

Fifth Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Human Resources

Chairperson
Mr. Rob Altemeyer
Constituency of Wolseley

Vol. LXIII No. 2 - 6 p.m., Monday, June 13, 2011

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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

Monday, June 13, 2011

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Rob Altemeyer (Wolseley)

VICE-CHAIRPERSON – Mr. Gregory Dewar (Selkirk); Mr. Doug Martindale (Burrows) at 9:15 p.m.

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Ms. Howard, Hon. Messrs. Lemieux, Swan,
Hon. Ms. Wowchuk*

*Messrs. Altemeyer, Briese, Dewar, Eichler,
Mmes. Mitchelson, Rowat, Mr. Whitehead*

Substitutions:

Mr. Martindale for Mr. Dewar at 9:15 p.m.

Mr. Derkach for Mr. Eichler at 11:05 p.m.

*Hon. Minister Allan for Hon. Minister Swan at
11:36 p.m.*

APPEARING:

*Hon. Nancy Allan, MLA for St. Vital
Mrs. Heather Stefanson, MLA for Tuxedo
Hon. Jon Gerrard, MLA for River Heights
Mr. Leonard Derkach, MLA for Russell*

PUBLIC PRESENTERS:

*Bill 47–The Accessibility Advisory Council Act
and Amendments to The Government Purchases
Act*

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

Mr. Terry McIntosh, private citizen

Mr. Gary Dyson, private citizen

*Mr. Doug Momotiuk (Manitoba Deaf
Association*

Mr. Dennis Zimmer, private citizen

Mr. Patrick Falconer, Barrier-Free Manitoba

Ms. Jeannette Delong, Abilities Manitoba

*Mr. Kevin Rebeck, Manitoba Federation of
Labour*

*Mr. Orland Backstrom, Manitoba Supported
Employment Network*

*Ms. Paula Keirstead, Manitoba League of
Persons with Disabilities*

Ms. Janet Letkeman, private citizen

Ms. Valerie Wolbert, Friends of People First

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

Mr. Ross Eadie, private citizen

Dr. Jim Derksen, private citizen

Ms. Laurie Helgason, private citizen

Mr. Bob Montpetit, private citizen

Mr. David Steen, private citizen

*Mr. Rob Cox, Central Park Residents
Association*

Mr. Samuel Unrau, private citizen

*Ms. Gisèle Saurette-Roch, Conseil provincial
des femmes du Manitoba*

Mr. Jordan Sangalang, private citizen

*Bill 48–The Planning and Land Dedication for
School Sites Act (Various Acts Amended)*

*Mr. Robert Rivard, Manitoba School Boards
Association*

*Mr. Michael Carruthers, Urban Development
Institute*

Mr. Eric Vogan, Qualico

Mr. Alan Borger, Ladco Company Limited

*Mr. Mike Moore, Manitoba Homebuilders
Association*

Mr. Johnathan Fahr, Fahr Group

Mr. Jerry Klein, GenStar Development Company

Mr. Tim Comack, Ventura Land Company

Mr. Norm Boyle, North Grassie Properties

*Mr. Les McLaughlin, Pollock & Wright Land
Surveyors*

Mr. Frank Bueti, private citizen

Mr. Kim Raban, private citizen

WRITTEN SUBMISSIONS:

*Bill 47–The Accessibility Advisory Council Act
and Amendments to The Government Purchases
Act*

*Doug Dobrowolski, Association of Manitoba
Municipalities*

Karl Riese, Private Citizen

MATTERS UNDER CONSIDERATION:

Bill 22—The Securities Amendment Act

Bill 27—The Manitoba Ukrainian Canadian Heritage Day Act

Bill 44—The Civil Service Superannuation and Related Amendments Act

Bill 45—The Statutes Correction and Minor Amendments Act, 2011

Bill 47—The Accessibility Advisory Council Act and Amendments to The Government Purchases Act

Bill 48—The Planning and Land Dedication for School Sites Act (Various Acts Amended)

Bill 49—The Employment and Income Assistance Amendment and Highway Traffic Amendment Act

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Mr. Deputy Clerk (Rick Yarish): Good evening. Will the Standing Committee on Human Resources please come to order.

Your first item of business is the election of a Chairperson. Are there nominations for this position?

Hon. Jennifer Howard (Minister of Labour and Immigration): Yes, I would nominate Mr. Altemeyer.

Mr. Deputy Clerk: Mr. Altemeyer has been nominated. Are there any other nominations for this position?

Seeing none, Mr. Altemeyer is the Chairperson.

Mr. Chairperson: Thank you, everyone, and welcome to our very cool committee room this evening. The next item of business is the election of a Vice-Chairperson. Are there any nominations?

Ms. Howard: I would like to nominate Mr. Dewar.

Mr. Chairperson: Mr. Dewar has been nominated. Are there any further nominations?

Seeing none, Mr. Dewar is now the Vice-Chairperson of our committee this evening.

Now, members of the public, I would ask you to engage with me. There are a number of procedural items which will be of use to you tonight that we should go through. So I will begin that now.

Before we get to the presentations, we have a number of housekeeping items. Just to review the

order of the bills that we will be hearing this evening, starting with Bill 22, The Securities Amendment Act; then No. 27, The Manitoba Ukrainian Canadian Heritage Day Act; No. 44, The Civil Service Superannuation and Related Amendments Act; No. 45, The Statutes Correction and Minor Amendments Act, 2011; No. 47, The Accessibility Advisory Council Act and Amendments to The Government Purchases Act; No. 48, The Planning and Land Dedication for School Sites Act (Various Acts Amended); and No. 49, The Employment and Income Assistance Amendment and Highway Traffic Amendment Act.

We have a number of presenters who have registered to speak this evening as noted on the presenters lists which members of the committee should have in front of them. I will note that, as is often the case, we do have out-of-town presenters, and they have been marked as such on your lists. One of these presenters, No. 5 on the list for Bill 47, The Accessibility Advisory Council Act, Mr. David Lepofsky, has asked to make his presentation by telephone, I've been informed, and we have arrangements in place to accomplish this.

As well, we have had requests from four presenters on Bill 47, that same bill, presenters No. 12, 18, and 19, who need to make their presentations with a sign language interpreter, and we do have translation staff on hand to accomplish this. And additionally, on that same bill before us, Bill 47, I have at the moment three additional presenters who would like to present to the committee tonight. I will read out their names for committee members to take note of as they see fit. So I should note Bob Montpetit, a private citizen; Carol Demianyk—I hope I'm pronouncing that correctly or something close to correctly—she wishes to speak; and David Steen. David Steen is a private citizen and Carol Demianyk, I should have mentioned, is with SMD. And I should also note that presenter No. 20, Gunars Butkans, has withdrawn their name for the committee tonight, so you can strike that name from your list.

Now, with that all said, in what order would the committee like to hear the presentations?

* (18:10)

Ms. Howard: I would suggest that we go in a following order. That we start with out-of-town presenters, as we normally do. I believe the only out-of-town presenters are to Bill 47. I don't believe

there are any to Bill 48 tonight. And then I would suggest that we proceed with the presenters who've requested sign language interpretation. And then we go through the rest of the presenters to Bill 47, followed by the presenters to Bill 48.

Mr. Chairperson: Very good. Thank you for that proposal, minister. Does the committee have any further suggestions, or is that acceptable to committee members? *[Agreed]*

Duly noted. Thank you very much. We will proceed as noted by the minister. I do have one other question for the out-of-town presenter and the teleconference call. This is on—wondering what the committee would like to do in that situation.

Floor Comment: You know, we can't hear in the back.

Mr. Chairperson: All right. It's not very often an elected official is asked to speak louder. We will—we'll do our best to accommodate that, sorry. Is that better? All right. It's my mother's soft-token nature, really.

Let me just quickly confer with the Clerk about our out-of-town-presenter. Just a moment, please.

So very quickly, just to nail this down for the committee, I've been informed by our hard-working Clerk, that the out-of-town presenter for the teleconference call is available now, so if it's all right with everyone, we'll run through the paperwork here and then go to that presenter first, and then proceed as the minister had indicated. Great, thank you very much for your co-operation, everyone.

Moving along, written submission. We have written submissions on Bill 47 from Doug Dobrowolski of the Association of Manitoba Municipalities, and Karl Riese. They have been received and distributed to the committee members.

Does the committee agree to have these documents appear in the official transcript of *Hansard* for this evening's proceedings? *[Agreed]*

Very good. Thank you, committee members.

On the subject of hour of adjournment, I'd like to inform everyone in attendance of the provisions in our rules regarding hour of adjournment, in English, plain English, that means when we would stop the committee hearings. Except by unanimous consent, a standing committee meeting to consider a bill, in the evening, such as we're doing tonight, must not sit past midnight to hear presentations, unless fewer

than 20 presenters are registered to speak to all bills being considered when the committee starts meeting at 6 o'clock. So our normal rule is to stop at midnight.

As of 6 p.m. this evening, there were more than 20 presenters, in total, to speak to our bills this evening. Therefore, this committee would require unanimous consent to sit past midnight to hear all the presentations. How late does the committee wish to sit for tonight?

Ms. Howard: I think we should be able to accommodate everyone shortly after midnight, so I'd ask for unanimous consent for the committee to continue meeting after midnight. Then we can assess, as we go along, if we can continue meeting. I think we're up against a few difficulties. We have two committees booked for tomorrow night, so both committee rooms are used. Tomorrow night is the last night for committee to hear bills, and for bills to make it back to the House for third reading on Thursday, when we rise. So I would ask if we could have unanimous consent to stay past midnight tonight to make sure all presenters get a chance to present.

Mr. Chairperson: Is that proposal acceptable to committee members? *[Agreed]*

Thank you very much, members of the committee.

Moving along, I will now read out the public presentation guidelines. So these are the guidelines that we would ask everyone to adhere to for the presentations tonight. If there is anyone else in the audience with us tonight who would like to make a presentation to any of the bills we're considering, please register with the staff at the entrance to the room, right where you first walk in.

If you are going to accompany your presentation with any written materials, we would ask for 20 copies if you have them available. If you do need help with photocopying, that's not a problem; please just speak to our staff about that. This is so members of the committee can have access to your presentation.

In accordance with our rules, a time limit of 10 minutes has been allocated for presentations, with up to an additional five minutes for any presenter to receive questions from members of the committee.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of

the list. They won't be removed outright; they will be dropped to the bottom of the list and their name called at a subsequent time.

If the presenter is—oh, sorry. And each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name, and this is the signal for our staff in Hansard who record everything that we say which microphone to turn on so that a written copy of the evening's proceedings can be produced easily.

I should also mention that if a presenter is not in attendance when their name is called a second time, their name will be removed from the list altogether.

Now, thank you for your patience. I believe those are all the guidelines that needed to be dealt with ahead of time, and we'll now proceed with public presentations.

**Bill 47—The Accessibility Advisory Council Act
and Amendments to The Government
Purchases Act**

Mr. Chairperson: As agreed just now, the Clerk is establishing—putting the mike close to the—our conference call, and we will dial the number and see if we can reach our first presenter. This is on Bill 47 and the person's name is David Lepofsky with the Accessibility for Ontarians with Disabilities Act Alliance.

Can members of the public hear the phone ringing?

Floor Comments: Yes.

Mr. Chairperson: Okay, good.

Floor Comment: Hello.

Mr. Deputy Clerk (Rick Yarish): Hello.

Floor Comment: Hi, can you hear me?

Mr. Deputy Clerk: Yes, I can. This is Rick Yarish, the Committee Clerk. So I'll have our Chairperson, Mr. Altemeyer, recognize you, and let us know at any time if you can't hear us and we'll take steps to deal with that.

Floor Comment: Okay. Are we getting ready to start right now?

Deputy Clerk: We are going to get ready to start right now if you're ready.

Floor Comment: Give me five seconds and then I will be ready.

Mr. Chairperson: Good evening, Mr. Lepofsky. My name is Rob Altemeyer. I'm Chair of the committee tonight. We wish to extend a warm Manitoba welcome to you. Are you there?

Mr. David Lepofsky (Accessibility for Ontarians with Disabilities Act Alliance): I'm here, and I want to thank you very much for both inviting me to present and allowing me to present through this unusual method. Do you hear me clearly?

Mr. Chairperson: You are most welcome. You have 10 minutes to present to us, and then if there are questions from committee members, after the 10 minutes is done or after your presentation is done, we have an additional five minutes available for that dialogue to happen.

So please begin your presentation, and thank you for being with us tonight.

Mr. Lepofsky: It's an honour to be able to present to all of you. I am the chair of the Accessibility for Ontarians with Disabilities Act Alliance. We're the voluntary, non-partisan, community coalition that's advocating for the implementation of our—the strong and effective implementation of our accessibility legislation in Ontario, and we are the successor to the coalition that fought and won that legislation over a 10-year period.

I want to begin by saying that it's, in any legislature in Canada, it is very rare that the door gets opened to our community for an opportunity for a full and open debate on a comprehensive new strategy to tear down the barriers that face us, and I want to commend your Legislature for opening that door. Now, with the door open, I want to offer some very practical ways to strengthen Bill 47 to most effectively use this opportunity to advance the goal—the non-partisan goal of a fully accessible province.

I'm going to—before I offer specific recommendations, I'm going to encourage you to learn from the Ontario experience, but I'm not here as an Ontarian to simply brag, look at what we've done. I encourage you to critically look at what we've done. We've done some things that we can be very proud of, but, on the other hand, there are some things you can learn from us that would show you how to do things better than we have.

* (18:20)

I encourage you to learn not only by looking at our legislation, but look at the four-year—the

independent review that was conducted on government direction four years after the legislation was passed. We asked for that review to be built into the law so we could learn about how things went and see if any things need to be improved. You, as well as we, could learn from that. And from the website of my coalition, you can tap into all the key developments from the day this law was passed right up to today.

So I encourage you to treat Ontario as sort of a self-serve buffet where you can choose certain things and on the other hand say certain things don't look so palatable; let's try doing something differently.

Let me jump right into recommendations because time is scarce. I want to suggest to you that there are—that you should see this bill or encourage you to see this bill as something like a down payment. It's not, of course, the actual remedy to the barriers we face nor does it pretend to be, but rather it's intended to kick off a process that will lead to effective measures to get rid of the barriers facing Manitobans with disabilities and to prevent new ones from being created.

I encourage all members of this committee and indeed all members of the Legislature to view this as a non-partisan issue. I'm proud that in Ontario, when the Accessibility for Ontarians with Disabilities Act passed in 2005, it was supported unanimously by all three political parties: Liberal, Conservative and New Democrat, and they rose with a standing ovation to applaud its passage. They hadn't always agreed on issues about it over the years, far from it, but when it finally came to its finished product, there was that strong support. I encourage you to do the same and I'm going to offer some ways that you can make the down payment that this bill offers to people with disabilities in your province a more generous down payment, and I'm going to suggest that that more generous down payment won't cost you an extra dime of the public's money.

So what should you do? First, I want to encourage you to shorten the timeline for the accessibility advisory committee to report. Our government started from complete scratch in 2003 and had a complete bill written and in the House for first reading within a year. Our independent review was able to do a full review of that legislation, consulting with the stakeholders on all sides, and have a report written really within about six or seven months. You've got the work product of all of that, so while your bill says up to a year, I'm going to

encourage you to say six months. People with disabilities deserve some prompt action, especially because the government, as I understand, has already done a significant amount of consulting on this up to now.

I'd like to suggest as well that one of the things that's good in this bill—though we think that people with disabilities need a lot more than what's in the bill—one thing that's good in the bill is that you're giving the accessibility advisory committee some marching orders of things that are taken as a given. I want to encourage you to add to that list. That committee shouldn't have to prove to the government or to any party—whichever party is going to be implementing it after the next election—that committee should not have to prove to them that people with disabilities face too many barriers. That should be a given and that should be stated in the legislation. Who could dispute that? Those barriers should be removed and new ones should be prevented along reasonable timelines. That should be a given.

The law should—the bill, we would recommend, should indicate that there needs to be a timeline within which the province should become fully accessible. If you don't want to predetermine that now—Ontarians gave themselves 20 years, but you could ask the advisory committee to come back with a figure. That timeline, that deadline in our legislation is one—is a very important part of what makes it work and lets people not put things off indefinitely or, at least, if they try to, lets us raise that with them.

It is very important, we believe, from our experience that any accessibility legislation has to have effective enforcement that doesn't require people with disabilities to fight barriers one at a time through individual human rights complaints. That's not to say we should lose the power or weaken the power of our human rights complaints, but the legislation needs to include effective enforcement, and, therefore, I encourage you to add on the list of things you're sending over to the advisory committee to advise on this how to do effective enforcement.

I want to suggest that there are a few other things that you could build into the law. A lot of them the bill points to but I suggest needs some teeth. You talk in the bill about the strength, about setting up guidelines to ensure that government money when it's used for procurement buys

accessible products, and that's good, but we go a step further.

We'd suggest that you build in the law a requirement that no—not a dime of public tax money ever be spent again to create or perpetuate or exacerbate a barrier against people with disabilities. Who, from any political perspective can say, no, that's not good, we should spend our money creating new barriers. We encourage you to build that into the law as a commitment now and to ask the advisory council how to implement it, but, in the meantime, a proclamation of commitment in the legislation that no—not a dime will be spent on creating or exacerbating or perpetuating new barriers. That would be a tremendous message to the public service and to anyone who seeks government money, whether it's capital grants or procurement spending or infrastructure spending; all of that would be very useful.

Let me say just one or two other quick recommendations and then a quick conclusion. I'd like to suggest to you that it's important that your law guarantee that it will supersede anything that guarantees less protections for people with disabilities, but that nothing in a disability act that your Province passes should take away any rights that—or dilute any rights that people with disabilities have.

And, finally, I encourage you to ask the advisory committee to include in its mandate developing specific strategies for accessible elections for voters and candidates with disabilities. Now, we've done a lot of work on this in Ontario and we could give you some good solutions to consider, some our Legislature's adopted, some the opposition's proposed and the government didn't adopt, but they're all really important topics worth looking at.

Let me turn to conclusions. I think that when you raise the subject among some, some get a little nervous, what's this all going to cost. The good news is, the Ontario government funded the Martin Prosperity Institute to do a study on the long-term financial implications of providing accessibility, and its conclusion was that accessibility is a net money-maker for the province, that is to say, we're better off, financially, with it. So not only is it the right thing to do as a matter of equity and equality and justice, it's financially appropriate.

The other thing that we have found, and, I think, others who've worked on this issue in the United States to push accessibility forward, find that

when you tear down barriers that impede people with disabilities, it actually helps everybody. As one example, I had to sue the Toronto Transit Commission; not once, but twice, to get them to announce all bus and subway and streetcar stops, for people like me who are blind. It happens that most of the positive feedback I get about those announcements are from sighted people who like the announcements because they can't see through a crowd on a bus or through a blizzard outside the bus.

Mr. Chairperson: Mr. Lepofsky, you've got about 20 seconds left.

Mr. Lepofsky: So, if I could conclude by just saying I—we would be delighted to give you any assistance we can as you think through this—work through this legislation.

Mr. Chairperson: Thank you very much, Mr. Lepofsky, for your presentation. I see the minister has a question for you.

Hon. Jennifer Howard (Minister responsible for Persons with Disabilities): It's Jennifer Howard here, David. Nice to hear from you again. I enjoyed our meeting in Toronto a few years back and I know you've also been to Winnipeg and shared your journey in Ontario.

You touched a bit on the Martin Prosperity Institute study, and we had someone come from there—I think one of the authors—to present. And I think the other part of it, if you could maybe speak to it for the committee, was the impact, particularly, I know, on the tourism industry in Ontario, of the accessibility legislation. I don't know if you could speak to the kind of positive impacts on the private sector and business of increased accessibility.

Floor Comment: There's several—

Mr. Chairperson: Honourable—sorry, just a second—honourable—Mr. Lepofsky.

Mr. Lepofsky: There's several benefits from the tourism perspective. Right now, if you're wanting to locate a conference, an international conference in a city, you've got a lot of money to spend, and you want to go to a city that's got the infrastructure that will be able to accommodate conference attendees with disabilities. Any city that does not have the infrastructure, the public transit, the accessible restaurants and places for entertainment is going to be an extremely unattractive destination, so—which is why it's very important for the benefit of tourism in your community to provide accessibility.

The other thing is that it's helpful to think about this as not simply what is the private sector going to do or—for themselves—pardon me, or what is the public sector going to do for itself? When you make public transit accessible, and that's a public sector thing, that makes it easier for tourists and students and employees and others to get around, to spend money in your stores, to visit your tourism sites, to go to your workplaces, to study in your schools. So a public sector investment in things like accessible public transit can have payoff for the private sector.

*(18:30)

And so there's benefits across the board in these kind of activities. And to the extent that we don't invest in, and provide for accessibility in things like tourism, public transit, public services and so on, we lose the tourism dollars of tourists, conferences and so on, who decide to go elsewhere.

Mr. Chairperson: Very good.

Mrs. Bonnie Mitchelson (River East): And I just want to thank you, David. I haven't had the opportunity to meet you. It's Bonnie Mitchelson, and I'm the critic for Family Services and Disabilities. And I just want to thank you for your very well-thought-out presentation, very easy to follow and understand. I have taken some notes and, you know, I think we all agree that it's time that Manitoba moved forward, and it's nice to hear some of the experience from Ontario. And I think, you know, as we move through this process there'll be some valuable information that will come from what you've been through. So thank you very much.

Mr. Lepofsky: Well, thank you. One of the things I mentioned earlier, is that this legislation, and this issue, is really one that is above and beyond partisan politics of any sort, and we've—that applies not only to the province of Ontario. You go to the United States and the Americans with Disabilities Act, which is different from the law that we passed, was proudly supported by the Democrats and the Republicans. And it was President George Bush, Sr. that signed it into law proudly, and Bob Dole, was the Senate house leader who brought it through the Senate. So it's not something that you—one needs to think of as either a left-wing issue or a right-wing issue. It's an everybody issue.

Mr. Chairperson: Seeing no further questions, we thank you very much, Mr. Lepofsky, for your time with us this evening.

Mr. Lepofsky: Thanks so much for affording us the opportunity to address this. Bye-bye.

Mr. Chairperson: No problem. Take care.

Now, as committee has agreed, we will move to our next out-of-town presenter. Now calling Gary Dyson and Terry McIntosh, private citizens. Are they with us here this evening? Very good.

Excellent. Perhaps when we start, since we have two microphones at the same time, if you could introduce yourself when you're—just when you first speak, and the number on your microphone, if you can say that as well. But, please, begin your presentation, and thank you for coming here this evening.

Mr. Terry McIntosh (Private Citizen): Good evening, I'm Terry McIntosh, and I've been working and living in this community, through ILRC for the—over 30 years. I applaud the government's position to pursue accessible legislation, specifically on Honourable Jennifer Howard's commitment to seeing this through. I have been—I have seen reports before, and have participated in discussions on this matter for a long time. I was around for the full citizenship paper in 2001, I was here for the federal government's advancing inclusion, and I was here for the Opening Doors paper in 2009. To be frank, and I say this with the most respect, I have heard enough talk; enough of the white paper, yellow paper, red paper, on the positive impacts of accessible legislation and practice in Manitoba.

The time for community and government to act is now. No one in this room wants to see another report put on the shelf. We are at the bridge; let's cross over and get this thing done. Just before I go on, I agree, the majority—I agree with the majority of the presentations delivered here today. And Barrier-Free's written response is a well-written and detailed document. I am simply going to add a few points to the already strong standing of community viewpoints.

ILRC is a programming and service provider directed by the disability community. We are not an agency who supports or carries out systemic advocacy. Our issues lie within community and community members. Our stance remains committed to incorporating community members in as many aspects as possible in the direction of Bill 47 and any potential legislation for inclusion. Community development and participation must be paramount in this process. We recognize that community and

grassroots agencies are the holders of significant information and expertise.

In response to the act, section 4(4), we implore the standing committee to consider community groups' and members' input in selection of council members. The council should be directed to solicit feedback and recommendations directly from the holders of the expertise in the field. This means not only the leaders but all the grassroots participants in the community.

The act addresses said consultations in section 7(7), but, historically, there has been a lack of resources for community members to interact and liaise meaningfully in bureaucracy. Let's be certain the resources are there, such as transportation, attendant or volunteer support to and from presentations and meetings regarding the council so that persons with disabilities can influence this report in a productive and meaningful way. This includes supports for consumers to write recommendations for the council as well.

I believe the Accessibility Advisory Council will be far better served by interacting and participating directly with members of the disability community from a grassroots perspective. After 30 years, let's work at making sure the next 30 years are filled with action and progress.

Mr. Chairperson: Thank you very much.

Please continue—what microphone number are you on?

Mr. Gary Dyson (Private Citizen): Oh, I'm Gary Dyson. I'm on No. 15. Actually, Terry presented everything on our behalf.

Mr. Chairperson: Okay, very good. So this concludes your presentation, then?

Mr. McIntosh: Yes.

Mr. Chairperson: Okay, thank you so much.

Are there any questions for our presenters from the committee?

Ms. Howard: Yes. I'm not going to ask a lot of questions tonight because we want—because we really want this as your opportunity to talk to us. So I want to thank you very much for your presentation. I take the point about community engagement and the support to do that community engagement seriously, and we'll do our utmost to make sure that happens.

Mr. McIntosh: Great, thank you.

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

Now, as previously agreed committee members, we will now proceed to those presenters tonight who will be making use of sign language interpretation; and, going in numerical order, I have on my list presenter No. 12, Doug Momotiuk.

Is Doug Momotiuk here? Very good, and a big thank you in advance to our interpreters this evening.

Please proceed.

ASL Interpreter (Mr. Hubert Demers): I will just inform you that I do have members of our deaf community in the front of the hall here, and so I will be having to face them so that they can also receive the message and the interpreter will put into English to the microphone, if that's all right.

Mr. Chairperson: That's very good. Please proceed when you're ready, and I'll hold up maybe two fingers when there's two minutes left.

ASL Interpreter (Mr. Hubert Demers): Okay, thank you.

* (18:40)

Mr. Doug Momotiuk (Manitoba Deaf Association): On behalf of the Manitoba Deaf Association, MDA, the organization I represent, we were able to gather some information about our concerns and bring forth these comments. We do believe that our concerns are valid and that we do have a right for them to be heard.

The first concern that we have is any public announcements that occur in the train stations, the bus depots or the airplane terminals are not made in a format that deaf people receive them. We don't know if a plane has been delayed or a flight has been cancelled. And so we do believe that they can be made visually or digitally, such that all of the information for any changes, when they're made over a public address system, could be made in such a way that benefit deaf people and other members of the public.

Language development is critical, in particular, for children and infants. That is the key, critical language learning period. So we believe, given that, that there should be an early hearing detection system in place, for all clinics and hospitals, so that such, when an infant is born, they can be diagnosed as to whether they're deaf or hard of hearing, for example. And so there should be an early hearing

screening test that is province wide and very complete. At that point, then, you can decide what appropriate structures need to be in place so that the child can access language at the very earliest possible moment. They can learn American Sign Language or whichever language suits their need the best. But that way they do have access to language.

My third point is language related but, as children learn and grow, it is important that they do have a solid foundation in a language, that it's very important for identity and self-esteem, that they have a solid foundation in one language. And then, we believe that then they could learn the language of the majority, be it English or French, once they've got a solid language base in place, as well as literacy would be much better, as research has shown.

We truly also believe that the School for the Deaf must be preserved. We—it is the best place for deaf people to acquire an education. The United Nations Convention has recognized that deaf people have the right to be educated in a signed language. It is an opportunity for socialization and academic skills, and it does provide the best educational environment for deaf citizens who then can go on to post-secondary institutions. And so we do believe that the School for the Deaf is a valued institution and needs to remain, and we don't want the School for the Deaf to be closed, as has occurred in other jurisdictions.

Mr. Vice-Chairperson in the Chair

One of the issues is, with that, is that some deaf children are isolated as they are mainstreamed in a public school setting. And so you may have one deaf child in a school surrounded by other non-deaf students. And, for them to learn the language, to be able to access the language in school, using American Sign Language, they need to be able to communicate. And, without the access of trained interpreters, their communication is very limited, and so it is holding back a child from reaching their full potential.

We believe that students are in these environments and, when they are isolated, there is someone who is brought in who is not necessarily a trained interpreter, but, rather, they are a signer, somebody who knows a little bit of sign language, and yet, they are expected to convey all of the information that the teacher is providing to all of the other students. And so, in fact, that doesn't occur, and so the education is limited. And so we do think that it

is time to review the policy of who is in place to sign with those students in the K-to-12 public school setting, because we believe that they do need to be trained, qualified people.

As well, deaf children grow up to become deaf adults, and we encourage them to be exposed to deaf professionals, so they can receive the support that they need to become deaf professionals themselves. Employment opportunities often, you know, training experiences are limited and, however, if they're provided with an interpreter, deaf people can succeed regardless of the field of profession, whether it's investment banking or whatever is chosen. There are long-term benefits to the deaf people once they're exposed to deaf professionals.

We do have a need for American Sign Language interpreters. That is our medium of communication. When we communicate with hearing people we need qualified, competent interpreters. And part of the challenge is for those that are isolated in rural communities, it's difficult. And so we encourage the access of technology, whether it be through a video relay system so that they too can access qualified interpreters.

Deaf people can access the 911 emergency system, but they cannot access it if they're broken down on the side of the highway because they can only access it from a land line. So we do believe that the emergency protocol system needs to be reviewed and provide access for all citizens including those that cannot speak into a cellular phone or some other device.

The video relay service has been used and it's essentially where you have a video screen to provide an interpreter, as opposed to one like this evening, which is live. And the video relay service has been—that we've accessed previously has been cut in Canada, and we've been told that we will not be able to have it in place through the CRTC until 2013, and yet it's a basic service that is needed.

As well, we believe that universal design should be in place such that accommodations have flashing emergency warning systems for fire alarms, for the doorbells, those sorts of things, and so wondering about reviewing the construction code in Manitoba such that the building code incorporates such things and devices.

We also believe that there needs to be some research with regard to language development and auditory development, especially with regard to

cochlear implants. We do believe that children, through the United Nations convention, stipulate that they are able to have access to a signed language as opposed to having cochlear implants and having to learn to speak. That is everything. Thank you.

Mr. Vice-Chairperson: Thank you very much, Mr. Momotiuk. Any members of the committee have questions for the presenter?

Ms. Howard: Thank you. Nice to see you again, Doug. I have—I guess I can check one thing off your list, so it's a good start. More to do. I want you to know that we did, in the most recent changes to the building code—one of the areas was accessibility. We did change the building code to require the flashing light system in apartment buildings. So that'll be new apartment buildings or big renovations, any kind of buildings with multiple families living in it. And I want also to let you know, on the VRS, I have written to the major providers in Manitoba, MTS and Shaw, asking them to get involved in bringing this on a pilot basis. Haven't got their agreement yet. And I think I've written to the CRTC on this but I'm going to have to check into that and if I haven't, then I will certainly write to them about that.

Mr. Momotiuk: I would just like to say thank you for your comments.

Mrs. Mitchelson: I want to thank you for the presentation. Well thought out, and it looks like a lot of planning and preparation has gone into many items on this list that should rightly be part of accessibility legislation that needs to be implemented. So a lot of work has been done by your community, and I am hoping that all of these presentations will be used by the advisory council to ensure that we're not reinventing the wheel and going back to the drawing board but that we're moving forward from what we're going to hear tonight. So thank you.

* (18:50)

Mr. Momotiuk: You're very welcome. Thank you. We certainly do believe that, you know, deaf people have thought these things through and have lobbied in the past and certainly are offering to work with the committee at any stage to bring things to fruition.

Mrs. Leanne Rowat (Minnedosa): It's more of a statement than a question. Your second point, you talked about your support for provincial infant hearing screening testing, and I just wanted to let you know that there has been debate and there has been

discussion in the Legislature with regard to that possibility and that the opposition had brought in legislation and it was debated on, infant loss hearing screening.

So I do believe that is on the radar within the Legislature, and we'll continue to push for that to happen.

Mr. Vice-Chairperson: Mr. Momotiuk, any comment?

Mr. Momotiuk: Well, thank you. We just know that there are many deaf and hard-of-hearing children that are, you know, quite old before they are identified as having a hearing loss, and so, of course, then, access to language is delayed and access to education is delayed, and the expense that actually goes with those delays is significant and, so, obviously, then, the push to have children identified as deaf or hard of hearing as early as possible.

Mr. Vice-Chairperson: Any further question from members? We thank you, Mr. Momotiuk, for your presentation.

The committee calls Sylvia Sigurdson.

Floor Comment: I will withdraw my presentation.

Mr. Vice-Chairperson: Ms. Sigurdson withdraws her presentation.

Dennis Zimmer. Mr. Zimmer, are you ready to go?

Mr. Dennis Zimmer (Private Citizen): I am.

Mr. Vice-Chairperson: Mr. Zimmer.

Mr. Zimmer: My name is Dennis Zimmer, and I certainly agree with everything that has been said by Mr. Momotiuk, our Manitoba Deaf Association representative.

The other issue is that of employment. Often deaf people are frustrated in finding employment, and it's a source of frustration, and so I do believe that that is a significant barrier that we face as a deaf population, and something needs to be done about that issue.

So I believe that public information is key. I remember, for example, a Mr. Gordon Simpson was president of Boeing of Canada at the time, and I do remember him trying to get an article published in the *Manitoba Business* newsletter encouraging other corporations to hire deaf employees as he had done. And he did hire quite a few deaf people and wanted to have other businesses replicate what he had led

because he had found us to be such satisfactory employees. And so it was not met with a lot of success, but I certainly would encourage people to explore that and remove that barrier to employment.

That concludes my presentation.

Mr. Vice-Chairperson: Thank you, Mr. Zimmer. Do members have a question?

Thank you, Mr. Zimmer.

Committee calls Carol Demianyk.

Floor Comment: I sincerely apologize, but I would like to withdraw my presentation as well.

Mr. Vice-Chairperson: That's fine, thank you.

Is there anyone in the audience that would like to use the sign language interpreters? Yes? To make a presentation?

So that concludes individuals who require the sign language interpreter, but the interpreter will remain here for the rest of the proceedings.

The committee calls Patrick Falconer, Barrier-Free Manitoba.

I just want to announce to the committee that Dale Kendel, from Community Living Manitoba, have withdrawn.

Mr. Falconer, if you're ready. Do you have written material for the committee?

Mr. Chairperson in the Chair

Mr. Patrick Falconer (Barrier-Free Manitoba): I do.

Mr. Chairperson: Thank you once again, Mr. Falconer. Please proceed with your presentation. I will give you a two-minute warning when you're—when you have two minutes left.

Mr. Falconer: Mr. Chairperson, standing committee members and other presenters and participants. My name is Patrick Falconer. I've had the tremendous honour and privilege of serving as the consultant to the Barrier-Free steering committee for the last three years. I've had the remarkable opportunity to meet and to work with an extraordinary set of people from those within the disability communities to working with representatives from the seniors communities, with government officials and with many others who are passionate about and committed to the basic human right of persons with disabilities to equitable access.

Before I start my presentation, I'd like to take the opportunity to extend my sincere thanks to all those who shared so generously with their knowledge and their insights and contributed to the work of Barrier-Free over the last three years and to those who have placed their confidence in me.

Mr. Chair, I've been asked to speak on behalf of Barrier-Free Manitoba this evening. Our written brief, which is being handed out, is fairly extensive. Barrier-Free is a non-partisan, non-profit cross-disability initiative formed in 2008. Barrier-Free has had a singular focus and mandate to secure strong and effective accessibility rights legislation, legislation that requires the timely and orderly removal of the pervasive barriers faced by persons with disabilities and to prevent the creation of new ones.

It is really important to stress that Barrier-Free Manitoba is not an actual organization. Rather, Barrier-Free is an initiative that have brought together parties to pursue systemic reform. Indeed, Barrier-Free Manitoba has never asked groups or individuals to endorse the initiative as an entity. Barrier-Free Manitoba has invited others to endorse the call for systemic reform that we've made. So far more than a hundred coalitions and organizations have done so. These groups span the disability, seniors, health and labour sectors; endorsements have also been provided by hundreds upon hundreds of individual citizens, including prominent and respected Manitobans with richly deserved reputations for their commitment to effective public policy.

* (19:00)

Barrier-Free does not pretend to speak on behalf of the disability community. There is not one disability community; there are many. As one would expect, the 170,000 Manitobans with a disability reflect the diversity of the general population. They're old, they're young; they're male, they're female. They live in cities; they live in towns. In Manitoba one in every six persons has a disability of some kind. And all of us will have a disability at some point in our lives most likely, and if we get to be past the age of 60 or 65, very—very likely, we'll all have a disability.

There are, however, two things that persons with disabilities share and have in common. First, they share the human right under international, national and provincial law to equitable access, access that provides for their full participation in the society to

which they are members. And, second, they share the lived experience of confronting barriers that effectively deny them equitable access in areas such as employment, education, job training, communications, housing, transportation, health care, social services, as well as from enjoying the goods and facilities and services and opportunities that most other Manitobans take for granted.

The systemic reform that Barrier-Free Manitoba has called for is required to address the stark mismatch between legal rights and lived experience. Barrier-Free Manitoba supports Bill 47, but we do it with a key reservation. And that reservation is that Bill 47 must not serve as an excuse for further delay. Rather, it must provide the vehicle for real, substantial and sustained improvements.

As our brief describes in some detail, those in the disability community in Manitoba have now been offered promising words and commitments for the last 10 years. Though there have been limited attempts, these promising words had not been matched by deed. Bill 47 must provide a way to move into a new decade that makes good on the past promising words and commitments. Indeed, there are many of us who were expecting a bill that actually created strong and effective accessibility rights legislation.

What we have instead is a bill that sets out a legislated process that's expected to lead to this landmark legislation within the next two years. Bill 47, indeed, is an important step forward. It is not, however, the major stride forward that so many of us had called for. We support Bill 47 because it creates a time-limited vehicle through which government, business and other stakeholder groups can work together with Manitobans with disabilities to recommend a new legislative framework, a framework that will make material improvements in the lives of persons with disabilities, a framework that will see equitable access move from being a conceptual, albeit legal right, to being a lived reality.

Beyond this comment, our written brief offers a range of what we think are practical recommendations that will serve to strengthen Bill 47. Our recommendations focus on strengthening in four broad areas. The first relates to context and direction. The second area relates to deliverables and accountabilities. A third area relates to adequacy of resources, and a fourth area, spoken on by David Lepofsky, was the issue of tax dollars not being spent to be able to create new barriers.

I'll walk through these briefly. They are not organized the same way that they are in the print version. So I will jump—I'm a bit of a jumping guy. So I'll try to jump and orient you to where we are in this.

So let's start with context and direction. We have two recommendations related to this theme. The first relates to making explicit reference in the bill's preamble to Manitoba Human Rights Code. This is listed as No. 1 in our brief.

While the current preamble includes reference to the UN Convention on the Rights of Persons with Disabilities and the Canadian human rights code, no mention is made of the provincial code. We believe that reference to the Manitoba code is important because Bill 47 is provincial legislation, and the code—and that code is the main source of human rights for Manitobans with disabilities in areas of provincial jurisdiction.

The second recommendation, related to context and direction, is an important addition to the advisory council mandate as set out in clause 7.1—or 7(1). This appears in our brief as No. 4—we jump around a bit. Subclause 7(1)(a) now reads that the advisory council's responsible to develop recommendations for, and I quote, provisions that may be enacted by legislation or regulation that, once enacted, will put in place a process for systemic—the quote is: to process for the systemic identification, prevention and removal of barriers for disable people.

The term "systemic," we think, is a very useful term, but there's no mention of it being—the timeliness of the identification, prevention, removal. "Systemic" refers to being organized, comprehensive and proactive. It does not refer to any sense of speed or urgency. As such, we are recommending that the clause be amended to read: a systemic and timely identification, prevention and removal of barriers.

One small word—actually, two words—"and timely"—I think that adds a lot to the bill.

The final recommendation regarding context and direction involves the principles set out in the bill that the advisory council must regard in the development of its recommendations. So one of the issues is there are—we had nine principles. They've been endorsed broadly, widely, spanning many sectors. There are three of them, all spoken of by David Lepofsky, which don't appear in the bill.

One is the issue of finding a timeline to achieve a barrier-free Manitoba. One is the superseding—this legislation supersedes all other provincial legislation that offers lesser protection, and that the legislation not diminish other legal and human rights. So we think those are all principles, which we think should be added to this bill as what the council must regard in developing the legislation.

I'm going to skip to a few things that haven't been talked about, then. I think one of the issues that we have is an issue of who should be on the council. Right now, the qualities of people who'd be on the council would be they are—they suffer, they are—they face disabling—various—

Mr. Chairperson: One minute. One minute warning.

Mr. Falconer: Thank you. A second one is that they have the power or the ability to remove or prevent barriers. We think people who experience barriers and people who can have the ability to remove them are two really important groups to be on it. We also think that probably there are some people who actually have some expertise in actually removing or preventing them, and they may not be people who experience them and may not have the power to be able to actually remove them, but they'd probably have a lot of good expertise in terms of being able to offer comment and expertise on the group itself.

I'm not going to go through all that I've—apparently I can't. I do want to emphasize that one of the most important ones that we feel is the issue of looking at not spending public tax dollars on creating barriers. That can be done through procurement, but we're also looking at grants. We're looking at third-party arrangements. There's a lots of ways that they government spends tax dollars, and we think that there is no reason to be providing any money that creates barriers. Thank you.

Mr. Chairperson: Thank you very much, Mr. Falconer. Any questions for our presenter?

Ms. Howard: Thank you very much, and thank you very much, Patrick, for all of your work on this issue, and the work that Barrier-Free Manitoba has done. I don't mind telling the committee and the people here that really it was Barrier-Free Manitoba that first brought this whole idea to my attention when I was working with Minister Mackintosh on disability issues, and although I know it's not the big step forward that you'd hoped for, I don't think we'd even be here without that advocacy and that work, so I

think you should be proud of those efforts and the people that you've worked with and talked to. I think they should also be proud of those efforts, because it's because of that advocacy that this bill is here.

I also just—I'm not going to react to all of your suggestions, but I want to know a couple things. I think you're absolutely right about having to have a reference to the Human Rights Code in the preamble, so there'll be an amendment coming forward tonight to do that.

I think, on the addition of the word "timely," I agree with that, so I'm going to just now spring it on the legislative drafters to get an amendment ready to do that.

On your issue of people with expertise, there is a provision in the legislation and the intent is that there would be the ability for the council to appoint subcommittees to work on different issues, to have technical experts come to their committees to provide advice. I don't believe that 12 people can do everything on this issue, either, so we do want it to be open to that.

And I think some of the issues that Mr. Lepofsky spoke of earlier, particularly the one about the time frame and the target date, I think that is a discussion we need to have more input on, and I think that's one of things the advisory council will be considering about this notion of, do you set a target date like in Ontario with 20 years. Do you talk about a plan for a progressive realization of goals? And I think that's a live debate right now, and we'll have to get some more information on that.

But thanks very much for all the work you're doing on this.

* (19:10)

Mr. Chairperson: Mr. Anthony—oh, sorry. Mr. Falconer.

Mr. Falconer: I was going to just repay the compliment and thank the minister for all the hard work she's done on this as well. Thank you.

Mr. Chairperson: Thank you.

Mrs. Mitchelson: And I just want to thank you, Patrick, for that presentation, and I know that there was—and by the communication that you put out, there was some disappointment that we didn't—weren't into full-blown legislation at this point in time, and so I understand your frustration.

I know there's been an awful lot of work, an awful lot of consultation has gone into preparing your brief and all of the work that you've done to try to advocate for Barrier-Free Manitoba, and so, I think, as many have indicated, that this is a non-partisan issue. I believe that we all need to work together towards the end goal of having a good legislation here in Manitoba, learning from what's happened in Ontario and other places. And so I'm hopeful that the advisory committee of the council process will be one that will lead to meaningful legislation in the not-too-distant future.

So thank you for your presentation.

Mr. Chairperson: Mr. Falconer, any closing comment?

Mr. Falconer: Thank you.

Mr. Chairperson: Thank you very much for your time with us this evening.

Committee now calls presenter No. 3, Jeannette Delong from Abilities Manitoba. And, as she's making her way to the podium, committee members, we have one more presenter to be added to our list. Please add Rob Cox, C-o-x, last name, presenting this evening on Bill 47, as a private citizen.

Thank you very much, I see you have written copies of your presentation with you. We appreciate that, and you may proceed whenever you are ready.

Ms. Jeannette Delong (Abilities Manitoba): We'll start with water. It's warm in the back. I was thinking that if there was a cross-draft here, people might talk longer because it would be cooler.

Abilities Manitoba is pleased to be here to speak in favour of Bill 47, The Accessibility Advisory Council Act and Amendments to The Government Purchases Act. We have endorsed and supported the work of Barrier-Free Manitoba for almost three years and believe the time has come for this Province to introduce accessibility rights legislation. Our member agencies are disappointed that Bill 47 is not one that provides for substantive reform. We had hoped for full accessibility rights legislation which we believe is due.

Abilities Manitoba is a network of agencies which exists to foster excellence and services for people with intellectual disabilities. We have over 60 member agencies throughout Manitoba who serve over 3,000 Manitobans with intellectual disabilities and their families. Our member agencies also provide employment to over 4,000 Manitobans in

carrying out the services. Our work is primarily to support vulnerable adults to access their communities and be active, contributing members of the community. We, along with the people we serve and the people we employ and all of their families, have a vested interest in any legislation that helps to realize the rights of persons with disabilities to have equal access to and within their communities.

People with intellectual disabilities face all of the barriers named in Bill 47. Attitudes are, by far, the most powerful barrier that exists for vulnerable adults. Attitudes of inequality and disrespect breed the creation and sustaining of all other barriers. When people are perceived as less valuable, it results in exclusion and isolation. An attitude of inequality results in people being relegated to back doors in order to enter a building; it results in people not being considered for employment, resulting in poverty; having a poor quality of education, resulting in fewer skills and a weak voice; living in unsafe and inaccessible homes, resulting in harm.

Attitudes of inequality result in people being denied access to services, including medical treatment, transportation, and even something as simple as recreational activities. We even see people being denied access to live in the community of their choosing because of attitudes which focus on differences, breeding fear and intolerance.

People with intellectual disabilities do not have a powerful voice in society. They are sometimes unable to articulate their message and are easily dismissed. Too often they are seen as incompetent and unable to contribute. There is a large reliance on others to speak for them. The fight to realize one's rights takes a tremendous amount of stamina and often takes more resources than a person facing barriers has access to.

Continuing on the current path of striving for accessibility ramp by ramp rather than through systemic reform exhausts the resources of persons with disabilities and eats away at the stamina that would be better used to be active, contributing members of the community. We need an avenue for people to have their rights realized that does not require each person to take up their own battle one issue at a time. We need the Province to set and enforce basic standards of accessibility which eliminate barriers and stop the creation of new ones.

Abilities Manitoba sees a need for timelines and target dates in any accessibility legislation. We believe this will not only send a message of

commitment to people with disabilities but will also provide for accountability on the part of those who need to eliminate barriers and prevent the creation of new ones.

Timelines create a sense of urgency and importance to meet the goals. A timeline is an empowering tool for a leader, in this case, the Province, for keeping the feet to the fire, keeping the dream alive, giving permission to check in, creating accountability and providing an opportunity for correction, communication and encouragement. Without that timeline, the legislation will be more susceptible for delay, disregard and eventual disappearance.

We have laws that assure everyone has rights, and yet, every day these rights are violated. Bill 47 is a step forward for the Province of Manitoba to take a leadership role in stating the expectation of respect and equality for all citizens of Manitoba. Setting a tone of acceptance, belonging and the expectation of accessibility will impact the attitudes that currently create and sustain the presence of barriers. Our society needs to provide ways for people to access their communities so that they can be contributors, not just consumers. Doing the right thing begins with an attitude of respect and a perspective of equality, followed up with action that provides for meaningful change.

Bill 47 is a step in the right direction. It provides an opportunity for all political parties to take a stand on equality, sending a message that all Manitoba citizens belong. It states a commitment to accessibility. It's interesting, while waiting for this session to begin, there was a lot of commotion in the hallway, and a comment from somebody waiting for another bill was, I don't know why they went first; it's not going to be an election issue. I also believe it's not going to be an election issue, but probably for a different reason. And that is that it makes sense for there to be all-party support.

Abilities Manitoba strongly supports the timely progress of Bill 47 and future accessibility rights legislation. Access is already a right for Manitobans. Now legislation is needed to ensure we meet the responsibility of access for all citizens. We need to remember that the benefit of this legislation is for people, not widgets or products. There is urgency in this. People with disabilities have had a lifetime of not having full access. Wouldn't it be wonderful if we could achieve full access within the lifetime of current Manitobans who have a disability.

Mr. Chairperson: Thank you very much for your presentation. Any questions from committee members? Seeing none, thank you very much.

Our next presenter, Mr. Kevin Rebeck from the Manitoba Federation of Labour. Thank you very much for bringing written copies. You can begin now, and those will be distributed to committee.

Mr. Kevin Rebeck (Manitoba Federation of Labour): Great, thank you and good evening. I know many people would rather be cheering the Canucks right now, but I think it's critically important that we're here, and it's a real testament to the importance of this issue that this room is packed into the hall, and that's great to see. There's nowhere I'd rather be right now.

The Manitoba Federation of Labour is pleased to speak in support of Bill 47, The Accessibility Advisory Council Act. This bill represents a good first step down the road to future legislative action to meet the accessibility needs of Manitobans. It establishes an accessibility advisory council to advise and make recommendations to the minister about ways to improve accessibility for people who are disabled by barriers.

* (19:20)

I understand the path that the government has taken on this issue, and that is to, as much as possible, build broad-based community support for the remedies before taking more definitive action. This is a good public policy measure to take but, having said that, there's no doubt that the need for action is apparent.

The Manitoba Federation of Labour has a vested interest in the removal of barriers that complicate the lives of people with challenges and for whom easy access is a daily issue. We represent workers with disabilities from birth, injured workers and older workers who develop disabilities.

The Manitoba Federation of Labour has met with the principal advocacy group that's actively pushing that agenda forward. Barrier-Free Manitoba is a non-partisan organization that formed in 2008 to provide a focused campaign to make our society, our institutions and our buildings and other infrastructure accessible to all Manitoban residents.

Those talks made it apparent to organized labour that their goals are fair and well grounded in the principles of social justice. The removal of barriers is

both a realistic goal and an attainable one. It reflects good public policy.

The fact of the matter is the right to equitable accessibility is encoded in both the Canadian Charter of Rights and Freedoms and the Manitoba Human Rights Code. In fact, about 40 per cent of complaints registered with the Manitoba Human Rights Commission each year directly relate to the rights of Manitobans with disabilities.

The MFL formally endorsed the goals of Barrier-Free Manitoba not long after that meeting with them. When we did, we joined hundreds of individuals in more than 100 coalitions and organizations representing the interests of the disability, seniors, health and labour communities.

These individuals and organizations span the political spectrum, and I say that for a particular reason. When the Province of Ontario enacted accessibility legislation in 2005, it was passed into law with all-party support, something not easily accomplished in a sometimes fractious Queens Park.

In our meeting with Barrier-Free Manitoba, they summarized their view of the future action this way. They said effective legislation would, one, establish a deadline for Manitoba to become barrier free for Manitobans with disabilities. For example, the Ontario law provides for a 20-year time frame to achieve full accessibility. Two, identify areas in which accessibility standards must be implemented. These would include customer service, transportation, buildings, information, communications and employment. Three, establish a process to develop accessibility standards. That process would be lead by cross-sector committees involving all stakeholders and a majority of whose members are persons with disabilities or their representatives. Four, to charge government with the responsibility to determine which standards are to be implemented to achieve full accessibility, and, five, to establish a proactive enforcement mechanism that includes regular reporting on compliance in addition to acting in a timely manner on complaints. This is in contrast to our current system which is solely complaint-driven.

While we commend the government for bringing forth Bill 47 and restate our support for it, we would like to end our presentation with the reminder that this has been a topic of discussion at policy tables for more than a decade now. The length of time that this drive for comprehensive legislation and policies has taken is sometimes discouraging. We hope that all

legislators in the House will do their utmost to energize the process and quickly move us to the day when all Manitobans will be free from accessibility barriers. Thank you.

Mr. Chairperson: Thank you very much, Mr. Rebeck.

Any questions for our presenter? Seeing none, thank you very much for your time with us this evening.

Our next presenter is presenter No. 6 under this bill, Orland Backstrom from Manitoba Supported Employment Network.

Good evening, Mr. Backstrom. Do you have copies of your presentation for the committee or just the one copy?

Mr. Orland Backstrom (Manitoba Supported Employment Network): Good evening. No, I don't. I have an oral report for tonight.

Mr. Chairperson: That's fine, just proceed.

Mr. Backstrom: Okay, thank you.

So thank you for allowing me the opportunity to present to the standing committee, to yourselves on—with regard to Bill 47. My name is Orland Backstrom. Some may know me as Ollie Backstrom, and, as mentioned already, I'm here representing the Manitoba Supported Employment Network.

We are a coalition of organizations in Manitoba, just over 30 organizations at the moment that support people with disabilities to find and retain employment, and so we work with people who experience barriers on a day-to-day basis. They may be barriers—attitudinal barriers as they try to acquire work. They may be physical barriers as they even try to get to work or get from work.

And we, as a coalition, are endorsers of the Barrier-Free Manitoba movement and the movement for accessibility rights-based legislation. We also endorse Barrier-Free Manitoba's position with regard to Bill 47, and by that we mean to endorse Bill 47.

We are hopeful—we were hopeful that we would be talking at this time about accessibility legislation rather than transitional legislation as Bill 47 is. We think that it is time for Manitoba to demonstrate leadership in the systematic removal—or the systemic removal of barriers for people with disabilities, as well as seniors.

We are bordered by two jurisdictions that have taken such action, and we think Manitoba is up to it as well. And we think that there's a lot to learn from those and other jurisdictions, too, as Mr. Lepofsky mentioned, a lot of wisdom to be gleaned from their successes as well as their mistakes. However, where we are at is, instead, looking at process legislation that, we hope, will lead to effective accessibility legislation that we seek.

So, to use a baseball analogy, instead of coming into home plate, we are looking at first base, and first base is potentially progress if it leads to us getting home. And by that I mean that if it leads to accessibility—effective accessibility legislation. It is only progress, however, if we have your collective commitment to bring effective accessibility legislation home.

We are fearful of getting stuck on the bases, this means legislation that might get us to that end goal of accessibility rights-based legislation; that's what we're hoping for. We have had confidence—we have to have confidence that you, collectively, are committed to the same end. We will be looking forward to all-party agreement to effective accessibility legislation. It is in the best interests of Manitoba. It's in the best interests of all Manitobans—in the best interests of those who currently face barriers, as well as the rest of us who were merely temporarily able. It is in the best interests of the business community to be in a position to serve all Manitobans without barriers.

With those understandings, the Manitoba Supported Employment Network endorses Bill 47, as I mentioned before. We do, however, acknowledge and see that there is room for improvement in the bill, and it is encouraging to hear that you have ears to hear already about some of the suggested changes that—particularly Barrier-Free Manitoba has suggested, and just to reiterate briefly what those are.

Mr. Chair, there are nine proposed amendments: a strengthened preamble that references the Manitoba Human Rights Code—and great to hear that that will be coming; an advisory council membership that allows for persons with expertise in the prevention or removal of barriers—and it sounds like you are—have ears on that front as well; the participation in the advisory council by people with disabilities and those representing people with disabilities, as well as related developmental activities be financially resourced to enable full and active equal participation; that the advisory council

be charged to address the removal of barriers in a timely and systemic fashion—we heard good news on that front as well; that the advisory council adopt the three additional principles suggested by Barrier-Free Manitoba, as referenced in the document that you already have; that the advisory council's initial set of recommendations deal with the matter of accessibility rights-based legislation; and we ask that the ministers respond to the advisory council's recommendations be made public in a timely fashion.

That the—I'm going to repeat that. We ask that the minister's response to the advisory council's recommendations be made public in a timely fashion. We ask for adequate resourcing for the advisory council and the extension of barrier-free guidelines beyond direct government purchasing to ensure that public money spent for public purposes equally benefits persons with disabilities and does not create further barriers.

* (19:30)

I think I speak on behalf of all the members of MSEN, or that's what we call ourselves, Manitoba Supported Employment Network, when I thank the standing committee for having a dedicated look at Bill 47, at what improvements can be made and in the broader picture, how each MLA, minister, leader and party represented can work to achieve the end of accessibility rights-based legislation, which itself will help us achieve an end—the end of a Manitoba that is dedicated to the systemic removal of barriers.

Thank you.

Mr. Chairperson: Thank you very much, Mr. Backstrom. Are there any questions from committee members for our presenter? Seeing none, thank you very much for your time with us.

Our next presenter is Paula Keirstead, representing the Manitoba League of Persons with Disabilities.

Ms. Paula Keirstead (Manitoba League of Persons with Disabilities): Good evening, everyone. It's a pleasure to see so many familiar faces around this table and in the audience as well. Certainly, we've had an opportunity in this province to speak many times to issues of disability and to have them responded to in a very effective way.

I have the honour today of representing the Manitoba League of Persons with Disabilities, and just for those who may not know, our organization

has been existence since 1974, pretty much, and it began as a self-help disability activist movement. It began where people with disabilities living with those experiences and encountering the barriers you're trying to remove said we have a perspective on how best to address that, and we also have a perspective on how best to present that and, along with the rest of society, we invite you to be on that same path with us.

So today we certainly are happy to see any and all initiatives that are taking place by our governments to make accessibility attitudinally and physically much more appropriate for persons with disabilities throughout our province and our country. Therefore, seeing this particular bill go forward, while in some ways it may seem as a half-step from the league's perspective, when the minister was doing consultations around do we do legislation, is this the appropriate way to go—and those consultations were appreciated—I think some of the main comments that came from league members were things like having persons with disabilities and their representatives of the organizations that are of persons with disabilities—the self-help, cross-disability community—being involved directly and doing the writing and the drafting and the dreaming about the legislation, is a very progressive approach. And I think some of that came out of the perspective of what Ontario learned, what the United States learned.

So I heard that particular view at the table a few times during those consultations, and it seems that Bill 47 is trying to put that forward as well; that, yes, we can have people draft legislation, and, no offence to them, but unless you live the experience, the measurement and the weight and the choice of words and actions may mean very different things to each of us.

I also recall that the other issue that the community were debating about as we talked about is it legislation—is it this, is it that—is we have some excellent mechanisms in our province and in our country that exist right now and that endorse the fact that if we have an integrated, inclusive society, persons with disabilities should be able to have their rights observed or justice done, things like the Manitoba Building Code, which, of course, is a bare minimum, and we always want to improve it, but things like the Manitoba Human Rights Commission as well.

So, in our view, no one is suggesting other avenues such as what's being suggested at the table are not useful. But let's make sure that we also balance that with the strengthening of the mechanisms that exist right now for every Manitoban in an inclusive way, and that was one of the cautions we put forward. I'm happy to see that in Bill 47, some of those points are made, or at least alluded to, that we have the opportunity to look at those mechanisms as well.

We're hoping to be part of the process that might take the next steps. As an organization of persons with disabilities, we see that very differently than persons representing organizations for persons with disabilities. At this point, we don't see that language in the Bill 47, so a friendly amendment would be to recognize the difference in the terms and to put both in. Right now we have representatives for; we're asking representatives of be also included.

I guess the other point along that line that would be useful in our mind, and it's been said earlier, is to have persons with disabilities and their organizations identify who they would like to see at the table representing them or speaking on their behalf to be part of the advisory council. I know that might sound like quite the process-and-a-half to consider, but then you get the best supported and the best endorsed members.

Some of the other concerns that we wanted to put forward—and, again, in a friendly amendment—is that there be principles that have been outlaid have the concept of the—of acknowledging the unique aspect of the self-help disability movement, where persons representing themselves, that particular principle, we would like to see added to the excellent principles that are already there. Again, we don't want to see any other legislation impacted in a negative way, as far as its endorsement goes, with any legislation that comes forward, and I can't imagine anyone around this table would want that to happen either. Of course, we'd love to see the response the minister will produce to the reports from the advisory council. We know that those are going to be exciting and interesting things to do. Timelines we support as well.

We also want to make sure that the relationship between the advisory council and the disability issues office is clarified, and we simply mean clarified, because there was a time before the disability issues office began that the Premier and the ministers at that time were considering setting up a

Premier's advisory committee. The Manitoba league and the self-help community said, you know what? That's not the best way in our mind to go. We'd much rather see a mechanism within the government that can co-ordinate the various departments' and ministers' activities and really have everyone looking at disability in their mandate; thus, the disability issues office.

Now we have that and it's doing good work. It's also getting well established, so to now have an advisory council component that is focusing on, be it legislation and other issues as well, makes sense in our province. We're not seeing that as anything that would conflict or hurt anything else going forward.

And I guess we would never want to see a buffer system developed, and I know no one would intend that, but that was one of our hesitations about an advisory council in the past where there might be mechanisms that keep the ministers from the people and having direct access to the ministers and having to go through various councils or offices. We would not want to see that, and I can't imagine anyone else seeing that as a productive approach.

I guess the bottom line is that people living with disabilities have an amazing and unique way of looking at our society. While they may see it differently, as I do, visually, the fact is I come from it and so do others from an adaptive mechanism in my head. How do I function in a new building when I don't know the way it works, when the lighting's bad. It's an automatic, adaptive, creative way of being that many—you know, many times you'll see how children approach new tasks but it's beyond that. It's an innate human ability to look at what you have and what you—and the abilities you have and how you want to express those. And that is actually something that all of society can use.

So I want to thank you for the opportunity to present some of the league's views. As you can see, the self-help disability activist movement is alive and well. We look forward to further engagement with the minister and whatever mechanisms you set up and we also engage any questions now, if you have.

Mr. Chairperson: Thank you very much for your presentation, Ms. Keirstead. Any questions?

Ms. Howard: Thanks, Paula, for your thoughtful presentation, as always. You've given us lots of good ideas and information.

I just wanted to assure you, your point about trying to use existing mechanisms as well—very much

part of our considerations also, and I think it will be part of what the advisory council will also help us with. It's a big part of what the Disabilities Issues Office does now, but also, you know, we're not going to confine their work just to looking at a new piece of legislation but also discussion of how existing pieces of legislation may need to be modified or changed or could be used better.

A good example of that we were talking about earlier is the building code. We have the ability to review the building code periodically and we have the ability when we do that to make things more accessible, and we've used it recently and we intend to use it again. But, absolutely, I agree with you. We need to use all the mechanisms, and government has many tools to get people to do things, so we have to use all of those mechanisms to achieve accessibility.

Mr. Chairperson: Ms. Keirstead, any extra thoughts?

Ms. Keirstead: Just a thought that certainly the Manitoba league welcomes any opportunity to be part of this process and to have our self-help perspective at the table. Thank you.

Mr. Chairperson: Thank you very much. Any further questions from committee members? Seeing—oh, no, okay—seeing—did you want to—oh, okay, sorry, Ms. Mitchelson.

Mrs. Mitchelson: I just want to thank you for your presentation. As always, very well thought out and well articulated. You do have a lot to bring to the table, and I know that you'll continue to do that, so thank you.

* (19:40)

Mr. Chairperson: Thank you, once again.

Next presenter on our list, No. 8, Janet Letkeman, as a private citizen. Janet Letkeman. Oh, very good. And, as she's making her way forward, committee members, we have another presenter on this legislation tonight, Samuel Unrau, as a private citizen, will be presenting later on. So you could please add him to your list right after Mr. Cox, who was added earlier.

I'd also just remind committee members, when you're asking questions, please try and make sure the microphones are fairly close to your mouth so that Hansard can hear them easily, and members of the public attending tonight.

It looks like our photocopier might have been a little—not quite as helpful as we might have liked with your presentation, but you may begin, and we'll get this fixed for committee members, and get that all sorted out.

So, please, begin your presentation, Ms. Letkeman, whenever you like, and thank you for being with us.

Ms. Janet Letkeman (Private Citizen): I guess my presentation is coming from a more personal experience. From what everyone has said today, has been very good.

I recognize Bill 47 as a small step in removing some of the barriers that prevent people living with disabilities from participating in society as fully as is their right. It comes as a disappointment, however, that we are not considering, today, a bill that addresses other, equally impacting issues members of the disabled community face daily in gaining access to the world that develops around them and without them, yet, rules them.

As parent and primary caregiver of a 30-year-old man severely affected with cerebral palsy, I wish to impress upon you today how important it is to hear the voice of the community when determining policies and acts. Because, although it is all well and good that we have a ramp on the front of our Legislature building, it is useless to those who can't make it to the building in the first place.

For many people living with disabilities, one to two weeks is needed to make changes in their care service schedules or to make transportation arrangements and, for many others, such changes and arrangements are not possible. My son, for example, is absent today, not only because evening outings cause him increased pain, but also because we couldn't co-ordinate changes in the schedule with available transportation.

With more knowledgeable consideration and the availability of today's modern technology, I'm sure our Legislature could be more accessible. And it's toward such ends that Legislature must recognize full accessibility is a much larger picture than ramps and building structure. For many living with disabilities, care services are integral to daily existence and function. Yet, as it stands today, without a bill to represent or defend their needs, such services, I've been repeatedly told, are a privilege, not a right.

Although our government does provide care services to adults through RHA Home Care, the

services are, firstly, not optimal; there is a policy against providing more than one bath per week, for instance, and care workers are not required to brush a client's teeth; and, secondly, unreliable; on average, my son experienced one to three days per week of lapses in services. When promised services don't arrive, Home Care replies to complaints with remarks that theirs is not a guaranteed service, and the onus is on family to take responsibility where their services are lacking.

Because I have not been provided with adequate support and services to care for my son, I have been unable to complete my post-secondary education and pursue career goals, have been unable to work full time outside of the home for the past 30 years and have spent a larger part of the past 30 years on welfare. I thank you for that support. In some countries people don't get it, but it's still a disappointment.

The issues with transportation are even more complex and frustrating. To adapt a van for wheelchair access, the individual has to pay up to \$20,000. With employment being so inaccessible, how many can afford these or other transportation costs? There are no adapted vans for rent. Until recently, there has been no taxi service without 24-hours notice and, actually, even still today, sometimes, you just don't get it. And there are many issues with public transportation, which—there was a recommendation, I think, in the bill that the private sector be more involved in serving the needs of people needing adaptations and equipment and such. And I really feel that there should be some regulation on that because there's, like, 40 million different kinds of wheelchairs and only 30 million different kinds of ways to secure them in transportation—modes of transportation, so—

Anyways, to go on, as a result of these, until recently, when I made a very loud noise, my disabled son, his three siblings and I, our family, had never gone shopping together, never gone to a movie together, never gone to the zoo together, never gone to a museum, to a game, never left the city together, never gone on vacation together, never gone to the beach together. Some of these things, actually, we still have never done because I've been on welfare for 30 years, and even though, now, I won a little bit of an argument with WRHA and I'm getting paid to care for my son, I have 30 years to catch up on.

I have no old age pension, have no equity; I've never bought a house; I've never bought a vehicle.

I've no assets whatsoever. And that has affected our family and economy in general and—boy, are you guys ever really missing out because I'm a really talented, intelligent person. I could have really contributed largely to the community, but, instead, I've been stuck at home.

I hope this helps you understand why there aren't more members here today to respond to Bill 47 and why people are leaving, you know. We have schedules that we have to commit to. Just to give you an idea of how ridiculous it is, my son has to urinate every four hours. He can't urinate every two hours; he can't urinate every six hours. It has to be every four hours. He has to go home every four hours to use the bathroom. Even though we have wheelchair-accessible bathrooms, there's no lifts or anything. It takes two people to transfer him. It's really, really, really way more complicated than it seems. Like, it's not a simple thing.

Where was I? Yes, I would like to share with you, further, in my opinion, on the debate for reasoning of accessibility. I don't see the necessity in considering that members of society facing disabilities be more included for reasons that they'll contribute more resources or more revenue or because a member of larger society might be in their place one day. They are not a commodity or a threat. Debating the validity of their inclusion need only be based on one fact: they're members of society, valid examples of the human condition. This is something that we need to look at every day; we need to see people out on the street every day, so that we know that's what humanity is like.

* (19:50)

It's not just like the Prime Minister of Canada or the Premier of Manitoba, or you, or you, or you, or you, or me. It's like somebody who hobbles, like somebody who needs a device to speak. That's what humanity is like. It's like all of those things together, and if we're hiding away in little corners because of inaccessibility, how can general society relate to that?

In debating the cost of accessibility, I find Legislature is, again, excluding members of society who are affected by conditions requiring accommodations. When will Legislature factor into the cost to these members if accommodations aren't made?

Mr. Chairperson: One minute remaining.

Ms. Letkeman: I'm only one of thousands, and our society's lack of accommodation has cost me, personally, nearly \$3 million—I figured it out, thank you—and a whole lot of heartache. That's the worst part. I used to be proud of being a Canadian. Thank you.

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

Our next presenter is Sherwood Armbruster, private citizen. Calling Sherwood Armbruster. Does anyone in the room know this individual? Are they in the room and perhaps not hearing me?

Floor Comment: I think he was unable to come.

Mr. Chairperson: Okay, we'll just drop his name to the bottom of the list, and he can present later on if he's available then.

Now moving to presenter No. 10 on my list, a Valerie Wolbert of Friends of People First.

Do you have copies of your presentation or just an oral presentation?

Ms. Valerie Wolbert (Friends of People First): Unfortunately, just oral. I—

Mr. Chairperson: That's fine. Please begin.

Ms. Wolbert: Hi, thank you very much for inviting me tonight. My name is Valerie Wolbert. I'm president of People First of Manitoba and representing Friends of People First. The goal of Friends of People First is to help close institutions for people with intellectual disabilities. The first step is accessibility is to live in the community.

Institutions are still a barrier for many Manitobans. We would like new legislation to include that all people have a right to live in the community. The advisory council can be a barrier in itself. We need to be sure that all people with different disabilities are part of the council. Their experience of the system gives them their expertise. The information from the council needs to be presented to everyone in plain language. This is part of open communications. We feel there has already been many steps, full citizenship open the doors. It's time to be serious about real legislation such as accessibility legislation.

We are concerned that if a Conservative government gets into power, the real legislation for accessibility will never pass. We will always have an advisory council rather than real legislation. We feel that if Canada can sign the UN Convention and

Ontario can pass a bill, Manitoba should be able to pass a strong accessibility bill as well. Thank you.

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

Any questions from committee members? Seeing none, thank you very much.

Ms. Wolbert: Okay. Thanks.

Mr. Chairperson: Our next presenter is Dr. Jennifer Frain from the agency New Directions for Children, Youth, Adults and Families.

Thanks very much for bringing copies. You can begin your presentation whenever you're ready.

Ms. Jennifer Frain (New Directions for Children, Youth, Adults and Families): Okay, well, you just said my name is Dr. Jennifer Frain. I'm a clinical psychologist and I'm the executive director of New Directions for Children, Youth, Adults and Families.

I'm responding to Bill 47 from my perspective as the executive director of a large social service agency that provides support to children, youth, adults and families, many of whom have a disability, if not several disabilities. We provide both residential and day services to adults and children with intellectual disabilities and, very frequently, additional challenges such as mental health issues, mobility issues, deafness and other physical disabilities.

Our participants face all sorts of barriers each day of their lives, and most of them face multiple barriers each day such as physical, transportation and attitudinal barriers, all on a Monday. Our work is to support people in their lives, or to live their lives as independently as possible, and often our work is impeded by the current circumstances presented in Manitoba, such as inaccessible buildings, discriminatory attitudes of their fellow Manitobans, et cetera.

As one of a million examples, we had a participant with a learning disability, who was deaf, in one of our job-training programs. This program is funded by the provincial government to provide supports to individuals to become gainfully employed. We found a janitorial job for the participant in a local care facility. All was going wonderfully. The participant was thrilled to be able to work and to contribute to the workforce and expressed great pleasure at earning money towards her keep. This right to work is one that we all have, to work to the full extent of our abilities, and she was

most capable of providing janitorial support to a care home. New Directions provided an ASL interpreter to support her in working—in her working during the trial period. After the trial period was completed, the participant received very favourable reviews from her employer and the employer indicated that they wanted to hire her on permanently. Unfortunately, we were also told, as she was told, that unless New Directions continued to provide an on-site 100 per cent available interpreter, she could no longer be employed at the centre.

The justification for this was a concern that, if she was off in a corner of the centre and the fire alarm rang out, she would not hear it and may end up in danger, and the employer would be liable. No amount of troubleshooting or strategizing about reducing this risk would satisfy the anxious employer. She lost this job—one that she was very suited for, that enabled her to be a contributing member of society—because of fear and an inability to find a creative solution that would satisfy.

This kind of attitudinal barrier is epidemic and will continue unabated until the government acts to enforce the shift in perspectives.

As another example, our main offices are in a downtown building, not very far from here, with an attached parkade, and, intermittently, very poor street-level parking due to the busyness of the neighbourhood. Over the last while, the owners of the parkade, they nicely painted the lines to mark two new handicap spots close to our parkade door. Unfortunately, the door weighs about 50 pounds, and so it's impossible for a person with a wheelchair to open. There is no button to automatically open the door and, in order to get a button, the door must be replaced, so we've been told, and this is too expensive. This is an obvious and ubiquitous kind of barrier faced multiple times a day by our participants.

Moreover, last summer, when the front street area was being redone, we requested that there be a cut made in the curb—pretty simple, make a cut in the curb—to allow a person in a wheelchair to access our building from the front street. The door leading off the front street has a button that will open a door—open the door. Although the curb was altered, there was no accommodation for wheelchair accessibility, and was no explanation provided. And so, although our offices look like they're accessible, in reality they are not.

Probably the most striking example of barriers faced by New Directions in our work to support persons with disabilities is our difficulty, recently, in opening a home in Springfield. This well-publicized event has yet to be resolved and, to date, our participants have been refused access to a residential home in a quiet, rural neighbourhood ideally suited for their needs.

We are currently engaged in a complaint process through the Human Rights Commission, and we have also made application to Queen's Bench alleging a violation of Charter rights for our participants. We are firm in our belief, which is shared by the Public Interest Law Centre, that the rural municipality is applying their zoning bylaws in a discriminatory manner to keep out our intellectually disabled participants, certainly out of their community, or maybe not, but definitely off that street. Unfortunately, we have yet to find—we have to find, in addition to all the other work that we're supposed to be doing, the time and the financial support to fight for this obvious right.

Each barrier faced by the currently disabled population will be experienced by all of us at some time in our life. As is said, I, like others, am only temporarily abled. According to the World Health Organization report published recently in *The Globe and Mail*—last Friday—more than one billion people worldwide are living with a physical or mental disability. As Margaret Chan, the director general of the World Health Organization, said, disability is part of the human condition. We are all the same, and rights for one should be rights for all.

* (20:00)

All that said, what is the government—what's the role the government's to take? In my view and based on my understanding of human nature and behaviour change, I believe government needs to set the standard for accessibility for its citizens. I would hope that a prosperous Manitoba with its long history of measured, thoughtful governments, that tend to take a collective and socially responsible view of the world, for example, medicare, would take action to ensure that our province is on the forefront of human rights.

I am encouraged that with Bill 47 the intention is to move forward, ensuring a barrier-free Manitoba. I would be more encouraged with a specific target date being set for the work of the advisory council.

To close, and as a member of the barrier-free coalition as well as Abilities Manitoba, I would like it on record that New Directions supports the detailed brief presented to the standing committee by Barrier-Free by Patrick Falconer earlier this evening. We support all the recommendations made for the amendments to Bill 47 presented by Barrier-Free. Thanks very much for your attention.

Mr. Chairperson: Thank you very much for your presentation. Any questions from committee members? Seeing none, thank you very much.

Our next presenter is No. 14 on the list, Mr. Ross Eadie, presenting as a private citizen. As he makes his way to the microphone, we have one more person who has asked to speak to our committee tonight. Her name is Gisèle Saurette-Roch, and she will be speaking on behalf of the Provincial Council of Women of Manitoba. So please add her to the bottom of your list.

Mr. Eadie, a pleasure to have you here this evening. You may begin your presentation when you are ready.

Mr. Ross Eadie (Private Citizen): Yes, thank you, Mr. Chairperson. It's a—actually a great honour that I am able to come and actually speak to Bill 47. I'm totally in favour of the bill. I think it's time that we have started the process. And that's what this act does, I believe, or the bill does, as it starts the process towards—I'm not going to say fully accessible Manitoba by any date because, frankly, I don't believe Ontario will be fully accessible by 2020. Just because they have legislation, there's a whole bunch of issues around that. I'm not going to speak to those, but I think that Bill 47, in setting up a committee in the way it has, which sets out a process to figure out how to deal with and remove these barriers that create disabling situations for persons like myself—and I like some of the language that I hear in the bill, and I think it's a very positive way to look at it.

But, you know, just as a little background, I wanted to say I have an iPhone here, and I have an HTC Snap, that's a Windows mobile-based system. This is iPhone. Because we have guidelines today and ideas that we can talk to people, what happens is some businesses decide that they will make their product accessible. This year, \$299, fully accessible out of the box—turn the voice on—it works. This one here, it is cheaper—\$129, but I had to pay 600 extra dollars to get the voice output to make this unit accessible. And it also doesn't have the other

software that this one comes with, because this one comes with software to help most people with disabilities utilize it and it was built in.

So what you really need are standards. Now, I'm not going to pretend that the Province has influence over telecommunications devices. I wish they did. But there are a number of pieces, there are a whole bunch of things that the Province has influence over, which we need to deal with. And I think that this act actually appropriately displays it. But we do need to have standards put in place; otherwise, you see, guidelines are here. I—we called Windows and we said, build in the voice output. They said, well, we can't do that. Same thing with my set-top box in my home for MTS service.

A company in Britain has found a way to make their set-top box accessible, but because MTS has some sort of weird contract with Microsoft who seems to dictate, they say they're not going to make their set-top boxes accessible. And MTS says they don't want to spend the money to make their set-top boxes accessible. These are just issues, again.

I'm not sure that the Province of Manitoba will have a big influence, but what we should have an influence over is, if I go to Future Shop and I just got a touch base screen to do my financial transaction, but if I go to a different store I can feel the buttons that I need to push to do my debit transaction. What we need to do is we can—and I think, I believe we can do that—we can make sure that customer service, that accessibility can be built in and that the American companies can't dump their unaccessible products in other countries like ours in Canada where they'll buy them for cheap because they made them unaccessible, and the ADA says they can't sell them in the United States.

I wanted to point out the flexibility in this bill because I really like it in the sense that I never really subscribed to having one single act express everything for people with disability. Every piece of legislation we have in Manitoba influences people with disabilities. I was very happy to hear that the building code was recently amended through regulation, and I think that's great.

And I don't know if people know this, but, with those amendments, I believe that the Manitoba Building Code provides better access than the access—building accessibility features that they came up with in Ontario through a very stressful consultation. And so we need to progress, but we need to bring everybody to the table. And I read that

in this bill. I think that we need to bring all the people in the table, have a dialogue, bring the discussion along. I don't think anybody's against people with disabilities, seniors, everybody for universal design for us to have access.

I wanted to mention, as well, that we should make sure, when we create these pieces of standards, that we also put a women's lens to it, because women with disabilities actually face a more vulnerable position. I'll give you an example. I'm a blind person and I walk down the street in the evening. I'm a man and I walk very confidently. I am not threatened as much as a woman who is blind walking by herself at nighttime on a street, and that's because she's more vulnerable. So, if we're going to look at what kind of level of lightings, for example, to provide on streets, if that's going to be a standard, we need to make sure that we recognize and put a lens to any kind of situation from that terminology.

There was a couple of more things I did want to say about the legislation. I think that one of the things you could do—and I'm really concerned that the money is not there to revamp everything—to make things accessible by 2020, the Ontario government and the federal government would've had to find billions of dollars to make these buildings accessible, because, you know what? Some of the historical buildings are not accessible and it costs lots of money. And it's really a shame that we have this huge infrastructure program across the country—40, 50 billion dollars—that there wasn't a lot of disability access built into that. And, with an access committee like this, maybe we can correspond changes in legislation that will correspond in need to actually help the economy move along, and building things more accessible for people with disabilities is good for the economy. It actually propels and makes things much better. It builds up markets.

Maybe, also, we could look at—health care is a very important thing for people with disabilities. If we're looking at modifying buildings to make them more accessible, maybe we should start with not just hospitals, because they are working at it, but clinics, private clinics need to be accessible. I go to a clinic on Sherbrook and I'm not sure where the accessibility is, but if I was—and I do believe, actually, Jim Derksen uses it, I don't know how he gets in the building—but the front door, there's a couple of steps there, but there are other clinics around Winnipeg and all around the province that would not provide accessibility for somebody using a

wheelchair, as one example, or not a wide enough door to get a walker through, and so on.

So I think that what you should consider doing and what the committee should consider in the future is maybe we implement things in a way that deals with what's most important for us first. I know that we've done great things with the school division. The only thing that's holding the school divisions back in making things accessible is having enough dollars to modify the schools and enough money to hire enough people to deliver the important services that they need to have. And so money is always a factor. So when we're considering all these things and when the committee deliberates, which—and, again, I think it's really important that they bring all these components together when we look at moving things forward.

I also like this idea, finally, just in terms of the allowance for the Human Rights Commission to participate in a longer term way of looking at building standards. Because, you know what? If you make a mistake with some standards, that's not a good thing. It'll be very hard to fix. And I think what we need to do is proceed in a fashion that makes sure that we modify things in a way that will serve us and make sure that people with disabilities can obtain access to all the facilities we provide in society, including housing.

And I would point out, I keep hearing about Ontario. Ontario has said that in their legislation, at least for the building code, they were not going to make any modifications to housing. And I have to give kudos to the Manitoba government. There's lots of things happening without an act in place. Actually, we achieved accessible pedestrian signals at every intersection in Winnipeg. We did that through the Human Rights Commission. We—that's something that's really good that they don't even have in Toronto yet. I don't—well, I guess they have the policy now, but they didn't have it.

* (20:10)

So—but we have—we're moving towards trying to get visitable housing. We have different projects where we're building co-ops and facilities where people with disabilities can live. There needs to be much more of that, and so, I think, with this Bill 47, it should also set the tone for all our other departments as they work towards building a more accessible society for all of us, because I believe I heard a woman speak and said, we are temporarily able-bodied.

I was able to see in 1984 and, in a split three seconds, I was no longer able to see, and then I found out what the world was really like. It was very difficult without eyesight. But there is hope and there's always a way of getting around things, and yay to Apple, but we need to force Windows and everybody through legislation to make things accessible. I'm sorry it has to happen, but, you know what? They're not going to do it unless we establish standards, and I think that this bill takes us that way.

Thank you very much, committee members, for allowing me to speak today.

Mr. Chairperson: Thank you very much, Mr. Eadie.

Any questions from the committee? Seeing none, we thank you for your time with us this evening.

Mr. Eadie: Thank you.

Mr. Chairperson: Our next presenter, calling Doug Parisian. Is Doug Parisian here?

In not seeing anyone come forward, we will drop their name to the bottom of the list and call up our next presenter on our list, No. 16, Mr. Jim Derksen.

Good evening, Mr. Derksen. Thank you very much for joining us. You may begin your presentation.

Dr. Jim Derksen (Private Citizen): Good evening. It's a pleasure to be here. I'm here to support the bill. I have a few comments about it, but first, I'd like to say that sitting and listening to the presentations, I'm just completely, again, amazed and wondering, you know, at the way that so many levels of understanding and needing are brought forward, all the way from something that makes me feel real humble, where someone talks about the value of just being relative, to the value of being able to do and make, and that's a philosophical sort of puzzle that I've been trying to work on, and I begin to think I understand.

While our bill proposes to begin to begin, I had the privilege of working for the government for almost two decades. I was involved in the post citizenship report. At that time, we took the position, as Manitoba, that we would have government set an example. We wouldn't really require the private sector or nongovernment to comply with regulations and demands before we, ourselves, demonstrated that it could be done. So we developed standards for how we provided services to citizens, how we dealt with communication information barriers, how we dealt

with architectural barriers, both in leases and in new construction, that were way beyond the minimum requirements of the building code.

I think, in the last 10 years, we've set a pretty good example, but we are at a time now to extend that example and say to the private sector, to our society as a whole, that we need to standardize certain ideas of access, certain criteria, certain standards that we can all agree with.

I'm very glad that our government, in fact, has been starting this. For example, we've talked a little bit about the new building code amendments. They take universal design ideas and make them the minimum requirement under the building code. So it's not—no longer just us setting an example; it's us requiring others to adhere to certain standards for disability access. The ramp outside this building was something that was not impossible for an historical building such as this, for aesthetic reasons or historical reasons. But it's been done, and it sets a very good example as well.

When I heard Dr. Frain talk about the curb that was altered but not made accessible, the janitor that couldn't be accommodated, I thought of how important it is for us to set an example and stake out our vision.

I liked what Dr. Lepofsky said about declaring that public money spent for public purposes will not be used to make new barriers or to continue or perpetuate barriers, but, rather, will be used in a way to honour the equality needs of all people with whatever kinds of disabilities.

And I'd like to say that that kind of amendment—and I'm not clear as to how it could be done, maybe it can be given in the mandate to the committee as a kind of instruction on what to consider, advise and work on—but I do think that kind of example, by government declaration that that is our intent and our goal, will help alter our society, as well, to the good.

I'll just comment on a few of the recommendations that have come forward. I do think the issue of how the council is composed will be important, probably, particularly to disabled people. We know the value of our experience and our expertise and our perspective, and I think we may want to see some assurance that people encountering barriers will make up perhaps half, or perhaps even more of the council. I also think that there's a small correction needed in some of the recommendations. Because the Human Rights Code has primacy over

all other legislation, this act should not supersede the Human Rights Code. I think transparency and accountability is very important, so the call for the minister's response to the council's recommendations to be made public in a timely way is also very important.

You know, it's a long night, and there are a lot of people to talk, and a lot of people have more important things to say than I, so I thank you for your time.

Mr. Chairperson: Thank you very much, Mr. Derksen. It looks like the minister might have a quick question for you, if you have a moment.

Ms. Howard: Well, thank you very much, Jim, and I want to thank you for your years and years of work. I'm not sure everybody in this room realizes that we have a history-making individual with us when you join us. I know the UN Convention—that recently passed—on the Rights of People with Disabilities, which was many years in the work and is a ground-breaking document, was a lot of your work. And I know the fact that people with disabilities are included in the Canadian Charter of Rights and Freedoms was also a lot of your work, so I want to thank you for that. I also know you're a doctor now, with your honorary degree, so perhaps we should call you Dr. Derksen.

A couple of things I wanted to let you know, in response to your questions. Part of the bill is to start a review of The Government Purchases Act when it comes to barrier-free procurement, and I think it's going to take us a little bit of time to understand what that means, and so there'll be a process of making regulations. But I do think this principle of how can we use public money to not perpetuate or build new barriers, I think that will be part of that discussion. And we've had some very useful and, I think, an openness on the part of the procurement folks in government already when it comes to buildings and leases, to build that into what they're doing. So I expect an openness there as well, but it's going to take us a little time to figure out exactly how that's going to work and what we mean.

Also, absolutely, there is nothing in this legislation that would supersede the Human Rights Code. That is—that does have primacy, and we've tried to be very clear, all along, that the Human Rights Code and the Commission always has a role to play in hearing complaints and protecting rights. What we're trying to do is get ahead of the complaint process and prevent those complaints from

happening. But that Commission, you know, I think we will always need it to be there to protect the rights of individuals.

Mr. Chairperson: Mr. Derksen, any closing comments?

Dr. Derksen: Thank you for having heard me, and good luck to us all and forward and upward. I'm very glad that the disability community has a real hunger for change. I would like to see the governing party and the opposition parties, as well, have some of that same hunger for change. I really do feel this is a good beginning, but I feel it needs to be 'prioritized' and well resourced. I hope the council we meet—will meet often and late, maybe not till midnight, but late and often, and that they have the technical resources to support the kind of work that needs to be done because there's an immense amount of work to be done in developing standards together with other sectors in society that will be—will have the support of our population and will move us forward. Thank you.

* (20:20)

Mr. Chairperson: Thank you once again, Dr. Derksen. And, indeed, if members of the committee are amenable, perhaps we could have agreement to ask *Hansard* to note Dr. Derksen's name as, in fact, Dr. Derksen rather than Mr. Derksen.

Is that amenable to the committee? *[Agreed]*
Great, thank you very much.

Moving on to our next presenter, No. 17, Laurie Helgason. Thank you very much for being with us here. You may begin your presentation.

Ms. Laurie Helgason (Private Citizen): I know many of you, and well, and I've been in the disability field for a while. I'm now a private citizen. I chair at Women's Health Clinic and a few other places, but right now I'm here as a private citizen. And I want to talk to you about the composition of your accessibility—your council; that's one thing I want to talk about.

I think we need to be cognizant of—there are other groups that need to be at the table. There—people with intellectual disabilities, people with hearing impairments and people with low vision should also be sitting at the table with you so that their needs are just as important as the needs of people who are in wheelchairs and—or walkers or canes. Their needs for having accessibility are just as

important as ours, and I think that needs to be noted, that we need to include those people.

Second of all, I want to talk about an issue that is actually a little personal to me right now. Currently, there is no accessible housing. I'm being evicted. I won't be able to get housing for two to six years. However, through Residential Tenancies, the standard is five months. So what do I do when my time runs out and I have to go somewhere? Where do I go?

I know there's not very many accessible places to go, you know, shelters and whatnot, so I guess that we'll have to start looking for that. However, the need for accessibility housing is great and the protections of people with disabilities is also great. The reason I'm being evicted is so that they can chop up my apartment and make smaller apartments and put more people into this government-funded building. And I'd like to see that that doesn't happen in government-funded buildings, that people are not forced out and in the—for the need of money by landlords. So I want to make sure that that doesn't happen in the future.

I think we need to have protection against landlords within the accessibility legislation. I also think we need to have protection from employers in the accessibility legislation. Employers can be an even bigger barrier because, once you get the job, you have to be grateful all the time, and I mean all the time you have to be grateful. Get us coffee, would you, because you're grateful. Do this because you're grateful. And it becomes like a stick, and I'd like to see that that stick isn't used by employers just because they have to hire someone with a disability. So I think we can do better on employment standards.

I really, really strongly urge the committee to have a good composition of members so that all of the disabilities in the community are represented. And I think we also need somebody from the seniors community, or at least two people from the seniors community on the committee. So I don't—I know I'm adding more people, but there are a lot of different disabilities out there, and I'd like to see them represented.

Thank you.

Mr. Chairperson: Thank you very much for your presentation. Any questions? Any questions from the committee members?

Seeing none, thank you so much.

We'll now move down to the list our first name of a person who was added and that is Bob Montpetit. Thank you very much for coming down to join us this evening, sir.

You may begin your presentation whenever you're ready.

Mr. Bob Montpetit (Private Citizen): I want to make sure that the persons who are typing hears me clearly.

My name is Bob Montpetit. I have a disability. My disability is that I'm hard of hearing and, without my hearing aid, I'm partly deaf. One thing—I'm not brain dead.

I was not born with this issue. I had a high fever when I was four years old. I used to remember hearing a frog, cricket, birds singing, all kinds of noises until I had a high fever that cause some of my hearing loss.

I have been thinking over about coming here to present myself for the first time, which I will do my best to make myself clear and be understood and I'm very pleased to see and [*inaudible*] support all those who have come to open themselves up and not go behind a closet or hide themselves with a fear that no one is going to listen to them, or care about them, or even want to be bothered to help them, and so forth.

That helps me a lot to come to forward and say what I need to say. Because of my hearing disability, I'm partly deaf, I could not accept it because of how I'm going to be treated by people who are going to treat me like a idiot, or treat me like if I don't understand, or hear or understand. I'm able to open myself up to this to say, and fear not, that I have committed suicide—that I don't want anything to do with being a disabled person. I was ashamed. I was afraid that no one want to be my friend, or be with me, or treat me like the way they will be treated. It was one of the difficult moments.

To make this very short, I've had a lot of struggle and a lot of pain, a lot of up and down. Don't we all? Of course. Why should I be any different than any of people with disabilities, especially with you people? I'm trying to be very strong with what I have, and I'm trying to accept my disability. A friend of mine back in the '70s—and that was the time I committed suicide but decided to live, to make that short, but he sent me to a place called society for the crippled children and adults at the time and back in the '70s.

* (20:30)

This friend worked with a cute kid with different disabilities. He was such a cute kid. I didn't know hat to do with him. One little person came and—pull my pant down, and said, can you help me to the bathroom? And I thought, oh, and asked me to help. I thought it was a "him," but it was a "her." So I thought, okay. But the point I'm getting at is what my friend was trying to help me with was to see that these children are not complaining about their disability. He's trying to help me to accept my disability, that I'm not worse off than—but the point is, he's just trying to help me to accept myself, and I have come to accept myself by seeing other people's disability, that I'm not alone.

Everybody had a disability, even you. You see me, but when I say it, that's when you know. Since then, I have a lot of compassion, a lot of caring, and my heart goes to those who are disabled. I want to—I want my life for them. I want to do everything I can to help them whatever the needs are, and I'm open to that and I have been doing that for 28 years, starting from the daycare to adolescence.

I've got a problem. I've tried to do this on my own and I can't. I need your help and I'm speaking on behalf of those who are afraid to come forward because they are afraid of being judged mental and discriminated and victimized and humiliated, manipulated, mind control. That is scary.

Mr. Chairperson: Sir, you have about one and a half minutes left. Please continue.

Mr. Montpetit: I wanted to say that I have a lot of compassion to work with the disability, and I want to work with people with disability because of my disability. I've travelled all over the States, all over North American. I took a break because I was driving a semi. I can drive a big machine. I went all over North American and not—maybe one accident, but it's not my fault and I'm glad. But I can do that. I have my 16-1A6 fleet class on my driver's licence, and I have worked hard for that.

So what I want to say with that, I want those who are working with people with disability is to stop hurting those who are disabled, because they are in great need and dependent on people to take care of those people because they put their trust and their belief—and I have to say, next, that some of them, I find, surprised that they shouldn't be working. And some of them are okay. But, just to point that out that something should be looked into and not discriminate and humiliate people with disability, who love to—are able to do to help and not just

people with normal to help, if you understand what I mean. And I thank you.

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

Any questions from the committee members? Thank you very much.

Calling our next presenter, David Steen. Is David Steen here this evening?

Good evening, Mr. Steen. Thank you for joining us. You may begin your presentation.

Mr. David Steen (Private Citizen): Do you have paper copies as well? You have the paper copy?

Floor Comment: Is there a photocopier, he's asking?

Mr. Steen: No, we've got—we brought copies. Thank you, Mr. Chairman. I walked in and saw the large screen. I thought Nancy, maybe, had brought the beer as well, and maybe we could find out what the score was.

Floor Comment: Four-nothing, for Boston.

Mr. Steen: Unfortunate, oh, well. Unfortunately, there was no game on the weekend. So the end result of that is that my comments are longer, not shorter. I say that because in order to get through these long comments, I'm going to have to speak so quickly that I will do a disservice to those friends in the audience who are deaf or hard of hearing. I offer them and the interpreters my apology, but I've got to go like heck.

Mr. Chairperson: Mr. Steen, I can advise you we can, with the committee's agreement, have your full presentation included in the official record so you don't have to feel like you can rush. You can just hit the main points and we can have the full text appear in the historical document, if that's amenable. *[Agreed]* Very good. Thank you.

Please proceed, sir.

Mr. Steen: My name is David Steen. I'm speaking today as a person who has lived with a disability for over half a century. During this period, I have witnessed many improvements in the services and the supports available to Manitobans with disabilities. I have personally benefited from many of them. Notwithstanding the array of service and supports, I continue to experience exclusion, stigmatization, paternalism and discrimination, based purely on my disability.

The UN Convention defines disability as follows: Persons with disabilities include those who

have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers—emphasis barriers—may hinder their full and effective participation in society on an equal basis with others—very key phrase.

* (20:40)

I continue to experience, on a daily basis, the many ways in which our society excludes people through acts of omission and commission. I am constantly subject to the conspicuous stares, pointing fingers and whispered comments of an uninformed public that does not understand how my disability foreshadows their future. I am subjected on a daily basis to the paternalistic policies of public services, home care being an example. They deny me the ability to control my life in my home. A service intended to do for me has morphed into a service that does to me. Rights enjoyed by others are effectively denied to me.

I am regularly denied choices in the marketplace that others take for granted. I regularly endure poor customer service from businesses that fail to make their establishment accessible and inviting and that have failed to provide proper training to their staff. Notwithstanding great efforts of facility, my vote on election day, through the use of accessible facilities and new technology, I am unable to engage in other political activities or play out my rights and obligations as a citizen the day after the election.

I am increasingly aware that even though my tax dollars helped build our health-care system, I am effectively denied access to many aspects of this system at a stage in my life when I need it most. I'm also going to speak to you as a person who'd been active in the voluntary sector, and I've served on several boards of the 250-plus organizations, disability organizations, in the province.

I've done so out of self-interest and, like thousands of other board members serving in a similar capacity, I have done so as a contribution to the well-being of one of my communities. Each and every volunteer, through their gift of time and expertise, is making a public statement about the issues that are important to them.

I would urge you, as elected officials, to take note of the strong statements made daily by Manitoba voters. The number of volunteer hours dedicated to disability issues constitutes very strong support for a growing issue. I've also worked in the voluntary sector and had the opportunity to see the

incredible good work done by many organizations. The energy and resources, commitment and expense required to perform this good work is beyond calculating. The unfortunate thing is that much of this good work is unnecessary. Why? Because much of the work consists of removing barriers ramp by ramp, so to speak. We're forced into a repetitive, never-ending mode of fixing the same problem over and over again at great cost to all taxpayers when a systemic response would have eliminated many of the barriers. Surely we can work smarter, not harder. Surely our energies and our tax dollars can be shifted from the performance of unnecessary work to the performance of much-needed individualized care.

I'm also going to talk to you as a person who is a player in the private sector marketplace. Like each of you, I'm a purchaser of goods and services: gas, groceries, household products. We won't get into the price of gas. Unlike you, I do not have the same choice of retailer or product. My choices have been limited by barriers imposed by various businesses: barriers that include architectural barriers, attitudinal barriers and procedural barriers.

These businesses have lost my consumer dollar and I have lost choice. Is this simply an issue to be resolved through the play of market forces or has there been an effective denial of my rights? The playing field is definitely not level. The Province has addressed accessibility issues pertaining to the use of service animals in public and commercial spaces. Does the Province not have an obligation to finish the job and address the accessibility issues of other people with disabilities? Addressing accessibility issues has positive economic benefits. Both Lepofsky and Patrick have addressed that earlier.

The already great performance of the Manitoba economy could be further enhanced for the benefit of all Manitobans. I'm also a player in the public sector, very broadly defined. I believe that the concepts of citizenship and of rights are inextricably linked. The rights and obligations of the individual and the rights and obligations of the state are central to a discussion of citizenship. You're really asking me to go fast. Through the democratic process, we define and redefine the rights of each, and talking about rebalancing the relationship—and I'm going to jump quickly to the bottom of the page.

I'm here today to raise the profile of disability issues. I'm here today to seek a rebalancing of the rights accorded to Manitobans with disabilities. I'm here to challenge all MLAs, and I was pleased to

hear the comment that this might be a non-partisan issue, challenge all MLAs and all parties to create and articulate a vision for Manitoba that's big enough, that's rich enough to embrace Manitobans of all abilities and to proactively do those things necessary to make this vision a reality within my lifetime.

I request all-party support for Bill 47, knowing that it represents an important, but minimal, first step. You have an opportunity—just quickly to highlight them and I'll skip out some of the body of this—you have the opportunity to create and implement a vision for Manitoba. You have the opportunity to demonstrate leadership. You have an opportunity to honour Canada's commitment to the UN Convention on the rights of people with disabilities, to do so with action and not with words. You have an opportunity to recognize your self-interest, to invest in your future, and prepare for the inevitable, inevitable for you. Yes.

"RIGHTS DELAYED ARE RIGHTS DENIED"

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I am constantly subject to the conspicuous stares, pointing fingers and whispered comments of an uninformed public that does not understand how my disability foreshadows their future.

I am subjected on a daily basis to the paternalistic policies of public services, like homecare, that deny me the ability to control my life in my home. A service intended to do "for" me has morphed into a service that does "to" me. Rights enjoyed by others are denied to me.

I am regularly denied choices in the marketplace that others take for granted. I regularly endure poor customer service from businesses that have failed to make their establishment accessible and inviting; and that have failed to provide proper training to their staff.

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

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

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

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

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

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

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

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

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

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

I believe that the concept of rights and the concept of citizenship are inextricably linked. The rights and obligations of the individual, and the rights and obligations of the state are central to a discussion of citizenship. Through the democratic process, we define and redefine the "rights" of each. As we have seen, there is an ongoing process to redefine rights. Recent events in the Mid-East serve as an example of

"rebalancing" the relationship between the respective rights and obligations of the individual and the state.

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

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

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

So I am here today in an effort to

- *Raise the profile of disability issues*
- *Seek a "rebalancing" of the rights accorded to Manitobans with disabilities*
- *Challenge all MLA's and all Parties to create and articulate a Vision for Manitoba that is big enough, rich enough to embrace Manitobans of all abilities; and to proactively do those things necessary to make this Vision a reality within my lifetime.*
- *Request all party support for Bill 47; knowing that it represents an important but minimal first step*

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

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

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

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

The principles embodied in the Convention on the Rights of Persons with Disabilities, as articulated in Article 3, are:

- a) *Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;*
- b) *Non-discrimination;*
- c) *Full and effective participation and inclusion in society;*
- d) *Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;*
- e) *Equality of opportunity;*
- f) *Accessibility;*
- g) *Equality between men and women;*
- h) *Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.*

- *You have the opportunity to demonstrate leadership*

The continuing high rates of discrimination against people with disabilities have been consistently documented by the Manitoba Human Rights Commission (MHRC) for the last 6+ years. Discrimination on the grounds of disability now exceeds all other grounds combined. And what action of a systemic nature has the Province taken to address this embarrassing and unconscionable situation?

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

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

- *You have an opportunity to honor Canada's commitment to the UN Convention on the Rights of Persons with Disabilities . . . to do so with action not words*

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

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

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

Many TABs will soon be encountering their own accessibility problems and seeking redress, which will not be forthcoming unless we can move beyond mere words and take action today. Self-interest demands that the profile of disability issues be raised, and substantive accessibility legislation enacted. If it is not, you too will be making presentations to a future Standing Committee.

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

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

Article 9 – Accessibility

1. *To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and*

communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

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

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

2. *States Parties shall also take appropriate measures:*

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

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

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

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

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

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

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

h. To promote the design, development, production and distribution of accessible information and communications technologies

and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

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

Thank you for listening.

Mr. Chairperson: Thank you, sir, that does take us to the 10-minute mark. We do thank you for your presentation, and as I mentioned, and with the committee's kind agreement, your full presentation will be part of the official record.

Are there any questions from the committee for our presenter? Seeing none, thank you once again.

Our next presenter is Mr. Rob Cox. Is Mr. Rob Cox here? Ah, in the back? Very good.

Mr. Rob Cox (Central Park Residents Association): Hi, thank you for listening to me today.

Mr. Chairperson: Not at all. Thank you so much for joining us. You may begin your presentation.

Mr. Cox: Can you hear me okay?

Mr. Chairperson: Sounds good.

Mr. Cox: Okay, my name is Rob Cox. I'm the president of the Central Park Residents Association. I've been in a wheelchair now going on 16 years from my spinal cord accident. But something that I have taken in the last seven to eight years, which I guess mistreated on a lot, is I have my security police sciences degree and I work in Central Park as a volunteer, okay. I have my paralegal and my forensics degree.

I can't work because of my disability, but I want to help out my community because I live and work in the same community as a volunteer. I see disabilities, I see disabled people getting mistreated daily. Why should people with disabilities have to go around with something like this in their chair to defend themselves, okay.

We got teenagers, doesn't matter which race, colour, which country they're from. They don't care about us. Look what happened to two individuals, the one that was in England or Australia, the gentleman that got beat up by two teenagers in the elevator. Why should we have to go through things like that? We are people. We have rights, and there

are a lot of us. Down in Central Park area there are a lot of people with disabilities, intellectual disabilities, who are blind, who are wheelchairs, who use strollers, who use walkers.

I mean, I think it's great what you guys are doing. Right now, you got two security cameras down there. You need more. You have one across from Knox United Church and you got one right across from Central Park. By the way, you did a beautiful job in Central Park, Central Park this last year getting it rebuilt. I mean, that's fantastic.

You want to keep it safe? Put more cameras down there. I had a gentleman yesterday—I was going through the park. As president, I like to see what my community's doing for me. I had a gentleman sleeping by the splash park by a tree, lying down, playing with himself in front of about 30 kids. Do you want your kids come down and see that? I don't think so.

I had your cadet program come two weeks ago. Oh, you can't carry this. Excuse me? You've got to carry all your ID training conventions with you. Bullcrap. I've gone to the police. Nope. You had your training. I've had them come up to me. Let them be proper trained. I have private and security handbook training. None of those cadets do. Let them treat us humans with decency.

* (20:50)

I dealt with an individual who was drunk behind one of my buildings. I dealt with him alone. I'm handcuffed and baton trained. I dealt with him, got him up, got him away from the building. It took nine cadets to deal with him because they go in with an attitude. We can't have that.

As a provincial level, you can go down to all the municipalities, including the city, and seeing what our people who are doing security—oh, by the way, half the security guards don't know what their training is. They do a 40-hour training course, and I ask them, so what did you think of the security handbook? What security handbook? One that tells you about private and public security, how to treat people right.

My nephew, who's a diabetic, had a bracelet on his arm. So a cop went to do a frisk on him, grabbed his leg. He had major cuts in his legs because he has—because of diabetes. The police officer did not ask, do you have—sorry—do you have any other medical conditions? That should be in their primary training, dealing with diabetes. Do you have a

MedicAlert? Do you have other medical conditions? I know how frustrating it is if a police officer deals with teenagers. I've seen it happen. Car thieves trying to run them over. I feel sorry for the officers got to deal with all that, but when you're dealing with a lot of issues, where people are just normal citizens, and then they turn around and don't bother for simple—you know, do you have a medical condition that, you know, what could interfere with us knocking him down to the ground?

Look at that poor gentleman, teenager—was it two years ago? Gun pulled on him. It was his own truck because they thought he was stealing his vehicle. Remember that in the news?

Police officers, yes, need to have a little—and I know they're frustrated. They come down to Central Park; they're frustrated, because all they're doing is getting calls constantly over the same individuals, over the same persons. And all the rage a guy's got to do. You got to give them more powers; you got to give Manitoba Housing security more powers. We got one guard who can't leave his front floor. He's got to be able to check those buildings because they're getting all the complaints of drug deals going on in the buildings. And this is the Central Park area. You've got 11 buildings. You got one officer who has got to try to clean out these buildings—the other guys can't leave the floors.

And all these drug deals, drinking that's going on, people getting abused, people in wheelchairs getting beat up on. People are afraid to open their doors. This has got to change. And they talk about the core area being a really bad area. I've lived there for going on 10 years and I love it down there. You guys are doing a great job, but it needs to continue. We need to be able to feel safe. And that's why I'm here. I live—it's not like there are guards that go there and leave. You know, I've done my job; I'm going home.

For me, I live and work in my community. I'm out at night, driving around, and I'll see where in the park the drinkers are going to be. You know, they shouldn't be where they're at and all that kind of stuff.

I appreciate the hard work you guys are doing, but for people who have disabilities, we need more. We need to be able to come out and feel safe wherever we go. That's why I did this. That's why I went to university; it's why I went to school. So, as a person with a disability, I'm not—you know, they look at me going—I can speak sign language. I

communicate with a lot. I've seen adults and teenagers in the mall being treated by guards with rudeness because they can't communicate with them. And they choose not to learn sign language or find some way to write it down with them. They don't want to take the time. They throw them in the back room, lock them in the lockdown room because they don't want to deal with them. But yet they're frustrated. I've gone there a number of times, trying to sign with a deaf person because I can do that. The guards know me; they call me, you know.

I apologize. I'm just frustrated. I mean, I've been back here since it started tonight, and I've been listening to what's been going on. I'm doing my part. Let me volunteer more time in my community. I'll do it. I'm the president. My—people come to me. I see what's going on because I get all the different nationalities. I will continue doing my part for my community as long as I can, but I know you guys can do yours, and with you guys being the top bodies of Manitoba, let every other community know: you know, we're here to back you guys up. I know we've only got so much legislation that we can do. We know we've got to go to the federal government so they can change things, but there's a lot that you guys can do on your level, especially dealing with safety. Right, Mr. Minister? Health. There are still some powers that you guys do have. I know a lot of it's frustration and, again, I appreciate your time.

Mr. Chairperson: Thank you very much.

Any questions? Seeing none, thank you very much for your presentation.

Mr. Cox: You're welcome.

Mr. Chairperson: Our next presenter, by my list, we have two left to go through the first time on this particular act.

Now calling Samuel Unrau. Samuel Unrau, oh, there he is.

Thank you very much for joining us this evening. Please proceed.

Mr. Samuel Unrau (Private Citizen): My pleasure, and thank you for your time.

My name's Sam Unrau. Some of you've might have recognized me from the papers in 2010. I was part of the move to put Bill C-523 into federal legislator for access to federal transportation to be reviewed and audited. However, I don't carry the legacy that most people who have presented have brought to the table, but I hope that, through the

years, I'll be able to gain it. I come to you guys as a youth with a disability. There has been numerous things that I have seen that hamper my ability to live youth.

First example that I bring to the table is the public school system. In 2005, I bring up a case of Spencer Bushie who was—who had a video made of him. He was a child who had an intellectual disability and a learning disability. I was there at that school during that year, and to see that happened almost made me want to quit my education. I, as well, had been discriminated against at that school, specifically, that particular year. However, not having the knowledge that I had at that—that I have now, I didn't pursue any human rights complaints.

That frustration of me having to quit school because I did not feel comfortable in that school division because of how they treated persons with disabilities, I ended up in the CFS system because of home situations. Had a critical incident one night at home which required me, the next morning, to be admitted into the foster system. Their response was, normally, we get a month's warning before we can take in somebody with a disability. Fortunately, they were able to make arrangements throughout that day that were able to help. The foster home that I later got put in was not—was very minimally accessible; I was able to make do. But that shouldn't—I shouldn't have to make do. In the foster care system, they should have to make do for me.

And, lastly, this topic I want to talk about is sports. We are disadvantaged because of our financial income already. As well, in sports, we are also disadvantaged. I can take note of one individual who participates in curling, and he told me a story where the curling association said, yes, we'll take on wheelchair curling, however, you will not get the same perks as your able-bodied competitors would get. I, personally, am a wheelchair tennis athlete. I've represented the province in wheelchair tennis at Western Canada Summer Games as well as I represent the province in sledge hockey.

I believe that to ensure adequate funding for those para-athletes as well as adequate support to make sure that those para-sports remain strong are not only going to be beneficial for the province on the sports stage, but, as well as important for the individuals, as they are able to lead a healthy life which then will, in turn, also provide more support to our health system, as less health incidents are happening.

So this legislation is a first step, and I commend you guys on taking this first step. And, as a person of youth, I hope that more future steps will be taken so that those who are born with disabilities or who receive impairments early in life can enjoy their youth to their full potential, and, definitely, sports was one of them.

I thank you for your time, and I'll take any questions if needed. Thank you.

* (21:00)

Mr. Chairperson: Thank you very much.

Ms. Howard: Well, thanks very much, and thanks—is it Sam or Samuel?

Floor Comment: Whatever you prefer.

Ms. Howard: Well, thanks, Samuel, for your presentation and for bringing the youth perspective, and congratulations on your activism so far having real success for other people with disabilities. You've given us a lot of other things to think about, and that's my experience every time we talk about this issue. I think I've thought of every possible angle that we need to be working on, and then somebody like you comes along and gives me three more that I have to think about.

I did want to let you know, I was pleased to go on behalf of Manitoba to the Paralympics. I didn't compete in anything, but I was there as the government representative. And Manitoba was the only province that left its pavilion open throughout both the Olympics and the Paralympics because we thought that both those events deserved equal honour, and so we were happy to do that and be a welcoming place for para-athletes who were coming to the Games also.

So thanks very much for your presentation tonight.

Mr. Unrau: Thank you.

Mr. Chairperson: Any further comments?

Mr. Unrau: Actually, there is just one more about the education side that I did forget to touch on, and that is, recently, for university I did an article on bullying for persons with disabilities. And what was very disheartening is I could not find any Canadian literature on the bullying of persons with disabilities. And I know I've seen it many of times; I experienced it as well as witnessed, so more effects onto that would also be appreciated.

Mr. Chairperson: Good, thank you. Thank you very much, Mr. Unrau.

We'll now call upon Gisèle Saurette-Roch, and she'll be our last presenter, at this moment, anyways, on Bill 47.

Ms. Gisèle Saurette-Roch (Conseil provincial des femmes du Manitoba): Ça va. Merci. Bonsoir. Ça me fait vraiment plaisir d'être ici ce soir.

Translation

I'm okay. Thank you. Good evening. I'm very pleased to be here this evening.

Mr. Chairperson: Bonjour. Bonsoir.

Ms. Saurette-Roch: Je suis membre du Conseil provincial des femmes du Manitoba.

Translation

I am a member of the Conseil provincial des femmes du Manitoba.

English

I appreciate very much to have the opportunity to speak today. It turns out that the Provincial Council of Women of Manitoba is a long-standing organization that was established in 1949, and our goals are, as women, to meet but to look at our communities and needs from a woman's perspective for the well-being of our families and our communities. And so it's very timely that we should have a say here.

At our annual meeting, at the end of April, I'm very proud to say that the provincial council adopted as policy resolution No. 3, which is Accessibility-Rights Legislation for Manitobans. So I'm here to support this wonderful initiative, and, rather than ramble on, I will read the resolution. And it covers so many of the points already done, but, I think, it's a appropriate way to bring closure to the presentations here.

So, basically,

Resolved that the Provincial Council of Women of Manitoba adopt as policy support for the provincial accessibility rights legislation that requires: (a) the orderly and timely removal of barriers to equitable access faced by Manitobans with disabilities, and (b) that prevents the creation of new barriers; and

Be it further Resolved that the accessibility legislation reflect gender analysis; and

Be it further Resolved, No. 3 that the Provincial Council of Women of Manitoba ask the government for the Province of Manitoba to: (a) develop and introduce strong and effective accessibility-rights legislation that requires orderly and timely removal of barriers to equitable access faced by Manitobans with disabilities—and that prevents the creation of new barriers; (b) develop and introduce strong and effective accessibility rights legislation that is consistent with the following:

Cover all disabilities.

Reflect principles of independence, dignity, integration and equality of opportunity.

Move beyond the complaints-driven system to comprehensively address discrimination and barriers.

Establish a definite target date to achieve a barrier-free Manitoba.

Require the development of clear, progressive, mandatory and date-specific standards in all major areas related to accessibility that will apply to public and private sectors.

Establish a timely effective process for monitoring and enforcement of the standards."

Incorporate all of the leaders—Incorporate ongoing leadership roles for the disability community in development of legislation and standards.

Supersede all other provincial legislation, regulations or policies which provide lesser protections. And

Not diminish other legal and human rights protections.

So I think you'll concur that it's very thorough. It is, you know, inspired by Barrier-Free Manitoba, and we appreciate their input.

So I'm a—having been a member of the Manitoba Women's Advisory Council, personally, I know that Manitoba is very progressive in that way to, you know, having even instituted this mechanism of the Women's Advisory Council. That is a body that makes sure, eh, that all the departments take into account a gender-based analysis that takes concerns from women of all areas and concerns.

So I would hope that this advisory council you are establish will bring a particular perspective of how disabilities affect women specifically, because research shows, as Mr. Eadie highlighted, that

women are even more vulnerable than the male counterparts.

So, with that, I conclude my remarks. Thank you very much for hearing me.

Oh, no. One more. The language. You know, language is very important. That is a barrier. Thank you for having the sign language today here, but there are expectations that, as we bring in—that we open up our borders to many newcomers from all over the world, that that will be an issue and provincial counsel has policy about language as an accessibility mechanism as well.

So, with that, I do conclude my comments. Thank you.

Mr. Chairperson: Merci beaucoup.

Ms. Howard: Well, thank you very much, Gisèle. I don't have a question for you, but you're the last presenter, and I just wanted to take an opportunity to thank everyone who's come tonight and who has presented. I knew this was going to be a learning evening, and I think we've all learned an awful lot from what you said and what other people have said.

But I also want to thank, on all our behalfs, the interpreters who've been working so hard tonight. Let's give them a little round of applause, and the folks who've been working on the closed captioning also.

And I also want to thank our Clerk's office who—absolutely. I also just want to thank our Clerk's office, who, I know, have worked with the Disabilities Issues Office and other to make sure this meeting is as accessible as it could be, and we've got some ways to go there. But I want to thank them for doing that work and going that extra mile to make sure people could participate tonight.

Mr. Chairperson: I've just been informed that, not to be anticlimactic, but we do have one more presenter, who would like to make use of the fine services of the interpreter. I don't know the person's name. It'll be coming up momentarily, so, with everyone's patience, we will do that.

Our last, last presenter is Jordan Sangalang, and he's here tonight to speak through the interpreter. So please begin whenever you're ready.

* (21:10)

Mr. Jordan Sangalang (Private Citizen): Good evening, I would like to introduce myself. I am Jordan Sangalang. I was actually born here in

Winnipeg. Perhaps I will just talk a little about myself.

I did move with family to Florida and attended the Florida state School for the Deaf and Blind, and graduated there, and then went out to the University of British Columbia where I am taking a Bachelor of Arts in Economics, graduated from that and moved back to Winnipeg, and then made the decision to go to Gallaudet University in Washington, DC. It is the only liberal arts university in the world that is—where they teach in American Sign Language. So I am focusing on studies of deaf issues, politics, policies affecting deaf people, et cetera.

My concern, perhaps, this evening is that for when Winnipeggers go to university, be it the University of Winnipeg or Manitoba, which, typically, is the only ones that they go to because they're the only ones they can access vocational rehabilitation training for. I know that for myself when I went to Gallaudet University and asked, could I also receive some sponsorship to attend their specialized training there, I was told no. I said, not even some, given that it is the only liberal arts university where courses are taught in ASL and where this is the only place I can access a program such as what I am interested in.

And I was told, no, there is no support for that, and the rationale being that, well, it's too expensive a program to fund. And I said, well, you're willing to pay my friends to go to the University of Winnipeg in Manitoba on a full ride to achieve their education, and by the time you pay the interpreters, the costs for that, it can't be really much more than sending me on my own and paying the international fee because I don't need to have interpreters to access my education; I'm getting it direct from the professors.

So there even seems to be some rules around where you can get your education and where you can't. So, really, it wasn't full and complete access for myself as a deaf individual with where I wanted to get educated in my area of interest.

So my concern is, you know, what about that access, what about that barrier that is created for deaf people in regard to getting our higher education? Thank you.

Mr. Chairperson: Thank you very much.

Mr. Sangalang: You're welcome.

Mr. Chairperson: Are there any questions for the presenter?

Seeing none, thank you once again.

Mr. Sangalang: Thank you.

Mr. Chairperson: One last time. I believe that'll be the final presenter.

Ms. Mitchelson, did you wish to—I'll explain this—the process that will now take place.

Under our usual procedures, we will now move to hear presenters on the next bill, and once that is completed, we will come back here to call the remaining two names which were not here, unless the committee unanimously wants to call them a second time now.

Call them now? Agreed? *[Agreed]* Okay. Very well. Thank you.

So, for a second time now, on our list for Bill 47, I am calling the name of Mr. Sherwood Armbruster.

Mr. Sherwood Armbruster. Seeing no one step forward, I am afraid that I am left with no option but to remove their name from the list. They have been called twice.

And then calling what was No. 15 on our list, Doug Parisian—Doug Parisian. Again, seeing no one step forward, I will need to remove their name from the list as well.

That does complete our list of presenters on Bill 47.

Recognizing Ms. Mitchelson.

Mrs. Mitchelson: Thank you very much, Mr. Chair, and I, along with the minister, would like to thank everyone for spending a long evening here, making presentation to us. Many, many great words, many great presentations have been made tonight, and I think the minister has indicated earlier, with a nod of her head, that all of the presentations that were made tonight will certainly be considered by the advisory council as they begin their work.

And so I just want to say, we have learned a lot from you tonight; we recognize and realize that there is still a long way to go to making Manitoba accessible. And this will be a step in the right direction with much work to come. So thanks to all of you for being here and for sharing your stories with us.

Mr. Chairperson: Thank you very much for that. Just for the information of those who may be interested, as I mentioned, the committee will now

be hearing presenters from another bill. We will then, when that is concluded, come back to do the clause-by-clause process for every piece of legislation we are considering tonight. So we will be discussing something different and then coming back to this bill later on, should you wish to take that in, as members of the public.

Committee Substitution

Mr. Chairperson: I do have a quick housekeeping item. Before we move to Bill 48, we are—we have a substitution of Mr. Martindale for Mr. Dewar. So I want to inform the committee of that change.

* * *

Mr. Chairperson: This, of course, leaves us with a vacancy on the committee. We are in desperate need of a Vice-Chairperson. I'm wondering if there might be any nominations.

Hon. Andrew Swan (Minister of Justice and Attorney General): It's my honour to nominate Mr. Martindale to serve as Vice-Chair.

Mr. Chairperson: Mr. Martindale has been nominated. Asking the room, are there any other nominations from the committee? Seeing none, Mr. Martindale has been successfully elected as Vice-Chair of our committee tonight. Thank you very much for that.

And one last, final call. Was there anyone else who wished to present on Bill 47? The Clerk will do a quick check. But, seeing no one—no other presenters on Bill 47? Thank you very much, everyone.

Bill 48—The Planning and Land Dedication for School Sites Act (Various Acts Amended)

Mr. Chairperson: We will now proceed to hearing presentations on Bill 48, which is The Planning and Land Dedication for School Sites Act (Various Acts Amended).

Welcome the minister to the head of the table. And, once people get settled in their chairs, we will begin with our presentations on this bill.

Well, good evening, everyone. Ask you to take your seats and we will begin as promptly as we possibly can. Just to make sure everyone is in the room that they want to be in. This committee is hearing consideration for Bill 48, The Planning and Land Dedication for School Sites Act (Various Acts Amended).

I have a list of presenters with 11 names on it. I'll just say, at the very beginning, should anyone wish to add their name to the list, they need only speak with the kind staff at the front of the room there, and that can certainly be accommodated.

And, with that said, unless members of the committee indicate otherwise, we will begin with our first presenter from the list, which I have as Mr. Robert Rivard, from the Manitoba School Boards Association.

I see you have copies with you. Thank you very much for that. For anyone else who'll be presenting tonight, we do off—we do, typically, ask for 20 printed copies. If you don't have those with you, not the end of the world at all; we can certainly make that happen.

But, sir, thank you very much for coming, and you may begin your presentation. You have 10 minutes, with up to five minutes afterwards for questions from the committee.

Mr. Robert Rivard (Manitoba School Boards Association): All right. Thank you. And good evening, Mr. Chairperson and committee members. I'd like to thank you for your patience in committing to hearing all the presenters this evening, no matter how late it goes. I won't be very long, though.

My name is Robert Rivard, and I am here for the Manitoba School Boards Association. The Manitoba School Boards Association is a voluntary organization representing public school boards in the province. As such, we are advocates for strong schools that benefit all students and for the role local governance plays in ensuring that those schools are responsive to community needs.

As advocates for students, schools and communities, we strongly support Bill 48, The Planning and Land Dedication for School Sites Act. It addresses several board—school board concerns about current practices in this regard. Bill 48 ensures that land in new developments will be made available for school construction. Under current legislation, land may be made available at the discretion of the developer. In some high-demand areas of the province, this is not happening, and when new schools are needed, school boards have to scramble to find alternative sites. Bill 48 will make the dedication of land for school sites mandatory.

* (21:20)

Bill 48 will help ensure that land needed for school construction is affordable by providing a formula that ties the price of a school site to its assessed value prior to the application for approval of the subdivision plan. The legislation will help control costs associated with providing public schools.

While this association is on record as requesting the establishment of a standard price in development agreements for the acquisition of school sites in the city of Winnipeg—that standard price was \$25,000 per acre in 2006—we believe that Bill 48 provisions are a reasonable and equitable way of addressing this matter.

Bill 48 will prevent the proliferation of misinformation and misunderstanding surrounding the school site acquisition process by prohibiting the advertising of a parcel of land as a future school site until the construction of a school has been approved by the Public Schools Finance Board. Residents will be better informed about future plans for the development of their community. They will know clearly if and when a new school is to be built. There will be clear lines of accountability, and they will be able to make their own plans according to the facts rather than speculation. We support any move that brings greater transparency to a complex process, and Bill 48 does that.

We do have two minor amendments to suggest to Bill 48 as outlined below. Both of these amendments relate to section 19 of Bill 48 which would insert the following provision into The Public Schools Act: Use of money. A school board may use the money referred to in subsection 1, that is, money for the sale or lease of land that was conveyed to it or money received in lieu of land being conveyed to it and interest earned on the money only to acquire land for a school site or to acquire school buses.

We would request that the acceptable uses of that money be expanded to include capital renovations of an existing school. We believe that such an amendment is appropriate, as some school divisions may have available space in a nearby school—school building—that could be used to accommodate students for a new subdivision, subject to renovations and/or the addition of portable classrooms.

Secondly, we would ask that the legislation be amended to ensure that the lease of school buses as well as the outright purchase is—as classified as an acceptable use for these funds, as some school

divisions do not own their bus fleets. The term currently used is "acquire." This may be subject to an interpretation that would not allow for a leasing option.

Bill 48 responds directly to school board concerns relating to the acquisition of school sites. We would like to thank the government for introducing this legislation in such a timely manner and would encourage all parties and MLAs to support Bill 48 with the amendments proposed within this brief.

Thank you.

Mr. Chairperson: Thank you very much. Any questions from committee members?

Hon. Ron Lemieux (Minister of Local Government): Merci, Monsieur le Président. Thank you, Robert.

Just wanting to say thank you very much for taking the time to come out and put forward your presentation on behalf of your organization, and we appreciate the thoughtfulness that has gone into this and, again, just once—just to thank you for being here. It's very late. Thank you.

Mr. Rivard: Merci beaucoup.

Mr. Chairperson: Calling our next presenter, Michael Carruthers, representing the Urban Development Institute.

I see you have copies already. Thank you very much for that.

Mr. Michael Carruthers (Urban Development Institute): On behalf of the Urban Development Institute, I would like to thank the committee for this opportunity to present on this proposed piece of legislation.

UDI represents the professional development industry in Winnipeg. Our membership consists of residential, commercial and industrial land developers, along with professionals in the field of engineering, planning, legal survey, banking and architecture. Our industry represents one of the largest segments in the Manitoba economy. The value of new home construction alone is a multi-billion dollar industry.

This proposed legislation is of significant concern to our members. You will hear today opinions from a number of presenters representing our industry, including developers, builders and practitioners. Of utmost concern to us is that this

legislation looks as though it's being fast-tracked. We had not been informed by anyone at the Province of this pending legislation, and the first what we heard of it was with the press release on June the 2nd. I truly hope that we're not too far down the process to make changes, as the home building industry and our home purchasers are the ones who have the most at stake here.

Stated intent of this legislation is to protect home buyers in new residential developments. However, from our review, I would suggest this legislation may do the opposite. The cost of new homes will increase because of this legislation. There will be delays in development approvals and less information would be provided, not more.

Others representing our industry will provide more detail on our issues, but, for now, I would like to provide you with the following:

Firstly, we are not certain what this legislation is attempting to accomplish. Our industry has worked co-operatively with the City and with various school divisions for 40 years. If there has been a problem, no one has relayed that on to us.

The City of Winnipeg would manage the process to option school sites on behalf of the school divisions. The City requires developers to consult with school divisions and identify locations for school sites. We understand that the City of Winnipeg has recently determined that they are no longer legislated to deal with the delivery of school sites. Apparently, this is through the 2002 adoption of The City of Winnipeg Charter where this requirement was removed. However, the City does explicitly require developers to consult with school divisions through the area structure plan and the subdivision processes. A simple solution is to bring that process back to The City of Winnipeg Charter, with some amendments to ensure that consultation and transparency are clear.

Number 2, the proposal will cost developers, both big and small and, ultimately, the new home purchaser millions of dollars, either by the forced dedication of school sites for far less than the cost to provide the services to the site; (b) through—also through the requirement of a payment of cash in lieu, where school sites are not required, and/or the delays caused by adding another level of administration.

This to me does not sound like protecting the new home purchaser. Certainly, after consideration or considering that a new home purchaser already

pays for the education system through property taxes, which are approximately \$2,700 a year through income taxes and other taxes, please tell me, why should they be singled out to pay more?

Developers have been providing school sites to school divisions at a subsidized rate for many years. The amount paid for the site has been calculated as a City of Winnipeg standard value for acquisition for land for public use, which your previous presenter had indicated was \$25,000—which was not entirely correct—plus the cost of local services. At the very least, this was an attempt to provide school sites at cost. Now, with this proposed legislation, a specified price will be paid for the land, based on the assessed value, immediately before the application for approval of the planned subdivision was made.

In the case of greenfield development, which is where most of these sites occur, the land would be assessed at agricultural rates, which does not come anywhere near the cost of providing services, let alone the economic value of land.

There is only cursory and not well-defined point of discussion on the cost of services or, as worded in the legislation, and any improvements on the land. There are never any improvements on the land until after subdivision.

The City of Winnipeg's methodology of determining the land value is far more equitable, although it's still below the economic value, than simply looking at the assessed value of farm land. In cases where school sites would not be created, this legislation requires a payment in lieu. This would be payable directly to the school divisions for the acquisition of other school sites and school buses. This, again, is simply nothing more than a regressive tax, punishing new homeowners who already pay more than their fair share of education taxes.

A quick back-to-the-envelope look at the Waverley West case study that was based on—sorry, quick—back—pardon me. A quick back-to-the-envelope look at Waverley West, which was based on the Waverley West cost-benefit analysis compared by NDLEA on behalf of Manitoba Housing and Ladco in 2004, displays that the Pembina Trails School Division would receive nearly \$2 billion in tax revenue over an 80-year period or a net present value of between 540 and 700 million dollars in revenue. This does not include the provincial tax portion. If only 10 per cent of this is directed towards capital expenditures, the school division would not require any additional funding

from the school. This analysis would be easily transferable to any other areas of the city of Winnipeg.

* (21:30)

Thirdly, the legislation opens up the potential for abuse. School divisions could start land banking and become developers. This may not be the intent of the legislation. However, the potential is there and it has happened in the past. The legislation states that the school board must account separately for money that it receives from the sale and lease of land that is conveyed to it, and the school division must simply hold an open meeting of the board regarding disposal of land. This language would imply that the acquisition and disposal of these lands has already been contemplated. The language should be clear that this is not the intent, and that the initial developer has the right to the—acquire the land back from the school division through a defined and fair process.

Finally, one of the primary intentions of the legislation is to protect new home purchasers. UDI is not certain how this legislation will actually protect new home purchasers or what they're trying to protect them from. The only section of this legislation that seems to be focused on protection of home buyers is to make it illegal to advertise a school site until a decision to build the school is made by the Public Schools Finance Board. This would be—seem to be a little bit heavy-handed and will have a number of unintended consequences, including less transparency. This would not stop others, other non-developers, from advertising or promoting such sites, which is where the perceived issue seems to have come from. Land development advertisements today typically indicate that sites are potential school sites, subject to provincial approval, and identify the underlying zoning and the land use. Why not simply require similar and consistent language?

To conclude, ultimately, if the intent of this legislation is to make the process more transparent to everyone, including the home purchaser, there are far more simple solutions than what is being proposed. If anything, this legislation may add to the frustrations and the confusion on the part of developers, municipal officials, school divisions and new home owners. UDI proposes that this legislation be withdrawn, as it is based on limited research, has not received any input from stakeholders, will not resolve what is intended to resolve, will increase the

cost of new residential housing and result in a number of unintended consequences. The Province should reinitiate the process and undertake consultation with stakeholders, including us, in the development industry, and the school divisions, to come up with a mutually agreeable solution that is based in part on the system used by the City with some improvements that will make the system more open and more transparent.

With that, I conclude, and I'll answer any questions to the best of my ability. Thank you.

Mr. Chairperson: Thank you very much.

Mr. Lemieux: Thank you very much, Mr. Carruthers, for your presentation. And, again, it's late, as I mentioned to the previous presenter, but we thank you for taking the opportunity to do this. Thank you again.

Hon. Nancy Allan (Minister of Education): Well, thank you very much for your presentation. I appreciate the opportunity to—for you to make a few comments this evening. In regards to section 3 of your presentation, the legislation opening up the potential for abuse, I would just like to inform you that the Public Schools Finance Board controls the acquisition, transfer and the disposition of land. And, in regards to your comments that the school division would become a developer, that is explicitly prohibited in The Public Schools Act. So I just wanted to make sure that I provided you with that information because that is definitely not the intent of this legislation, so I just wanted to share that with you.

Floor Comment: I just believe that if that is the intent, that should be more specific. Pardon—

Mr. Chairperson: Sorry, one thing I recognize now, in hindsight, folks were out in the hallway might not have heard this: When we're in committee, everything we say is recorded, so, as Chair, I need to recognize a person before they speak so they know which microphone to send to the people typing everything up that we say, so.

Floor Comment: My apologies.

Mr. Chairperson: No, not at all; my fault. Recognizing—sorry, where did your name go? Mr. Carruthers, please proceed.

Mr. Carruthers: If that is the stated intent, I believe that it should be thoroughly identified in any changes or proposed changes because, as we read it, it doesn't read that way.

Mr. Chairperson: Any further questions for Mr. Carruthers? Ms. Mitchelson? Ms. Stefanson? I'm doing real well tonight. Been a few hours.

Please, Ms. Stefanson, go ahead.

Mrs. Heather Stefanson (Tuxedo): And, Mr. Carruthers, thank you very much for your presentation this evening. I was intrigued by a comment that you made earlier, and, given that you are from the Urban Development Institute, I was a little concerned with a comment that you made earlier with respect to the lack of consultation that took place with respect to this legislation. And, certainly, you know, we believe that when you're putting forth any kind of legislation in the Legislature, that organizations, especially such as yourself that has a number of—certainly, as stakeholders that are involved with this kind of decision-making, should have been consulted, and so that is a great concern to us.

I did want to say, though, that you mentioned that, you know, on a couple of occasions, that you felt that this—and I don't want to put words into your mouth and so I may just ask you to elaborate on this—that this would potentially be nothing more than an added tax that will ultimately be borne by, potentially, the new homeowners.

Is that correct, or could you maybe just clarify what you meant around that?

Mr. Carruthers: Maybe just to go back to your first point. We had not been consulted on this and we read about it in the press release last—on the second of June. But we as an industry have been working on since—for the past few months, since we became aware that the City of Winnipeg no longer was dealing with the delivery of school sites, we're trying to prepare our own discussion paper on how we would see school sites be delivered that we would use in consultation with school divisions, which all of our members do, do.

We do consult with school divisions and, in the case of Waverley West, school divisions were consulted back in 2004, and on a number of occasions. I believe another presenter here tonight will be getting into a little bit more detail on that.

With respect to homeowners ultimately bearing the brunt of this, it's like no other charge; it has to be passed on to the end consumer. We don't believe it's accurate or fair that the end consumer, in this case being the homeowner, should have to pay whatever it may be. We had received some notification that it

might be the cash-in-lieu portion, could be \$500 a house or a number that right now has not been supported or provided to us. But, also, the cost of these school sites, of which we are prepared to provide to the school division at cost, this legislation would indicate that we'd be providing it to them at far less than cost.

That number, that figure, will ultimately have to be passed down to the school or to the property owners, the new homeowners. And, at a time when homeowners are actually paying significant amounts of property taxes to the school divisions, we don't believe this is a fair way of taxation.

Mr. Chairperson: Thank you very much.

I'm afraid that wraps up our extra five minutes of time for questions.

So thank you, once again, for your presentation.

Now calling Eric Vogan from Qualico. Mr. Vogan, do you have copies of your presentation for the committee?

Mr. Eric Vogan (Qualico): I came here from a community committee meeting, so I was used to three, given three councillors. I have three copies available.

Mr. Chairperson: That'll be just fine. We can make extra copies.

Mr. Vogan: Sorry about that.

Mr. Chairperson: Not at all. Please proceed when you're ready, sir.

Mr. Vogan: My name's Eric Vogan, and I've been working for Qualico for 30-some years and, for the last 25 years, I've held down the job as land development manager.

And during that time, our company has and our—and the affiliates we work with as developers, we have provided sites for 13 schools in the city. This process has worked well for the last 40 years, and I go back as far as Unicity because I get sketchy before then.

But, by quick recollection, the members of the professional development industry—Ladco, Genstar and ourselves as mothers, we've provided sites for over 50 schools in this fashion. These schools are provided—our school sites are provided at cost and less than cost, and I think it's important that's understood. This thing has been working well, with

the exception of some wild realtors, perhaps, and some out-of-control stories.

It is in the interest of any professional developer to work with the school boards to ensure appropriate locations for neighbourhood schools. Particularly when we work on any development, we get hold of the school board, and we try and find out well ahead of time whether they've got any idea of how many schools or how many homes per school sites appropriate this week or this year, and that's a tough job. But we look to provide options so that these school boards can work on it. This involves long-range planning in the neighbourhoods and ongoing communication.

Recently, the City of Winnipeg—and I would say recently—I'd say probably five years ago the last version of Plan Winnipeg, any new communities were required to have a master plan done, known as a regional secondary plan and, in those plans, invariably, there is consultation with the school divisions about where schools would be best located.

* (21:40)

In a current draft of OurWinnipeg, there is again such a process in place. In other words, no long-range planning goes on without consultation with the school boards, and I can say that I've worked very well with a number of school boards, particularly St. Boniface and Louis Riel School Division—or say, St. Vital and Louis Riel School Division, having known St. Vital longer.

We've worked with the school divisions, not only through the processes described earlier, but also on an ongoing basis by ensuring that we provide information to prospective home buyers as to where to find out the true facts about schools. We encourage homeowners to call the school board directly to find out information. We put up signs on the sites offering the school board's number. We put it on our website. We make sure that the school board has got—is the source of the story.

And I talk about possible school sites. It's been disturbing to see in the last several years that school divisions have been unable to play in an active role in the planning process because their hands have been tied by the Province, whose first response to schools in new areas is no new schools. In the absence of reasonable, accessible information, speculation and plain lies fill the gap. And I'm not picking out on realtors, but people will invent stories to get an answer if they don't know the real story.

Oftentimes common sense would make such speculation more plausible than the stated policies such as no new schools. If they're applied to an area like Sage Creek, where, until the recent minister took office, that was the official mantra, one would say, you're building an area of 3,000 homes and there are no new schools? I would suggest that somebody's story would sound more plausible than that.

Admittedly, there'd been a huge reduction in household sizes as the baby boom ages and the echo generation ponders the childbearing decision at length. This has definitely complicated the school enrolment predictions. Indeed, 25 years ago we could dependably count on one school site per 800 to 1,000 homes. Nowadays, it's probably less than half that. But it's somewhere there; the answer is not no.

We are now pursuing a regional plan for a Ridgewood area of Charleswood, and early consultations with the planning group, by the planning group there, with the school division and PSFB, have come back saying there are no new schools needed in an area of 2,500 homes. Now it may well be that there's lots of extra space in Charleswood, I'm just not sure. But the process, if it remains in that fashion, would result in no space being available for a school, should a need appear. I don't know what's going to suddenly increase the fertility rate, but something might like—something like that might happen.

The other problem is that the Province is too far removed from the dynamics of neighbourhood and community development to react appropriately to school capacity requirements. Although we keep school divisions up-to-date regularly with houses built and expected possession dates and whether we see kids in the street or not, the reaction of the Province appears to be don't plan a school until you see the whites of the students' eyes. And I believe that is a bad planning policy that's been in place for a long time. It has resulted in schools being filled the moment they're open. People living near schools can't get at them and the busing decision again occurs.

As a result of this, children in new communities often spend a good portion of their days on a bus. Developers wonder whether the neighbourhood school is no longer a part of a community, a complete community. And homeowners consider which location gets you the best busing location to the school in the existing neighbourhood. The Province in this, moving ahead with this, is also

ignoring the experience of the industry and the City by demanding huge school sites. We've been recently hearing stories about how the school boards need 10-acre sites. This has been a dramatic change from our long-standing policy of establishing three- to five-acre sites in conjunction with city parks.

The largest element of any school site is servicing cost. It's been stated earlier that we provide land at cost or the City's stipulated version of cost. Numbers of twenty-five, twenty-eight thousand dollars an acre are around. The City's 2011 number, I understand, is \$40,000 an acre. However, servicing costs, providing roads, sewer and water are six to eight times that amount. If you take a four-acre school site, you could spend \$700,000 on servicing. If you buy a 10-acre school site, you'll have \$2 million worth of servicing costs in your hands.

We are effectively, these days, with current school-site policies, or past school-site policies, I should say, providing a city park adjacent to a school site, which provides much of the recreation area necessary. We've also done work with architects to ensure that these four-acre sites are adequate to house a 400-man—or 400-child school, along with attendant daycare.

But servicing costs are clearly not understood by the School Boards Association, and they are a very big cost.

The long-established process of developers working with school divisions offering options on sites works well. Developers understand that too many sites is better than too few, and we have accepted that some sites come back after a reasonable option period. Furthermore, in quiet times such as all of the '90s, we have lengthened option periods to school boards where development has not met the expectations that were in place at the time the options were granted, and it's important that we keep that option open so the possibility of the school can arrive.

Again, long-term regional planning and regular communication are necessary, but the industry and school divisions both have to stand up on these school sites as they are available to say there might be a school here, and we won't decide until we're certain of its need. And we believe, in concert with the school boards that we work with, that we are, indeed, doing that.

I understand that a large part of the impetus for this hurried piece of work is complaints from

homeowners who have chosen to believe a realtor or a neighbour whose name is long forgotten, rather than question the developer or the school division as to a vacant site. Such problems come with the flexibility that the option process offers. I would further suggest that any vacant site that a school board has its eyes on, whether it's decided to build a school or not, will become fodder for those same neighbours and agents. Certainly, the development industry, the school boards, they will have the answers that people need and they will also be quite frank as to say, I don't know whether we need a school there, but, right now, we're hanging on to that site.

However, speculation, again, fills gaps. If a school board or the Province holds on to a piece of land and doesn't tell anybody what's going on, stories will be developed, not by developers, those are others.

Mr. Chairperson: You have about 30 seconds left.

Mr. Vogan: Finally, we would recommend that this piece of work would benefit from extensive consultation with the industry to develop the framework for a well-conceived process that ensures school sites are delivered where they are needed at a reasonable cost.

And I'm committed and ready to work with anybody that will invite me to the table.

Mr. Chairperson: Thank you very much. Any questions for our presenter?

Mr. Lemieux: Not a question, but just a thank you, Mr. Vogan, for presenting tonight. As I previously mentioned to others, it's important that we hear everyone's voice, and we do appreciate you taking the time even though it's late this evening. Thanks again. Thank you.

Mr. Chairperson: Recognizing Mrs. Stefanson.

Mrs. Stefanson: Thank you, Mr. Vogan, for your presentation this evening. Just a quick question for you. Do you believe that there is any way that this legislation can be amended as is or do you believe that the government should just go back to the drawing board and, through adequate consultation like you have suggested, perhaps, come up with something else down the road that's a little bit better?

Floor Comment: There are some good ideas in there in terms of—I'm sorry, you were going to say recognizing—

Mr. Chairperson: You're now officially recognized.

Mr. Vogan: Some good ideas there. Certainly, the gap that's now evident in the City of Winnipeg's official process, it must be addressed. But I believe the option process that's there now has to be considered, and I think the writers of this bill have to understand servicing costs, not just land costs, as well.

Mr. Chairperson: Seeing no further questions, the committee thanks you very much for your time this evening.

Mr. Vogan: You're welcome.

* (21:50)

Mr. Chairperson: Our next presenter is Alan Borger from Ladco Company Limited.

And, as Mr. Borger is making his way forward, for the information of the committee, we have an additional presenter added, Mr. Kim Raban. Not sure if they're representing an organization or not, but they will be making an oral presentation on Bill 48 this evening, as well, so you can add Mr. Kim Raban, R-a-b-a-n, to your list.

Over to you, Mr. Borger. Thank you very much for coming this evening.

Mr. Alan Borger (Ladco Company Limited): Thank you, Mr. Chair, ministers, members. Thank you for the opportunity to present. My name is Alan Borger. I'm the president of Ladco. Most of you are familiar with my company. We've been actively involved in the development industry for many years. Obviously, over the years we've had to work co-operatively with a number of important stakeholders, including three levels of government, the various school divisions, governmental departments and the public at large.

We pride ourselves—I think we have a reputation in terms of our ability to work openly and honestly. But, frankly, we were a little bit surprised, taken back, by the proposed legislation. I don't know whether it was intended, but Bill 48 seems to be based on three assumptions. First, that developers are guilty of misleading advertising. Second, that developers do not plan for schools or consult with the school divisions and, third, that developers do not contribute towards school sites. All three are false. This cannot be what was intended.

First, let's consider misrepresentation. It appears that this recently surfaced, based on the allegations

of a very small group who claimed that they were promised a school. I put that in quotes in the written presentation. Everyone else seemed to understand that options were granted and then exercised, or not, by the school divisions. In other words, you know, buying, that a school might or might not be built. If a school is not built, the land does not magically become an additional park. It's zoned, typically, for multi-family use, which everyone in planning circles claims to desperately want. According to the media coverage, the people involved can't point to anything concrete, or even name names, except to say that it was some agent or something like that. With respect, our planning and marketing information is quite clear, and the information about zoning is readily available.

I hope you have my package. If you would turn to schedule A. Schedule A contains a picture of the signage nailed up about three or four months ago on a R 5-acre school site in South Pointe. The sign is eight by eight. That's not eight inches, that's eight feet by eight feet. One of our development guys is standing next to it. The lettering is eight and the small print is four inches high. With this type of sign, frankly, I really wonder how there can be any confusion, whatsoever, about what we've been saying for a long time. It says South Pointe, Designated for Multiple-family Residential Development, Zoned RMF-M. I don't even know what that means, but my guys tell me it's multi-family. Approximately 5 acres. Option granted to the Pembina Trails School Division for a potential School Site Subject to School Division and Provincial Government Approval. For more information, contact Pembina Trails School Division, www, et cetera.

If this legislation passes, unamended, I guess I'm going to have to determine whether this sign now contravenes the act. Frankly, the proposed legislation will not assist anybody, certainly not our customers, but it might well help to drive up the cost of housing.

Secondly, in terms of consultations, the media release seems to suggest that the City and developers do not plan for schools or consult with the school divisions, or that do for—they do so on discretionary or perfunctory basis. Again, that's simply not true.

Waverley West is undoubtedly—and we coined this—the most-studied piece of dirt in Winnipeg's history. And throughout the whole process we worked closely with Pembina Trails School Division, who were identified at the earliest stages as major

stakeholders. I can't even guess what our costs would be, but they were millions of dollars. So, to say that consultation didn't take place, I've asked our consultants to put together a list of names and dates and meetings and correspondence, but nobody can, in good conscience, claim that there was ever any lack of consultation. In the end, the school division requested a five-acre site next to a city park, and that's exactly what they got.

If you turn to schedule B, it shows you, and this isn't just marketing—although I think if anybody wants to buy a lot, they should give us a call, by all means—this is the—schedule B is the type of sign that the City, according to their bylaw, requires that we nail up, and that's what we've done. But I think it's a good plan. I think it's a really good plan, and I'm proud of it. Again, there can't be any question about the school site. I mean, we've used words like "proposed"—or "potential." I don't have time, but I, you know, I initially looked at a dictionary and if we've got trouble with those words, we have more trouble with our schools than just selecting sites.

So, as I say, the school division got their five-acre site, but none of this should be a surprise to anyone, because this is the process that we have followed for, literally, decades, having planned for and over the years seen over 21 schools developed in our different neighbourhoods.

However, apparently, in 2002, somehow, and I'm not sure, again, this was intentional, the City's Charter got amended and removed the obligation for the City to plan for schools. This came as quite a surprise to us. Indeed, notwithstanding this change, we and the City still continued as though the old legislation was still in place.

You'll see, in schedule C, the option that Pembina Trails was granted. I mean, we've continued exactly in the same fashion. So we're at a loss, and with great respect, it appears that the easiest solution would be to simply to revert back to the law as it existed before the 2002 amendments.

Now, finally, again, whether intended or not, and there's lots of ambiguity, some of it, in fairness, might be worked out in regs, but bear with me. The bill seems to suggest a new paradigm, a change to what we in the industry effectively call the development agreement parameters. These parameters have evolved over many years of negotiation, consultation and even some trial and error. It's fair to say that they've been worked out by lots of very smart people on both sides of the table,

private and public sector, politicians and civil servants. As I understand it, the goal was always to arrive at a just and fair allocation.

I think the other presenters will probably deal with some of the ambiguities, but, at the risk of redundancy, I've prepared and include a schedule D, a high level back of the envelope, I stress, for discussion purposes because of the time we had and the information that we're dealing with.

* (22:00)

Mr. Chairperson: Mr. Borger, just so you know, you have a little bit under one minute left, but we can include, with the committee's agreement, we can include the full text of what you've given us in writing as part of your—as part of the record.

Mr. Borger: That would be wonderful.

Suffice to say that the model is based—that we've operated until now—is based on cost recovery. Having said that, the developer still provides a substantial subsidy. On a five-acre site, it's \$550,000. On a 25-acre site, such as the one that was floated out, it would be enormous. And, at the same time, it's important to note that the school—it's important that the school does have some cost. It's important because that means the school division will definitely exercise some prudence; that's not a bad thing.

Re: Bill 48

Presentation to the Standing Committee on Human Resources

Bill 48 The Planning and Land Dedication for School Sites Act

Presented by Alan Borger

June 13, 2011

Introduction

Thank you for the opportunity to present today. My name is Alan Borger and I am the President of Ladco Company Limited (Ladco).

Ladco is a diversified company with interests in land development, heavy construction, building supplies, residential & commercial property development and hospitality.

Since the 1950's Ladco has been an active and innovative developer of planned communities including the development of over 4,000 acres now home to thousands of Winnipeggers including Birchwood Heights, Windsor Park (one of the 1st

master planned communities in Wpg), Southdale (1st to include retention ponds or "lakes"), Fort Richmond (joint venture (JV) with Fort Garry), St. Michaels Road (JV with St. Vital), Garden Grove (JV with Titus Developments), St. Charles GC lands, De Vos Road, Royalwood (JV with MHRC/Province and 1st to include naturalized "wetlands" and residential traffic circles), and most recently South Pointe in Waverley West.

These developments spanned decades and required: the assembly of thousands of acres of land; the design, financing & installation of billions of dollars of infrastructure & services; the negotiation & administration of long term development agreements; and the sale & marketing of billions of dollars of residential & commercial real estate.

Obviously over the years we have had to work cooperatively, fairly and effectively with a number of important stakeholders including all 3 levels of government, the various School Divisions, myriad governmental departments and the public at large.

We pride ourselves in terms of our ability to work openly and cooperatively and frankly if we did not we would not be in business.

However, we were a little surprised by the proposed legislation which apparently came "out of the blue" and which appears to be based on a weak foundation.

When I first read Bill 48 and the various press releases, it appeared that three inferences might fairly be drawn:

- 1. that developers are guilty of misleading advertising,*
- 2. that developers and the City do not plan for schools or consult with the School Divisions, and*
- 3. that developers do not contribute anything towards School sites.*

All three premises are false. This cannot be what was intended by the proposed legislation.

Advertising

First let's deal with "misrepresentation".

It appears this "issue" recently surfaced based on the allegations of a small group claiming that "promises" had been made, but not kept.

The people claimed they were "promised" a school, but everyone else seemed to understand that options

were granted and then exercised or not by the School Divisions.

In other words, you buy knowing that a school might or might not be built.

If a school is not built the land does not magically become an additional park – it's zoned, typically for multi-family (M-F) which everyone in planning circles claims to desperately want.

According to the media coverage the people involved can't point to anything concrete or even name names except to say that it was "some agent" who either:

A. made the misrepresentation prior to their decision to purchase, or

B. was, at some point in time, unclear about how, when and whether the School Division had exercised its option.

I can't fathom how the second point is at all relevant.

With respect to the first, our planning and marketing information is quite clear and the information about zoning is readily available.

And as a final safeguard, if such a "promise" were really made and if it were really important, one would assume that they would tell their solicitor who would investigate and conclude – in that particular case – that:

- *the site was zoned "RM2", and*
- *there is no "promise" about building a school.*

And, from our perspective, we have no interest whatsoever in misleading anybody – we do not charge any more or any less depending on whether we ultimately expect that a school or M-F project will be developed.

But enough about the past – what are we doing today?

***Schedule "A"** to my presentation contains a picture of the signage nailed up on the 5A "school site" in South Ponte (Waverley West).*

The sign is 8' x 8'.

The lettering is 8" and the "small print" dealing with the "option" is 4" high...

I fail to see how there could be any confusion whatsoever about the status of this land.

But if this legislation passes I suppose we will have to retain counsel to determine whether our sign

contravenes section 259.2(1) and whether we might be fined up to \$25,000 under section 259.3?

*Please note that this signage is in addition to the general signage required by the City (please see **Schedule "B"** which contains this general signage).*

Frankly it seems that the proposed legislation will not "assist" our prospective customers, but it might well help to drive up the cost of housing.

Consultations

The media release and Bill seem to suggest that the City and developers:

A. do not plan for schools or consult with the School Divisions, and

B. have only consulted with the School Divisions on a discretionary/perfunctory basis.

Again, this is simply not true.

Waverley West is undoubtedly the most studied piece of dirt in Winnipeg's history and no one can tell you that they weren't consulted.

As you know, in addition to the typical public hearings and consultations for a subdivision, the planning, studies (all posted on line @ the City prior to the hearings), consultation and hearings included:

1. *the Plan Winnipeg Amendment,*
2. *a Regional Area Structure Plan, and*
3. *a Neighborhood Area Structure Plan,*

and throughout this process we worked very closely and collaboratively with the Pembina Trails School Division who were identified at the earliest stages as "Major Stakeholders" and given the courtesy, respect and attention they deserved including numerous inter-active meetings, correspondence and communication.

In addition the School Division was aware of the many public hearings and aware of or invited to the various Open Houses, Workshops, Resident Advisory meetings, and other consultations.

In this regard I have asked our consultants to put together a list of all of the various meetings and correspondence, but trust me that no one can in good conscience claim that there was any lack of consultation.

In the end the School Division requested a 5-acre site next to the City's park and that's exactly what they got.

*In this regard I have attached as **Schedule "C"** the Option Agreement provided to the City and assigned to Pembina Trails.*

Basically the School Division will get the land based on the City's price (\$40K/a) plus services.

But none of this should be a "surprise" to anyone because this has been the process that we have followed for literally decades and over the years we have planned for and accommodated at least 20 schools.

However, apparently in 2002 somehow, someone amended the City's Charter and removed the obligation for the City to work with the developer and School Boards to plan for and facilitate schools.

This came as a complete surprise to all of us: indeed, notwithstanding this change we and the City still continued as though the old legislation were still in place.

And why not? It's certainly in our interest to work with the City and School Divisions to comprehensively plan for as much as we possibly can including schools.

Accordingly, with great respect it appears the easiest solution would be to simply go back and enshrine the law as it existed prior to the 2002 amendments.

Contribution to Schools

Finally whether it is intended or not, the Bill seems to suggest a new paradigm – a change to what we affectionately call the "development agreement parameters".

These parameters have evolved over many years of research, study, negotiation, consultation and even trial & error.

It is fair to say that they have been worked out over the years, by lots of smart people on both sides of the table – the private and public sector, and by politicians and civil servants alike.

As I understand it, the goal was always to arrive at a just and fair allocation of various costs/obligations.

In this regard, charges were allocated based on tangible infrastructure/services with a demonstrable nexus – not as a tax or source of revenue – because there was always an understanding that any additional costs would ultimately imperil one of our important competitive advantages – that of relatively affordable housing.

I think that the other presenters will deal with some of the ambiguities that we encountered with the draft legislation.

*But at the risk of redundancy, I have prepared and included as **Schedule "D"** a high level, back-of-envelope illustration for discussion purposes.*

Up until now, the process seems to have worked: the School Division consults with the City and developer and after research and study various sites and alternatives are identified.

Once a site is identified – usually next to a City park – an option is prepared in favor of the City, but assigned to the School Division.

The option will typically have a term of 5 to 10 years and a strike price equal to:

- A. the City's annual estimate of land value, and*
- B. the cost of services (on a formulaic basis, as confirmed by the City).*

Although the model was based on "cost recovery", in the end the developer ends up providing a substantial subsidy.

However, at the same time, it is important to note that the School Division must exercise some prudence because clearly the land does have a cost and frankly that is not a "bad thing".

As a result, based on a 5A site you can see that even under the current parameters "cost recovery" still works out to a substantial \$550K subsidy.

However, Bill 48 would apparently change this system with:

- dedication based on the "assessed value" before development, and*
- cash in lieu.*

Suffice to say from the examples I have provided in Schedule "D" that we have many questions about how all this would work.

In the end we are very concerned that, inter alia:

- 1. our "subsidy" will increase quite dramatically and will lead to an increase in the cost of new housing,*
- 2. once you move from a "cost recovery" model, the legislation will increase uncertainty and randomly create "winners & losers",*

3. *the School Division will not "plan", but instead will have a huge incentive to "play it safe", "bank" much more land than they require, and then attempt to use the land it banks to subsidize and pay for any schools they actually build, and*

4. *land will ultimately be "wasted" because the school divisions will "bank" and will subsequently not be inclined to "stand up" to neighborhood activists – as a result, urban densities/housing diversity will fall.*

In the result my recommendation is that this legislation be postponed and the Minister ask his Departments to do something we did so very much of when we did Waverley West – consult with the relevant stakeholders...

Thank you for your attention. I will be happy to answer any questions.

AAB/lam

Mr. Chairperson: Thank you, Mr. Borger. I'm afraid our 10 minutes has been reached.

Mr. Borger: Thank you. I'll stand for any questions.

Mr. Chairperson: Yes, please stick around. Are there any questions or comments from members of the committee?

Mr. Lemieux: It's not a question at this stage, but just to thank you very much for your presentation. We do appreciate the comments that you've made and the questions you've raised, and, hopefully, we'll address those. But thank you.

Mr. Ralph Eichler (Lakeside): Yes, I ask of the committee that the presentation be presented in *Hansard* as presented.

Mr. Chairperson: If that is in agreement with the committee officially? Yes. Okay, very good.

Mr. Stuart Briese (Ste. Rose): So, Mr. Borger, you effectively see this as a—essentially just raising the cost of the properties when they become available for sale.

Floor Comment: Well, first of all—

Mr. Chairperson: Recognizing Mr. Borger.

Mr. Borger: Oh, I'm sorry. First of all, yes, because the land will no longer be on a cost-recovery basis even at the City's, you know, the City's value of land, which is currently \$40,000. We know from activity in the market that probably 60 or 70 would be a more realistic number in this environment.

But, secondly, the question that Mr. Vogan stressed about services is paramount. I mean, I have relatives that say, it's all in the land. That's not true. It's all in the hard services that are put in the ground and the deals that people make to develop over the—the land over the years. So, if that money isn't coming back to us to offset our costs, then it's either absorbed by me or by the builder or by our customer. It's quite simple.

Mr. Briese: Thank you very much for that answer, and thanks for your presentation.

Mr. Chairperson: Seeing no further questions, thank you very much for your time with us this evening.

The committee now calls Mr. Mike Moore from the Manitoba Homebuilders Association.

Thank you, Mr. Moore. You may now—thank you very much. Please proceed.

Mr. Mike Moore (Manitoba Homebuilders Association): Thank you for the opportunity to present today. As he said, my name is Mike Moore, and it's my honour to serve as the president of the Manitoba Homebuilders Association, an industry that annually, in the province of Manitoba, generates almost \$3 billion in expenditures, creates 25,000 jobs, contributes over \$1 billion in wages and creates almost \$100 million in PST, thereby accounting for almost 6 per cent of this province's GDP.

I'm here today on behalf of our industry to speak in opposition to the proposed amendments. When the honourable Minister Lemieux called me—I think just before noon on June 2nd, I think we talked, Ron—that just to inform me of this pending legislation, he articulately described a problem being encountered by consumers who are buying new homes under the premise that a new school was being targeted for eminent construction within that subdivision. And, of course, when they found out that that wasn't necessarily the case, they were naturally disappointed and angry. The minister pinpointed three separate and distinct areas from which he felt that this confusion could've been caused, and we talked quite a bit about that, and a very good discussion. Certainly, the realtors or sales agents may have been implying that a new school was being strongly considered as part of the sales presentation.

Of course, the school boards had been going public—some of the boards—public in their desire to have new schools constructed to accommodate

existing and future needs and to reduce excessive bus rides. And then, finally, the maps that the developers put up may have been, with large uncommitted spaces being designated as possible school sites—could have been misinterpreted by consumers or, again, the sales agents or realtors as a pending school site as opposed to a possible or potential.

No one of the aforementioned three parties were directly promising a new school, but the minister correctly felt that the implication was strong enough that perhaps some confusion could be caused to the consumer. And he indicated to me that the government wanted to eliminate that confusion. So then, later that day—I don't know when it was sent out; I received it at 2:21—the news media release was distributed publicly. The lead of the release was that amendments were being planned to ensure that prospective home buyers in new residential areas would have the most accurate information available on the location of future school sites.

The enhancement of the consultative process with the goal of transparency is a perfectly logical desire and one with which few could differ. However, upon reading in greater details within Bill 48 and really the last point mentioned in the release, it appears as though the primary intent of the legislation could be to increase costs within new developments, offload some school funding responsibility, as has been mentioned earlier, to developers, and of course, eventually, home buyers, which would then create a new form of taxation through these government-imposed charges and, of course, my major concern, further erode housing affordability.

By forcing the developer to offer the sizable portion of land to a school board at an assessed rate which, as Mike Carruthers said, is likely equal to agricultural or vacant use, is really a gross underestimation of its true and potential value, certainly to the consumer, in that the developer must fully service this area as part of the subdivision, they're incurring further costs.

These costs will then have to be borne by each and every one of the home buyers within that subdivision. The cost to purchase their home will increase not by actual value but rather artificially in order to pay for a new school that may or may not ever be built in their lifetime. This expenditure will never be recovered by the consumer because it's not the true value of their home.

The Manitoba Homebuilders Association fully supports working with all parties to ensure clarity and transparency regarding the planning or potential location of school sites. The Explanatory Note to Bill 48, the first page of it, indicates that a primary purpose of the bill is to prohibit anyone from advertising that a school will be built on a particular piece of land until said construction is approved. I would say that making signage and advertising clear, not lobbying for schools in public, provision of information to consumers, will accomplish just that without a bill, probably a regulation or some other term that perhaps I'm not as well acquainted with. However, using this message to create an imposed tax increase only serves to further hurt and confuse the consumer and negatively impact housing affordability. Thank you.

Mr. Chairperson: Thank you very much for your presentation. Any questions from the committee members?

Mr. Lemieux: Well, thank you very much for your presentation. Just a quick question. New developments often generate new or expanded public services like roads and sewer and waste-water servicing, parks, drainage. Who pays for that?

Mr. Moore: You'd have to ask one of the developers with the buyer. The developers, I believe, two of them gave further breakdowns of costs for the services. So if you want to have a—

Mr. Lemieux: Yes, I was just wondering. You mentioned about a tax increase of some kind, but the services that are being mentioned, I would strongly suggest that those are being passed on to the consumer or whoever's buying. Somebody has to pay for that, right.

* (22:10)

Mr. Moore: Ultimately, the costs are passed on to the consumer for all the services that they are utilizing, of course. However, in this case, the worry is that these additional servicing of, is a three-, a five-, or even was mentioned a 10-acre area that they may or may not be using would also be passed on. An example that we could use, and just for mathematical purposes because simple math is all I can use in it, is that if, perhaps, we lose a million dollars worth of land, and there's a hundred landowners in that subdivision, that's \$10,000 each to make up that million dollars. That's not going to be recovered in the cost of your house. In fact, the bank won't listen to you.

Mr. Chairperson: Any other questions for our presenter? Seeing none, thank you very much for your time.

Up next, the committee calls Johnathan Fahr. I hope I'm pronouncing that correctly, from the Fahr Group. You can correct me if I'm wrong in the—okay. Thank you for coming, and please begin whenever you're ready.

Mr. Johnathan Fahr (Fahr Group): Thank you very much, Mr. Chairman, and members of the board. I'm here on behalf of my family's firm which is currently involved in land development industry in Manitoba. We are currently involved in developing over a thousand acres in and around the city of Winnipeg and have been in business in Manitoba for 50 years.

I'm here to advise the committee that this matter comes to a complete surprise to us as we were unaware of this until earlier today. We are currently actively pursuing development on our projects and have met with provincial and local governments. With view of these amendments, of Bill 48, as counterproductive and a serious impediment to land development in Manitoba.

From our brief initial review, our comments are as follows: The bill has no input from stakeholders such as developers, such as UDI. It seems to be an unnecessary tax to land developers, which will then be burdened on the home purchaser. As a developer, our servicing costs have gone up significantly and another school site, free service school site, will affect our ability to develop. Developers do advertise these are potential school sites and I agree with Mr. Borger's comments that these are potential sites.

We are strongly against Bill 48, but are willing to work with parties, school boards and governments. Thank you.

Mr. Chairperson: Thank you very much. Any questions for Mr. Fahr?

Mr. Lemieux: Well, thank you for taking the time to come out. I appreciate it very much, and I know the other committee members do so as well. Thank you.

Mr. Chairperson: Thank you, Minister, and thank you for your time.

Calling next—committee now calls Jerry Klein from GenStar Development Company. Do you have printed—multiple copies of your presentation or—

Mr. Jerry Klein (GenStar Development Company): No, I haven't provided anything.

Mr. Chairperson: That's fine. Please proceed whenever you're ready.

Mr. Klein: Good evening, Mr. Chairperson, and committee members. My name is Jerry Klein. I'm vice-president of GenStar Development Company. GenStar's been developing residential communities in the city of Winnipeg since the 1950s. We have developed no less than 18 master-planned communities, some 17,000 single family lots, hundreds of acres of multi-family over the years, and I'm positive we've worked co-operatively with the various school divisions to provide numerous school sites.

Now, I mention this track record and, equally, Qualico and Ladco have stellar records, and track records providing housing since the Second World War for the city of Winnipeg, so I'm not here to advertise. What I'm here to emphasize is that in this room you have a huge amount of experience and knowledge about development and working with—whether it's the City of Winnipeg, the school divisions, the Public Schools Finance Board, any other government agencies for planning appropriately parks and schools and all of the basic needs that you want in a community.

What's astonishing is this legislation comes about—no consultation, no word of a problem, no word of an issue. We've been working co-operatively for years and, you know, without getting into specifics of the legislation, my colleagues who have spoken prior to me have already expressed their concerns. It's got a lot of ambiguities. It's very vague. It's actually going to be more problems for the homebuyer than it is currently if there, in fact, exists a problem.

So the main message, if I can leave one here, is that there's been no word to the industry that there's been a problem here, and to throw this out without any consultation is totally inappropriate, especially when you know that we have experienced developers here. There's others I haven't mentioned but, I mean, there are many ways of working these issues out, and the current legislation that is being proposed are taking—is very vague in providing opportunities or providing uncertainty, not opportunities, but uncertainty, in the whole process.

The current parameters that we've been using over the last number of years, as far as I know, have

worked very well. If there are some—if there's a couple of instances where there's been a negative reaction to a certain situation, I don't see why that would require sweeping changes to the whole legislation, and that's what this is. The whole method of providing school sites is now being changed, the whole philosophy of providing school sites, and, as a result of that, I mean, it's totally unacceptable without any consultation.

Why can we not sit down in an appropriate meeting, hear what the issues are, have the City in attendance, have the school divisions, have the Public Schools Finance Board, have the development industry, the professional development, UDI, Urban Development Institute, an organization in Manitoba and right across Canada, have all the professional developers at the table there, at any time, to speak on any issue. We don't get—we didn't even get to the table. We didn't even know there was a problem.

So that's the message I want to leave. Rather than getting into specifics about the legislation, my colleagues who've spoken prior have explained their concerns. They are serious concerns. I think they're going to create a lot of uncertainty. I don't think that they're fully spelled out in the legislation, and I really request, if anything, is to take this legislation back, give us the opportunity to sit down and consult, discuss the issues and work out the issues, and I'm sure, at the end of the day, we'll come up with a formula that all will be happy with and that'll be clear and precise for all, for the consumer, for the industry, for the Province and the school boards.

So that's the message I'd like to leave tonight.

Mr. Chairperson: Thank you very much. Any questions, comments?

Mr. Lemieux: Again, just to thank you very much for making your comments. I appreciate it and we'll certainly take note of them, that's for sure. Thank you.

Mr. Klein: Thanks.

Mr. Chairperson: Thank you, Minister.

Mr. Briese: I'd like to thank you, too, Mr. Klein. Certainly, some of your presentations here tonight are going to help shape some of the debate that's at third reading on this bill.

I personally see this bill as basically a tax grab on—to fund schools or school buses. That probably was handled quite well before, and quite

unnecessary. So thank you very much for your presentation.

Mr. Klein: Thank you.

Mr. Chairperson: Very good. Thank you very much.

Committee now calls Tim Comack from Ventura Land Company.

Good evening. Do you have extra copies of your presentation or just the one?

Mr. Tim Comack (Ventura Land Company): I thought about this about 2 o'clock yesterday afternoon, and, unfortunately, all day today, being a rural land developer, I'm in my vehicle going from meetings to meetings. I would've been happy to have provided something to you or put something together, tangible, to hand out for you to actually mull over afterwards, but I did not have the opportunity considering the time frame in front of us.

Mr. Chairperson: That's fine. Please proceed.

Mr. Comack: I'd like to start out by stating to you that I think it's completely egregious, and I'm flabbergasted that somebody like yourselves would try to push something like this so fast without consulting the gentleman behind myself and the multiple experts that you would have had at your fingertips in order to obtain the required information that a few questions here that have been asked would have already answered.

* (22:20)

I want to quote Lemieux, Mr. Lemieux, by saying to him directly from the speech that he gave to the Speaker that currently school divisions are not consulted at the discretion—sorry—at the discretion of the developers—school divisions are consulted at the discretion of the developer regarding school sites and are often and—sorry—do not participate in the planning for new residential development to any significant degree.

I find that not to be correct. Being a rural land developer, I can express to you that your apples-to-apples equation that you utilize for the land value in the city and the Capital Region isn't correct. I deal in three different municipalities, and they all have their different process. They have their different way of doing things, and it gives me certainty in dealing with them, understanding what they have as their needs and wants.

Right here is from the Community Planning branch from the Province of Manitoba, from Beausejour, directing to—from Sunrise to the Community Planning services, directing exactly what the school division wants to do with their share of the potential land or cash in lieu that they would get in Springfield. I would say during the process it was caught and dealt with already.

I'm a pretty green developer. I've been doing this for about two years. I did some commercial land development beforehand and jumped into this about as wet behind the ears as you can be. About four months, five months into my career, I started looking at land in Stonewall. One of the first things I did was write a letter to the Interlake School Division, introducing myself, offering a meeting, expressing my desire to speak with them about their needs and wants and also itemizing to them my interpretation of the current demographics in Stonewall. Subsequently, we have had discussions. We have come to an agreement as to what's acceptable for our land development there, and there was ample consultation. In fact, the school division further gave me all of their data from their budgetary process for 2010 and 2011 to use in my presentations to the Town of Stonewall. So there's multiple avenues of consultation there.

I want to also express to you that I'm a home builder. We build in the city of Winnipeg, and we build in the rural areas under the Ventura Custom Homes banner. And there's no question in my mind that when I speak with our banks on an annual basis, an average margin is required for us to continue with our certain facilities. If someone raises the prices, be it myself from the land company to our home building company, or Qualico and Ladco, to our home building business, I can assure you with absolute certainty that we're passing that on to the home buyer. There's no questions asked.

I'd also like to point out to you that there's probably multiple home builders in the crowd here, all of which would probably agree with me. If you could, just raise your hand if you do agree with that statement.

So, ultimately, what you're doing here is you're charging the end user an additional backdoor tax, which, I think, is relatively unacceptable.

With respect to this statement being made about what maybe happened in Royalwood, I learnt a little thing in university called confirmation bias. You

typically hear what you want to hear, and I think that might be what the case is out there. Someone said proposed school site, potential school site. Five, six, seven, eight, nine years later, someone finds out there is no school site, and they start saying, but I thought I was told there is one. Nothing was ever absolute and I'm certain of that, just by being someone that's lived in that area and in and around that area for that long of time.

I apologize that I'm not prepared amply, and I wish I would have been given the opportunity to put something together. I feel like I've been cheated to some degree in not being provided the opportunity to do a little bit of research and put together a presentation.

But I want to express to you, being a young guy, wet behind his ears, new, believes in the province, works hard, isn't as intelligent as some of these guys back here, I live on one philosophy and that philosophy is: Let the experts be experts at what they're experts at.

And not consulting people that have expert information, access to lots of previous history, surprises me in proposing forward legislation that, in less than, I would say, 45 minutes of a window time I had to review, is wrought with ambiguity: ambiguity that I've got to deal with in my budgetary process, ambiguity that I'm going to have to deal with in my negotiation processes, and ambiguity that when I have to put a dollar down, is going to be inflated. And that's ultimately going to be ambiguity that the end user pays for.

If you guys don't take the time to speak to the people that can give you the accurate information, you're making a big mistake. And I'd like to see these experts here use the expert advice, knowledge and opinions that's at your fingertips.

Thank you.

Mr. Chairperson: Thank you very much, sir. Any questions for Mr. Comack?

Mr. Lemieux: Yes. Thank you very much for your presentation. We appreciate it. You seem to be a person that likes consultation, and I'm not sure if you're aware, in the city of Winnipeg, under The Planning Act, there's certainly no legislation that says that the City of Winnipeg, for example, has to consult with the school division whatsoever. It might if they feel like it. If they have a good day, they might actually pick up a phone.

But we're trying to address one—that one situation, and I believe this legislation helps clear some of that up. It's telling people, you shall consult with a school division. And, in fact, Mr. Rivard from the school—Manitoba School Boards Association made a presentation earlier, I'm not sure if you were able to hear it, but throughout that, he talked of a lack of consultation happening with municipal officials in specifically—in particular, but wanted to talk about consultation.

Now, just—a legislative process—there are many regulations or a number of regulations that'll come of this legislation, and that will give developers an ample opportunity to have consultation and participate in the consultation process to try to take a look at subdivisions and the conditions that'll apply to it, how land will be provided, the location, the suitability of the land, those kinds of things. The meat and potatoes of the legislation will have ample consultation and opportunity for developers and different companies, as you suggested, including yourself, to have some input into that. And we'd really appreciate that because there is, as you stated, a lot of knowledge that's in this room and that's something that, in order to move Manitoba forward, we believe that's really important. Development's truly important. We recognize that as a Province.

Manitoba's on the move forward. A lot of things are happening in the province, and we want to make sure that we're working in consultation and partnership with people. And I just want to assure you that consultation is going to take place when we develop these regulations and move forward with the legislation.

But thank you for your time.

Floor comment: If I could—

Mr. Chairperson: Do you have any comments to that, Mr. Comack, or?

Mr. Comack: I didn't count how many times you used the word "consultation," but I was always taught to lead by example and, as far as I'm concerned, when it comes to this legislation that's being proposed, if it—the spirit of it is consultation, I'd like to ask: Where was the consultation?

Mr. Lemieux: Well, Mr. Chairperson, we conducted consultation in different varieties of consultation. When you're talking about consultation dealing with provincial land-use policies, we've consulted many organizations and we continue to do so throughout the province, whether it's rural Manitoba,

determining whether or not land is suitable for development, and what kind of waste-water management plans do rural municipalities have to address that when looking at their planning processes. So there's a lot of consultation that has taken place, and, as I mentioned, there will be consultation—further consultation take place with our regulations, when we bring them forward.

Mr. Chairperson: Anyone else with a question?

Mr. Briese: Thank you, Tim, for an excellent presentation. I think it's probably a good thing that you had so little notice on this, so that if you had have had the consultation that you needed, I think you would have blown them—the—this committee right out of the water with your presentation. It was awful darn good, anyhow.

Thank you very much.

Mr. Chairperson: Seeing no further questions, thank you very much for your time and your thoughts.

Up next, the committee calls Norm Boyle from North Grassie property.

Good evening, sir. You may begin whenever you're ready.

Mr. Norm Boyle (North Grassie Properties): Okay, most of what I had to say has been said, so there's really no need for me to repeat most of it.

I'm with North Grassie Properties. We do a lot of infill development throughout the city. Most of it is surrounding the core area or abutting to the core area of the city. In the last eight years, we've brought about 500 lots on stream, doing infill, et cetera. Most of it consists of us going to mom and pop and buying their loose pieces of land or stray pieces of back lawn, et cetera, and piecing together enough 20- and 30-acre sites in order to do small developments.

* (22:30)

Our customers tend to stay in the area. Their kids are already in the schools. Now this seems that if they're buying a new home in the area they've chosen to live in, they get taxed extra to improve the school that their kids are already going to. It's tough for me to swallow.

The other thing I was listening to is—I am an agent, and we are required by the brokers act to disclose anything that affects the price of a lot that we're selling. Not everybody wants to live beside a school. If we don't tell them that there's a potential a

school's going to be there, they could be very angry, and it would just be a bunch of people going the other way. Most of my customers are sitting here in the room. They are builders. If I did not tell them what is going to be happening nearby, they would be kind of angry at me. So as a licensee, it puts me in a very tough situation. But I was just thinking about that while I was sitting here, so it may not be as complete as what it could be.

That's all I have to say.

Mr. Chairperson: Thank you very much, sir. Any questions?

Mr. Lemieux: Just a thank-you. Thank you for presenting.

Mr. Chairperson: Thank you very much, Mr. Boyle.

Oh, sorry. Actually, Mr. Boyle, you're more popular. Mrs. Mitchelson has a question for you.

Mrs. Bonnie Mitchelson (River East): And I just want to thank you for your presentation. I wish I had thought earlier to ask the question of all of the presenters, but I guess, as we've heard the minister talk a lot about consultation, I just wondered whether you have ever had the opportunity to meet with the minister at any point in time and discuss this issue.

Mr. Boyle: No, I have never had the opportunity to meet with anybody. The first I heard about it was when I read it in the newspaper.

Mrs. Mitchelson: I just want to indicate that it's a sad day in Manitoba when we have a group of individuals that contribute so much to our economy and so much to Manitoba's society with the kinds of home building and the developments that are put in place. Many, many families certainly benefit from the job that all of you do. And it's a sad day in Manitoba when you read about a piece of legislation that is—that impacts so significantly on your ability to do your job and not have the ability to sit down with a government minister and have the reason and the rationale for the legislation explained to you.

So I just wanted to put those comments on the record. And thank you for being here to share your concerns. And, quite frankly, there may not have been as many questions unanswered on your part if, in fact, the government and the minister had had the courage to sit down and speak to you and the decency to sit and speak to you. So I just want to thank you for making that presentation.

Mr. Boyle: Okay, thank you.

Mr. Chairperson: Thank you very much, Mr. Boyle.

Now calling Les McLaughlin, from Pollock & Wright Land Surveyors.

Good evening, sir. You may begin whenever you're ready.

Mr. Les McLaughlin (Pollock & Wright Land Surveyors): Good evening, distinguished MLAs. I just have written notes here for my own personal use, nothing for distribution.

Thank you for allowing me to appear here this evening. Please allow me to introduce myself. My name is Les McLaughlin. I'm a practising land surveyor with 32 years experience. I currently practise with Pollock & Wright. I've been the president of the Association of Manitoba Land Surveyors twice. I've served on the technical advisory committees for the 2005 Planning Act Review, the 2007 City of Winnipeg zoning bylaw rewrite and currently sit on the technical advisory committee for the Property Registry, special operating agency. I'm also a member of UDI, and in my practice I work with and advise on details of the legislative and regulatory framework regarding land development.

The concerns that I have to address this evening are primarily focused on the language of proposed Bill 48. My underlying concern is that Bill 48 will add more uncertainty to the already complex processes associated with land development by virtue of the lack of clarity and the wording of the legislation. A direct result of added uncertainties is delay in obtaining approvals to develop land. Delays also translate into higher costs of development, which will ultimately be borne by the consumer.

Some examples of these clauses that give rise to these concerns are the proposed clause 259.1(1)(b)(i), which states that the—it's essentially the criteria when this legislation will apply: when the proposed plan of subdivision, if approved, will result in four or more parcels of land, and be made subject to the conditions in the dedication of street clause in The City of Winnipeg Charter.

The term parcels of land is fairly generic and nondescript. In a lot of cases, when we deal with regulations and legislation dealing with dedication, we deal with clauses that would refer to four or more additional titles being created, not simply

four parcels existing on the outcome. Without clarification it's quite conceivable that these criteria could be applied to situations where many parcels of land are consolidated into a four-parcel package for zoning purposes. Since road dedication is often a condition of rezoning the criteria stated would apply.

There are also cases where underlying mines and minerals exceptions may require the definition of additional parcels for internal land titles administrative purposes without creating new titles, and I'm sure that this legislation isn't intended to go after that sort of a situation.

Clause 259.1(3): The city must ensure that the approval, et cetera—I'm sure you all have the legislation with you. If I could refer you to that clause 259.1(3)(a)(ii): The developer has to convey to the school board at the specified price the prescribed area of land that is within the proposed subdivision or, at the option of the school board, that is within any other area included in the school division. And I find this last section to be a little bit difficult to deal with. The requirement that the developer can be requested to convey land within any other area included in the school division without restriction or definition is a cause for concern. This clause contains no criteria that the desired land must be owned by the developer and does not establish any criteria for the valuation of the land to be conveyed. I recommend that the authors of the legislation be directed to clarify exactly what processes may be involved in the option to request other lands.

The proposed clause 259.1(6): For the purpose of clause (3)(a), the Lieutenant Governor may make regulations prescribing—and then it says, in respect of an area of the land that a developer proposes to subdivide, the area of the land that the developer must convey to the school board.

The wording of this clause, in particular the phrase, in respect of an area of land that the developer proposes to subdivide, implies that the regulations are not general in nature, but can be made specific to an area of land that the developer proposes to subdivide. If the allowance for regulations is not explicitly made general as opposed to site specific, there exists the potential for very little transparency in the approval process and significant time delays.

The following clause, 259.1(7), also appears to be very location specific and appears to immerse the government directly into the planning process.

Again, this is just unclear wording that may be subject to different interpretations, and the inherent dynamic nature of government by regulation will only serve to create less clarity and transparency in the development process.

Then there's the section about prohibition advertising future school buildings, where the definition of a developer means a person who directly or indirectly owns, leases or has the right to acquire or dispose of four or more parcels that are shown in the same plan of subdivision. Now, when this section defines a developer, among other things, as a person who has the right to acquire four or more parcels that are shown on the same plan of subdivision, I would assume that the broad definition of developer can be applied to almost every citizen of this province. Generally, all Manitobans have a right to acquire land. Assuming that this clause refers to persons that have entered into an actual contractual obligation with a developer to acquire more than four titles in a subdivision, it creates a vacuum that does not really address who cannot advertise. For instance, a person who has purchased less than four lots, are they entitled to advertise school sites with impunity? And, again, what about the real estate agents in the resale market? Will they be allowed to advertise school sites?

* (22:40)

These comments can—have primarily focused on the changes to The City of Winnipeg Charter, but they can be similarly applied to the clauses of the proposed legislation that would serve to amend The Planning Act. There also appears to be clauses missing that would restrict the amount of land that school divisions can request in areas governed by The City of Winnipeg Charter. Together with the lack of time frames associated with the approval process by the school divisions, the process becomes less transparent and has significant potential to add to development approval processes and times.

Again, I recommend that the authors of the legislation be directed to clarify reasonable limitations on time frames and the amounts of lands that can be requested.

In conclusion, I would recommend that this entire package of legislation be returned to the authors for further review and refinement. I urge you to consider more consultation with the development industry. The legislation, as is, will only serve to unnecessarily further complicate the development process.

Thank you very much. Do you have any questions?

Mr. Chairperson: Thank you, Mr. McLaughlin. Any questions or comments?

Mr. Lemieux: Thank you for taking the time to look through the legislation and the wording. I appreciate it very much and we'll certainly make note of your comments. Thank you.

Mr. McLaughlin: Thank you.

Mr. Chairperson: Anyone else? Very good. Thank you, sir. Again, Mrs. Mitchelson would like to have a word with you if she may.

Mrs. Mitchelson: Thanks very much for your presentation, Mr. McLaughlin. And I'm wondering if you might indicate to me when you first found out about the legislation.

Mr. McLaughlin: I believe it was the morning I cracked open the newspaper and read about it in the newspaper. The announcement, I believe, was June 2nd.

Mrs. Mitchelson: It seems like you've done a fair amount of work in trying to assess and analyse what the legislation may mean. We certainly need a lot of clarification. But did you ever have the opportunity to meet with the minister at all as an individual who is somewhat knowledgeable about the whole process? Did you ever have a chance to meet with the minister and have him explain to you what this legislation might do?

Mr. McLaughlin: I was not really aware of any consultation that—or any consultative processes that were engaged.

Mr. Chairperson: Thank you very much.

Committee now calls Frank Bueti—apologies if I've poorly pronounced that—presenting as a private citizen.

Mr. Frank Bueti (Private Citizen): Thank you. Your pronunciation is impeccable.

Mr. Chairperson: I've got one of them right tonight. Please proceed whenever you're ready.

Mr. Bueti: Mr. Chairman, members of the committee. I'm here as a private citizen. I'm a lawyer with the law firm of Tapper Cuddy here in the city of Winnipeg and I've been practising law, much to my chagrin, for almost 30 years. My practice has evolved to the point where it's focused on corporate

and commercial matters with a special emphasis on real estate development and condominium work.

And, as a result, I take a keen interest in legislation of this type, and I have not prepared a written presentation to this committee simply because I missed the June 2nd newspaper announcement and didn't learn of this legislation until this morning when one of my clients forwarded this to me with a quick request that I be kind enough to read it.

The clients I tend to act for: home builders; individuals who purchase homes; and also smaller land developers, individuals who would buy smaller parcels of land and convert it into either single-family or multi-family development, or sometimes commercial or industrial development.

And I have to say that, unfortunately, I have two strong objections to this bill and they stem, really, to two things: No. 1, the process, and No. 2, the substance.

With regard to the process, I think it's clear from the representations that have been made to this committee that, unfortunately, there has not been any consultation with the development industry. I was very surprised to learn that there was no prior consultation with the UDI, which is the association for the development industry in the province of Manitoba that is responsible for addressing issues pertaining to the planning and land development. They have a wealth of expertise, I'm sure. Cumulatively, the members of UDI have well over a hundred years of land development experience amongst them, and their insight and their knowledge would be invaluable to this government in drafting legislation that works well and properly.

I was also very surprised to hear that the Homebuilders Association was not consulted at all. I certainly don't expect to be personally consulted, but I would have thought that, when legislation of this type is proposed, prior to it being brought to the Legislature, that there'd be a full and active consultation process. I've been privileged to be part of one such process being The Condominium Act, and that went on for a good four years. And certainly this legislation, I don't think, needs anywhere near that length of process, but the point is it does need to have a proper consultation process where all the key stakeholders, both from the industry, from the various governmental departments, whether it be, you know, the school boards or the City or the

municipalities, could be heard and so that the legislation would be properly reasoned and thought out.

And, I guess, I would pose a question to the minister and, of course, I have no right to demand an answer, but if he's free to answer if he feels it's appropriate. And that is: What is the urgency of having this legislation pass now? Would it not be appropriate having heard from numerous presenters at this committee about the concerns that they have about the legislation to defer the passage of this legislation until there has been a consultation process and the flaws or the apparent flaws could be addressed?

And I invite the minister to give an explanation to this committee and to the members of the community who have come forward to be heard on this matter.

My second set of concerns pertain to the substance of the legislation, and I have only three comments there. I have to confess I've only read the legislation twice quickly today, so my comments are not going to be in depth. But the first is that it appears that the legislation effectively creates a new land development tax by virtue of the cash in lieu of land provisions. As far as I'm aware, currently there is no right to charge a land development tax or any kind of charge for schools. The only correct right that exists under the legislation is that where development is proposed, and it's a large development, the school board has a right to request a portion of land be dedicated for schools.

And, respectfully, I would say to this committee that effectively this is a hidden tax that initially, of course, will be paid by the land developer, but, ultimately, it'll be passed along to all purchasers of land, including new home buyers.

And I would say to this committee that that issue of is this an appropriate way to finance public schools needs to be thought through carefully, and it's unprecedented to my knowledge in this province. And I would strongly say that, before such legislation gets passed, there should be some real consultation with the development community and with the other stakeholders to ensure that this is the right way to gather funds for school development.

The second thing is I do object to the manner in which the tax is being—I call it a tax—I mean, effectively, you know, a portion of lands as fixed by regulation is what will have to be either provided in

cash or by a dedication of land, and I respectfully object to taxation by regulation. I really think that, if we're going to tax, if we're going to take monies from the public, that should be done by legislation, and the amounts that are required and the rules pertaining to those amounts should be fixed by legislation because it's only in the legislative process that there is an obligation to hear out the opposition and to allow them an opportunity to consult and be heard, and the public. In the regulatory process, yes, often there is consultation, but often there isn't, and there's no obligation on government to consult in the regulatory process at all. So I think that that is a grave error.

And the third item of concern for me is that it appears to me, based on listening to the representations from some of the developers in the crowd, that the current system of compensation for lands taken for schools is actually fairer than the proposed new system, because the current system contemplates the developer being compensated for a modest amount of the land value but, very importantly, for the full cost of servicing, and servicing costs are often multiples five- and six-fold of the actual land cost. And it's critical that, if lands are to be taken for school purposes, which is totally legitimate, that the land developer at least get their servicing costs, which are hard funds being paid out of pocket; otherwise, all of those costs once again get spread over the buyers within that subdivision as opposed to it generally.

My last comment is that, in my view, public schools' land dedication and public schools' finances are extremely important public issues, and that the legislation pertaining to these issues needs to be carefully considered and only passed after consultation with all of the relevant stakeholders, and I'd urge the government to reconsider the passage of this legislation at this time and to defer it until this consultation process has been completed. Thank you.

* (22:50)

Mr. Chairperson: Thank you, Mr. Bueti. Recognizing the honourable minister.

Mr. Lemieux: Yes, I just want to thank Mr. Bueti for coming out. Thank you. It's very late, and we do appreciate your comments. Thank you.

Mr. Chairperson: Anyone else?

Mrs. Stefanson: Well, thank you very much, Mr. Bueti, for coming out tonight, indeed, all the

presenters. I think there's a common theme in many of the presentations tonight about the lack of consultation.

It's very concerning. But you did ask the minister a question about why is this being brought forward at this time, and I would suggest that it has nothing more than—to do with—than politics. There's an election coming up in the fall; they want it to make it look like something is happening when, in actual fact, they're doing something that, without consulting with an industry, they are doing something that could ultimately be negative to consumers in the end and to this industry in the end.

So this is what happens when you don't do your homework, I would suggest that, and—but, again, Mr. Bueti, thank you so much for coming out and taking the time out of your schedule tonight.

Mr. Chairperson: Just a moment, Mr. Bueti. Mr. Bueti, sorry, there's one more question for you.

Hon. Jon Gerrard (River Heights): Now, I note in Alan Borger's presentation earlier on that he's recommending that the easiest solution would be to go back and enshrine the laws that existed before the 2002 amendment. I don't know if you've looked at that option and whether you would agree with that or not.

Mr. Bueti: Yes, I haven't looked at that option expressly. I'm generally familiar with how the system has worked and it's only recently been—which surprises me a little bit to be honest with you—that the City has taken the position that the changes to The City of Winnipeg Charter do not require the City to involve the school boards anymore in the consultation process with regard to land development, because for a number of years after The City of Winnipeg Charter's been passed, they continued to follow the old system.

So I'm not sure what led the City to its new conclusion and certainly it would be an easy, immediate fix if there's an immediate problem, which is this gap created by the City's position that the City of Winnipeg Charter does not mandate them to consult with the school divisions and to provide for lands for school divisions to simply enact precise legislation that deals with that gap and defer the general question of land dedication generally to a process, whereby there's a proper consultation with the community. There's no reason that couldn't be done. Thank you.

Mr. Chairperson: Thank you very much, once again.

Committee now calls Kim Raban. Rayban? Did I get it right the first time or the second time?

Is it Raban or Raban?

Mr. Kim Raban (Private Citizen): It's Raban. Thank you, sir.

Mr. Chairperson: Thank you very much. Please begin your presentation whenever you're ready.

Mr. Raban: Thank you, members. I am the City of Winnipeg's land development administrator and deal on a daily basis with the Urban Development Institute and the other developers present in the room. My branch of the Planning, Property and Development Department is responsible for entering into each and every development agreement with these developers. They are our clients. They're the reason why our branch exists.

I concur with their comments, in general. I'm just going to highlight a couple of things—it's all been said. Consultation—unfortunately, I, too, only became aware of this proposal, I think it was Friday afternoon with an email from our legal services, advising that there had been a press release, and then this afternoon at about 2 o'clock, I received a broadcast email from the UDI, of which I'm a non-voting member, advising that this was on the agenda for tonight's meeting.

So I've only had a short time to prepare. I really don't have a lot to add to what's been already said. I appreciate the detail of Mr. McLaughlin's presentation, where he referred to the processes and, in particular, if I have it written down, the land for school sites clause, 259.1(3), where the City must ensure that any approval of an application made by or on behalf of a developer is made subject to conditions that the developer enter into an agreement.

What this is saying is that the City has to put their process on hold until the developers and the school boards agree to compensation or how they are going to deal with the particular land situation. We're under constant pressure and we're working very collaboratively with the industry to streamline and improve the processes. And in my humble opinion, this is a third-party intervention into a city process that, quite frankly, just causes more red tape. I apologize for sounding negative about this. As a city

administrator, I believe in legislation. I like to support, but those are my comments.

Mr. Chairperson: Thank you very much, sir. Any comments from the committee?

Mr. Lemieux: Thank you very much for your comments. Just a quick question. Do you consult with the school divisions at all with regards with school sites? You said you consult with the developers. Do you consult with the school divisions?

Mr. Raban: There are different divisions in the city that have different objectives, I guess, regarding land development. As I said, my particular branch, we enter into development agreements and process the agreements with the developers. So our instructions to the developers are that yes, you should consult with the school divisions. There's a planning component within the City of Winnipeg which is kind of a parallel process in the development industry. They would be ones more to consult with school divisions on, you know, proposed subdivisions and the planning aspects of that.

Mr. Lemieux: Yes, but do you, as the City, consult with the school divisions, aside from directing the developers?

Mr. Raban: No.

Mr. Gerrard: Thank you for your presentation, and I have again a comment on—and a question. Alan Borger said earlier on that the simplest solution to this problem would be to go back and enshrine the laws that existed before the 2002 amendments. I wonder if you'd comment on that.

Mr. Raban: Yes, that would work. I just—what happened with the 2002 amendments were really to try to, I guess, eliminate more red tape and reduce the—I guess—I wasn't at the table for those discussions, but I would surmise that the matters of land and dedication for schools, et cetera, that, you know, the school division is a body unto its own that should be able to deal directly with developers as Manitoba Hydro does, as Manitoba telephone system, as other corporations do, so that there is no need for the City to be a middleman in that process.

Mr. Chairperson: Any further questions or comments from committee members? Seeing none, thank you very much for your time with us this evening.

This concludes the list of presenters that I have before me. Just to double-check, are there any other persons in attendance who wish to make a presentation on this Bill 48 or any other that the committee is dealing with this evening? Seeing no one step forward, we will now announce that this concludes the public presentations for the evening.

* (23:00)

Question for the committee—next step: In what order would you like to proceed with the consideration of the clause by clause for the various bills we're seeing tonight?

Hon. Jennifer Howard (Minister of Labour and Immigration): I have a suggestion for the committee that we try to move with the bills grouped by department so that staff can do what they need to and then head on home for the night. So I would suggest we proceed with bills 22, 27, 44, all with Minister Wowchuk, and then move to 45 and 49 with Minister Swan, then 47, which is my bill, and then 48, which is Minister Lemieux's bill.

Mr. Chairperson: Is that amenable to members of the committee? [*Agreed*]. Thank you very much, committee members.

So, just to repeat: we will do bills 22, 27, 44. Then we will do 45 and 49. Then we will do 47 and 48.

And, again, just so that we are all clear—during the consideration of a bill, the table of contents, the preambles, the enacting clauses and the titles are postponed until all of the clauses have been considered in their proper order.

Also, if there is agreement from the committee, I will call clauses in blocks that conform to the pages, with the understanding that we'll certainly stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*].

We will now proceed through clause-by-clause consideration of the bills.

Bill 22—The Securities Amendment Act

Mr. Chairperson: Beginning with clause-by-clause for Bill 22, does the minister responsible for the bill have an opening statement?

Hon. Rosann Wowchuk (Minister responsible for the Manitoba Securities Commission): Yes, briefly, Mr. Chairperson, I would like to make a few comments on the bill.

I want to begin by recognizing the work that the MLA for Burrows has done in putting this bill together, and the consultation that he has done with the Ukrainian community.

I also want to recognize the MLA for Russell for the work that he has done on a bill that would recognize the Ukrainians as—

Mr. Chairperson: Honourable Minister, just to be clear, we're on 22.

An Honourable Member: Oh, wrong one, wrong one.

Mr. Chairperson: This is the securities bill.

An Honourable Member: Oh, I was so anxious to do the Ukrainian ones; I got into the wrong one.

Mr. Chairperson: Completely understandable—the number of Ukrainians that have been involved in this.

Here, I'll give you an easy opening line.

Does the minister responsible for Bill 22, The Securities Amendment Act, have an opening statement?

Ms. Wowchuk: If you would have said that in the first place, I would have gotten the right bill and I—

Mr. Chairperson: It's the Chair's fault as well.

Ms. Wowchuk: No, no, I won't blame you. So thank you, Mr. Chairman.

The amendments in this bill make a few changes that have been endorsed by the Canadian–Canada Securities Commission ministers in 2010. All provinces have or will be making these changes, and the changes harmonize legislation throughout all provinces and territories. And the four changes deal with the auditor oversight body, reciprocal orders, inside trading, and credit rating agencies.

Mr. Chairperson: We thank the minister for that opening statement.

Does the critic from the official opposition have an opening statement on Bill 22, The Securities Amendment Act?

An Honourable Member: No.

Mr. Chairperson: Seeing no statement, we thank the member for that. Now proceeding to the clause by clause for Bill 22.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; clauses

8 and 9—pass; clause 10—pass; clauses 11 and 12—pass; clause 13—pass; enacting clause—pass; title—pass. Bill be reported.

Now moving on to the much anticipated Bill 27—

Point of Order

Mr. Chairperson: Oh, recognizing the honourable member for Russell, on a point of order.

Mr. Leonard Derkach (Russell): Point of order, Mr. Chair. I'm wondering whether we could postpone consideration of Bill 27 for a few minutes. I know staff are working on an amendment to this bill. And, just to give them a little more time to prepare the amendment, I was wondering if we could perhaps deal with another bill prior to dealing to dealing with Bill 27.

Mr. Chairperson: Thank you for the suggestion. I'll defer to the will of the committee. Are all committee members amenable to that? [*Agreed*]. Thank you very much for your cooperation. [*interjection*] Oh, okay.

Committee Substitution

Mr. Chairperson: Our hard-working Clerk has informed me of another personnel change on our committee tonight. I understand that Mr. Derkach will now be sitting in in place of Mr. Eichler on the opposition bench. So let that be recorded.

Bill 44—The Civil Service Superannuation and Related Amendments Act

Mr. Chairperson: Right, very good. Now moving to clause-by-clause consideration of Bill 44, The Civil Service Superannuation and Related Amendments Act. Does the minister have an opening statement?

Hon. Rosann Wowchuk (Minister responsible for the Civil Service Commission): Yes, Mr. Chairperson. This bill has two schedules. Schedule A amends the existing civil service superannuation act and addresses several issues related to pension adjustments, in particular, allows reservists to now continue pension contributions, does phased in retirement programs, addresses inconsistencies between the act and the amendments of The Pension Benefits Act, and, as well, as allows employee contribution rates to be set by regulation on the joint recommendation of the Employer Pension and Insurance Advisory Committee and the superannuation insurer liaison committee.

And schedule B, enact a new civil service superannuation act to replace the existing act on a fixed date proclamation. However, when I was doing my second reading, I announced the government's intention not to proceed with schedule 2. Having tabled the bill, there were concerns that were raised by other people, and we have indicated that we will not proceed. Government members on this committee, therefore, intend not to pass the clauses in schedule B and not to pass clause 2 of the bill which enacts schedule B. If the clauses of schedule B are defeated, as I have proposed, I will also introduce an amendment to change the title of the bill so that it reflects the context of the bill without schedule B.

Because of these changes I will also introduce a motion to authorize Legislative Counsel to make all changes necessary to reflect the bill as amended and to have the bill reprinted for distribution in the House. It will make it easier for members of the House to understand the bill that is before them in third reading and for the public to follow the changes that have been made in the bill.

Mr. Chairperson: We thank the honourable minister for that opening statement.

Mrs. Heather Stefanson (Tuxedo): I want to thank the minister for that. I was actually quite surprised at second reading when the minister did bring this forward and was talking about schedule B not going forward with it. And I guess, you know, in terms of what we've heard here tonight, there was a lack of consultation that took place with respect to, certainly, one of the bills was very apparent, Bill 48, tonight.

But here's another example of, I mean, I just think it's important that the government do its homework first before they bring forward legislation in the Manitoba Legislature. This is a significant part of this bill that is actually not going forward as it is printed in here, and I think that, as I understand from the minister's comments in the second reading, that it was as a result of some changes that the MGEU wanted to have with respect to this. And so—and I believe that this is something that they did want, but they were unhappy with some of the parts of it.

And so I would just think, you know, and I caution, you know, members of the government, that when they're bringing forward legislation in this province, that they should do the consultation, the adequate consultation that is needed and so important when you're bringing forward important pieces of

legislation. And so I was a little bit taken aback when that was the case where you're taking almost half the bill and you're not going forward with it because of a lack of consultation, a lack of agreement on the part of the MGEU with the government.

So it is concerning to me, but, you know, certainly, at this point, you know, we're prepared to move forward with the line-by-line.

Mr. Chairperson: We thank the opposition critic for those opening remarks.

* (23:10)

Now, this bill is a little bit unusual. I have some extra instructions or suggestion, really, I should say, for the committee. Now, with the understanding that we will, of course, stop at any particular clause or clauses where members may have comments, questions or amendments to propose, due to the structure of this bill, I'd like to propose the following order of consideration for the committee to reflect upon, namely, that we would proceed with schedule A, which are pages 2 through to 42, inclusive, will be called in blocks conforming to pages, as we normally do. Then schedule B, which is pages 43 to 68, would be called in one large block, encompassing that entire schedule. Following that, we would go to the enacting clauses 1 through 3 of this page, on the bill, which is on page one, the enacting clause of the bill, also on page 1, and the title, which is usually on page 1.

Is that the agreed-upon order of how we will proceed for the committee? *[Agreed]*

Thank you very much, everyone.

So that said, we'll now consider schedule A, pages 2 to 42.

Clauses 1 and 2 of schedule A—pass; clauses 3 through 5 of schedule A—pass; clauses 6 and 7 of schedule A—pass; clause 8 of schedule A—pass; clause 9 of schedule A—pass; clauses 10 through 13 of schedule A—pass; clauses 14 through 16 of schedule A—pass; clause 17 of schedule A—pass; clauses 18 and 19 of schedule A—pass; clause 20 of schedule A—pass; clauses 21 through 24 of schedule A—pass; clause 25 of schedule A—pass; clauses 26 and 27 of schedule A—pass; clause 28 of schedule A—pass; clauses 29 and 30 of schedule A—pass; clauses 31 through 33 of schedule A—pass; clause 34 of schedule A—pass; clauses 35 through 37 of schedule A—pass; clauses 38 through 40 of schedule

A—pass; clauses 41 and 42 of schedule A—pass; clauses 43 and 44 of schedule A—pass.

That concludes schedule A. We shall now consider schedule B, pages 45 through 68.

Shall clauses 1 through 56 of schedule B pass?

An Honourable Member: Pass.

Some Honourable Members: No.

An Honourable Member: No? Oops.

Mr. Chairperson: Hearing no—can we just have that a little bit more definitive for the record? I'll read it again.

Shall clauses 1 through 56 of schedule B pass?

Some Honourable Members: No.

Mr. Chairperson: Clauses 1 through 56 of schedule B are accordingly defeated.

We will now consider the remaining items of this bill, reverting to clauses 1 to 3 on page 1.

Shall the enacting clause 1 pass?

An Honourable Member: Pass.

Mr. Chairperson: Clause 1 is accordingly passed.

Shall the next—[*interjection*] Yes, sorry. Let's just do that whole one over again. I think I misspoke.

Shall enacting clause 1 pass?

An Honourable Member: Pass.

Mr. Chairperson: Clause 1 is accordingly passed.

Shall enacting clause 2 pass?

Some Honourable Members: No.

Mr. Chairperson: Clause 2 is accordingly defeated.

Shall clause 3 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 3 is accordingly passed—an overwhelming majority.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Mr. Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

An Honourable Member: No. Amend it.

Mr. Chairperson: I understand the minister wishes to bring forward an amendment on the title. I now give the floor to the honourable minister.

Ms. Wowchuk: I want to thank my colleagues for support on this, but—

An Honourable Member: You have to move the motion.

Ms. Wowchuk: Yes, I have to move before I speak then. Okay.

Mr. Chairman, I move that The Civil Service Superannuation and Related Act—[*interjection*—this is what

THAT the title of the Bill be amended by striking out "AND RELATED AMENDMENTS" and substitute "AMENDMENT". [interjection]

Again, if I could repeat, Mr. Chairman.

Mr. Chairperson: Order, everyone. I know we're almost done but hold together for a little longer.

Ms. Wowchuk: *THAT the title of the Bill be amended by striking out "AND RELATED AMENDMENTS" and substituting "AMENDMENT".*

Mr. Chairperson: It has been moved by the honourable Minister of Finance

THAT the title of the Bill be amended by striking out "AND RELATED AMENDMENTS"—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order and the floor is now open for questions, if any.

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

An Honourable Member: Question.

Mr. Chairperson: Question has been called. Amendment—pass; title as amended—pass.

One last piece here, members of the committee: Shall the bill as amended now be reported? [*Agreed*]

The bill shall be reported as amended.

Ms. Wowchuk: Mr. Chairman. I move

That Legislative Counsel be authorized to make all the necessary changes to Bill 44 so that it reflects the Bill as amended by this Committee, including striking out Schedule B and the text between the enacting clause of the Bill and Clause 1 of Schedule A, and to reprint the Bill as amended.

Mr. Chairperson: It has been moved by the Minister of Finance

That Legislative Counsel be authorized to make all necessary—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The motion is in order. The floor is now open for questions. Seeing none—oh, Honourable Minister?

Ms. Wowchuk: Mr. Chairman, I just want to say that, without schedule B, this bill has only one schedule and no substantive content outside of that schedule. Legislative Counsel has advised that the amending act should not be set out as a schedule. The motion will enable Legislative Counsel to restructure the bill so that schedule B is removed and so that the clauses in schedule A will appear not as clauses of a schedule to the bill but as clauses of the bill itself.

This motion will authorize the bill to be reprinted, and Leg Counsel has advised that it could be reprinted in time for distribution in the House tomorrow after the Chair reports it to the House.

Mr. Chairperson: Any further questions or comments?

Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Shall the motion pass? *[Agreed]*

And that, remarkably enough, concludes our deliberations on Bill 44. Congratulations to all.

Bill 27—The Manitoba Ukrainian Canadian Heritage Day Act

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

Hon. Rosann Wowchuk (Minister of Finance): Thank you very much. This was the bill that I was really wanting to speak to and started to speak to earlier, but I'll only take a few minutes.

* (23:20)

And I want to indicate and commend the member for Burrows (Mr. Martindale) for all the work that he has done on this bill. He was the one that did the majority of the consultation and drafted the bill in order to recognize the contributions of the Ukrainian community to the culture of Manitoba and of Canada,

I want to also recognize the MLA for Russell (Mr. Derkach) for the work that he did on another bill that also recognizes Ukrainians for their contribution to Canada, but was on a different date.

Our—we have put this bill forward to reflect and recognize Ukrainians and to have this bill tied to the—Canada's National Ukrainian Festival, and, Mr. Speaker, after consultation—further consultation with the Ukrainian community, when they saw the bill, they indicated that the Ukrainian festival does not always fall on the last Saturday in July. It is tied to the long weekend, and sometimes that falls in July, and sometimes that falls the first weekend in August. So, as a result, we will amend it to the wording that has been suggested by the Ukrainian community.

And I want to say very clearly, I commend them for the work that they've done, and I commend the Ukrainian community for the work that they have done to build this province, and they certainly have left their mark on the province.

Mr. Chairperson: We thank the minister for those opening comments. Does the critic from the official opposition have an opening statement? Recognizing Mr. Derkach. If you could please move your microphone a little bit closer, honourable member, for Hansard's sake. Thank you very much.

Mr. Leonard Derkach (Russell): And, first of all, I want to thank the minister for her opening comments.

And, Mr. Chairperson, I will be proposing an amendment to this bill as well.

This is an important piece of legislation for the Ukrainian community, and, unfortunately, a bill that I'd sponsored in the House reflected the date of entry by Ukrainian people into this country, which is the 7th of September, the year being the same, however, 1891. The date for commemorating the arrival of Ukrainians in Manitoba, I thought, was more appropriate to be celebrated on the actual day that they arrived in Canada.

This also gave an opportunity for students in the school system to be able to partake of activities that relate to heritage aspects, and also be able to communicate with students across Canada on that particular day, because Ontario also celebrates their day on the actual day of arrival of Ukrainians in Canada.

The other issue that I have with this bill is the title, and I think the title is somewhat confusing

because it incorporates both Manitoba, Canada and Ukraine in the same title. And, in my way of thinking, this is a day of celebration of the Ukrainian Heritage Day, and the celebration of the Ukrainian heritage and also the traditions that go along with the heritage. So I will be proposing an amendment to the title as well, just to better reflect—I think this is somewhat confusing when you say the Manitoba Ukrainian Canadian Heritage Day Act. To me, it seems to take away from the actual, I think, intent of the bill, and that is to celebrate Ukrainian Heritage Day. So I'll be making an amendment there as well, but in essence this is not a bill that I want to oppose.

This is a bill that I would like to enhance, if that's possible, through the amendment.

And, of course, I guess we can argue forever and a day about the day of celebration, and I guess it depends where you come from and what part of the world. But to me, Ukrainians have settled throughout our province, from one end of it to the other, and selecting a day that is neutral, rather than one that is associated with a specific event, would be more in keeping with, I think, what the desires of a lot of Ukrainian people in this province are.

But, nevertheless, I think that's a moot point. The important thing is that we pass this bill, and—for the sake of people of Ukrainian heritage in Manitoba.

Mr. Chairperson: We thank the official opposition critic for those opening comments.

Now proceeding with the clause by clause, and there are amendments to be proposed, so I will go slowly.

Shall clause 1 pass?

An Honourable Member: No.

Mr. Chairperson: Recognizing the honourable minister. Please proceed.

Ms. Wowchuk: Thank you, Mr. Chairperson, I have an amendment here.

Mr. Chairperson: Please proceed.

Ms. Wowchuk: *THAT Clause 1 be amended by striking out "in July" and substituting "before the first Monday in August".*

Mr. Chairperson: It has been moved by the honourable Minister of Finance

THAT Clause 1 be amended by striking out "in July" and substituting "before the first Monday in August".

I can inform the committee the amendment is in order. The floor is open for comments.

Ms. Wowchuk: This is the item that I pointed out earlier in my opening comments that the Ukrainian community supports the bill, but when they looked at it, when it was in print, they recognized and pointed out to us that the Ukrainian festival does not always fall on the last Saturday in July, and a more appropriate way of putting it would be the last Saturday before the August weekend, as is outlined in—before the first Monday in August.

So that is ensuring that the day of celebration will be tied to the Canadian National Ukrainian Festival and can be celebrated anywhere in Manitoba, but will be tied to that date. And that's the clarification in this amendment.

Mr. Chairperson: Any other questions or comments?

Mr. Derkach: Mr. Chair, I'd like some advice from the Chair as to when it is appropriate to move a subamendment to clause 1, and whether or not staff could be given a moment to prepare this subamendment or to complete this subamendment.

Mr. Chairperson: I have a proposal for the committee. Normal way to deal with something like this is—Mr.—honourable member for Russell, Mr. Derkach, would move a subamendment to the amendment that has just been introduced. We would then work backwards. So we would deal with the subamendment first, then we would deal with the minister's amendment and then, ultimately, the clause itself.

Now, we are—if we do proceed in this route, Leg Counsel does need a few minutes to prepare that subamendment. So we would need to have a brief recess for, I don't know, five minutes, 10 minutes or so. I guess at the call of the Chair.

I'm open to suggestions from the committee.

Hon. Jennifer Howard (Minister of Labour and Immigration): Yes, Mr. Chair, I would suggest then while the—

Mr. Chairperson: Order. I'm sorry everyone, we can't quite hear.

Ms. Howard: I would suggest while the staff is working on the amendment, maybe we can move to bills 45 and 49, for which I understand there are no amendments forthcoming.

Mr. Chairperson: Is that amenable to all members of the committee that we will move to consideration—

So, for committee members, just to—just for the sake of accuracy then, what I need to confirm is that we are pausing our consideration of this bill, Bill 27. We're not done with it. We will come back to it. But we are pausing, moving on to the other bills and then we'll come back to it.

So is that agreed by the members of committee?
[Agreed]

That was easy.

* (23:30)

Bill 45—The Statutes Correction and Minor Amendment Act, 2011

Mr. Chairperson: We will now switch to consideration of Bill 45 first.

All right. Thanks to everyone for your co-operation. We are now considering the clause by clause for Bill 45, The Statutes Correction and Minor Amendments Act, 2011.

Does the minister responsible have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): And very briefly, this bill—it's sort of an annual tradition here in the Legislature to have a bill to correct minor drafting, typographical and translation errors in the statutes of Manitoba.

I had a brief chance to discuss this with the Opposition House Leader (Mrs. Taillieu). I'll be happy to answer any questions that members may have about specific sections as we go through.

Mr. Chairperson: Thank you very much, honourable minister.

Does the opposition critic have an opening statement? Seeing none, we will proceed to consideration of clause by clause.

Clause 1—pass; clauses 2 through 4—pass; clause 5—pass; clauses 6 and 7—pass; clause 8—pass; clauses 9 and 10—pass; clauses 11 through 13—pass; clauses 14 through 16—pass; clauses 17 and 18—pass; clauses 19 through 21—pass; clauses 22 through 25—pass; clauses 26 through 29—pass; clause 30—pass; clauses 31 and 32—pass; clauses 33 and 34—pass; clauses 35

and 36—pass; clauses 37 and 38—pass; clauses 39 through 41—pass; clauses 42 through 45—pass; clauses 46 through 49—pass; clause 50—pass; clauses 51 and 52—pass; clauses 53 and 54—pass; table of contents—pass; enacting clause—pass; title—pass; Bill be reported.

Thank you, all.

Bill 49—The Employment and Income Assistance Amendment and Highway Traffic Amendment Act

Mr. Chairperson: Now, moving to Bill 49, The Employment and Income Assistance Amendment and Highway Traffic Amendment Act.

Does the minister have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): This bill would do two things: The first, it will amend The Employment and Income Assistance Act to withhold or reduce income assistance benefits for people who have an outstanding warrant for a serious criminal offence under the Criminal Code or the Controlled Drugs and Substances Act, with exceptions where a person or family might face significant hardship as a result of reduced benefits. We aren't the first province to move in this direction, but I strongly believe we will be the first province to move in the right direction to make this an effective reason for people to go and to take care of outstanding warrants.

The second part of the bill will be to amend The Highway Traffic Act, which will allow the Registrar of Motor Vehicles to refuse to issue or renew a driver's licence, permit, or vehicle registration for a person who has not dealt with an outstanding arrest warrant for a serious offence under the Criminal Code or the Controlled Drugs and Substances Act. It follows successful measures in Manitoba, which have been used to assist in the collection of outstanding child and spousal support and the collection of fines. So we're hopeful on moving ahead to encourage individuals to deal with outstanding warrants and clear those matters up.

Mr. Chairperson: We thank the honourable minister for those opening remarks.

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

Seeing none, we shall move to clause-by-clause consideration of Bill 49.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 and 6—pass; clause 7—pass; clause 8—pass; enacting clause—pass; title—pass. Bill be reported.

Committee Substitution

Mr. Chairperson: Before proceeding, committee members, we have another substitution to report. Honourable Minister Allan will now be substituting for Honourable Minister Swan's spot on our committee this evening.

* * *

Mr. Chairperson: Looking for some direction from the committee, we still have a moment.

Hon. Jennifer Howard (Minister of Labour and Immigration): Thank you, Mr. Chair, we could move to Bill 47. There are two amendments to that, but I think they're drafted and done and pretty straightforward.

Mr. Chairperson: Is that agreeable to the committee that we will now consider clause by clause for Bill 47? [*Agreed*] Thank you very much.

Bill 47—The Accessibility Advisory Council Act and Amendments to The Government Purchases Act

Mr. Chairperson: Please come forward, minister. Does the minister have an opening statement for Bill 47?

Hon. Jennifer Howard (Minister responsible for Persons with Disabilities): Yes, Mr. Chair, I don't have much to say. I think I can't say it any better than we heard today, and we heard so many presentations about the work that we've done together on accessibility, and the work we have left to do, and that's—I think exactly why this bill is here. So I won't say any more than that and we can move to consideration of the bill.

Mr. Chairperson: We thank the minister for those opening remarks.

Mrs. Bonnie Mitchelson (River East): Mr. Chair, I'd just like to again reiterate my thanks for all of those that made presentation at committee stage for this bill. I know there was some disappointment by some groups and organizations that have said, after a decade of discussion on accessibility legislation, that they were a little disappointed that legislation wasn't introduced this session.

But I think, generally speaking, most people have agreed that this bill is a step, although in some

people's minds a very small step, in the right direction, and I think that we all would agree that we need to be moving forward with accessibility legislation in our province. And so I thank the minister for her commitment, to make sure, as the council is set up, that the presentations, which were very good tonight, will certainly be shared with and will be the basis of discussions that will lead to accessibility legislation in Manitoba.

So, with those few comments, I'm prepared to go—to deal with the bill.

Mr. Chairperson: Thank you very much for those opening comments.

Now, moving to clause-by-clause consideration for Bill 47, The Accessibility Advisory Council Act and Amendments to The Government Purchases Act.

Clauses 1 through 3—pass. Shall clause 4 pass?

Oh, recognizing the honourable minister.

Ms. Howard: Sorry, keep going. Wrong one.

*(23:40)

Mr. Chairperson: Let me ask the question again.

Clause 4—pass; clauses 5 and 6—pass.

Shall clause 7 pass? Recognizing the honourable minister.

Ms. Howard: I move,

THAT Clause 7(1)(a) of the Bill be amended by adding "and timely" after "systematic".

Mr. Chairperson: It has been moved by the honourable Minister responsible for the Persons with Disabilities,

THAT Clause 7(1)(a) of the Bill be amended by adding "and timely" after "systematic".

The amendment is in order and the floor is now open for questions. Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass.

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed.

Clause 7 as amended—pass; clauses 8 and 9—pass; clauses 10 through 12—pass; table of contents—pass.

Shall the preamble pass?

Ms. Howard: I move

THAT the Preamble of the Bill be amended by adding the following after the fourth paragraph:

AND WHEREAS legislation is needed to establish a systemic and proactive approach for identifying, preventing and removing barriers that will complement *The Human Rights Code* in ensuring accessibility for Manitobans;

Mr. Chairperson: It has been moved by the honourable Minister responsible for Persons with Disabilities

THAT the Preamble of the Bill—

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense? Dispense.

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

Ms. Howard: I don't have a question, but I just want to let members know both these amendments that we're moving are on the advice of presentations we heard tonight.

Mr. Chairperson: Thank you for that, Honourable Minister.

Seeing no further questions or comments, we will now proceed.

Shall the preamble pass—oh, sorry. Shall the amendment pass?

Preamble as amended—pass; enacting clause—pass; title—pass. Bill as amended be reported.

* * *

Mr. Chairperson: By my count, we have Bill 48 and Bill 27 still outstanding this evening. What is the will of the committee? Recognizing the Government House Leader.

Hon. Jennifer Howard (Government House Leader): Yes, I propose we move on to Bill 48.

Mr. Chairperson: Is that amenable to the committee? Very good.

Bill 48—The Planning and Land Dedication for School Sites Act (Various Acts Amended)

Mr. Chairperson: We'll now proceed to clause by clause for Bill 48.

Does the minister responsible for Bill 48, The Planning and Land Dedication for School Sites Act (Various Acts Amended), have an opening statement?

Hon. Ron Lemieux (Minister of Local Government): Just very brief, Mr. Chair. Again I'd like to say how much I appreciate hearing from all the presenters this evening. It was a long evening, and it says something about the importance of the legislation that presenters were willing to stay here late. They made some good suggestions, and we have a couple of amendments that we would like to bring forward. And we're pleased that this new bill will ensure that developers are able to get good value for their properties and develop—that they develop and families will be able to get the neighbourhood schools that they want.

So, with that, I just want to say that we do appreciate the input we heard tonight, and we know that the amendments will be well received. Thank you.

Mr. Chairperson: Thank the honourable minister for those remarks.

Does the official opposition critic have an opening statement?

Mr. Stuart Briese (Ste. Rose): And, certainly, I appreciated the comments that were made here at committee tonight, the presentations. They—there seemed to be a pretty general theme there once—all except for the first presentation, and it sounded to me like they all felt the system was working not too badly before and were blindsided and not consulted on the legislation that was being brought forward. And they all indicated that, in their opinion, that it was going to be just another extra cost on the people that are actually buying the properties. So it's, in many ways, just another creative way to try and finance schools in this province.

Certainly has some problems in rural areas where, really, their schools are closing rather than being opened, and anybody over a four-lot development has to make this contribution towards schools. So I presume they're going to buy buses; that's the only other option that's in the legislation. And I just wonder, sometimes, if maybe we shouldn't be doing this with the RHAs so we can buy more ambulances.

Thank you very much, Mr. Chair.

Mr. Chairperson: We thank the official opposition critic for those remarks.

I understand Mrs. Mitchelson also—*[interjection]*—by leave of the committee. Is leave granted? Yes? *[Agreed]* Thank you.

Mrs. Bonnie Mitchelson (River East): And I'll just be very brief.

I mean, we've seen two ends of the spectrum here tonight. We saw a piece of accessibility legislation come forward where there'd been significant consultation, actually, consultation for 10 years. And, as a result of that consultation, we came up with an advisory council that will work for another year with all of the stakeholders to try to ensure that the legislation that comes forward is done in an appropriate fashion.

And then we see another piece of legislation that's brought forward by a minister where there was no consultation done and, just a short 11 days ago, you know, a significant stakeholder in the whole process didn't even know the legislation was going to be introduced until it was—they read about it in the newspapers.

And so I think it shows a significant amount of disrespect to those stakeholders in that process, and they would dearly have loved to have seen an advisory council established by a piece of legislation so there was actually some meaningful consultation.

So I just felt that it was important to put those comments on the record, just indicating that maybe government should learn a lesson from the whole process that was undertaken on Bill 48. Thank you.

Mr. Chairperson: We thank Mrs. Mitchelson for those additional comments.

We'll now proceed to clause-by-clause consideration of this bill, unless there is anything further.

Clause 1—pass.

Shall clause 2 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: Recognizing the honourable minister, on clause 2.

* (23:50)

Mr. Lemieux: Sorry, on clause 2—*[interjection]* Yes, this is clause 2 of the bill—sorry. I need to move it? I move

THAT Clause 2 of the Bill be amended by adding the following definition of school division:

"school division" means a school division as defined in subsection 1(1) of *The Public Schools Act* but, except in the clause 163(1)(c), does not include the francophone school division. (« division scolaire »)

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

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order and the floor is open for questions or comments if any. Seeing none, is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Amendment—pass; clause 2 as amended—pass; clause 3—pass; clause 4—pass.

Shall clause 5 pass?

An Honourable Member: No. Amendment.

Mr. Chairperson: No, on clause 5 an amendment from the honourable minister.

Mr. Lemieux: I move

THAT Clause 5 of the Bill be amended in the proposed subclause 259.1(3)(a)(ii) by striking out

"at the option of the school board" and substituting "if the developer and the school board agree".

Mr. Chairperson: It has been moved by the honourable Minister for Local Government

That Clauses—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order. The floor is open for comments and questions. Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Question has been called.

Amendment—pass; clause 5 as amended—pass; clause 6—pass.

Shall clause 7 pass?

An Honourable Member: No.

Mr. Chairperson: No. An amendment from the minister.

Mr. Lemieux: I move

THAT Clause 7 of the Bill be amended by adding the following definition:

"school division" means a school division as defined in subsection 1(1) of *The Public Schools Act* but does not include the francophone school division. (« division scolaire »)

Just to clarify that I move this. I thought I said that.

Mr. Chairperson: It has been moved by the honourable Minister for Local Government

THAT—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is remarkably in order, and the floor is open for comments and questions, if any. Seeing none, is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: The question's been called.

Amendment—pass;

Now back to the original clause. Clause 7 as amended—pass; clause 8—pass; clause 9—pass; clauses 10 through 13—pass.

Shall clause 14 pass?

An Honourable Member: No.

Mr. Chairperson: An amendment from the honourable minister. Honourable minister, please proceed.

Mr. Lemieux: I move

THAT Clause 14 of the Bill be amended in the proposed subclause 137.1(3)(a)(ii) by striking out "at the option of the school board" and substituting "if the developer and the school board agree".

Mr. Chairperson: It has been moved by the honourable Minister for Local Government

THAT Clause 14 of the Bill be amended in the proposed subclause—

Some Honourable Members: Dispense.

Mr. Chairperson: Thank you. Dispense. The amendment is in order and the floor is open for comments and questions.

An Honourable Member: Dispense.

An Honourable Member: Question.

Mr. Chairperson: Question has been called. The committee's ready for the question.

Amendment—pass; clause 14 as amended—pass; clauses 15 and 16—pass; clauses 17 through 19—pass; clauses 20 through 22—pass; clause 23—pass; enacting clause—pass; title—pass. Bill as amended be reported.

Bill 44—The Civil Service Superannuation and Related Amendments Act
(Continued)

Mr. Chairperson: Now, committee members, on a similar note, the Clerk and I have consulted and we want to be absolutely certain that we got the final wording correct with regards to Bill 44, so I'm offering a clarification. We want to make sure that we included the phrase "as amended" at the end, so we're just asking you to officially pass it again.

So I will ask the question: Shall Bill 44—this is The Civil Service Superannuation and Related Amendments Act minus Schedule B.

Bill as amended be reported.

Thank you, committee members. Just to make sure.

Bill 27—The Manitoba Ukrainian Canadian Heritage Day Act
(Continued)

Mr. Chairperson: Committee members, sounds like Bill 27 subamendment is now ready to go. So we are—just to remind everybody, we're on the first clause. There was an amendment proposed by the minister that was being considered by the committee, and then the honourable member for Russell, Mr. Derkach, had proposed a subamendment. Yes. Had wanted to do that, and he is now going to get to read that subamendment and propose it to the committee.

Please move the mike a little bit closer to you. Please proceed, Mr. Derkach.

Mr. Leonard Derkach (Russell): I move

THAT the amendment to Clause 1 of the Bill be amended

(a) by adding "the last Saturday" before "in July"; and

(b) by striking out "before the first Monday in August" and substituting "September 7".

Mr. Chairperson: It has been moved by the honourable member for Russell

THAT the amendment to Clause 1 of the Bill be amended

(a) by adding "the last Saturday" before "in July"; and

(b)–

An Honourable Member: Dispense.

Mr. Chairperson: Dispense.

An Honourable Member: Is it in order?

Mr. Chairperson: I can report to the committee the subamendment is, indeed—is in order, and the floor is open for comments and questions.

Mr. Derkach: Mr. Chair, I know that the minister is quite intent on passing this bill with her date in place, but, for the record, I want to ensure that every opportunity was given to this committee and, indeed, to the Legislature to consider September the 7th as the date, for the reasons that I have spoken about. It doesn't favour one community over another; it doesn't favour one event over another because, if you look at Manitoba celebrations of Ukrainian heritage, they vary, from Vita to the Folklorama to the National Ukrainian Festival in Dauphin to many other important celebrations that take place around the province. And I think there's—if you talk to the people who live in these communities, you will hear from them that a neutral date would be far better, one that doesn't attach itself to any particular celebration, but rather is a date, a stand-alone date, where parents, students, the public at large can celebrate the essence and the importance of a heritage day dedicated to Ukrainians in this country.

* (00:00)

So, with those comments, Mr. Chair, I implore the committee to reconsider the date that was chosen in Bill 27 with this subamendment.

Mr. Chairperson: Thank the honourable member for those comments. Any other comments from the committee members? Are we ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Question's been called. Shall the subamendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: I heard yesses and nos. To make this official, all those in favour of the subamendment, please say aye.

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it, and the subamendment is accordingly defeated.

* * *

Mr. Chairperson: So we will now—oh, recognizing the honourable member for Russell.

Mr. Derkach: Mr. Chair, I have another amendment.

Mr. Chairperson: All right, very good. So the subamendment did not pass. It was defeated.

We are now asking the committee to consider the amendment brought forward by the minister.

Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: Very good.

Amendment—pass. Shall clause 1 pass? *[interjection]* It is on clause 1. Okay, so belay that. We have not passed clause 1. Recognizing the honourable member for Russell.

Mr. Derkach: Mr. Chair, I have another amendment.

I move

THAT Clause 1 of the Bill be amended by striking out "Manitoba Ukrainian Canadian Heritage Day" and substituting "Ukrainian Heritage Day of Manitoba".

Mr. Chairperson: It has been moved by the honourable member for Russell

THAT Clause 1 of the Bill—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. I can report to the committee the amendment is in order.

The floor is open for comments and questions.

Mr. Derkach: I really ask the committee to think about this long and hard because this is a fairly important bill with an important title. And what I've tried to do here is really encapsulate the essence of the bill in a title that really reflects what it is we're trying to do. And in this particular case, Mr. Chair, I don't think it takes away from the bill at all in any way, shape or form, but all this does is simplify and clarify the title and the intent of the bill, and that is, to take out the words "Manitoba" and "Canadian" in the beginning of the title and simply substitute that with "Ukrainian Heritage Day of Manitoba."

The act would then become The Heritage Day of Manitoba Act, and to me that then really spells out what it is we're trying to do with this bill. So, with those few comments, Mr. Chair, I am hoping that the minister will consider this and that her members will consider that this, in fact, is more reflective of what we are trying to do collectively.

Mr. Chairperson: Thank the honourable member for those comments. Any further comments to be made?

Hon. Rosann Wowchuk (Minister of Finance): With all due respect, I do have to speak against the amendment that the member from Russell has put forward. This title, The Manitoba Ukrainian Canadian Heritage Act–Day Act has been discussed with the Ukrainian community. The Ukrainian community has looked at it and they approved it. They made a suggestion on how the date should be changed, but they endorse this and I believe that this is an important day for Manitoba. It's an important day in Canada's history and that we should stay with the first day as it is spelled out in the bill.

Mr. Chairperson: We thank the minister for those comments. Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: The question has been called.

Shall the amendment brought forward by the honourable member for Russell pass?

An Honourable Member: No.

An Honourable Member: Yes.

Mr. Chairperson: I hear both yeas and nays.

Voice Vote

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

Some Honourable Members: Aye.

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

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it. The amendment is accordingly defeated.

Mr. Chairperson: Now, moving back to the original clause 1.

Clause 1 as amended—pass; clauses 2 and 3—pass. Shall the preamble pass?

An Honourable Member: No.

Mr. Chairperson: No, an amendment from the minister on the preamble.

Ms. Wowchuk: I move

THAT the last paragraph of the preamble be amended by striking out "in July" and substituting "before the civic holiday (the first Monday in August)".

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

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. I can report the amendment is in order. The floor is open for comments or questions. Seeing none, are we ready for the question?

An Honourable Member: Question.

Mr. Chairperson: The question's been called.

Amendment—pass; preamble as amended—pass; enacting clause—pass; title—pass. Bill as amended be reported.

This, remarkably enough, I think, concludes our sitting. The hour being 12:07, what's the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 12:08 a.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

Re: Bill 47

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM), I would like to express our support for Bill 47: The Accessibility Advisory Council Act and Amendments to the Government Purchases Act. It is our hope that the Accessibility Advisory Council will facilitate with the prevention and removal of barriers in order to enhance accessibility for all Manitobans.

AMM would also like to express appreciation of the differences between Bill 47 and the report submitted by the Advisory Committee for Accessibility Legislation, of which AMM was a member. AMM values the opportunity to provide feedback on legislation as it is developed and would like to express some comments and concerns about any future regulations or accessibility standards applicable to municipalities.

Firstly, as accessibility issues are already addressed in some communities by Age-Friendly Committees or other bodies, we would urge the Province to reduce redundancies by incorporating provincial accessibility initiatives into Age-Friendly Initiatives where possible.

Secondly, municipal councils should be allowed input into how accessibility initiatives or standards are administered in order to be sensitive to local needs. Improving accessibility will have different requirements for different communities, and councils must have a sufficient degree of autonomy in determining the structure of their committees as well as how accessibility issues are to be prioritized in the community.

In addition, any new standards imposed on municipalities must also include provisions for the extra resources municipalities will require. Without resources to accompany new standards, municipalities will bear the costs of implementation. This will be a very difficult challenge for municipalities who are constantly dealing with new downloaded responsibilities and unfunded mandates.

Municipalities are already struggling to deal with policies that require them to address more and more issues such as water quality, recycling, emergency preparedness, and workplace health and safety. Adding new responsibilities and deadlines for implementation will only stretch their budgets further and overburden their staff so that they can no longer deliver on their core responsibilities. AMM would urge the Accessibility Advisory Council to keep in mind that without the necessary resources, it will be difficult for municipalities to implement solutions to accessibility issues.

Municipalities have told us it is essential that any accessibility initiatives take into account the costs municipalities will have to incur. These costs include those associated with the increased demands on staff, as well as the costs associated with improving access to buildings and other municipal infrastructure.

The AMM would like to reiterate our support for making Manitoban communities more accessible to all citizens. We would urge the Province to consider the resources municipalities will require to achieve a more accessible Manitoba, and we remain committed to working with the Province towards this goal.

Sincerely,

Doug Dobrowolski
President

* * *

Re: Bill 47

Mr. Chairman, I am here to support the passage of Bill 47. I was pleased to see that the Act includes, in item 10, the government Purchases Act that will now include the clause "whenever possible, purchases must be made in accordance with the barrier free purchasing guidelines, if such guidelines are prescribed by regulations under this Act".

I would like to give just one example, among hundreds, of a barrier that can cause disability and add to the difficulties of those already disabled. Paving stone sidewalks are attractive but unstable and expensive. Recently, I have had multiple appointments at the Health Sciences Centre and the Rehabilitation Centre. The sidewalk paving stones have become uneven over time. They are a hazard to pedestrians and very uncomfortable and difficult in a wheel chair. So much so that one prefers to ride a

wheel chair on the street. The use of paving stones should be restricted, particularly in areas frequently used by the disabled.

The sooner comprehensive legislation is enacted the better for the thousands needing access for the activities of daily living.

Karl Riese

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are also available on the Internet at the following address:

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