

Second Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Human Resources

Chairperson
Ms. Melanie Wight
Constituency of Burrows

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON HUMAN RESOURCES**

Monday, October 7, 2013

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Melanie Wight (Burrows)

VICE-CHAIRPERSON – Mr. Ted Marcelino (Tyndall Park)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mses. Allan, Selby, Hon. Mr. Swan

Messrs. Briese, Dewar, Goertzen, Marcelino, Mmes. Mitchelson, Rowat, Mr. Saran, Ms. Wight

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

Bill 14–The Education Administration Amendment and Public Schools Amendment Act (Parent Groups for Schools)

Ms. Marilyn Kolody, Manitoba Association of Parent Councils

Ms. Gladys Hayward Williams, private citizen

Ms. Doraine Wachniak, private citizen

Bill 9–The Teachers' Society Amendment Act

Mr. Ken Pearce, Manitoba Teachers' Society

Bill 44–The International Education Act

Ms. Karen Strobel, Manitoba Council for International Education

Mr. Gary Gervais, Heartland International English School

Mr. Jeremy Read, University of Winnipeg

Mr. Wayne Palendat, Manitoba Association of Career Colleges

Ms. Bilan Arte, Canadian Federation of Students of Manitoba

WRITTEN SUBMISSIONS :

Bill 44–The International Education Act

*Brent Poole, Pembina Trails School Division
Christian Perron, Université de Saint-Boniface
Grant Ganczar, St. James-Assiniboia School Division*

MATTERS UNDER CONSIDERATION:

Bill 9–The Teachers' Society Amendment Act

Bill 12–The Community Schools Act

Bill 14–The Education Administration Amendment and Public Schools Amendment Act (Parent Groups for Schools)

Bill 44–The International Education Act

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Madam Chairperson: Good evening. Will the Standing Committee on Human Resources please come to order.

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

Mr. Gregory Dewar (Selkirk): I nominate Mr. Marcelino, Tyndall Park.

Madam Chairperson: Mr. Marcelino has been nominated. Are there any other nominations?

Seeing none, Mr. Marcelino is elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 9, The Teachers' Society Amendment Act; Bill 12, The Community Schools Act; Bill 14, The Education Administration Amendment and Public Schools Amendment Act (Parent Groups for Schools); Bill 44, The International Education Act.

We have a number of presenters registered to speak tonight on the list of presenters before you. On the topic of determining the order of public presentations, I will note that we have out-of-town presenters in attendance marked with an asterisk on the list. With this in consideration, in what order does the committee wish to hear the presentations?

Hon. Andrew Swan (Minister of Justice and Attorney General): I'm sure I'd suggest that the out-of-town presenters go first.

Madam Chairperson: Is that acceptable to the committee? *[Agreed]*

I would like to inform all in attendance of some provisions regarding the hour of adjournment and the

consideration of our business tonight. In accordance with the sessional order adopted in the House on September the 11th, 2013, since we currently have less than 20 presenters registered, if this committee has not completed clause-by-clause consideration of these bills by midnight, a number of rules will apply, including, (1) sitting past midnight to hear presentations; (2) if they are not already finished concluding presentations at 1 a.m.; and (3) interrupting proceedings to conclude clause-by-clause on all bills at 3 a.m.

How late does the committee wish to sit tonight?

Hon. Nancy Allan (Minister of Education): I suggest we sit until we have the legislation done.

Madam Chairperson: Is that acceptable to the committee? *[Agreed]*

Written Submissions on Bill 44 from the following persons have been received and distributed to committee members: Brent Poole, Pembina Trails School Division; Christian Perron, Université de Saint-Boniface; Grant Ganczar, St. James-Assiniboia School Division.

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

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials we ask that you provide 20 copies. If you need help with photocopying please speak with our staff.

As well, I would like to inform presenters that in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members. So at nine minutes I will do my best to remember to let you know that you just have one minute left, okay?

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

called a second time they will be removed from the presenters list.

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

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

Before starting with presentations, I would like to inform the committee that Paul Olson, presenting on Bill 9, is not here, and that Ken Pearce will represent the Manitoba teachers' association.

Also, a presenter, Ms. Marilyn Kolody, presenting on Bill 14, has family commitments and has asked if she can present first. Is that agreed? *[Agreed]*

Bill 14—The Education Administration Amendment and Public Schools Amendment Act (Parent Groups for Schools)

Madam Chairperson: I will now call on Marilyn Kolody, president, MAPC, Manitoba Association of Parent Councils, and do you have any written materials? Great. Our staff will help you with that and you can just go ahead, then, whenever you're ready, yes.

Ms. Marilyn Kolody (Manitoba Association of Parent Councils): Thank you for this opportunity to speak and also thank you for allowing me to move up in the agenda. As noted, my name is Marilyn Kolody, and I am the president of the Manitoba Association of Parent Councils, which I will refer to as MAPC from here on.

I am the parent of three children, one who just graduated last year from school and the other two are still in the public school system. I've been involved in parent councils in my children's schools for the past 12 years and 'consinue' to—continue to serve on their councils in the school that they attend. I've been a board director with MAPC for the past four years and I'm serving my first year as president.

To provide you with some information about MAPC, as an organization MAPC has been in existence for over 50 years and is made up of school-based groups throughout the province.

Annually, we have more than 350 members. This includes groups from public schools who become members either through their division or they can join on their own, independent schools, individuals and organizations interested in education. Our mission is to support, promote and enhance meaningful involvement and participation of parents in order to improve the education and well-being of children in Manitoba. And I just want to mention that for the nature of our organization and for your information, MAPC considers parents to be a child's primary caregiver, whether they be the child's biological parents, alternative family members or those providing foster care. Our organization has two full-time staff and—or, sorry, two staff, a full-time executive director and an a par—and a part-time administrative assistant. The remainder of the organization is driven by volunteers, including the board of directors, a diverse group who govern the or—the association.

* (18:10)

As an organization, we're honoured that this legislation has been proposed recognizing MAPC as a representative for school-based parent groups in Manitoba. We take this role very seriously. One of our strategic areas for development, as we identified about three years ago when creating our strategic plan, is to ensure that we are truly representative of the parents of children in education in Manitoba.

We continue to work on increasing the number of our members and continue to seek diverse representation on our board of directors and throughout our organization. In order to do this, parents and those involved in the education system throughout the province need to know who we are and what we do, so we have increased our online presence, revamping our website and increasing the ways that we can connect with parents and parent groups by taking advantage of social media.

We provide mass mail-outs annually to divisions and to schools directly with information on membership and supports and services that we provide. We work collaboratively with educational stakeholders so that administrators, superintendents and trustees can share in their own communities information about MAPC, and to help us get information on the types of parental involvement going on throughout the province and successes and barriers to that involvement so that we can appropriately focus our energies.

MAPC recently created and distributed a survey for parents to fill out. Surveys were sent out to all divisions across the province and distributed through our networks. We have collected the results and are now in the process of collating that data. To connect with and provide supports to our members, we send out monthly e-bulletins and quarterly newsletters with information on upcoming events and items for members' consideration.

We hold various outreach events including our chairperson's breakfast planned this year for Winnipeg, Brandon and Thompson. Last year we held our first topical forum, and that was on adult bullying, and we also host an annual conference. These events give parents the opportunity to come together and listen to presentations, participate in workshops, network with other parents and provide feedback to MAPC on a variety of educational topics.

We visit communities on request and provide presentations on topics such as the roles and responsibilities of the parent council or on recruiting and retaining volunteers, and this helps us connect with parent groups to share their successes and best practices, and also to discuss the issues that they're having and work through any challenges that they're facing. And while we can't always ensure everyone's happiness, we take the time to listen to concerns and help individuals and groups understand the processes in place to address these concerns and help restore relationships.

MAPC is pleased to see that Bill 14 includes all school-based parent groups. Through our connections with parents and parent groups, we see that due to numerous factors not all groups are able to function as advisory councils for school leaders. Parent groups have developed best practices within their school communities in order to overcome challenges they may face and to ensure that their group is able to continue.

MAPC appreciates that this proposed legislation requires principals to consult with parents when preparing their annual school plan, provide parents with information on the role and function of school-based parent groups in their school, advise parents of their right to become members and to provide them with information on establishing a group where one does not exist. When parents or alternate caregivers are involved in a child's education it affects students' attitudes towards school and helps them feel supported, having positive

results on a student's achievement. There are many ways for parents to become involved and we want to ensure that all parents understand that being part of a school-based parent group is one of them.

MAPC has worked collaboratively with administration teams to provide support with respect to issues involving parents and parent groups, and plans on those partnerships to continue. We see that this collaboration has been both appreciated and effective as there has been a gradual increase in the divisions that support their school's membership to MAPC.

In conclusion, parental involvement has had a long history in Manitoba. We were able to trace it back to just over a hundred years ago. Some of us are lucky enough to have been raised by involved parents who worked with school teams to create the best learning opportunities possible, and follow their example when we had children. Our organization wants to be sure that all caregivers across the province are aware of the many opportunities that exist for them to become involved in their child's education. And finally, parents don't get involved in their child's education for recognition or for accolades. We become involved because we want what's best for our kids. So to see this formal recognition supporting the value of parental involvement and recognizing the work that MAPC has done is very humbling for our organization.

We thank you for your leadership in taking this step. As to the best of our knowledge and research, such a step has not been taken in any other province or territory across Canada. MAPC looks forward to continue building strong partnerships and networks throughout the province. Thank you for your time and I wish you success in your deliberations.

Madam Chairperson: Thank you very much for your presentation.

Do members of the committee have questions for the presenter?

Hon. Nancy Allan (Minister of Education): Well, Marilyn, thank you very much for being here this evening and making your presentation, and congratulations on your new role as the president of the Manitoba Association of Parent Councils. Your organization is a very important organization because we know that children do better when parents are actively engaged in our public education system. And please express my gratitude to the Manitoba Association of Parent Councils for the work that they do on our oversight committee in

regards to the class-size initiative and the report-card initiative, and also thank you to the work that you have done with your—in school every day campaign to encourage better attendance in school.

Thank you very much for all of the work that you do and thank you for being here this evening.

Mr. Kelvin Goertzen (Steinbach): Marilyn, thank you for being here, and I know you have other commitments. I appreciate that, even more so that you took the time to be here.

I agree with you, you know, when parents are involved with their kids' education, that's the best thing I think that can happen for kids. And as somebody who's a parent of a young child in school, I try to take that to heart as much as I can, to be involved as much as I can.

Just in terms of MAPC, I have a question in terms of how does MAPC determine the positions or—on behalf of the parent councils or parents individually. Is that done through resolutions, or I'm not familiar with the process in terms of how positions are taken.

Ms. Kolody: We do have—there is a process, and, you know what, sorry, I don't have the entire process here for you, but we do create position statements on certain topics that are educational in nature and that are relevant to parents across the province; there has to be some relevance to that beyond a very small group of parents. From there, then we take it to membership through our annual general meeting and then those—provided those—the resolution, you know, meets—falls into the criteria that we set out, we take it to membership at our AGM and they vote on it.

Madam Chairperson: Thank you.

Hon. Jon Gerrard (River Heights): Thank you very much for coming in. Just to be absolutely clear, I—what I understand is that you're strongly in support of the legislation, and I also want to give you an opportunity to—if you've other ideas in terms of how we involve parents more broadly in their kids' education.

Ms. Kolody: That's a—yes, that's a big question, and it's certainly an obstacle that we have encountered. I think the big part for our organization—and, I mean, it's difficult to broaden that out to government—is information. I think that a lot of parents don't understand how they can become involved. They don't understand the benefits to becoming involved, and I think if somehow we can just—I mean, you

know, we've been doing that in bits and pieces as an organization, but the more people spreading that message—which is why we try to network with school administrators, superintendents, trustees—the more directions that that message is coming from, the better off it is.

Madam Chairperson: Thank you very much once again for taking the time to come down.

Our next presenter is Sandra Ross, William S. Patterson School Parent Advisory Council. And do you have any materials? *[interjection]* Oh, no? Is she—she's not here? All right, she'll drop to the bottom of the list. And our next presenter is Doraine Wachniak, private citizen. No? All right, she will drop to the bottom of the list.

Gladys Hayward Williams, private citizen. Do you have any materials to hand out? All right, the staff will help you with that. And then you can just go ahead as soon as you're ready.

* (18:20)

Ms. Gladys Hayward Williams (Private Citizen): So I have been a member of MAPC and appreciated much of its work in the past, but I want to point out that in any democratic society, there's a group of governing principles that collectively form its parliamentary procedure and ensure its organizational processes follow democratic principles. One of these foundational principles of democracy is that majority rules, but the rights of the individual, the minority and absent members are protected.

Under this principle, one of the fundamental procedures is that quorum is a majority of the members. However, this is not the case with the Manitoba Association of Parent Councils. MAPC's constitution does not define quorum as a majority of its members. The MAPC constitution defines quorum as a majority of only those members present at the AGM, and I'll read it to you. From the MAPC constitution, 4.1: Quorum, for any purposes of determining policy, amending the bylaws or the constitution, adopting a budget and electing the board, a majority vote of those regular and board members represented by a delegate present at the AGM or represented by proxy vote shall be required to pass any motions. But they need to present. Therefore, only those members, delegates and proxies that are actually present at the AGM are counted when determining quorum, and therefore only a majority of those present at the AGM are

needed to do the business and the rights of all other members are excluded.

Every year, concerns arise from the MAPC membership about lack of notification of the MAPC AGM and this lack of notice stops—and that this lack of notice stops them from attending the AGM. Under the current definition of quorum, those members who did not receive adequate 'nof'—notification, and therefore did not attend, are not calculated in quorum and their rights are not protected, but through no fault of their own. In fact, any MAPC member who is not member—not present or represented at the MAPC M—AGM are not considered in the calculation of quorum, and their rights are excluded. Some may—members may not even be aware they did not receive notice of the AGM. This definition of quorum as only those who are present as defined by the MAPC constitution is clearly not a democratic way to do business.

Also, even if a member does actually attend the MAPC AGM but leaves the room for any reason, they are no longer considered in the calculation of quorum, under this current definition of quorum in the MAPC constitution. If they leave the AGM, the rights of those members and those they represent are no longer protected because the requirements for quorum decrease as fewer and fewer members are present.

So the last MAPC AGM that I attended started about 7:30 on a Friday evening with a fairly long agenda. The first break happened about 10:30 p.m., and many people left, maybe tired after a long week or just hoping to be rested up for the next day's events at the MAPC conference. Basically, as soon as the break was called, the place drained like a bathtub. When the AGM reconvened after the 15-minute break, so many people had left that a question arose about whether there was still a quorum in order to continue to do the business on the agenda. The question was referred to the person who was acting as the parliamentarian for the MAPC AGM. This parliamentarian answered that according to the MAPC constitution, quorum was based on only those members currently in the room and not those who had been present in the room before the break or even those who had been present at the beginning of the meeting. As the evening wore on and on, it got closer and closer to midnight. More and more people left the meeting, but business continued until well past midnight with progressively fewer and fewer members present.

This is clearly not a democratic way to do business, to just wear down the MAPC members until only a few people are left. Yet the MAPC constitution defines this as being adequate for a quorum to continue to do business, even with those few members present and even if they're only board members. In a democratic organization, the people or members should govern, and the definition of quorum should reflect that by requiring a majority of the members to be present at the AGM. The current constitution of the MAPC organization needs to be changed to reflect this democratic principle. And until MAPC constitution is changed to reflect this democratic 'pres'-principle, that quorum means a majority of 'mem'-MAPC members and not just those present at the AGM, MAPC should not be given the status of the voice of parents in Manitoba.

Madam Chairperson: Thank you very much for coming down to present.

Are there questions?

Ms. Allan: Thank you very much, Gladys, for your presentation and for coming from out of town to make your presentation. We appreciate it. You've raised concern here about the recent AGM, and I was actually there for the banquet earlier in the evening and wasn't aware of this particular situation, but I'll certainly have a conversation with MAPC about it, and thank you very much once again for being here.

Mr. Goertzen: Thank you, Gladys, for your presentation. I also wasn't aware of the concerns on the constitution on MAPC. It's a good point, though, because I think the president already indicated that, you know, you want to be involved, want parents to be involved and this is exactly the kind of things that would discourage people probably from being involved. We see that politically, right, when they don't get notification of those sort of things. So something that definitely should be addressed if the goal is to keep people involved for sure, parents involved, whether it's on the organization or more generally in the school system.

A question for you, I asked it also of the other presenter just about resolutions and how they're passed at MAPC AGMs, and you raised the point about people being within the convention and I was a little confused. At the last convention there was a resolution passed in regards to a particular piece of legislation and then there was a presentation at committee here on that particular piece of legislation that didn't reflect what happened at the convention. How does that work? I mean, if MAPC is the voice

of the parents, how do resolutions that are defeated at a convention end up being presented as though they were passed at a committee?

Ms. Hayward Williams: You're right that Bill 18 did come forward at the MAPC AGM and was discussed, and please understand that Manitoba parents do not support bullying in any way. But the MAPC vote—membership voted not to support Bill 18 at the MAPC AGM, and not only did they support—not support Bill 18, but they voted unanimously not to support Bill 18. Like, they spoke with one voice.

So, however, you're right, the MAPC executive chose not to represent the Manitoba—the voice of those MAPC members and the Manitoba parents. That was their choice. So at standing committee on Bill 18 that was held this summer the MAPC executive voiced support of Bill 18 and did not represent the voice of their members. So, clearly, MAPC is not the voice of their members or of Manitoba parents, and I think this government should respect that and remove this bill from the legislative process until democracy is returned to MAPC and is reflected in their constitution.

Madam Chairperson: Thank you very much.

Ms. Allan: Well, thank you very much. I find it interesting that your presentation this evening, you raised a concern on the Friday night about business that was being discussed and you didn't feel there was an appropriate quorum. But then on the Saturday morning when there was a vote you—and there was, I understand, 17 people that voted on Saturday morning against Bill 18. Those are the very rules that you were negative about on the Friday night, and I understand the same rules were in place in regards to quorum on the Saturday morning. So I'm kind of curious, why was it not okay on Friday night, but it was okay for 17 people on Saturday morning to vote against Bill 18? I'm just curious how you square the circle on that.

Ms. Hayward Williams: I'm not sure what your question is.

An Honourable Member: Okay, I'll do it again.

Ms. Allan: There was—you—your presentation this evening, you laid it out very clearly that there was business being—a business meeting was being held on the Friday night—*[interjection]*

Madam Chairperson: Sorry, Ms. Williams.

Ms. Hayward Williams: Sorry. I'm just wanting to clarify for the minister that the Friday night that an AGM happened was at a previous AGM and that the AGM for this year's MAPC AGM happened on the Saturday.

* (18:30)

Madam Chairperson: Okay, I'm sorry, we're out of our five minutes. I apologize. Obviously there's a lot of interest in what in what you've brought up and thank you so much for coming, we appreciate it.

Mr. Gerrard: Thank you for coming and bringing this forward. I just want—

Madam Chairperson: We were—I'm sorry, Dr. Gerrard, we were out of time. Apologize—I apologize. I—for all the interest in this.

Bill 9—The Teachers' Society Amendment Act

Madam Chairperson: All right, our next presenter is Mr. Ken Pearce, general secretary, Manitoba Teachers' Society. And do you have materials?

Mr. Ken Pearce (Manitoba Teachers' Society): Yes.

Madam Chairperson: Thank you. You can go ahead whenever you're ready, Mr. Pearce.

Mr. Pearce: My name is Ken Pearce, I'm the general secretary of the Manitoba Teachers' Society. Thank you for the opportunity to make this presentation to the legislative committee considering this bill.

The Teachers' Society Act is the legislation that establishes the society, and its objects are set out in this act. Every teacher who works in Manitoba's public schools is a member of the Manitoba Teachers' Society which represents 15,000 public schoolteachers. I'm here today to support the amendments to The Teachers' Society Act contained in Bill 9.

During the society's 2012 annual general meeting, the provincial council of the Manitoba Teachers' Society, which is its governing body, passed a resolution requesting these amendments to section 18 of The Teachers' Society Act, investigation of complaints.

At the same annual general meeting, the society's provincial council also passed complementary amendments to the teachers' code of professional practice and relevant bylaws. The society's code of professional practices establishes the standards of conduct for all members of the

Manitoba Teachers' Society, whether acting in an employed position under a collective agreement or acting in an appointed or elected position. I don't intend to read the code, although I have attached a copy for your information.

MTS takes its responsibility to monitor the conduct of our members very seriously. A member's professional behaviour must reflect the spirit as well as the letter of the code. This bill strengthens the Manitoba Teachers' Society internal discipline process for teachers.

The amendments in Bill 9 are the results of concerns expressed from MTS members that the current penalties: admonishment, censure or a recommendation to the Minister of Education (Ms. Allan) to revoke a member's teaching certificate, went from one spectrum to the other with no middle ground. An offence may not be serious enough to justify the revocation of a teaching certificate but could demand more than admonishment or censure. The additional penalties contained in Bill 9 allow the society's review committee to deal in a more responsible way with members who have behaved inappropriately.

Section 18 of The Teachers' Society Act allows MTS to investigate the conduct of any MTS member. According to the bylaws of the Manitoba Teachers' Society, complaints made against the teacher are sent to the general secretary who attempts to resolve the matter. Where a member fails to satisfactorily follow a course of action recommended by the general secretary, he or she may refer the complaint to the MTS professional conduct committee which acts as both investigator and prosecutor.

Most complaints are resolved by the general secretary. It's only rarely that complaints are referred to the professional conduct committee or onto a hearing before the MTS review committee which is the adjudicating body for charges against our members.

The first proposed amendment contained in this bill is to subsection 10(2), which adds the wording to confirm the society's ability to establish, maintain and enforce standards of professional conduct and a code of conduct. The changes to section 18(1) make clear our ability to regulate only active members.

The current subsection 18(2) includes the words, has been guilty of unprofessional conduct. The bill changes the wording to has engaged in unprofessional conduct. This change recognizes that

the MTS professional conduct committee does not make a determination of guilt or innocence, it simply decides that a member has engaged in conduct that ought to result in a formal charge being laid before the MTS review committee.

Subsection 18(4) inserts the phrase, on a balance of probabilities, after the word proven. Using the phrase on the balance of probabilities affirms that the standard of proof for the MTS review committee is lower than proof beyond a reasonable doubt, the standard in criminal courts. As a result, the standard of proof for the review committee will be the same as the standard of proof in civil court.

In addition, the amendments to subsection 18(4) add new penalties that may be imposed if the review committee finds the charges of professional misconduct have been proven: (b.1) suspension of membership in MTS with or without conditions; (b.2) termination of the person's membership in the society; and (b.3) a penalty provided for in the bylaws of the society.

Subsection 18(4.1) has been added to provide that teachers who are disciplined may also be required to pay up to \$5,000 of the society's costs for the disciplinary investigation and hearing. Subsection 18(14) is new. It permits a person whose membership in MTS has been terminated to be reinstated. This subsection applies to membership in MTS and not termination from a teaching position.

Finally, subsection 18(15) allows MTS to register a copy of the review committee's order for costs in the Court of Queen's Bench. As a judgment of the court the order can be enforced against a teacher who refuses to pay through methods such as garnishment of wages or seizure of assets.

Thank you for this opportunity to explain the changes that MTS has requested to The Teachers' Society Act contained in Bill 9. I will be pleased to answer any questions you may have.

Madam Chairperson: Thank you very much, Mr. Pearce, and we have questions?

Hon. Nancy Allan (Minister of Education): Thank you very much, Ken, for your presentation this evening, and thank you—very nicely laid out for everyone on the committee. We believe that these changes will strengthen the discipline process of the Manitoba Teachers' Society for teachers, and we appreciate the work that you've done in—with us on this legislation and, of course, all of the work that

you do with us on the oversight committee. Thank you very much for being here this evening.

Mr. Kelvin Goertzen (Steinbach): Thanks very much, Ken, for being here this evening. Replacing the criminal standard of beyond a reasonable doubt which is often considered sort of being 99 per cent certainty, with the balance of probabilities a civil standard which some might define as sort of 51 per cent probability, is it your feeling that the civil standard, when you're dealing with somebody's livelihood, that that is the appropriate standard? Is that the kind of standard that's used in other jurisdictions?

Mr. Pearce: My understanding is it is the standard used in like organizations, and the reason for it is that, indeed, the practice has been in the past in these cases that it is on the balance of probabilities.

Mr. Goertzen: Is there anything within the code of conduct, and I know sometimes they're sort of up to interpretation, they can be defined as there are judgments for use—lack of a better word, administered. Is there anything in the code of conduct that would prevent a teacher from speaking against a position that the Teachers' Society has taken?

So, for example, there was presentations on behalf of Bill 20 in favour of the PST increase. I think we found today by polling that some 70 per cent of Manitobans didn't think it was necessary; I'm sure the other 30 per cent weren't all teachers. If there were teachers who were taking the position of the 70 per cent of Manitobans, there's nothing in the code of conduct that would result in them being punished because they took a position other than that of the MTS?

Mr. Pearce: No, there is not.

Madam Chairperson: Thank you. Seeing no further questions, we'd just like to thank you once again for taking the time to come.

Bill 44—The International Education Act

Madam Chairperson: Our next presenter is Karen Strobel, Manitoba Council for International Education. We have moved on here to Bill 44, so we're all on the same page, and do you have any—if you would like to give those materials to the staff they'll hand them out for you and—as soon as you're ready.

Ms. Karen Strobel (Manitoba Council for International Education): Good evening, my

name is Karen Strobel. I am the president of the Manitoba Council for International Education. We are an industry association currently with 26 members. We're all educational institutions and we represent private, public, rural, urban, secondary, post-secondary, as well as English and French educational institutions across the province.

*(18:40)

Since 2000, the year 2000, we have worked collaboratively providing networking and professional development opportunities for our members. We work together on marketing initiatives and on advocacy as well. Our mission is to collectively enhance and promote Manitoba's international education opportunities.

I'd like to thank you for the opportunity to present to the committee today, and MCIE would like to thank the government of Manitoba for the efforts being made to provide a safe and secure student-centred learning environment for our international students, one that delivers a high-quality education and training experience. We are pleased that the significant contribution made by international students to the province has been recognized.

International education contributes about \$155 million annually, and we have about 6,000 students now studying in our province. Manitoba's institutions are working to grow our reputation as an internationally recognized study destination. We have students studying in all four corners of our province, from Morden and Selkirk and Dauphin and Otterburne, to the bigger centres of Brandon and Winnipeg, and many of our other communities in between. Our students are making a positive impact in our economy—on our economy and in the lives of those communities, as well as at educational institutions all over the province. The safety of our students is our priority; I want to be clear on that. We believe that this act will enhance the reputation of our province as a safe destination for our international students. We look forward to being involved in the development of the code of practice and conduct which will outline the details of the legislation. But after some consultation with our members, we do have some concerns to bring forward to the committee.

The main concern is that the act may be considered unfriendly to our educational partners or, as they are often referred to, the agents. This was a concern expressed by our members from all the

sectors, from K-to-12, from post-secondary and from our language programs, as well. Section 20, under other obligations and prohibitions—sorry—notes that an education provider must provide the list of its recruiters and recruitment agencies on its website. While we understand the intent of this part of the legislation, we ask for flexibility from the government in working with our members to implement the best method of providing transparency and 'diclo'—disclosure in an effective manner, one that protects the security of our students. We also wish to protect the competitive intelligence and the relationship that our members have developed with our partners. Rather than publishing those names on our websites, perhaps providing the names of our partners to the government of Manitoba is an alternative. The point that we're making is that we would like to continue to work towards a solution on this matter before it's finalized.

Our partners do play an important and positive role in providing information to our students. A recent survey by Study Travel Magazine indicated that most secondary schools use partners or agents to recruit international students to their programs. Our post-secondary members and our language programs have also said that they use partners in the same way.

Our partners tell our potential students where Manitoba is; this is a big world and not everybody knows. They tell them who we are. They tell them the options available to them in terms of institutional location, characteristics of our institutions, program information, costs and application requirements. They provide a strong liaison service, particularly between parents and institutions for students who may be studying at the secondary level. And family may—families make choices on the kinds of service that they need from their par—from the agencies, the educational agencies that are helping them out. Not all parents speak English or understand Manitoba's educational system, and they feel comfortable using an agency as a liaison to help explain things to them.

Examples of concerns related to the requirement to post names actually include things like privacy concerns. Such a list may actually affect a student's privacy and safety by essentially providing information on where a student might be attending school. Again, particularly at the secondary or K-to-12 level, families don't always want attention drawn to their child who might be studying away from home.

There's strong belief amongst our members that this may very well reduce the competitive edge and the competitive intelligence that our institutions have worked to develop over the last many years. And speaking on behalf of our partners, we also know that they have concerns about being subject to frivolous or inappropriate claims. And we know that our partners often wish to keep those relationships private, even within their own countries.

In addition, there's some concern about a bit of a lack of clarity in the proposed act. Examples of this include things like the director's power and the fee not yet being established. We are unclear how things like exchange organizations, a rotary club, might be regarded under this act. There are questions on how designation will be regulated for secondary schools that welcome international students but don't recruit and necessarily don't have a formal program in place yet.

Another issue raised by our members was the fee and the new reporting requirements. We have members with very differing populations of international students. Several of our members have less than 10 international students, where the University of Manitoba has more than 3,700 international students. Nevertheless, concerns were raised about the increase in the workload for all of the institutions related to collecting and then perhaps forwarding fees, as well as additional reporting requirements. There is concern that an additional fee may actually discourage some students from attending a program in Manitoba.

A final issue that was raised was that of designation. We acknowledge that designation of programs is important and that flexibility is needed in this process. There are a variety of inter-educational institutions in Manitoba. For example, there are private post-secondary learning 'edu'-institutions that provide Pathways programs in partnerships with public universities such as the International College of Manitoba which is located at the University of Manitoba, which leads to degrees. It's important to keep them in the mix. There are also institutions which offer both academic and technical studies in both secondary and post-secondary programs. Again, important to keep them in the mix. Continued diversity is important for Manitoba to continue to grow the number of students that come to our province and to our institutions.

In conclusion, we really do appreciate the Province of Manitoba's initiative in leading the way

with Bill 44. We are all in favour of improving our province's reputation as a study destination. It is those unintended policy consequences that we're concerned about and the fact that perhaps our competitors may actually learn from those and benefit from them. We are concerned that this may have a negative effect on the really good things that are happening in the international education industry in Manitoba that we have going on right now. There are many knowledgeable and experienced and really passionate people who work in Manitoba's international education industry.

We hope that the concerns raised by the Manitoba Council for International Education will be taken into consideration in the final drafting of the act, and we also really look forward to the consultation process to develop the code of practice and conduct. Thank you.

Madam Chairperson: Thank you very much for presenting.

Questions?

Hon. Erin Selby (Minister of Advanced Education and Literacy): First of all, thank you, Karen, for coming down and speaking with us. I've appreciated both the information that you and your members have provided to us as we were leading up to today. And, of course, we've committed to ongoing consultation over the next year to make sure we have that code of practice in place and code of conduct that will ensure that we have a strong, robust and good protection for students.

I feel that it's wonderful to be able to speak at committee because I think we're all on the same side. We all want to ensure that students not only are safe when they get here but their families will know that this is a safe place to choose, and we're all working towards figuring out the best way to do that.

I did want to say that I think you really said the perfect word, you said flexibility. And rest assured that we're looking at the same thing to ensure that the act remains flexible to deal with things, and particularly because students' safety is the main goal here and we know that there are individual cases and individual students from certain regions that may need a little more flexibility to ensure that they have the strongest protections in place, and that's what some of the consultation over the next little while will be talking about how we can make sure we can do that.

But we agree with you that there needs to be flexibility in place to make sure that we have the ability to react to case-by-case scenarios in some situations depending on the student's needs, to best protect them when they get here.

And I did also want to raise the fact that we aren't—we are the first jurisdiction in Canada to bring in such legislation. We would not be the first country, some of our big competitors are—have already got legislation like this. And I can tell you that governments across Canada have been calling us to learn more about it because they see the competitive edge of being able to sell Manitoba as one of the safest places to send your students.

So I appreciate so much of the concerns that you've raised and issues that you've brought to us, because as people at the front lines we really value your experience in this process. So thank you.

* (18:50)

Mr. Stuart Briese (Agassiz): Thank you, Ms. Strobel, for coming to the committee tonight, and I know you take time out of probably a very busy schedule to be here. I would just ask—and I heard the minister wax eloquent on consultation going forward—was your organization consulted prior to the introduction of this legislation?

Ms. Strobel: We had word of it from the International Education branch. So that consultation happened a little bit after the original idea was brought forward, but we understand that there'll be lots of consultation going forward and so we're pleased to be involved in that that way.

Mr. Briese: The second question would be, the legislation—you brought up quite a few concerns for legislation you're actually supporting, and do you feel that the legislation as it's written now may actually curtail the recruitment of international students?

Ms. Strobel: The one issue that we're just mostly concerned about is the posting of the partners' names on the website. That's the big concern that we have at this point and it's for those reasons that I've outlined. A lot of the other details we feel we can work out. We have a very good relationship with the International Education branch in the province and we're really the envy across Canada for having that relationship and so we're positive—we feel positively that things can be worked out to everybody's benefit.

Mr. Briese: Another thing I noticed in your presentation was you had a concern about what the

fee may be. What would you consider a fair fee on a program like this?

Ms. Strobel: That's something that we would really have to discuss more fully with our members before I can give a good answer on that one.

Madam Chairperson: Thank you. Seeing no further questions, thank you again for coming down to present.

Our next presenter is Gary Gervais, Heartland International English School, and do you have any materials to hand out?

Mr. Gary Gervais (Heartland International English School): Yes, I do.

Madam Chairperson: Excellent, our people will come and help you and you can go ahead whenever you're ready.

Mr. Gervais: Good evening ladies and gentlemen. My name is Gary Gervais. I am the owner of Heartland International English School, and I'll also just mention I'm a member of the Manitoba Council for International Education which Ms. Strobel just spoke on behalf of, and I serve as the vice-president on that council.

I started my company in 1999 and have grown it from a concept to Manitoba's premiere private English language school for international students. We provide English as a second language training in Manitoba to approximately 250 adult students per year from various countries. Since inception we have taught over 3,000 students from 72 countries, and just a point of clarification so you understand what the industry is, these are not people learning English in an immigration stream. These are people who are coming to Manitoba simply to learn English and typically going back to their home countries. So just to give you that distinction, many people are familiar with people learning English within an immigration process, but this is specifically coming here to learn English.

As highlighted in Bill 44, these international students bring significant social, cultural and economic benefits to the province of Manitoba. Heartland is proud to be part of this significant industry in Manitoba and will continue to work with the provincial government and the other education institutions to promote Manitoba as a study destination.

While the legislation respecting international education is important, I have some grave concerns

with parts of the legislation that will cause hardship and could have significant negative consequences. I have three specific areas of concern that I'll highlight for the committee. The first being a regulation of student recruitment agents, which we've heard a little bit about already, the imposition of the fees and, third, the definition of international student within the act.

First, the regulation of student recruitment agents. Although the service we provide is in the field of education, the Province must recognize that international education is a complex and highly competitive industry. We compete for students with not only other cities and provinces in Canada, but with other countries like Australia, the UK, New Zealand, the USA, South Africa, Malta and many more. More countries are getting active or increasing their efforts in international education every year. Furthermore, we compete not only with these jurisdictions but with multinational, multibillion-dollar corporations. Even a small competitive disadvantage can be debilitating.

Requiring institutions to publicly divulge their proprietary information, that is, their student recruitment agents, could severely impair the industry in Manitoba. Let me be clear without being alarmist. The negative risks associated with requiring institutions to divulge their recruitment partners include lost revenue for Manitoba institutions and for lost jobs for Manitobans. Would the government impose such a handicap on any other industry? In addition to creating a competitive disadvantage for Manitoba institutions, the requirement to provide lists of recruitment agents will be administratively burdensome and costly. For a small business such as mine, the additional administrative resources are considerable. Not only is this allocation of resources unwelcome, but it may very well hurt the industry. As these costs get passed to the consumer, Manitoba will lose one of its major competitive advantages over other jurisdictions: cost.

I understand that there is a well-placed concern for the welfare of international students and that making Manitoba a better place for students serves our long-term goals in international education. However, it must be noted that student recruitment agents should not be considered the same as immigration agents. The cases of fraud and misrepresentation in the international education sector are significantly lower than with immigration. The reason for this is that the consumer of international education is much more sophisticated.

Whereas potential immigrants are more vulnerable to fraud and exploitation and therefore require greater protection through legislation, international students do not need this extra protection. For the most part, buyer beware is sufficient for these sophisticated consumers.

The second issue I'd like to raise is the imposition of fees. International education has a significant positive impact on the Manitoba economy. Imposing a head tax on international students is not conducive to enhancing international education in Manitoba. Although the economic impact of the industry is significant, most institutions operate on relatively small budgets. Additional costs that have to be paid for regulation are amounts that would otherwise be spent on promoting programs.

If the goal of the Province is to grow international education in Manitoba and to compete with other jurisdictions in Canada and around the world, then implementing a per-student fee is counterproductive. The way to grow the industry is to create a positive and progressive climate for international education. As the industry grows, the provincial government will benefit financially by way of increased revenues from more jobs and more spending in the province by international students. Imposing a regressive head tax on students does not create a positive climate. It unnecessarily taxes service providers in Manitoba and ultimately results in lower revenues for the Province.

Finally, in the act, the definition of an international student in Bill 44 should be more specific. The federal legislation is specifically targeted to international students entering Canada on a study permit. People may enter Canada on a visitor permit and study legally for a period up to six months. Therefore, the broad definition in the legislation may capture individuals who do not need to be included. Further work should be done to clarify the definition of international student to ensure that it aligns with the definitions and intentions of the federal legislation which the Manitoba legislation is responding to.

In conclusion, education is something we do really well in Manitoba. We have a great service to share with and sell to the rest of the world. As we are gaining momentum and putting Manitoba on the international education map, now is not the time to bring forward legislation that will hinder that progress. I urge the committee to recommend to government to proceed with caution and fully

understand the potential negative consequences of some parts of this legislation. Thank you very much.

Madam Chairperson: Thank you very much, Mr. Gervais.

Questions?

* (19:00)

Ms. Selby: Thank you, Gary, very much for coming down and presenting this evening.

I would maybe disagree with you on one particular point, that we have seen some serious problems, not as many in Manitoba. We have seen some problems in relation to international students and perhaps what they've been told and what they get when they get here. But we've certainly seen serious problems in jurisdictions outside of Manitoba, and certainly in some of our 'competing' 'com'-countries, as well, which is, as I'm sure you understand, we're trying to sort of act proactively. We certainly saw in Australia serious problems with their international student recruitment, to the point that it ruined the reputation even of the good ones. And a really important economic driver, and that the cultural experience that international students coming to Australia was put at risk and, not surprisingly, they have legislation now to try to repair their reputation.

And I know, Gary, that you're well aware of what's going on in the industry, and up-to-date, and you know that there's changes coming to the federal grants program. And I think that this go—and I hope that you would agree and you'd share this in the consultation over the next few months that we really do have to be thinking proactively of what those changes can do and what kind of new players that's going to bring to our industry, that we'll be able to ensure that our students are getting the same degree of protection that most of our people are providing right now and to continue going forward with ensuring that our reputation remains as good as it is in the market. So I thank you for that, and I know that we'll be talking more over the next few months with ideas and concerns and ways to make it the best protection around the world.

Thank you.

Madam Chairperson: 'Mis'—thank you. Mr. Briese.

Mr. Briese: Yes, and thank you, Mr. Gervais, for your presentation. I'll ask you the same question I asked the last presenter: Was there consultation

with any organization or with your particular school prior to this legislation being brought forward?

Mr. Gervais: I would say not specifically with the legislation. Having said that, we do have a good working relationship with the International Education branch. But as—to answer specifically your question, no, there hadn't been any consultation before we saw the act.

Mr. Briese: One of the things I recall from the briefing with the minister was—I know you've got a concern with the fee, and in—I had a concern with the fee when I was being briefed by the minister, too, and I was told that the fee would be minimal, and the suggestion was that it would be about \$200 per organization. I didn't hear anything said about a fee per student, but there was a suggestion on the fee per organization.

Would a fee in that level be acceptable your organization?

Mr. Gervais: Sorry, and just to be clear, you're suggesting a \$200-per-organization fee?

Mr. Briese: Yes, I was told that there are some—roughly 50, somewhere between 50 and 60 various organizations that are 'feeting'—I can't think of the right phrase.

An Honourable Member: Fall under this.

Mr. Briese: Fall under this, anyhow, and that the fee would be roughly 50 'doll'—or \$200 per organization, so I just wondered if that—we're hearing that there will be consultation going forward. I would hope that before this bill actually goes to third reading in the House, some of that consultation's done and the fee structure is established.

Madam Chairperson: Mr. Gervais—oh, I guess there was really no question there.

Mr. Gervais: I think there was.

Madam Chairperson: Okay.

Mr. Gervais: Yes, because what is an acceptable fee? You know, I would argue that no fee's acceptable, but a \$200 obviously would be manageable; you know, that's not a significant, debilitating kind of fee.

Having said that, I would—my question to the committee would be: The cost of administering that fee, is it worth the, you know, charging it, you know. It just doesn't see—you know, so I think that's really where it comes down to, you know. And is it the best

way to look at generating revenues through this? That would sort of be my questions around those sort of things.

Madam Chairperson: Thank you very much.

Mrs. Rowat, briefly, you have a few seconds left.

Mrs. Leanne Rowat (Riding Mountain): You had asked, or he had made a statement with regard to issues, with regard to international students, and if there more—there seem to be more issues with immigration than there would be with international students. And you had indicated that you weren't familiar with incidences. My understanding is that the minister has indicated in the briefing that there were no incidences that she was aware of, so I wonder about the legislation coming forward.

Do—are you familiar with any issues that are out there that would be of concern that you think should have been addressed outside of legislation?

Madam Chairperson: We're past our time, but if you could just briefly answer please, Mr. Gervais.

Mr. Gervais: Sure. Yes. And, you know, the minister rightly pointed out some international incidents where students had been defrauded or whatever the case may be, and those are legitimate concerns that we need to look at. I think it's how do we answer those concerns is the key question, and trying to regulate recruitment agents that operate outside of the jurisdiction of Manitoba, to me, is not the right approach. I think we have to look at what we can do in Manitoba and reasonably legislate with our institutions, and I'm all in favour of that.

But the one thing I think that is really—and I've stressed here, is that putting a list of agents is a huge competitive disadvantage for institutions with our province, and I think that's probably the most serious attack on our industry that happens within this legislation. I've heard people from other jurisdictions say, great, Manitoba's going to list their agents, we're waiting for that to come up so we can steal them all and steal their business.

Madam Chairperson: Thank you so much, we're quite a bit past our time. Thank you very much for coming out and presenting. Appreciate it.

Our next presenter is Jeremy Read, University of Winnipeg. And do you have any materials to hand out?

Mr. Jeremy Read (University of Winnipeg): No, I'll just read into the record.

Madam Chairperson: All right. Thank you. Please go ahead as soon as you're ready.

Mr. Read: I'd like to thank the Chair and the committees of—or the members of this committee here tonight for their time.

Our understanding at the University of Winnipeg is that Bill 44 is being introduced—

Madam Chairperson: Excuse me, just one moment, could you just speak a little bit louder into your mic?

Mr. Read: Sure.

Madam Chairperson: Thank you so much.

Mr. Read: Our understanding at the University of Winnipeg is that Bill 44 is being introduced to provide augmented assurances and protections for international students who are investigating or who have chosen to pursue post-secondary education or training at our province's universities, colleges, private language schools and private vocational institutions, or alternatively pursue secondary education in our province's public or private high schools.

We additionally understand this act intends to provide for an enhanced system of provincial registration and designation, as a way of ensuring that current or prospective students are guided towards pursuing their studies with educational providers that are recognized by the province as institutions that operate reputable services and deliver quality educational outcomes.

We recognize that this process of registration and designation will be accompanied by a code of conduct, by which registered institutions will comply to the satisfaction of the newly established director of international students office housed in the International Education branch shared by the ministries of Education and Advanced Education and Literacy.

It's our further understanding that this newly established director will be given powers to inspect programs, include compliance and our suspension orders where institutions are found wanting with respect to the code of conduct that is to be established.

Our assumption, borne out in part by the framing of the act—for example, by the provision of automatic designations for certain institutions—the government's primary concern is to establish a means to provide a system of quality assurance and related accountability for private language and vocational

institutions, and that sector in particular. The intent we take it is in response and in anticipation of the experience of other jurisdictions across the world and in Canada, especially in Ontario and BC, where international students have been exposed to and suffered from the abuses of unscrupulous or incompetent educational service providers whose intentions are not to provide to sound pedagogy or deliver quality programming, but are rather more exploitive in nature.

It is clear however that the government also intends through this act to be able to assure prospective international students of the integrity of educational institutions more broadly, including those of our public universities and colleges. We also assume that this act is to bring us in line with recent federal legislation, anticipating the changes to those—that legislation.

So it should be stated from the outset that the University of Winnipeg is supportive of the intent of the legislation, namely—which broadly aims to protect international students seeking to study in Manitoba from exploitation. Such protections are good for international students and good for long-established and well-respected education providers in the province.

In this regard we would suggest that the University of Winnipeg along with other public universities and colleges in the province have a demonstrated history of offering quality education to both domestic and international students. All such institutions have fully developed programs and policies to deliver quality education or training to their students regardless of their national origin. We also have measures in place to deal with contracted agents or employees who do not uphold the required standards in dealing with prospective students or who represent our institutions poorly.

I should note that at University of Winnipeg we have about 600 undergraduate and graduate students, about 1,000 to 1,500 students in our English language program and several hundred in our applied continuing education programs from year to year.

*(19:10)

Notwithstanding, however, our overall support for the protection of international students as intended by this bill, we do have several questions and concerns about Bill 44. Some of these are more substantive in nature, other matters that we are convinced may simply require further clarification

from government. At the university we—well, at the university we have wondered if many of the quality assurance and regulatory matters captured and, if so, could have been captured by amendments to existing educational pieces of existing legislation, for example, The Private Vocational Institutions Act or others. We'll reserve our comments today to two matters related to the bill currently in front of the committee.

The first matter concerns the process or designation of our programs and, in particular, of our professional applied continued education programs. Given the multifaceted nature of our institutional operations, we have asked for clarification regarding which of our educational programs will be automatically designated under the provisions outlined in the bill. Through correspondence with the Province, we understand that our core undergraduate and graduate offerings, our collegiate—and our collegiate operations will be so designated, as will our English language programs pending recognition of the—the Province's recognition of the Languages Canada designation under which our English language program falls and, therefore, wouldn't duplicate other forms of quality assurance that have been set up in the province, Council on Post-Secondary Education, those in place for the Manitoba school system.

What remains for us as an outlier is our professional applied continued education division which will have to apply separately for designation and we assume will, therefore, be separately treated under the exemptions from the code afforded our other programs that are automatically designated and have these other quality assurance mechanisms in place—despite this—despite the fact that our professional applied continuing education division currently falls under the jurisdiction of our academic senate and our board of regents whose institutional autonomy and mechanism for quality assurance are guaranteed in our—The University of Winnipeg Act.

What we would ask, therefore, I guess, is a consideration, then, of how the government might best treat this and other public university and college continuing education divisions under the proposed legislation and code of conduct. Is it possible, for example, to include these entities and programs for automatic designation under the act and allow for parallel exemptions or special recognition under the proposed code of conduct similar to those afforded our undergraduate, graduate, collegiate and English language programs? In other words, is there a

manner that is more respectful of the universities' institutional autonomy pertaining to academic matters and, therefore, more consistent with The University of Winnipeg Act? We'd be pleased to work with the government on friendly amendments to the bill that might lead to more streamlined or reflective, respectful designation of these long-established and well-regarded units and programs at our public institutions.

The second matter that we would like to raise regarding Bill 44 is the notable absence of an appeal process for decisions made by the director. We're concerned that the powers of the director greatly exceed those of the Council on Post-Secondary Education and the director overseeing the implementation of The Private Vocational Institutions Act. That act, by comparison, provides for a process of appeal and an appeal board that Bill 44 as currently drafted does not. This ultimately leaves issues of contested judgment assessment and subsequent appeals requiring applications to the courts which, if protracted, could ultimately prove detrimental to programs that actually successfully appeal the director's decision.

We think the government may wish to consider introducing an appeal board and appeal process into Bill 44 similar to that set out in The Private Vocational Institutions Act such that institutions and other educational providers who dispute judgments of the director will have access to a process that leaves court processes a matter of final rather than first resort. As the bill currently stands, the director has both great power and virtual immunity from the consequence of their decisions.

There are several other matters which we think require further clarification, including our concerns regarding the application of fines to individuals and especially those defined as recruiters and the definition of recruiters which we feel may be more appropriately applied at an institutional level as well as information related to student privacy concerns, and we also have some concerns about increased workload and those kinds of—and reporting, but those are secondary matters.

We're confident, however, that such matters can and will be considered and addressed through a consultation process with the post-secondary sector that will flush out the code of conduct anticipated in this bill. Indeed, we look forward to more information about that process and the opportunity to contribute to the establishment of a code that is

responsive to international students and the sector's needs.

We hope that the government and committee receive these questions, concerns, observations in the spirit that they are intended, namely, as friendly, with our collective end goal of assuring quality education for international students who have entrusted us with their educational aspirations. Thank you.

Madam Chairperson: Thank you, Mr. Read, for coming to present.

And questions from the committee?

Ms. Selby: Thank you, Jeremy, for being here, and appreciate everything that you've raised. I think I can confidently say we have the same priority of ensuring student safety when they get here, but also guarding the reputation of our province as a whole as well as our individual institutions.

You had a number of questions that I think some of them may have already been answered through correspondence between myself and President Axworthy; I think some of that we've addressed. And rather than going through it all right now, because I think my critic will accuse me of being too wordy if I answer every single detail, I will tell you that if there's any outstanding ones that we haven't addressed, some of those questions that Cheryl from international branch is always happy to chat with you if there's still some outstanding ones.

But you did say something that I think we're both really keenly tuned to, and that is the quality assurance mechanisms and ensuring that they're there for every institution. And you're right, there are—certainly we can trust that there are more quality assurance mechanisms in place at our 'publit' institutions because of the COPSE act and other ways. And you're right that a lot of that provides us a lot of confidence that things are going well and will continue to.

But you've brought up a lot of interesting points and I just say we will take all of those under advisement and consultations will continue as well. Thank you.

Mr. Briese: Thank you for your presentation, Mr. Read. I think I gathered from your presentation that you feel that the University of Winnipeg and probably the other universities and vocational—well, and community colleges, at least, probably have systems in place that are adequate at the present time. Would that be right, or—

Madam Chairperson: Mr. Read.

Mr. Read: Can I ask for clarification in—adequate in what manner?

Mr. Briese: Adequate in protecting foreign students that come into your systems, because all those, the three major universities, especially, and the two major community colleges, I believe, have systems in place, and they're the ones that have the most international students, definitely. So would it—was I gathering that they do have most of the protections in place to deal with situations this legislation tried to deal with?

Mr. Read: I think the point what we want to make is part of what we see the act intending to do is to provide students with assurances that the education that they are going to receive from a Manitoba—a designated Manitoba institution is of a certain calibre and quality. I think it's fair to say that our public institutions, due to a number of things, primarily internal in the cases of the universities, have a number of processes for assuring quality education.

I think we do share a concern with the government that the field of international recruiting requires more protections in terms of the regulation of international agents, however that might be achieved. We certainly—while the vast majority of our experience has been positive with international agents, we haven't always felt that to be the case. For such reasons, we also have concerns about the designation, as we did with the federal legislation around the definition of recruiter which captures our student advisers and our student recruiters that are on campus as part of our university—or in direct employment by the university and those who are contracted agents. I think it would be fair for us to say that while we've had a fairly decent relationship with contracted agents, that's not always been the case and we've had to pursue discipline, I mean, outside the legislative things, I mean, when we've found people in violation of their contracts.

We do have concerns, however, where the definition of recruiter extends to our student advisers, for example. So we do think that the act could have clearer language around what is meant by a student recruiter, as we felt with the federal legislation which has caused significant problems for our student advisers at present because they have been captured in legislation that's been targeted at international recruiters and immigration agents. And that has caused, now, us to have to go train our

student advisers to get CIC qualifications and those kinds of things.

* (19:20)

So what—I think there are the—some of those things that probably could be dealt with in a code, but in terms of the quality of education, I think the—some of the concerns we have, say, for example, is the designation of our Professional, Applied Continuing Education division. We're pretty confident in the quality of the programming that's being delivered there, and so it's a question of streamlining the process for designation for us.

Madam Chairperson: Thank you so much, Mr. Read. We're out of time. And we appreciate very much you coming down to present.

And our next presenter is Wayne Palendat, president, Manitoba Association of Career Colleges. And do you have materials to hand out? Excellent, we'll help you with that. And please go ahead, Mr. Palendat, as soon as you're ready. Am I saying your name correctly?

Mr. Wayne Palendat (Manitoba Association of Career Colleges): You are.

Madam Chairperson: Oh, good.

Mr. Palendat: Very good, thank you.

I'd like to thank the committee for giving me the opportunity to present this evening on Bill 44, The International Education Act.

I will begin by saying that the Manitoba Association of Career Colleges, hereafter referred to as MACC, strongly agrees with the general premise of the bill that there should be protections in place to ensure international students are treated fairly. It is in everyone's interest for Manitoba to be seen as a safe destination for study.

However, as it is currently written, the bill places an undue compliance burden on private vocational institutions, or PVIs, and, indeed, makes it virtually impossible for those institutions who have not previously hosted international students from offering programs to them in the future. This ultimately creates an environment where the 53 PVIs in Manitoba are prevented from offering their services to international students.

Earlier in the summer, my colleague Serge Buy of the National Association of Career Colleges joined me in meeting with the minister to express our concerns with the bill. The minister did indicate

that some of these concerns would be dealt with through subsequent regulation. Our position is why not deal with it now. The legislative process and the committee setting in particular is the most appropriate place to introduce much-needed amendments. We recognize that fine-tuning legislation is part and parcel of developing regulations, but, as written, this bill effectively excludes a whole sector of Manitoba's education system from fully participating in that system. It is therefore incumbent upon our elected representatives to thoroughly review this piece of legislation here and now to ensure that it meets its intended goals without causing unintended hardship. I would like to acknowledge that earlier today I received via fax a letter from the minister confirming the issues discussed at our meeting this summer. We certainly welcome more communication with the minister's office and hope that this may be the beginning of a stronger relationship between our sector and the minister's office.

In terms of the compliance burden, Manitoba career colleges are already thoroughly regulated through the Private Vocational Institutions branch. As currently written, Bill 44 contains clauses that seem to replicate powers already given to the director of PVI. Articles 24 to 26 of the bill deal with the creation of a director of international students. Presumably, this will involve the creation of another directorate within the Department of Advanced Education and Literacy. We question whether the resources dedicated to this new layer of bureaucracy might be better spent elsewhere, perhaps by augmenting the existing PVI directorate that already performs many of the same functions as the proposed new directorate.

For example, in article 8(3)(b), the bill requires that PVIs give information to the director of international students that is already routinely given to the director of PVI. Could this information not simply be shared between the two directorates? Further, article 8(4) states that the director of international students may inspect the premises of any institution applying for a designation. Again, the PVI director is already empowered to do such an inspection. In article 12(2)(a), the director of international students has the power to block a particular training program if it fails to meet a genuine education or training need. Once again, under the PVI act, training programs already have to meet this criteria in order to be registered.

Turning to the section of the bill that deals with recruiters, MACC certainly understands the need to

ensure that these recruiters do not mislead or defraud international students. The code proposed in the bill is a good step, but by leaving it to individual schools to ensure compliance with the code, it favours larger educational institutions, such as universities, that have greater capacity for oversight. One partial solution that the government does offer is clause 26(1) mandating the creation of a public registry of recruiters, that should not be dealt with, with 'des'-by designated education providers. This registry could represent an important resource for education providers, regardless of their designation. Therefore we encourage the government to move swiftly in establishing the registry as specified, to ensure greater protection for international students and educators alike.

The most troubling from our perspective is that certain sections of the bill appear to pave the way for most, if not all, PVIs in Manitoba to be blocked from teaching international students. Clause 7 2(g), allows for automatic designation of a private vocational institution that is accredited by an approved accreditation body. But in our communications with them, the minister's office was unable to specify what an approved accreditation body might be. In fact, there are no accreditation bodies for PVIs presently recognized in the province of Manitoba. Clarity on this point would be very valuable to our sector.

Perhaps the most damaging clause in the bill is found in 8(3), which effectively prevents any PVI who has not already established as a trainer of international students more than three years prior to the bill coming into force from gaining a designation. The intent behind this clause is clear; the government does not want shady, fly-by-night schools popping up to take advantage of vulnerable international students. As a proprietor of a career college that was established in 1911, I can certainly say that Manitoba's career college sector agrees with that intent, but The Private Vocational Institutions Act already in effect has several processes in place to prevent this from occurring.

The bill does provide an out for section 8(3), under clause 9(2), which gives a director power to bestow a provisional designation. We contend that even this does not create a level playing field. The designation itself reinforces the idea of two tiers, of designates and provisional designates. This may cause perspective students to shy away from applying to institutions in the latter category, based on the perception that provisional designates are

riskier or simply don't have the high quality of other institutions.

It is also important to note that currently PVIs in Manitoba do not actively recruit international students because it is hard for those students to obtain a postgraduate work visa. Some Manitoba schools have received application by international students who have already obtained a study permit, but then encounter problems at the conclusions of their studies when they are unable to get a postgraduate visa. In fact, MACC recently polled its membership and found that only three Manitoba PVIs currently have international students, a total of six students, who all enrolled without active recruitment. If anything, career colleges in Manitoba would rather work with the government to make it easier for us to attract international students, not more difficult.

Overall, through this legislation we can expect public education institutions to gain a virtual monopoly of 'interst'-international student programming. Ultimately, the public education sector does not offer many of the 'innomay'-innovative skills training programs that we in the career college sector do. Not only is this bill a disservice to career colleges, it is a disservice to this province and to the students who might otherwise come here to gain the skills they need to be successful.

In conclusion, through you, Madam Chair, I would like to call on all members of this committee to consider the following: Manitoba's regulatory system already provides a high level of oversight. Consider amending the bill to ensure the new directorate does not simply replicate the activities of established regulators. Establish a registry of qualified recruiters to assist all educational institutions and remove the arbitrary three- and four-year minimums for private institutions that do not get an automatic designation. As I have said, it is already difficult for PVIs to attract international students under existing regulations. Alternative criteria already exist to determine whether a PVI is legitimate and in good standing. Let's use that criteria.

Thank you very much. I look forward to any questions.

Madam Chairperson: Thank you for coming to present. We'll do questions.

Ms. Selby: Thank you, Wayne, for being here tonight. It's good seeing you again.

I think you hit the nail on the head when you were talking about the fly-by-night institutions that we're all concerned about. And as I think you well know, it only takes one bad apple to ruin the reputation of all the good education providers in the province. And I do think that we both have a vested interest in making sure that Manitoba has that strong reputation outside our borders, as well as inside our borders as well.

So I appreciate your—the insight and experience that you bring to this and do appreciate you being here tonight as well.

* (19:30)

Mr. Briese: Thanks, Madam Chair, and thank you, Mr. Palendat, for your presentation.

This bill, I think, from what I'm hearing, is totally directed at private vocational institutes, because it—the public sector, post-secondary institutes all appear to have their own processes in place. And now you are saying that under a particular act covering the private vocational institutes, that there is lots of regulation and requirement there already. I'll ask the same question I asked before, though, that—was there any prior consultation to the introduction of this legislation with your organization? I know you represent some 50 to 60 organizations with your—post-secondary vocational institutes with your organization. Was there any consultation from the department on this legislation prior to its introduction?

Mr. Palendat: Unfortunately, there wasn't.

Mr. Briese: So, part of your presentation also said that there's a very low international student recruitment in the private vocational institutes. I think I caught, from what you were saying, that this will curtail those private vocational institutes from recruiting international students. Is that right?

Mr. Palendat: That's correct. As we understand the bill the way it's written, schools that—private vocational institutes that do not have a record of having international students for the past three or four years will not qualify for automatic designation.

Mrs. Rowat: One issue that was just raised by my colleague here was with regard to consultation. You indicated you were not part of any consultation prior to the legislation coming forward. Have you, in any way, verbally or through communication, been assured that you will be part of the consultation process going forward?

Mr. Palendat: Yes, at our meeting with the minister, we were assured that we'd be part of the consultation discussing the regulations that will be built around the act.

Madam Chairperson: Thank you. Seeing no further questions, we'd just like to thank you one more time for coming down to present.

And our next presenter is Lee Doerksen. And Lee Doerksen is not here and will drop to the bottom of the list.

And our next speaker–presenter is Bilan Arte, Canadian Federation of Students of Manitoba. And if you–do you have any materials?

Ms. Bilan Arte (Canadian Federation of Students of Manitoba): No.

Madam Chairperson: All right. Go ahead as soon as you're ready.

Ms. Arte: All right. Good evening, everyone. My name is Bilan, and I'm here today on behalf of over 42,000 college and university students in Manitoba as a provincial chairperson for the Canadian Federation of Students of Manitoba.

Mr. Vice-Chairperson in the Chair

Students in Manitoba today are proud to say that their government has proved itself to be a leader when it's compared to all other provinces in Canada on providing comprehensive and legislative protections for the rights of international students. It was the first province and, in fact, today remains the only to date to include international students in its provincial health-care program.

Tonight, we're applauding our government for introducing another piece of progressive legislation that will protect international students in the long run—Bill 44, The International Education Act.

Earlier this year we heard the stories of international students enrolled at the International College of Manitoba to the news outlet the CBC: stories of fraud, of misrepresentation and of feelings of being used and lied to by recruitments—by recruitment agents used by institutions within our province, institutions that were supposed to be there to teach and support them.

This bill is important to us as students because we believe that it is about transparency. Once implemented, we're hopeful that this could dramatically affect the experiences of students like Nabeel and Carl, whom I know personally and whom

were featured on that story on CBC, and those of generations of international students to come, to ensure they are not taken advantage of and to say that we, at least, as a province, will 'nas'—will not stand up for our students being misused and being lied to.

With this in mind, I would now like to present three recommendations for the implementation of Bill 44 on behalf of our international student constituents. Firstly, we would suggest that any private institution that is allowed to be permitted to host international students be a degree-granting institution and that we be cautious of language schools where we've seen many such examples, such as the realities that were faced by Nabeel and Carl and others that were discussed earlier tonight, at both a local, national and international level.

Secondly, we would also ask that any lists of permitted institutions be regularly updated, closely monitored with precise timelines and include strong requirements and high standards. This regular monitoring is essential to ensure that no students fall through the cracks and that adequate safeguards are put in place to protect international students from negative and potentially quite harmful situations.

Thirdly, we ask that a primary requirement of any permitted institution be that they invest in training for a proportional number of staff to the number of international students enrolled at that institution so that we're ensuring that these students have adequate systems of support from skilled and qualified individuals to provide advice on issues including navigating study visas, work permits and all other matters related to their status as an international student.

Notwithstanding these recommendations, I'm pleased to be here today to say that this legislation and this introduction is showing that our government is maintaining its commitment to both the quality of education and to the experience of international students. In fact, unlike it has been said here tonight, we know that international students are vulnerable to such abuses and we know that they deserve protections as valued members of our communities. International students provide both an economic and social benefit to our society today, and we look forward to working with government to ensure that this bill allows Manitoba to continue to be a strong leader on this front and so that our province may continue to be a preferred as well as safe educational destination for international students.

I'd like to thank you for the opportunity for speaking to you tonight. I welcome any questions and I wish you an excellent evening. Thank you.

Mr. Vice-Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Ms. Selby: Thank you, Bilan, for being here tonight. You are always, of course, a strong voice for the students that you represent, but I think tonight you did a really important thing and you voiced perhaps the most important message, and that is the international students themselves. I know that everyone in the room has a vested interest in making sure that they're protected and safe when they get here, but you're actually speaking on behalf of the students and reminding us of why this is so important. So I appreciate that, and I just wanted to say that I appreciate CFS's work in not just this legislation, but the fact—the valuable insight and really the most important perspective, the student's perspective, that you bring to all the legislation that we bring through and other policy. So thank you so much for your strong advocacy.

Mr. Vice-Chairperson: Thank you, the honourable minister.

Mr. Briese: Thank you, Ms. Arte, for presenting here.

It's—I'll ask the same question you've heard me asking every other presenter here. It's were you consulted prior to this legislation being introduced? *[interjection]*

Mr. Vice-Chairperson: I'm sorry, I have to recognize you first.

Ms. Arte: Yes, this was actually something that we had discussed with the minister as soon as that story had first started circulating on the CBC. Members—or students who are at—or currently enrolled with the International College in Manitoba do eventually for the most part become members of our organization by becoming students at the University of Manitoba, and so those stories are stories that are very close to us. It's many of the stories that exist within our members and within a lot of the international student leaders that we're seeing in our movement in Manitoba.

Mr. Briese: So in those prior consultations did you raise the concerns that you are raising tonight

regarding the bill, and I take it if you did, you lost the battle?

Ms. Arte: I would say that a lot of the recommendations that we're raising are recommendations surrounding implementation. They're items that we have discussed with the minister previously and they're items that we're hoping that we can continue to discuss with the minister as this bill is implemented.

* (19:40)

Mr. Briese: One more question. Do you have any concerns with—like, a lot of this bill is going to be implemented by regulation after the bill's passed. Do you have any concerns with that? Because there's usually, at least for—from the political side, we don't have very much input into regulations; we do have input into legislation. Do you have any concerns over that?

Ms. Arte: I would say that concerns—the concerns aren't necessarily an issue for us just because we know that we've had a good relationship thus far when it's come to sort of looking at policy and ensuring that a student perspective is included in the implementation process. I think that—I'm hoping, certainly, by being here tonight that our recommendations are being taken seriously and that this is something that we're going to be able to work on over the next year.

Thank you.

Mr. Vice-Chairperson: Thank you for your presentation and thank you for taking the time tonight.

Do we have any other presentations?

**Bill 14—The Education Administration
Amendment and Public Schools Amendment Act
(Parent Groups for Schools)
(Continued)**

Mr. Vice-Chairperson: I'll call on Ms. Sandra Ross. Are you Ms. Ross?

Floor Comment: No I'm not.

Mr. Vice-Chairperson: Ms. Ross will be removed from the list, and the next one would be Doraine Wachniak.

Ms. Doraine Wachniak (Private Citizen): Very well done, yes.

Mr. Vice-Chairperson: Did I say it correctly?

Ms. Wachniak: You said it very well.

Mr. Vice-Chairperson: Do you have any written materials for distribution to the committee?

Ms. Wachniak: I do, thank you.

Mr. Vice-Chairperson: Somebody will assist you please, and please proceed with your presentation when ready.

Ms. Wachniak: Thank you.

Mr. Vice-Chairperson: Just a reminder that the presenter is presenting on Bill 14.

Ms. Wachniak: Yes. Good evening. Minister—

Mr. Vice-Chairperson: Ms. Wachniak, please proceed.

Ms. Wachniak: Good evening, Minister Allan. I'd remiss—be remiss if I didn't acknowledge Deputy Minister Gerald Farthing as well and the other MLAs. Thank you for hearing me tonight.

My name is Doraine Wachniak. I'm an honorary member of the Manitoba Association of Parent Councils, formerly parent teachers' federation of Manitoba, and I've been a member since 1992. I have travelled this province a lot; I visited a lot of parents, a lot of schools. I will let you know that I did have a hand in developing the booklet with our advocacy project.

So I speak tonight with some passion because I have been so involved for so long, and I guess I would have been thrilled to see Bill 14 a number of years ago, however, today I'm not too sure. And I have two reasons: (1) some of the changes that I've witnessed over the last four years in the association; and (2) my gosh, we're a hundred years old, why now? I'm just wondering.

So first of all, if you look at MAPC's vision, MAPC is recognized and respected as the parental voice within the public education system in Manitoba and throughout their brochures, their business cards you'll notice on their AGMs it's very prevalent. It's everywhere—you okay?

Mr. Vice-Chairperson: I'm sorry that I have to interrupt. You cannot show any of those materials unless they are given to the members.

Ms. Wachniak: Oh, okay.

Mr. Vice-Chairperson: You cannot show.

Ms. Wachniak: I can't show.

Mr. Vice-Chairperson: I was told that you cannot show.

Ms. Wachniak: Okay, I will not show.

Mr. Vice-Chairperson: Please. Thank you.

Ms. Wachniak: Thank you.

So strengthening the parental voice throughout Manitoba schools, in my mind you can't do that unless your organization has a strong parental voice within it itself.

Madam Chairperson in the Chair

Bill 14 suggests that MAPC will assist the government in understanding issues that are important to parents. And further, Bill 14 suggests that MAPC will then be the recognized representative of school-based parent groups. And I'm sad to say that this is somewhat of a misrepresentation of MAPC. MAPC's election process is undemocratic and subsequently only represents certain Manitoba parents, and it's unconstitutional, as well. And MAPC members' resolutions, which represent the issues that are important to parents, are subject to censorship not only by the MAPC board but also by their advisors, as identified as the government and other advisors.

So I'd like to draw your attention to the handout that I've given you that says MAPC elections. The elections to the left, you'll see past. Members would nominate from people that they had working in their schools with them and independents could put their names forward as well. I don't expect you to understand all the definitions of who's who. But anyways, those nominations would come to MAPC and then they would be just checked—are they members, et cetera—and then they would be put on the nomination bill to go before the parents to vote at the AGM.

Now it's an interesting change. You put your nomination in and then there's a list of things that you must do and you must go through. I've identified them there. If you're a member, you contact the nomination chair, the executive director, and you can be eliminated if you don't do that ahead of putting in your nomination. You must 'clee'—complete your application and then they verify things, you know, do a criminal record check, et cetera. And then the nomination and committee recommends to the board if the candidate should be on the nomination ballot.

The other side, for independent members, the—you follow basically through a protocol again. I think

the thing that's most bothersome is how they can decline you if you don't support the aims and goals of the association; issues with your criminal record check, not—you don't support—you're not supported by the people that you've asked to sign your MAPC nomination; previous conflicts, resolved or not, with the board; previous legal actionable issues with MAPC—interesting; any director removed from the board with cause; the former—a former staffperson; this one really gets me, this is interesting—an indication of unsuitability by the potential nominee as indicated by those approached for verification and comment: a PAC member, your school principal, a trustee, an educational stakeholder, with further investigation if possible—or if applicable. And, of course, at the top of the statement there, grounds for declining a nomination are as follows but aren't limited to. And then you might make it to the ballot box to go before the members of the association.

I don't know about you, but when I went to The Elections Act, went to see Manitoba Elections and I went to our local town council and asked them how their elections run, the first thing they said is that your party has to be—your nominee—nation chair should be impartial in the bigger picture. Now, in our constitution it says that they allow for someone to be the gatherer of the nominations and then from there make sure that the office checks, et cetera. But nowhere in whether it's a school board, a school trustee or whether you're running for a municipal council or provincial do they say, oh, by the way, we're going to do a little phone call to anybody we like and if you don't pass that phone call you could be rejected.

* (19:50)

The second thing is that the bill identifies that it will—MAPC represents the issues that mean—matter most to parents. And it was in the past that parents from schools would have an issue. They would bring their resolution forward and that resolution would then be received at the office. Sometimes the language was needed to be corrected so that there wasn't a misinterpretation or a misunderstanding about the content of the resolution, and then it would go in the book of reports and it would go to the AGM for the members of the association to decide whether they rejected it or accepted it.

And now, presently, you can put your resolution in and the board may or may not accept your resolution, and, also, it doesn't have to be from parent councils, it can be from anonymous

comments. So you can fill in your survey after your AGM and if the board seems to think that there's enough comments from an anonymous group of parents, unidentified, to make a resolution, they can do that. But they can select which resolutions they want to select as well, or any comments they feel they want to accept, and then it may make it to the AGM to vote.

I think what is disturbing about that is the disrespect both from the voting perspective and from the resolution perspective of parents who have identified issues at a local level and they don't make it to the table to be discussed because they don't fit in with the board's criteria.

Madam Chairperson: You have about one minute.

Ms. Wachniak: Okay. So let me talk to you about—just asking you if we all felt if the mayor of Winnipeg said to his 'nomi'—Russ Wyatt, who's his deputy mayor—okay, Mr. Wyatt, just run the nominations for the city and, you know what, make any phone calls you want to anybody you want and then let's see whether or not we accept their nominations as part of city council.

And—or—now our resolutions at—according to the documents that I have, MTS, a 'cocil', school trustees can all decide who is going to be on our parent board. So I'm going to make some recommendations to this group and I would ask you to defer the—delay Bill 14 and suspend all funding of this organization until a comprehensive review which would include testimonies from members of—from members of this association over the last five years, and not pass this bill. This organization does not allow—does not need to be recognized at this point in time.

Madam Chairperson: Thank you so much for coming to present. We're out of time now, and we'll go to questions.

Hon. Nancy Allan (Minister of Education): Thank you very much for your presentation this evening, Doraine. It's nice to see you back here to make a presentation in regards to the legislation. I will have an opportunity to take your presentation that you've made this evening, but we will not be suspending funding to the Manitoba Association of Parent Councils. We have a very good working relationship with them and we probably will be passing the bill.

But in regards to these governance issues that you have raised this evening, I'm not saying we have huge concerns with all of them, I'm just saying that

you have presented this document and we will follow up.

Mr. Kelvin Goertzen (Steinbach): Thank you very much for your presentation. I'm glad you could make it on the second call.

Floor Comment: Yes, I'm sorry if I smell. I was in a dairy barn all day. So I'm sorry. It's—surviving that way, that's life.

Mr. Goertzen: That's—some would say that's a smell like home sometimes.

I appreciate, you know, the presentation. You're the second person to raise tonight issues of government, and I'm not familiar with all of them. I have been involved with, you know, doing bylaws and constitutions particularly for non-profit organizations in the past, and I think sometimes changes are made with all the best intentions in mind, whether that's a quorum issue or others, and then it proves not be the best model and then things need to change.

And so there—maybe that's some what's happening here, and I wish the new president was here, perhaps, to hear some of the comments and perhaps I can follow up with her on some of the suggestions as well, because I don't think they should be dismissed summarily or out-of-hand as others might.

I do think your point about the legislation being welcomed a few years ago maybe under a different model or a different structure is important. You would generally approve of the legislation. Your concern really is that the organization as it currently is structured isn't operating the way it should operate. Is that correct?

Ms. Wachniak: Absolutely not operating. It's undemocratic. There isn't an organization that would allow this type of censorship of the voice of parents and the election of parents to be—to have that kind of censorship nowhere—nowhere. Show me another organization that functions like that in the western world. This is wrong and we need to make sure that parents are not—again, just tap them on the shoulder and we know we don't get it. We want to make sure we get the best people in there. So if you're nasty, we're not going to put you on the board because you're nasty. Could you imagine the Teachers' Society coming to any parent council anywhere and saying listen, we have this teacher that wants to run

for MTS. Do you think that this one would be good on our board? That would never ever happen, never. But, oh, it's fine for the parent councils to have that sort of reversal. It just doesn't make sense. It doesn't.

Mr. Goertzen: You know, the president of MAPC had said earlier that—I don't know if you were here for her presentation—but she says important to have parents involved in education and, by extension, having I think parents involved with MAPC, and I would agree with that. I think that is something that's supported. Do you think that, you know, the way that things are currently going, that it's a disincentive for parents to be involved in this organization, that it perhaps keeps people who might otherwise be interested and be viable contributors to MAPC from becoming engaged in the organization?

Ms. Wachniak: Yes, absolutely, look at this. We have our AGM on May 4th. This is Bill 18—

Madam Chairperson: I'm sorry, you can't use exhibits.

Ms. Wachniak: Oh, sorry. This is—there is a newsletter from the foster parents that puts this resolution—that has not come to our table, parents have not voted on it. They have not even seen it some of them. This is put in a newsletter April 6th. It came from our office and they published it before our organization had a chance to look at it, to vote on it and decide that they supported it. That's wrong. That is absolutely wrong, and I defend this organization for—since 1992 I've been involved. This has never happened before and I'm incensed that we think we now have earned the right to be in legislation based on this, no way. Not on your life. Sorry, I'm passionate about it and it's just the way I feel. It is wrong.

Madam Chairperson: Thank you.

Floor Comment: Did I answer your question?

Madam Chairperson: Oops, sorry, thank you so much, appreciate you coming down to present.

And we'll—I will just call back our last one, Lee Doerksen, again. I believe he—they're not here and so they will now drop off of the list. That concludes the list of presenters I have before me.

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

* * *

Madam Chairperson: In what order does the committee wish to proceed with clause-by-clause consideration of the bill?

Hon. Andrew Swan (Minister of Justice and Attorney General): Minister Allan is already set to go. I suggest you just move numerically.

Madam Chairperson: Move numerically, is that acceptable to the committee? *[Agreed]*

During the consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, 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 to clause-by-clause consideration of the bills.

Bill 9—The Teachers' Society Amendment Act *(Continued)*

Madam Chairperson: Does the minister responsible for Bill 9 have an opening statement?

Hon. Nancy Allan (Minister of Education): I'm pleased that we are going to proceed to line by line of Bill 9. I believe that Bill 9 enhances the capacity of the Manitoba Teachers' Society to perform its critical function of establishing, maintaining and approval of standards of professional conduct and a code of conduct for its members, parents, students and community members and, indeed, teachers themselves believe that high professional standards are critical in the vocation of teaching. This bill enhances the capacity of the society to address issues of unprofessional conduct in a more comprehensive way. So we look forward to the passing of Bill 9.

* (20:00)

Madam Chairperson: Thank you, Minister.

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

Mr. Kelvin Goertzen (Steinbach): I was pleased to hear from the representative from the Manitoba Teachers' Society earlier this evening on this particular piece of legislation, and, certainly, I think there is some merit to this form of legislation. Obviously, I had a question in particular about

ensuring that teachers who want to express their views that are contrary to their union continue to have that right. And we have heard from many teachers who feel that isn't always something that they feel that they're able to do, that they are concerned about reprisal at times.

We saw that most specifically when it came to the PST increase bill, Bill 20, which still has not passed the Legislature and won't come to a vote until December. But when it came before a committee hearing the representatives from MTS indicated that they were speaking on behalf of teachers in favour of the PST increase. I can tell you my email was inundated with emails from teachers the next day when those comments made it to the media that, in fact, that it was not their view, and many of them indicated they were concerned about speaking publicly about that even though I've got many, many emails from teachers saying they did not support the increase. And we've seen some statistical data to back that up.

Even today, 70 per cent of Manitobans indicated in a poll that they didn't think the PST tax increase was necessary. And I'm sure that the—as I mentioned, the remaining 30 per cent weren't completely comprised of teachers. I'm sure many teachers were into that 70 per cent and the fact, I suspect, that the general population view was reflective of teachers also more generally and the majority of teachers would say that they thought that the increase was unnecessary, and they want to ensure that they have the right to speak those views and not face reprisal.

So I wanted to put that question very specifically, and, of course, it wouldn't be limited or contained to the issue of PST. Obviously, teachers should be able to voice an opinion that is either in favour of their union's position or not in favour of their union's position as what free and democratic positions should be. And, of course, we've heard issues of democracy around other bills here tonight.

I have some lingering concerns about the standard that has been put in place, the balance of probabilities. Certainly my friend the Attorney General will know and I think confirm that the criminal standard is very onerous and that that would probably too high and that's usually used in issues where a person's liberty is at stake. The civil standard of balance of probabilities is used when a person's monetary income or monetary value might be at stake. This is somewhere in between that because it's not a threat of their liberty, but it is a threat of their

ability to make income as opposed to strictly a monetary fine or a disposition.

So I do have some concerns that the balance-of-probability standard may be too low when dealing with a person's ability to make income in their chosen profession or the profession that they've been trained in. Certainly, I think that there has to be repercussions or reprisals when there has been things that are seen to be serious and seen to be certainly with—beyond the code of conduct, but the standard of proof has to be one that it doesn't put those who may not have, in fact, breached the code of conduct in a position where it is very difficult for them to defend themselves and defend their livelihood.

So I do have those lingering concerns. They weren't addressed specifically by the representatives from Manitoba Teachers' Society, but I want to make those two points particular about my concerns that teachers have the right to continue to speak their views even when they contradict their unions, as it was the case, I think, in the PST presentation, and also the teachers' livelihood isn't necessarily put at stake when they—by a standard that is difficult for them to defend themselves on.

Madam Chairperson: We thank the member.

Clauses 1 through 3—pass; clause 4—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

Some Honourable Members: Agreed.

An Honourable Member: No.

Madam Chairperson: No? I hear a no.

Voice Vote

Madam Chairperson: Okay. So all those in favour of the bill being reported, please say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: Believe the Ayes have it.

Mr. Goertzen: On division, Mrs.—Madam Chairperson.

Madam Chairperson: On division.

* * *

Madam Chairperson: The bill shall be reported on division.

All right, we're moving on to Bill 12.

Bill 12—The Community Schools Act

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

Hon. Nancy Allan (Minister of Education): Yes, I do. I'd like to—I'm sorry that there were no presenters this evening so I might say a little bit more about this legislation.

I'd, first of all, like to thank a bureaucrat who works in my department, Dino Altieri, who does great work with our schools here in the province of Manitoba and was terrific to work with on Bill 12.

Bill 12 calls for the establishment of the community schools program that will be comprised of schools serving a socio-economically disadvantaged community. As part of the legislation, schools participating in the program will be required to assign an employee to act in a community liaison role for the school. This role helps to fulfill the essential function of developing and co-ordinating partnerships and mobilizing resources that align with the needs of students and families and the school's core instructional program. It also calls for the establishment of the community schools unit and lays out the unit's responsibilities related to the provision of support to participating community schools.

I'm also pleased that this bill will establish a community schools network, and this network will provide any public school interested in exploring the community school philosophy and model of practice with access to planning information, tools, study sites and a range of professional learning and training events and activities. The community schools unit will co-ordinate and maintain the community schools network.

The bill will also establish a deputy ministers committee on community schools to provide overall direction to the program. It will work collaboratively around a common agenda. The committee will help to provide timely responses to emerging issues, more effective policy and program alignment, efficient uses of resources and stability for long-term partnership development.

The Community Schools Act will help build schools, help schools to better support students'

educational successes and build stronger families and improve communities. Thank you very much.

Madam Chairperson: Thank you. We thank the minister.

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

Mr. Kelvin Goertzen (Steinbach): We are also disappointed there weren't presenters on this bill tonight, always enjoy hearing from the public on different issues. And there are different reasons why people don't come to committee on certain bills; that can be taken as a, I suppose, a sign of support or it can be taken as a sign that the bill, for whatever reason, doesn't pique their interest.

But we do agree with the general principle, of course, that schools, where they can be, should be partnering with the community where that is to the advantage of both the school and the community, and often those partnerships can be beneficial to both. And often schools are the hub of a community or an area, and those partnerships are strengthened with liaisons who work with the schools and the community.

And, certainly, it's our hope that, you know, this kind of legislation will ensure that schools are made stronger, communities are made stronger and it all works to the benefit of students.

* (20:10)

Madam Chairperson: We thank the member.

Clause 1—pass; clauses 2 through 4—pass; clause 5—pass; clauses 6 and 7—pass; clauses 8 and 9—pass; clauses 10 and 11—pass; clause 12—pass; clauses 13 and 14—pass; clauses 15 through 17—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Moving on to Bill 14.

**Bill 14—The Education Administration
Amendment and Public Schools Amendment Act
(Parent Groups for Schools)
(Continued)**

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

Hon. Nancy Allan (Minister of Education): Well, I would just like to say that Bill 14 recognizes the Manitoba Association of Parent Councils as the representative organization for school-based parent groups for school divisions, and one of the things

that I just wanted to ensure members around the table knew, that this excludes the Division scolaire franco-manitobaine, the DSFM. The Fédération des parents du Manitoba is the organization which represents the interest of parents in the francophone community.

I am very pleased that this legislation references the Manitoba Association of Parent Councils. They are dedicated in their efforts. They have expanded the number of member schools over the years. It has grown tremendously. They—we hear from schools all across the province that they provide helpful resources to parents. They give constructive advice to parents through their advocacy project and have been an important resource to our department in regards to the oversight committee and in regards to their in every school every day initiative that—so that we can encourage young people to come to school every day because for many parents there are barriers for their children coming to school every day.

We know that it's important to have our parents as partners in our public education system, and we will also be—the bill will also require principals to consult with the school's parent advisory council or school committee when preparing their annual plan for the school. And principals must also inform parents about the role and function of the council or committee for their child's school and how they may become a member of it. So it's very inclusive of all parents and all schools in the province of Manitoba and, I believe, will strengthen our public education system. Thank you.

Madam Chairperson: We thank the minister.

Does the critic have an opening statement?

Mr. Kelvin Goertzen (Steinbach): Well, it was interesting presentations on this bill. More people spoke against it than spoke in favour of it, which was surprising and somewhat unexpected from my perspective coming into this evening, and it raised some issues of concern that I was not fully aware of on—not on this particular bill, per se, but issues around the organization that it pertains to. And I think it's important that the—I can just acknowledge that the president of MAPC who made comments tonight, I think she was right on, to use a saying that I used to say when I was younger, when it comes to ensuring that parents are involved. And I know that all of us who have young kids or who've had kids who've gone through the school system, we know how important it is to have parental involvement in their lives and in their schools. And I'm learning that

on a first-hand basis, and I applaud her for those comments because I think she's completely right and I wish her well as she undertakes this new role with that in mind.

I don't want to dismiss out of hand the concerns that are raised by the majority of presenters, though, tonight. I know that they've been dismissed by others on this committee, but I don't think that it's wise to do that as legislators. I'm not as attuned to some of those concerns. We've seen the outcome of—some of it was raised in terms of resolutions that were 'defeated' at the annual general meeting of MAPC, and then a completely different representation was made at committee that obviously raises some red flags. But the issue of red flags isn't around the legislation per se. I think that the legislation was generally considered to be good legislation, but there might be some technical issues or bylaw issues around MAPC itself, and I think this is probably something that could be maybe easily resolved by a look at the bylaws or the constitution that govern MAPC to address some of these things. You could probably be resolved prior to this bill coming to a vote on third reading. I don't think the amendments would fit naturally into the bill itself; I think the bill itself can stand on its own, but there needs to be some assurance around the organization itself and to ensure that it is doing all that we want it to do and to be representative of parents and that it would encourage parents to be involved, not discourage them as was suggested by some of the presenters.

So we won't voice opposition to the bill itself, but perhaps this is a classic example—not unlike Bill 9—where it needn't be reported back immediately to the House and there could be some additional time so that some of the concerns that were raised at committee could be addressed, the issues around the governance of MAPC, and the minister could give some assurance to those who are concerned about that and to see what changes could be made in terms of the governance. And I suspect that the new president would be very open and willing and she seemed very accommodating at the committee tonight and probably those are things that she might venture to undertake in her term as president and look for those changes to ensure that the organization itself is functioning in a way that is representative of the legislation that is giving it a unique status.

So I think that the legislation itself is something that is—can merit support and perhaps it can just not be reported back immediately so that some of the concerns that were raised by the majority of

presenters here tonight can be addressed, because I do think we as legislators and MLAs have a responsibility to not dismiss out of hand presentations and concerns that are brought to this committee, that none of us should feel that we are smarter than Manitobans who come and make presentations and dismiss the concerns out of hand.

So we can support the legislation, but perhaps it just needs a little bit more time to ensure that the concerns raised about the democratic process around the organization which it represents is—are cleaned up or addressed to ensure that the legislation functions the way we all wish it would function.

Madam Chairperson: We thank the member.

Clauses 1 through 3—pass; clauses 4 through 6—pass; clauses 7 through 9—pass; preamble—pass; enacting clause—pass; title—pass.

Shall the bill be reported?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Madam Chairperson: I hear a no.

Voice Vote

Madam Chairperson: All those in favour, please say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: I believe the Ayes have it.

Mr. Goertzen: On division, Madam Chairperson.

Madam Chairperson: On division.

* * *

Madam Chairperson: The bill shall be reported on division.

All right, we're moving now to Bill 44.

Bill 44—The International Education Act (Continued)

Madam Chairperson: Does the minister responsible for Bill 44 have an opening statement?

Hon. Erin Selby (Minister of Advanced Education and Literacy): Yes.

I would like to start by taking this time to thank the staff who I know have been working very hard on this bill. They have met numerous times with stakeholders, including education providers as well as students, as I have as well, and I know that we have made a commitment, as has the department, to continue with those consultations over the next few months because agreed that—and a really important bill and we need to make sure that we've considered all the sides to it.

I do want to also mention—and I know it was said here tonight—that international students are an important economic driver in this province bringing over \$153 million annually and about 1,600 jobs directly related to international students into our province each year but, of course, more importantly, bringing a diversity to our classrooms as well. So it's important that this bill is looking at the reputation of our province as a choice for a quality education but, more importantly, that it protects international students, and I think that protection is important whether that educational provider has 3,000 international students or if they only have three international students. Any student choosing Manitoba to come to further their education deserves equal protection under the law, which is, of course, what we're looking at.

* (20:20)

We have talked a little bit about the reputation of Manitoba and how important this bill is to that. This bill is really important to keeping us competitive in a market that is increasingly competitive. Our three major countries that we compete with for students are Australia, New Zealand and Ireland. They are the three strongest competitors, and all have legislation similar to ours, although in Canada, Manitoba will be the first jurisdiction to bring this sort of legislation in which we see will give us a competitive edge over other provinces.

This act will provide the integrity, sustainability and growth of international education by giving the Province legal authority to designate and authorize those providers that can bring in international students and probably, more importantly, will also establish and enforce a code of practice and conduct for all educational providers that wish to host international students. We know that this act will provide an important framework 'outlining'—outlining how Manitoba will designate those institutions, codify the best practices around recruitment and make sure that when students come

they are receiving the support and care that, of course, that we would all want them to see.

So I just will wrap up by saying that protecting students also protects the reputation of not just the province, but, of course, each of our educational providers and an important bill to be bringing in both for the protection of students and the protection of the reputation of the quality education that we do offer here in Manitoba.

Madam Chairperson: Thank you. We thank the minister.

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

Mr. Stuart Briese (Agassiz): I wonder if I could just ask a question of the minister first. Is the minister considering any amendments to this bill? Because we've heard a number of things tonight that would probably entertain some amendments. So I was just wondering if there is any consideration of amendments to this bill.

Madam Chairperson: Is there leave from the committee for the question to be asked of the minister? *[Agreed]*

Ms. Selby: Thank you very much from my critic, for the question, and as we've said tonight, we've had ongoing consultation and continuing to do that over the next few months. Of course, everything that was brought to committee and raised outside of committee in other consultations directly with me or with the department are all being considered and looked at at this time.

Mr. Briese: I take it that was a fairly flimsy answer on whether there'll be amendments to the bill. There's certainly things that were brought forward tonight and in meetings I've had with others that call, in my view, for amendments to this bill. Obviously, the public post-secondary institutes already have all the protections that, in my view, they need. So this legislation is directly aimed at the private vocational institutes, most of which don't try to or don't have international students in their facilities at this time. I think the number given was there was six students in the whole 50 some-odd of those post—those private vocational institutes.

So I think this bill, the way it's written, certainly curtails them even looking at attracting international students, and I think that hurts us as a province overall. I think it—the minister mentioned the economy that the international students bring, but

beyond that I think it hurts us overall by not really showing international students what we have to offer here in the private vocational institutes. And we certainly do have a large number of very good private vocational institutes in this province.

So I think this bill will curtail the recruitment of international students to those organizations. We heard some considerations over confidentiality when—once the directory of the recruiters is put out there, and confidentiality both for the recruiters but also for the students that are involved, and I think that's something that needs to be definitely looked at.

It's interesting that there was—I asked, I think, every presenter except one the same question about consultation per—prior to the introduction of the legislation, and got the answer in most cases that there was no prior consultation or very little prior consultation. Now the minister goes on at great length about consultation in the coming months, and I think probably before you introduce a piece of legislation—probably the time to have consultation—I recall in years past where there was extensive legislation both by this government in their early years and the previous government prior to introduction of legislation because I was involved in a lot of those consultations. And I don't know where that process has gone off the tracks but now things such as the amalgamation of municipalities is announced the day before the convention and just dropped on them without any consultation at all and I think that—we've heard that over and over and over again on various pieces of legislation and it is in this sitting of the House, and when they come to committee and when we ask the question about prior consultation to the legislation we're hearing, no, there wasn't any.

So, we'll—I can't support this legislation in the form it is in right now. I didn't get a clear answer on whether there would be any amendments to the bill so we'll let it go at that. Thank you, Madam Chair.

Madam Chairperson: We thank the member.

Clause 1—pass; clauses 2 and 3—pass; clauses 4 through 6—pass; clauses 7 and 8—pass; clause 9—pass; clauses 10 through 12—pass; clauses 13 through 17—pass; clauses 18 and 19—pass; clauses 20 through 24—pass; clauses 25 and 26—pass; clauses 27 through 29—pass; clause 30 and 31—pass; clause 32—pass; clause 33—pass; clause 34—pass; clauses 35 through 37—pass; clauses 38 through 41—pass; clauses 42 and 43—pass; clauses 44 and 45—pass.

Shall clauses 46 through 49 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Madam Chairperson: I hear a no.

An Honourable Member: I have an amendment.

Madam Chairperson: All right, we have an amendment. Recognizing Mr. Briese to move the amendment.

Mr. Briese: Thank you, Madam Chair.

I move, seconded by the—I need a seconder—no, I move

THAT the following be added after Clause 46 of the Bill:

Annual report by director

46.1(1) The director must prepare and provide the minister an annual report that

(a) names each designated education provider listed in the register at any time during the fiscal year of the government covered by the report; and

(b) describes all actions taken by the director under section 32 during the fiscal year.

Tabling the report in Assembly

46.1(2) The minister must table a copy of the report in the Assembly within 60 days after the end of the fiscal year covered by the report.

Madam Chairperson: It has been moved by Mr. Briese

THAT—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

The amendment is in order.

The floor is open for questions.

Ms. Selby: I appreciate the critic looking into the bill and I take his advice under advisement. But I do want to say that I wouldn't be supporting this amendment because the things that are proposed here are already covered under the regulation within the bill.

* (20:30)

Mr. Briese: I'm not clear on the regulations within the bill. The regulations come after the bill is passed, was my understanding.

Ms. Selby: I would note that that list is already public that the critic is asking for. It's already provided within regulation that it would be on the public registry and listed on our website.

Mr. Briese: Yes, provide—thank you, Madam Chair—it's provided within regulation under what legislation?

Ms. Selby: Under 5 point 3, the director must make the registration available for inspection by members of the public at all reasonable times at his or her principal office and must also publish the register on the Internet.

So the information that the member is asking for is already covered under the regulation.

Mr. Briese: This is an annual report by the director we're speaking about and the second part is about tabling the report in the Assembly. That's not in there.

Ms. Selby: My understanding of what the member is putting forward would water down the current legislation. Currently, we would have the website would update those lists ongoing, as happening. The member's asking for that to happen only once a year. We're actually doing it in—close to live time by updating the website as it occurs. So I think the member's intentions probably are good, but he's actually bringing an amendment that would make it less available, on a less timely manner.

Mr. Briese: My intentions definitely are good. I'm introducing a credible amendment to this bill, in my view, that—and I do it in the spirit of encouraging the minister to 'introdoing' some amendments at the later time, probably at third reading at report stage, addressing some of the issues that were raised on this bill tonight. But I think this is a very credible requirement for reporting to the Legislative Assembly on the status of this bill, on the status of the education providers.

Madam Chairperson: All right. Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: Shall the amendment pass?

Some Honourable Members: No.

An Honourable Member: Yes.

Madam Chairperson: I hear a no.

Voice Vote

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

Some Honourable Members: Aye.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it. The amendment is accordingly—oh, I'm sorry.

Mr. Goertzen: On division.

Madam Chairperson: On division.

* * *

Madam Chairperson: The amendment is accordingly defeated on division.

Clauses 46 through 49—pass; clauses 50 and 51—pass; clauses 52 through 54—pass; table of contents—pass; preamble—pass.

Shall the enacting clause pass?

An Honourable Member: No.

Some Honourable Members: Pass.

Madam Chairperson: I hear a no. All right, all 'tho'—[interjection] I hear a no, thank you.

Voice Vote

Madam Chairperson: All those in favour, please say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Recorded Vote

Mr. Goertzen: Recorded vote, Madam Chairperson.

Madam Chairperson: A recorded vote has been requested.

All those in favour, please raise their hands, all those in favour of a recorded vote—all those in favour—a recorded vote has been requested.

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

Madam Chairperson: The enacting clause is accordingly passed on a recorded vote of six aye and four nay.

* * *

Madam Chairperson: Title—pass.

Shall the bill be reported?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Madam Chairperson: I hear a no.

Voice Vote

Madam Chairperson: All those in favour, please say aye.

Some Honourable Members: Aye.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

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

Mr. Goertzen: On division.

Madam Chairperson: On division.

* * *

Madam Chairperson: The bill shall be reported on division.

Thank you for making that more interesting.

The hour being 8:37, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 8:37 p.m.

WRITTEN SUBMISSIONS

Re: Bill 44

To Whom It May Concern:

On behalf of the Canadian Association of Public Schools – International (CAPS-I), I would like to thank you for this opportunity to provide feedback on Bill 44 - The International Education Act.

CAPS-I is an association of 90 Canadian public school districts/boards that provide educational programs to international students from around the world. We are committed to the advocacy and promotion of international education programs in Canadian public schools. We are a member of the Canadian Consortium for International Education Marketing (CCIEEM) and we work closely with both the Government of Canada and Citizenship and Immigration Canada by assisting them in their efforts to market Canada as a premier study abroad opportunity.

I was the President of CAPS-I from 2011- 2013 and currently sit on the Executive in the capacity of Past President. I am also the Director of the International Student Program for the Pembina Trails School Division here in Winnipeg. I was pleased to share Bill 44 with my colleagues on the CAPS-I Executive and we all applaud Manitoba for taking this initiative in creating an International Education Act. We believe that Manitoba is leading the way and that other provinces will soon follow with a similar Act. Therefore we wanted to take the opportunity to share our thoughts with you as a national association in hope that our feedback will be incorporated into other future provincial International Education Acts.

It is understood that one of the main purposes of Bill 44 is to strengthen the integrity of international education programs in Manitoba. It is also understood that some recruiters/agencies with who institutes work can have a negative impact on a program's integrity, which can have a direct impact on the province as a whole. Article 20 of the Act states that education providers "must establish and maintain a list of all provider's recruiters and recruitment agencies and publish that list on its website and in any other prescribed manner." The CAPS-I Executive feels that this is the part of the Act with which CAPS-I members will have the most concern. It takes a great deal of time and money to form a working relationship with a good agency/agent, and these relationships are cherished by the institutes. The formation of many agent relationships generally requires someone from the institute traveling abroad to the agency and meeting with their representatives several times over several months/years.

The confidentiality of agent lists gives each institute a marketing advantage. Agents often only want to work with one institute in a region. An agent list published on an institute's website can take away that

competitive advantage. It would also not be fair for an institute to spend all of that time and money creating an agent list only to have a new program use that list to their advantage.

There is also a privacy issue that needs to be addressed with respect to publishing an agent list. Some agents may not want their agency posted on an institute's website. Parents of young children may use an agent for anonymity reasons to send their child to study abroad and having the agent name on an institute's website may jeopardize that anonymity.

One suggestion might be to have all institutes submit their list of agents to the province 'in confidence' on an annual basis and to immediately notify the province of any agents with whom they have ceased a relationship due to inappropriate business practices by the agent and under the provision that this information is kept confidential.

Another concern is Article 19(1) of the Act which states that "A designated education provider must submit to the director a report on its activities under this Act at the prescribed time and in the prescribed manner, along with the prescribed fee". When one considers the annual reports that are often required for many institutes by their boards and governors, and the annual enrolment report required by some provinces, an additional report required by this Act may be redundant. One suggestion would be to build this report into the annual enrolment report required by the province and therefore each institute would only need to submit one report per year to the province.

The mention of a 'prescribed fee' was also a concern to the CAPS-I Executive. The Government of Canada has been working extremely hard these past few years building the "IMAGINE" brand and spending millions of dollars to promote Canada as a study abroad destination. Competing with the United States, Australia and Great Britain is challenging. Canada is not always the destination of choice for many students. If provinces build in a 'per student fee', the institutes may choose to pass this fee onto the students for economic reasons. This could be detrimental to the smaller programs, especially in provinces outside of the three most popular destinations - British Columbia, Ontario and Quebec.

In closing I would like to once again thank you for this opportunity to share a national association's perspective on Bill 44. We agree that the philosophy and rationale behind Bill 44 is solid and that with a bit

of fine-tuning it could be a model used by other provinces as they strive to strengthen the integrity of programs within their jurisdiction. I welcome any comments or feedback on the above letter. I can be reached by email or by phone.

Sincerely,
Brent Poole
Past President – Canadian Association of Public Schools - International
Director – International Student Program, Pembina Trails School Division

* * *

Re: Bill 44

Dear Sir, Dear Madam,

The recent publication of Manitoba Government's Bill 44 was well received and has been thoroughly examined by our recruitment and international offices. I myself spent a fair amount of time going through the details. I believe everyone involved in this project realises that International Students and quality immigration practices are the key to our fine province's dynamic social, cultural and economic makeup. With hope that representatives from the aforementioned offices may be heard before the Committee sometime this fall or winter, USB wishes to share some of its concerns about this legislation.

First, post-secondary institutions such as ours are already obligated to manage resources in such a way that any fees, additional expenses or additional tasks imposed by this legislation could have a crippling effect on some student services. This legislation seems to require additional and ongoing input from our International office. Additional funding to this sector would be required.

Second, the publication of our international recruiters' names poses challenges. Disclosing this sort of information publicly could hinder USB. We have been cultivating very personal relationships with our recruiters for over ten years so that we could compete with other French-language universities across Canada. Such a breach in confidentiality will be a serious disadvantage for us.

Third, and with all due respect, the affiliation with the government must not be overvalued. In some parts of the world this is positive. Meanwhile, in some of our key markets there is absolutely no promotional value to being affiliated with the government. In fact, this can sometimes awaken

feelings of mistrust among potential students and their families.

Fourth, we are concerned that by giving access to a higher authority, this legislation will empower students in such a way that there could be a rise in nuisance complaint cases. It would be preferable to consider that all such cases be dealt with by the University first and by the Province afterwards if there is an impasse.

In closing, USB thanks you for this opportunity to share insights into this important and complex issue. Your comments would be appreciated in order to allow us to prepare a presentation if need be.

Sincerely,
Christian Perron
Director of student services

* * *

Re: Bill 44

On behalf of the St. James-Assiniboia School Division's International Student Program, we would like to thank you for the opportunity to comment on Bill 44, The International Education Act.

The St. James-Assiniboia International Student Program was formally established in 1998. Last year there were 172 students (FTE: 117) attending our schools, for varying lengths of time. These students came from 11 countries, and studied at all three levels in our schools.

St. James-Assiniboia would like to express appreciation particularly for the efforts to provide a

safe and secure student-centered learning environment for international students, and one that delivers a high quality education and training experience. The safety of students is our priority and we are pleased that the Act addresses not only the role of education providers, but also their recruiters, in dealing with and providing protection for international students.

There is, however, particular concern related to the following requirement under OTHER OBLIGATIONS AND PROHIBITIONS, Section 20, which states "A designated education provider must establish and maintain a list of all the provider's recruiters and recruitment agencies and publish that list on its website and in any other prescribed manner."

We are concerned there may be unintended policy consequences due to the requirement to publish this list. We have no concerns about providing the names of our partners to the Government of Manitoba, but a published list may affect a student's privacy by essentially providing information on where that student might be attending school.

We look forward to further consultations with the Government of Manitoba and the International Education Branch as the Code of Conduct is being developed. Should you have any concerns regarding the above, please do not hesitate to contact me by telephone or by email.

Sincerely yours,
Grant Ganczar
Assistant Director

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are also available on the Internet at the following address:

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