

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

Chairperson
Mr. Dave Gaudreau
Constituency of St. Norbert

Vol. LXVII No. 2 - 6 p.m., Wednesday, June 3, 2015

ISSN 1708-6698

MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy	St. Vital	NDP
ALLUM, James, Hon.	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
ASHTON, Steve, Hon.	Thompson	NDP
BJORNSON, Peter	Gimli	NDP
BLADY, Sharon, Hon.	Kirkfield Park	NDP
BRAUN, Erna, Hon.	Rossmere	NDP
BRIESE, Stuart	Agassiz	PC
CALDWELL, Drew, Hon.	Brandon East	NDP
CHIEF, Kevin, Hon.	Point Douglas	NDP
CHOMIAK, Dave, Hon.	Kildonan	NDP
CROTHERS, Deanne, Hon.	St. James	NDP
CULLEN, Cliff	Spruce Woods	PC
DEWAR, Greg, Hon.	Selkirk	NDP
DRIEDGER, Myrna	Charleswood	PC
EICHLER, Ralph	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FRIESEN, Cameron	Morden-Winkler	PC
GAUDREAU, Dave	St. Norbert	NDP
GERRARD, Jon, Hon.	River Heights	Liberal
GOERTZEN, Kelvin	Steinbach	PC
GRAYDON, Cliff	Emerson	PC
HELWER, Reg	Brandon West	PC
HOWARD, Jennifer	Fort Rouge	NDP
IRVIN-ROSS, Kerri, Hon.	Fort Richmond	NDP
JHA, Bidhu	Radisson	NDP
KOSTYSHYN, Ron, Hon.	Swan River	NDP
LATHLIN, Amanda	The Pas	NDP
LEMIEUX, Ron, Hon.	Dawson Trail	NDP
MACKINTOSH, Gord, Hon.	St. Johns	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Flor, Hon.	Logan	NDP
MARCELINO, Ted	Tyndall Park	NDP
MARTIN, Shannon	Morris	PC
MELNICK, Christine	Riel	NDP
MITCHELSON, Bonnie	River East	PC
NEVAKSHONOFF, Thomas, Hon.	Interlake	NDP
OSWALD, Theresa	Seine River	NDP
PALLISTER, Brian	Fort Whyte	PC
PEDERSEN, Blaine	Midland	PC
PETTERSEN, Clarence	Flin Flon	NDP
PIWNIUK, Doyle	Arthur-Virden	PC
REID, Daryl, Hon.	Transcona	NDP
ROBINSON, Eric, Hon.	Kewatinook	NDP
RONDEAU, Jim	Assiniboia	NDP
ROWAT, Leanne	Riding Mountain	PC
SARAN, Mohinder, Hon.	The Maples	NDP
SCHULER, Ron	St. Paul	PC
SELBY, Erin	Southdale	NDP
SELINGER, Greg, Hon.	St. Boniface	NDP
SMOOK, Dennis	La Verendrye	PC
STEFANSON, Heather	Tuxedo	PC
STRUTHERS, Stan	Dauphin	NDP
SWAN, Andrew	Minto	NDP
WIEBE, Matt	Concordia	NDP
WIGHT, Melanie, Hon.	Burrows	NDP
WISHART, Ian	Portage la Prairie	PC

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

Wednesday, June 3, 2015

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Dave Gaudreau
(St. Norbert)**

**VICE-CHAIRPERSON – Ms. Amanda Lathlin
(The Pas)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Mr. Allum, Hon. Ms. Blady, Hon. Messrs.
Dewar, Lemieux*

*Mr. Briese, Mrs. Driedger, Messrs. Friesen,
Gaudreau, Ms. Lathlin, Messrs. Marcelino,
Pivniuk*

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

*Bill 203–The Public Schools Amendment Act
(Pedestrian Safety at New Schools)*

Ms. Robyn Wiebe, private citizen

*Mr. Vern Reimer, Garden Valley School
Division*

*Bill 6–The National Research Centre for Truth
and Reconciliation Act*

*Mr. James Wilson, National Centre for Truth
and Reconciliation*

*Bill 9–The Chartered Professional Accountants
Act*

Mr. James Kennedy, private citizen

*Mr. Gary Hannaford, Chartered Professional
Accountants–Manitoba Joint Venture*

*Mr. Noah Globerman, Milton D. Rhymer and
Associates*

*Mr. Mark Jones, Winnipeg Chamber of
Commerce*

*Bill 201–The Centennial of Manitoba Women's
Right to Vote Act*

Ms. Muriel Koscielny, private citizen

WRITTEN SUBMISSIONS:

*Bill 6–The National Research Centre for Truth
and Reconciliation Act*

*Hon. Justice Murray Sinclair, Truth and
Reconciliation Commission of Canada
David T. Barnard, University of Manitoba*

MATTERS UNDER CONSIDERATION:

*Bill 6–The National Research Centre for Truth
and Reconciliation Act*

*Bill 9–The Chartered Professional Accountants
Act*

Bill 16–The Terry Fox Legacy Act

*Bill 201–The Centennial of Manitoba Women's
Right to Vote Act*

*Bill 203–The Public Schools Amendment Act
(Pedestrian Safety at New Schools)*

* * *

Clerk Assistant (Mr. Andrea Signorelli): Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with the business before it, it must elect a new Chairperson. Are there any nominations for this position?

Hon. Greg Dewar (Minister of Finance): I nominate Mr. Gaudreau.

Clerk Assistant: Mr. Gaudreau has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Gaudreau, will you please take the Chair.

Mr. Chairperson: Our next order of business is the election of the Vice-Chairperson. Are there any nominations?

Mr. Dewar: I nominate Ms. Lathlin.

Mr. Chairperson: Ms. Lathlin being nominated, are there any other nominations?

Hearing no other nominations, Ms. Lathlin is now elected Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 6, The National Research Centre for Truth and Reconciliation Act; Bill 9, The Chartered Professional Accountants Act; Bill 16, The Terry Fox Legacy Act; Bill 201, The Centennial of Manitoba of Women's Right to Vote Act; Bill 203, The Public Schools Amendment Act (Pedestrian Safety at New Schools).

How does the committee—how late does the committee wish to sit this evening?

Mr. Cameron Friesen (Morden-Winkler): I would recommend that we sit until all the bills have been considered and all the witnesses have been heard.

Mr. Chairperson: Okay, is that agreed by the committee? *[Agreed]*

We have a number of presenters registered to speak tonight, as you noted 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 a present—in—presenters in attendance, marked with an asterisk on the list.

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

Mr. Friesen: Well, I would recommend that, if possible, we would hear from those witnesses who are from out of town first.

Mr. Chairperson: Is that agreed? *[Agreed]*

As some of you will notice tonight, there is a camera at the back recording for the Legislative Assembly—for the Archives and for the website. If you do not wish to be recorded, can you please see the staff at the back, and they will make sure to shut the camera off during the period of time that you're presenting and you will not be recorded during that time. Otherwise, you will be recorded and you can go down in history and be on the website.

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

As well, we'd like to inform presenters that, in accordance with our rule, a time limit of 10 minutes has been allotted for each presentation, with another five minutes allowed for questions from committee members.

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

The following written submissions have been received and distributed to committee members: The Honourable Justice Murray Sinclair, Chair, Truth and Reconciliation Commission of Canada; David T. Barnard, University of Manitoba, on Bill 6.

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

So, speaking in committee, the—prior to proceeding with the public presentations, I'd like to advise members of the public regarding the process of speaking in committee. The proceedings of our meeting are recorded in order to provide a verbatim transcript. Every time someone wishes to speak, whether it be an MLA or a presenter, I must first say that person's name. This is a signal for the Hansard staff behind me to turn on and off the mics.

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

Bill 203—The Public Schools Amendment Act (Pedestrian Safety at New Schools)

Mr. Chairperson: I'm now going to call Ms. Vern—Mr. Vern Reimer on Bill 203. Please—Vern Reimer? He will be dropped to the bottom of the list.

We will now call—proceed to call Ms. Robyn Wiebe on Bill 203.

Do you have any written materials for the committee tonight?

Ms. Robyn Wiebe (Private Citizen): No, I don't.

Mr. Chairperson: Okay, please proceed with your presentation when you're ready.

Ms. Wiebe: I just have a brief statement that I would like to make on behalf of Western School Division.

Western School Division supports this bill as it ensures safety around schools. Western School Division lost a student just weeks prior to the tragedy

at Northlands Parkway Collegiate in Winkler as she was walking home from school. The impact of vehicular traffic as students are walking to and from schools needs to be at the forefront of school planning.

School construction and significant renovation projects can exacerbate traffic concerns around schools through congestion as well as curious onlookers.

Manitoba Infrastructure and Transportation plays a vital role in ensuring proper safety mechanisms are installed prior to school openings. Schools openings should not be delayed when consultations have occurred from the beginning of these projects. We would also encourage government to consider the use of permanent speed readers in school zones to further enhance the safety measures around schools.

Western School Division supports this bill and we are hopeful such a process will be in place in the near future as new schools are developed within our division, the city of Morden. Thank you.

Mr. Chairperson: Thank you for your presentation.

Do members of the committee have any questions for the presenter?

* (18:10)

Mr. Cameron Friesen (Morden-Winkler): Thank you for coming, Robyn, and presenting at committee this evening. I appreciate your comments on behalf of the school division, and I know, as the member who represents that area, Western School Division has challenges pertaining to students safely getting to and from schools, especially with a highway, you know, directly adjacent to one of your middle—one of your elementary schools, and major thoroughfares along other schools.

I noted you—that you said this evening that a school opening should not be delayed and, indeed, with respect to this bill, you know, we've heard others express concerns that if the process is proceeding properly, shouldn't be a delay.

My question for you this evening at committee would be, how do you feel about the idea of temporary measures to be put in place that would ensure student safety to and from school if the permanent measures were not yet ready to be fully in place by the time the school was slated to open?

Ms. Wiebe: Speaking in hypotheticals is always an interesting thing. It would be really advantageous to

make sure that the process works so that they would be in place, but, I mean, I guess, in a case where there had been situations where these place—for unseen—for situations where this might have happened, it would be at least a temporary fix. And, certainly, we would support that, but we fully support having all of—all the people around the table that need this done from the very beginning of the process so that we can avoid something like that because that is—although a good temporary fix, not ideal for children, because once a child is gone, they're gone.

Hon. James Allum (Minister of Education and Advanced Learning): Well, Ms. Wiebe, thank you so much for appearing before us tonight. I had the great honour, along with my friend from Morden-Winkler, to be a part of the opening of the school. And, even though it was a celebratory day, we did so with extraordinarily heavy hearts.

And so, appreciate you coming forward and speaking to the bill. Of course, it's a priority of all members here around the table, that student safety is something we take very, very seriously. We all have—many of us have children and we want to be sure at every occasion that those children go to school safe and then return home safely at the same time, so thank you for coming tonight. *[interjection]*

Mr. Chairperson: Ms. Wiebe, sorry, go ahead. And I know it's a weird process, I have to recognize you.

Ms. Wiebe: Oh, sorry.

And it's great to see so many faces working together on both sides of the table on this. We do appreciate that as well.

Mr. Chairperson: Thank you very much for your presentation.

I'd like to ask leave of the committee to call the out-of-town member that we had dropped to the bottom of the entire list. We've noticed that that person is here now, and I'm wondering if we could ask for leave of the committee. Is there leave? *[Agreed]*

Okay, so I'd like to now call Mr. Vern Reimer from Garden Valley School Division, please.

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

Mr. Vern Reimer (Garden Valley School Division): I do.

Mr. Chairperson: Okay, if you'd just hand it to the clerks here, they'll hand them out, and you can proceed when you are ready.

Mr. Reimer: First of all, our apologies for being a little late.

The Garden Valley School Division would like to make the following statements. First of all, thank you for the opportunity to present. Secondly, as officials elected by the people of Manitoba, thank you for working together on this important safety issue. Third, we support Bill 203 and applaud the specificity included regarding implementation.

Section 68.3(2) is of particular importance. When planning and building a school using an IDP, integrated design process, key partners must be involved from the outset. In the case of NPC, Northlands Parkway Collegiate, traffic engineers and/or MIT officials were not invited or present during the IDP.

Unfortunately, and literally at midnight before the first day of classes, September 3rd, 2013, the necessary pedestrian safety components were not in place. For a variety of stated reasons, as we were told later, even after the tragic death of Carina and after putting temporary measures in place which included signage, Garden Valley School Division was promptly told that we had overstepped our authority by placing signs on a provincial highway.

Therefore, it is our opinion that this bill must include clear wording directing the appropriate provincial government departments to be involved at the outset and be responsible for timely implementation of pedestrian safety measures, ensuring schools open safely and on time, avoid wording placing the responsibility on parties, like school divisions, who do not have the authority to mandate action from government departments like MIT.

And then, finally, we trust that although we can't change what happened, we can, for the sake of Carina and her family, Northlands Parkway Collegiate, the entire community and all Manitobans, ensure measures are taken to mitigate, if not eliminate, further occurrences.

Thank you on behalf of Garden Valley School Division.

Mr. Chairperson: Thank you so much for your presentation.

Do members of the committee have questions for the presenter?

Mr. Friesen: Thank you, Vern, for being here at committee this evening. I appreciate your perspective and I thank you for the words you've put on the record this evening, and, indeed, I want to also thank Western School Division and Garden Valley School Division for being—for collaborating so well on this bill, as well as, of course, other school divisions and other superintendents and school boards.

I noted that you talked about key partners being at the table at the outset of the IDP or the integrated design process, and I believe that's the key of this bill, the fact that it locates the traffic authority at the table, along with all the other partners when the construction of a school is ratified and that process begins. I also noted that you talked about clear wording and timely implementation of these things. These are all important concepts and especially I wanted to thank you for noting the importance to not place on a school division authority to do what they cannot do, and that is to order around the traffic authority to get the job done. So I appreciated that point.

What I want to ask you, just in the context of this committee is while every effort, I believe, under this bill would be made to get the work done in advance, if there were extenuating circumstances where a part of the work couldn't be complete for whatever reason that we could contemplate, is it your opinion—do you think that there could be a place for temporary measures to be put in place until the permanent ones were in place, as long as the authority rested on the proper body to get that work in place?

Mr. Reimer: Yes, sorry, I think that just makes sense because there are some things that are beyond even humans' control. So I think to make sure that the schools still open if we can do some temporary things to ensure safety, that would just make sense. So, if that becomes the exception, as opposed to the rule, that would make sense.

Mr. Allum: Mr. Reimer, thank you so much for coming tonight, and not to worry about being a few minutes late. After all, you've travelled to see us this evening and we're very pleased that you could.

You know, and I think members around the table know, that I was once a historian in my life, and would that we could go back and change the past. We know that that's impossible but you're quite right

in your comments to say that for the sake of Carina and her family, and for the safety of all of our children, we want to take every measure possible on—in terms of preventing another tragedy of the kind.

I do want to reiterate that, of course, this bill applies across Manitoba, so we're not just, as you noted, departments like MIT; we're also talking about municipal traffic authorities, as well as, as you know, we have any number of school divisions inside the Perimeter. And so I just wanted to say that we're not only dealing with provincial departments here, but with municipal traffic authorities as well. So I thank you for coming tonight. Thank you for your input.

I think there's been a large degree of collaboration around the table in order to get us to this point. I thank the member for Morden-Winkler (Mr. Friesen) for bringing it to our attention and, of course, we seized on the opportunity to participate and to—in order to ensure the, as I said, to Ms. Reimer earlier, make sure that our kids go to school safely and to return home safely. So, thank you for coming.

Mr. Chairperson: Thank you very much for your presentation.

Bill 6—The National Research Centre for Truth and Reconciliation Act

Mr. Chairperson: Going to now move to Bill 6, and we're going to call James Wilson, please, National Research Centre for Truth and Reconciliation.

Do you have any written materials for the committee tonight? No? Proceed when you're ready.

Mr. James Wilson (National Centre for Truth and Reconciliation): Good evening, members.

It's been a pretty monumental week with the tabling of the recommendations coming from the Truth and Reconciliation Commission. The six years of work that went into, you know, talking to thousands of survivors of the Indian residential schools across Canada. Ry Moran asked me to speak it.

* (18:20)

A lot of the people involved with the work are in Ottawa right now for the final tabling of the reports and the recommendations, so Ry asked me to—Ry, who's the director of the national—okay, I'm going to keep calling it the National Research Centre but they just changed the name, so it's the National Centre for

Truth and Reconciliation, housed at University of Manitoba. So I'm going to be speak—I'll try to speak briefly about our work with them and the importance of their work and then what this bill addresses.

So their—basically, the Truth and Reconciliation Commission has done six years of work. They've kind of—they've tabled their recommendations to the Government of Canada. All of the testimonies that they've collected over the past six years eventually get—so it's all housed and transferred over to the centre at the University of Manitoba. So there are some pretty significant access-to-information issues attached to that.

Now—and this is what the bill addresses—our work with the national centre, we've worked with them as far as educating people about the impacts of residential schools, educating people, of course, about treaties and all of those issues. But they're going to play—I think the centre is going to play a fairly significant role across Canada; not only in Manitoba, but across Canada, because they're becoming a housing—almost an archive for First Nations across Canada. So I'm happy to see that their mandate and some of the work that they're doing is getting codified in some way.

There's—they've had a number of organizations actually approach them and say, can we—I mean, some organizations even nationally have all of their records just stored in somebody's garage kind of thing, right? So people are going up to them and saying, can you house our stuff, our records, our minutes, all of that stuff?

So I really don't have much more to say than that, other than it's really good to see that the legal issues, some of the access-to-information and privacy issues are being codified in some way. I think it's going to make the centre's job a lot easier. It's going to make accessing the information a lot easier—not—I shouldn't say easier, but there will be actual protocols attached to that, which is really good to see.

Mr. Chairperson: Thank you for your presentation.

Any questions from the committee?

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): Well, just a comment to say I'd like to applaud the work of the commission. They've taught us a lot about residential schools and did so by encouraging us to listen to the voices of the survivors, which is truly important.

Being from Dauphin, Manitoba, the MacKay Indian school was there, and I grew up in Dauphin knowing about the school. And the only way I interacted, actually, with residents of the school was through sport, whether it's soccer in the community or hockey, and still have friends that went there and are currently living in northern Manitoba and elsewhere. And we often have conversations which many of us obviously didn't really appreciate at that time, too young possibly to even know what was going on and what were the purpose of those schools were.

So I just want to thank you for coming out tonight and really being able to add one more voice to why this legislation is important. But, in the same vein, I just want to congratulate all honourable members of the Chamber on all sides for wanting to pass this legislation immediately and quickly to adhere to federal requests, in many ways, to ensure that the legislation is passed on to the university. And we have received a request from Dr. Barnard to change the name also of the centre, which we will certainly be doing tonight, I hope, with a couple of amendments. And then quick passage is really important before July, we've been told.

So thank you very much again for coming this evening. It's really important. Thank you.

Hon. James Allum (Minister of Education and Advanced Learning): Well, Mr. Wilson, thank you for coming in tonight, and the treaty commission, of course, does extraordinary work, and I wanted to compliment you on the work that gets done.

On this side of the table you have two scholars who spent an inordinate amount of time in archives at one time or another, and we know that these repositories provide us with the extraordinary amount of information that will help us to tell stories in the future, subject to very important privacy issues, but tell those stories that are essential to the pathway toward reconciliation and a bright new future between indigenous and non-indigenous people here in Canada.

So I wanted to thank you for appearing here tonight, and appreciate your great work that you do.

Mr. Doyle Piwniuk (Arthur-Virden): Mr. Wilson, thanks for coming out tonight to present your—on the reconciliation—truth and reconciliation. I know how important it is and probably the closest school that I grew up by was the Birtle school, residential school. And my mom, who lived not very far, in Binscarth,

talked to stories about the residential schools and now we're listening to all the details and impacts of, you know, how people were treated. And it's—this is so important for that information to go out there. It's all about communication. We're in a communication age now, and we need to learn and address this and it's so important.

And I was very honoured to be invited to the blanket ceremony in Russell, Manitoba, a couple of weeks ago. And it was a really learning experience about taking blankets away and understanding. They talked about residential schools, how they took children away from their families and it was a very good learning experience.

And, again, I wanted, again, to—thank you for coming tonight and giving your—the information to us.

Hon. Sharon Blady (Minister of Health): Mr. Wilson, I just—I really want to thank you for being here tonight in support of this legislation and also to thank you for your leadership within the community, that, as you mentioned, this is a very significant week and to be able to house, here in Manitoba at the U of M, these very important documents and the fact that there's protocols around them is really important. As the Minister of Education mentioned, he—I'm the other academic geek he was referring to, and as somebody that is a decolonization scholar by trade and that has also done archival work and worked in archives, one of the things that I know that is so important is not just the preservation but, as you say, the appropriate access. And I think one thing that many Canadians are not aware of is that research related to and with participation from First Peoples has not always been equitable and that it has been in place of harm and a place of stripping a culture. And, having come up through the profession of anthropology, I know that it is a profession with a very dark past in its relationship to indigenous people.

And so I hope that this particular centre is able to be not just a huge stride forward but also a turning point in healing and that really that its first and true purpose is about providing information connection for First Peoples so that it becomes a repository of their knowledge and their history because too much history has been lost, too much has been taken away and that I hope that this is something that can, again, build relationships and continue the work that I know you do in terms of decolonization, so I just want to thank you for your being here tonight.

Mr. Chairperson: The time for questions and answers has expired.

Is there leave from the committee for us to continue? Leave? Leave's granted.

Ms. Amanda Lathlin (The Pas): Thanks, Jamie. It's always nice to see someone from back home, Opaskwayak Cree Nation. I don't feel as homesick now.

But I just wanted to share with you that as a newly elected MLA for The Pas, I've had an enormous responsibility, if you will, to share with the House my direct work, working with residential school survivors, that the testimonies—I've helped residential school survivors with—by providing them healing services after their testimonies because you're asking a residential school survivors to reopen those wounds and then they're sent home.

So I was honoured to be part of a team to provide healing services for our survivors once their testimony was completed and this is what—being housed—the topic that we're talking about today.

And I also had the honour to share it with our members here, as well, that I come from three generations of residential school survivors and I'm the fourth and I've shared that I'm—I—we—my siblings and I still live with those intergenerational effects. We can't speak our Cree language because our parents were taught that upholding our culture was wrong. So I'm always going to share that.

* (18:30)

And, again, I'm—I had the amazing opportunity to speak about this issue in my maiden speech when I first became elected, and to contribute to this bill as well.

So I just want to thank you for your participation in this work and for everyone at this table, too, for honouring this. Thank you.

Mr. Ted Marcelino (Tyndall Park): I don't want to dwell too much on the value of what we're doing today, but I want to express, having come from the immigrant community, that we thank your people for allowing us into your land. We thank you very much. Miigwech.

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

Bill 9—The Chartered Professional Accountants Act

Mr. Chairperson: We're now going to move on to Bill 9, and we're going to call James Kennedy, please, private citizen.

I see the page is handing out the written information. Please proceed when you are ready.

Mr. James Kennedy (Private Citizen): Honourable Chairperson and members of this committee, I appreciate and thank you for the opportunity to speak to you today concerning what I think is a very important matter. Most or all of you would've received my letter giving you an outline of what I want to speak about in connection with The Chartered Professional Accountants Act.

I think the intention of the act to bring some control of the quality of accounting services to the public is excellent. To accomplish this objective by making membership in an association compulsory would, to most people, be no problem. In fact, most would consider it quite an honour to be able to advertise themselves as CPAs. I agree; it is an honour. As well, it assures the public that this man has acquired a certain attainment and appropriate education and ongoing quality control.

The point I want to make is that to make membership compulsory, with no relief for conscience, is in violation of the Constitution of Canada. The Constitution of Canada guarantees four freedoms, two of which are conscience—freedom of conscience and religion and freedom of association. These are guarantees, not just something said to be desirable. It is also in direct contradiction to The Labour Relations Act of this province, which provides exemption from compulsory union membership to those who belong to a religious group whose beliefs who preclude them from belonging to any union or professional association. Note that, professional association.

The NDP government of the day put clause 76(3), and I should add 77 as well, into that act specifically to provide for the type of conscientious principles that I am speaking about.

You might ask me, what is wrong with membership? The Bible directs, in 2 Corinthians 6:14: Be not diversely yoked with unbelievers. Many other scriptures corroborate this one. No matter how honourable the association nor how honourable its members may be, it cannot be said that all of them are believers in the Lord Jesus

Christ, even professedly. Some profess other religions, and some no religion at all. However honourable in human terms they may be, this scripture precludes being yoked or linked with them. Thus, any Christians desiring to be governed by the Bible, as God's word, cannot under any circumstances be a member of any such association.

I think I have made clear that relief from compulsory membership is the only matter that I think needs to be addressed. I am not suggesting any change to any other provision of the act. To prevent capable, principled persons from practising public accounting in Manitoba because of their Christian beliefs would not be worthy of a responsible government. New Zealand has just passed, completed—has just completed an overhaul of their public accounting legislation and has included the exemption that I am appealing for. Australia has similar provisions. Some other provinces in this country do not have it, but the government of this province has done it before, for which I am very thankful. I appeal to you to do it again. If I may say so, I think God will honour you for it.

Thank you for listening to me. I would welcome any questions you may have and will do my best to answer them. Thank you again.

Mr. Chairperson: Thank you for your presentation, Mr. Kennedy.

Honourable Minister Dewar.

Hon. Greg Dewar (Minister of Finance): Thank you, Mr. Kennedy, for your presentation and your interest in this bill.

Mr. Cameron Friesen (Morden-Winkler): Thank you, for—Mr. Kennedy, for coming to this committee this evening. I've read your presentation. I did receive your letter and I thank you for sending it.

I wonder if I could just ask you one question. You will, of course, know that this same legislation to combine these various designations under one umbrella organization is proceeding in other provinces as well and, indeed, in some provinces this legislation is already proclaimed. In other jurisdictions, it's a good deal along the way towards that.

Are you aware of any other jurisdiction in Canada that, in bringing together the new CPA designation, included, as you say, this exemption from membership in the association? *[interjection]*

Mr. Chairperson: Mr. Kennedy, go ahead. I have to recognize you. I know it's a very odd process but I have to say your name first for the mics to start recording you. So, Mr. Kennedy, go ahead.

Mr. Kennedy: Oh, okay. I said, no, I'm not aware of any other province, but this province didn't do it and The Labour Relations Act that was enacted in the 1970s, section 76 and 77 of that act specifically exempt, I think it says—actually, I have it in my briefcase here. Shall I get it and read it? Maybe I should.

Section 77 is really the—I won't read the whole thing. It speaks about where a collective agreement in respect of a unit of employees provides for membership in a union, and then it says, an employee in respect of which the collective agreement is in effect satisfies the board that the employee is a member of a religious group which has one of—as one of its articles of faith the belief that members of the group are precluded from being members of and financially supporting any union or professional association, and (2) the employee has a personal belief in these articles of faith. The board may on application of the employee by order exempt the employee from complying with that provision of the collective agreement, and so on.

Hon. Jon Gerrard (River Heights): Thank you for your presentation, for your letter of which came earlier.

Would you view any other reasons other than the one that you've expressed for there to be exemptions from the compulsory? *[interjection]*

Mr. Chairperson: Mr. Kennedy.

Mr. Kennedy: Sorry, I'm speaking too quick? No, I don't.

Mr. Chairperson: Thank you very much for your presentation.

I'm now going to call on Gary Hannaford from Chartered Professional Accountants Manitoba Joint Venture.

Do you have any written materials to distribute to the committee?

Mr. Gary Hannaford (Chartered Professional Accountants—Manitoba Joint Venture): Yes, I do.

Mr. Chairperson: Okay. The page will grab them from you and then you can proceed when you are ready.

Mr. Hannaford: Good evening. My name is Gary Hannaford. I'm the CEO of the CPA Manitoba Joint Venture. This joint venture was formed by agreement of the three existing accounting bodies in Manitoba to help us move forward with the formation of a new CPA profession in this province. I'm joined by a number of my colleagues from the CPA joint venture this evening.

Pleased to be here to provide our comments on Bill 9 which, when passed, will provide for the formation of CPA Manitoba.

The accounting profession in both the national and provincial levels has been seeking to amalgamate the three accounting bodies—CA, CGA and CMA—for a number of years now. And once legislation is passed in all provinces, there will be more than 195,000 CPAs across the country, and in Manitoba we represent more than 7,000 members and another 2,200 students.

* (18:40)

CPA legislation has been passed and proclaimed in five other provinces already: Quebec, Saskatchewan, New Brunswick, Newfoundland and Labrador and Prince Edward Island. Legislation has been introduced and received royal assent in Alberta and BC. I was notified just yesterday that proclamation date for Alberta is set for July the 1st, and BC is expected to be proclaiming their legislation shortly.

In Nova Scotia, legislation has been passed and received royal assent but is awaiting proclamation that would allow all CAs, CMAs and CGAs to refer to themselves as CPAs and, essentially, form CPA Nova Scotia. Further legislation is expected this fall to amalgamate the three accounting bodies in that province.

In Ontario, members of all three accounting bodies are entitled to refer to themselves as CPAs; however, new legislation is not expected to be introduced until this fall.

We believe it's very important that the bill is passed and receives royal assent during the current session. If passage of the bill is delayed unduly, we will soon be the only province not to be able to use the designation CPA in this country.

The first graduates of our new CPA certification program are expected to write the new national examination in September, and new legislation is needed in order for the successful graduates to refer to themselves as CPAs.

We are generally pleased with most of the items included in Bill 9. In fact, we believe that, for the most part, it will align us with legislation in other provinces. And I should note as well that we had initially had encouraged the minister to include compilation engagements as a restricted public accounting service but understand that this will be—this will require further study. And we're prepared to work with the minister in completing that further study. However, we do have serious concerns with the legislation as it's currently drafted, with respect to two areas. And I'll focus my comments particularly with respect to clauses 38(1) and 38(2) of the bill.

When Bill 9 was introduced, the media release included the following paragraph, and I'll quote: The minister noted that this legislation would ensure that accounting audits and reviews would meet national standards and would only be conducted by registered accountants that have the required training and experience. Other accounting services, including compiling financial statements, bookkeeping and preparing tax returns, could continue to be offered by an accountant, bookkeeper or other financial provider. We would be very pleased if that is, in fact, what the bill did; however, we feel it falls short in two important respects.

The media release stated that this legislation would ensure that accounting audits and reviews would meet national standards. National standards for audits and reviews are those that are set out in the CPA Canada Handbook, and these are widely recognized in legislation in various provinces across the country and at the national level. Unfortunately, clause 38(1) allows someone to conduct an audit or review that would not meet such national standards. Furthermore, clause 38(2) indicates that CPAs, CPA firms or CPA professional corporations are given the exclusive right to practise reserve public accounting services as defined under the act. We are very concerned with the definition of public accounting included in 38(1)(a) of Bill 9, and what would constitute reserve public accounting services.

The bill indicates that audits and reviews are included in the definition of public accounting, but, quote, only where the audit or review performed is in accordance with, or is purported to be in accordance with, the applicable provisions of the CPA Canada Handbook. This means for a service to be included as public accounting, it must be conducted, or purport to be conducted, in accordance with the CPA Canada Handbook. There is an out. If someone were to perform an audit or review that was not purported

to be in accordance with the CPA Canada Handbook, which is, I remind you, the national standard, they would not be caught under the definition of public accounting services, and such services would not be restricted. More importantly, those performing such services would not be regulated. We believe that this significantly waters down the legislation and does not adequately protect the public.

When we refer to audits and reviews, we are focused on the audits and reviews of historical financial statements. This is clearly articulated in the legislation. We understand that the term audit is something that can be a generic term, but we had never contemplated that the legislation should cover the wider definition of audits, which involves such things such as non-financial audits, including workplace health and safety audits or environmental audits. As currently drafted, the bill does not include this.

When a professional accountant is providing an audit or review on a historical financial statement, the professional accountant is providing a level of assurance that financial statements provide a fair and accurate representation of the financial affairs of the organization. The public relies on this information to make important decisions, whether they be investment, lending, funding, donations and employment. Therefore, it is in the public interest that all audits or reviews performed in accordance with the CPA Canada Handbook and that only those CPAs who demonstrate and maintain knowledge and abilities acquired through the necessary education and training should be able to provide such services. Unfortunately, Bill 9 does not provide such protection.

We acknowledge that other provinces have been inconsistent with defining public accounting legislation. Currently, Bill 9 is consistent with the legislation that has been passed in Saskatchewan, New Brunswick and British Columbia. However, we believe that this does not adequately protect the public, and I would note that our accounting bodies in those provinces opposed the legislation as it was drafted. Instead, we believe that Manitoba should follow the precedents set in Quebec, Alberta, PEI, Newfoundland and Labrador, and the restrictions that currently exist and are expected to continue in Ontario and Nova Scotia when their legislation has passed.

Other professionals, including lawyers, doctors, dentists, pharmacists, nurses, architects and

engineers, all perform services that can only be performed by members of their profession because they have the necessary education and training. The rationale for restricting services to members of the profession is presumably to protect the public by precluding unqualified individuals who are not subject to regulation from providing those services. We are not aware of any reason why this shouldn't be the case for CPAs who practise public accounting.

Now, CPAs provide a lot of services and perform a lot of functions, but we are not recommending that all accounting services or functions be restricted to CPAs. Rather, we are only proposing that audits or review engagements performed on financial statements be restricted to CPAs because only CPAs have the education and training to conduct its services.

And I must emphasize that not all CPAs should be able to conduct audits and reviews, only those who have the necessary education and training. Those CPAs would then be subject to regulatory oversight by the profession, including a rigorous qualification process, practice inspection, mandatory continuing education, mandatory professional liability insurance and a very rigorous investigations in disciplinary process.

As drafted, the legislation regulates CPA members, not the profession of public accounting. Those most qualified to conduct audits and reviews are regulated. Those least qualified are not. If another individual or firm provides review that it is not in accordance with the CPA Canada Handbook, there would be no regulatory oversight. That means the public who has a complaint would have no one to turn to. It would allow those individuals who are currently members of the profession but are subject when expelled for not complying with the standards of the profession to continue to provide audit or review services—

Mr. Chairperson: One minute left. Just to let you know you have one minute left.

Mr. Hannaford: I'm almost done.

How can this possibly be seen to protect the public? We would recommend amending the definition of public accounting services in section 38(1) in one of two ways: first, by finishing clause (a) after the words "other historical financial information," and by deleting 38(1)(b) altogether, or by deleting the words after clause vi of 38(1)(a).

We believe that either such an amendment would make CPA Manitoba responsible for regulating all individuals practising public accounting in the province, and we believe this will properly protect the public interest.

Thank you for your time and attention. I'd be happy to respond to any questions.

Mr. Dewar: Well, thank you, Gary. First of all, I want to thank you and your members of your Joint Venture for meeting with me and offering us advice. We thank you for your presentation, and we thank you for the input into this legislation and additional advice that you've provided us this evening.

Mr. Friesen: Thank you, Mr. Hannaford, for being here this evening. I want to thank you and the other presidents and CEOs of CA, CGA and CMA Manitoba, some of whom I see in the room this evening. I also want to thank you for the—your professionalism and expertise that you have offered along the way as we have sought to understand the implications of this bill and see how it aligns with other jurisdictions in Canada.

You mentioned a couple of very important things today, one of which is the fact that we have about 200 students who hang in the balance, who have taken the training and will graduate in September and need a designation they can call their own and practise under. So we recognize that we are working against the clock and that other jurisdictions have proceeded with more haste than in Manitoba, so we're mindful of that.

*(18:50)

I wanted to ask you a question that's specific to 38, in part 6, under the public accounting services. And you refer to the fact that it is a public protection, of course, if we restrict reviews and audits to those who can professionally provide that service and that are deemed to do so in a manner that protects the public.

I just wanted to ask you, in your experience, because I know even in Manitoba right now someone could purport to offer those services without saying that they did so in accordance with the CPA handbook or with, you know, their other designated handbooks. How often in a year would it come to your attention that someone might be offering an opinion in that way? How often do you think in a year it would come to your attention that someone would be acting in that matter—in that manner to provide an audit or a review engagement without

doing so as a public accountant with that practice and expertise?

Mr. Hannaford: It's difficult to respond specifically to the question. I do know that we would receive—between the three accounting bodies that currently exist, we'd probably receive on average complaints about individuals who are not members of any one of our three bodies, on average, somewhere 15 to 20 times a year.

Now, the challenge that we face, though, is that we are not certain of the basis of the complaint. Once we determine that we do not have jurisdiction over them since they are not a member of ours, we don't delve into what the complaint is all about. So the complaint could be frivolous or it could be serious. It could be about tax preparation; it could be about public accounting; it could be about audits, reviews. We simply don't have the answer to that because we've not dealt with them.

Mr. Gerrard: Just a—maybe you could clarify two points with—for me, because the—I mean, the details of the wording in legislation is a little bit hard to quickly interpret. Who would slip through the gap, all right, and who would not be caught in the associations—the three associations or what will be the combined associations?

And the other question I have for you, if there was the ability for somebody, whether it's on conscience grounds or others, to not be a member, would that individual still be subject to the regulation or would they then be outside of the regulation by the CPA?

Mr. Hannaford: Let me try to answer your first question first. The people who could slip through the cracks are potentially those who are not members of any one of our bodies but are providing some type of service to the public in the area of public accounting. We—if you just go through the Yellow Pages of the—of Winnipeg Yellow Pages, you'll see that there are roughly 10 to 15 firms out there who hold themselves out as public accountants but are not members of our—of one of our three bodies.

There are also others who have accounting services out there. It's unclear to us exactly what services they are providing. If they are doing audits or reviews, they would not be subject to regulation because they aren't members of our body and we don't have the ability to regulate non-CA, -CMAs or -CGAs, or, in the future, -CPAs. We only have jurisdiction over those who are members.

So, if they have performed auditing or review engagements, which would be restricted by this—even better so if it was changed the way we have suggested—then we would have the ability to regulate those individuals because they would have to be members of our body. But, if they're not members of our body, if they have the right to be able to continue to do this and not be restricted, then nobody has any oversight over them whatsoever. There's nobody for—to complain to. So, when we get a phone call, somebody wants to make a complaint, if we don't have them as a member, we can't deal with them. So there's no recourse whatsoever for us to be able to deal with that individual. And CPA wouldn't have the ability to be able to do that either if the person is not a CPA.

Mr. Chairperson: Thank you very much for your presentation.

Now I've got to call Noah Globerman, please, from Milton D. Rhymer and Associates.

Do you have any materials for the committee?

Mr. Noah Globerman (Milton D. Rhymer and Associates): I don't.

Mr. Chairperson: Proceed when you're ready.

Mr. Globerman: And let me just state for the record that I'm not actually from Milton D. Rhymer and Associates. I represent Milton Rhymer and his company, Milton D. Rhymer and Associates.

Just at the outset, I'd like to thank the standing committee for affording me the opportunity to speak on Bill 9 today. As I said, I represent Milton D. Rhymer, who is one of those individuals who would slip through the cracks, so to speak, as my earlier friend touched upon.

I'd like to focus on one provision in detail but before I do that, I'd like to explain a bit of Mr. Rhymer's background and just a brief introduction.

Now, the act provides, as obviously mentioned, that public accounting services must be provided by only chartered professional accountants. The act does, however, provide for an exception to this rule which is the ministerial exemption set out in section 38 of the act, which provides that the minister may, on application by any person, issue an exemption permit to that person, exempting them from the application of subsection (2) of section 38 of the act, which concerns the exclusive right to practise public accounting.

If the minister is satisfied that first, before the coming into force of this act, that person was providing reserved public accounting services, and (2)—and this is the crux of my submission—that if the person was not allowed to provide reserved public accounting services, that that person's clients or others in the area would have difficulty obtaining reserved public accounting services in a timely manner or at a reasonable cost.

And I'm really here to talk about how that provision would affect Mr. Rhymer and his company. But before I delve into that, I'd just like to talk a bit about Mr. Rhymer's background and how I foresee the act affecting his ability to earn a living.

Mr. Rhymer is 67 years old and has been involved in accounting in some shape or form for going on 50 years. In 1965 he began his articles, five years working with chartered accountant there, attended classes at the University of Winnipeg, prepared financial statements, reviewed engagement reports, assurance auto reports, all the things we're talking about in addition to corporate and personal and business tax returns.

From 1970 to 1978 he worked term positions with other chartered accountants and eventually began to assemble his own clientele and ultimately opened up his own office, which he's operated on Main Street since 1990. He continues to prepare these types of reserved public accounting statements, so to speak, review engagement reports, assurance auto reports, et cetera.

He's continued, like many of the people like him, to attend classes for professional development in order to keep apprised of any developments in the industry and to remain current so that he's competent. I've asked Mr. Rhymer, and he's estimated that roughly 75 per cent of his practice would qualify as, quote unquote, reserved public accounting services.

Now, according to Bill 9 as it is currently drafted, Mr. Rhymer would have to apply for the ministerial exemption in order to continue to provide the services that he has provided for so many years. Now section 38(4) provides that in addition to proving that he was providing these services before the act comes into force, that he would have to basically show that his clients would be prejudiced if he was unable to continue practising; that is, that people in his area or his clients would be unable to find these services within the same price range or expeditiously, effectively. It's that aspect of the ministerial exemption that, with all due respect, I

have a bit of a problem with as it is currently drafted and so does Mr. Rhymer.

First off, it bears some mention that the exemption appears to be aimed at protecting those individuals or those accountants, I should say, who may be practising in a rural or less populated areas because presumably their clients would have difficulty, or more difficulty, obtaining their services or services like that as quickly or at a similar cost. Mr. Rhymer and individuals like him who practise in Winnipeg, obviously, would appear to be less protected by the exemption as it is currently worded in that clients in Winnipeg have more choice and would be more likely to be able to find an accountant who could provide those services quickly and in a similar cost sphere.

It's my submission that the location of the client really shouldn't bear so heavily on the determination as to whether or not the accountant, who is not otherwise caught by one of these bodies and regulated as is, their ability to earn a living.

* (19:00)

Secondly, there's—I have some issue with the, I don't want to say vagueness, but the legislation in section 38(4)(b) as it is currently drafted, and perhaps this would be clarified in bylaws in that it's difficult to determine what exactly difficulty obtaining reserved public accounting services means. What is a timely manner? What is a reasonable cost? And who is to make this determination? It's my respectful submission that section 38(4)(b), somewhat counterintuitively, wrongly places the emphasis on the client, whereas if the emphasis of that section was placed on the competency of the practitioner, on the competency of the accountant, him or herself, then, ultimately, the public would be best served.

The object and purpose of the legislation, as my learned friend has mentioned, and it's trite to say, is clearly the protection of the public: to amalgamate the profession and, ultimately, protect the public so that they are best served and that they, ultimately, have the most confidence in the profession as a whole and the legislation.

I would submit that the focus of the ministerial exemption should, simply put, be focused on demonstrating the competency of the applicant rather than on the ability of the client to access services in a timely manner or at a reasonable cost.

In fact, it bears mention that the ministerial exemption right now actually does not mention competency of the person applying anywhere in the exemption. And, again, perhaps this would be addressed in bylaws that came up.

It's my submission that if the applicant is able to demonstrate that they have been conducting reserve public accounting services before the act came into afford—into force and if they're able to demonstrate that they are competent, then that's really the only question that needs to be asked. And there, then, is really no danger to the public. They could be held to the same standard as other CPAs and required to undergo the same type of continuing ed—education, that is—and pay the prescribed fees and have the same oversight that they would have.

I've reviewed several of the other jurisdictions' proposed legislations, and I've yet to see another bill or act that has a ministerial exemption quite like ours. And I'm not exactly sure why that is. Again, the Saskatchewan legislation appears to focus more on the competency of the applicant, the person seeking registration as a member, rather than on that person's clientele.

For Mr. Rhymer, my client, if he's unable to satisfy the minister, in this case, that if he was not allowed to continue to providing these services, that his clients, people in Winnipeg, if he's unable to prove that they can't get these services, you know, in a timely manner or at a cost like he could provide, then he's out of work. It's really that simple for him. And I can't speak to everyone else who is not regulated by one of the accounting bodies as is. But, when it comes to Mr. Rhymer, the legislation as is, if he's unable to satisfy 38(4)(b), he's out of work. And, obviously, for a 67-year-old individual like himself, there's major ramifications for that, specifically, his retirement.

And I would submit that there would be other individuals like Mr. Rhymer who would likewise be prejudiced by the bill, as it is currently drafted, and would not be able to earn a living if this bill were to pass as it is. I would submit that section 38(4)(b) ought to be reworded. And, to be frank, I don't necessarily have the wording of that at my fingertips, but to place emphasis on the applicant, the person seeking the ministerial exemption, being required to prove their competency to the minister. And, again, that could likewise, as I discussed, be addressed in bylaws. And then if that person was able to

demonstrate their competency, then they could have the exemption permit.

And I—it's my opinion that if the legislation were drafted to require the individual to prove their competency and if they demonstrated that competency to the satisfaction of the minister, there really would no be—there would not be any fear of an individual providing these services who is not competent, because if they weren't competent, they wouldn't get the exemption permit.

Subject to any questions the committee has, that is my submission.

Mr. Chairperson: Thank you for your presentation.

Mr. Dewar: Mr. Globerman, thank you for your presentation on behalf of Mr. Rhymer. We take your presentation and your comments seriously, and we thank you again for your input into this bill.

Mr. Friesen: Thank you for being here, Mr. Globerman, and for your presentation. You raised some good points. We had not had—previous to your presentation—a discussion about the ministerial exemption. You raised some good points whereby it seems to be that under 38(4)(a) and (b) that it's a double test that is used to measure whether a person could continue to provide those services, and you indicated that you'd like to see an emphasis placed—a remedy where an emphasis is placed instead on the competency of the individual.

I'm just wondering if you would speculate on the way they look at those two tests, the one being that the individual was already providing those reserved public accounting services, and the second one being that people in the area would not be well served if they ceased to provide them. Do you—did you give thought to whether the remedy would be to just change the and to an or so that the test was one or the other? Or do you think it still needed to go to something else, a different remedy than that? I'm just asking you to speculate on that.

Mr. Globerman: I appreciate that. If it was or, for example, then an individual hypothetically who had been providing these services for some time but who wasn't competent would be able to continue doing so. So I think it's in the public's interest that there be an additional safeguard in place requiring the person applying for the ministerial exemption to have to demonstrate some competency. Otherwise, there is a gap in the legislation where you have everyone else having to demonstrate their competency but the person applying for the ministerial exemption only

has to demonstrate that they've been doing this work for some time. And that doesn't seem to serve the public in the way the legislation is intended to.

Mr. Ted Marcelino (Tyndall Park): Your principal says Milton Rhymer and Associates. What do they do in addition to the reserved public accounting, which you said is 75 per cent?

Mr. Globerman: Preparing income tax returns, things of that nature, the stuff that is not caught under the definition of reserved public accounting services. Typical—I don't want to say typical accountant's work because I don't want to diminish the importance or the complexity of that work but work of that nature, really.

Mr. Chairperson: Mr. Gerrard—no, Mr. Marcelino.

Mr. Marcelino: Income tax prep or?

Floor Comment: Largely, yes.

Mr. Marcelino: Largely?

Floor Comment: Yes.

Mr. Gerrard: You know, if you're asking the minister to judge competency, it seems to me that the associations or bodies or what would be the CPA would be the body which would be most competent to judge competency.

Is there a pathway for somebody like Mr. Rhymer to get membership and designation in CPA? Can he challenge an exam and show that he's competent? Is there an option in that direction? Because that sort of option is often prided—provided under other circumstances where you're getting associations like this formed.

Mr. Globerman: I guess, effectively, that's what I'm looking for the ministerial exemption to accomplish, because my understanding is that there is no other avenue for Mr. Rhymer to explore insofar as gaining membership at this stage of his career. He'd have to go back and do certain—obtain certain formal education and things of that nature that is not practical at this point of his life. I really don't know of this, the perfect solution. I just wanted to give some food for thought in that I see no detriment to the public if someone like him, who has been doing this for 50 years, that if he's not able to continue providing that service to the public, I feel like the public would be—would suffer if people like him were not able to provide the good service they've been providing.

Mr. Chairperson: Thank you very much for your presentation tonight.

I'm now going to call on Mark Jones from Winnipeg Chamber of Commerce.

Do you have any written materials for the committee? Okay. They're going to hand them out.

Please proceed when you're ready.

Mr. Mark Jones (Winnipeg Chamber of Commerce): Good evening. My name is Mark Jones. I'm here on behalf of the Winnipeg Chamber of Commerce. I'm the chair of the Economic Competitiveness Leadership Council.

*(19:10)

The chamber was founded in 1873 and is Winnipeg's largest business organization. We represent more than 2,000 businesses, large and small, across all sectors—for-profit businesses, not-for-profit organizations and registered charities—many of whom who will be potentially impacted by Bill 9 and proposed restrictions on reserved public accounting.

The chamber fully supports both the merger and the restrictions to public accounting services that are being advocated. The unification of accounting bodies being undertaken in Manitoba and across Canada provides a single, unified regulatory body for the profession and will align standards and practices that promote service to excellence and maximize the protection to the public.

Specifically, with respect to the restriction of reserved public accounting services, the chamber supports these restrictions fully, and further we would ask that the act be amended as required to ensure that only registered accountants who are permitted and regulated by this act to perform these specific services be allowed to do so in Manitoba.

Audit and review engagements are performed to provide third-party attestation to the statements of an entity, as external users of the statements typically do not have access to the records of an organization. They require this type of engagement for reasons such as providing credit, confirming compliance for funding, or assessing management stewardship of an organization. We most often think of these groups of external users as sophisticated groups, such as banks, lenders, government or other private funders of an organization. However, we believe we must also consider those who belong to or rely on an organization, such as parents of daycares, members

of churches and people who donate to charitable organizations. We must consider those who volunteer their time and expertise to their local community centre or other not-for-profit organization.

And external users also include employees of a business that relies on funding or loans to operate, and it also includes the many small businesses in Manitoba who extend credit to their customers.

When this legislation was introduced, a promise to ensure that accounting audits and reviews would only be conducted by registered accountants that have the required training and experience, and, as the legislation is currently drafted, a technicality exists that would allow anyone to hold themselves out as being able to offer reviews and audits as long as they did not claim it was in accordance with the CPA handbook. As a result, it offers little protection to our members and to the general public. Moreover, it could be argued that without this clarity the bill could actually muddy the waters by appearing to restrict these services when, in fact, it does not.

To illustrate the potential for confusion, I've included two sample audit reports. The first one is covered by this act, and subject to the national standards and regulatory oversight. The second one, under the current wording of the legislation, is outside the parameters of any regulation and could be prepared by somebody that has nothing more than access to Google.

While the example may be an extreme one, you can see that by changing only a few words which I have highlighted just for ease of reference, the legislation is completely circumvented, and there is no protection offered to the public, which is clearly not the intent of Bill 9.

Manitoba has recently undertaken several measures in the area of business and consumer dealings that offer protection to the public. In keeping with these measures, we feel that the business community and the public as a whole need to have the confidence that these types of financial assurance engagements offer them regulated standards, comparability, protection and recourse, if needed. The proposed amendment will offer that protection and clarity to Manitobans for these critical public accounting services.

So, on behalf of the Winnipeg Chamber of Commerce, we'd like to thank you for the opportunity to present on Bill 9, The Chartered

Professional Accountants Act. I'd be pleased to answer any questions you may have.

Mr. Chairperson: Thank you for your presentation.

Mr. Dewar: Thank you, Mr. Jones. I want to thank you and all those who presented this evening. And we again value your input, and we thank you for your time to come out and present to us this evening.

Mr. Friesen: I thank you, too, for coming out this evening and presenting to committee. The—you've given us some good materials here to review. When it comes to understanding what it would mean for an individual or an entity to provide these services and then to do so in—either in conjunction or in accordance with Canadian accepted auditing standards or if they don't use that terminology how it completely changes the nature of the performance review that they have provided.

I wanted to ask you when it comes to audits, reviews and compilations, is not part of the challenge, though, for the public and for the professional organizations who provide these services to educate the public? Isn't part of the challenge here to actually create in the public an increased awareness of what these mean, what the levels of these engagement are, and what the implications are of what they contract to do?

Mr. Jones: That's a great question, and, yes, it is. Part of what we hope this bill will accomplish is exactly that: to educate the public that these types of assurance engagements are professionally attested to by an external third party. The financial statements themselves aren't what the accountant prepares; rather, the accountant will provide assurance to external users that they are up to national standards, that there is, you know, professional training, that there is regulation, that there is recourse if needed. That's exactly what we hope this bill will accomplish.

Mr. Gerrard: Yes, what you've described is in the difference between these two. Does the current legislation mean that you would not be able to have this exhibit 2 happening? Do you need the changes which have been recommended by Gary Hannaford in his presentation? Or is the bill, as it is, sufficient to make sure that you can only have an auditor's report like exhibit 1, but not like exhibit 2?

Mr. Jones: You would need the changes that have been recommended. As the bill currently reads, you could have exhibit 1 or exhibit 2, so you would need

to make those changes to ensure that it doesn't happen.

Mr. Chairperson: I thank you for your presentation.

Bill 201—The Centennial of Manitoba Women's Right to Vote Act

Mr. Chairperson: I'm now going to move to Bill 201, and we're going to call up Muriel—and I'm going to wait for her to pronounce her last name because I—

Ms. Muriel Koscielny (Private Citizen): Koscielny.

Mr. Chairperson: Koscielny—Muriel Koscielny. Do you have any written materials for the committee?

Ms. Koscielny: No.

Mr. Chairperson: No? Proceed when you're ready.

Ms. Koscielny: Good evening, madam—Mr. Chair and committee members. I begin my presentation this evening by saying thank you, first of all, for permitting me to speak on Bill 201. The last time that I spoke in this room in July of 2013, I rested my words on two different sources: the one source having to do with making a scene at public hearings, written by Richard Heyman from the University of Alberta. The second source was the construction of social reality by the German sociologist, Peter L. Berger.

This evening, I add to those two sources a historical analysis called *The Myth of Male Protectiveness and the Legal Subordination of Women* published in Great Britain in 1973, and it does have a mention of our 1929 victory on the person's case. The historical analysis describes how judges, lawyers and academics created centuries ago a myth and ensured its perpetuation through the ages.

Bill 201, which we have before us this evening, the centennial of—sorry, marks the centennial of Manitoba women's having won the right to vote, but it also becomes, with its passage at once, an important historical document while underscoring for us at the same time that January 28th of next year will be an occasion of no small momentousness. January 28th, 2016 will be for us as if a rite of passage, as if the beginning of a new millennium, as if it would be a new start.

And, as you already know, it is not often that a hundredth is celebrated to begin with, and it is even more rare, more seldom that such a celebration should take place on the heels of a federal election while preceding a provincial one. Ours—our 100th

becomes even all the more meaningful, given that it was here in the province of Manitoba where the right to vote was first won for all Canadian women.

We, in Manitoba, are truly privileged to be alive at such an exciting and historical time and ought, therefore, to be experiencing now only the deepest of gratitudes: gratitudes to those having come before us; gratitudes to those having had the presence of mind to work on their own behalf while working on—sorry, while working on our behalf while working on their own; gratitudes because they got it done. Or as the educator, Hilda Neatby has already so eloquently put it, we, today, stand on the shoulders of the giants of our past.

* (19:20)

But, hark, let me not here get ahead of myself. Let me not lead you into believing that the bettering of the lives of women is done, since it is not. There is still much work to do.

Bill 201 is today but a pause in time, however important it may seem to me today. I should like here, in any case, to thank MLA Myrna Driedger for having put forward Bill 201. I should like to thank her for her forward thinking, for reaching into January of next year and yes, for making history. Like the winning of the vote in 1916, so, too, today Bill 201 stands a beacon, moving us forward, moving us into becoming a kinder, gentler society. And I thank you, Myrna.

But I would be remiss here also, for I'm not to qualify my comments by not adding that, so long as one more woman goes missing or is murdered, our work is not yet done. The operative word here being woman. We are today, in Canada, one. We become—we became, over the years, an amalgam of one. We in Canada are today Canadians, and, as such, it would behoove us to support one another, to comfort one another and to empathize with one another. And I can say here rather safely and without apology that I have no problem in wrapping myself up in the cloak of the words of Justice Murray Sinclair, spoken just yesterday, when I say that we are one.

My name, as was said, is Muriel, as in Muriel Koscielny, and I come before you this evening as a self-proclaimed historian. And I come to bring just two points. The first point of my presentation has to do with an expression of appreciation, while the second point arises out of the first and takes the form of a question.

I can tell you that my sense of appreciation is a deeply felt and personal—deeply felt, personal and private one, and I share it here with you this evening in the hope only that it may evoke, in my listeners, a parallel kind of appreciation of their own kind so that we can all move forward, not taking for granted ever again the privileges that we, each of us, enjoys every day and are descendant to. We ought to appreciate that we are here, just that: that we are here.

But I apologize here, too, because there are times, times such as this one, when the English language fails me. The English language fails me when it neglects to provide the vocabulary required to express fully the appreciation that I feel towards the women of my past, the women who worked on my behalf. And so I begin here, therefore, by singling out my own mother. My mother had to leave school upon completion of grade 5, but she showed me nonetheless the value of the written word, except that she did not show me only the value of the written word in the English language; she showed me this value in her native language also and first. Then, through my junior and senior high years, my mother supported me as I struggled through the study of the French language.

These days I can only imagine what my own mother must—could have accomplished had she been provided the opportunity. We managed well enough, though, my mother and I, in any case, that I was able to pass on first try my French exam towards my history degree. And I would only hope that I do my mom proud today, and I'm sorry she's not here.

But I appreciate also the great-grandmother who taught me through stories told through the generations what was, for her, the real substance of life: picking wild mushrooms and berries, feeding all of those about herself, and collecting each fall flower seeds for her next year's flower bed. To honour this woman is today for me not only my moral imperative, it is my familial duty, and it is not the same for all of us.

The substance is not—is different for each one of us, because we are different. But still, we are one, and we all had different role models.

I think also of the women writers of my past, particularly those of my own province first, those having left for me a storehouse of literature to draw upon, to grow up on and to enjoy. Writers such as Neepawa's Margaret Laurence, Manitou's Nellie McClung and Winnipeg North End's Vera Lysenko

and Maara Haas. To these writers, I today bow my head.

But, again, I would be remiss if I did not include here my own gratitude to the women who gave up their spaces, who, in fact, were forced to give up their spaces so I might have a different and better kind of life from the lives of my forefathers in the old country. And, as a historian, I can tell you that my research these days only begins to scratch the surface of the felt sense of despair of the women who gave up her space that I might occupy it. To the women native of Canada, my debt here becomes immeasurable.

Mr. Chairperson: One minute left.

Ms. Koscielny: One minute?

Having expressed my appreciation to the past, let us now move to the future and to my second point of my presentation which is where to from here?

Let me first ask, how does your tomorrow look to you? Do you believe personally that we are arrived, that there are no more dragons to slay and that all women now live in accordance with a fairy tale of happily ever after? Indulge me here. Fast forward to January 28th of next year, if you will, and it is the end of the day. Our centennial is marked, the balloons have been blown up, the candles were lit, cake was eaten and the lights were put out. We go home. We head for home and wait for tomorrow, and we wonder. But tomorrow will still be tomorrow. Nothing will have changed, and nothing will change, and—until we ourselves make a determined effort for things to change.

If, in fact, it is true, as was—as my sources tell me, that it was the judges, the lawyers and the academics who long ago—and I do believe it to be true—created the myth which has been perpetuated and prevails in our society today, then it follows that surely I cannot wait and expect for a self-serving myth to change all on its own. It becomes incumbent, therefore, upon all of us to bring about the change. We need to want to change. And I do not say that this is easy, but it can be done.

Mr. Chairperson: The time for presentation has run out, so we'll now take questions.

Mrs. Myrna Driedger (Charleswood): Thank you, Muriel, for being here. I know that you have cared passionately about women's issues for a very long time. You certainly made yourself known to me back

many, many years, and I've always recognized the passion and care that you bring forward to this.

We are indeed on the eve of a momentous time in Canadian history with Manitoba being the first in Canada to give women the vote, first in the Commonwealth, as well. And I think all of us are going to have a chance together to be celebrating and acknowledging this, and you're also right to indicate that that probably not the end of the struggles. We still know that there are many more things that need to be done, and I think there's a lot of interest, you know, amongst all my colleagues to see that we all continue to move forward with—you know, with the challenges before us. So thank you for being here. I know this has meant a lot to you.

Hon. Sharon Blady (Minister of Health): Thank you, Muriel. I want to thank you for what you do and your work as a historian as well, especially your acknowledgement. I, too, come from a—you're here with other geeky academics. The Minister of Education is also a historian, and my doctorate is actually in women's studies.

And I appreciate your comments where you recognize the important work of Nellie McClung and the maternal feminists of the suffragist movement and how that was actually part of a larger global struggle, as well, that would see the replication of this achievement elsewhere.

But I also found it very important that you mention the words of chief Justice Murray Sinclair and the important role of the women who are indigenous to this continent, the women of Turtle Island, and that there are still injustices faced there.

* (19:30)

And, I mean, that is the one thing when we speak of the woman—women gaining the right to vote 100 years or coming up on 100 years ago, that was not all women, as we know, that that was white women of privilege, basically. It did not include the women of immigrant background, and it certainly did not include the women—many women of, again, variety of immigrant backgrounds, depending on what countries they came from. So those that may have come from Commonwealth countries were afforded the right to vote in ways that maybe women who had come over from China and other Asian and African countries, were not afforded the right to vote, and certainly not the indigenous women, who it was well on 50 years before they were engaged in the franchise.

So I really appreciate you recognizing that and recognizing that while we will have something to celebrate on that day, that there is much more work to be done and that we can't always just focus on the celebrations. That the next day, once the balloons have withered and once the candles have been blown out, that we go back and continue that work, standing on the shoulders of giants, so that someone, someday in future, might stand on our shoulders and fight new battles.

And again, like I said, I really appreciate your recognition of, again, the place of indigenous women in letting us other women in—and all other newcomers and settlers onto this continent, and that the fact that those of us that have had the privilege of voting and other things that are part of a larger cycle of privilege, to work to help those that have been marginalized by that very privilege.

So I really thank you for the work that you do and I consider myself very lucky to have met someone like you and listen to you tonight because you did leave—lay the path that made it easier for someone like myself, so thank you again for your work and thank you for being here tonight.

Hon. Jon Gerrard (River Heights): I just wanted to say thank you for coming here today. Thank you for your passionate and continued advocacy for women and the place of women and the important roles of women and the future for women, and thank you for recognizing how important in this seminal measure that was taken. It'll be 100 years next year, is and why we should celebrate it. So, thank you.

Mr. Chairperson: Thank you very much for your presentation.

Actually, we do have time for one more question.

Hon. James Allum (Minister of Education and Advanced Learning): I also wanted to thank you for your very compelling and lyrical presentation. Would that all historians were as lyrical as you are in your presentation. It's been a long time since I've heard anyone quote Hilda Neatby in a presentation. So that alone was worth the price of admission.

Like my sister, Minister Blady, I also wanted to acknowledge the point that not all women were included on this very seminal day and I know that you know that. I know that you also know that women of property were allowed to vote in municipal elections before they were allowed to vote in provincial elections.

So I wanted to add a little bit of clarity to the record but mostly I just wanted to thank you for coming tonight and for your presentation.

Mr. Chairperson: Thank you very much for your presentation.

This concludes the list of presenters I have before me. Are there any other persons in attendance wishing to make a presentation?

Seeing none, this concludes the public presentations.

* * *

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

Hon. Greg Dewar (Minister of Finance): As listed, Mr. Chair.

Mr. Chairperson: Okay. 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's 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 have any concerns or comments, questions or amendments to propose. Is that agreed? *[Agreed]*

**Bill 6—The National Research Centre for
Truth and Reconciliation Act**
(Continued)

Mr. Chairperson: We will now proceed in the clause-by-clause consideration of Bill 6.

Does the minister responsible for Bill 6 have an opening statement?

Hon. Ron Lemieux (Minister of Tourism, Culture, Heritage, Sport and Consumer Protection): We've been sitting here very attentive most of the evening, so I'll try to be very brief in my comments.

Just to say that this particular bill holds a great deal of importance for us all. Just one small step, as was mentioned by Justice Sinclair and others, that this is not the end of a journey but rather the beginning. And this piece of legislation truly adds to that. It's a great—it adds the significance of the importance of the events that have taken place this week. So I just want to say thank you certainly to the opposition, all honourable members in the Chamber,

to ensure that this legislation is passed and expedited in a way that we can move forward very quickly.

I also want to thank departmental staff and also legal staff in drafting the legislation, which is really important. Not often they get enough thanks, quite frankly, because they have to do it with very little time, and using their expertise to do so in a way that not only is it professional, but obviously hits exactly the right notes that we're trying to achieve.

There are a few amendments that I'm going to be bringing forward. As was mentioned by one spokesperson this evening, mentioning that there was a request from the university from Dr. Barnard, and he forwarded a letter to the standing committee of social and economic development to the Clerk's office, I understand. I have copies here. But if I could just briefly just touch on the last paragraph, and certainly the—and I would also ask that we include—*[interjection]*

I understand that it's already been included. I wanted to make sure that it was part of the record. But the university and Dr. Barnard wanted to state that the only change they requested is that the legislation be changed to reflect the new name of the centre. After an extensive series of dialogue with our partners, community members, our governing circle and the TRC commissioners, it was decided we would remove research from the title. This is reflective of the fact that there remains much work to be done building trust with indigenous peoples in communities, many of which have a negative perception of past research practices. And we want to respect that, respect their request, and so with that I just want to conclude by saying we are going to put forward three different amendments, but essentially it's to remove the word research within this document.

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

Mr. Doyle Pivniuk (Arthur-Virden): I do. I just wanted to—we've went through a meeting with the minister, and I think it's so important, I guess, you know, with the federal government and the reconciliation—truth and reconciliation act, I think it's very important that we go forward here on healing and to address this bill to make it that it's important for indigenous people and for us to proceed.

Mr. Chairperson: Thank you very much for your comments.

Shall clause 1 pass?

An Honourable Member: Pass.

An Honourable Member: No, there's amendment.

Mr. Chairperson: No?

Mr. Lemieux: Just wanted to propose an amendment, as I mentioned earlier, to remove the word research from this document.

Okay, I'd like to move the amendment

THAT the definition "Centre" in the Clause 1 of the Bill be amended by striking out "national research centre" and substituting "national centre".

Mr. Chairperson: It has been moved by the honourable minister

THAT clause 1—the definition "Centre" in Clause 1 of the Bill be amended by striking out "national research centre" and substituted—and substituting "national centre".

The amendment is in order.

The floor is open for questions.

Okay, is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Shall clause 1 pass as amended?
[interjection]

Amendment—pass.

Shall clause 1 pass? *[interjection]*

Clause 1, as amended—pass.

* (19:40)

Clauses 2 and 3—pass; clauses 4 through 6—pass; clauses 7 and 8—pass; clauses 9 and 10—pass; clause 11—pass; clause 12—pass; clauses 13 and 14—pass; clauses 15 and 16—pass; table of contents—pass.

Shall the preamble pass?

An Honourable Member: No.

Mr. Chairperson: Okay.

Mr. Lemieux: I would like to propose an amendment. I move

THAT the eighth paragraph of the Preamble to the Bill be amended by striking out "national research centre" and substituting "national centre".

Motion presented.

Mr. Chairperson: The amendment is order.

The floor is open for questions.

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

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass; preamble as amended—pass; enacting clause—pass.

Shall the title pass?

An Honourable Member: No.

Mr. Lemieux: Once again, I'd like to propose an amendment. I move

THAT the title of the Bill be amended by striking out "NATIONAL RESEARCH CENTRE" and substituting "NATIONAL CENTRE".

Motion presented.

Mr. Chairperson: The amendment is in order.

The floor is open for questions.

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

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass.

Shall the enacting clause pass—or, sorry, so the title pass as—accordingly as amended?

An Honourable Member: Pass.

Mr. Chairperson: The title is accordingly passed. Shall the—*[interjection]* as amended.

Shall the bill be reported—*[interjection]*

Bill be reported as amended.

**Bill 9—The Chartered Professional
Accountants Act
(Continued)**

Mr. Chairperson: Bill 9, clause by clause.

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

Hon. Greg Dewar (Minister of Finance): First of all, I want to thank everyone who made a presentation this evening and all those Manitobans who provided advice to the department in regards to this bill.

As members will know, the accounting profession has requested this legislation. It's a trend that is happening across the nation to merge the regulators, and we've responded to that request. We're uniting over 7,000 chartered accountants, certified management accountants, certified general accountants, under the title of the certified professional accountants.

This bill was developed at the request of the accounting profession and ensures Manitobans continue to meet—Manitoba continues to meet national standards. And we've ensured Bill 9 takes into account the advice that we received through public consultation from important stakeholders like small business and non-profit organization charities who use accounting services.

And I do want to thank—as the previous minister did, thank the staff and the Department of Finance for all their hard work, and I want to thank the members of the opposition for ensuring that this bill comes to the committee tonight, and I'm confident will receive speedy passage.

Thank you, Mr. Chair.

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

Mr. Cameron Friesen (Morden-Winkler): I'd like to add that we appreciated hearing from various groups tonight at committee, and we take their presentations seriously, and we thank them for their advice and we understand that the minister might be presenting some amendments for consideration this evening.

We also know that we also have the report stage at which amendments could be contemplated, so we will study those things that have been presented here at committee, and we will consider whether they would also work together to improve the bill.

Mr. Chairperson: I thank the member.

Due to the structure of the bill, I would like to propose the following order of consideration for the committee's consideration. For your reference, we will provide copies of the outline to the committee members, with the understanding that we may stop at any point where members have questions or wish to propose amendments. I propose that we call the bill in the following order: parts 1 through 13, which is pages 1 through 99, call them blocks conforming to the parts; Schedule, which is page 100; the table of

contents; pages 1 through 4; the enacting clause; page 1; the bill title.

Is that agreed for the appropriate order of consideration for Bill 9? *[Agreed]*

We will begin with parts 1 through 13, pages 1 through 99.

Part 1, pages 1 through 5, clause 1—pass; part 2, pages 6 through 10, clauses 2 through 13—pass; part 3, pages 11 through 16, clauses 14 through 18—pass; part 4, pages 17 through 22, clauses 19 through 23—pass; part 5, pages 23 through 31, clauses 24 through 37—pass.

Mr. Chairperson: Part 6, page 32 through 38—shall clauses 38 through 41 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clauses 38 through 41 are accordingly passed—

An Honourable Member: Excuse me, Mr. Chair.

Mr. Chairperson: Oh. Mrs. Driedger.

Mrs. Myrna Driedger (Charleswood): In regards to the recommendations that have been put forward by CPA related to clause 38, can the minister tell us, you know, his reasoning behind not incorporating, then, what they have asked and what kind of deliberations have occurred in consultations about that?

Mr. Dewar: Mr. Chair, through you to the member, the—this clause is in response to the consultation that was conducted by the department, so we—before I became the minister, there was an effort made to reach out to individuals and associations who would have an interest in this legislation, and there was some concerns raised and so this is a—what we think is a balance. And, as members will note, there are exemptions allowed in other provinces; there are in others not. But it is our belief that this strikes a balance between the two.

Mr. Friesen: Further to the concern raised by my colleague, I'm just looking for a clarification from the minister, particularly with respect to this 38 point 1 and point 2 section under Public Accounting Services.

Now, the minister references a consultative process by which groups were engaged and solicited to bring feedback on the bill, and, indeed, I know that that process did take place. However, the

minister must realize that the drafting of his bill and the public presentation of it was subsequent to that consultative process. What we have heard tonight at committee is that there have been a number of suggestions made on this bill and, in particular, I think that we must give—we must recognize that the CPA organization is bringing some significant concerns and asking for amendments.

* (19:50)

I'm just looking, then—and amendments particular to this section we are now discussing, I'm looking for an indication from this minister, is he declining to introduce any amendments at this point because he is planning to introduce amendments at the report stage, or is that not his intent?

Mr. Dewar: Well, as the member knows, we—the options are the government to introduce amendments now. The options—if the government chooses to, we can bring forward amendments at the report stage. We're not closed-minded on the topic but, again, we feel that this does represent a balance between the various approaches taken in other provinces, and—but, again, we're not closed-minded on various amendments, but there'll be no amendments brought forward this evening.

Mrs. Driedger: Okay, I'm not an expert in this area at all, so—but the one thing that jumps out at me, certainly, is the concern raised by CPA that clause 38.1 as currently written does not properly protect the public from public accounting services that may be performed by an individual who has not completed the education and training necessary to conduct such services competently.

I mean, whenever I see something that talks about, you know, public protection, it does concern me if we just glaze over the concern that is being raised. I do appreciate the concerns raised in regards to Mr. Rhymer's profession as well. So I do, you know, understand that at 67 years old, you know, there's probably many people that have become proficient at what they're doing. So I do recognize that maybe there needs to be a balance, but I cannot also sit back and not ask the minister's comment on the reservations here and concerns raised by CPA in regards to public protection. So I wonder if the minister could comment on his feelings on this part.

Mr. Dewar: Well, we always—always—have the responsibility to ensure that public is protected, and—but it—as, again, as I stated, we feel that this does strike the right balance between what is happening in

other jurisdictions. As was raised by one of the presenters this evening is that this restriction applies or is in effect in certain provinces it's in—that doesn't exist in other provinces. But it's our opinion that we've—striking the right balance between the two.

Mr. Chairperson: Seeing no other debate on this, part 6, pages 32 through 38, clauses 38 through 41—pass; part 7, pages 39 through 72, clauses 42 through 90—pass; part 8, pages 73 through 77, clauses 91 through 96—pass; part 9, pages 78 through 81, clauses 97 through 101—pass; part 10, pages 82 through 85, clauses 102 through 108—pass; part 11, pages 86 through 93, clauses 109 through 117—pass; part 12, pages 94 through 98, clauses 118 through 129—pass; part 13, page 99, clauses 130 through 132—pass.

We will now consider the schedule on page 100: schedule—pass.

Table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 16—The Terry Fox Legacy Act

Mr. Chairperson: Now going to consider Bill 16.

Does the minister responsible for Bill 16 have an opening statement?

Hon. Sharon Blady (Minister of Health): Yes, I do.

Mr. Chairperson: Honourable Minister Blady.

Ms. Blady: I'm pleased to see that The Terry Fox Legacy Act has moved to committee tonight.

As many know, this is a bill that has a very personal connection for me, and I guess I would like to begin by thanking the family—the Fox family, for their support in this and, most notably, for his ongoing contact and feedback on this, Terry's brother, Darrell. But, again, I would also like to extend thanks to Terry's parents, Betty and Rolly, and his other siblings, Fred and Judith.

I know that the Fox family are—well, they are very much instrumental in preserving and maintaining Terry's legacy, that they are a wonderful example of a family, that their journey with cancer is, again, an example of how, well, one person faces a diagnoses; it's an entire family that is touched and impacted by it, and that goes on that journey together. And their journey has long exceeded Terry's own personal journey.

They have done so much, and Terry himself has done so much for each of us in what he did and the example that he led, and that I know that in his short life, and especially in the short period of time from his diagnosis to the amputation of his leg, and then his tenacious desire to do something with that, and that he thought more about the impact of cancer diagnosis on other folks. He—it was the suffering of others that he thought of, that he set out on his Marathon of Hope, and to know, then, in that short time, so many folks and so many places he was recognized.

So, you know, as the youngest recipient of the Companion of the Order of Canada, being inducted into the Canadian Sports Hall of Fame, there's so many things that have recognized Terry's work. And so this is one more thing. And I know it's—some might say that it is—it's one of so many different things, will it get lost, you know, in the shuffle? Where does it fit, you know, if one was trying to rank these things? I don't really think that's the issue. I think this is about the opportunity for us, as his home province, the place where he was born, St. Boniface Hospital specifically, that it's the opportunity for us to recognize him.

And I want to say that the family wishes they could be here tonight. While they are both appreciative of the support and the prompt turnaround that that has meant, the going to second reading debate and now, very shortly afterwards in under a week, to be now here at committee didn't afford Darrell, in particular, to make it here tonight. But I am in regular contact with him, so his own responsibilities at the Terry Fox Foundation meant that he was unable to make it here. But I know that he very much wanted to be here and is very much supportive of what's going on, and that also Terry's Uncle, William, someone from my neighbourhood, had also expressed an interest in being here, but his own health situation does not allow him to be here tonight.

And, again, I very much want to thank them for the support that they've provided. Darrell, again, in his work at the foundation and what he does to educate Canadians and actually folks internationally and—as well as preserving his brother's legacy, and then again his Uncle William who is—definitely makes sure that the kids in our neighbourhood know who his nephew, Terry, is and the work that he's done specifically with Athlone School and every year with the Terry Fox Run.

* (20:00)

So I just want to thank the families for their—family members for their support. I want to thank members opposite and all members of the Chamber who have been unanimous in their support of this legislation, which would provide us with two days of recognition for Terry: one immediately following his birthday on the August long weekend and then the second day the Terry Fox Run day, in September, which coincides with run days across the country.

And what I look forward to, in that spirit of co-operation, collaboration and the recognition of the great legacy that Terry has left for us, will be the unanimous passage and the receipt of royal assent before Terry's birthday on July 28th of this year, so that we will be able to properly and officially celebrate the very first Terry Fox Day on the August long weekend of this year.

So, again, I appreciate the co-operation of all members to this point and look forward to the ongoing co-operation so that we can properly honour Terry's legacy for the very first time this year on the 35th anniversary of the Marathon of Hope.

Mr. Chairperson: I thank the minister.

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

Mrs. Myrna Driedger (Charleswood): Well, we—certainly my colleagues and I fully support the legislation. It is something, I think, that is incredibly meaningful, and we're very happy to support it.

Certainly, Terry Fox was an iconic figure. There's probably not many people in Canada that will not have that one picture in their mind of him running down the highway. It's incredible to read the story of his best friend driving the truck and being with him on his journey. He's so representative of what Canada stands for and the kind of people we are in this country, but to see it in a 22-year-old executing what he did is really quite remarkable. And I think he certainly represents a lot of hopes and dreams that many people in Canada have as they face cancer or a family member faces cancer.

And it's always interesting watching children in school who participate in, you know, a run related to Terry Fox, and children are learning about what another young man did. And I don't think you find too many young people that can take on the great journey that he took on and did it so graciously.

And so we're certainly pleased to join, you know, British Columbia and Ontario who have proclaimed this as well and look forward to Manitoba's continuing strong support for the family and for Terry Fox's legacy.

Mr. Chairperson: I thank the member.

Clauses 1 through 4—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 201—The Centennial of Manitoba
Women's Right to Vote Act
(Continued)**

Mr. Chairperson: Bill 201.

Does the bill sponsor, the honourable member for Charleswood, have an opening statement?

Mrs. Myrna Driedger (Charleswood): I have a couple of comments to make. It's certainly a privilege to be able to bring this bill forward. It was a great honour for me to be shown the original bill when the vote actually was made to happen. And I've never held a hundred-year-old piece of legislation in my hand. So I sat in my office thinking about how remarkable it is what we can do as legislators, that we sit here passing bills and probably don't think a whole lot about it. But, when it came to this one and I had the chance, and thank Leg. Counsel for sharing that first legislation with me, it's pretty awesome to hold a hundred-year-old bill in your hand and look at who passed it in those days, and it makes me more aware of what we do now and how significant it is.

* (19:30)

So I'm just happy to be able to bring this forward. It's something that all parties are going to be able to celebrate. This act, itself, will help all of the women's organizations that are out there right now that are planning different events over the next—you know, of 2016 and leading up to it—to celebrate this very momentous occasion. And it's just nice that we're—we'll be able to have it officially designated. But I'm sure, 2016, we can see a number of different celebrations in Canada. And I look forward to all of us being part of that and celebrating it.

Mr. Chairperson: I thank the member.

Does any other member wish to make an opening statement on Bill 201?

Seeing 'nother'—none, we're going to move on.

Clauses 1 and 2—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Congratulations.

**Bill 203—The Public Schools Amendment Act
(Pedestrian Safety at New Schools)**

(Continued)

Mr. Chairperson: Bill 203.

Does the bill sponsor, the honourable member from Morden-Winkler, have an opening statement?

Mr. Cameron Friesen (Morden-Winkler): I do. Thank you, Mr. Chair.

On October 3rd, 2013, Carina Denisenko died. She died at Northlands Parkway Collegiate when she was a grade 10, 16-year-old student who was struck by a vehicle on PR 428, right in front of the school just after the start of classes.

And pedestrian safety around schools is crucial. Carina's death hit the communities very hard. And it troubled me as both a parent of school-aged children and as a legislator, and I thought over and over about our role here. I think about the member for Charleswood (Mrs. Driedger) who just spoke about our role in this place, and we think about, we hope to have the opportunity in this place to, in some small way, bring about change that helps. And, when there's that kind of tremendous tragedy in our communities, we often wonder if we could have done more.

In Manitoba, after the Public Schools Finance Board authorizes the expense of a new school, and the Minister of Education has announced that there's a process that begins called the Integrated Design Process in which all the stakeholder groups including school board, municipal representatives, architects, engineers, contractors, and many more, come together and they take and put together all the information on the table and work collaboratively to, through the design, tendering and construction phases, to bring about the completion and opening of a new school.

What I realized in the wake of Carina's death and in my investigation with other members of the community stakeholder groups looking at legislation, looking at the way these systems work in our province, that there was an important group absent from that table. It was Manitoba Infrastructure and Transportation in this case, but, in other cases, it could be any municipal highway—or I should say, traffic authority.

So I introduced this private members' bill that I hope would go a long way towards improving

pedestrian safety at a new school, and the bill, of course, requires a thorough safety analysis at the location of a proposed school to see if new traffic pedestrian-traffic-control measures and pedestrian-safety measures are needed at the site of that new school. And, of course, the bill also requires that those changes would be implemented before the new school could open.

Essentially, I believe that the strength of this bill, and I know that stakeholders have agreed, is that the bill puts the traffic authority personnel at the same table as part of that IDP working group, and it maintains communication between the traffic authority and the school division to make sure that whatever recommendations are made are completed and operational.

Carina's death has seemed, in this province, to act as a wake-up call for all of us to work more effectively to ensure student safety in a very mechanical way around when the school process—when the school-construction process goes forward.

I know that even now, in our province, we have communities of Carman, Swan River, Brandon, Ste. Anne, and Winnipeg where there are calls for better pedestrian safety measures at school.

* (20:10)

It's a tragedy to our community that Carina was lost. It's a tragedy, of course, to her family and to her friends, to her teachers, to those who knew her in her community. Nothing can bring her back, but I believe that it would be a greater tragedy, or an additional tragedy, if others were made to suffer the same loss. I'm struck by the fact that I believe Carina would graduate this June.

I've been impressed through this process by the willingness of partners to work together. In specific, I'd want to—I would want to make a note of the fact that my school divisions, the superintendents, the school board chairs, trustees, parent councils, mayors of these cities, community leaders and others across the province have just been fantastic in working with them to get their expertise on this, to get their perspective. I also want to, at the same time, indicate that I have had the pleasure of working with this Minister of Education and his predecessor on this bill, and I have enjoyed the opportunity to co-operate and collaborate on an issue of importance that is not partisan in any way. And I have to recognize their excellent co-operation to be able to advance this

important bill. I sense that in the first debate we had, and I sense it still.

I want to also acknowledge the important work of Legislature counsel in this building. I think we are so well served as legislators by the important and the excellent work that they do in the background, most times in imperfect conditions and in very—under very tight time restraints in order to realize the intent of the actions we are attempting to bring forward. I have listened, and I know the minister has listened, to those who have spoken to us about the bill itself. Some have proposed changes that I believe would make it even better, and, indeed, the minister and his staff proposed changes which I believe strengthen the bill and cause it to be even better. I know that there is more work left to do, and we will continue to contemplate those ways that we can keep children safe on their way to and from school. But I think, in some small way, I hope that this bill represents an important step in the right direction.

Mr. Chairperson: Thank the member.

Does any other member wish to make an opening statement on Bill 203?

Hon. James Allum (Minister of Education and Advanced Learning): This bill responds to a sad and tragic event that took the life of a young woman much too soon, and I want to thank the member from Morden-Winkler for putting it on the table, for filling a gap and for ensuring, as he just said, that our children are safe to and from school.

I do want to say that in—when I had my first chance to look over the bill—and we, of course, did have the chance to speak to my predecessor about it—we did have some concerns with some of the elements of the bill. In our view, it lacked a little precision in some areas, and, as a government that has made a record of building new schools, we wanted to be sure that there was precision in the language to reach the end that the member was after and that we all share, which is the safety of our children, while at the same time making sure that we don't—make sure that we don't get too easily in the way of an opening of a new school or renovation of a school to reduce class sizes or if we're building a new gym or we're building a science lab as our government has done.

I want to thank Dr. Dave Yeo, who is from the department, who is sitting behind me, who was very helpful in the process of finding the precise language that we could find agreeable. Certainly want to thank

the member for his co-operation. I want to thank the presenters who came tonight for offering their observations to us. I think, collectively, as legislators and as community, we've done a good job in trying to find common ground to protect our children, and so I'm grateful for that.

Mr. Chairperson: Thank you for that.

Clause 1—pass.

Shall clauses 2 and 3 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: No?

Clause 2—pass.

Shall clause 3 pass?

An Honourable Member: Mr. Chair, I would like to introduce amendment—

Mr. Chairperson: Mr. Friesen.

Mr. Friesen: Mr. Chair, I would like to introduce some amendments.

I move

THAT Clause 3 of the Bill be amended

(a) in the centred heading before the proposed clause 68.3(1), by striking out "AT NEW SCHOOLS"; and

(b) by replacing the proposed clauses 68.4 and 68.5 with the following:

Notice to traffic authority

68.4(1) When the finance board has approved the construction of a new school or a significant expansion to an existing school, the responsible school division must notify the traffic authority responsible for each road and highway that borders the school site.

Pedestrian and traffic safety analysis required

68.4(2) After being advised of the approval, the traffic authority must conduct an analysis of the roads and highways that border the school site to determine if any changes should be made or recommended to address increased pedestrian activity and traffic flow once the new or expanded school is in use.

Considerations

68.4(3) The pedestrian and traffic safety analysis must include a review of speed limits and a consideration of whether new infrastructure or traffic control devices, such as signs, crosswalks and pedestrian corridors, are required on roads and highways that border the school site.

Notice of recommendations

68.4(4) Based on the results of the pedestrian and traffic safety analysis, the traffic authority must provide the school division with written notice of all changes it believes are appropriate to address pedestrian and traffic safety when the new or expanded school is in use.

Timeline to implement changes

68.4(5) The traffic authority must provide the school division with a list of the changes that it will implement and a timeline for implementing each change.

Application to Highway Traffic Board

68.4(6) If the traffic authority recommends a change to a speed limit that requires the approval of The Highway Traffic Board, the traffic authority must apply to The Highway Traffic Board for approval of the recommended change in speed limits.

Temporary safety measures

68.5(1) If a new or expanded school is used before a traffic authority has implemented all changes that it recommended or before The Highway Traffic Board has made a decision on a proposed change in speed limits, the traffic authority—after consulting with the school division—must implement any temporary pedestrian and safety traffic measures that it considers appropriate.

Duration of temporary safety measures

68.5(2) The traffic authority must maintain any temporary safety measures until it has implemented all recommended changes and, where applicable, The Highway Traffic Board has made a decision on a proposed change in speed limits.

Mr. Chairperson: It has been moved by the member for Morden-Winkler (Mr. Friesen), that the amendment—

THAT Clause—

Some Honourable Members: Dispense.

Mr. Chairperson: Can we accept the amendment as printed? *[Agreed]*

THAT Clause 3 of the Bill be amended

(a) in the centred heading before the proposed clause 68.3(1), by striking out "AT NEW SCHOOLS"; and

(b) by replacing the proposed clauses 68.4 and 68.5 with the following:

Notice to traffic authority

68.4(1) *When the finance board has approved the construction of a new school or a significant expansion to an existing school, the responsible school division must notify the traffic authority responsible for each road and highway that borders the school site.*

Pedestrian and traffic safety analysis required

68.4(2) *After being advised of the approval, the traffic authority must conduct an analysis of the roads and highways that border the school site to determine if any changes should be made or recommended to address increased pedestrian activity and traffic flow once the new or expanded school is in use.*

Considerations

68.4(3) *The pedestrian and traffic safety analysis must include a review of speed limits and a consideration of whether new infrastructure or traffic control devices, such as signs, crosswalks and pedestrian corridors, are required on roads and highways that border the school site.*

Notice of recommendations

68.4(4) *Based on the results of the pedestrian and traffic safety analysis, the traffic authority must provide the school division with written notice of all changes it believes are appropriate to address pedestrian and traffic safety when the new or expanded school is in use.*

Timeline to implement changes

68.4(5) *The traffic authority must provide the school division with a list of the changes that it will implement and the timeline for implementing each change.*

Application to Highway Traffic Board

68.4(6) *If the traffic authority recommends a change to a speed limit that requires the approval of The Highway Traffic Board, the traffic authority must apply to The Highway Traffic Board for approval of the recommended change in speed limits.*

Temporary safety measures

68.5(1) *If a new or expanded school is used before a traffic authority has implemented all changes that it*

recommended or before The Highway Traffic Board has made a decision on a proposed change in speed limits, the traffic authority—after consulting with the school division—must implement any temporary pedestrian and traffic safety measures that it considers appropriate.

Duration of temporary safety measures

68.5(2) *The traffic authority must maintain any temporary safety measures until it has implemented all recommended changes and, where applicable, The Highway Traffic Board has made a decision on a proposed change in speed limits.*

Mr. Chairperson: The amendment is in order.

The floor is now open for questions.

An Honourable Member: Question.

Mr. Chairperson: Committee's ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass.

Shall clause 3 pass—*[interjection]*—as amended.

Clause 3, as amended—pass; Clause 4—pass; preamble—pass; enacting clause—pass.

Shall the title pass?

Mr. Friesen: I would move an amendment.

I move

THAT the title of the Bill be amended by striking out "AT NEW SCHOOLS".

Motion presented.

* (20:20)

Mr. Chairperson: The amendment is in order.

The floor is open for questions.

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

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass; title as amended—pass. Bill be reported as amended.

Mrs. Myrna Driedger (Charleswood): I just want to say that in the number of years that I've been here in the Legislature, this is probably one of those moments where I have seen incredible co-operation occur between the, you know, an opposition and a Cabinet minister to do the right thing for the right reason, and it's wonderful to see. And I think it's a great, you know, comment and acknowledgement,

yes, to both of you and to this young girl's memory that something like this moved ahead without a lot of the partisan stuff that we sometimes see in here. So congratulations to both of you.

Mr. Chairperson: The hour being 8:20, what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 8:21 p.m.

WRITTEN SUBMISSIONS

Re: Bill 6

On behalf of the Truth and Reconciliation Commission of Canada, I would like to offer my support for Bill 6, the National Research Centre for Truth and Reconciliation Act.

The Truth and Reconciliation Commission was required to collect statements from survivors, to create as complete an historical record as possible and to educate the Canadian public on the history and legacy of the residential school system. The Commission was also required to establish a National Research Centre that would be the permanent home for all of these materials at the end of the Commission's mandate.

Now that the Commission is drawing to a close, it is highly important to have an appropriate legislative framework for the records collected by the Commission. The intense personal nature of the statements and documents must be balanced with the ability of the Survivors, their families and interested members of the public in their search for deeper understanding of the history and effect of the schools.

I feel Bill 6 appropriately accomplishes this and appreciate the willingness of the province to work with us to amend current legislation.

I understand you will be receiving a similar letter from the University of Manitoba and understand they will be advising of the name change of the Centre. We have no objections to this change.

Sincerely,

The Honourable Mr. Justice Murray Sinclair
Chair, Truth & Reconciliation Commission of
Canada

Re: Bill 6

On behalf of the University of Manitoba and the National Centre for Truth and Reconciliation I would like to offer full support for Bill 6, The National Research Centre for Truth and Reconciliation Act.

As the permanent repository of all records, statement and other materials collected by the Truth and Reconciliation Commission, the archives of the National Centre will be an enduring treasure that will directly assist Survivors, their families, researchers, educators and the general public better understand and learn from the history and legacy of the residential school system. In so doing, these records will help ensure the sad mistakes made by past generations will never again be repeated.

This legislation is critical for the Centre to accept, protect and share the records and survivor statements that the TRC collected during its work. The records contained within the collection are at once both highly sensitive and intended for public education purposes. Creating a balanced and respectful

legislative framework, that we feel has been accomplished in this Act, is essential to the ongoing stewardship and care of these most important of records.

The University appreciates the willingness of the province to amend current legislation to ensure the Centre is able to accept these records.

The only change we request is that the legislation be changed to reflect the new name of the Centre. After an extensive series of dialogue with our partners, community members, our governing circle and the TRC Commissioners, it was decided that we would remove "research" from the title. This is reflective of the fact that there remains much work to be done building trust with Indigenous peoples and communities, many of which have negative perceptions of past research practices.

Sincerely,
David T. Barnard, Ph.D.
President and Vice-Chancellor

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

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