

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

*Chairperson*  
*Mr. Dennis Smook*  
*Constituency of La Verendrye*

**Vol. LXXI No. 6 - 6 p.m., Wednesday, October 24, 2018**

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
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MALOWAY, Jim	Elmwood	NDP
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SARAN, Mohinder	The Maples	Ind.
SCHULER, Ron, Hon.	St. Paul	PC
SMITH, Andrew	Southdale	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Verendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
SWAN, Andrew	Minto	NDP
TEITSMA, James	Radisson	PC
WHARTON, Jeff, Hon.	Gimli	PC
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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Wednesday, October 24, 2018**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

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

**VICE-CHAIRPERSON – Mr. Doyle Pivniuk  
(Arthur-Virden)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Mrs. Cox, Hon. Mr. Fielding,  
Hon. Mmes. Mayer, Stefanson*

*Mr. Lamont, Ms. Marcelino, Messrs. Pivniuk,  
Smith, Mrs. Smith, Messrs. Smook, Wiebe*

*Substitutions:*

*Ms. Lamoureux for Mr. Lamont at 9:03 p.m.*

**PUBLIC PRESENTERS:**

*Bill 8–The Government Notices Modernization  
Act (Various Acts Amended)*

*Ms. Kim MacAulay, Manitoba Community  
Newspapers Association*

*Mr. Brent Wright, Gilroy Publishing*

*Mr. Laurie Finley, Steinbach Carillon*

*Mr. Jim Mihal, Brandon Sun*

*Mr. Dan Koshowski, Winnipeg Free Press*

*Bill 12–The Red Tape Reduction and  
Government Efficiency Act, 2018*

*Mr. George Fraser, Remedial Massage  
Therapists Society of Manitoba Inc.*

*Bill 24–The Social Services Appeal Board  
Amendment Act*

*Mr. Carlos Sosa, private citizen*

*Ms. Sylvie Sabourin Grindle, private citizen*

*Ms. Janet Forbes, Inclusion Winnipeg*

*Ms. Karen Sharma, Manitoba Human Rights  
Commission*

*Ms. Megan Linton, Charter Rights for All*

**WRITTEN SUBMISSIONS:**

*Bill 8–The Government Notices Modernization  
Act*

*Lynn Taylor, Thompson Citizen–Nickel Belt  
News*

*Nancy Johnson, Prairie Newspaper Group,  
Glacier Media*

*J Brodt, private citizen*

*Samantha Gallaway-Boulbria, private citizen*

*Andrea Geary, private citizen*

*Luanne Anderson, private citizen*

*Mark Buss, Clipper Publishing*

*John Kendle, Canstar Community News*

*Christine Waddell, private citizen*

*Bill 12–The Red Tape Reduction and  
Government Efficiency Act, 2018*

*Andrew Tod, Manitoba Federation of Labour*

*Joe Masi, Association of Manitoba  
Municipalities*

*Kevin Hamilton, College of Pharmacists of  
Manitoba*

*Jonathan Alward, Canadian Federation of  
Independent Business*

*Bill 24–The Social Services Appeal Board  
Amendment Act*

*Patrick Falconer, private citizen*

*Michael Barkman, Make Poverty History*

*Sheree Capar, Canadian Union of Public  
Employees*

*Kevin Rebeck, Manitoba Federation of Labour*

*Bill 27–The Fiscal Responsibility and Taxpayer  
Protection Amendment Act*

*Laurene Myrvold, private citizen*

*Lynne Fernandez, Canadian Centre for Policy  
Alternatives Manitoba*

*Jonathan Alward, Canadian Federation of  
Independent Business*

**MATTERS UNDER CONSIDERATION:**

*Bill 8–The Government Notices Modernization  
Act (Various Acts Amended)*

*Bill 12–The Red Tape Reduction and  
Government Efficiency Act, 2018*

*Bill 24—The Social Services Appeal Board Amendment Act*

*Bill 27—The Fiscal Responsibility and Taxpayer Protection Amendment Act*

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

Our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

**Hon. Colleen Mayer (Minister of Crown Services):** I nominate Mr. Piwniuk.

**Mr. Chairperson:** Mr. Piwniuk has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Piwniuk is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 8, the government notices 'modernification' act, various acts amended; Bill 12, The Red Tape Reduction and Government Efficiency Act, 2018; Bill 24, The Social Services Appeal Board Amendment Act; Bill 27, The Fiscal Responsibility and Taxpayer Protection Amendment Act.

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

In addition, if necessary, the Standing Committee on Social and Economic Development will again—will meet again to consider these bills tomorrow, October 25th, at 6 p.m., in room 254.

We have a number of presenters registered to speak tonight to the 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 some out-of-town presenters in attendance, marked with an asterisk on the side.

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

**Mr. Matt Wiebe (Concordia):** I think, with respect to those folks that have come from out of town and have travelled a ways to be here, and as per our

tradition in this place, I think we should consider the out-of-town presenters first.

**Mr. Chairperson:** It has been made that we—agreed by everybody? *[Agreed]*

We will accept the out-of-town presenters first.

Written submissions. A number of written submissions have been received and distributed for the committee's consideration. A list of individuals providing these submissions has also been distributed to committee members.

To save the Chair from having to read these names out, does the committee agree that this list of individuals providing submissions—here in Hansard? *Agreed? [Agreed]*

*Written submissions to Standing Committee on Social and Economic Development:*

*Regarding Bill 8—The Government Notices Modernization Act (Various Acts Amended): Lynn Taylor, Thompson Citizen—Nickel Belt News; Nancy Johnson, Prairie Newspaper Group—Glacier Media; J Brodt, Samantha Gallaway-Boulbria, Andrea Geary, Luanne Anderson, Mark Buss, Clipper Publishing; John Kendle, Canstar Community News; Christine Waddell.*

*Regarding Bill 12—The Red Tape Reduction and Government Efficiency Act, 2018: Andrew Tod, Manitoba Federation of Labour; Joe Masi, Association of Manitoba Municipalities; Kevin Hamilton, College of Pharmacists of Manitoba; Jonathan Alward, Canadian Federation of Independent Business.*

*Regarding Bill 24—The Social Services Appeal Board Amendment Act: Patrick Falconer, Michael Barkman, Make Poverty History; Sheree Capar, CUPE.*

*Regarding Bill 27—The Fiscal Responsibility and Taxpayer Protection Amendment Act: Laurene Myrvold, Lynne Fernandez, Canadian Centre for Policy Alternatives Manitoba; Jonathan Alward, Canadian Federation of Independent Business.*

And does the committee further agree to have these written 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's 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, 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.

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 Hansard recorder turn on the—turn the mics on and off.

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

**Bill 8—The Government Notices  
Modernization Act (Various Acts Amended)**

**Mr. Chairperson:** I will now call Kim MacAulay, Manitoba Community Newspapers Association, on Bill 8.

Do you have any written materials for distribution to the—

**Ms. Kim MacAulay (Manitoba Community Newspapers Association):** I do, yes.

**Mr. Chairperson:** —committee?

Once the material has been distributed, we will proceed with the presentation.

Ms. MacAulay, you may proceed with your presentation.

**Ms. MacAulay:** Good evening, everyone, and thank you for allowing me to appear before you this evening. My name is Kim MacAulay, and I'm the chairperson of the Manitoba Community Newspapers Association, and I'm also the owner and publisher of The Clipper Weekly and the Lac du

Bonnet Clipper newspapers serving the North Eastman region.

Unfortunately, several of my colleagues who were present for the original, ill-fated standing committee of October 11th are not able to make it this evening, as this committee was rescheduled for the busiest, most important day in four years for us newspaper people—an inopportune time to say the least, but we do appreciate your time nonetheless.

I'm here this evening representing our 48 member publications and their concerns regarding Bill 8, specifically the sections which remove the requirements to advertise public notices in newspapers.

\* (18:10)

To be clear, we take no issue with part 1 amending The Queen's Printer Act and consider it prudent action to tidy up the wording in various acts as it pertains specifically to the current standard of advertising within the Manitoba Gazette. And we would like to acknowledge and express our appreciation of this government's promise not to proclaim the sections of Bill 8 pertaining to mandatory newspapers advertising at this time.

But therein lies the rub: at this time. This promise just isn't good enough. Having this wording on the books to be enacted at any time in the future is a dark, foreboding cloud Manitobans should not have to live under. Regardless of when these sections may be enacted in the future, the Manitoba Community Newspapers Association maintains that providing public access to information online is not the same as providing public notice in newspapers delivered right to the homes of hundreds of thousands of Manitobans every week.

These sections of Bill 8 essentially authorize government to bypass independent media while posting important information to Manitobans solely on a government-controlled website few have ever heard of and fewer still have ever visited. And yes, your department has explained that for some of the acts included in Bill 8, the option of advertising in newspapers does still exist. But we do not agree that duly informed public should be left up to chance. Government obligations to inform and notify its citizens of important changes and initiatives should not be optional. The legislative requirement to publish public notices in third-party, independent media such as newspapers was created by our elected forefathers to ensure open, transparent and

accountable governing. It was made law, as an independent media is a fundamental component of our democracy. A government-controlled website is not.

This government should not be saying, trust us. Politics doesn't work that way, and our forefathers knew that. They put into place mechanisms to ensure elected officials were bound by law to act in the best interests of their electorate. They wrote it into the governing acts of Manitoba. But now, this government wants to rewrite those acts. This government wants us to just trust them.

What has changed? Does this administration believe public trust of government officials and their activities has become so deeply steadfast in our society that we no longer need these mechanisms of surety? If that was the case, none of us would be here this evening.

I will forgo extolling the shortcomings of online access, as you are well aware of them. That was, after all—as you stated, Minister Cox—your reason for not enacting these sections of Bill 8. But there's much more to this debate than simple Internet connectivity. This picture is much larger than that. It is also, as I stated, one of public trust. Public notice advertisements are, in essence, the government's own reporting. Currently, those reports are provided by an independent third party and cannot be altered after the fact.

MCNA also maintains the removal of the requirement to advertise public notices in newspapers, as stated in Bill 8, is a direct threat to the public awareness of our citizens. Even if every Manitoban had reliable high-speed Internet, under these new rules, they may still be denied proper notice of significant changes or activities that will affect their daily lives because they did not know when and where to look for it. Expecting Manitobans to seek out information they do not even know exist is entirely unrealistic.

This attempt to undermine the significance and contribution of an independent media is an attack on fundamental components of our democracy. The purpose of public notice is not simply to inform, but to provide the opportunity for our citizens to be engaged and involved in the activities of its government—for the electorate to have a say in the proceedings governed by the elected. The sure track to tyranny is to deny citizens that opportunity of participation by abandoning your responsibility to provide adequate public notice. This piece of

legislation, proclaimed or not, will undoubtedly lead to a deterioration of democracy and public trust at their most basic levels.

Premier Pallister wrote last year: Everything our government does passes through the filter of what is best for our citizens and our province, not what is best for one group of citizens or one part of the province, but for all our citizens in all parts of Manitoba. Those are our values, that is how we govern. How did Bill 8 pass this government's own filter, and where were those values in the creation of Bill 8?

Now, you may choose the convenience of dismissing our argument as self-serving, since Manitoba newspapers earn revenue from publishing public notices, but I can assure 'yer'—assure you, I'm sorry—the amount of revenue earned by our 48-member publications from the notices detailed in Bill 8 is inconsequential, as you are no doubt aware. Our motivations are clearly not monetary. I can assure you all, I have spent more in gas travelling from my office to this building than I will ever make off advertisements from Bill 8.

We are taking a stand for our citizens, for democracy and for an appropriate process of governing. You know that the 48 MCNA-member newspapers have largely been willing to support a government who we believe is acting in the best interests of Manitobans. But it is becoming increasingly difficult to believe Bill 8 was conceived with the best interests of Manitobans in mind. So we, once again, find ourselves having to defend the rights of our citizens to be informed of significant events and actions that affect their daily lives from a government willing to ignore that responsibility, whatever its motivations may be.

Every column inch of our newspapers comes with a cost for the resources of reporters, typesetters, pagination and layout, proofreaders, ink, paper and distribution expenses. All these costs exist even for MLAs' regular columns, the glad-handing photo ops and the steady stream of government press releases that our members have, so far, been willing to subsidize the publishing of, largely out of their own pockets.

But today our members are all watching with great interest and are giving very serious consideration to the future of this arrangement and, indeed, whether they are willing to continue to support a government who will take such

ill-conceived action that will ultimately prove harmful to all Manitobans and to democracy itself.

Many of our members, myself and fellow community newspaper publishers here tonight have already committed to ceasing this arrangement, pending the outcome of these proceedings.

We are all here this evening because there is a process in place to ensure the concerns and criticisms of citizens are heard and for those concerns to be thoroughly and thoughtfully considered, and there is a process by which government may amend or otherwise alter its course as a result.

We have respectfully followed this process and ask that you simply do the same. You know the sections of Bill 8 altering newspaper advertising requirements are not appropriate nor in the best interests of Manitobans at this point in history. You know this because you stated so yourself when telling us you would not proclaim these sections.

As you ultimately did with Bill 19, we implore you to, once again, do the right thing for all Manitobans and either scrap or amend Bill 8.

Thank you very much for your time.

**Mr. Chairperson:** Thank you for your presentation, Ms. MacAulay.

Do any members have questions?

**Ms. Flor Marcelino (Logan):** Thank you, Ms. MacAulay, for coming over tonight—today being a very busy day for people engaged in publishing.

You have presented in the past, as well as today, very clear, strong, compelling arguments for this bill not to be enacted. Do you still believe—you believed then, and I think—I just want to confirm that you believe now this bill should totally be revoked?

**Ms. MacAulay:** If that's what it takes, yes. I don't—we don't disagree with putting the Gazette online. That's prudent action; that should be done. But to tie all the rest of it in, I mean, making such a broad omnibus bill is a—there's a lot of aspects to it that if it was just scrapped and a bill—I'm not even sure if a bill's necessary to make the Gazette free online, so I don't really know the principle of it entirely.

**Hon. Cathy Cox (Minister of Sport, Culture and Heritage):** I wanted to thank you, Kim, for taking the time out of your very, very busy day today, especially, to come down a second time to make this presentation. We've had discussions in the past in my office, and I appreciate hearing from you. But I want to ensure that you know that we had full intentions of

having the committee last week, and it was—we were not responsible, in any way, shape, or form, for the delay and causing you to come here this evening.

So thank you again for making the presentation. I really appreciate hearing from you.

**Ms. MacAulay:** It wasn't really a question, but thank you, Minister Cox. I do appreciate that and, yes, it's a busy day. I won't be going to bed 'til tomorrow night sometime, I'm sure—so.

**Mr. Chairperson:** Do any other members of the committee have a question?

**Mrs. Bernadette Smith (Point Douglas):** You had made reference to today is, like, a busy, busy day for people in the newspaper business. Do you think it's fair to say that today was also, you know, a day that could have been tomorrow, rather than a day when, you know, the election was happening, when people are out covering elections that probably could have been here?

**Ms. MacAulay:** That was certainly our hope. We were very much hoping this would happen Thursday night. There are several members who were registered to appear on October 11th, the first time this was called, and they can't be here tonight. There's a lot of newspapers that run mom-and-pop type shops; there's four or five employees. They cover, maybe, five or six different municipalities. They just can't be here tonight, and it's unfortunate. The president of our association can't be here tonight; him and his wife are both on the job. I have to go home—eventually, I'll get back and I'll pick up where I left off, but it will be sometime after midnight, presumably, when this is done tonight.

\* (18:20)

**Mr. Chairperson:** Are there any other members that have questions of Ms. MacAulay?

If not, we thank you very much for your presentation and we will move on to the next presenter.

I will now call on Mr. Brent Wright from Gilroy Publishing.

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

**Mr. Brent Wright (Gilroy Publishing):** Yes, I do.

**Mr. Chairperson:** As soon as the information is distributed to the committee, you may proceed with your presentation.

Mr. Wright, you may proceed.

**Mr. Wright:** I come here today as a concerned citizen of Manitoba as well as an individual with over 38 years' experience in the newspaper industry. I work with six different publications in five locations: Dauphin, Roblin, Russell, Swan River and The Pas.

This experience has given me some insight as to how people receive and accept information. If there is one thing I've learned in those 38 years, it is that community newspapers are a trusted source of information. The public regularly turns to our local paper when they want to know what is really happening. Removing public notice from newspapers will hinder public awareness and be a detriment to our democratic society. To rely on the Internet to deliver these important messages is, at best, a pipe dream and, at worst, a deliberate effort to censor the information the public receives.

I do not believe that the public will spend time gleaning the pages of the Manitoba Gazette to see if something of relevance may be listed. Further to this, areas of our province have limited or no access to Internet. Are these Manitobans not entitled to the same information as the rest of Manitoba? There may very well be a day sometime in the future when public notice through the Internet is sufficient, but that day is not now, nor is it in the foreseeable future.

It is not the—is it not the government's obligation to inform citizens of its actions as a fundamental of democracy? When I look at the list of acts covered by this bill, I immediately have grave concerns. The human rights act, The Public Health Act are two that are very alarming. Could it not be argued that everyone's human right is to know what changes are being made to The Public Health Act that could possibly affect their personal or their family's health?

Proper public notice should be given through local community newspapers and posting it in public places as well as on websites. Based on those proper public notices, citizens can then determine if a particular public notice is of concern to them. At this point, they can do further research, allowing them to come to informed opinions on these matters.

Just making information available to public does not equal public notice. If they do not know that there is something to look for, why would they look? Placing public notice on a website in conjunction with published and posted public notice will result in a better informed public. This would be an enhancement to public notice efforts. Websites could then be used as a tool they are and provide valuable

background information regarding issues, again, resulting in information to the public.

Further to this, I would ask, what is the cost of an ill-informed public? At what point do the citizens lose confidence in their elected officials and the process in place? Soon they start to question what is actually happening and/or what is being hidden and why. On any given issue, a lack of information causes ignorance. Ignorance creates dissension, and dissension often results in change.

I respectfully suggest that there be amendment to Bill 8 to leave the requirement to publish public notice in newspapers and add the requirement to post it in the Manitoba Gazette. By not proclaiming, enacting this part of the bill, it leaves the door open for enacted further down the road, with no further consultation. And I believe this is not in the best interest of our democratic society.

On one last note, it has been implied by some that this is being driven by our government—current government's failed relationship with some of the province's print media and is an effort to get back at them. If this is actually the case, then it is a sad, sad day when our society and its elected officials actually allow this to happen.

Respectfully, Brent Wright.

**Mr. Chairperson:** Thank you for your presentation, Mr. Wright.

We will now open for questions from the committee.

**Mrs. Cox:** Thanks, Brent, so much, for coming down and making your presentation.

I just wanted to ask you that you have, in fact, heard, that we've said many times that we will not be proclaiming the aspects of Bill 8 that include the public notices in newspapers.

**Floor Comment:** Right.

**Mrs. Cox:** Yes, okay. Thank you.

**Mr. Wright:** Yes, I've heard that it will not be proclaimed, but in my opinion, that doesn't cut it. It shouldn't be there to start with. It is nothing but a tool to hang over media's head, and it's a tool that can be implemented at any point should someone in the current government or a future government decide, you know what? We don't really want that information out; let's just enact that clause and away we go.



It's dangerous. It is absolutely dangerous and contrary to a democratic society.

**Ms. Marcelino:** Thank you very much, Mr. Wright, for coming over tonight to speak to our committee, the public's committee.

You've presented us also some very clear, compelling arguments. And you, as our former presenter had said, there is—this particular bill has the dark, foreboding cloud hanging over your heads. If the government will do away with that line, that it will—they will do away with this foreboding cloud over your heads, would you be approving this bill?

**Mr. Wright:** I believe that the proper wording for this bill, but this bill should be amended to include publishing in newspapers. It should also include posted public notice in RM offices, municipal offices, city halls, whatever, as well as the Manitoba Gazette. I believe that getting as much information to the public on any issue is absolutely fundamental to our democracy. That's the bottom line. The public is entitled to know what's going on.

**Mr. Matt Wiebe (Concordia):** Thank you, Mr. Wright, for coming down and presenting very passionately, I think laying out very clearly your position and articulating it very, very well.

My question is about consultation. Obviously, we've heard a lot from folks in your business over the last little while. You know, when committee was called, you all stepped up and were ready to come down and make sure that we understood the position that you're taking.

\* (18:30)

But prior to this bill being introduced—or, after it had been introduced, I guess, was there any consultation? Did you have an opportunity to express your views and your concerns with the minister or with anyone in government, and how was that received? *[interjection]*

**Mr. Chairperson:** Mr. Wright.

**Mr. Wright:** Sorry.

I'm also a member of the Manitoba Community Newspaper Association's board of directors. We requested meetings with the minister; we never got them. We requested—at one point, we requested—a long time ago—a meeting with Mr. Pallister. Never got it. I have never attended a meeting on these two subjects. I've attended meetings with Ms. Cox regarding recycling and stuff, but never on these.

**Mr. Chairperson:** Are there any further questions for Mr. Wright? If not, we want to—oh.

**Mrs. Cox:** I just wanted to put on record that we have had meetings with Kim as well as with Laurie Finley. A few meetings as well to discuss this—Bill 8. Just to put that on record.

Thank you.

**Mr. Wright:** I personally did not attend any of those meetings.

**Mr. Wiebe:** So I guess, maybe that's—

**Mr. Chairperson:** Oh. Yes. Go ahead.

Our time for questions has expired, but I wasn't watching the clock, so I'll let you go quick.

**Mr. Wiebe:** Thank you, Mr. Chair.

**Mr. Wright:** Thank you.

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

I will now call on our next out-of-town presenter, Laurie Finley, Steinbach Carillon.

Do you have any written material?

**Mr. Laurie Finley (Steinbach Carillon):** I do not, Mr. Chairman.

**Mr. Chairperson:** Then you may proceed with your presentation.

**Mr. Finley:** Mr. Chairman, Minister, MLAs, as stated, my name is Laurie Finley. I'm the publisher of the Steinbach Carillon newspaper.

Our newspaper supports the readers and constituents of not only Steinbach but a large part of southeastern Manitoba covering an area from the Trans-Canada Highway south to the US border. Our newspaper serves a population in the surrounding area of approximately 60,000 people. With editorial correspondents from over 30 of the southeastern communities, we are the only source of local news and information for the city of Steinbach and the nine municipalities we cover.

Today I'm here to talk about Bill 8 and the potential impact this may have on the readers and constituents that our newspaper reaches. There are parts in this bill in regards to amending The Queen's Printer Act and tidying up other wording that needs to be done. The issue I want to speak on today is the sections of Bill 8 referring to the mandatory publishing in newspapers of public notices.

The publication in print of public notices is an important and needed form of communication that needs to be continued. We are concerned that the changes in this bill and not making it mandatory to publish these notices challenges democracy and the right for the public to have prior notice of changes that potentially may affect them. The posting of this information on the Manitoba Gazette website does little to ensure that the public will indeed see these notices, as people would have to go daily and sort through pages on the website to be able to see if there's information there that would affect them.

Access to Internet service and cell mobility service, as been mentioned before, is also an issue not only throughout Manitoba but the southeast where we publish our newspaper. This makes it even more difficult for the public to be able to access information if it was just online. As well, newspapers provide a permanent archive record of the publication of these notices, eliminating any potential challenges to the question of whether there was notice given, as websites do not provide the same easily accessible public record that newspapers do.

I understand that sections of Bill 8 dealing with mandatory publishing of notices will not be 'proclaimed' at this time, but leaving the language in the bill means it can be proclaimed at any point without further consultation, and we feel that's just a dangerous precedent. We believe this bill needs to be amended to reflect the requirement for mandatory publication of public notices in newspaper, as has been the practice for decades.

If and when an appropriate time comes that this method of communication no longer has the mass reach that we continue to have at this point and that there are clear alternatives, then the appropriate changes can be tabled at that juncture and the proper discussion and consultation take place.

Thank you very much, Mr. Chairman.

**Mr. Chairperson:** Thank you for your presentation, Mr. Finley. I will now open the floor for questions.

**Mr. Dougald Lamont (Leader of the Second Opposition):** Are you aware of anyone who's in favour of this bill, other than the people around this table or in this—who work in this building?

**Mr. Finley:** I am not. We have had discussion, obviously, with people within our readership area and, obviously, peers in the newspaper business, and

no one that I have spoken with sees that this change at this juncture is the right thing to do.

**Ms. Marcelino:** Thank you, Mr. Finley, for your presentation, and thank you for your service to the Carillon, a very important newspaper not just in your region, but throughout all of Manitoba.

It seems the sticking—or the disgusting section that you're not comfortable with or that you don't agree with is the word, this bill will not be proclaimed at this time. If that were to be removed, amended, would you be supporting this bill?

**Mr. Finley:** Our feeling is that the language in regards to the mandatory publication of public notices should remain as it is in the bill at this point and not reflect that there—that it (a) is not mandatory to publish, and we also don't feel that it should be in—kept into the bill and just not proclaimed at this time. We just feel that if there's an appropriate time for a change, it can be tabled again and a change made.

**Mr. Lamont:** I believe it's—I mean, there's been other concerns. Do you believe that it's sufficient that they're just failing to—saying—promise that they'll—will not proclaim these various sections, or is it absolutely essential that those be stripped out?

**Mr. Finley:** I think that, you know, from my standpoint, we feel, and I feel, that, you know, the safe bet is for those pieces of the bill to be stripped out.

**Mr. Chairperson:** Seeing as no further questions, we will thank you very much for your presentation, Mr. Finley, and we will move on to the next presenter.

I'd like to call on Luanne Anderson, private citizen. Luanne Anderson, private citizen?

Seeing as that Ms. Anderson is not present, she will be moved to the bottom of the list.

I will move on to the next presenter, Jim Mihaly, Brandon Sun.

Do you have any written presentations for the committee?

**Mr. Jim Mihaly (Brandon Sun):** I do, yes.

**Mr. Chairperson:** And if—I hope I'm pronouncing your last name correctly.

**Mr. Mihaly:** Close. Mihaly, but it's a—

**Mr. Chairperson:** You may proceed with your presentation, Mr. Mihaly.

**Mr. Mihaly:** Good evening. Thank you for providing me the opportunity to speak with you regarding Bill 8, The Government Notices Modernization Act. My name is Jim Mihaly, and I'm publisher of the Brandon Sun, Westman This Week and Carberry News-Express. I've been in the industry full-time for more than 35 years. I was nine years old when my parents started our newspapers in northern Alberta. Those papers are still in the family and in operation today.

Newspapers serve a vital role. They provide a sense of community and reflect that in our coverage. Government needs to be transparent with the people they work for, the taxpayer. It's important to remember that. Flying under the radar by not publishing key public notices will only frustrate the taxpayer that much more.

\* (18:40)

Here are a few points you should know regarding the importance and the role of our newspaper plays in southwestern Manitoba. First, it's well read and the readership is on the rise. The Sun has probably served Brandon and the Westman area since 1882. The Brandon Sun enjoys the highest adult readership of any printed newspaper in Canada for the second year in a row; 79 per cent of adults read our print product each week, comparing this to daily papers in centres such as Regina—45 per cent, Medicine Hat—56, and Lethbridge—52 per cent. When print and digital are combined, 83 per cent of adults in Brandon said they read the Sun weekly. The 83 per cent, or 39,000, does not include our substantial rural readership.

More stats for you: 94 per cent of our weekday print readers are exclusive to the Sun, and 35 per cent are weekly digital readers are hard-to-reach millennials.

As long as we continue to provide local news, we will continue to be relevant and continue to grow our readership. It's all about presentation and making that product attractive to read and accessibility.

Proposing to post notices via government website exclusively will result in significantly less Manitobans being informed. Your online product is not widely available and is not formatted where information is readily available to the average Manitoban. Additionally, and quite importantly, newspapers are trusted, impartial, and are credible sources for Manitoba residents. We've already observed a decline in the past two-plus years relative

to provincial government advertising in newspapers in the province. I might add just before I left my office today, and I received—our circulation manager came into my office and the Legislative Library just cancelled their subscription to the Brandon Sun because of budget cutbacks. So that just happened today and there was a little bit of a credit in there and they wanted the dollars back, so there's just a point there.

Some use social media as a tool which is—but it shouldn't complement traditional media, not replace it. Studies show social media to be the least trusted source of important news. We focus on local coverage. Corporate Canada continues to recognize and reach—and relevance of our product. Giants such as Bell MTS, TELUS, Ford, GM and CN continue to utilize us to convey their message.

I could go on, but I think you get my point. In conclusion, I suggest to this committee that Bill 8 be amended to preserve the requirement to publish proposed planning changes in newspapers. It's fine also to have these proposals posted on websites, but that alone is not an effective way of informing the public about matters that they may want to be aware of.

The message you are sending to advertisers potentially and potential advertisers who continue to support community newspapers across the land concerns me the most. By acting on this proposed amendment, it could potentially damage the reputation of these newspapers that they are no longer relevant in the government's eye.

It's important to note that the legislation primarily makes it mandatory to post public notices in the Manitoba Gazette, basically the government providing the service for free and saying it is not good enough for proper public notice—sorry—that it is good enough for proper public notice.

What type of message are we sending to supporters of newspapers in this province? Not a good one.

And, lastly, I leave a copy, which was presented to you, of a recent op ed piece that we decided to publish recently in the Brandon Sun at no charge. I believe you recognize the name. The provincial government sought out credible news outlets to convey this important message.

Thank you for providing this time and listening to various presentations this evening.

**Mr. Chairperson:** Thank you for your presentation, Mr. Mihaly.

**Ms. Marcelino:** Thank you, Mr. Mihaly, and especially for 35 years of your work in the publishing industry. It speaks a lot about your commitment to the interests of the public and the best interests of democracy.

Mr. Mihaly, you have made some amendments—or the amendment you just suggested is sound and doable. If the minister would take up your amendment and introduce it tonight, will you be supporting this bill? *[interjection]*

**Mr. Chairperson:** Mr. Mihaly.

**Mr. Mihaly:** Sorry—I did that before, too. I've got to get that straight. Next one I'm not going to do that.

I mean, obviously, we're here to speak on that and just remain status quo as we have today. I mean, that's—yes, that's—remove it, I guess, yes.

**Mrs. Cox:** I have the same problem, Mr. Mihaly, so don't worry about that.

But, anyway, I'd like to thank you so much for taking the time to come out today and also indicate to you that this bill does not preclude, though—what's contained in the bill does not preclude departments from, you know, advertising or putting notices in newspapers. So I just wanted to make you aware of that. And, as well, you know, I publicly stated many times that we are not going to be proclaiming that section of the newspaper. So I just want to ask you again if you're aware of that fact, that I've publicly stated that, even at the Manitoba Community Newspapers Association gala?

**Mr. Mihaly:** Yes.

**Mrs. Smith:** Thank you for coming and presenting tonight. You know, I've heard the minister say over and over again that they're not going to proclaim it, but I've also heard other presenters say that they feel like that's being held over their head.

So, you know, we've held over this bill for a reason. You know, we feel that it's silencing, you know, voters, people, you know, who need to know what's going on within the government. I come—I've lived in a First Nation; I've lived in rural areas where there's no Internet. So those people are excluded, you know, from getting any information. So, you know, I've heard you ask for an amendment for this either to be taken out or for them to just say simply in the

bill that they have to publish in a newspaper rather than just online.

So, you know, hopefully the minister is listening, she hears you, because I've heard every other sing—every other presenter before you ask for the same thing, and she keeps saying that it's not going to be proclaimed, but we know that that's a black cloud that can be held over your head. So, you know, again, you can ask the minister to just make sure that that is taken out or the wording is changed to make sure that those notices are put into publication.

**Mr. Mihaly:** Correct. Was there—okay. That's—

**Mr. Chairperson:** Mr. Lamont, you had a question?

**Mr. Lamont:** Yes, have you seen a drop in provincial government advertising, or I don't know. I don't—I can't ask you to speak on behalf of the other members, but have—has there been a—I know that there were some restrictions on provincial government advertising. I was wondering could you see a drop-off in the spend?

**Mr. Mihaly:** Yes, I can—we—our fiscal year run—your fiscal year runs the calendar year. A—quarter 2 would be when you compare it to quarter 2 of 2017, the advertising revenue is approximately down \$18,500. And, again, that's—we understand some of the—we're all looking at how we can be viable out there, but it's \$18,500. Leading the way is Manitoba Hydro. So that's down from the same quarter a year ago.

**Mr. Chairperson:** Ms. Marcelino, we have time for a quick one.

**Ms. Marcelino:** Very, very quick, Mr. Mihaly. How much is subscription to the Brandon Sun?

**Mr. Mihaly:** Two hundred and we just expense part of that back to the government, so.

**Mr. Chairperson:** Are there any other questions for Mr. Mihaly?

If not, we thank you very much for your presentation, and we will move on to the next presenter. Thank you.

I will now call on—our next out-of-town presenter would've been Mr. Kevin Rebeck on Bill 24, but he has informed us that he will not be presenting tonight. So that basically concludes our out-of-town presenters.

We will now move back to Bill 8 and to Mr. Bob Cox from the Winnipeg Free Press. Mr. Cox. Is he here?

Mr. Cox is not here. He will be moved to the bottom of the list and be called once all the other presenters have been called.

We will now move to Dan Koshowski, Winnipeg Free Press.

Do you have any written materials for distribution to the committee?

**Mr. Dan Koshowski (Winnipeg Free Press):** Yes, Mr. Chairman.

**Mr. Chairperson:** Am I present—pronouncing your name properly?

**Mr. Koshowski:** Yes, you are. Thank you.

**Mr. Chairperson:** As soon as the materials are distributed you may proceed with your presentation.

\* (18:50)

You may proceed with your presentation, Mr. Koshowski.

**Mr. Koshowski:** Thank you, Mr. Chairman. Honourable committee members, as mentioned, my name is Dan Koshowski, and I'm the vice president of finance at FP Canadian Newspapers Ltd. Partnership, which owns the Winnipeg Free Press and Brandon Sun daily newspapers, in addition to other city and rural and weekly papers. I'm here to urge you to defer consideration and passage of Bill 8, The Government Notices Modernization Act.

The purpose of government notices is to display information in places where the public is likely to come in to notice. It's my opinion a review of how the public is informed about the various activities of government is an important process to complete before implementing any change. However, to my knowledge, a comprehensive review has not taken place.

Bill 8 was first introduced seven months ago. At that time, our publisher, Bob Cox, wrote to the minister responsible to urge her to undertake a full review of public notice provisions. He volunteered to participate in such a review. A month later, the minister indicated to the Manitoba Community Newspapers Association that the bill would be passed, but sections pertaining to newspaper notices would not be enacted immediately. Subsequently, the bill was put over to the fall session of the

Legislature, which is why you find yourselves dealing with it today.

Since originally introduced, it's our understanding that no review has taken place; instead, the original legislation is being put forward. It is unclear if the government still intends not to proclaim certain sections of the bill.

Passing legislation with unproclaimed sections is confusing for everyone. We believe this legislation is flawed and dangerous to our democracy here in Manitoba. It replaces an orderly system that requires government to use independent and verifiable media for public notices with a system that is entirely in the hands of government, where information is placed on a website that most Manitobans have never visited. Indeed, we believe most Manitobans don't even know it exists.

The bill would eliminate mandatory notices in relevant newspapers and replace it with requirements that notices be placed in the digital Manitoba Gazette, which will be available free of charge. That sounds great: free access to public notices. But there's lots of government information that is available that the public takes no notice of whatsoever. The basis of public notice legislation is that government much reach out to the public to provide information on its activities in order for people to make well-informed decisions and have input into the decision-making process. Public notices provide transparency and accessibility to citizens who want to know more about government actions. Public notices give people a chance to voice their concerns and gives government a sounding board with—which might allow for improved decision making and an overall better outcome. They allow the public to be an active participant in a democratic society. People see what government is doing and they can take action if they want to.

Putting information on a website that few have ever heard of does not 'constitute' reaching out to the public. If you have a website and nobody knows about it, how do they find it? People certainly know about newspapers. They remain at the core of communities across Manitoba. They continue to be relied on by many as their primary source of local news and are an effective way of reaching people en masse and being an historical archive of messaging. There are no large economic barriers to reading newspapers. Many are distributed freely in communities across the province. Our own company delivers free papers to every household in Winnipeg

every week. We do the same in Brandon. Those papers go to households even where residents don't pay for Internet service and wouldn't have access to the Manitoba Gazette.

The Manitoba Gazette is a special-purpose website used by some residents regularly, I'm sure. People are creatures of habit, and many still enjoy the experience of reading a general-purpose newspaper, each with their own specific reasons for selecting the—a newspaper to spend their time reading. They read government notices as part of their overall interaction with a newspaper, and expecting a large percentage of these readers to incorporate a regular review of the Manitoba Gazette website into their weekly routine after a switch is turned with the implementation of a bill is unrealistic, in my view.

We also reach broad audiences digitally, and public notices appear in our digital editions, which have much larger audiences than any government website.

Most importantly, newspapers remain independent of government. The Manitoba Gazette is not independent. True public notice needs to be broadly distributed through reputable, trusted channels and should not be provided by a publication controlled by government. That being said, the digital age has changed communication profoundly. It is important that governments act to modernize legislation with this in mind. It is certainly an appropriate time for a full examination of mandatory public notices and how they should be disseminated to the general public. Unfortunately, it is our understanding that this legislation is going forward without this examination.

I would suggest that the best course of action would be to amend The Government Notices Modernization Act so that its sole purpose is to update and modernize the Manitoba Gazette while leaving in place provisions for mandatory public notices in newspapers. This would allow for a full review of public notice provisions to determine how best to fulfill this very important function. As mentioned previously, our organization would be happy to volunteer to participate in such a review. As a long-time advocate of greater public awareness of what governments are doing, we applaud the government for taking action to improve access to various government notices by publishing them online and free of charge on a weekly basis by modernizing the Manitoba Gazette.

While this is a big step forward, the legislation as proposed also takes a major step backwards by removing the requirement and some statutes for publishing certain public notices in newspapers.

All of this is respectfully submitted, Dan Koshowski, vice president of finance, Winnipeg Free Press.

**Mr. Chairperson:** Thank you for your presentation, Mr. Koshowski. I open the floor for questions.

**Mr. Lamont:** Thank you very much for your presentation.

I understand that the Premier (Mr. Pallister) has occasionally called the Winnipeg Free Press the opposition. And I'm going to start by saying you don't have to answer this question. I know that the Premier has opened a lawsuit against the Free Press for saying he didn't pay his taxes on his luxury home in Costa Rica. He has done that. And again, you don't have to answer that. Is that lawsuit ongoing?

**Mr. Koshowski:** That is my understanding, correct.

**Ms. Marcelino:** Thank you, Mr. Koshowski, for sharing with us your valuable time as well as those sound, strong suggestions for this government regarding Bill 8.

Just curious, Mr. Koshowski, does the provincial government, through the Legislative Library still subscribe to the Free Press? Because we heard from—we've just heard that they revoked their subscription to the Brandon Sun.

**Mr. Koshowski:** As I'm sure you'll appreciate, we have—still have a large number of readers in Winnipeg. I'm not aware of all of the specific accounts. I'd be pleased to look that information up and get back to the committee if you so desire.

**Mr. Wiebe:** Well, thank you very much, Mr. Koshowski, for presenting here this evening. I think you add an important voice to this conversation. Of course, you know, the Winnipeg Free Press is the newspaper of record here in the city, so it is important to have your voice here.

I guess I just wanted to comment on your remarks with regards to the confusion that you're feeling, that I'm actually feeling as a legislator who—you know, I think I kind of understand this place a little bit. But I can't quite wrap my head around why a government would bring forward a bill that has a particular clause or part of it that—you know, they're saying, no, we're not going to proclaim that.

Like, I'm just—you know, maybe this is a bit of editorializing. You can take this as far as you want. But other than using that as a tool, you know, that potentially could be used against media in the future through a stroke of a pen by a minister, what other reason could there be for a government to bring a piece of legislation that has this kind of language in it, but then say, oh, don't worry about it; we're not going to do that right now?

**Mr. Koshowski:** I can't speculate on and nor answer what the intentions were for leaving the language as is. I would just reinforce that—our comments that it's in agreement with what you said: it's very confusing to leave language like that in legislation, to say that it won't be acted on in future. It doesn't—to us, it doesn't make a lot of sense.

\* (19:00)

**Mrs. Cox:** I would like to thank you, Mr. Koshowski, for making the presentation today. Appreciate the information. As we've heard many times today, that we've indicated—I have personally stated that we are not going to be proclaiming those sections. We've said many times that connectivity is not good enough yet across the province and, of course, until we have certainty that all individuals have ability to connect to the Internet, that this is not the time to proclaim those segments of the bill.

So I just wanted to provide you with certainty of that, and thank you again for speaking today on behalf of Bill 8.

**Mr. Chairperson:** Mr. Koshowski? We thank you for your presentation. Seeing no further questions, thank you very much, Mr. Koshowski.

For the committees, just for their information, we have a Luanne Anderson as presenter No. 5. If you look on your list of written submissions, she has presented a written submission, so she will be taken off the list. We won't be calling her at a further time because we do have a written submission from her.

### **Bill 12—The Red Tape Reduction and Government Efficiency Act, 2018**

**Mr. Chairperson:** Therefore, we will now be moving on to Bill 12, The Red Tape Reduction and Government Efficiency Act, 2018.

We will now call on Mr. George Fraser, Remedial Massage Therapists Society.

Mr. Fraser, do you have any written material for distribution to the committee?

**Mr. George Fraser (Remedial Massage Therapists Society of Manitoba Inc.):** No, I don't.

**Mr. Chairperson:** Then you may proceed with your presentation.

**Mr. Fraser:** I'm George Fraser, a retired association manager, who has, during my career, made several appearances before committees of the Legislature with respect to the creation and ongoing implementation of The Regulated Health Professions Act of Manitoba, referred to in Bill 12, an act approved by the Legislature in 2009.

I will speak tonight mainly from a personal perspective, but also on behalf of the membership of the Remedial Massage Therapists Society of Manitoba, for whom I provide some volunteer leadership on self-regulatory legislative matters advocated by the profession from time to time.

Again, specifically, I'm addressing Bill 12's reference to The Pharmaceutical Act and its direct references to The Regulated Health Professions Act. For the record, I'm not a massage therapist and I'm not a pharmacist.

As stated, I will be making comments and observations with proposed changes to The Pharmaceutical Act assented to on December the 7th of 2006, proclaimed on January the 1st, 2014, after eight long years, and to The Regulated Health Professions Act of 2009, partially proclaimed, 2014.

The RHPA is an important act that still is nowhere near being functional in its key objective, to protect the public whenever they receive health care from health-care professionals.

Before you tonight are—a simple adjustment that takes out of The Pharmaceutical Act, clause 74, which is a requirement for the majority of members of the college to actually vote on a regulatory change.

And bill—and in Bill 12, the—that removal is also complemented by removal in The Regulated Health Professions Act of—there's discussion here today of unproclaimed requirements. Well, section 211 is an unproclaimed section of The Regulated Health Professions Act, also dealing with voting.

But this—both of these are consistent with the intent of the RHPA, The Regulated Health Professions Act of 2009. I'm here this evening to

give full support to this change. It is about time this bizarre exemption was removed and corrected. This legislative correction goes back to the original hearings held in June 1st and 2nd of 2009, with respect to then Bill 18, The Regulated Health Professions Act.

It eliminates, in my opinion, a major political error introduced by the government of the day and supported by the opposition party, whereby the pharmacists of Manitoba were granted a special exemption from the RHPA requirement to establish councils for each profession that vote upon all matters of regulation, not the individual members of a profession, and this addressed the principle of public interest versus profession interest, which is critical in a regulated health profession act found across our country. No other existing college was granted this privilege.

During those two evenings in 2009, the vast majority of representation, unfortunately, was from pharmacists for and against this exemption and from other professionals who were adamantly opposed to this privileged, flawed carry-over from the prior governance model for pharmacists whereby every pharmacist in Manitoba got a vote on regulatory matters.

The pharmacists were essentially pitted against each other on matters of these exemption rights and no concern for other professions. It was an era of Internet pharmacies, the emergence of large corporate pharmacies, and the decline in the influence of independent pharmacists. Opinions were expressed in the context of a very public legal battle within the profession, and it played itself out over two nights again here in this room.

And the main problem with the one-vote-for-each-member model was that the pharmacists could not muster enough attendance at meetings to complete a requirement for a majority decision. The Health minister of the day in 2009, Theresa Oswald, expressed her personal frustration that evening and stated ethical concerns over lengthy delays for regulations awaiting approval and implementation by the pharmacists' flawed voting model.

The public was obviously poorly served by all of this, but despite all of these concerns, the government of the day broke its newly minted legislation model and proceeded to provide this exemption for pharmacists.

We are here tonight to be witnesses to the fact that it has taken almost 10 years to reverse its flawed existence within the RHPA structure and to witness a return to sanity by the pharmacists. I wish the pharmacists were here tonight, but they're not.

I do not know the complete details of the turnaround, but I'm here tonight to applaud the wiser wisdom of today's leaders from the pharmacy community, as obviously cooler heads have prevailed and a greater trust has emerged that an elected council elected by pharmacists, together with appointed public representatives appointed by the Minister of Health, can and will take their leadership role seriously as other professions will, too.

Once this is done, the College of Pharmacists will be in a much better position to assist the Minister of Health and the public by making timely decisions on regulatory change for their profession. A return to the universal model of the council making decisions as described in the original draft of the RHPA will be especially helpful as communities tackle current issues of opiate addictions, overmedication, and ever-increasing demand for prescribed medications.

But—and there always is one—the members of this committee and other members of the Legislature should not pat themselves on the back with these changes tonight, nor should they think that the issues of pharmacists or other health professions are being fully met by the current implementation process for the RHPA. They are not.

The decisions by the Manitoba government to proceed with an RHPA concept began in 2003 with province-wide consultation to create a gold standard for health regulation in our province. The act is structured around the dominant principle of public protection and, again, not profession interest and common regulatory references for all health professions. It outlines, in particular and in detail, such things as common complaints and discipline processes.

In 2009, 22 regulated health professions supported the introduction of the RHPA, together with two aspiring applicants—the paramedics and the massage therapists. Both of these applicants were approved for entry into the RHPA model in 2015 and paramedics, thankfully, are currently making the transition to the RHPA predicted to take two more years, probably 2019 and 2020.

\* (19:10)



This Bill 12 is all about red tape, and you've got quite a task ahead of you to figure your way through that one, and efficiencies. But my observations are that the citizens of Manitoba and the original 22 health professions, plus the two applicants, were led down the proverbial political garden path, then through a bureaucratic maze that was under-resourced for the challenges created, tied up in knots of decision-making, everyone inappropriately bound by as much red tape as possible.

Committee members should know that since 2009, only four professions have made the transition to the RHPA since that time. Next June, and maybe I'll be here for that, will be the 10th anniversary of the approval of this comprehensive RHPA legislative document built on the premise, again, of public protection. Now, for this government, represented by the previous minister of Health, who's not here tonight, who publicly admitted to me, he, too, is frustrated with delays associated with the RHPA and now a new Minister of Health, who also still cannot offer a clear pathway on how to handle the backlog.

Pharmacists should be very concerned, too, for despite this small but appropriate correction here tonight, it appears that the profession will wait at least until 2022 and beyond before they make their official transition to the RHPA. For despite this small but appropriate correction—sorry—beyond—before they make their transition, the Government of Manitoba has consistently been missing its projections and deadlines since the RHPA discussion began in 2003. There is no evidence that anything has changed with Bill 12, and the red-tape ball continues to grow and take on a life—

**Mr. Chairperson:** Mr. Fraser, your 10 minutes has expired. If you could wrap up in the next couple of seconds.

**Mr. Fraser:** I sure will.

There are two lists facing us for the transitional process, and I just wanted to point out that despite the advances made with Bill 12, the pharmacists are still facing a difficult task ahead. And, in fact, we will go through two—the upcoming election and the next election after before the predictions made by the bureaucracy on when this process will be completed.

**Mr. Chairperson:** Thank you very much, Mr. Fraser.

I will open up the floor for questions.

**Mr. Matt Wiebe (Concordia):** Well, I just wanted to thank you, Mr. Fraser, for coming out. I remember

as—in my time as Health critic, sitting in and listening to you present to our committee many times, and I think every time that you came you—I left with some more knowledge about your specific struggles in terms of achieving what you're trying to achieve. So I appreciate that tonight. Thank you very much for bringing that information to us.

**Mr. Chairperson:** Mr. Fraser—are there any other questions from—Ms. Smith, Point Douglas.

**Mrs. Bernadette Smith (Point Douglas):** You're coming specifically to talk about the RPA, but do you think it's fair to say that putting that in this big document, as you called it—you know, it's an uphill, you know, battle, to get through this whole thing—do you think it's fair for this government to put all of those different things that don't relate to one another in this bill?

**Mr. Fraser:** Well, I always fear omnibus bills. I think most legislatures are in a similar position in that respect. I also understand, however, at certain times in the life of any legislature, you have to do this bundling up to bring forward corrections, not unlike Bill 10 that came through to reduce a number of councils and committees—advisory committees and that, in terms of numbers. And so that was somewhat of an omnibus bill too. It does make it exceptionally difficult. When we—when I was here last time, there was about six more people to speak on this bill, including the pharmacists, and I would, you know, I was hoping that they would be here this evening, because, just from my perspective, this was a monumental thing picked out of a really huge bill.

**Mrs. Smith:** I just want to thank you for coming and for your time when you came last time. It wasn't our intention to hold up that night, the committee. And we have no say over the night that this government chooses to have presenters. So I agree with you that, you know, we would have had more presenters had it been on another night. And, you know, it's unfortunate that some people are silenced because of the night that this government chose to have presentations on, so thank you again for your presentation and your time.

**Mr. Fraser:** Well, one comment: there's always procedural rules. And my personal opinion is, procedural rules, in this special honour that the—this committee structure has in Manitoba should be revisited and protected in the future despite what is going on in the House.

**Hon. Colleen Mayer (Minister of Crown Services):** Thank you, Mr. Fraser, for coming out

tonight and letting your voice be heard. I think that's very important, and I want you to know that I value your input. I know you've been here before to present, and I hope to see you again. I just wanted to make sure that you were aware, as this bill is put out to reduce the red tape that we find that—in our government, and you have commented in that.

There are nearly 875 burdensome and unnecessarily regular requirements that we are eliminating by putting this bill forward, and I believe that this is nearly \$1 million annually that we'll save stakeholders. So I just wanted to acknowledge that so that you were aware of that. And thank you again for coming, and I hope to see you again.

**Mr. Fraser:** I appreciate what you're saying, and I'm here—my frustrations are always here when I arrive with respect to massage therapy. For that, I apologize.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Fraser.

Seeing as no other questions, we will now move on to the next presenter.

That concludes our list of presenters for Bill 12.

### **Bill 24—The Social Services Appeal Board Amendment Act**

**Mr. Chairperson:** We will now move on to Bill 24.

Presenter No. 1, Mr. Kevin Rebeck, had informed us that he will not be presenting tonight, so he will be taken off the list.

We will move to our second presenter, Carlos Sosa, private citizen.

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

**Mr. Carlos Sosa (Private Citizen):** No, I do not.

**Mr. Chairperson:** Then you may proceed with your presentation.

**Mr. Sosa:** Members of the Legislative Assembly, my name is Carlos Sosa, and tonight I appear here as a person with a disability in opposition to Bill 24, The Social Services Appeal Board Amendment Act.

Today is municipal election day here in Manitoba, where citizens of our province are voting for their local reeves, mayors, city councillors, school trustees and even voicing their opinions in plebiscites. As part of our democratic process,

citizens also participate by volunteering for their local candidates.

It is extremely concerning that this committee scheduled its meeting tonight when we have a democratic process under way in this province and this city and that we are—especially when we are discussing the rights of the most vulnerable in our province, and I think that is a very shameful and short-sighted move by this government to, again, schedule a meeting like this tonight.

On nights such as tonight, people with disabilities, people of colour, women, indigenous populations often face many barriers to participate in our community, whether that be accessing Handi-Transit to come to meetings like this or whether they even have money to pay for the bus to come to meetings like this as well.

Over the last couple of years, this current provincial government has also changed the identification requirements to get into this building, which have a detrimental impact on those living in poverty. People living in poverty often face many barriers when it comes to accessing identification. Another issue with this meeting is the lack of accommodations for people living with disabilities, which include providing ASL and LSQ interpretation and real-time CART transcription services.

I thought we were the most accessible province in the country with The Accessibility for Manitobans Act. I think we still have a long way to go with providing accommodations for people with disabilities at this meeting.

\* (19:20)

Bill 24 will change the way in which cases are considered by the Social Services Appeal Board. The amendment proposes that the appeal board does not have to consider Charter rights when considering cases. In a city and a province that is home to the Canadian Museum for Human Rights, this seems to be quite ironic. Essentially, what is being proposed by this government will take our province in a downward direction when it comes to the rights of the most vulnerable in our province, and it will really take us back to the 1970s when people with disabilities, our indigenous populations, people of colour, women all had to fight for inclusion, especially in the services that we all receive. And, if you support this bill as it currently stands, our rights will be taken back 50 years. And that will be a very sad day in this province.

As someone who has previously worked for Employment and Income Assistance and Manitoba Housing, working with marginalized citizens who will be affected by this legislation, I am concerned for them. The clientele that I worked with included people with disabilities, women, people of colour and indigenous population, which all live disproportionately in poverty and have higher unemployment rates than the rest of society. The proposals in Bill 24 not to consider Charter rights as part of the Social Services Appeal Board is extremely concerning, especially with people with disabilities who face many barriers to access to justice due to poverty and systemic attitudes.

What is also concerning is the lack of consultation with many community groups on this issue. And, in fact, a meeting request has been submitted to the Minister of Families (Mrs. Stefanson), and no response has been received as of yet. Again, extremely concerning.

And this also seems to be a broader trend of a lack of consultation on the services that many vulnerable rely on, especially people with disabilities. And one of the most recent decisions by this government to eliminate the employability assistance program for people living with disabilities self-directed option is just one of them. Again, no consultation with the affected groups.

In order to mitigate changes to this bill, funding needs to be provided to Legal Aid Manitoba to assist marginalized people who want to take Charter cases to court. The other option would be to table this bill until further consultation can take place with marginalized groups, and that includes people with disabilities.

If you decide—mean, if you do decide to go forward tonight with what is being proposed, this will definitely take the province in a downward direction when it comes to the rights of the most marginalized populations in our province. And, again, it will be a sad day that Manitoba does not give consideration to the well-being and the rights of the most vulnerable, again in our very province.

And may I say that this province has been the centre of many human rights movements. I mean, the birthplace of—I mean, obviously, issues of the Winnipeg General Strike, the birthplace of a national and international disability rights movement. And I think we can go in a better direction than that.

I urge you to consider your actions tonight and the impacts that it will have on the most vulnerable populations in this province.

Thank you.

**Mr. Chairperson:** Thank you for your presentation, Mr. Sosa.

**Hon. Heather Stefanson (Minister of Families):** Thank you very much, Mr. Sosa, for being here tonight. Appreciate you taking the time and coming down here.

I just—I will make note of the fact that the committee was held not—it was held prior to this, and, unfortunately, it was delayed due to various wranglings from part of the—one of the opposition parties. And so I think it's important to note that, and I certainly have a tremendous amount of respect for the process that takes place, that this is—we're one of few provinces that actually has this ability to come forward and speak publicly at hearings. And so I think it's an important part of our democratic process, and so I just want to thank you for being here tonight.

**Mr. Sosa:** What I will say in response to your comment is that, yes, this is an important democratic process. But marginalized groups have not really been consulted in the development of this bill, and that is extremely concerning—when we are affected by these bills, that we were not even considered from day one.

**Mrs. Bernadette Smith (Point Douglas):** I want to thank you, Mr. Sosa, for coming once again. I saw you last time we were here for committee. I do agree that, you know, tonight is not the greatest night to hold it, and this government did have control over when they could have held it, could have been another night. There probably would have been other people that wanted to present.

But my question for you is, I've heard time and time again from this government, from this minister that they're trying to eliminate wait times. So, we hear all the time within the justice system that there's a backlog. So what the minister is suggesting is that this Social Services Appeal Board can't hear these, that—she's suggesting that they go the court route. There's also a cost to that.

Is that going to stop people from pursuing that, in your opinion?

**Mr. Sosa:** The court route will prevent people from going further. I mean, you've got to talk about the cost of accessing that lawyer, and for many marginalized people who work in precarious situations or are on employment and income assistance, they just struggle day-to-day. And so, therefore, going to court is simply not an option.

And even just accessing services or even paying for the Internet or paying for rent or having to pay for food are more of a consideration than going to court, and going to court is simply—simply would not be an option and would be a major barrier.

**Mrs. Smith:** This minister also seems to think that it's free to get a lawyer. I know from working in the community I work in that to access a lawyer is \$25 just to get an appointment. That's even if you're on EIA.

Do you think people who are marginalized, that are low income, that are underemployed will be able to pay that \$25 to access a lawyer to fight their case?

**Mr. Sosa:** Speaking from experience, simply not; 25 bucks is—it would be a struggle for a lot of people. I'll say that I'm also on the—involved in a housing co-operative, and I know that even some of the changes with social housing that a lot of people with disabilities just struggle to pay for their housing shares and 25 bucks is just—would be a cumbersome amount. It would be detrimental.

**Mr. Chairperson:** Thank you for your presentation, Mr. Sosa.

We will now move on to our next presenter: Sylvie Sabourin Grindle.

Sylvie, if you could correct me if I'm pronouncing your name properly.

**Ms. Sylvie Sabourin Grindle (Private Citizen):** Sylvie Sabourin Grindle.

**Mr. Chairperson:** Thank you.

Do you have any written submission material?

**Ms. Sabourin Grindle:** Do I have to move this, or is it okay like that?

**Mr. Chairperson:** You can start when you're ready.

**Ms. Sabourin Grindle:** Good evening. I'm here to express concern for Bill 24.

My name is Sylvie Sabourin Grindle. I'm from St. Jean Baptiste, where I grew up on a farm with my family. Currently, my husband and I live in

Winnipeg. For a career, I had the pleasure of being an early childhood educator for many years. I worked at various day cares and nursery schools, mostly in Winnipeg.

I haven't worked in five years because I have mental illness. My husband also has mental illness. My husband and I receive financial assistance from the federal and provincial government. I receive CPP disability and we also receive welfare.

I'm considered non-functional and I'm not able to work. I'm not a professional in any way and I don't communicate like a professional. In fact, I have a great deal of difficulty with communicating, as do many people with mental illness. My presentation will require your patience and I thank you in advance for your patience. Thank you.

As part of my illness, I experience emotional dysregulation, agoraphobia and insomnia. Those all make it difficult for me to be here. It takes a lot for me to leave the safety of my home, but I feel it's important that I be here and try to explain some things from my perspective.

\* (19:30)

In November of 2014, it had been approximately one year since my last day of work and four months since my husband's last day of work. We had used up our savings and needed to rely on credit cards to pay for living expenses. This is when we applied for welfare. It was my first experience with the welfare system. The entire process felt and was dehumanizing. It is and feels dehumanizing, actually.

After being on welfare for six months, we received a letter in the mail. My husband read it and he was so scared to tell me what was going on because he knew this would be difficult for me to handle, and I was already extremely sensitive. He finally told me that our welfare was being cut off. The letter didn't give a reason that our benefits were ending and we had no idea why.

It was the end of June when we found out that we would not be receiving any money for July. We also had our medical benefits taken away. We just finished a six-month waiting period to qualify for medical benefits and we were waiting for a decision on some medical devices, but we were being cut off, and that included our medical benefits.

I was in complete disbelief. I thought it was a mistake and it would be fixed and everything would be okay, but my husband had inquired and confirmed

that it was true. I still didn't believe it because this is Canada. This was traumatic for the both of us. I found myself in an even worse psychological state; I cannot describe it. We needed to appeal the decision.

At the time, I wasn't even well enough to be involved in the appeal process, so it was my husband who took on the responsibility and the stress. He went one day to present our case to the appeal board. When he returned home, he told me what happened. He said he did not present our case. With the appeal board all facing him, he had a panic attack. He has, actually, non-epileptic psychogenic seizures when he gets anxiety. He also said that no one helped him or showed any support. Those who were there for the meeting seemed annoyed that they went there for nothing.

We needed to get back on welfare. We needed to meet with someone at one of the welfare offices. I was way too scared to go through it. The first time we went through the application process I had a panic attack in the office and I needed to leave. I knew I wasn't well enough to go through that again, so we couldn't—just so we could get through it, my psychologist accompanied us and stayed the entire time. This was so I could be there and go through the process without having a major panic attack.

My husband asked me not to present this evening because he was afraid that it could result in us losing our benefits. He said he lives in constant fear that our benefits could be taken away again. My mental illness isn't permanent. I believe I can heal; I know I can heal and I deserve to heal. Many of us who require financial assistance are experiencing mental illness. We all need and deserve a chance to heal. While we stress about money, we cannot heal from whatever caused our mental illness.

The current appeal process is dehumanizing, traumatizing and ineffective. Therefore, by opposing Bill 24, I'm definitely not suggesting we keep things the way they are, but I'm also asking that you don't eliminate the appeal board without replacing it with something more effective.

In 2015, the Canadian Housing and Renewal Association indicated the financial cost of providing services to mentally ill people in various places. I ask you, just to save a bit of time, because I don't want to go over time, on one of those pages, there is a chart with the prices involved with providing health care—or providing, like, having someone stay in a hospital or psychiatric bed or jail or staying in a shelter, and a hospital psychiatric service is \$20,615 per month, a

provincial jail is \$4,333 a month, a shelter is \$1,932 a month. Supportive social housing is about \$775 to \$961 a month.

Below there's what my husband and I receive. My CPP disability comes to \$840 a month, welfare is \$720 a month, and then that totals to \$1,560 a month. So, per person, that is \$780 a month per person. I'm worth more than that.

As you can see, CPP disability isn't enough to live off and there are no medical benefits with CPP. Even though I worked hard for as long as I could, CPP doesn't give me enough to survive. Therefore, welfare, which is provincial, needs to supplement.

The amount decided by welfare isn't based on the actual cost of living. Those of us on welfare are people, too. We have needs; we are biological beings with needs and wants just like those who are not on welfare.

This bill is clearly not to save money because we now it will end up costing more money. We also know it will cause a huge amount of stress. Financial stress is a huge burden on our nervous system. It leads to mental illness, and there is just so much that we can handle.

I ask that you please always consider the most vulnerable and the most marginalized people when you create laws. Experience is the best teacher, and there are some things that we can only learn and truly understand through experience. Poverty can only be understood by those with personal experience.

I, myself, do not know poverty. Even though my income is low, I don't consider myself to be a poor person. This is because, for one, my freezer is full; I've never had to worry about having enough food or water. And the other reason I don't consider myself a poor person is because I have seen poverty. I witnessed enough poverty to know that I don't actually know poverty. Poverty means helplessness. The reason I myself don't actually know poverty is because I have family and community. I—there's still steps between where I am now and homelessness; however, it's a fear of mine. But, yes, anyway, I have seen poverty.

And, anyways, getting a job isn't a solution for those of us who aren't able to work. Poor people don't need a poverty reduction strategy. Poverty—or, poor people need money. One moment. Manitobans are experiencing a serious mental illness crisis, and you can help by not adding even more financial

stress to people's lives. Some people are even healing from generations of trauma. That takes time, and in order to allow people to heal, we need to provide them with safety, and that takes—and take away their stress so they could focus on healing.

There's no choice in being born in a family with little resources. There's no choice in experiencing trauma. Trauma leads to mental illness and mental poverty. For those who are following, I kind of, like, went back a little bit because I know I have more than 10 minutes worth of stuff.

But how you vote on Bill 24 is your choice, and every single Manitoban deserves the safety of knowing that the government is protecting us. In my opinion, voting yes on Bill 24 means that you would be making the choice to add stress to people who are already suffering. The fact that poverty affects people of colour at higher rates and it affects—than it affects white people, this bill is an attack—and this bill is an attack on poor people, and Bill 24 is racist; a bill that will lead to more suffering, homelessness, more severe mental illness and even death. Bill 24 would make things worse, and making things worse is the opposite of reconciliation.

Those of us here this evening, we're not responsible for the actions of our ancestors, but those who will be voting on this bill and on future bills are responsible for the choice that you make when you vote.

How much time do I have left?

Okay, I just want a break—sorry—I'm okay. I just want to bring your attention to—there's—I have a couple of resources there with important statistics. One is that 28 per cent of Manitobans diagnosed—or diagnosed with mental illness, I imagine it's like this last five-year period. Twenty-eight per cent have had a mental illness diagnosis, and I know with the lack of resources for us, they're not—people are not getting better; they're not actually getting better. So it's just going to get worse. Mental illness causes more mental illness because mental illness violence, and it—yes, like, anyways, and, like, the amount, like, Manitoba has the highest child apprehension rates in the world, and many people who are on the streets are, in fact—or—people who went through the CFS system. And then these people, like, even filling out forms, it's difficult to do with mental illness. I know, because before I had mental illness, that was easy, even fun to do. With mental illness, I literally cannot fill out a form. I cannot.

**Mr. Chairperson:** Sylvie, your 10 minutes has expired, but we'll give you a little—

**Ms. Sabourin Grindle:** Okay, thank you.

**Mr. Chairperson:** No, we'll give you a little bit more time to finish off. Sylvie, go ahead.

**Ms. Sabourin Grindle:** Manitoba has 19 psychologists per 100,000 people. That's less than half the national average. That's 25–255 psychologists for the entire province. And there's about 276,000 Manitobans that have been diagnosed just recently with needing help, not just counselling; trauma-informed therapy where we can actually heal from mental illness is just not available. We're—but then we're forced to be poor, and then how—there's no chance for us. There's no chance for us, there's no hope.

\* (19:40)

So I'll just stick to my very, very last line. That's just like a little bit of a thank-you for—well, thank you all for being here and taking the time to listen to my presentation and people back there also listening. Thank you.

**Mr. Chairperson:** Thank you very much, Sylvie.

**Mrs. Stefanson:** Sylvie, I just want to thank you so much for being here tonight. I know you have presented to committee before. You always do an amazing job. You're straight from the heart, you know. I want—and I want to thank you for sharing your personal story, as well, with us.

And I think you bring up a lot of points tonight in giving us some constructive criticism of how we can—of some potential changes to how this process takes place. And so we're always looking to make the process better for Manitobans. And I think you bring forward some compelling arguments tonight.

The one area I just wanted to say—because this change is specific to the area of Charter—Charter restrictions and the area of Charter jurisdiction. So, back in 2005, there was a similar change made by the previous NDP government with respect to the Workers Compensation Board, where the similar—the very same changes were made back then, as well, that there's perhaps a more appropriate place to deal with Charter issues specifically.

So this isn't—this is—wouldn't prohibit your appeal from going—you know, you presenting your appeal before the appeal board. It's just—you know, it just pertains to—specifically to the Charter area. So I

do want to thank you, though—[interjection] Yes. [interjection]

**Mr. Chairperson:** Sylvie—[interjection]

**Mrs. Stefanson:** Thanks so much. And you know what, we're happy to sit down with you and to explain this further. We really appreciate your time.

I don't want to take up too much more of your time. I know there's questions from other members. But again, I want to thank you very much.

**Mrs. Smith:** I want to thank you for your presentation. I know you were here last time we were supposed to have committee. So I want to thank you for coming back. I know how hard it is for you to get out of the house; you expressed that last time you were here.

Can you speak a little bit about—you talked a little bit about your experience of going to EIA—welfare, as you put it? For those that are struggling such as yourself, if you had to go in front of the Social Services Appeal Board, how can we make it more accessible to people so that it's not this? Because you're presenting in front of a group like this and you're presenting your case. And, right now, like, the appeal board hears all cases. So what this bill is suggesting is that if it's a Charter right, that they can't hear it at all. So they're taking that right away from the Social Services Appeal Board.

Right now, they come in front of the social services appeal, they make that decision, there are people who are very qualified individuals that have worked in many different fields, that know the system. Many of them have been in the system. But this is being taken away—this right for them to hear these. They're just saying no, you're not qualified to hear those; you need to go to the court.

So you can speak a little bit about what would make it easier for you to go in front of the social services board. And if they denied that and you had to go into—let's say court, what would that experience look like for you?

**Ms. Sabourin Grindle:** Yes. Like, I—it would be terrifying, absolutely terrifying. My husband actually has to go to court just from the—this—snow people. They broke our fence, like, two years ago and he's, like, terrified for that.

No, like, I—for me, personally, well, I would need to, like, I don't know. I can't even go through security without being scared. If I see even a police officer, I'm scared. If people talk to me on my left

side, I'm scared. If people say triggering words, I'm scared. If—I get so many fears that I could not go through that process. I could not. I would need to have, like, access to my cannabis—like, as much as I need it. I would need to have full—like, at full understanding that my reaction is not a choice when I'm afraid. I, like, we don't—like, I would need total trauma-informed, absolutely every total—like, it would not—it's kind of like—we could actually, like, it's a big, big, big question. I would need, like, so much accommodation. Like, I can't even—like, I couldn't even go to the welfare office to re-go back on welfare without my psychologist, which my parents are—like, I'm not on—getting therapy anymore but, like, privately paid psychologist that my parents are paying, he came with us, stayed there the entire time just so we can get through the process of answering questions even just in the welfare office. It was—it's traumatic. It's traumatic. And I don't use the word trauma lightly. It's traumatic.

And they ask you these questions, and they really make you feel, like, not good, and it's not—and that person—actually, the—I—the—when I was—how I was reacting, the person—the social worker, I guess, she got upset because—she said, how—seeing people like this, how do you think it makes me feel? So this is not easy on any one of us. It's people having to follow rules, and it's not easy on any—it's not easy on them; it's not easy on us.

So I don't know how—like, it's kind of like—it would—we'd need so much—so much—accommodation. Like, myself just being here, it took so much for me to be here. And how many Manitobans that are on welfare that don't even know, because they're not even on—like, I just found about this from Facebook, so I knew about this. Otherwise, I wouldn't even know about this. And people were going to discover this when they get kicked off of welfare for not filling out a form correctly or something, and then—

**Mr. Chairperson:** Sylvie—

**Ms. Sabourin Grindle:** —they'll be no appeal board for them, even.

**Mr. Chairperson:** Our time for questions has long expired.

We'd like to thank you for your presentation. We—you know, thank you for appearing here tonight. It's greatly appreciated. Thank you.

I would like to now call on our next presenter, Janet Forbes, Inclusion Winnipeg.

Do you have written materials for distribution to the committee?

**Ms. Janet Forbes (Inclusion Winnipeg):** I do not.

**Mr. Chairperson:** Then you may proceed with your presentation when you are ready.

**Ms. Forbes:** As stated, my name is Janet Forbes, and I'm the executive director of Inclusion Winnipeg. Our organization is part of a national federation of associations for community living, and the purpose of our organization is to advance and protect the rights of people with intellectual disabilities.

I am here before you tonight also as a member of the Charter Rights for All coalition. And I'd also like to add that Inclusion Winnipeg, along with the Canadian Mental Health Society and the Winnipeg Harvest, was a member of the coalition represented by the Public Interest Law Centre in the court case that argued having the Social Services Appeal Board hear Charter cases would promote greater access to justice for marginalized people in our province.

Thank you for the opportunity to speak to Bill 24 tonight. I know that some of my colleagues did wish to be here but were unable to present due to the election and have submitted written submissions that will include a wide range of recommendations.

I would like to speak to protecting the Charter rights for marginalized Manitobans. Canada was an early signer of the UN convention on the rights of people with disabilities in 2007. Ratification in 2010 made it legally binding on Canada and provinces and territories. As equal citizens in Canada, people with disabilities have a right to experience and count on their rights being upheld.

In Manitoba, we also have The Accessibility for Manitobans Act, which we believe can decrease the number of human rights complaints based on discriminations because of a disability. In fact, Manitoba has often shown significant leadership in matters related to legislation and policy for people with disabilities. We are only the second province to have accessibility legislation. The vulnerable persons act was groundbreaking back in 1993 when it was passed. The Adult Abuse Registry Act was, and I believe still is, the only province to have such legislation.

We were heartened by the court's ruling that the Social Services Appeal Board could hear Charter cases and believed that it was another step towards

making access to justice—or making justice accessible for all Manitobans.

Many Manitobans live in poverty. People with all types of disabilities experience poverty at a greater rate than other Manitobans. From Inclusion Winnipeg's perspective, people with intellectual disabilities experience poverty at a very deep level and have few opportunities to rise above that abject level of poverty.

\* (19:50)

Many live without the financial resources to pay for all of their basic needs, let alone have the financial ability to pay for legal representation if their Charter cases must go through the court system. That is a process that is lengthy and, for many people, overwhelming. Few people would be able to access the judicial system for financial reasons, and for some it would be simply too overwhelming for them emotionally and physically. It would mean that they would not have their constitutional rights protected and upheld.

The court's ruling brought access to justice a bit closer to people. We recognize and acknowledge that the Legislature has the authority to use legislative amendments to restrict the jurisdiction of the Social Services Appeal Board to hear Charter arguments, but our question is: why?

Why would the Legislature move that—move to do that without consultation to determine the impact their decision would have on people with disabilities?

Bill 24 was introduced with no prior community consultation and little explanation to why it was introduced. Even people from within government did not seem to be able to answer the question the day that it was tabled.

In Manitoba, there is a large network of organizations and individuals working on issues of poverty, accessibility, inclusion, disability and, broadly, on social justice issues. We have members who regularly interact with the Social Services Appeal Board. It did not appear that anyone from our networks, or individuals who would be most impacted, were consulted.

A freedom of information request confirmed that there was no consideration of the impact Bill 24 would have on access to justice for the most vulnerable and marginalized citizens in Manitoba.



We ask the government to withdraw Bill 24, but if that is not a possibility, we encourage the government to delay passage of this bill and seek to meaningfully consult by collaborating and engaging with relevant stakeholders.

Individuals who are most impacted require support and assistance to participate as equal citizens in the proposed consultations, and those supports and accommodations should be considered. This move would be consistent with the UN's most senior Committee on the Rights of People with Disabilities, their new legal guidance points.

I will conclude by making the following three points:

First, access to justice is a key principle of improving the legal system across Canada. We ask that the government take time to implement a principled-based—a principle-based consultation and reflect on the principle that the Charter belongs to all people. All parties deciding legal issues must conform to the Charter. All lawmakers charged with deciding legal issues must conform to the Canadian Charter of Rights and Freedoms.

Second, all Manitobans have the right to be treated as equal citizens and, as such, should receive the support they require if they believe their Charter rights are being violated or withheld. Access to justice is a safeguard inherent in our democracy, and we believe that all people deserve access. This must be protected by our laws and the administration of our laws.

Finally, we recognize the need for qualified tribunal members, and they should include the expertise of people who rely on the—Manitoba's social services. Relevant training should be provided to all members to ensure the Charter competency necessary to make decisions. Recognition of additional supports for members who may require accommodations is critical. A jurisdictional review should be conducted to access information on promising practices in other provinces.

Thank you for your attention.

**Mr. Chairperson:** Thank you for your presentation, Ms. Forbes.

**Mrs. Stefanson:** Thank you very much, Ms. Forbes, for taking the time out of your schedule and to be here tonight to represent those that you represent out in the community. I think you made some very valid

points tonight, and I want to thank you for sharing that with the committee tonight.

**Ms. Forbes:** Thank you.

**Mr. Dougald Lamont (Leader of the Second Opposition):** Thank you very much. I appreciate everything you're saying.

I was wondering, if people are unable to make these appeals or make Charter claims at the Social Services Appeal Board, what's the next step? What is the next step for them to be able to take a remedy?

**Ms. Forbes:** The appeal court.

**Mr. Lamont:** I just wanted to ask, as far as I can tell, it seems to me—it's not clear to me that—why it is that the government is actually able to just say, well this particular is—doesn't—or that the Charter of Rights and Freedoms does not apply in this particular case or this—because, as you have mentioned, the court case that you brought has established that any court of competent jurisdiction can actually—can and should apply Charter principles.

Is there any possibility that the only way this is actually unconstitutional legislation? I don't know if you've had any follow-up with your lawyer that it would require the notwithstanding clause to actually be invoked in order to pass?

**Ms. Forbes:** I'm not sure I fully understand the question. But this would not specifically be just about people who have intellectual disabilities not accessing their Charter rights. What it would mean is that they would have easier access to hear—have their Charter cases heard. But because so many of them are among the most marginalized people in the province, it would impact more on them than some other people.

**Mrs. Smith:** I want to thank you, Ms. Forbes, for, once again, coming back to present.

I also just want to ask you a question about—the minister has said that this is about red tape, about making, you know, the time that people go to present in front of this board more of an expedient experience for people and that this is tying up their time.

Do you believe by passing this bill that that's going to free up the Social Services Appeal Board?

**Ms. Forbes:** Well, this is—the ruling of the court last year was to actually allow the Social Services Appeal Board to hear Charter cases, which they hadn't been for a number of years. Many years ago, a

case overturned that. So I don't know that they know whether or not it's going to free up the Social Services Appeal Board. What I do know is that cases get caught up in the court system and also could, you know, bog them down at that point as well too.

**Hon. Scott Fielding (Minister of Finance):** Yes, maybe I'll just ask a few questions on it.

You know, I know the court case that came down. As I understand from the actual court case, what was—the options that were presented to government at the time was to either go back and change the legislation, similar to what happened in 2005 with the Workers Compensation Board that the previous government did, as well as what other jurisdictions—because I think the vast majority of jurisdictions have a similar process to this—or allow the social service appeal committee to hear the constitutional challenges on it.

So I guess the question is: Are you aware that the courts actually provided two options to government—part of their ruling?

**Mr. Chairperson:** Mrs. Forbes—or, Ms. Forbes.

**Ms. Forbes:** No, I was not aware of that.

**Mrs. Smith:** So the Stadler case, I can tell you—in—and I'm just going to give you some what's still happening.

So the Stadler case basically said that, you know, people cannot be forced to take their CPP. Well, I can tell you that in our office, we're still hearing that that's happening. So people, for instance, that are living at Salvation Army or Siloam Mission—some that are homeless—are going to, you know, EIA to get some help, as many people do. They find themselves in a situation where they don't have enough funds to live. They are being forced to take CPP early, which means when they turn 65 they have less income to live on.

In your opinion, do you think that that's right, what this government is doing? Forcing people who are already, you know, low income, that are already relying on EIA for income, and they're clawing back dollar for dollar. Do you think that's right?

**Mr. Chairperson:** Ms. Forbes, time for questions has expired, but I will allow you some time quick—to quickly answer the question.

**Ms. Forbes:** No, I don't think it's right. I think that people who have lived in poverty all their lives shouldn't be pushed further into poverty.

**Mr. Chairperson:** Thank you for your presentation, Ms. Forbes. We will now move on to the next presenter.

I will call Karen Sharma. Karen Sharma, Manitoba Human Rights Commission.

Do you have any written materials for distribution to the committee?

**Ms. Karen Sharma (Manitoba Human Rights Commission):** I do not.

**Mr. Chairperson:** Then you may proceed with your presentation.

**Ms. Sharma:** Thank you for providing me with the opportunity to speak here today on the ancestral lands of the Anishinabe, Innu and Dakota people, homeland of Metis nation and on territory governed by Treaty 1. My name is Karen Sharma, and I have the good fortune and honour of being the director of investigations and policy with the Manitoba Human Rights Commission.

\*(20:00)

The commission is an independent agency of the Government of Manitoba, responsible to the Minister of Justice, for the protection and promotion of human rights in our province. As the agency mandated to administer our provincial Human Rights Code, we enforce the right of all Manitobans to be free from discrimination, prejudice and negative stereotypes.

We also enforce the corresponding responsibility of employers, landlords and service providers, like restaurants, schools, hospitals, government agencies, to uphold the fundamental principles of equality and freedom from discrimination.

The commission joins other concerned groups and individuals who promote the principle of equality in standing before you here today because we believe the Canadian Charter of Rights and Freedoms belongs to all people in Canada. The bill before you here today, Bill 24, proposes that the Social Services Appeal Board will have no jurisdiction, and I quote from the bill, to inquire into or make a decision concerning the constitutional or applicability of any federal law or to grant a remedy under the Charter. Bill 24 proposes to restrict the Social Services Appeal Board, a quasi-judicial administrative tribunal, from considering and applying Charter principles when making decisions about the provision of social assistance to Manitoba's most socially disadvantaged citizens.

Section 15 of the Charter of Rights and Freedoms guarantees equality for all Canadians, regardless of their nationality, race, ethnicity, colour, religion, sex, age or mental or physical disability. Canada is celebrated for entrenching this principle in law and for ensuring that it forms the basis of our interactions as citizens of this nation. The commission believes that Bill 24 undermines these fundamental principles and counters the direction from our Manitoba Court of Appeal in its November 27 decision that we're discussing here today, *Stadler versus Manitoba, the Social Services Appeal Board*. In this decision, the Court of Appeal clearly reasoned that it was in the interests of access to justice that the Social Services Appeal Board consider the Charter in its decisions and that if it was limited by the knowledge by its appointed members, it ought to seek out that knowledge through legal advice when necessary.

In *Stadler*, the court reviewed the evolution of law in Canada with respect to administrative tribunals applying the Charter. And it issued its decision in that case consistent with the reasoning from our Supreme Court in other decisions that the Charter belongs to the people of Canada. The court considered Chief Justice McLachlin's comments in earlier decisions, such as the *Cooper* case, where she said, and I quote: The Charter belongs to the people. All law and lawmakers that touch the people must conform to it. Tribunals and commissions charged with deciding legal issues are no exception. Many more citizens have their rights determined by these tribunals than by the courts. If the Charter is to be meaningful to ordinary people, then it must find its expression in the decisions of these tribunals.

The Social Services Appeal Board hears from some of our province's most marginalized citizens, our single parents, our seniors, our people with disabilities, those that experience homelessness or have inadequate housing, those that do not have secure employment. We have delegated decision-making authority on an incredibly pressing issue, on the issue of the provision of social benefits to the members of the Social Services Appeal Board. They are a specialized decision-maker who, along with other administrative tribunals, constitute an integral part of our justice system. We know that there is greater reliance on administrative tribunals and decision-makers to decide questions of fact in law, on issues that affect Manitobans in all aspects of their lives. These bodies are expected to apply the laws of our land in a way that we as

citizens can understand and in a system that we can navigate. Bill 24 undermines the role of the Social Services Appeal Board, but, more importantly, it undermines the rights of Manitobans agreed to with the proclamation of our 1982 Constitution that entrenches that the Constitution, including the Charter of Rights and Freedoms, ought to apply equally to all provinces, as it would in others.

As the agency charged with promoting dignity and the rights of every member of our human family, we urge you to reconsider the proclamation of this bill.

Thank you.

**Mr. Chairperson:** Thank you for your presentation, Ms. Sharma.

**Mrs. Stefanson:** Thank you very much, Ms. Sharma, for being here tonight on behalf of the Manitoba Human Rights Commission. I think you presented very well, made some valid arguments tonight, and I appreciate you bringing your thoughts and ideas forward on behalf of your organization.

**Ms. Sharma:** Thank you, Minister Stefanson.

**Mrs. Smith:** I want to thank you for coming tonight. You have a lot of knowledge in this area. I want to thank you for the work that you do.

Do you feel that the people who are on the Social Services Appeal Board have the qualifications to be hearing Charter arguments?

**Ms. Sharma:** My colleagues in that area, I certainly feel that it is within the capacity of administrative tribunals such as a Social Services Appeal Board, to consider Charter arguments. I think sometimes we get wrapped up in this idea of the Charter and Charter arguments being complex or difficult, but I think that, in practical terms, allowing a person to be heard, particularly when it pertains to an issue of the Charter and whether their rights have been infringed in that way, is not a complex issue and that, with capacity development, it's certainly a thing that we can build within our administrative tribunals.

**Mrs. Smith:** So we know that there are about 700 people that presented in front of the Social Services Appeal Board last year, so that was about eight people a day. This minister is suggesting that this is red tape and that this is going to eliminate and speed up the process when, in fact, we know that it's going to tie up in the justice system. People aren't going to pursue it because they don't have the funds, as you talked about in your presentation.

So do you think having eight people a day is, you know, too many cases to hear?

**Ms. Sharma:** What I can say from an efficiency perspective is that administrative tribunals play an incredibly important part in our justice system and they're intended to be specialized decision-makers. So we've invested this 'inuthority' in boards, commissions, tribunals, because we believe that they have specialized expertise and to make the justice system more accessible to the public, to Manitobans.

So I do think that, you know, having administrative tribunals hear matters, including matters that pertain to the Charter, ensures accessibility of our justice system to Manitobans. And we've heard concerns from other witnesses that have presented before this committee that having these matters proceed before the court system might cause undue delay and challenges for applicants, certainly.

**Mr. Fielding:** Yes, I've got just a couple of questions on it. You know, the member from Point Douglas raised the amount of people that are going to the Social Service Appeal Board, like, eight a day, so this is more of a statement, but I will ask you a question on the latter part. That is a lot of people.

If you do hear a constitutional challenge on these things, I think that the, you know, the concern would be that that will delay things even further, if you do have more people that are there.

But the question that will become true, because you're hearing Charter challenges which probably will take a little bit longer for the committee to adjudicate over, I guess the question that I really have is: Who do you think, on Charter challenges not on specific cases that the Social Services Appeal Board has, do you think—who'd have better an ability to adjudicate over Charter challenges? The courts or the Social Services Appeal Board?

**Ms. Sharma:** So administrative tribunals form a core element, part of our justice system, and, if you look back to decisions like the Supreme Court of Canada's decision in Cooper or Conway, they talk about administrative tribunals being empowered to hear these decisions, because the Charter, the constitution, should not be relegated to a single court but should live throughout our justice system.

We, you know, similarly, are trying to sort of support that and advance that here today, that the Charter ought not, and there is no provision in our constitution that says that a single court ought to hear

Charter challenges, but rather that it should live in all aspects of our justice system, including a core component of our justice system, our administrative tribunals.

**Mr. Chairperson:** Mrs. Smith, Point Douglas.

Time has pretty much expired, but I'll allow you a quick question and a quick answer.

**Mrs. Smith:** Do you know any groups that were consulted about this bill?

**Ms. Sharma:** I do not.

**Mr. Chairperson:** We'd like to thank you for your presentation, Ms. Sharma, and I will now call on our next presenter, Megan Linton, representing Charter Rights for All.

Do you have any written material for the committee?

\* (20:10)

**Ms. Megan Linton (Charter Rights for All):** No, but I would like to say the same exact thing that I said the last time I was at committee, which is that I did not know this was literally a standing committee, and the fact that the AMA has now come into place, and yet we still do not have accommodations for those of us who cannot stand for 10 minutes, I think, is completely (1) disrespectful for both me and other people here, and also just such an easy fix. So I'm going to sit, and I would like my time to start once I started sitting.

**Mr. Chairperson:** Ms. Linton, you may proceed.

**Ms. Linton:** Hi, my name is Megan Linton. I am the founder and chairperson of Charter Rights for All. I am the national disability justice commissioner for the Canadian Federation of Students, a member of the Manitoba League of Persons with Disabilities, the deputy chair of the Canadian Federation of Students Manitoba, and a young disabled woman. I am a fourth year student and a constituent of Minister Stefanson.

I want to begin by recognizing this process. I think this process is incredibly important. However, when we met with the deputy—not the deputy minister. When we met with several civil servants about this, they encouraged us that this is the level of consultation. This is not a place for consultation; this is the final stage of the bill. The people who are not here tonight are plenty.

The people who are directly affected by this bill who are not here are vast, and we have to recognize that they are not here for the reasons that I started this with: the fact that there's (1) a limit of accommodations, (2) Handi-Transit requires at least a week notice. We weren't given barely a week notice, and Handi-Transit isn't available for many folks after 6 p.m.

Third is that, as written in your Legislative Library now, there's a wonderful paper on the use of accessible language in policy, and that was not used in this bill that directly impacts people who might not have the ability to use inaccessible language or legislative language, because I'm a fourth year university student, and I'm constantly asked about what this bill means from my peers, from my professors, from so many people, because it doesn't make sense to so many people when they're not directly involved in it.

And so, when we look at the lack of consultation, I think it's incredibly confusing. As both a constituent of Minister Stefanson, I was denied a meeting, and as the chairperson of this coalition, we received a response from both Minister Fielding with, no, he does not have time, which now your portfolio has shifted, and we congratulated Minister Stefanson, and then we were greeted with the response that she would be unable to attend the event. There was no event; it was a meeting, and so we didn't propose a time. It was just a request for a meeting. And so I think this recurring theme of the lack of consultation on every single one of these bills is wrong and is a direct attack on the most marginalized citizens.

And so, going forward, while I recognize this bill will probably go through, I request that it is at least delayed so that we have the time to do those direct consultations.

When we asked your civil servants if there was research into the impacts on access to justice, they said, no, we did not think about that. And so we ask that there is more research and there is more consultation.

And so, going forward, we look at why this bill is passed. And, when I heard word of this bill, I was confused, because when I was in grade 5, grade 7 and 11, we learned about the Canadian Charter. I've subsequently learned about it constantly through university, and I've always felt a great respect for the piece that says every individual is equal under the law.

And so I believed that this Charter was accessible to every citizen under the law, and yet this will prevent our access. And so, while I recognize that we will eventually have access to it through the Manitoba Court of Appeal, that's another step. That's another week of waiting for EI payments. And, for many people, that doesn't work.

I have been in and out of the hospital for my entire life. I am deeply aware of the fact that health and disability are inherently determined by your social outcomes. I am not that case. My disabilities are largely a result of trauma and—trauma as a result of me being born a woman. So I think it's important to understand that this attack on our ability to access the Charter—so, for us to be able to access EI and for us to be able to access those appeal courts, is a direct attack on those with disabilities, because it's hard enough for us to get out of the hospital to be able to make those EI claims. It's hard enough for us to get out of bed. It's hard enough for us to book Handi-Transit. For all of those steps, and then to go and to argue your Charter, which you are born with or you got when you became a Canadian citizen and say, no, you don't get that here because you're poor. That is the only reason.

And, if the reason is the lack of education of the board members, which is what we've heard time and time again, then why do we keep making partisan appointments of board members? If the issue is lack of education of board members and not lack of education for us appealing for EI, then why don't we educate those people like they do in Ontario?

So, if that's our concern, then that's a great concern. I hear that and I respect that and I understand that that's super important. But then why aren't we shift—why are we shifting the problem onto the marginalized groups instead of the problem onto the board members, if that's—our problem is with them? So let's educate them, because we should all be educated on Charter arguments. Because we're—it's ours.

I want to bring back, as Ms. Forbes said, from—Canada is signed onto the United Nation convention on the rights of disabled persons. And aren't we lucky? Within that document it says that states parties shall ensure effective access to justice for persons with disabilities on equal basis with others, including through the provision of procedural- and age-appropriate accommodations in order to facilitate their effective role as direct and

indirect participants. That is legally binding with Canada, and so that is legally binding here.

I have access—I'm supposed to have access to this committee, and so are my peers as disabled and—as disabled folks, as women, as students, as mentally ill folks—we're all supposed to have access to this. I'm supposed to have access to it differently because I'm disabled. That wasn't given to me, but I'll—maybe I'll get over that eventually. But this removes that effective access to justice. And so this adds another step. It adds another barrier, and I live my life with so many barriers. And my peers live our lives with so many barriers. There's the barrier of the elevator in this building with the inch-and-a-half lip to get into it. And then there's the barrier of the podium and the—all of the different barriers. The barrier that you can't eat in here and you have to take your meds.

There's all these situations. And then to go to the appeals board. So not only do you have to go to EI and sit through that long process—that long day where you are missing a day of trying to find a job, you're missing a day of volunteering potentially, which earns you more benefits. So then all of these things which are preventing us from being able to heal or get more money through sweat benefits or be in the hospital.

And so I think my proposal is that if this bill be amended so that the board receives more education, that we shift the burden away from the marginalized groups and onto the board, because that would make sense. And that is what is just and what is right. If we continue to shift the weight of effectiveness onto marginalized groups, then we are continuing to marginalize those groups.

\* (20:20)

And I think we consistently say we want to make things more effective, and what would be more effective is for there to be less poverty, and, for there to be less poverty, we need to have access to those services, and so—yes.

I thank you for having me here, I thank you for shifting things and I welcome your questions, and I hope that we can have a productive conversation around how to shift this.

**Mr. Chairperson:** Thank you for your presentation, Ms. Linton.

**Mrs. Stefanson:** Thank you very much, Ms. Linton, for your presentation tonight. A couple of things: first of all, my apologies for the mix-up with my

office. I was not aware of that. I don't profess to be perfect; that's for sure. But my apologies for that on—and, certainly, I think you brought forward some other ideas tonight.

We're always open to new ideas of how we can improve the accessibility for all Manitobans, and so, you know, my apologies, again, for some of the barriers that you're faced with. And we're working to try and remove those barriers for Manitobans, and I think you brought forward some very good, valid ideas tonight. So I want to thank you for that.

**Ms. Linton:** Yes, and I totally recognize that we all have mistakes. I will say that that was—that email was responded to as the fifth request for a meeting with you. I'm not going to count the number of meeting requests we sent to Minister Fielding, because I don't have that many hands. So that's all I'll say on that.

And, yes, I look forward to dismantling these barriers, because I am exhausted with having to face these barriers every day and to fight for my right to be in this building.

**Mrs. Smith:** I want to commend you for coming down. You're a strong advocate. I love your ideas. I agree that we need to shift that burden onto, you know, somebody else other than the marginalized because they have no—and I'm getting emotional because you're emotional [*inaudible*]

Just have a question—do you believe what the minister just said, that she wants to eliminate barriers through introducing this bill? Do you believe that that's going to eliminate barriers for disabled people, for the most vulnerable, for people who can't even get out of their house?

**Ms. Linton:** I was so close to messing up, but I didn't. I am excited by the idea that committee can introduce amendments, and I would encourage that we flex that part of the democratic process tonight because we are ever so lucky to have that ability.

Do I believe that this bill will reduce barriers? Absolutely not. I don't know if anyone here has ever been in the Manitoba Court of Appeal. It's—I wouldn't necessarily say that's a space that I would encourage people to access.

**Mrs. Smith:** When you were talking, you were talking about Handi-Transit and, you know, barriers to get here and, you know, Handi-Transit isn't available after 6. Do you have suggestions about maybe, you know, shifting committees to different

times of the day to make it accessible for more people?

We're talking about AMA, you know, accessibility. Do you think that that's maybe a possibility that this government should be considering?

**Ms. Linton:** Yes, I mean, I think first and foremost, I would recommend strong consultations prior to the committee stage—so prior to the fact that we know that this bill has already been read twice, and that there is limited space for that, but then I would also continue with what Carlos had said earlier, that there's a lack of ASL services, there's no LSQ, there's a lack of transcription services, the ramp into this building is treacherous.

Yes, so I think the first and foremost thing that I will say about that is that we need actual consultations prior to me missing my 6-to-9 class on Wednesday night but, also, for everyone to be able to access.

**Mrs. Smith:** I'm sorry your requests to meet with both ministers, you know, were denied.

Do you know any other groups that were consulted? We held over this bill hoping that there'd be some consultation, but are you aware of any other groups that were—or any groups that were consulted about this bill?

**Ms. Linton:** There was no consultation process, and we were told that there was no consultation process.

**Mr. Chairperson:** We thank you for your presentation, Ms. Linton.

Seeing's there are no other questions from the committee, we will now move on to our next presenter.

**Bill 27—The Fiscal Responsibility and Taxpayer Protection Amendment Act**

**Mr. Chairperson:** We will now move on to Bill 27.

I would like to call Robert Baryla, private citizen. Robert?

Robert does not appear to be here.

We will move on to Brett Mann. Is Brett Mann here?

Brett Mann is not here. He will be moved to the bottom of the list.

Would Al Courchane be here? Al Courchane?

Al Courchane is not here.

**Bill 8—The Government Notices Modernization Act (Various Acts Amended)**  
(Continued)

**Mr. Chairperson:** We will now move to the—we will now move on to Bill 8.

Mr. Bob Cox from the Winnipeg Free Press.

Mr. Cox does not seem to be present. He will—his name will be taken from the list.

**Bill 27—The Fiscal Responsibility and Taxpayer Protection Amendment Act**  
(Continued)

**Mr. Chairperson:** Mr. Robert Baryla?

Mr. Baryla is—does not appear to be here. His name will be taken from the list.

Mr. Brett Mann?

Mr. Brett Mann is not present. He will be taken from the list.

Mr. Al Courchane?

Mr. Al Courchane is not here. He will be taken from the list.

This concludes our list of presenters that I have before me.

Are there any other persons in attendance who wish to make a presentation?

**Mrs. Bernadette Smith (Point Douglas):** I'd like to read a submission into the record for Bill 24.

**Mr. Chairperson:** On behalf of?

**Mrs. Smith:** On behalf of MFL. So, which is—on behalf of Kevin Rebreck [*phonetic*], I'd like to read this into record.

**An Honourable Member:** Is there leave?

**Mr. Chairperson:** Is there leave from the committee to have this read into record?

**An Honourable Member:** Leave.

**An Honourable Member:** Agreed.

**Mr. Chairperson:** Mrs. Stefanson, the Honourable Ms. Stefanson.

**Hon. Heather Stefanson (Minister of Families):** Yes, I mean, I'd be happy if we just table the submission and it's part of the official record. So I don't know if we need to take the time to read it in.

It would just be a submission and like other written submissions will be part of the record.

**Mr. Chairperson:** A written submission will be included in the transcript of this evening's procedures. Is—it will be part of the record, if that's all right with Mrs. Smith.

Mrs. Smith, I'd like to clarify that. Is that all right with you, that it be included as a submission and be included in the transcript?

**Mrs. Smith:** Yes, I just also want to note that Kevin Rebreck [*phonetic*] asked if it could be read into the record. But, if it's going to be a part of the record because it was submitted, that's fine.

**Mr. Chairperson:** Does the committee agree to this? [*Agreed*]

Seeing none, that concludes public presentations.

\* \* \*

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

We will—in what order does the committee wish to proceed with clause-by-clause consideration of these bills? As listed? [*Agreed*]

As listed. We will proceed as listed.

\*(20:30)

We will now call on—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*]

We will now proceed with Bill 8.

**Bill 8—The Government Notices  
Modernization Act (Various Acts Amended)  
(Continued)**

**Mr. Chairperson:** Does the minister responsible for Bill 8 have an opening statement?

**Hon. Cathy Cox (Minister of Sport, Culture and Heritage):** I would like to thank everyone who took the time to come and present this evening. It's a very important part of our parliamentary procedures to ensure that Manitobans have the opportunity to provide their comments.

And we do appreciate hearing from Manitobans on this important issue, and you know, look forward to hearing from individuals on this bill, as we have this evening. And thank you for making the effort to come here this evening.

Thank you.

**Mr. Chairperson:** We thank the minister for her comments.

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

**Ms. Flor Marcelino (Logan):** First off, we're so grateful for the many presenters to this committee meeting. Many coming from the rural areas took the time and much effort, and including expense, to be here to share with us their stiff opposition and deep concern for—that they have on this bill, and we applaud their efforts. We applaud their commitment to democracy and the best interests of Manitobans.

Manitobans deserve to know about important changes that will affect their family. They must be aware of any public notice that affects their health, safety or their community. Government has a responsibility to make public information accessible for all Manitobans. Instead, the Pallister government is attempting to bury government notices on an obscure website and make it harder for Manitobans to get the information they need.

We are concerned that Bill 8 will bury government notices rather than increase openness and ease of access, as they claim it will. This government is choosing to end a centuries-old requirement to advertise when they are about to do something that affects citizens' rights, property and lives.

This bill will affect the manner in which everyday Manitobans learn about such things as changes to school board boundaries or environmental protection laws. Readers currently see the notices that are delivered to their house or published in their local paper in a timely manner.

Requiring Manitobans to check the Manitoba Gazette for updates shifts the onus of accountability off of the government and onto the public. The Manitoba Gazette is an obscure publication used mainly by lawyers and government officials. Few Manitobans even know it exists.

The site is difficult to find online and requires readers to have an understanding of difficult legal



concepts and terminology. This is the definition of inaccessible, or inaccessibility.

Manitobans deserve to be informed of important changes in easily understood and accessible language. They should not have to work to figure out what the government is doing. Francophone Manitobans will be especially hurt by this bill, which will not require the Manitoba Gazette to be offered in French.

Government departments will not be mandated to publish notifications in papers when there is a significant lack of Internet access in an area. Rural, low-income and northern communities all stand to be hurt by this bill.

Making the Gazette free does not mean it is accessible to all, nor does it mean people will remember to check it weekly for new information. The whole point of a legal requirement to publish government notices is to ensure that such information is broadly distributed. Having to find a notice you don't know exists on an obscure website is harder for Manitobans than having a publication deliver important notices straight to their door.

Our NDP team believes that workers, families and seniors of Manitoba need to have important notices given in a way that works best for them rather than best for government. We do not support this bill, because we believe in open, transparent and democratic government. We believe that Manitoba families should see important public notices in the most accessible way possible.

Thank you, Mr. Chair.

**Mr. Chairperson:** We thank the member for her statement.

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

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

**Mr. Chairperson:** Wait. Mr. Lamont, please proceed.

Mr. Lamont, please proceed.

**Mr. Lamont:** I'm proceeding. It's clear from the witnesses who presented, as well as all the written submissions, that this is a bill that is against the public interest and appears to have no public support. It's a bill that's so bad, the government is having to promise they won't proclaim certain sections of it.

And one of the key points that I'd like to point out is we've had dozens of independent, privately owned businesses who are objecting to this, many of them who are, you know, have, in the past, been—some may even been PC candidates. And a Progressive Conservative government that is undermining the private sector in order—so that government can do something completely on its own.

It's perfectly fine to say that these things should be on the Internet. That's—but I—there seems to be virtual unanimity amongst the people who are affected, the communities and the owners of these businesses. They're not talking about it from a business point of view; it's purely from a public-interest point of view. In my opinion, if we're going to go ahead with this bill, all the parts that are—that the government is currently promising not to proclaim should be removed.

**Mr. Chairperson:** Thank you for your statement, Mr. Lamont.

Before we continue with the clause by clause, just to make a correction on the record, the member for—Mrs. Smith, the member for Point Douglas—oh—okay, so just—Mrs. Smith will provide us with a copy of what is proper to put into the record.

So then we will now proceed with clause by clause for Bill 8.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 7—pass; clauses 8 and 9—pass; clause 10—pass; clauses 11 and 12—pass; clauses 13 and 14—pass; clauses 15 and 16—pass; clauses 17 through 19—pass; clauses 20 through 22—pass; clauses 23 to—through 26—pass; clauses 27 and 28—pass.

Shall clause 29 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

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

\* (20:40)

**Ms. Marcelino:** We have a proposed amendment to Bill 8 that clause—or section 29—

*THAT Clause 29 of the Bill be amended by replacing everything after "on" with "January 1, 2025."*

**Motion presented.**

**Mr. Chairperson:** The motion in order—the motion is in order.

The floor is open for questions.

Seeing as—no questions, is the committee ready for the question?

**Some Honourable Members:** Yes.

**Mr. Chairperson:** The question before the committee is as follows: shall the—okay.

*THAT Clause 29 of the Bill be amended by replacing everything after "on" with "January 1, 2025."*

Those in favour please say aye—no, oh.

Shall the motion pass?

**Some Honourable Members:** Yes.

**Some Honourable Members:** No.

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

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion, 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 member for—Mrs. Marcelino, member for Logan.

#### Recorded Vote

**Ms. Marcelino:** Requesting for a recorded vote, please.

**Mr. Chairperson:** The member for Logan, Mrs. Marcelino, has requested a counted vote.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.*

**Mr. Chairperson:** The motion is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Clause 29 is accordingly passed—no.

Clause 29—pass; enacting clause—pass; title—pass. Bill be reported.

### Bill 12—The Red Tape Reduction and Government Efficiency Act, 2018 (Continued)

**Mr. Chairperson:** Does the minister responsible for Bill 12 have an opening statement?

**Hon. Colleen Mayer (Minister of Crown Services):** I'm pleased to be here this evening as the sponsoring member of Bill 12, the red tape reduction and government efficiency act of 2018.

This bill builds upon and formalizes our commitment to reducing red tape here in Manitoba. We have made significant progress related to this initiative, which will improve operations within government and between government and its key partners: industry, municipalities and non-profits alike.

In total, nearly 875 burdensome and unnecessary regulatory requirements will be eliminated. Of these, 399 requirements are currently enforced with the remaining 475 requirements pending. We believe that these streamlining efforts will save the provincial government nearly one million annually in time and money. Millions more will be saved by impacted organizations, businesses and individuals by reducing the administrative burden of government rules.

Action like this bill are the reason Manitoba is now recognized for creating North America's best regulatory accountability system. For the first time ever, we are identifying and tracking how many regulatory requirements the Manitoba government creates. At last count there were nearly 925,000 currently in force. Earlier this year, we received an A in CFIB's 2018 Red Tape Report Card, the highest grade amongst provinces for this work. By comparison, Manitoba's last grade under the NDP in 2016 was an F—the worst grade amongst provinces.

Since forming government, we have removed nearly 25,000 unnecessary regulatory requirements forced on local governments, businesses, non-profits and citizens, a reduction of nearly 2.6 per cent. The changes made in this bill will continue to build on our track record. Bill 12 will redirect government resources from red-tape creation to front-line service supports.

Some of the changes in Bill 12 include allowing MPI the ability to provide licence notifications via email when drivers request it, harmonizing governance procedures of the College of Pharmacists with those of other regulated health

professionals as requested by the college, eliminating unproclaimed requirements for snowmobiles to have licensing decals in addition to licence plates, consolidating reporting requirements of Manitoba's student aid program from two reports into one, streamlining the liens process for contractors on provincial infrastructure projects, and there are many, many more, Mr. Chair.

Unique to Manitoba is the opportunity for the public to present to bills after second reading. In a—we saw this tonight, and I want to just reiterate that I thank all presenters who have registered to come out tonight to provide their feedback or have provided written submissions.

As key stakeholders, we value their input and never take for granted the democratic tradition of engaging with the public here at committee.

Thank you very much.

**Mr. Chairperson:** We thank the minister for her statement.

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

**Mrs. Bernadette Smith (Point Douglas):** Once again, this Pallister government is using heavy-handed 'omnibus' legislation to push through changes that affect the health and safety of Manitobans. It shouldn't be this way.

This bill—the changes in this bill are too significant to be pushed together in one bill, and we heard that tonight from some of the presenters. They don't—one of these things don't fit; many of these things don't fit in this bill. The so-called red tape bill and the similarly named bill last year, Bill 24, show this government is focused on profit over people, once again showing your hand. They are copying the same playbook that has led to so much harm in other places.

In Ontario, the Harris government's slash-and-burn approach to regulating—regulation led to Walkerton tragedy. In the United States, the Trump administration has adopted the exact same approach as this government here, the Pallister government. And in the UK, we remember that the terrible fire at the Grenfell Tower, investigations that followed showed that the government had cut very protections that should have kept the public safe, exactly what you're doing in this bill.

We're especially concerned about changes to health and safety that are not being given enough

consideration by this Legislature, and we're also concerned that this bill will make life less affordable for Manitobans.

The Pallister government proposes contracting out fire inspections and raising the cost of living for renters and drivers. We want all government—we want the government to be accessible for Manitobans, but as we heard here tonight from many of the presenters, zero consultation, even though there were umpteen requests made to not one minister but two ministers, and their requests weren't met.

For example, the change to the fire protection and emergency response act would allow fire inspections that are currently conducted by municipal employees exclusively to be contracted out to private contractors. Changes to Bill 12, to The Residential Tenancies Act, will leave renters whose apartments are falling into disrepair no recourse to even appeal a rent increase to the residential tenancies board if the increase falls within the set rate.

\* (20:50)

Can you imagine living in a house with cockroaches, with bedbugs, with toilets that aren't working, with a fridge that not working properly and they have no recourse to take that to the residential tenancy board when their landlord raises their rent?

This government just didn't stop at raising the cost of living for renters, their proposed changes to The Manitoba Public Insurance Corporation Act could lead to higher rates for drivers too.

The changes would remove Cabinet oversights of rate increases on extension insurance. Basic insurance will remain subject to approval by the Public Utilities Board, but when consumers are paying for extra liability insurance or reduced deductibles, there's no political accountability to rate increases.

These are just many of the reasons why we're, you know, opposing this bill. We think that a lot of these things that have been thrown and mishmashed together don't fit. And as speakers came tonight to speak to this bill, there would have been many more had it been on a night that wasn't election night. But unfortunately this government chose this night to make sure that there wasn't other presenters.

So, you know, we're asking you not to push this bill through.

Miigwech.

**Mr. Chairperson:** Does the—sorry, does the critic from the official opposition have an opening—oh, sorry, from the second opposition have an opening statement?

**Mr. Dougald Lamont (Leader of the Second Opposition):** I've voiced some of my concerns about this, or our concerns about this bill before. I think some of the benefits are certainly exaggerated. I'm not sure how much business was offended by The Dauphin Boys' and Girls' Band Act, but there are two issues here that I particularly want to draw attention to.

One, I've made this point before, that there are issues of what I believe are really issues of conflict of interest. Even though they're not covered under legislation, I don't think it's appropriate for the Minister of Families (Mrs. Stefanson) to be voting on this bill.

I think she should recuse herself from it because she does—on her declaration of conflict of interest, it says she owns apartment buildings and this would affect tenants who might be living in her buildings. I actually think it's inappropriate for her to be voting on this particular bill.

The other is the issue when it comes to hazardous waste. This government has said one of the few elements that's left of its climate plan is that they're going to clean up contaminated sites, but at the same time, we are making it easier for hazardous waste sites to be created and it's basically being—with looser regulation. So I can't imagine a worse make-work program than having looser regulation for hazardous waste disposal sites so that the government can then spend money to clean them up later.

And that's it.

Thank you, Mr. Chair.

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

We shall move on to clause by clause.

Clauses 1 and 2—pass; clause 3—pass; clauses 4 through 7—pass; clause 8—pass; clauses 9 through 11—pass; clause 12—pass; clauses 13 and 14—pass; clause 15—pass; clauses 16 and 17—pass; clause 18—pass; clauses 19 through 22—pass; clauses 23 through 26—pass; clauses 27 and 28—pass; clauses 29 and 30—pass; clause 31—pass.

Shall clauses 32 through 35 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** Clauses 32 through 35 are accordingly passed.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no—[interjection]

Mr. Lamont.

**Mr. Lamont:** Recorded vote, please, Mr. Chair.

Once again, this is—I don't believe this is appropriate. This is—I expressed my objections to this particular clause and my—

**Mr. Chairperson:** Mr. Lamont, could you verify which clause you are—

**Mr. Lamont:** Thirty-five.

**Mr. Chairperson:** Okay, so—okay, before we continue on, I will ask: Shall clause 32 pass?

Clause 32—pass; clause 33—pass; clause 34—pass.

Shall clause 35 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

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

**Mr. Lamont:** I expressed my objections to this clause before. I don't believe that the Minister of Families, who has a declaration of conflict of interest as a landlord, should be voting on this measure. And I'm going to call for a recorded vote.

#### Voice Vote

**Mr. Chairperson:** All those in favour of passing clause 35, please say aye.

**Some Honourable Members:** Aye.

**Mr. Chairperson:** All those opposed to passing clause 35, please say nay.

**Some Honourable Members:** Nay.

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

The clause is accordingly—clause 35 is accordingly passed.

\*\*\*

**Mr. Chairperson:** Clauses 36 and 37—pass; clause 38—pass; clauses 39 through 41—pass;

clauses 42 through 44—pass; clause 45—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 24—The Social Services Appeal Board  
Amendment Act  
(Continued)**

**Mr. Chairperson:** Does the minister responsible for Bill 24 have an opening statement?

**Hon. Heather Stefanson (Minister of Families):** I'm pleased to put a few words on the record with respect to Bill 24 this evening. And I want to acknowledge and thank the members of the public who took the time out of their schedule to be here and bring forward their perspectives regarding this important bill to do with the Social Services Appeal Board.

\* (21:00)

I just want to also mention, of course, there were members tonight who also came out on other nights, and due to political wranglings on the part of the Liberal Party, they were not—they were denied access to their rights to come forward in committee that evening, and that precipitated this coming forward tonight. So we certainly—you know, we—I think, you know, that should be acknowledged.

As you're aware, these amendments are being made in response to a court decision related to the jurisdiction of the Social Services Appeal Board, commonly referred to as SSAB. The court issued a decision that the SSAB has jurisdiction to hear Charter-based appeals under the current act. However, the court also acknowledged that the Legislative Assembly has the authority to limit the board's jurisdiction.

We have carefully considered the court's decision as well as the composition and function of the SSAB. In our view, the very complicated legal deliberations related to the constitutional validity of government programs and legislation are best left to the Court of Queen's Bench. We also believe that it is very important to maintain the timeliness of the SSAB decisions.

Vulnerable Manitobans rely on the board for fair review of their eligibility for services or benefits such as Employment and Income Assistance or residential care for adults with intellectual disabilities. As a result of our review, we are proceeding with amendments to clarify that the SSAB does not have jurisdiction to consider

constitutional challenges to legislation or to grant remedies under the Charter of Rights and Freedoms.

This bill is also in keeping with the approach taken in other jurisdictions. Alberta has legislation that restricts Charter jurisdiction for quasi-judicial tribunals unless another act explicitly grants Charter jurisdiction. The appeal boards that hear income assistance related to appeals in Saskatchewan, BC and Ontario also do not have Charter jurisdiction.

Furthermore, a decision to confirm that the courts are the appropriate jurisdiction to hear Charter challenges is entirely consistent with the amendments made by the previous NDP government in 2005 to restrict Charter jurisdiction in The Workers Compensation Act, because, like the Social Services Appeal Board, the Workers Compensation Board is not designed to deal with constitutional questions.

In closing, I'd like to clarify for all those present and for members of this committee that the proposed amendments do not preclude the board from considering Charter values. The SSAB must continue to uphold Charter values when making a discretionary decision specific to the appellant and the matter of his or her appeal. In such cases, the board's decision would only apply to the appeal in question.

Charter values are the fundamental social values that underlie Charter rights such as equality of free speech—sorry—such as equality and free speech. The SSAB's obligation to consider Charter values in the context of discretionary decisions in individual cases will continue after these amendments have been passed by the Legislative Assembly.

I thank you, Mr. Chair.

**Mr. Chairperson:** We thank the minister for her statement.

**Committee Substitution**

**Mr. Chairperson:** Before we continue on with the next speaker, I would like to make the following membership substitution, effective immediately, for the Standing Committee on Social and Economic Development meeting on Wednesday, October 24th, 2018. The substitution will be Ms. Lamoureux for Mr. Lamont.

\* \* \*

**Mr. Chairperson:** Does the critic from the official opposition have an opening statement?

**Mrs. Bernadette Smith (Point Douglas):** I do.

**Mr. Chairperson:** Mrs. Smith, Point Douglas.

**Mrs. Smith:** This bill adds a provision to The Social Services Appeal Board Act, stating that the appeal board has no jurisdiction to consider constitutional challenges, to legislation or to grant remedies under the Canadian Charter of Rights and Freedoms.

The minister just said that it doesn't preclude the Social Services Appeal Board from hearing these Charter rights, so why not leave it as is and allow the Social Services Appeal Board to make those decisions? You're making it harder, putting up more barriers. You heard from person after person that spoke tonight that this is only adding more burden onto people who already have, you know, difficulties in their life. You heard from one of the speakers who said it's challenging just to get out of her house, let alone go to a court, file an appeal, go in front of a lawyer, and in a courtroom with who knows how many other people that are waiting to hear—have their cases heard as well.

You're making it harder. You're saying that you're making it more accessible to Manitobans. When I went to the briefing, they told us that there was less than a handful of cases that had to be—that they weren't able to rule on.

So the minister says that this is a matter of red tape and reducing the amount of wait time that people are having to wait to go in front of the appeal board. You just released a report that said there were just over 700 people that went in front of the appeal board last year. That's rounded out to about eight people a day.

We heard from how many people tonight? You know, the other committee is hearing from over 50 people in two days. Is it doable? Can this minister, you know, keep it as is and allow the Social Services Appeal Board to make those decisions? And, if they decide that they don't have it within their authority or within their jurisdiction to hear them, then they can make that point. But you're taking that right away from Manitobans.

In 2017, the Manitoba Court of Appeal found that the Social Services Appeal Board does have jurisdiction and obligation to consider Charter issues if properly raised before it, but this government is trying to take that away. They're trying to change it altogether. Our party, the NDP, believe that we should be respecting the decisions of the Manitoba

Court of Appeal and allowing the Social Services Appeal Board to do their job.

Passing this bill will force people who want to appeal decisions on the basis of their Charter rights to take these cases to court, as—to—opposed to simply going to the Social Services Appeal Board. This burdens people with unnecessary time, hardship, expenses. Many of the people that are going in front of the Social Services Appeal Board don't have access to \$25 to go and actually just sit down with a lawyer and get some advice, so it's going to limit people's rights. You're taking that right away from them.

Restricting the jurisdiction of the Social Services Appeal Board impedes their ability to assist people who utilize programs like Rent Assist and employment and income assistant. Such people are often, you know, the most marginalized. They don't have money to be taking a bus to go to court. You don't go to court and hear your case in one hearing. It's remanded after remand after remand. And you really want to burden Manitobans with that? Especially people that we heard tonight, that can't stand for 10 minutes but have to go and stand at a podium and have their case heard. Or the young lady who spoke about having difficulty just coming here and presenting in front of this board. You're putting undue hardship and putting more barriers up. You're making it harder.

You know, there was one woman who said, why not train the Social Services Appeal Board to have the ability to hear these Charter rights. That would take the burden off the most vulnerable, who already have difficulty coming in front of people to appeal decisions that, you know, are having impact on their lives. You know, may not have impact on you, but I—the community I represent, they don't have money. They don't have \$2.50 to jump on a bus.

You know, you may not have ever had to worry about that, but people that I represent, that call my office, that are looking for help—and I see the minister over here, Fielding, you know, rolling his eyes. I invite you to come and—come for a walk with Bear Clan. Come and visit Lord Selkirk—*[interjection]*

**Mr. Chairperson:** Any comments should be done through the Chair.

**Mrs. Smith:** It's the NDP's position that justice is for everyone, but that justice is being taken away by this government.

Thank you. Miigwech.

**Mr. Chairperson:** We thank the member for her statement.

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

**Ms. Cindy Lamoureux (Burrows):** Just a few short words.

This bill adds a provision to The Social Services Appeal Board Act stating that the appeal board has no jurisdiction to consider constitutional challenges to legislation or to grant remedies under the Canadian Charter of Rights and Freedoms.

We don't feel that this bill should be moving on, but we would recommend that the Manitoba Court of Appeal rules that any court of competent jurisdiction can hear a case involving the Charter of Rights and Freedoms.

\* (21:10)

Thank you.

**Mr. Chairperson:** We thank the member for her statement.

We will now move on to clause by clause.

Clause 1—pass.

Shall clause 2 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

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

**Mrs. Smith:** I'd like to propose an amendment. As I said before, you're putting up barriers for the most vulnerable. We'd like to propose

*THAT Clause 2 of the Bill be amended in the proposed section 8.1 by adding the following after clause (b):*

But the appeal board may consider the values of the *Canadian Charter of Rights and Freedoms* in making a decision or order under this Act.

**Motion presented.**

**Mr. Chairperson:** The motion is in order.

The floor is open for questions.

Is the committee ready for the question?

**Some Honourable Members:** Question.

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

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All 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 motion is accordingly defeated.

**Recorded Vote**

**Mr. Matt Wiebe (Concordia):** A recorded vote, Mr. Chair.

**Mr. Chairperson:** A counted vote has been ordered.

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 6.*

**Mr. Chairperson:** The motion is accordingly defeated.

\* \* \*

**Mr. Chairperson:** Clause 2—pass; clauses 3 and 4—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 27—The Fiscal Responsibility and Taxpayer Protection Amendment Act**  
(Continued)

**Mr. Chairperson:** Does the minister responsible for Bill 27 have an opening statement?

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

I'm pleased to speak to Bill 27, which amends The Fiscal Responsibility and Taxpayer Protection Act passed on June 27. Bill 27 continues the requirement that each consecutive budget show progress towards balance through progressive small deficits, ensuring a sustainable financial future for the province of Manitoba.

The bill also continues to hold ministers responsible, achieving deficit reduction of at least \$100 million per year relative to the 2017-18 budget baseline and staying on track. To clarify, the baseline for 2017-18, the starting point for the deficit reduction target under the legislation, was

\$924 million. Targets for subsequent years will go down by \$100 million in each of the following years.

The amendment in the bill will remove the disincentive to go beyond \$100-million target reductions amount and reward to ensure success of a balanced budget. In addition, the bill adds a requirement to specifically account for the amount of salary withheld for each minister, confirms the consecutive and non-compliance is lost to a minister's salary.

It provides authority to pay a rebate to ministers of a cumulative amount withheld upon achievement of balanced budget prior to 2026, create a more certain planning framework in instances where accounting standard changes, organizational structures are made within the government-reporting entity that results in one-time revenue reductions or expenditure increases by more than \$25 million.

Bill 27, Mr. Chairperson, recognizes that members of Cabinet play a significant role in assuring the government is on financial prudent course. The bill eliminates disincentives and recognizes progress by reinstating salaries when real and substantial financial results are achieved. As reported in 2017 in Public Accounts, the deficit balance calculated under the act was \$782 million, a reduction of \$142 million from the 2017 baseline of \$924 million.

And included in the calculation is a deposit of \$50 million in the rainy day fund, five times the amount we originally planned to do at the start of the budgetary process, and we might add, Mr. Chairperson, the first deposit in nearly a decade.

In 2017-18, we exceeded the deficit reduction required under the act while setting aside more money for a planned rainy day.

I'm pleased to recommend the legislation and to speak amongst the committee here for the members of the committee.

Thank you, Mr. Deputy—or Mr. Chairperson.

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

Does the critic from the official opposition have an opening—oh, sorry—we thank the minister.

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

**Mr. Matt Wiebe (Concordia):** You know, this is, I guess, another kick at this can when it comes to

amending the balanced budget legislation to protect this minister and all ministers' salaries. And it seems like a bizarre preoccupation of this government. This is now the third time that this has now come to first reading, second reading, committee stage, third reading—did I say third reading? Second reading, third reading and then it has been passed. And now this minister has brought this bill before this committee, and I don't see a lineup out the door of people supporting this legislation. I'm surprised. I thought that people would be here. *[interjection]* I was expecting one after another coming forward and saying how important it was that this minister get his raise, not this year; it's important this year, it's important next year, but all the way until, I think, 2026, Mr. Chair, 2026, and retroactive pay at that.

You know, this is—I think any Manitoban would say this is a strange obsession for this government, a government that is cutting health services in our province, it's cutting education, is ignoring poverty, doesn't have a jobs plan, doesn't have a northern plan and really is failing in a whole number of ways that we could spend the entire evening talking about. But no, instead, we're talking about protecting this minister's salary, ensuring that by whatever convoluted formula they can invent, they are going to make sure that they get their money. *[interjection]*

And so I—you know, I look forward to seeing the minister get his raise in 2025. You know, he may not be a minister at that time, but it's good to know—*[interjection]*

**Mr. Chairperson:** Order.

Mr. Wiebe.

**Mr. Wiebe:** Thank you, Mr. Chair. I was having a hard time hearing myself speak there, so I'll try to speak a little bit louder and more clearly.

You know, this is, as I said, quite a bizarre position for this government to take. But they seem—

**Mr. Chairperson:** Sorry, Mr. Wiebe.

Since I interrupted you, I failed to recognize you. So, if you could please go back to where we were. I had called order, and—

**Mr. Wiebe:** Okay, the minister is suggesting I start from the beginning. So—

**Mr. Chairperson:** No, not quite the beginning, but where I had called order.

**Mr. Wiebe:** I do appreciate that, and we wouldn't want any of these words to be missed.



**Mr. Chairperson:** Mr. Wiebe.

**Mr. Wiebe:** Thank you very much, Mr. Chair.

\* (21:20)

You know, I think my point has been made. I do think Manitobans are concerned about this, and, you know, the fact that we saw nobody here, I think speaks to the fact that this government called this committee on a night when the city is in the middle of a municipal election, municipal election that's happening across the province. And we saw in every single—for every single bill I think, save one, where members of the public who otherwise would have been here did not show up for whatever reason and, of course, many who may have otherwise registered did not.

So I think it is a concern, and I think Manitobans have made it—their view on this very loud and clear. They don't think that the minister deserves a raise just for doing his job. And, you know, we're going to continue to stand up against this legislation and hold this government to account on their cuts. And we'll continue to do that as long as it's possible.

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

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

We thank the member.

We will now move on to clause by clause.

Clauses 1 through 3—pass; clauses 4 through 6—pass.

Shall clauses 7 and 8 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a—shall clause 7 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

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

**Mr. Wiebe:** As I said in my opening statement, we certainly do not agree with the bill in its entirety and intend to vote against it. However, this particular section, which—really raises the stakes in terms of the convoluted approach that this government is taking to try to show in some way that there's balance.

You know, this is in addition to, you know, bringing forward a—public accounts that the auditor has said has major issues with it. This is in addition to money that's been budgeted for that, you know, we simply can't account for with regards to this government's spending in areas of cannabis.

So there's a number of issues that this government. They're playing fast and loose with the books and this is just the most egregious part of that convoluted process that this government is trying to create in order to fool Manitobans as to the real financial situation of this province.

And again, it all comes down to protecting that salary and I just, you know, for the life of me cannot understand why that is so important to this government above and beyond every other issue.

And I know my colleagues here on my side of the table hear every single day in our communities the concerns that they have, and yet it's the minister who wants to spend the time of this committee talking about protecting his salary long after he's a minister. Until 2026 if necessary; make sure that that money flows to him. That's his No. 1 priority.

That's not the priority of Manitobans.

**Mr. Fielding:** We know the track record of the NDP government when it becomes to deficit reduction. In fact I think the last year that you were in power it had—you missed your budget projection by over \$400 million. Not quite sure how you can miss it by \$400 of overspending unless you were purposely underspending in—

**An Honourable Member:** Dealing with floods.

**Mr. Fielding:** There was a flood in 2016?

**Mr. Chairperson:** If you wish—if you—the minister has the floor right now. If you have a question, when he's finished you may ask—answer questions, Mr. Wiebe.

The honourable Mr.—Minister—sorry, the Honourable Mr. Fielding.

**Mr. Fielding:** What I would say is our government is making steady progress on record—a road to recovery after some turbulent years of financial mismanagement under the former NDP government.

We know that they missed—consistently missed their projections in terms of finances, and at the same time, missing their financial projections and getting downgrading from credit rating—the third-party credit rating, bond-rating agencies.

The results that Manitoba had saw, whether it become things like health care, where you saw some of the longest wait times, in fact, in the area that I took over from—the longest wait times in the country as well as the long wait times for MRIs, the amount of doctors, which we've actually seen some success in these areas. Plus the amount of children in care—we had the most amount of children in care per capita in North America, and so I'm happy that we're seeing some positive results in terms of that area, with other results in terms of the amount of children that are living in poverty. Under the previous government—you were, of course, the child poverty capital of the world—child poverty capital of Canada, which we think is deplorable. And so we've made some changes, not just in the financial basis to sustain our finances, but allow us to invest some more money in getting some better results.

So we think that measuring ourselves on accomplishments—we set a goal—and hitting those goals—in fact, the last two years, we've reduced our deficit by over \$147 million and \$145 million, respectively, under budget while getting better results is important for Manitobans.

**Mr. Chairperson:** Shall clause 7 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

#### Voice Vote

**Mr. Chairperson:** All those in favour of clause 7 passing, say aye.

**Some Honourable Members:** Aye.

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

**Some Honourable Members:** Nay.

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

Clause 7 is accordingly passed.

\* \* \*

**Mr. Chairperson:** Clause 8—pass; enacting clause—pass; title—pass. Bill be reported.

This concludes our business for the committee this evening.

The hour being 9:27, what is the will of the committee?

**Some Honourable Members:** Rise.

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT: 9:27 p.m.**

#### WRITTEN SUBMISSIONS

Re: Bill 8

Dear Mr. Signorelli:

This letter is with regard to the pending change to legislation which will eliminate the wording for public notices to be placed in newspapers and, I respectfully request that it be distributed to the members of the committees considering Bill 8 and Bill 19.

I have viewed the video from the Mb. Community Newspaper Associations annual dinner wherein Minister Cox assured publishers and their staff that public notices required of provincial and municipal governments would remain in newspapers. Subsequent to this announcement I am sure you could hear the collective sigh of relief throughout the Province none the least coming from my office.

Our paper(s) are not a member of the MCNA but our concerns with this change to the legislation are mirrored by them.

The papers published here in Thompson service not only the City of Thompson proper but twenty-one (21) communities in Northern Manitoba. The papers are distributed free of charge to the readers in these communities and, as you may be aware, most of the outlying communities we service do not currently have internet service. Therefore any reduction or elimination of notices to the public through our newspapers will deprive these residents of appropriate access to vital information.

Prior to joining the paper here, I was employed by the City holding various positions and the last fifteen years of my municipal career was in the position of City Manager. During my tenure with the City I saw several changes being instituted that changed the method of notification or eliminated the requirement for notification to the general public. One in particular was under the Planning Act that at one time required notification via registered mail of all the properties within a certain radius be notified if a variation order was being contemplated. The current rules only require that there be a notice posted on the subject property. To this day I still hear concerns from Citizens about the lack of formal notification when these hearings are taking place. Too often I hear that government claims to be "transparent" but

some of these changes are viewed as government being more and more "secretive".

Our papers are distributed every Wednesday and Friday and we have a regular number of clients who visit our offices to pick up the paper each week. As well there are several establishments who immediately phone the office if our papers are late arriving for their customers. When we survey the outlying communities we are informed that the papers are all read by their residents and they are very concerned that we may not send them any longer. This, to me, indicates that there is a real need to continue producing a printed copy of the paper as well as look to enhancing the availability of having this information on-line. We do have our own website and are constantly looking at ways of attracting viewers to this site and being compatible with our customer web sites.

I have heard comments during this process that the "papers" are only concerned with loss of revenues. You bet we are but more importantly we are concerned that this move could adversely affect the ongoing operations of community newspapers such as ours. The closure of our operations not only would mean jobs being lost, in a City that is already seeing major cut backs from Vale but it would affect the printing company we use in Winnipeg and the transportation services we use to get the papers weekly from Winnipeg to Thompson and then on to the outlying communities.

I am concerned if the bills are passed in their current format with the sections pertaining to public notices not be proclaimed into law is confusing to say the least and leaves the door wide open for misinterpretation on what the rules actually are. I believe the proper way to deal with this is to amend the sections that deal with public notices or withdraw the bills.

Respectfully,

Lynn Taylor  
Publisher  
Thompson Citizen

Re: Bill 8

Dear Mr. Signorelli,

I am writing today to express my deep concern about what is happening in Manitoba, as the government proposes to pass Bills 8 & 19.

If successfully passed, these Bills would remove the requirement for municipal and provincial governments to publish notices in a newspaper, which notifies the public of important events and actions. In its place these notices would be posted on a municipal website for 27 days prior to a hearing.

What the government fails to recognize is that making valuable information accessible online is not the same as notifying the public that information exists. Access is not public notice.

Has the government considered those Manitobans with inferior or zero internet access?

For those Manitobans who do have access to adequate internet, how will they know where and when to look for notices?

Manitoba's community newspapers publish more than 400,000 copies each week. The surest way to inform the public of provincial and municipal government activities and business is to advertise those notices in a community newspaper.

It is the right of citizens to know and the obligation of government to notify those citizens of government activities that affect their daily lives. Any reduction or elimination of notices to the public through our newspapers will deprive residents of access to important and vital information.

Governments claim to be transparent, however this change would be viewed as government being less transparent, even uncommunicative.

It is my belief the only way to deal with this is to amend the sections that deal with public notices in Bills 8 & 19, or withdraw the Bills altogether.

Yours respectfully,

Nancy Johnson  
Publisher

Re: Bill 8

Dear Manitoba Government:

Public notices absolutely need to be published in community newspapers!!!!

There is a fundamental difference between a passive portal of information and an active announcement. Notices and an active attempt to spread information about upcoming government dealings is not achieved through simply making information available on a website such as the Gazette—it does no outreach,

alerts no one, is not spread or published anywhere. Notification requires notices, outreach—not a passive website that awaits human investigation.

I am greatly concern about the provincial government's proposed legislation to remove the requirement of municipalities and provincial government bodies to publish mandatory public notices in Manitoba's community newspapers.

Bills 8 (The Government Notices Modernization Act) and 19 (The Planning Amendment Act) should be revised to remove the sections that would relieve public bodies of their responsibility to place public notices in community newspapers.

These notices are currently required to be published in community newspapers to spread information about government dealings that affect the average Manitoban. These notices are an effective way to inform the public about important things going on in our own backyards—public hearings, or the use of chemicals, locally, for instance.

If Bills 8 and 19 are passed, then, the onus to become aware of government activity and information falls back on the average Manitoban, who, if they want to know what's going on, will have to actively search out this information, rather than finding it in the community newspapers that come across their coffee tables reliably each and every week.

Posting government notices in the Gazette is not outreach, is not providing notice, and is passive. The Bills should not allow the provincial government and public bodies to have fulfilled its responsibility to inform the public by simply posting government notices in the Gazette.

Even if information is spread through social media, complicated algorithms mean that only some audiences will see that information—others won't.

And then there's the issue of Manitoba residents with poor or non-existent internet service—they won't have the opportunity to see this information at all.

Making information accessible does not mean that it will be accessed, and passing these bills will create a barrier to government transparency and accountability, something that is simply unacceptable.

I urge the government to change the wording of the bills so that public notices are still required to be published in the province's community newspapers. I would even strengthen the legislation to suggest that notices be required in multiple community newspapers, online and in print.

While I understand that the current government has officially stated the sections of Bills 8 and 19 dealing with mandatory public notices in newspapers will not be proclaimed at this time, this remains a very concerning issue for me, as it should be for all Manitobans. The sections left unproclaimed can be enacted by government at anytime with the swipe of a pen and without notice or further public consultation.

I urge the committee to revise Bills 8 and 19 and not simply leave bad legislation—or bits of it—unproclaimed. This is a terrible idea, and it is terrible legislation.

Thank you,

J Brodt

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Re: Bill 8

Today, I'm writing you with my concerns as a Manitoba citizen, a 32 year old woman, and a mother of 2 young children.

The newspaper has always had value and importance in my life. From an early age, I remember sitting with my Grandpa as he read the newspapers Saturday morning. We would always read the local weekly papers, the Saturday Free Press & Sun, and the Western Producer. As he finished each one, he would hand them to me to read. While I was young, I would just look at the comics, the photos and the eye catching ads, but as I got older, I began reading the papers front to back.

Even now, I take time out of my day to go through a few of our local papers. And I find myself missing many events happening in our community, because Facebook was their only advertisement. I still rely on our papers for the real news and events in our community.

There is value in print advertising—this is something I'm sure you've heard many people say, many of which are the same age as my parents and grandparents. And I've heard first hand, people devalue the older generations' opinions, because the older generations don't understand the evolving and changing digital world. But I speak as the younger generation. A generation that has grown up with and without technology prevalent in my life. And I see the benefits of both worlds.

I understand the concept of this bill, and the benefits of switching to digital distribution—adding digital

access to proposals and notices opens the door to a whole new group of informed citizens. But what I fear that you don't understand, is you're closing the door to a much larger group of citizens of all ages.

My first concern is the assumption that we all live in a "digital world". I can see how this is easy to believe when you live in a major city centre. Even here in my small town, it's hard not to assume that. But it's a misguided assumption, because here in Manitoba, not every citizen has access to the digital world. So many people live in areas without cell phone service or access to affordable, quality internet. And I'm not referring to those in remote areas—I have witnessed first-hand people even 15 miles from Dauphin struggling with this issue. By removing the notices from newspapers, you remove access to these notices for thousands of rural Manitoba residents. Minister Cathy Cox was quoted as saying "We want to remove barriers to the way we share information..." In reality, you're creating more barriers, and restricting access to critical information.

For those who are connected to the digital world, many people are looking for ways to disconnect or unplug time to time. So many of us spend a good portion of our day on a computer/cell phone/tablet, we don't need yet another reason to spend even more time doing that. And yet for others, myself included, there is no interest in going through possibly 100's of notices to see if there are any relating to the area I live. I want to be able to open up my local paper and see the notices that are relevant to me.

I can't help but worry, too, that there is a loss of accountability by switching solely to a government run website. By having the notices in independent outlets (newspapers), there's no way to sneak something important through simply by hiding it in a mass of other insignificant notices that people don't have time or patience to sift through.

As I said, the concept of the bill has its merits, and I can appreciate the government's attempt to evolve with an ever-changing society. However, I think this decision is made with blinders on, without the consideration of all citizens. Find an agreeable middle ground—internet and paper advertising—to keep this information accessible to everyone.

Samantha Gallaway-Boulbria  
Dauphin, MB

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Re: Bill 8

To the Standing Committee on Social and Economic Development:

I am opposed to passage of Bill 8 and its capacity to remove the requirement that the Province must publish government notices related to 24 provincial acts in Manitoba community newspapers.

I believe that many rural and urban citizens learn about announcements on such issues as hearings for zoning changes and conditional use applications, herbicide spraying schedules and upcoming public information meetings held to address provincial issues by reading advertisements in their weekly community papers. Most Manitobans do not have the time available to check the Manitoba Gazette online regularly to see if there are any new announcements that might affect them.

I believe that by removing the requirement to publish these notices, the Province is compromising the public's right to know about proposed changes and government programs that could impact them and their families.

I ask that you please vote against passage of Bill 8 as it now stands.

Sincerely,

Andrea Geary

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Re: Bill 8

Dear Members of the Legislature and Honourable Members:

I only became aware of this public hearing this morning. I live in Portage la Prairie and have a meeting commitment this evening that I am unable to change, thus my written submission.

When I first became aware of this issue in the spring of this year, I spoke with my MLA Ian Wishart to bring forward my concerns, which he did.

As many other people have identified, only advertising government information in the Manitoba Gazette online negatively affects many Manitobans right to obtain that information. In rural Manitoba, access to bandwidth and upload/download speeds are an issue for a large part of the province.

Many citizen still don't have access to a computer. For those that can't afford one or aren't able to use

one, the government is restricting their access to information.

Asking citizens to only obtain information from the online Manitoba Gazette makes this information harder to obtain.

I am sure there are other presentations that will speak in more detail to this aspect. I want to see this information advertised in our community newspapers and I believe this is important.

I appreciate that in the spring, Minister Cox identified that this part of the act wouldn't be implemented at this point in time. However, it is a concern to many that the government wants to keep this clause in the legislation and it can be 'activated' at any time. How do we know under what circumstances this might happen. If not for the Winnipeg Free Press story, I would have missed that a public hearing was being held today. How did the government advertise this?

However, the most important reason to me that this piece of the legislation should be removed entirely from this bill is because I believe that it contravenes another piece of legislation that has already been enacted.

That is the Accessibility For Manitobans Act. This was an important piece of legislation, regardless of which political party enacted it. As an example, I have been advocating for the right of citizens in Portage la Prairie to be able to attend City council meetings in an accessible location rather than at City Hall. City Hall is a 100 year old building and if you can't climb the two sets of stairs to the second floor, you cannot attend council meetings. Even with the component of this act that requires municipalities over 10,000 to have their council meetings accessible as of November, 2017, they are refusing to do this. Without the act, they could just ignore this. With the act in place, I have options to continue to advocate for this.

People seem to not take all forms of accessibility seriously unless they know someone or they have an accessibility issue. Accessibility is more than just having a room wheelchair accessible. It encompasses, sight, hearing, mobility and access to resources.

This piece of legislation in Bill 8, if enacted at any point in time, means that all citizens must have access to a computer. That is not possible, therefore this becomes an accessibility issue.

Under the Accessibility Act, there is a component called the Customer Service Standards Regulation. I have include what I believe are the most pertinent parts of it below as well as one section of the act itself.

I believe that the Accessibility Act super cedes the part of the legislation that you want to leave in Bill 8 and thus that entire wording should be removed and not left in to be 'activated' later. I ask that this part be removed from Bill 8.

If anyone has any questions, I am happy to answer them.

Thank you.

Luanne Anderson  
Portage la Prairie, Manitoba

Re: Bill 8

Thank you for the opportunity to comment on Bill 8, The Government Notices Modernization Act, and the province's desire to end the mandatory practice of publishing public notices in Manitoba's newspapers.

My name is Mark Buss. I am the Vice President of Clipper Publishing, based out of Beausejour, Manitoba, and the editor of both the Clipper Weekly newspaper and the Lac du Bonnet Clipper. We serve the North Eastman region in its entirety—from Hwy 1 in the south to Powerview-Pine Falls in the north and from Birds Hill Park and Hwy 59 in the west all the way east to the Ontario border, publishing more than 12,700 copies and covering 10 municipalities along the way.

Earlier this year, Bill 8 was brought forward by Sport, Culture and Heritage Minister Cathy Cox to end the mandatory practice of publishing public notices in newspapers for things like public health orders, pesticide applications and hearings of human rights complaints and placing them on a provincially run and virtually unknown website in what the province is calling a modernization of communication with taxpayers.

While the province says the effort is to increase transparency and improve accessibility of information, opposition politicians and newspaper publishers across Manitoba say the bill would leave taxpayers in the dark on important issues—some going so far as to say the move flies in the face of democracy.

Those opposed also believe the 'online only' requirement will force residents to sift through a host of other announcements while they search for news they don't know exists.

In April, Minister Cox announced at a Manitoba Community Newspaper Association (MCNA) conference that the province was stepping back on the bill. Admitting they moved too fast on the issue, she said Bill 8 was to still move through committee in its current state, but they would not proclaim the sections affecting newspaper notices "at this time."

It is the closing statement that has Manitobans concerned. Once passed in its current form, Bill 8 would leave the government the option of engaging the intended changes at another time without further public consultation.

Legislature rules allow the opposition to designate five bills to delay. After hearing extensive opposition from private citizens across Manitoba, municipal councils and organizations like the MCNA, the NDP chose Bill 8 as one of their five bills to hold over.

NDP leader Wab Kinew was joined by caucus critics and community members to oppose Bill 8, which they say would not only strip Manitobans of the opportunity to get essential provincial and local government news from their community newspaper, it also represents an attack on the media in Manitoba.

"We need open, transparent government, and this would take us in the wrong direction," Kinew stated in a press release. "We're going to push back against any attempts by this government to attack the freedom of the press and the public's right to know about what their government is doing,"

While governments across Canada continue to rush headlong into the digital age, a News Media Canada research study identifies the printed community newspaper as being by far the favourite source of local news and information in communities large and small across Canada.

The study (managed by Totum Research on behalf of the Canadian Community Newspapers Association) shows three quarters of Canadians (73 per cent) in non-urban centres read a community newspaper. The study proved once again that community newspapers have strong readership in today's new media landscape and remain relevant to local residents for news, information and advertising.

The Clipper does have an active website and a Facebook page... both of those done to enhance our

coverage of news, local politics, sports and community events in North Eastman.

What Bill 8 would do however is replace one form of mandatory notice in the tried and tested format of print media with another form of mandatory notice that at this time is not as effective.

No matter how good Internet access becomes, accessing a single source—in particular one that is government controlled—will never provide the kind of notice that the public needs and deserves when governments manipulate policies and regulations.

Providing public notice and allowing public access are two very different things.

The public would like to presume that every elected official will act fairly and in the best interests of their constituents. But what if the government in question does not want their business known?

In the words of Dave Adsett, publisher of The Wellington Advertiser in Fergus, ON, "The volumes and issues of newspapers past hold clues as to how corruption breeds, democracy wanes and tyrants come to power. Seldom has tyranny taken root overnight, and in virtually all cases, impairing the ability of a free press are part of the process to destabilize a free society."

While Minister Cox said the province had "moved too fast" on Bill 8, I must express my concern with how the Conservatives have recently cranked up the process to pass it. I received a call from the Manitoba Legislature on Tuesday afternoon advised me in 'take it or leave it' fashion that I had one shot to speak on this matter Thursday night in Room 254.

Covering 10 municipalities in the throws of municipal elections, debates and all candidate forums, for me to appear in person on such short notice was impossible... but perhaps that was the intent of the province's shotgun approach.

The requirement to publish notice through independent media is the best way to ensure the interests of residents are protected and upheld at all times. Denying our citizens that basic assurance does not serve the best interests of Manitobans.

Respectfully

Mark Buss  
Editor/VP  
Clipper Publishing

Re: Bill 8

I am writing today as managing editor of the six Canstar Community News weekly newspapers—The Headliner, The Herald, The Lance, The Metro, The Sou'wester and The Times—which serve the city of Winnipeg and an area west of the city that extends to Portage la Prairie. Many of you on this committee write monthly columns for our papers.

I wish to share my views Bill 8, The Government Notices Modernization Act, which was recently given second reading in the Manitoba Legislature and which may soon be enacted as law.

The issue which concerns me is that Bill 8, as proposed, retains language that removes requirements or recommendations to publish the government's public notices in community newspapers.

I'd like to remind the members of the committee that the very point of a legal requirement to publish government notices is to ensure that the information is broadly distributed.

Every Wednesday, the six Canstar Community News weekly newspapers are delivered to more than 200,000 households in Winnipeg and area—the largest circulation of any newspaper group in the province. Our readers see the government's public notices and thus learn of public hearings on such issues as flood prevention or the use of fertilizers and pesticides on nearby lands.

Yes, I am aware that Minister Cox has said that the sections of Bill 8 which deal with mandatory publishing of public notices in newspapers will not be proclaimed at this time.

But that promise is not good enough, as it does not guarantee that government information in the form of public notices will be distributed as broadly and effectively as it has been, as it is, and as it should be in the future.

If Bill 8 is enacted as written, these "unproclaimed" sections will hang over the province's newspapers—most of which are small, locally owned Manitoba business—like a dark cloud.

We in the traditional media believe that open and transparent government is essential to maintaining democracy. We believe that the best way to maintain the openness and transparency of government is to make public notices available by whatever means possible. In Manitoba at this time, that means

ensuring that public notices continue to be published in community newspapers.

I urge you to amend the language of Bill 8 so that the requirement to publish public notices in relevant local newspapers is retained.

Thank you for your time,

John Kendle  
Managing Editor,  
Canstar Community News

Re: Bill 8

Thank you that you receive written submissions to committee hearings. Two weeks ago, October 11 (on our 49th anniversary) we chose to be part of the process by travelling the two plus hours to Winnipeg. That opportunity was aborted because of procedural wrangling.

Tonight October 24 is the day of our municipal and school board elections, the most basic and foundational levels of government in our country, it is with regret I cannot stand before you to express my concerns in person, as the results of today's voting is of extreme importance. I feel I need to be in my Neepawa supporting those who have committed to greater involvement in the decision making process for the future of their community.

I will begin as I began when I stood before a similar committee hearing on May 9 of this year.

First: I applaud our government in all their efforts to bring efficiency and fiscal soundness to all levels of government decision making.

Secondly: The fact that many are protesting and complaining means your diligence although not always appreciated is being noticed and must be having an effect.

My point tonight, as before, is concern for transparency and good communication, with the proposed changes the general public would not necessarily have access to changes in legislation concerning many important areas of their lives: human rights; public schools; water protection and 21 other acts, using only the Manitoba Gazette.

In May, I suggested very strongly that our Westminster parliamentary system allows for amendment and, and you did amend the Bill.



But Ladies and gentlemen, you did it at the last possible minute under the stress of requiring unanimous consent of The House. The present climate in The House might not be as congenial. So I ask you to please prove you are a government who not only hears but one that listens and responds.

Please act on your integrity and, for those who form the majority in the house, again prove that democracy can still be responsive and effective, there is no shame in making small changes to allow for more open communication. Please prove you are here to serve the people of Manitoba.

Christine Waddell  
Property owner  
Neepawa (and Rivers) Manitoba

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Re: Bill 12

The Manitoba Federation of Labour (MFL), Manitoba's central labour body, representing the interests of more than 100,000 unionized workers, opposes the provision of this bill which will make it harder for renters to appeal rental increases imposed on them by their landlords. This bill removes the right of tenants to object to rent increases within a predetermined amount set by government.

As with this government's other attacks on the poor and working families, this change is a solution in search of a problem. We have seen time and time again from this government that it is focused on making access to justice and the political process harder for some of the most vulnerable Manitobans in our province.

Taking away the right to object to rental increases simply because this government has decided that some increases will always be legitimate violates the principle of natural justice. It shifts the balance of power in favour of landlords. As property owners who often have significant resources at their disposal, the balance of power is already in favour of landlords when it comes to the residential tenancies system. It is simply unfair that this government would seek to make it harder for those who rent, including a number of working poor, students, and single parent families, to object to rental increases that they believe are unfair.

But this government has a clear track record of making life harder for vulnerable Manitobans and those with less means to defend themselves. We have seen it with changes to election identification rules

that will make it harder to vote for those who do not have government-issued ID. We have seen it with another bill currently before the Legislature that removes the ability of Manitobans to make Charter rights challenges through the Social Services Appeal Board. And we have seen how this government continues to keep Manitoba's minimum wage at poverty levels, trapping tens of thousands of working people in poverty instead of making our minimum wage a living wage at \$15-an-hour.

But the attacks don't stop there. The Pallister government continues to cut low-income households off the Rent Assist program, denying 150 homes this year alone. Cutting supports meant to assist low-income families afford basic necessities like rent is shameful.

And many renters in this province are students, who are already facing the burden of the massive tuition increases enabled by this government. This past year saw Manitoba students paying the sharpest increases in tuition in the entire country, an increase of 6.5 per cent. Now this government wants to take away the right of students and other renters to appeal rental increases that they think are not warranted.

We continue to see that this government is only interested in helping their wealthy friends, rather than the thousands of working families and vulnerable Manitobans who face challenges to making ends meet. Removing the ability to object to certain increases in rent is yet another example of how the Pallister government has no interest in ensuring fairness for the many, not just the few.

Andrew Tod  
Manitoba Federation of Labour

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Re: Bill 12

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), which represents Manitoba's 137 municipalities, I am writing to provide some comments regarding Bill 12: The Red Tape Reduction and Government Efficiency Act.

As the AMM is committed to identifying red tape barriers and sharing practical ideas to streamline provincial government processes to benefit Manitoba municipalities, we support the amendment to Section 186 of The Municipal Act to no longer require audits of small community grants to

municipally supported organizations and not-for-profit groups. Current financial audit requirements are extremely burdensome and audit costs often represent a significant percentage of committee budgets, thereby reducing the benefit of the original municipal grant. In fact, it is quite common for municipally supported groups to incur audit costs of a few thousand dollars while operating on a grant of an equal or slightly higher amount. This issue has been consistently raised through the AMM Resolutions process and with the Minister of Municipal Relations since 2013.

Municipalities are mature, responsible governments, accountable first and foremost to their citizens and electorate. In the spirit of 'fair say' and greater autonomy, local Councils are fully capable of determining when audits are required to ensure reasonable and adequate financial oversight. Municipalities are also capable of determining when a municipal road should be closed and the AMM appreciates the repealing of Section 290(1)(b) of The Municipal Act. Moreover, the AMM supports the proposed amendment that no longer requires approval of the Municipal Board for municipal borrowing that is less than the threshold established in regulation.

Thank you for the opportunity to provide these brief comments.

Sincerely,

Joe Masi  
Executive Director  
Association of Manitoba Municipalities

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Re: Bill 12

Mr. Chairman, my name is Kevin Hamilton, I am a pharmacist and the President of the College of Pharmacists of Manitoba. I would like to introduce our Registrar, Susan Lessard-Friesen who is here from the College.

I am here this evening to convey the College of Pharmacists of Manitoba's support for Bill 12, The Red Tape Reduction and Government Efficiency Act regarding changes related to the making of regulations under the Pharmaceutical Act and the Regulated Health Professions Act.

The mandate of the College of Pharmacists of Manitoba is first and foremost to protect Manitobans. We do this by promoting safe, patient-centred, and

progressive pharmacy practice, thereby meeting the needs of all citizens. This legislation will facilitate the streamlining of the regulation making process thereby better enabling the College to carry out its critical mandate.

Members of the College demonstrated their strong support for these changes through a vote conducted by the College this past year. We provided educational materials about the need to streamline the regulation process on our website to encourage members to participate in the vote. In addition, we held a Special Meeting of our Members prior to the vote as part of our consultation process. I will note that a number of members in attendance at that meeting encouraged Council to 'get on with it' so that the College could demonstrate it could move nimbly to stay on top of changes in health care and the regulatory environment.

The mail-in vote results were that 73% of votes cast were in support of the changes. That vote built on the 84% support members had previously demonstrated through an online survey of members on the issue. Pharmacists have spoken and we as a Council have listened.

We believe the proposed changes in this Bill will meet the needs of our Council and our members.

It is important to note that Council is committed to ongoing consultation with members on any and all regulation changes, just as it has in the past. We support the changes in the Bill that reinforce this process and are strongly in favour of it.

In fact, the College currently has a proposed change in the consultation phase, consistent with the proposed legislation, a copy of which is available on our website seeking public, pharmacist and stakeholder feedback on a number of legislative and regulatory amendments including expanding prescriptive authority for pharmacists, the administration of drugs and ordering of tests. Expanding the scope of practice of pharmacists to improve patient care and safety is an excellent example of why our regulatory processes must be nimble and adaptable.

These proposed amendments come at a time when the healthcare system is being asked to examine processes to look for efficiencies and better ways to provide accessible quality care to patients. We believe the changes articulated in this Bill support those requirements.

Council acknowledges that any regulation made under subsection 73(1) of the Act will not come into force until it is approved by the Lieutenant Governor in Council. We anticipate that this step will further complement this streamlined process for the benefit of all Manitobans.

Thank you Mr. Chairman and I would welcome any questions members may have.

Kevin Hamilton  
College of Pharmacists of Manitoba

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Re: Bill 12

Good evening everyone, on behalf of the Canadian Federation of Independent Business (CFIB), thank you for the opportunity to present the small business perspective of Bill 12: The Red Tape reduction and Government Efficiency Act, 2018.

As many here likely know, my name is Jonathan Alward and I am the Manitoba director of provincial affairs for CFIB. At CFIB, we are passionate about small business. Because of their massive contributions to our economy, employment and communities, we believe small businesses deserve a strong voice in government decisions. CFIB provides a credible and effective way for small businesses to participate in the political process—just like big businesses and unions do.

CFIB represents 110,000 independently owned and operated businesses across Canada, including 4,800 in Manitoba. We are a strictly non-partisan, not-for-profit organization. Our members are located in every region of the province, and in sectors that closely mirror the provincial economy.

Every CFIB policy position is set by direct feedback from our members through accurate, regular surveys, which operate under a one member, one vote system. Our views are strictly based on results from these surveys. So, as I did last year with the previous iteration of this legislation, Bill 24, it is with great confidence that I can present here on behalf of our 4,800 Manitoba members, to express the priority that small business owners place on reducing red tape, as this legislation proposes to do.

CFIB has been a leading voice for regulatory accountability for years as it has been one of the top priorities for our members. I must emphasize that small business owners have no issue complying with common sense regulations and policies that protect

consumer safety, the environment and their employees. But, as you know, red tape is something else – inconsistent information, confusing forms, bad customer service or getting the run around. Business owners lose hours on the phone with government agencies. They have to comply with confusing and arbitrary rules or unhelpful customer service agents.

It is no surprise then that we have commended the provincial government on the concrete efforts to measure, track, report, and reduce red tape. These efforts included awarding CFIB's national Golden Scissors Award to Premier Pallister and Minister Friesen earlier this year, and standing with Deputy Premier Stefanson to award Manitoba an "A" grade in our most recent Red Tape Report Card.

While commending or criticizing policies plays an essential role in our democratic process, CFIB also wants to be part of the solution to reduce red tape facing entrepreneurs. We take this role seriously and have conducted a significant amount of research to study the impact of red tape on small businesses. We have learned that it is a multi-billion dollar problem and impacts small businesses more than larger firms. In 2017, the total cost of regulations (federal, provincial and municipal) to Canadian businesses was over \$36 billion. Of this, about 30 per cent is considered red tape. In Manitoba, this cost represents nearly \$1.2 billion, of which over \$350 million would be considered red tape.

We have also actively participated when possible, including our role on the Red Tape Reduction Task Force, submitting red tape headaches through consultation and pre-budget meetings, and importantly, participating in committee meetings.

With all that said, I am pleased to commend not only the legislation before us in Bill 12, but also the legislative vehicle used to accomplish red tape reduction. Governments must make tangible progress to reduce the red tape headaches weighing down small businesses and slowing economic growth in our province. Bill 12 is a step towards delivering these tangible results.

The many small actions Bill 12 takes to limit red tape for business owners add up to have a larger impact. Common-sense solutions like allowing MPI to email insurance premiums will save hours each year for many business owners.

And, while Bill 12 takes steps to reduce red tape for governments, residents, and businesses, it is important to note that finding efficiencies within

our regulations and government also helps save taxpayers money in general.

I have heard concerns that this legislation is being carried out in an omnibus Bill. However, in this circumstance, I am not concerned. Firstly, on their own, many red tape headaches that pop-up seem insignificant enough on their own to warrant changing legislation. The problem is that this mindset leads to a pileup of inefficiencies if left unattended. Secondly, Manitoba is somewhat unique in that all Manitobans can be involved in the review of provincial legislation, as we are doing here tonight. In this way we can challenge what regulations in Bill 12 are in fact red tape; we can cut through rhetoric from all sides on the debate process to understand what these rules are, and which remain to ensure the safety of Manitobans.

And, if you believe as I do that this legislation addresses red tape headaches, and believe as small business owners do, that reducing red tape is a priority, you will help pass this legislation to and reduce the regulatory burden across the province.

CFIB encourages all elected officials and public servants to work together to ensure the successful implementation and delivery of Bill 12, so that we can reduce the red tape burden facing Manitoba entrepreneurs, while maintaining the necessary rules to protect consumer safety, the environment and employees.

The successful implementation of Bill 12 will undoubtedly help many of Manitoba's entrepreneurs focus more of their time, energy and money on growing their businesses and, in turn, the provincial economy as Bill 24 did previously.

As the big voice for small businesses in Manitoba, CFIB will continue to be a strong advocate for reducing the unnecessary regulatory burden facing entrepreneurs in the province. We look forward to seeing Bill 12 successfully accomplish its goals of reducing several of the unnecessary regulatory burdens impeding the province's small business owners.

Thank you.

Jonathan Alward  
Director, Provincial Affairs, Manitoba  
Canadian Federation of Independent Business

Good evening.

My name is Patrick Falconer.

I am pleased to have this opportunity to speak to Bill 24—"The Social Services Appeal Board Amendment Act". While my comments this evening are steeped in my experience as the Consultant to the Barrier-Free Manitoba Steering Committee over the last decade, I will be speaking tonight as a private citizen.

Some speakers this evening will focus on content and substantive matters. I would like to focus on process—specifically on the importance of, and obligation to, undertake respectful, meaningful and timely consultations with key stakeholders in the policy making process, as well as in the development of the laws of the land.

My major point is that the lack of effective consultation undertaken in the development and tabling of Bill 24 renders it painful and problematic. The lack of consultation also casts a very dark shadow on the Bill's legitimacy.

Sadly, I will also suggest that this same lack of meaningful consultation and respect for due process has become a major barrier to the effective implementation of the landmark Accessibility for Manitobans Act—a topic with which I am more than a little familiar.

It's hurting government, it's hurting policy making and it's hurting our communities.

Bill 24 represents an ideal place to reverse this course. Thereby I am asking that the Pallister Government withdraw the bill and begin consultations with key stakeholders to explore reasonable alternatives—alternatives that will address government's concerns while not decreasing access to justice by vulnerable Manitobans, including thousands of Manitobans with disabilities.

I'd like to ground my comments in two sources, perhaps not often relied upon in tandem.

The first is a quote from Donald Rumsfeld, the former U.S. Secretary of Defense.

Donald's comments are short, practical and to the point. He said:

Test ideas in the marketplace. You learn from hearing a range of perspectives. Consultation helps engender the support decisions need to be successfully implemented.

The second source is international law—the United Nations Convention of the Rights of Persons with Disabilities

As you may know, the Convention was signed by Canada in March 2007 and then ratified in March 2010. Ratification now makes it legally and, may I say ethically, binding on Canada, as well as on all provincial and territorial governments.

Let me read you Article 4 Clause (3) under General Obligations

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities.

In a most timely development, the UN's most senior Committee on the Rights of Persons with Disabilities issued new legal guidance on these obligations just a few short weeks ago—on September 21, 2018.

I am pleased to highlight four of these:

1. Government has the duty to closely and timely consult with, and actively involve, persons with disabilities in the development and implementation of legislation and policies to implement the Convention and in other decision-making processes.
2. Government has the obligation to ensure the transparency of consultation processes, the provision of appropriate and accessible information and early and continuous involvement.
3. Government has the obligation to consult and engage with organizations of persons with disabilities when conducting preparatory studies and analysis for formulating policy.
4. Government has the obligation to support organizations of persons with disabilities, through sufficient and independent funding and technical capacity-building, to be able to fulfil their roles and for autonomous participation in consultations.

May I say that these obligations based in international law seem pretty straight forward and don't give a whole lot of wiggle room.

Having considered two sources, I invite you to turn to the government's record on Bill 24. The following excerpts are based on information obtained through a FIPPA request that was filed by the Public Interest Law Centre.

First, from Department of Families Briefing note dated November 14, 2017

Current Status:

On November 7, the Court ruled that the SSAB has jurisdiction and the obligation to consider Charter issues if properly raised in appeals to the SSAB.

The Court's decision praises the value of access to justice and Charter remedies for citizens who rely on programs that fall within the scope of the SSAB. The decision does not support restricting the jurisdiction of administrative tribunals, such as the SSAB, by requiring citizens to seek Charter remedies through the superior Courts (in this instance the Court of Appeal).

However, the decision does acknowledge that the legislature has the authority to restrict the jurisdiction of the SSAB to hear Charter arguments through legislative amendments.

Then from "Ministerial Speaking Notes" with no date

We recognize that social justice advocates may criticize these amendments. We are also aware that the Free Press published an article praising the Court decision and highlighting the value for citizens to have access to justice via an appeal board that does have Charter jurisdiction.

And finally, from an "Executive Summary", again with no date, assumedly prepared for then Minister Scott Fielding

Stakeholder Consultations:

Families consulted with Constitutional Law when drafting the proposed amendments. Families did not consult with external stakeholders. Access to justice advocates (including the Public Interest Law Centre) may criticize the proposed amendments.

19(1)(b), 23(1)(a)

The last portion of this excerpt is redacted.

While this does not present a smoking gun, it's pretty darn close.

The Government was well aware that the pending amendment was consequential. It also knew that the proposed amendment departed from the direction of the Appeals Court's decision that had praised increasing access to justice by making administrative tribunals "charter competent".

The Government also knew that media had praised the decision and that the move via restrict access to

justice via Bill 24 would be criticized by social justice advocates.

Finally, despite knowing this, the Government decided not to consult with stakeholders in developing and drafting Bill 24

What would Donald Rumsfeld say?

How consistent is this with the letter and spirit of the Government's duty to consult as established in the UN Convention?

As a first kicker, nothing in the briefing notes that I have read suggested that there was any urgency in moving ahead with the Bill.

The second kicker is that this is only half of the story.

Let me share some highlights of what happened after the Bill was tabled for First Reading

I became involved in early April when I first heard about Bill 24. Having been contacted by folks with an interest in the issue, some of them here today, I contacted the Minister's office and the Deputy, expressed concern, and suggested that they provide stakeholders with a technical briefing.

I sent the original email message on April 14 and then follow up email messages on April 20, April 25 and May 8.

These messages were then followed by an email message on June 21 asking for a meeting between stakeholders and the Minister.

The Bill, based on the NDP's selection, was very soon thereafter set aside to be heard after the summer.

It was only on July 3rd that we finally received a response from the Deputy saying that the Minister had asked him to set up a technical briefing in later July. We were told that the briefing would not provide a forum for community members to discuss any substantive concerns.

The technical briefing was held on July 19—prepared and ably hosted by senior departmental staff. We found it very helpful, but our substantive concerns remained unaddressed.

So yet more follow up messages were sent to the Minister reconfirming the request for a meeting on July 19th and 31st.

I have never received any response.

I remind you that this second half of the story occurred after the Bill had been introduced, well after the Government had decided not to consult in developing the Bill. This second half of the story represents Government's response to active and repeated request for consultation by key stakeholders.

I ask again:

What would Donald say?

How consistent is this with the letter and spirit of the Government's duty to consult as established in the UN Convention?

I'd like to wrap up my presentation with two short conclusions.

First, Bill 24 is misbegotten. It may have seemed to make sense to those in positions of power. They clearly knew the pending amendment was consequential and would be controversial. But they actively choose not to consult with stakeholders in the bill's development and then later to address stakeholder concerns after the Bill had been tabled. In so doing, have stoked controversy and they have chosen not to fulfill Government's obligations under the UN Convention. In short, the process fails the basic 'sniff test' of reasonable and responsible government.

I am thereby asking that the Pallister Government withdraw the bill and begin the process again in the full light of day and with affected stakeholders at the table.

My second conclusion is a broader one. This heavy reliance on a now outdated and discredited "decide-announce-defend" approach to public policy is just not the way to do business in Manitoba. But sadly that has been my experience with vital aspects of the implementation of the landmark Accessibility for Manitobans Act.

For example, BFM has been calling for five years now for community consultations in the development of a strong and effective compliance framework for the Act. There still is no framework and there still has not been any community consultations.

Based on my experience, the Department of Families needs to do much more to meet Rumsfeld's maxim and an immense amount more to fulfill its obligations to Manitobans with disabilities.

I sincerely urge the department to begin this change today. Thank you for your attention and your interest.

Patrick Falconer

Re: Bill 24

Dear Committee members,

My name is Michael Barkman, and I'm the current Chair of Make Poverty History Manitoba. I have been the Chair of MPHM since May, and have been involved in

anti-poverty advocacy for many years. I got involved to make a difference in the lives of close friends, family, and people in my community. I believe strongly in the principle that the measure of how our society is doing ought to be based on the well-being of those who are most marginalized, and the level of equity between community members.

Thank you for taking the time to read and listen to speakers on Bill 24, the Social Services Appeal Board Amendment Act this evening.

Make Poverty History Manitoba (MPHM) is a multi-sectoral collaborative coalition representing Indigenous peoples, business, education, faith groups, students, youth, newcomer, labour, women's, disability, urban, rural, and northern communities. Since the spring, we have been working with an informal coalition of individuals and organizations, who have come together as community members to discuss Bill 24. Our group, entitled Charter Rights for All, has participation by persons from Barrier Free Manitoba, the Low Income Intermediary Project, Inclusion Winnipeg, Make Poverty History Manitoba, Manitoba Association for Rights & Liberties, Manitoba League of Persons with Disabilities, Manitoba Federation of Labour, Social Planning Council of Winnipeg, Winnipeg Harvest, and Canadian Federation of Students-Manitoba.

We are gravely concerned about the impact of this legislation on denying Charter rights to vulnerable Manitobans. We believe in equitable access to the Canadian Charter of Rights and Freedoms for all.

Context/History:

This past spring, the provincial government introduced Bill 24, legislation to explicitly say that the Social Services Appeal Board has no jurisdiction to consider appeals or constitutional challenges

based on federal Charter rights under the Canadian Charter of Rights and Freedoms.

Prior to Bill 24, the Public Interest Law Centre, in a coalition with Winnipeg Harvest, The Canadian Mental Health Association (Winnipeg and Manitoba) and Inclusion Winnipeg, intervened in a case entitled *Stadler v Director of St Boniface*, which was released in November 2017. The case overturned previous legal precedent, asserting that the Social Services Appeal Board does have an active role to play in ensuring access to justice and encouraging vulnerable individuals from exercising their Charter rights. The *Stadler Case* proved that Canadian Charter of Rights & Freedoms belongs to all of us, in every legal setting.

As it stands, we are opposed to Bill 24 and its potential for significant impact on low-income and other marginalized Manitobans' constitutionally-enshrined Charter rights. With the passage of Bill 24, a legal bifurcation of process could occur, where cases end up in two or three administrative tribunals or courts of law. This would end up costing more to the justice system, and to the individual.

However, we want to work collaboratively because we know that everyone in this room understands the significance of Access to Justice, and we want to collectively pause, understand the underlying reason for this bill, and work together to ensure that the Social Services Appeal Board is focused on providing just, efficient, and compassionate decisions for Manitobans.

Our recommendations are meant to serve as necessary steps to mitigate potential damage from Bill 24, and improve access to justice and a more equitable system for Manitobans. We remain gravely concerned about the reasoning behind the bill, the lack of research into the impacts of Bill 24 on access to justice, and the lack of consultation with affected individuals and the organizations that are composed of, represent, and work with low-income and marginalized Manitobans. We are happy to share these recommendations, and hope that the government considers pausing, seeking qualified legal advice, and most importantly, consulting impacted communities.

Recommendations:

Summary:

1. Delay passage of Bill 24, engage in meaningful community consultation, collaboration, and co-creation

2. Pending consultation with impacted communities, replace Clause 8.2.b with: "The Appeal Board may consider the values of the Canadian Charter in making a decision or order under this Act."

3. Establish and/or devote funding to SSAB appellants pursuing potential Charter violations

4. Overhaul SSAB tribunal member appointment process and training

Detailed recommendations:

#### 1. Consultation

We are concerned about the lack of community consultation, and the apparent rashness of the introduction of Bill 24. We are connected to organizations, campaigns, and initiatives that have members and work with people who utilize the programs of the Social Services Appeal Board on a very frequent basis. None of these people were contacted, consulted, or collaborated with for Bill 24. We would like to understand the underlying justification of Bill 24, and evidence of need for its introduction.

We have also found through a Freedom of Information Request that within the research of Bill 24, the Department of Families did not consider the impact of this bill on access to justice for marginalized peoples. Access to justice is a key principle across Canada of improving the legal system, and ought to have been considered for this bill. We believe it wasn't, and remains an important missing piece of government consultation regarding the Social Services Appeal Board.

We encourage the government to delay passage of this bill, and seek to meaningfully consult, collaborate, and co-create with stakeholders, and most importantly, individuals most impacted. We have previously requested meetings, and hope to meet with you to take time to consider this bill with the community.

#### 2. Protecting Charter Rights for marginalized Manitobans

We agree with the intent that the Social Services Appeal Board, nor other administrative tribunals in Manitoba, should be able to overturn legislation passed by government, as laid out in Clause 8.1.a of Bill 24.

We remain concerned about the ability of appellants to access their rights and freedoms protected within the Charter at the Social Services Appeal Board,

particularly in its ability to grant a remedy. We believe in the principles found in the 2010 Supreme Court of Canada case, the Conway decision, that "the Charter is not some holy grail which only judicial initiatives of the superior courts may touch. The Charter belongs to the people. All law and law-makers that touch the people must conform to it. Tribunals and commissions charged with deciding legal issues are no exception."

We believe that Bill 24 must ensure that the Social Services Appeal Board practices, makes decisions, and gives legal remedies placing high emphasis on the inherent values within the Canadian Charter of Rights and Freedoms, permitting appellants to access their Constitutionally protected rights.

Cases and appeals would be made utilizing the current structure of the administrative tribunal, where precedent for future cases is not set within the appeal board, but rather made on a case-by-case basis. This would protect the more informal, rapid nature of the SSAB, while protecting the inherent rights of all Manitobans.

We believe that pending consultation with impacted communities, Clause 8.2.b with ought to be replaced with; "The Appeal Board may consider the values of the Canadian Charter in making a decision or order under this Act."

#### 3. Access to funding to pursue Charter cases

Whether or not the bill is passed, we believe in the need to establish a fund, or provide dedicated funding to Legal Aid Manitoba to assist appellants before the SSAB who feel their Charter rights have been violated to access higher courts of law, such as the Manitoba Court of Appeal. Access to justice is a hallmark of our democracy, and we believe in equitable access to the Charter of Rights and Freedoms. This must be protected through our legal apparatus and administration.

#### 4. Review appointment process, SSAB tribunal member training

With a lack of consultation for the introduction of this bill, a core issue was not uncovered that could be utilized to improve the quality of decisions, effectiveness, and efficiency of the SSAB. We believe the SSAB requires an overhaul, and that the tribunal member appointment process and training ought to be reviewed.

The government should eliminate partisan appointments, and create a set of criteria for



appointment to the SSAB, including representation from people with lived experience with SSAB programs and/or merit and understanding of Manitoba administrative tribunals and social programs. Training should be provided for tribunal members to ensure Charter competency, as well as other basic training provided to members. Successful examples, such as the Ontario Review Board, where these practices have been adopted, should be studied.

#### Conclusion:

Thank you for taking the time to read and listen to presentations today on Bill 24, the Social Services Appeal Board Amendment Act. I would like to repeat myself, and urge the government to pause, and work collaboratively with community with high emphasis placed on the principle of access to justice.

Michael Barkman  
Chair  
Make Poverty History Manitoba

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#### Re: Bill 24

CUPE proudly represents over 26,000 members in Manitoba and they are as diverse as our society. We have members that depend on social services to support their family members and we represent members who are dedicated to their work with individuals with disabilities, who see first hand how inequity impacts those individuals. We represent advocates in a variety of social service agencies who are committed to ensuring their clientele can be included in every day life, as they see fit for themselves. CUPE represents over 650,000 members, with that same diversity across our nation—the nation that depends on our constitution. Originally drafted in 1867 it includes our charter of rights and freedoms to uphold our fundamental beliefs and values.

The constitution is not a single document, but a collective of documents that make up the highest level of Canadian law and it has been repeatedly amended over its life time. Amendments generally are made to reflect the changes in values and beliefs and to ensure everyone is represented and protected. We recently saw an expansion in our Manitoba Human Rights Code to be inclusive, to include gender identity and social disadvantage as protected grounds. The government will soon have the opportunity to once again make the code more

inclusive with the upcoming discussions around Bill 216 to include someone's size as a protected ground—these changes don't come about on a whim, they are made when reasonable people make reasonable decisions, with careful consideration to reflect values of inclusiveness rather than discriminatory by excluding a certain group of people.

In 2013 Manitoba lawmakers passed the Accessibility for Manitobans Act. Again, not on a whim but because reasonable people made a reasonable decision to bring about legislation to prevent and remove barriers for people, so they can fully participate in all facets of society. Indeed, there have been road bumps in enactment and processes but because it is widely recognized there are multiple barriers to Manitobans, we move forward to remove them.

In 2010, the Supreme Court of Canada's ruling in the *R. v Conway* decision considered the principle that tribunals have an active role to play in ensuring access to justice by avoiding the unnecessary bifurcation of avenues of relief. The Conway decision addressed timeliness and avoidance of multiple hearings on the same matter. There was discussion about costs associated using our court systems and the length of time it could take to get a final decision. There was an expression of concern that going through these lengthy and costly court proceedings would mean fewer people would exercise their charter rights, not because they were not being violated but because people in already vulnerable positions would likely decide not to go to court. Having to go through a court process could mean vulnerable people continue to live with emotional and physical risks, with their charter rights still being violated. That thought does not support the values and beliefs of Manitobans.

Bill 24 was introduced after The Manitoba Court of Appeal decision in the Stadler case that depended on the Conway Supreme Court decision—rightfully tribunals should and lawfully can hear matters on constitutional violations. There were no consultations with people who could be adversely affected by the contemplated changes in the Social Service Appeal Board Act in Bill 24. It certainly doesn't seem that there was careful consideration by the writers of the Bill on what the impact to true justice may be—it doesn't seem as though there was consideration on how to better prepare the appointed Board members to make such decisions, it did seem as though this was some sort of "knee-jerk" reaction,

perhaps with some sort of good intentions but without any thought to the ramifications it could have on the people protected by the charter. The passing of Bill 24 could cause harm to the very people who the highest courts in the land had decided could use tribunals rather than the long, costly, exhausting court system.

The Bill should not be passed as it reads today because of that. Because we do not believe in causing harm and in fact have laws to address those that do.

Throughout time we have hopefully learned that careful consideration and consultation with those that could be affected by lawmakers is essential to any process of legislative changes. This has not occurred in this case.

CUPE would like to suggest the government delay the passage of this Bill. This would be so public consultations can occur, and that individuals who could be most impacted, their advocates and all other stake, holders can provide their thoughts and provide input to improving their ability to exercise the rights granted to all Canadians under the constitution in an equitable, barrier-free manner.

Another recommendation for this committee to consider would be to think about the Conway decision and its view that "the charter is not some holy grail which only judicial initiates of the superior courts may touch". The charter belongs to all people. All law and law-makers that touch the people must conform to it. Tribunals and commissions charged with deciding issues are no exception. We need to protect charter rights for marginalized Manitobans, not make it more difficult for their voices to be heard.

Further, there does need to be an establishment of a fund or to ensure funding and specialization to Legal Aid MB. To assist appellants who believe their charter rights have been violated so they can access higher courts should they so choose, and if the court system is not the path they choose to pursue, to help with their appearance in front of the appeal board. The government must support individuals in accessing justice in an equitable manner. Without access to justice our democracy can erode.

An additional recommendation would be to review the process used to appoint people to the Board. There needs to be an overhaul to the process and the training for the appointees as there should be no partisan appointments and there should be a set out

criteria, to include people with lived experience with the services covered by the appeal board and an understanding of tribunals and social programs. There should be on-going training for all Board members, so they are charter competent and continue to be throughout their appointment.

While other Appeal Boards may have had their ability to hear matters regarding constitutional violations stripped by archaic legislation it does not mean this Appeal Board should suffer the same fate. When we work on inclusiveness and equity we must realize that to achieve equality, we may have to treat people differently. In this case, ensuring the accessibility to justice for marginalized people includes, ensuring they can have their day in court in a manner that promises cost effectiveness, ease in access and timeliness.

In 2013 the government of Manitoba committed to working towards removing barriers for Manitobans because there was widespread recognition that barriers exist in daily life.

It states on the government's Accessibility for Manitobans website at [www.accessibilitymb.ca](http://www.accessibilitymb.ca), "Improving accessibility is the right thing to do. It is also the smart thing to do, and it's the law in Manitoba."

Because of this, we urge you to reconsider the passing of Bill 24 and follow the recommendations already discussed to ensure accessibility for everyone in realizing their Charter Rights.

Sheree Capar  
Human Rights Representative for CUPE in Manitoba

Re: Bill 24

The Manitoba Federation of Labour (MFL) is Manitoba's central labour body, representing the interests of more than 100,000 unionized workers. The MFL believes strongly that rights under the Canadian Charter of Rights and Freedoms belong to all people in Canada. We are deeply concerned about Bill 24, the Social Services Appeal Board Amendment Act, as it will decrease access to justice.

In fact, this incredibly short bill has only one purpose: to put up barriers to justice for many of Manitoba's most vulnerable citizens, including the unemployed, working poor and workers/persons with disabilities.

The Social Services Appeal Board (SSAB) hears appeals from individuals who depend on social services to make ends meet, like Employment and Income Assistance (EIA), Rent Assist, Community Living disABILITY Services and child care subsidies. Under current law, when a Manitoban experiences an infringement of their Charter rights resulting in the denial of a social service or support, they are permitted to make constitutional arguments in their appeal to the SSAB. But this bill would take that ability away by changing the mandate of the SSAB to prevent the tribunal from considering Charter rights in its review of social service appeals.

This means that people who are already struggling financially, some of the most vulnerable people in our communities, and have experienced their Charter rights being violated will have no other recourse than to launch a challenge through the court system, an incredibly expensive, cumbersome and often exhausting process. But in reality, it is far more likely that they will simply go without the services and supports they need, representing a denial of justice.

Government should be focused on making it easier for all people to exercise their Charter rights, not more difficult. Since tribunals, commissions, and boards like the SSAB are often significantly faster and far less expensive for appellants than the traditional court process, they serve a very important role in helping citizens access and stand up for their own legal rights.

Access to justice is a fundamental principle. in a free, fair and democratic society, and one that the labour movement has always fought for. Unfortunately, this bill would take our province in the opposite direction.

We believe that the Pallister government should withdraw this bill immediately to prevent the negative impacts it will have on some of Manitoba's most vulnerable citizens. There has been no meaningful consultation with the community on the impacts of this bill and how vulnerable Manitobans will be able to access justice if the bill is passed.

Barring full withdrawal, we believe that the government should make ample resources available for the use of vulnerable Manitobans to make Charter challenges through the court system, as that is, in effect, what this government is forcing

Manitobans to do by removing their right to make Charter challenges through the SSAB.

Manitoba Federation of Labour

Re: Bill 27

How dare you even think about giving yourself a raise after what you have done to our healthcare system.

As an employee I would only get a raise if I did and am doing a good job and that is after paying out the shareholders.

You are my employee and are not doing a good enough job to earn more money.

I believe that you are making too much money as it is. you should have to earn the same as welfare rates for at least the first 6 mos of a term.

That is welfare without any other income ie-stocks, RRSPs, investments, etc.

Thank you

Laurene Myrvold

Re: Bill 27

The Canadian Centre for Policy Alternatives (CCPA) is an independent research institute concentrating on economic and social issues. We are pleased to be able to comment on Bill 27 this evening.

CCPA has been engaged in balanced budget legislation (BBL) from its inception in Manitoba, and before we get to the specific amendments in Bill 27, we feel it necessary to first reiterate our opposition to the legislation.

BBL has a strong appeal to those who do not believe that government has a role to play in stabilizing our economy. But economic crises are unavoidable in our system, often from the irresponsible behaviour of the financial sector, as we saw with the 2008 crisis. With governments unwilling to face the fact that taxes have been cut too much, leaving us with a shortage of revenues to deal with these challenges and even closer-to-home social emergencies, it is unrealistic to expect that deficit spending can be avoided indefinitely.

The very spirit of BBL goes against basic principles of Keynesian economics of using government spending and taxing policies to maintain economic stability. When a crisis hits and the private sector retreats, the government must step in to stabilize demand and prevent massive unemployment. It could also reduce taxes at that time to stimulate demand. When the crisis ends, government spending should return to normal levels and taxes should be increased to pay down the deficit.

As the BBL stands, it does not allow for deficit spending to prepare for future crises such as are likely to occur with climate change. That said, in no way do Keynesian principles promote endless stimulus spending or tax reductions: a responsible government accountable to voters must use deficit spending prudently.

Modifications of the BBL have at least allowed for emergency spending for natural disasters, but governments' refusal to remove the requirement for a referendum around raising taxes dooms governments to either underspend and/or run deficits when emergencies hit.

Making matters worse are the perverse incentives in Bill 27 which will penalize Cabinet Ministers when the deficit is not decreased by at least \$100M/year. This incentive assumes that Ministers are either not being responsible and/or that no situation will occur that requires a larger deficit, or impedes its reduction. Should another financial crisis occur, or should action be required to improve services in a crucial area, will this government not respond because Cabinet Ministers don't want to be fined?

Adding insult to injury is the "Jubilee Clause" which will refund any fines paid once the deficit is eliminated. This amounts to another perverse incentive for government to not respond responsibly to any crises that may arise. These disincentives, combined with the need for a referendum to raise taxes, turn Keynesian principles of responsible budgeting upside down.

These incentives also encourage the deficit to be paid down faster than needed and encourage cuts to front line services. Given the considerable challenges segments of our population face, it would be more responsible to base spending decisions on how to reduce poverty and ensure sufficient public services rather than on whether Cabinet Ministers are going to get their penalties refunded.

Finally, notwithstanding the ineffectiveness of BBL overall, the idea of refunding Cabinet Minister's penalties would seem to defeat the purpose of the penalty in the first place. Every time I get caught speeding or running a red light, I have to pay a fine. Fair enough; I've broken the law. If I then go a year without breaking the law, I do not expect a refund for my past misdemeanours.

In sum, BBL has been modified in this province and others out of necessity because when governments voluntarily or legislatively constrain themselves from raising taxes when required, deficits become necessary. The amendments in Bill 27 are an attempt to fix this structural problem by pushing Cabinet Ministers to put their personal finances ahead of making responsible budgeting decisions.

The so-called Jubilee Clause gives Cabinet Ministers an escape hatch that no other Manitoban has access to. Should government not make responsible budgeting decisions because of these amendments, Manitobans will be the ones who suffer.

Lynne Fernandez  
Canadian Centre for Policy Alternatives, Manitoba Office

Re: Bill 27

Hello again, everyone. Thank you for the opportunity to present on behalf of our members once more, this time regarding the small business perspective of Bill 27: The Fiscal Responsibility and Taxpayer Protection Amendment Act.

For the sake of entering our organization's background into Hansard, please bear with me as I repeat my previous introduction.

As you know, my name is Jonathan Alward and I am the Manitoba director of provincial affairs for the Canadian Federation of Independent Business (CFIB). At CFIB, we are passionate about small business. Because of their massive contributions to our economy, employment and communities, we believe small businesses deserve a strong voice in government decisions. CFIB provides a credible and effective way for small businesses to participate in the political process—just like big businesses and unions do.

CFIB represents 110,000 independently owned and operated businesses across Canada, including 4,800 in Manitoba. We are a strictly non-partisan, not-for-

profit organization. Our members are located in every region of the province, and in sectors that closely mirror the provincial economy.

Every CFIB policy position is set by direct feedback from our members through accurate, regular surveys, which operate under a one member, one vote system. Our views are strictly based on results from these surveys. It is with great confidence that I can present here on behalf of our 4,800 Manitoba small business members, and express their views and concerns regarding the Bill 27 and the Act in general.

For many years, CFIB members in Manitoba have cited the total tax burden and government debt and deficit as the top two most concerning issues to their businesses. Our members know the province's net debt has doubled over the last decade, and that, despite progress, the deficit is still projected to be well over \$500 million this year. They are concerned about the province's rising debt levels because it potentially increases their future tax liability, limits the government's ability to invest in infrastructure and programs, and transfers debt to the next generation. After all, today's deficits and growing debt will become tomorrow's tax increases.

It is not surprising then, that when surveyed, 89 per cent of Manitoba's small business owners support Manitoba having strong balanced budget legislation. Therefore, we believe that strong balanced budget legislation is a necessary tool to help ensure the government implements the fiscal restraint that entrepreneurs know will help improve the province's financial well-being and overall business climate going forward.

This is why CFIB was pleased to support Bill 21 last year, after the amendments were made to the minimum annual reduction targets. I now believe the legislation has laudable intentions and meets the spirit of balanced budget principles.

CFIB recognizes that the Manitoba government has brought forward the amendments in Bill 27, in large part to fix the definition of the baseline amount. We have no issue with this change as it is needed to fix a minor oversight in the original legislation. With this

change, the legislation better follows the spirit of the balanced budget principles that our members support.

However, I am concerned about one specific part of the amendments being debated this evening; specifically those in section 8.1(1), whereby there is a disincentive to reduce the deficit by the minimum annual targets.

I expect that this clause has been brought forward, in part, to address potential concerns such as a PST reduction, for example, that CFIB members support. As the government would forfeit roughly \$300 million in revenues, which could make it difficult to still meet the \$100 million minimum reduction goal. While I understand how this could be a problem, this is not the best policy solution to address the issue at hand. Firstly, offering needed tax relief does not interfere with the spirit of the legislation. Secondly, the changes could open up potential concerns that would interfere with the spirit of the legislation.

As I said last year, balanced budget legislation can only be effective if it is strong enough to hold governments fiscally accountable. While I believe the current Act and many of the amendments before us reach this goal, amendment 8.1(1) does not. That said, I urge the Committee members here this evening to consider these concerns and determine a better way than section 8.1(1) for the government to proceed with the mutually inclusive goals of deficit reduction, sustainable spending and tax relief.

As the big voice for small businesses in Manitoba, CFIB will continue to be a strong advocate for fair taxation, sustainable spending, and the credible tools necessary to help governments accomplish these goals. We look forward to seeing The Balanced Budget and Taxpayer Protection Act remain an important, effective tool for Manitobans.

Once again, thank you all for the opportunity to present this evening.

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