and we're seeing that there's an amendment coming through on that, and I'll speak about that further. So that's that issue; very simple for me.

The next issue that I've ran into—and I'm going to say this is a Manitoba issue—last election, I had eight or nine calls, and they were like this: a council member was carrying on their election on the basis that they were either going to fire the CAO, the public works supervisor, or the grader operator.

And, frankly, there's no doubt that's a breach of the code—any code—and it also puts a municipality in extreme liability, because if somebody comes in, and we had reasons to get rid of the grader operator, but somebody was elected on the basis they were going to remove them, the optics of that are very serious.

\* (18:20)

So what I have suggested, in section 91, you have a list of eligibility for nomination and election. I'm suggesting, on page 2, that any person who's coming in and is going to run for nomination or to be elected, that they agree to adhere to the municipal code of conduct because even though—if they don't get elected, we're not going to govern them in any event, but if they do become elected, we ought to tell them that that was inappropriate, and they ought to know it and read it before they start running their election.

So that's just a preventative measure. It's—again, I don't think it's earth-shattering stuff that I'm giving, but it is stuff that I've seen, as a regular basis, something that needs to be considered.

I would then add the third page; it's a very simple thing. In most jurisdictions now, we're moving to what's referred to as an integrity commissioner, and these ethic regimes, we call them, require two things: One is you want to protect your council.

So if we look at this as a protective measure, let's assume I'm a council member and I'm uncertain whether my behaviour hits this line or that line. What we can say is this: In other jurisdictions where they have integrity commissioners, we have been able to say to a council member who's been told by the integrity commissioner that his or her behaviour is acceptable that that will prevent the court from removing them or otherwise allowing sanctions to be put on them.

So imagine if you have an integrity commissioner, and the City of Winnipeg has one, Ms. Walsh, who we—many of you might know her already, but that's in a good example of where you would just want it as an advisory services, we call it.

So you've got an integrity commissioner level; you've got investigative services, you've got advisory services. I'm less hot about the investigative services, but if you want to go down that road, there's a measure for it, and it's not a bad thing because if you think about how frustrating it is for the average farmer who, you know, frankly, doesn't want to put \$15,000 out of his pocket to go in and argue the case as to whether there was a problem with somebody's behaviour, this would allow them an opportunity to call the integrity services and say, hey, just a minute here, I have a problem. How do I follow this investigation?

There is very clear processes. If you look at the Alberta code of conducts, and I've probably drafted 30, maybe 50 of those, there's a very clear process about how that investigative services works, and what we do there is we don't just take every complaint, because you could imagine that if you take every complaint and throw it through, the integrity commissioner must know what's a good complaint and what's not a good complaint, and we leave it in their hands to make that decision.

So, with that, I would like to thank you all for what appears to me to be very kind listening to me.

Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions?

**Mr. Wharton:** And thank you, Mr. Currie, for coming out tonight. We appreciate your input in this very public process and I certainly understand the issue very well. I was a former councillor and deputy mayor 20 years ago, so I did serve at the municipal grassroots level and certainly this is near and dear to us, myself in particular, and our committee, and we're certainly going to take your information and look at it thoroughly.

Thank you so much for your presentation.

**Mr. Currie:** Thank you.

**Mr. Wiebe:** Well, thank you very much, Mr. Currie, for coming before the committee here tonight. It does appear that you have some well-researched and well-thought-out proposals here, certainly something, I think, that all of us around the table will want to study a little bit further.

I'm just wondering, in terms of the processes, have you spoken to the minister? Have you passed

this information along to the government at any point in the past? Did you request a meeting? Really, is this the first time that the minister is seeing this—these proposals here at this committee tonight?

**Mr. Currie:** Sorry. It is. I think, at the end of the day—I was brought in late in the process where I represent a number of clients who see their ratepayers and themselves appearing in front of council where I say the 1 per cent of behaviour gets out of hand for them.

**Mr. Wiebe:** Yes. Just simply as a follow-up, not that I wanted to discourage that—this part of the process or discourage you in participating in it at this point, but I do think we need to sort of have a bit more context.

As I said, this is part of the legislative process. We appreciate having experts such as yourself come to this committee, and I do hope that this is something that all members here will consider looking at more carefully.

Thank you very much, Mr. Currie.

**Mr. Currie:** Thank you.

**Madam Chairperson:** Seeing no further questions, thank you very much for your presentation.

#### **Bill 13—The Private Vocational Institutions Act**

**Madam Chairperson:** I will now call upon Robin Day, Herzing College.

Mr. Day, do you have any written materials for distribution to the committee?

**Mr. Robin Day (Herzing College):** I do not.

**Madam Chairperson:** Please proceed with your presentation.

**Mr. Day:** Thank you very much.

Good evening, esteemed members of the committee. My name is Robin Day, and I thank you very much for allowing me to speak today. I am the academic dean of Herzing College, and I would like to address you regarding the PVI act that is currently under consideration.

I have 25 years in the private sector for education, and in that role, I have been working in management, and I have worked very extensively with the PVI office in several different schools, submitting programs, updating programs and working with the department to make sure

that there is compliance for the schools that I work for.

Things have changed dramatically since we left carved tablets with programs outside of a cave with an offering for the PVI office to actually approve. Because of those changes, the legislation itself has to keep up. Students have changed during that time. We have special needs and accommodations. We have situations where students in the past would have failed because the schools and institutions were not able to address their needs. Students spend more time choosing programs, and they want more transparency, and they want to know more about the programs they are choosing and what is available within the marketplace itself.

Laddering is a new aspect of education where students are not immediately going to a long-term program if they are interested in a program of study. Instead, they want to go to a shorter program, enter the workforce and get a feel for the environment itself.

We have had students go on to be lawyers when they've started a legal assistant program and found that the legal field is, indeed, what they want to follow. We've also found the opposite, where students have entered the health-care field and found that it is not for them and have not gone on to a longer degree.

Schools themselves have changed. Delivery of material is different. Online and hybrid learning is a new reality of schools and education. We have to adapt to the changing technology.

The inverted classroom is also a new reality. No longer will students sit and listen to long, long lectures and then go home to do homework. Instead, they engage in the material at home and work in the school itself where there is an environment of support and assistance for the work that they are doing.

Speed of the delivery of a program has changed as well. Students want to enter the workforce faster, using, again, new technologies. This has created complexity in terms of full compliance with requirements from the act itself and from other regulatory bodies.

Employers have also changed. There are more technical skills that are required; more emphasis on so-called soft skills like professionalism and ethics have become more of a forefront as opposed to an afterthought. There is more emphasis on

communication. The multiplicity of channels has made that a reality as well, and we have to address that with our students.

Legislation governing the industry must keep pace with these changes, which is the whole point of this new version of the legislation. The department has identified four specific areas to be directly addressed.

Establishing a wider range of compliance tools: In the past, it was an all-or-nothing situation: either a school was in compliance or it was not. The only way that the department could deal with a student—or a school, I should say—that was not in compliance was the removal of registration, which would effectively close the school and place all of those students currently enrolled in jeopardy. Obviously, we need a laddered or a tiered system to address smaller areas of compliance rather than simply going with the big stick.

Introducing performance reporting: Key performance indicators such as employment and graduation rates. The department should know exactly how successful students are being in terms of finding and keeping employment.

\* (18:30)

Making more information publicly available: At this time, if you are interested in taking programs offered at different institutions, you physically have to go to those institutions and get the information directly. Under the new act, there would be provisions made for providing information to students in a way that they could compare schools and programs much more easily.

Reduction of red tape is also something the act itself is addressing. Extending the registration renewal period to three years will allow schools to focus more on student success rather than paperwork.

Streamlining new program submissions will enable schools to bring programs to the market quicker, keeping, again, pace with changing technologies. Schools can focus on the student issues instead of paperwork itself.

Now, the process through which this act was developed was a highly collaborative one, and that was very different from what I have experienced in previous years dealing with the Department of Education. Directors from Herzing and other registered institutions were invited to attend very

well organized round table organizations and sessions where our voices were heard. And we see those voices directly reflected in the legislation itself. It is a reflection of the school and student input making the act extremely relevant.

I can only speak for Herzing College; however I have heard from the other colleges that they're also very glad to be a part of this process and to see that the changes are reflective of stakeholders. All of this has been directly attributable to Agnes Wittmann and her colleagues at the Registration and Accountability Office and Student Financial Support branch. They've done an enormous amount of work in developing and preparing the new act. They've also committed to continuing the collaboration with the development of the policies from the act itself. They should be very proud of what they have accomplished.

I am also proud to have been a part of the process, and I look forward to continuing the work with the department in implementation.

Once again, thank you very much for allowing me the opportunity to speak. Are there any questions?

**Madam Chairperson:** Thank you very much for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Kelvin Goertzen (Minister of Education and Training):** Thank you, Mr. Day. More of a comment than a question.

Thank you for, first of all, being here this evening, reminding us about the quick pace of change in the world generally but, specifically, in the post-secondary education world. Thank you for that.

It's also a reminder that legislation changes much more slowly than the world more generally, and so we appreciate that things are coming up to speed with this act, recognizing changes might have to happen again at some point in the future.

But I particularly want to thank you for recognizing the staff in the Department of Education, who were instrumental in the stakeholder consultations. I appreciate you mentioning that specifically and giving them the shout-out for the good work that they've done and for putting the effort into this. That's certainly what makes a bill successful, and I appreciate you mentioning that, on behalf all of those who participated in the process.

**Mr. Day:** Thank you very much.

**Mr. Matt Wiebe (Concordia):** I, too, wanted to thank you, Mr. Day, for coming down and sharing your perspective.

I had actually hoped that there would be a few more folks like you that could come and give us some perspective. Of course, I appreciate how busy folks are. But I do appreciate hearing from you and getting some of your perspective with regards to, you know, how much has changed and how it is important for us to—as legislators, to listen and pay attention to that change.

So thank you for being here and thank you for sharing your perspective and giving all committee members some—a bit of a peek into your world, so to speak. Thank you very much.

**Mr. Day:** Thank you, as well.

**Madam Chairperson:** Seeing no further questions, thank you very much for your presentation.

We have had another presenter who has been added to the list who will be speaking to Bill 14. I will ask the minister to come join me.

#### **Bill 14—The Reducing Red Tape and Improving Services Act, 2019**

**Madam Chairperson:** I will now call on John Graham, Retail Council of Canada.

Mr. Graham, do you have any written materials for distribution to the committee?

**Mr. John Graham (Retail Council of Canada):** I barely have notes that I can read myself, so no.

**Madam Chairperson:** Please proceed with your presentation.

**Mr. Graham:** My name is John Graham. I'm representing the Retail Council of Canada.

Just to give you a little bit of a background, Retail Council of Canada is a not-for-profit organization that represents small, medium, large retailers across the province, literally in every community across this province. From a perspective of what our sector's about, we are in fact the largest employing sector in this province; about 70,000 Manitobans work in retail stores today and support the retail sector, and that's in about 4,700 different stores. So it's a really important part of our economy, and just to—a mere \$20 billion worth of sales annually in this sector, so just a small rounding error, of course.

You know, from—I'm a Manitoban, a lifelong Manitoban, but I have the privilege of working across Canada, and I'm so proud to be in—seeing the work of Saskatchewan and Alberta and other provinces who are emulating the efforts here in Manitoba to reduce red tape.

The work that's gone on, not only with the reducing red tape—Bill 14—efforts but some of the work that was done even to touch the fashion industry and apparel and textile furniture manufacturers, with the repealing of the bedding and other upholstered and stuffed articles regulation, has eliminated 240 different regulatory requirements from that sector and allowed us to more effectively compete across the country and, frankly, around the world.

So that in itself is worth celebrating, but I'm here to talk to you about, specifically, a highly contentious component of Bill 14: a slight and modest amendment to the way that Canada Day is defined. And that's in 26(1), (2) and (3), which is really, simply defining Canada Day, going forward, as July 1st.

Historically, last July—2012, previously—because it's been tied to the federal act, when Canada Day, in Manitoba, falls on a Sunday, it defers, for retail specifically, to the Monday, meaning retailers can open, if they wish, as if it's any regular Sunday. Employees get paid the—like any Sunday. There's no holiday incentive, but then must be closed on what is usually a very busy Monday following the long weekend.

So forced to—not forced, but regular hours July 1, closed on July 2nd. It's antiquated. It's goofy. It's not fair to employers who want to make sure that employees and themselves enjoy family time on Canada Day. It's not fair to customers who lose access to brick and mortar stores on the Monday, and it's simply out of step with the rest of Canada.

And so my viewpoint is certainly to support the amendments that have been put forward and allow at least this aspect of the restrictions put on brick and mortar stores to be addressed, going forward, when—the next time Canada Day falls on a Sunday.

**Madam Chairperson:** Thank you—

**Mr. Graham:** Short and simple but I can carry on for another 30 minutes if you'd like.

**Madam Chairperson:** Thank you very much for your presentation.

Do members of the committee have questions?

**Hon. Scott Fielding (Minister of Finance):** Well, first of all, thank you for coming out and making a presentation and meeting through—not just through our budget process, but ongoing basis. So I appreciate that.

And so this is something that you've been hearing, I guess, from your members. It's important to make the change. It sounds like you believe it's antiquated in a number of different ways.

I don't believe this happens that often. I think it might be 2029 would be the first—next day where it would have some sort of implication. So do you want to expand upon that, what your members have been saying on this? *[interjection]*

**Madam Chairperson:** Mr. Graham.

**Mr. Graham:** Canada Day? Because for another day, we'll talk Sunday restrictions, but yes. Certainly, this is something that has been very frustrating. Last year, 2012, previously, the way the calendar works, certainly—it's not until 2029, so plenty of time to prepare, and may we all be still around to celebrate that day—but this is certainly something that has been frustrating for employees in our stores, employers and customers.

**Madam Chairperson:** The honourable minister, on a follow-up.

**Mr. Fielding:** Just one follow-up question: I noticed we're reducing the PST on July 1st. How is the retail council taking that? Is that a good move for the Manitoba economy and for your sector? *[interjection]*

**Madam Chairperson:** Mr. Graham.

**Mr. Graham:** —because I was going address that myself, and that is that it's absolutely a day of celebration for us. Any time that you can put—I don't know what the number is, you'll probably know better—but something like \$300 million back in the pockets of Manitobans to save or to spend, there will be an economic benefit to retailers and businesses across the province.

\* (18:40)

Equally important, though, is it's a great sign to change the trajectory of—instead of taxing Manitobans, it's putting money back into the pockets of Manitobans, and so we celebrate that. And, certainly, you know, modest impact on very small purchases, but there's a significant amount of large

purchases that will be reduced in price effective July 1st. So this is a great day for the retail sector.

**Madam Chairperson:** Before I recognize the next member, I just want to make a reminder for presenters that I must first acknowledge you before you speak. Otherwise, the microphones will not be turned on. So moving forward, when I say your name, the microphone will be turned on.

**Mr. Andrew Swan (Minto):** Mr. Graham, thank you for coming down and presenting. And it is interesting. We did raise this in the House about concerns about the chance of a long weekend in the summer being lost for many employees. I know that the Retail Council of Canada represents a lot of large and small employers, some with collective agreements and some without. For example, Safeway, of course, with UFCW, already has additional provisions. Should the message be, then, that if employees want to make sure they have a long weekend for Canada Day, they should probably get the protection of a collective agreement?

**Mr. Graham:** Yes, that's in between—that's an individual commercial discussion between the employees and the—and that individual business. But I think what we certainly encourage is for Manitoba to continue to look at best practices across Canada. And in this case, the previous government did not choose to—for—after several requests to make that amendment to allow Manitoba workers to have Canada Day as a day of celebration. And so we're really pleased with going forward the ability for retailers to not have to struggle with a decision of closing two days and the lost business of two days and simply being able to celebrate on July 1 and continue to operate and serve Manitobans on July 2nd.

**Madam Chairperson:** Seeing no further questions, thank you very much for your presentation.

I will now call on Diane Duma, private citizen.

Diane Duma has now been called two times, and she'll 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.

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**Madam Chairperson:** We will now proceed with clause-by-clause consideration of the bills.

In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

**Hon. Kelvin Goertzen (Minister of Education and Training):** Numerical?

**Madam Chairperson:** Does the committee agree to consider these in numerical order? *[Agreed]*

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

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

Is that agreed? *[Agreed]*

**Bill 2—The Municipal Amendment Act  
(Strengthening Codes of Conduct  
for Council Members)  
(Continued)**

**Madam Chairperson:** We will now proceed with Bill 2.

Does the minister responsible for Bill 2 have an opening statement?

**Hon. Jeff Wharton (Minister of Municipal Relations):** I do. Thank you, Madam Chair, and it's great to be here tonight to put a few more words on the record regarding this important bill, Bill 2. And certainly pleased that we've introduced the bill—and, of course, the bill, The Municipal Amendment Act. Under The Municipal Amendment Act, all municipalities are required to adopt a code of conduct outlining behaviours expected of council members when interacting with each other, employees and the citizens.

Manitoba was one of the first jurisdictions to require municipalities to adopt a council code of conduct, and Bill 2 clearly demonstrates our intention to remain a leader on this important issue.

The Municipal Amendment Act proposes significant enhancements, putting Manitoba further ahead of other jurisdictions. It requires every Manitoba municipality to pass a code of conduct by

bylaw, strengthening the provisions of the code of code and council's power to enforce it and enhancing accountability and transparency.

Bill 2 is in direct response to consultation and collaboration with our municipal partners and stakeholders. In consultation, municipalities asked for stronger legislation. Number 1, prescribing minimum standards and values that must be included in council code of conduct; establishing procedures that enable council to effectively prevent and investigate code of conduct violations; and expanding the sanctions and remedial measures available to councils to address breaches of the code.

Bill 2 responds to these interest-providing council members with a more robust legislative framework to support a safe and respectful workplace. The bill enables the minister to make regulations defining minimum standards and values all councils—council members must adhere to. This will standardize codes of conduct across Manitoba municipalities, ensuring that all council members are held to the same high standards.

By regulation, the process for councils to receive, investigate and evaluate code of conduct complaints will also be standardized, making Manitoba the first province in Canada to define a process for addressing code of conduct violations in legislation.

Responding to municipalities' requests for a broader set of sanctions, regulations expanding the sanctions and remedial measures available to councils will be established.

Lastly, regulations establishing a standardized appeals process will be deployed, another first in Canada.

In addition to requiring councils to adhere to these minimum standards and procedures, the bill will require all members of council to undergo respectful workplace training within the first six months of being elected or re-elected. The training course is being developed by the province to ensure consistent content.

The course will include models on topics like respectful behaviour, good conduct and ethics, and code of conduct requirements.

Many conflicts on council may have been prevented by training on the expected standards and values at the outset of a council member's term. Any member who fails to undergo the training within six

months' time—within a six-month time limit—will be suspended until they have completed the training.

The Municipal Amendment Act is timely as workplaces across the continent continue to struggle with issues of harassment and bullying. It is clear—it is a clear demonstration of our government's commitment to ensuring Manitobans have access to safe and respectful workplaces.

This bill is a result of extensive consultations with municipalities and other stakeholders to strengthen protections for elected officials.

I look forward, Madam Chair, to hearing again, as we did tonight, additional public input as we go forward with this very important legislation.

Thank you.

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

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

**Mr. Jim Maloway (Elmwood):** We are generally in support of this legislation and I, in particular, would like—look forward to seeing the regulations that are promulgated as a result of passing this bill.

**Madam Chairperson:** We thank the member.

Does the critic from the second opposition party have an opening statement?

**Mr. Dougald Lamont (Leader of the Second Opposition):** Yes, thank you.

Yes, I just want to comment. I—we liked this bill when it was originally presented by the member from Kewatinook. I do want to express one concern, and it's a—it's really a technical concern and we can talk about it later, but there's a question of the approval of the resolution to sanction, so that the number of members who must affirm a resolution to sanction—of a member—sanction member is the majority of all members of council plus one, and it's a simple concern as to whether the individual who is being the subject of the sanction gets to vote on their fate or not. And we think that that's something that should be considered, that perhaps that the person should have to recuse themselves so that they're being judged by others but that they're not—that they could cast the vote that basically absolves them themselves of sanctions.

Other than that, those are our comments for now. We have also said it would be great if there were an

independent integrity commissioner who could handle some of these things, but we'll take it as it is.

Thank you.

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass; clause 3—pass.

Shall clause 4 pass?

**An Honourable Member:** No.

**Madam Chairperson:** I heard a no.

**Mr. Wharton:** *THAT Clause 4 of the Bill be amended by striking—oh, sorry.*

I move

*THAT Clause 4 of the Bill be amended by striking out "180 days after it receives royal assent" and substituting "on November 1st, 2020".*

\* (18:50)

**Madam Chairperson:** The amendment—*[interjection]*

It has been moved by Minister Wharton

That clause 4 of the bill be amended by striking out 100 days after it receives royal assent—*[interjection]*

I'll start again.

It has been moved by Minister Wharton

*THAT Clause 4 of the Bill be amended by striking out "180 days after it receives royal assent" and substituting "on November 1, 2020".*

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

**Mr. Maloway:** I'd like to ask the minister: What is the purpose of this amendment?

**Mr. Wharton:** I thank the member for the question, and certainly after the extensive consultation—and a lot of it you heard tonight from some of the presenters—we recognize the vast importance of this bill and getting it right. And, in order to do that, the—of course, we felt that—and in collaboration with our stakeholders, feel that we need more time to make sure that we make this a whole of government and a whole approach across all the stakeholders right across Manitoba. The government is involved in many other areas, as members of this table are aware, and we want to make sure we are aligned with everything as we go forward.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** The question before the committee is as follows: Shall the amendment pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

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

Mr. Lamont?

#### Voice Vote

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

**Some Honourable Members:** Aye.

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

**An Honourable Member:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

The amendment is accordingly passed.

\* \* \*

**Madam Chairperson:** Clause 4 as amended—pass; enacting clause—pass; title—pass.

Shall the bill be reported? [*interjection*] Pardon me. Shall the bill be reported as amended? [*Agreed*]

The bill shall be reported as amended.

#### Bill 13—The Private Vocational Institutions Act (Continued)

**Madam Chairperson:** We will now proceed to Bill 13.

Does the minister responsible for Bill 13 have an opening statement?

**Hon. Kelvin Goertzen (Minister of Education and Training):** Madam Chair, I do.

I'm pleased to present Bill 13, The Private Vocational Institutions Act. The private vocations institutions, or PVIs, are an important part of the post-secondary education system and play a critical role in Manitoba's labour market by offering convenient, flexible, career-focused training. The Private Vocational Institutions Act has not been updated in over 15 years and needs to be updated to meet the needs of students in the sector. The current

regulatory framework presents a number of challenges. The model is highly regulatory, requires a lot of paperwork and does not focus on outcomes. The range of enforcement options are too narrow, lacking progressive compliance options for more effective enforcement of the act, and there is not enough key information publicly available for students to make informed choices.

Bill 13 will modernize this sector by focusing on transparency and outcomes and informed choices for students and reduced red tape. This modernized approach will provide PVIs with the ability to focus on delivering results as opposed to time-consuming paperwork. The bill will require schools to publicly post more information such as tuition fees, graduation rates and employment rates, so the students will be able to make well-informed decisions about their futures. Would also reduce regulatory requirements by eliminating unnecessary forms and duplication and allow for processes such as multi-year renewals. In addition, enhanced provisions for measuring and reporting on key performance indicators will increase accountability for outcomes, so the Province can better monitor value for money.

Overall, Madam Chairperson, this bill will modernize the way PVIs are regulated in Manitoba by relying more heavily on informed consumer choice and a competitive marketplace, rather than strict government oversight. Bill 13 will strengthen the sector and help to train people to support our strong and our growing economy.

I want to thank the staff that have been involved in the process, particularly in the consultations, and that was reflected by Mr. Day from Herzing College. We appreciate the good efforts that they have done in reaching out to the stakeholders and we appreciate the feedback that the stakeholders have provided us and their support of these changes.

With that, I look forward to hearing comments from the opposition on this bill.

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

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

**Mr. Matt Wiebe (Concordia):** I do.

Appreciate being given the opportunity to put a few words on the record with regards to Bill 13, The Private Vocational Institutions Act.

As we know, currently there are more than 40 private vocational institutions in Manitoba, over 2,800 students who attend these schools every year. And we believe that it's important that those students have access to the information about those schools that they are planning to attend and that they are planning to pay a tuition towards.

This bill will require private vocational schools to post more information publicly in an effort to enhance student protection. Institutions will have to post information including tuition fees, employment rates on—of students and give government a compliance framework in—to ensure program quality.

We do support measures that improve accountability for institutions within Manitoba and anything that enhances that accountability and transparency to students. We also, of course, support any measures that require transparency in education overall. So we, therefore, support this bill.

However, with this bill, the government claims they're trying to better protect students. But in—of course, in countless other ways, they're weakening the state of education in this province by cutting programs, raising tuition and cutting the rebate that students were entitled to. The Premier (Mr. Pallister) and his government are making deep cuts and causing chaos for teachers and kids with their proposed budget. They will continue to weaken the state of education in Manitoba by cutting programs and raising tuition, causing chaos for teachers and kids alike.

Their budget makes no attempt to reverse the harmful cuts of the last three years, the supports for special needs kids in the classroom, support for daycare. Increasing class sizes and dramatically increasing post-secondary education tuition continue to impact Manitobans.

Budget 2019 makes deep cuts into the education system while the Premier's paying \$750,000 to the education review commission to find even more ways to make cuts. We've—also have to worry about the government's education review. We know that with this government, reviews mean cuts and they mean decreased services. The Premier, in fact, used a review of the college system as an excuse to cut and increase tuition, even though the review said, and I quote, no cause for concern in terms of how the province's main colleges are spending public dollars, end quote.

Since 2017, they've cut \$13 million from colleges and universities, forcing increases in tuition, placing a burden on students and their families. For over two years now, Red River College has seen its operating funding cut by \$1.27 million, and the UCN was cut over \$1 million, as well. This, of course, resulted in a tuition increase. In fact, just the other day, once again, the University of Winnipeg announced that they are increasing their tuition by 3.7 per cent this year.

So this government has shown time and time again they are more focused on cost cutting than on improving the services in Manitoba, especially education. And so it is with those comments that our hope that Bill 13 will make a small improvement in education in this province.

Thank you very much.

**Madam Chairperson:** We thank the member.

Does the critic from the second opposition party have an opening statement?

**Mr. Dougald Lamont (Leader of the Second Opposition):** Yes. I do welcome the possibility of increased protections for students.

Many years ago, I sat on the board of governors at the University of Manitoba, and I was a researcher for the University of Manitoba Students' Union and the Graduate Students' Association at a time of very serious austerity under the previous PC government of the 1990s. And also there were major changes to the student loan programs—both of—the Canada student program—and student loan program, as well as the provincial student loan program.

\* (19:00)

In order to deal with perceived high levels of default—but one of the major areas of default was actually high levels of tuition being paid for private—at private institutions. It wasn't actually university students at public institutions or college students at public institutions, who generally were actually able to graduate successfully and find employment. It was that often—very often the private institutions would charge a large amount of money for programs that—of dubious effectiveness when it comes to actually giving people skills for employment.

So, if this truly does achieve what it sets out to do, I hope—I welcome it. But I think the fact that this is necessary also speaks to issues within the industry as well. So thank you.

**Madam Chairperson:** We thank the member.

Clause 1–pass; clause 2–pass; clauses 3 and 4–pass; clause 5–pass; clauses 6 through 8–pass; clause 9–pass; clauses 10 and 11–pass; clause 12–pass; clause 13–pass; clauses 14 through 16–pass; clauses 17 through 19–pass; clauses 20 and 21–pass; clause 22–pass; clause 23–pass; clause 24–pass; clauses 25 and 26–pass; clause 27–pass; clause 28–pass; clause 29–pass; clauses 30 and 31–pass; clause 32–pass; clause 33–pass; clauses 34 and 35–pass; clauses 36 and 37–pass; clause 38–pass; clause 39–pass; clauses 40 and 41–pass; clause 42–pass; clauses 43 through 46–pass; enacting clause–pass; title–pass. Bill be reported.

**Bill 14—The Reducing Red Tape  
and Improving Services Act, 2019**  
(Continued)

**Madam Chairperson:** We will now consider clause by clause of Bill 14.

Does the minister responsible for Bill 14 have an opening statement?

**Hon. Scott Fielding (Minister of Finance):** I do.

**Madam Chairperson:** The Honourable Minister.

**Mr. Fielding:** Thank you, Madam Speaker. I'm pleased to be here today for Bill 14, The Reducing Red Tape and Improving Services Act. In my mandate letter, reducing the burden of red tape is a central goal. This work is vital to our mission of fixing the finances, repairing the services and rebuilding the economy.

Removing red tape helps improve the lives of small-business owners, families, community, organizations and all Manitobans. In three years since we took office, we have removed over 24,000 regulatory requirements—red-tape, job-killing requirements—or 2.6 per cent of all regulatory requirements enforced in Manitoba. This has led to Manitoba being recognized as having the best regulatory accountability system in North America, and we are continuing this work by eliminating over 300 regulatory requirements—red-tape regulatory requirements—with this bill.

In this year's bill, we are making meaningful change across many departments. These changes include: enabling nurse practitioners to sign death certificates, which will make it easier for families to focus on their grief in these difficult times and help our doctors focus on the work that only they can do; making Canada Day a fixed statutory holiday for

retail workers; removing the licensing and fee regiment for oil and gas lease agents; and standardizing the size of Crown corporation boards.

These are merely a few of the changes we are making to improve services and reduce the burden of red tape for Manitobans. These changes will show that Manitoba's open for business and that we're truly Canada's most improved province. Though many of these changes are technical, they will make a tremendous difference for those who work with every—who work with them in—on a everyday basis.

Red tape reduction is about cumulative effects and reducing the burden of red tape on Manitobans. I'm happy to say that we have the support of many groups and individuals that include the Manitoba Dental Association, the Association of Manitoba Municipalities, Keystone Agriculture Producers, the Retail Council of Canada, the College of Registered Nurses of Manitoba.

Many of these items have been brought to our attention by these groups, and I'm proud to say that we are listening to stakeholders and making much needed changes where the previous government did not.

In closing, Madam—not Madam Speaker, Madam Chair; could be Madam Speaker—I hope all members will join in supporting, all members of the committee will support us in this bill in reducing the red tape burdens on Manitobans.

Thank you, Madam Chair.

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

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

**Mr. Andrew Swan (Minto):** You know, a lot of the types of things included in here used to be in what we called the statute amendment act, which came in every year. We now have this bill, which I take it is going to be a feature in the short time this government remains in power—as well as not one but this year, two statute amendment acts.

So we have three bills making a very thin and weak legislative package perhaps look better in the eyes of some. We are suspicious whenever this government brings in any kind of omnibus bill, and over time, we've discovered that we have to look very carefully at what's contained in the government's bills.

Last fall, the first time they tried this, we had bill 12, the red tape reduction and government efficiency act, and as we looked through that bill, we saw it took away renters' rights under The Residential Tenancies Act, reduced oversight requirements on municipal spending.

We know last year they brought in bill 8, the government notices and modernization act, that actually removed the requirement for government-issued public notices when they intend to make major changes. And we heard from Manitobans upset to find that major changes to, for example, zoning close to where they live could actually happen without there being any notice or any warning.

We opposed bill 8 because we think the public should be entitled to more information about this government's actions, but instead, the government went the other way. I know that regulatory reform is something this minister talks about.

I remember the fun days when I was the minister of Competitiveness, Training and Trade, and I used to be visited by the then-head of the CFIB, the member for—now the member for Morris (Mr. Martin), who would come in and talk about regulatory reform.

And every time we met, I would say, well, that's fine. Why don't you come back and let me know what regulations are a problem for your members and we'll see what we can do. And he would walk out of the office, and you know what? I actually never heard any specific proposals from him.

We had, oddly enough, offered to privatize the work of finding those regulations. This government seems to have socialized it. And even as they're cutting positions across government, the minister inherited a unit of four government employees, who I believe are tasked with doing nothing but trying to find these regulations. We see in this year's Estimates book, they're actually doubling the size of that unit up to eight.

And that's not a knock against those employees. I actually know the director. He's a fine civil servant. I presume those employees are going where they're sent.

I guess we'll have to question whether having at least eight employees within the Department of Finance, who knows other—how many other employees in the Department of Finance are tasked with some of this work, and who knows of how

many other employees throughout government and through all the governmental and similar agencies are taking time away from serving Manitobans to help create bills like this.

Now, just to make it clear, not everything in here is bad. And as the minister mentioned in his comments, I think it's good that we're enhancing the scope of practice of nurse practitioners. We think that makes sense.

We would hope that the government would, at the same time, recognize the value of nurse practitioners in the public system and stop taking steps to get rid of our nurse practitioners, to take away their opportunity for employment and have some of them actually flee to other provinces.

\*(19:10)

There's some—I don't want to call the bad, but the questionable. Efficiency Manitoba—I'm not going to say that bill three times, because the member for Assiniboia (Mr. Fletcher) will suddenly come crashing through the door. Efficiency Manitoba hasn't even done anything yet, and already we've got a provision to change the number of directors. But, you know, that's not something to hold up the bill.

There are some parts, though, that I would call the ugly. And this government wants to take a day off from hard-working Manitobans. And, as we know, and as we've heard today, Bill 14 will make Canada Day a fixed statutory holiday, meaning that Manitobans will no longer get Monday off when Canada Day falls on a Sunday.

And I know that the minister has said, well, it's not going to happen for a couple of years. He's hoping that when this actually does happen and people say, hey, what happened to our long weekend, people are going to forget who brought this in. So I know people may not be quick to check out the Hansard, but we can point to it and say that it was this Progressive Conservative government that wanted to take away a weekend—a long weekend from hard-working Manitoba families.

I know the description from the individual presented was that, you know, retailers shouldn't have to struggle with two days off. Well, we're actually taking the side of Manitobans who have to struggle to deal with what this government is doing. And, you know, at the end of the school year, is it too unreasonable to expect that Manitobans should be able to celebrate our nation's birthday and enjoy a long weekend with their family? We don't think so,

so we're going to vote against this provision of the bill.

It's a shame this government keeps trying to make things harder for Manitobans rather than easier. Last time they were in government, you know what they did? They tried to cancel recess for kids. They tried to cancel recess so that kids couldn't even get outside and get some fresh air. We know that leisure time and time in the great outdoors is essential for health and well-being.

Of course, it was the NDP that made summer longer. When we made it very clear that school would not start for kids until after Labour Day, we think that was good not just for families, it was also good for business. And I'm sure if the retail council individual might be more enthusiastic, then the restaurant association, the hotel association who certainly support Manitobans having every opportunity to enjoy long weekends.

So this bill is—such as it is—I mean, it—most of these things could have been included in at least one of the two statute amendments bill that's before the House. We're prepared to pass the bill. But, as I say, our NDP caucus, we disagree with taking away a long weekend from Manitobans and would be voting against those provisions in this bill.

**Madam Chairperson:** We thank the member.

Does the critic from the second opposition party have an opening statement?

**Mr. Dougald Lamont (Leader of the Second Opposition):** Yes. I've spoken about this bill before, and I think it is pretty thin gruel in terms of what it's trying to achieve. I mean, many of the things that are looking at—that you're looking at—that are looking at being changed are fine in principle, but I don't think we should overexaggerate what the impacts are going to be. I don't know what the return on investment or what the great additions to the economy are supposed to be. I've commented before that this government is leaving—has been—one point was leaving \$1.9 billion in federal funding, which has now been reduced by \$400 million—that would make a much, much bigger difference by many orders of magnitude than anything that's being passed in this bill.

As far as the CFIB are concerned, I think is—Mr. Alward, he's a very charming young man. I do sometimes wonder about this government's dependence on CFIB as a business—as a representing business purely from the point of view that it's one of

the smaller CFIB organizations in the entire—in all of Canada, but it's also—it's—for some reason, is inverted in terms of its representation that, of course, Winnipeg is—Winnipeg has more than half of all the people in Manitoba. But, for some reason, CFIB in Manitoba is—has twice as many people living in rural areas as they do in Winnipeg.

On the subject of changing the number of—or, the people on boards, there's been so much political interference in Crown corporations, I don't know why we even bother to have boards at all. That might actually—I'm surprised that wasn't—*[interjection]*—well, but—and frankly, the degree of political interference that—if this happened almost anywhere else in Canada, it would—considered a much more—a much greater scandal because Crown corporations are extended—seen as an extension of the party in power rather than being independent. And we've seen what happens when people had tried to be independent; they've been cast aside.

And really this bill is about nibbling around the edges of a change when there are much more serious and significant things that need to be addressed.

Thank you.

**Madam Chairperson:** We thank the member.

Clause 1—pass; clauses 2 and 3—pass; clauses 4 through 7—pass.

Shall clauses 8 through 10 pass?

**An Honourable Member:** No.

**Madam Chairperson:** I heard a no. All those in—*[interjection]*

Clause 8—pass.

Shall clause 9 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

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

#### Voice Vote

**Madam Chairperson:** All those in favour of the clause 9, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

Clause 9 is accordingly passed.

\* \* \*

**Madam Chairperson:** Clause 10—pass; clause 11—pass; clauses 12 and 13—pass; clauses 14 through 16—pass; clause 17—pass; clauses 18 and 19—pass; clauses 20 through 22—pass; clauses 23 and 24—pass; clause 25—pass.

Shall clauses 26 and 27 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Shall clause 26 pass?

**An Honourable Member:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** I heard a no.

#### Voice Vote

**Madam Chairperson:** All those in favour of the clause 26, please say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

**Madam Chairperson:** In my opinion, the Ayes have it.

The—clause 26 is accordingly passed.

\* \* \*

**Madam Chairperson:** Clause 27—pass; clauses 28 and 29—pass; clauses 30 and 31—pass; clause 32—pass; enacting clause—pass; title—pass. Bill be reported.

\* \* \*

**Madam Chairperson:** Before moving on to the next bill, this is outside of our practice, but is it—I'm just going to ask the committee if you are willing to hear from Diane Duma, who was an out-of-town presenter for Bill 2? We would have to revert back to presentations.

**Hon. Kelvin Goertzen (Minister of Education and Training):** I think that we'd be prepared to hear the presenter, but we're not reconsidering the bill. We're

just hearing the presentation. The bill is not going to be reconsidered.

**Madam Chairperson:** That is correct. That would be the understanding, that we would hear from the presenter, but we are not going to be reconsidering the bill.

Is this agreed by the committee to hear the presenter? *[Agreed]*

#### Bill 2—The Municipal Amendment Act (Strengthening Codes of Conduct for Council Members)

*(Continued)*

**Madam Chairperson:** I will now call on Diane Duma, private citizen, to speak to Bill 2.

\* (19:20)

Ms. Duma, do you have any written materials for distribution to the committee?

**Ms. Diane Duma (Private Citizen):** He's handing them out.

**Madam Chairperson:** Thank you. Please proceed with your presentation.

**Ms. Duma:** Can you hear me? Is this on? It is on, okay.

I really apologize for being late, and I appreciate the opportunity to speak to it. I know that you've passed it already. I'm—was very strongly opposed to the bill, and I just am really unfortunate that I didn't get here, but it may not have made a difference anyway, but I appreciate that you're able to hear me out.

So the first of all, I'd like to just express my, like—I am opposed to it and you're—I'm going to have that expressed in here.

Thank you for giving me the opportunity to speak with you today. Now, that might sign—sound like a polite intro, and it is meant to be just that. And I did think about other words that could be in that opening statement. I reflected on what my words meant. And if there is anything to be said about the topic today, it is about words. And I'm speaking about Bill 2. It is about the meaning of words, discovering the intent of words, but most of all it is about the foundation of democracy and the freedom of expression and free speech.

Just as an aside here, some other words that I could've used. I could've said thank you for allowing me to speak. Thank you for the honour of speaking

with you. In other words, I have your permission to speak. You have given me a place to speak and you've put my—put rules around my speech. For example, I was provided two days' notice. I'm only allowed to speak for 10 minutes. You also have more power than I do, as you will make the final recommendations about this bill. I can only offer you my words and my time, as brief as that is.

So why a code of conduct for councillors? Well, it is important that all elected bodies—and I would say most assemblies—need and have rules by which they operate, just as the Robert's Rules of Order, which goes way back to the late 1800s, outlined rules for deliberative assemblies. We already have laws about defamation, libel, hate speech and criminal offences. We have laws about how we do elections and how the public is able to have their vote for their candidate and make a selection of a person that matches their preferences.

So what was the issue that required more 'defination'—definition to sections 84.1 and 84.2 of The Municipal Act, and then what are the options for addressing those specific issues? I make an assumption that over time there have been complaints brought forward to government departments and organizations, such as the AMM, from both employees and elected officials of various councils. Over time, I will also make the assumption that organizations looked at solutions being created in other jurisdictions and decided, as often happens, to copy those templates and bring them to Manitoba. I also make an assumption and speak from experience that the solution is often worse than the problem that you're trying to address.

We already live in what most people would call a civilized society, and we can pretty well walk around freely, speak with our neighbours and our politicians and enjoy the benefits of our hard work. For most of us, I also assume that we were raised by our parents or our caregivers who taught us our manners, how to be civil and how to manage our day-to-day relationships in this ever-increasingly diverse world.

I will quite bluntly state that I believe that the recommendations, as loud and—as laid out in this bill are draconian, punitive and provide for an overreaching state control of local governance. The complex interrelationships and communities and the democratic authority for a local voice by local voters is something that a democratic society should protect. Sanctioning and censure speak of the old

days of blaming and publicly shaming in a public forum by publicly voting is akin to being tarred and feathered. We are creating an environment where the complex and sometimes conflictual behaviour of human interactions, not illegal behaviour, is having greater notoriety than a person who is found guilty of a criminal offence. I believe that censure and sanction will increase the problems that they are meant to resolve, and I believe that we have already had examples in this 'profis'—province whereby due process has been overlooked, standards of evidence are ignored, judicial fairness does not happen.

I hope that section 84.1 to 84.2 are not accepted and that, if anything, the Province looks at ways to protect the voice of those elected to speak for their electorate. I do not see where sanction nor censure provide for harmonious resolution, nor do they allow the public to determine who they have chosen to be their voice through the ballot to continue to represent their interests.

I also do not agree with a re-education program as cited in 84.21(a). I think a preferred option is to help boards and their staff with governance training, Robert's Rules of Order and that local communities will determine how best to address the codes in their communities through public policy approvals and transparency of those decisions.

The bill confuses the lines of authority of the governing body who is elected and the staff who are employed by them. The bill allows for sanctions and removal of persons from their office as a punitive measure, rather than an aim at restorative justice or natural law.

I believe that this bill will reduce accountability to the public and create an environment where people do not feel free to have open dialogue, especially when contentious issues need to be discussed.

So I just put at the bottom for my own reference—it's not for you, but I put it at the bottom, the reference of the bill.

So thank you very much.

**Madam Chairperson:** We thank you for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Jeff Wharton (Minister of Municipal Relations):** Thank you, Mrs. Duma. I'm glad you were able to make it down tonight to this very open

and democratic process, and we certainly appreciate your input to Bill 2, and certainly your comments are recorded and they will be on record. So again I appreciate the time you've taken tonight and thank you for coming down.

**Madam Chairperson:** Are there any other questions from the committee members?

Seeing no further questions, thank you.

### **Bill 21—The Legislative Building Centennial Restoration and Preservation Act**

**Madam Chairperson:** We will now be moving on to Bill 21.

Does the minister responsible for Bill 21 have an opening statement?

**Hon. Scott Fielding (Minister of Finance):** I do.

Well, thank you very much, Madam Chair, and it's my pleasure to speak to Bill 21, The Legislative Building Centennial Restoration and Preservation Act. The Manitoba Legislative Building, of course, opened in July of 1920 and truly is a gift to all Manitobans for past generations.

As we celebrate Manitobans' 150th anniversary next year we also celebrating 100th anniversary of the completion of this historic building.

Today the building is at risk for irreparable heritage loss and requires more than \$150 million in deferred repairs and upgrades. This act establishes a process to ensure the restoration, preservation and the maintenance of the Legislative Building and its associated infrastructure.

Bill 21 was—achieved by this: establishing a Legislative Building restoration and preservation advisory committee, co-chaired by the Speaker of the Legislative Assembly, to guide the development of long-term plan and the annual maintenance plans; ensuring the committee has members with engineering, architectural experience; and conducts consultations with members of the Legislative Assembly and other occupants of the building; setting out processes to provide stable and secure funding of \$10 million annually for the next 15 years, commencing in 2019, and providing \$2.5 million annually to pay for ongoing maintenance, beginning in 2034.

Madam Chair, the process established in Bill 21 assures that we'll meet our responsibilities to restore and preserve this unique and historic building and its infrastructure for future generations to come.

The government's intention with the bill is to meet the needs of both the public and the stakeholders that use this building on a daily/weekly basis.

We want to ensure that everyone has input, and we'll be appointing a committee of capable Manitobans to advise the Legislative Assembly and government on the restoration projects and consult with those stakeholders as plans are developed for the restoration.

Therefore, Bill 21, I encourage all members to support this. I think it's an important piece of legislation that will ensure the heritage and preservation of this important building that's been cherished here in Manitoba for the last 100 years.

Thank you, Madam Chair.

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

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

**Mr. Andrew Swan (Minto):** Our NDP caucus, I mean, we're prepared to support the bill. Obviously, we want to make sure that renovation and preservation of the Legislative Building continues.

\* (19:30)

I suppose we're pleased that Progressive Conservative members have maybe had a change of heart about this building from some of the comments that were made back when they were in opposition.

We know that some members of the PC caucus opposed the wheelchair ramp that was put on the front of the building. We know that frequently there'd be complaints about money spent. I'm glad that now that they've had a better look at it, we appear to have a better way of doing things.

Now, I'm not saying it's a perfect way of doing things. The minister was—on the other bill just a few minutes ago talked about cutting red tape and cutting positions, and now we have a new committee that's going to be struck in this legislation to deal with this. I suppose that's better than hiring yet another out-of-province consultant, but I am—I think it is necessary to put on the record that we're going to have a committee now struck to do this.

There are existing committees that are required by law that have not sat since this government has been elected three years ago. I think, in particular, the Healthy Child Committee of Cabinet, which I'm

told has never once met to bring together departments—

**An Honourable Member:** No, no, no. That's not true.

**Mr. Swan:** Well, I hear members saying, not true; I suppose, then, my—I suppose, then, the minister of Justice at the time was lying when I asked that in the House. The Aboriginal Issues Committee of Cabinet, I understood, has not been active.

So, hopefully, this committee will be more productive. It is a shame that apparently there is no longer the expertise in maintaining a building like this in the Department of Infrastructure. I don't know if those are people that have retired that we no longer have their expertise or whether they've been cut as part of the cuts this government has made across the board. But now we have a committee, and at least of the five to nine members, at least one of them will have architectural, conservation and restoration experience, and at least one of them will have engineering experience. That's important. Again, we would prefer that that expertise already be existing within government, but I suppose this is the next best thing.

So we know that this bill is an important commitment to our province's history. We know this building is important and we need to maintain the Legislative Building. I hope that this government will look at other important buildings and be equally prepared to assist with the renovation and the updating of those buildings.

In particular, I'm thinking of the Manitoba Centennial Centre Corporation, the concert hall, 'corch'—of course, which has seen cuts to their annual funding, including a \$500,000 cut that was unexpected by the corporation. We know that the concert hall is no longer able to use the orchestra shell, which is something that just about every major orchestra in the world is able to use. It's not this government's fault that that's no longer operational. It is their fault that the concert hall and the Winnipeg Symphony Orchestra do not have access to funds to be able to replace that.

And now we've heard that the Manitoba centennial corporation is going to have to be sustainable, meaning that government, I expect, is now washing their hands of any commitment to the Centennial Centre Corporation, and that's a shame. We've heard from cultural groups across the province

that this government has been slashing and cutting the funding they're receiving.

We're not opposed to this bill, but—[*interjection*] Well, this government can go out and tell Manitobans why they're prepared to commit \$10 million a year for 15 years for a total of \$150 million, yet at the same time, they are going to freeze and nickel and dime cultural groups, other important buildings across the province. We're hoping that maybe this government will just for once exercise some of the same generosity that they are giving to this wonderful building that we're sitting in right now.

So we're going to agree to pass this bill, but we are going to hold this government to account for preserving other important parts of Manitoba's cultural heritage.

So thank you very much, Madam Chairperson.

**Madam Chairperson:** We thank the member.

Does the critic from the second opposition party have an opening statement?

**Mr. Dougald Lamont (Leader of the Second Opposition):** Yes. Thank you, Madam Chair.

I have spoken about this. Clearly, the Manitoba Legislative Building is one of the greatest buildings of its kind in Canada. I often have that response when people come here and we welcome them here.

I do—we have some minor concerns about the bill. Clause 14(a), there's a spelling mistake: act and to are stuck together.

The other is when I expressed concerns about donations, grants and bequests from individuals, foundations, corporations and other organizations. Just in terms of the funding of it, we don't want a situation where the Legislative Building is turned into a NASCAR car. But the other is, in the larger questions—I know it's been said that, you know, that there's been—it's a building—it's a great building that's been neglected. And there are many programs and other buildings that have been neglected over the years. In fact, for decades I met with Brandon University, and their capital grant is the same as it was, like, in 1978. There are many arts groups that have not seen a dollar increase in their funding since the 1970s.

**An Honourable Member:** Seventies.

**Mr. Lamont:** Well, I know.

And so, being one of the change—one of the criticisms that I've often made is that there's this—that there was a myth that the NDP—that the fiscal difficulties this province is in were entirely due to the NDP's overspending when, in fact, they have a revenue problem. Their revenue—and their revenue problem was, of course, partly caused by austerity by Conservative governments as well.

**An Honourable Member:** That's not true.

**Mr. Lamont:** I—well, I hear a member opposite say it's not true, but I can provide him with the figures to show it—from his own budget to show that that's the case.

There is the point that if we're concerned about external experts, this report was actually—the conservation approach report was delivered by Taylor Hazell Architects from Toronto. But, again, the fact is that—I've said this many times—is that there are—very serious need for long-term infrastructure funding that has not occurred, and programs that

were left—had been left unfunded with zero changes for decades. And, frankly, those need to be looked at as well.

Thank you.

**Madam Chairperson:** We thank the member. And I do want to remind members that if they'd like to have a conversation, please be away from the table for that.

Clause 1—pass; clause 2—pass; clause 3—pass; clauses 4 through 7—pass; clauses 8 through 10—pass; clause 11—pass; clauses 12 through 14—pass; clauses 15 and 16—pass; clauses 17 and 18—pass; clauses 19 through 22—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 7:38 p.m., what is the will of the committee?

**Some Honourable Members:** Rise.

**Madam Chairperson:** Committee rise.

**COMMITTEE ROSE AT:** 7:38 p.m.

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