



Second Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON LAW AMENDMENTS

Monday, June 25, 2001

TIME – 6:30 p.m.

Bill 40–The Podiatrists Act

LOCATION – Winnipeg, Manitoba

Mr. Alexander Todd, Manitoba Podiatry Association

CHAIRPERSON – Mr. Doug Martindale (Burrows)

Bill 42–The Regulated Health Professions Statutes Amendment Act

VICE-CHAIRPERSON – Ms. Linda Asper (Riel)

Mr. Eric Alper, Manitoba Association of School Psychologists

ATTENDANCE - 11 – QUORUM - 6

Mr. Michael Stambrook, President of the Regulatory Board, Psychological Association of Manitoba

Members of the Committee present:

Ms. Debbie Whitney, Manitoba Psychological Society

Hon. Ms. Barrett, Hon. Messrs. Chomiak, Selinger

Mr. Kenneth Enns, Psychological Association of Manitoba

Mr. Aglugub, Ms. Asper, Mrs. Dacquay, Mrs. Driedger, Messrs. Gilleshammer, Martindale, Mrs. Mitchelson

MATTERS UNDER DISCUSSION:

Substitutions:

Bill 22–The Cancer Treatment and Research Foundation Amendment and Consequential Amendments Act

Hon. Mr. Lemieux for Ms. Korzeniowski

Bill 40–The Podiatrists Act

APPEARING:

Bill 42–The Regulated Health Professions Statutes Amendment Act

Hon. Jon Gerrard, MLA for River Heights

Bill 7–The Manitoba Hydro Amendment Act

WITNESSES:

Bill 27–The Manitoba Hydro Amendment Act (2)

Bill 27–The Manitoba Hydro Amendment Act (2)

Mr. David Gislason, Private Citizen

Bill 21–The Manitoba Ethnocultural Advisory and Advocacy Council Act

Mr. Elliott Dowbiggin, Private Citizen

Mr. Ron Tardiff, Private Citizen

Mr. Michael Anderson, MKO - Manitoba Keewatinowi Okimakinak

Bill 300–The Jewish Foundation of Manitoba Incorporation Amendment Act

Ms. Gloria Desorcy, Manitoba Branch, Consumers' Association of Canada

Mr. Wilson MacLennan, Private Citizen

Mr. Chairperson: Good evening. Will the Standing Committee on Law Amendments please come to order.

Grand Chief Francis Flett, MKO - Manitoba Keewatinowi Okimakinak

Committee Substitution

Hon. Becky Barrett (Minister of Labour and Immigration): Mr. Chair, I move that, with leave of the committee, I would like to make the following membership substitution effective immediately for the Standing Committee on Law Amendments: Mr. Lemieux for Ms. Korzeniowski.

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

* * *

Mr. Chairperson: The next order of business before the committee is the election of a Vice-Chairperson. Are there any nominations?

Ms. Barrett: I nominate Ms. Asper.

Mr. Chairperson: Ms. Asper has been nominated. Are there any further nominations? Seeing none, Ms. Asper is elected Vice-Chairperson.

This evening the committee will be considering the following bills: Bill 7, The Manitoba Hydro Amendment Act; Loi modifiant la Loi sur l'Hydro-Manitoba; Bill 21, The Manitoba Ethnocultural Advisory and Advocacy Council Act; Bill 22, The Cancer Treatment and Research Foundation Amendment and Consequential Amendments Act; Bill 27, The Manitoba Hydro Amendment Act (2); Bill 40, The Podiatrists Act; Bill 42, The Regulated Health Professions Statutes Amendment Act; Bill 300, The Jewish Foundation of Manitoba Incorporation Amendment Act

We have presenters who have registered to make public presentations on Bill 27, The Manitoba Hydro Amendment Act (2); Bill 40, The Podiatrists Act; and Bill 42, The Regulated Health Professions Statutes Amendment Act. It is the custom to hear public presenters before consideration of bills. Is it the will of the committee to hear public presentations on the bills, and if so, in what order do you wish to hear the presenters?

Ms. Barrett: I suggest we go in order, but hear the out-of-town presenters first. I believe that the only out-of-town presenters identified are in Bill 27.

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

I will then read the names of the persons who have registered to make presentations this evening: Bill 27, The Manitoba Hydro Amendment Act (2): Mr. Michael Anderson and Grand Chief Francis Flett, representing MKO; Ms. Gloria Desorcy representing the Manitoba Branch of the Consumers' Association of Canada; Mr. David Gislason, private citizen; Ms. Cindy Kellendonk, private citizen; Mr. Wilson MacLennan, private citizen; Mr. Ron Tardiff, private citizen.

Bill 40, The Podiatrists Act: Dr. Alexander Todd. Bill 42, The Regulated Health Professions Statutes Amendment Act: Mr. Eric Alper, representing the Manitoba Association of School Psychologists; Dr. Michael Stambrook, private citizen; Ms. Debbie Whitney, Manitoba Psychological Society. We have had one new presenter register, Mr. Kenneth Enns, representing the Psychological Association of Manitoba.

Those are the persons and organizations that have registered so far. If there is anybody else in the audience that would like to register or has not yet registered and would like to make a presentation, would you please register at the back of the room? Just a reminder that 20 copies of your presentation are required. If you require assistance with photocopying, please see the Clerk of this committee.

The out-of-town presenters are Mr. David Gislason, Ms. Cindy Kellendonk and Mr. Ron Tardiff. Before we proceed with the presentations, is it the will of the committee to set time limits on presentations?

Ms. Barrett: Yes. I would move that, as has been standard practice in public hearings, certainly in this session and earlier, we have a time limit of 15 minutes for presentation and up to 5 minutes for questions and answers.

Mr. Chairperson: It has been suggested that we limit presentations to 15 minutes with 5 minutes for questions and answers. Is that agreed? [*Agreed*] Just to clarify, I think the agreement is 15 minutes for presentations and 5 minutes for questions and answers. How does the committee propose to deal with presenters who are not in attendance today but have their names called? Shall these names be dropped to the bottom of the list? [*Agreed*] Shall the names be dropped

from the list after being called twice? *[Agreed]*

As a courtesy to persons waiting to give a presentation, did the committee wish to indicate how late it is wishing to sit this evening?

Ms. Barrett: I think it would be appropriate to hear all of the presentations. We do not have a large number, and I believe it is only fair to hear the presenters this evening.

Mr. Chairperson: It has been suggested we sit until we hear all the presenters. Is that agreed? *[Agreed]*

Bill 27—The Manitoba Hydro Amendment Act (2)

Mr. Chairperson: I will now call on out-of-town presenter Mr. David Gislason to speak to Bill 27.

Mr. David Gislason (Private Citizen): Thank you, Mr. Chairman. I can see that I have been somewhat remiss. This is the first time that I address a committee meeting, and I was unaware that I was to have 20 copies of my presentation, so I will essentially be speaking from notes. Can I arrange to either write this out afterwards, or can I simply make an oral presentation?

Mr. Chairperson: That is fine. Please proceed.

Mr. Gislason: Just for the record, my name is David Gislason. I farm in the Arborg area with my wife, Gladys, and I would like to speak in favour of Bill 27, The Manitoba Hydro Amendment Act (2). I support on the basis of what I see as its fairness. Manitoba Hydro being a Crown corporation providing public service, it seems to me reasonable that we would all pay the same price for that service.

Actually, as a farmer, we have simply been paying our hydro bill and not paying a lot of attention to the rates that we pay, as compared with others in this province. I did telephone the Manitoba Hydro office last week just to compare the rates. They tell me there are three rate structures in Winnipeg. It is \$6.25 a month basic fees. The towns in rural Manitoba are \$7.63 for users in those areas. Rural users, such as farmers

as ourselves, are paying \$13.65 a month. The first 175 kilowatts are also scaled at 5.78 cents in Winnipeg, 6.53 in the towns, and 7.33 for rural users. Beyond that 175 kilowatts, people are paying 5.1 cents. Everyone pays the same I am told.

So it seems to me that it is reasonable and fair that we would all pay the same rate. We are all receiving the same service. It may be that there are some additional costs in providing service to the rural areas, but on our particular farm, we see the same poles that are coming down our hydro and down the main road that were installed in 1949. Other than the addition of some extra transformers, as we required more power on our farm, I do not think there has been a lot of service required. So we have been paying this extra rate for quite a number of years, and it seems to me that in fairness it would be nice to have them all the same.

To an individual user, there is not a whole lot of money involved here. About \$120 annually would be our saving. On the average, our hydro bill is about \$300 a month throughout the year, so that is a saving of about 3 percent for us. It is not going to make the difference as to whether we survive on the farm, but I think there is a principle here, and it is important that service is available at a reasonable cost and at the same cost to people who live in rural areas as those who live in Winnipeg.

I have been involved in municipal council for a number of years, both as councillor and as reeve there, and I know that energy is very crucial to the rural economy. It is very important that we can be seen to have an even playing field when we are trying to attract either people to live in rural areas or industry to develop out there.

In answer to the concern that perhaps this is not fair in terms of city residents, I think that there is a bit of cross-subsidization that takes place in many areas of our economy. Whenever there is an agreement signed between the City of Winnipeg, the Province and the federal government to cost-share some developments in the city of Winnipeg, then I as a rural taxpayer share in funding those developments, whatever they might be, through the taxes that I pay to the Province and to the federal government. I think

it is important to recognize that a healthy rural economy supports an urban economy. I feel that there is fairness in Bill 27, this Hydro amendment act, and so I would like to support it on that basis. That is all.

* (18:40)

Mr. Chairperson: Thank you for your presentation. Do committee members have questions?

Hon. Jon Gerrard (River Heights): Welcome and thank you for your presentation. I wonder if you could comment about the impact this might have on industries in Arborg and the northern Interlake. Certainly, the potential is there to help with attracting industries to rural communities.

Mr. Gislason: I think it can only have a positive effect, and as I said before, that is one of the struggles that rural areas are going through in trying to attract industry, trying to see that people stay in the rural areas and keep the rural economies healthy, and I think, while this is not an enormous amount of money to any individual taxpayer, the principle that people pay the same rate in the country as they do in the city will make a difference. I think it will have a positive effect long-term.

Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act): I just would like to thank you for coming and making a presentation tonight. I understand that you are quite busy, presumably, with seeding at this time of the year. So thank you for coming.

The only question I would have is on these uniform rates. You have mentioned it as a question of fairness and of possible positive impact on industry. One of the points that we have made is that rural electrification would not have been possible without a government initiative to make that happen and that there was some support required to make that happen. It was a policy-driven initiative, and I would take it that if we could take a policy initiative to do rural electrification, you also think it is reasonable to take a policy initiative to do a rate-equalization program.

Mr. Gislason: Yes.

Mr. Harold Gilleshammer (Minnedosa): Thank you, Mr. Chairperson, and thank you, Mr. Gislason, for your presentation.

I listened very carefully to your comments. Do you think the Government perhaps should apply the same thinking to rates for auto insurance and standardize the rates across the province?

Mr. Gislason: I think that auto insurance might be a slightly different area. I think there, there is also an element of fairness in the fact that the rates are somewhat adjusted according to the risk. So, if you are a higher risk driver or a higher risk area, then perhaps the rates should reflect that.

Mr. Chairperson: Thank you for our presentation. The next out-of-town presenter is Ms. Cindy Kellendonk. Ms. Cindy Kellendonk?

Floor Comment: I am here to read the statement on her behalf, Mr. Chairman.

Mr. Chairperson: Is there leave of the committee to have a substitute? *[Agreed]* Please give us your name.

Mr. Elliott Dowbiggin (Private Citizen): My last name is Dowbiggin; my first name is Elliott. I have 20 copies available for the committee.

Mr. Chairperson: Please proceed.

Mr. Dowbiggin: Thank you. Honourable ministers and members, ladies and gentlemen, I would like to thank the Government for addressing the inequities of the present hydro rate structure in rural areas. The proposed changes will be a positive move in helping to level the playing field that will directly impact the rural economic infrastructures in Manitoba.

The proposed changes not only offer a reduced expense to existing business and private consumers but also present a step in the right direction of equitable opportunity to attract new business developments to rural Manitoba. As a business owner in rural Manitoba, we are often faced with a variety of additional costs as compared to producers in proximity to urban areas, thereby limiting our profitability. We hope

the Government will continue to address the overall inequities rural Manitobans are faced with to enable us the same opportunities for growth and prosperity as in urban areas.

Parenthetically, an example would be a fairer distribution or assessment of land taxes, including educational levies. It is our hope that Bill 27 will be passed without delay.

Mr. Chairperson: Thank you, Mr. Dowbiggin. Are there questions or comments from committee members?

Mr. Selinger: I would just like to thank you for coming and making a presentation tonight.

Mr. Dowbiggin: Thanks very much.

Mr. Chairperson: The last out-of-town presenter is Mr. Ron Tardiff.

Mr. Ron Tardiff (Private Citizen): My name is Ron Tardiff, and I am proud to say that I am a rural Manitoban. I do not have copies of a presentation. This is really simply notes.

I have been a rural Manitoban for the past 10 years, when my family and I chose to move to the community of Lorette. I am here tonight to make my voice heard. I want to make a clear statement that I am strongly in support of Bill 27. As a rural resident, I am not taxed any differently when it comes to income tax than when I used to live in the city of Winnipeg; however, I am subject to what I believe is discriminatory practice. I believe that in rural Manitoba we pay a higher rate for hydro than in Winnipeg simply because we live in a different zone.

Further, I would like to make the statement that living in rural Manitoba, I do not enjoy the same quality of service as I used to in the city. In Lorette, for instance, we are often subject to power outages, brownouts, surges, certainly something that we do not experience in the city of Winnipeg. In fact, I can say to you quite honestly, that I do not even bother to set the clock in my VCR anymore. It goes out so often it is just not worth the effort.

In closing, I would like to say that all Manitobans have contributed equally to the construction of the dams and the infrastructure that is in place today. I support any initiative that treats all Manitobans equally. Thank you for having me.

Mr. Chairperson: Thank you, Mr. Tardiff. Are there any questions or comments from committee members?

Mr. Gerrard: Just your comments, in terms of the power outages, warrant a little bit more than you have mentioned to date. The difference in service that you are getting and the number of outages, is this not just your local area?

Mr. Tardiff: I would assume that that is all of rural Manitoba. It is my suspicion that in the city of Winnipeg, the infrastructure is such that it can handle a brief outage here or there, but if someone has to go and shift the line from eastern Manitoba to feed Lorette because power has gone out—I am sure it is happening in Carman and Winkler and Rosenort and every place else. I think all of the small communities experience the same problems that we do. I do not think it is localized to Lorette.

Mr. Gerrard: I note that Mr. Brennan is present, and hopefully, he will have a look at what can be done, because I do not believe that it is uniform throughout rural Manitoba. My suspicion is that your area is probably worse than any other. Maybe it would need some particular attention.

Mr. Tardiff: If it is, I am glad that he is here this evening. It would be a great opportunity if it were addressed. It is certainly an inconvenience. In this day and age of computers, can you imagine what it is like to be halfway through a document and have the power go out? That is a regular occurrence.

Mr. Selinger: First of all, you bear a striking resemblance to a Mrs. Jean Tardiff. Is there a connection?

Mr. Tardiff: She is my mother.

Mr. Selinger: That is what I thought. I just would like to say that in a quick conversation I

have had with the President of Hydro, he would be happy to meet with you and discuss your specific concerns about reliability of service to see how that could be addressed before you leave tonight. I hope you will take that opportunity to meet with Mr. Brennan. Other than that, I would like to thank you for your presentation.

Mr. Tardiff: Thank you, Mr. Selinger. I certainly will take the opportunity to meet with him.

Mr. Chairperson: The next presenters are Mr. Michael Anderson and Grand Chief Francis Flett.

Mr. Michael Anderson (MKO - Manitoba Keewatinowi Okimakinak): Good evening. Thank you very much. Grand Chief Flett had asked me to advise you that he is delayed on a flight from Thompson. With the committee's permission, if you can continue with your presentations in the hopes that the Grand Chief will arrive shortly, then that would be welcome. If not, if your schedule requires us to proceed, I have also been instructed to do so. So I am at your pleasure, Mr. Chair.

Mr. Chairperson: Is there leave of the committee to delay this presentation until the other presenters have completed? *[Agreed]*

Yes, we will try to wait.

Mr. Anderson: Thank you very much, Mr. Chair.

Mr. Chairperson: You are welcome. The next presenter is Ms. Gloria Desorcy. Please proceed.

* (18:50)

Ms. Gloria Desorcy (Manitoba Branch, Consumers' Association of Canada): Good evening. My name is Gloria Desorcy, and I am here on behalf of the Manitoba branch of the Consumers' Association of Canada. Mr. Chairperson, CAC Manitoba is a volunteer non-profit independent organization informing and educating consumers and representing the consumer interest in Manitoba. I want to point out I obviously got the name of the bill wrong. Sorry.

CAC Manitoba does a lot of its policy work on the basis of eight consumer rights that have been accepted by government, industry and consumer groups in many countries. These include the right to information and the right to participate in making government policies for the marketplace. Each consumer right is accompanied by a consumer responsibility. In this case, the corresponding consumer responsibilities are to seek out the information we need as consumers, and to make our needs and expectations known to sellers and to government.

CAC Manitoba does not have economists, lawyers and engineers on staff. We operate on a very tight budget and hiring this kind of expertise is just not possible. Despite this, the Public Utilities Board process makes it possible for us to make consumers' needs and expectations known in a professional and useful manner that often contributes an entirely new perspective to the debate. It levels the playing field between interveners and utilities, making it possible for us to accept both the information we need and the expertise necessary to interpret that information and to know what it really means for consumers in this province.

Unfortunately, CAC Manitoba is unable to participate fully on behalf of consumers in the decision-making process on uniform Hydro rates because this legislative process does not afford us access to all of the information we need and access to the expertise that would help us interpret that information and understand what Bill 27 might mean for all consumers in this province, both in the short-term and over time.

In conclusion, CAC Manitoba can neither support nor oppose uniform Hydro rates in a responsible manner for the reasons stated above. We do recommend, however, that the Public Utilities Board is a more appropriate venue for this debate and one that would enable consumers in this province to exercise both their rights and their responsibilities.

Thank you for your attention and the opportunity to be here this evening.

Mr. Chairperson: Thank you for your presentation. Are there questions? Mr. Gilleshammer.

Mr. Gilleshammer: Thank you for your presentation. So is it my understanding that, if we were having these hearings at the Public Utilities Board, you would be able to access support staff on an intervener basis to prepare your case and put those ideas before the Public Utilities Board?

Ms. Desorcy: Yes, we would be able to have our costs recovered for doing that if we provided something useful to the debate. If we did not, then we would not. It is on a contingency basis, of course. We just try to ensure that we do not participate if we cannot provide something useful to the debate. You know, that is always a possibility.

Mr. Gilleshammer: Are you aware that there are a number of major expenditures that the corporation is taking at this time that are being advanced because of the revenue position that the corporation is in? For instance, they are converting a couple of Hydro stations that are going to cost the corporation a few hundred thousand dollars. They have taken an increased amount of water-rental rates this year, over \$100 million. In looking at all of these expenditures and possible capital expenditures that are being advanced by the corporation which would exceed some \$4 billion, would you be of the mind that the citizens would be well served to take a look at all of these expenditures that the corporation is making through the Public Utilities Board?

Ms. Desorcy: Yes, we certainly would like to see a full review of the rate structure and I think we have made that view known, particularly since there have been a number of changes in the Manitoba Hydro situation since they last came for a full review before the Public Utilities Board.

Mr. Gilleshammer: The corporation, we feel, has been a well-managed corporation and, given the excess revenue, particularly coming from export sales, it is my opinion that rates could be lowered even further and that the Public Utility Board would be a good venue for this discussion to take place. The last time that Hydro was before the Public Utilities Board was 1996, I believe, and I would ask you if you have an

opinion on that, about the general across-the-board lowering of rates.

Ms. Desorcy: Well—wow, I just cannot get that. I just do not think that I have enough information, unfortunately, to comment on that, for sure, right now, but certainly we would be interested in participating in that debate if we had the information available to us.

Mr. Gilleshammer: So, just my final question, just to wrap up from my point of view. What you are looking for is to come before some venue, like the Public Utilities Board, to be more informed and to take a look at all of the operations of the Corporation in the rate-setting process.

Ms. Desorcy: Yes, certainly, and to have the opportunity also to make a useful and professional presentation on behalf of that too. To have the expertise we need to do that.

Mr. Selinger: Thank you for your presentation. I was wondering if you were aware that there used to be a thing called the Water Power Rental Agreement that Hydro entered into with the former government?

Ms. Desorcy: No, I am not familiar with that.

Mr. Selinger: Are you also aware that we have decided to end that agreement with our decision to increase water power rental rates by about \$51 million this year?

Ms. Desorcy: No, I am not familiar with that. I certainly would be interested in information on that if I could get some. That would be great.

Mr. Selinger: Yes, Manitoba Hydro would be willing to provide any information you need, or through my office, on any of these matters at any time. Any questions you might have, I would invite you to ask us those specific questions, and we will get you all the information you would require on any of those items.

Ms. Desorcy: I certainly will take advantage of that. On behalf of CFC, I can tell you that now. Thank you very much.

Mr. Chairperson: Thank you for your presentation. The next presenter is Mr. Wilson Maclellan. Please proceed.

* (19:00)

Mr. Wilson Maclellan (Private Citizen): Good evening. My name is Wilson Maclellan. Thank you for providing me with the opportunity to speak this evening on the Manitoba Hydro Act amendments. What I have to say will be somewhat brief.

To begin, I want to applaud the Government of Manitoba on the amendments to the Manitoba Hydro Act, which brings fairness and equality in hydro pricing to all Manitobans. I believe that, as all Manitobans own Manitoba Hydro, all Manitobans should pay the same hydro rate.

The amendments are responsive to the needs of Manitobans and especially to the people who do not live in the city of Winnipeg. The amendments are responsive to the needs of farmers, fishers and trappers, to name a few, because they take steps to alleviate the high cost of living and the cost of earning a living.

In the southwest of the province, in farming areas such as Virden, Manitobans no longer will feel penalized for living in rural communities when paying their Hydro bill. This equalization is particularly responsive to the needs of farming communities that are now experiencing difficult financial situations. The equalization, if completed, will mean an actual reduction in costs to farmers, however small.

When I lived in Virden, in southwestern Manitoba, an area considered a medium-density zone, Zone 2, the average residential customer paid \$2.69 per month more for hydro than a comparable household in the city of Winnipeg. At the same time, my farming neighbours, some of whom I could see from my living room window, lived in a low-density zone, Zone 3, and paid \$10.11 per month more for their hydro than the comparable user in the city of Winnipeg.

When I lived in Grand Rapids, in northern Manitoba, a community that is key to the production of hydro-electric power in this province, I, as all residents of the community,

felt that we were not being fairly treated as we watched the transmission lines that moved hydro-electricity to people who would be paying less than we were paying at the source. This feeling of inequity was generally felt by all northerners who lived in the area where the majority of the hydro-electric power is generated.

In the amendments, it is still an imperfect system in that it is not all-inclusive. It does not yet meet the needs of the communities not connected to the hydro grid. In a few communities, four, I believe, where electric power is diesel generated, there is still a burdensome cost in operating public buildings and commercial enterprise. I look forward to the day when there can be a resolution of these inequities.

In closing, I must say that amending The Manitoba Hydro Act is one of several steps being taken by the Government to close the gap between people living in rural Manitoba and people living in Winnipeg. In doing so, we are moving towards providing services on an equal and level playing field to all Manitobans regardless of where they live and regardless of political differences.

Mr. Chairperson: Are there any questions or comments?

Mr. Selinger: First of all, Mr. Maclellan, I would like to thank you for coming. I was wondering: How long did you live in the North, in Grand Rapids?

Mr. Maclellan: I lived in Grand Rapids for two years.

Mr. Selinger: The feeling that you had when you lived there about the inequity of paying a higher rate when you were in the resource area where the energy was being generated, was that a widespread feeling among fellow members of your community?

Mr. Maclellan: It is my belief that it was. It was something that was discussed regularly.

Mr. Selinger: Discussed informally, coffee shops, among neighbours, et cetera, is that the way it went?

Mr. Macleannan: That is correct.

Mr. Selinger: Can I take it from that, then, that the equalization of these rates will also generate a feeling of support or a feeling that they are being treated more fairly now that we have moved in this direction?

Mr. Macleannan: I believe that equalizing the rates will bring the people to believe that they are being treated the same as everyone else.

Mr. Selinger: Thank you very much.

Hon. Becky Barrett (Minister of Labour and Immigration): Thank you for your presentation. To follow along with what the minister was asking you, when you lived in Virden, do you feel that the people in that part of the province will also feel that there is a fairness and an equity that is being engendered through the rate changes, as envisaged in this legislation?

Mr. Macleannan: I do. The general feeling when I lived in Virden for a period of five years was more between what people paid on their farms and what people paid living in the town, as compared to what people paid living in Winnipeg.

The people in the country felt they were paying far too much.

Mr. Chairperson: Thank you for your presentation.

Bill 40—The Podiatrists Act

Mr. Chairperson: The next bill is Bill 40, The Podiatrists Act. The presenter is Dr. Alexander Todd, representing the Manitoba Podiatry Association. Please proceed.

Mr. Alexander Todd (Manitoba Podiatry Association): Good evening, Mr. Chair and members of the committee. Thank you for inviting me to speak to the bill, but before doing so, I would like to share a brief background on the podiatry profession in Manitoba.

The first act for chiropody was proclaimed in the 1930s, and from it, the act we are largely

governed by today, with a few amendments, is still in place. In the 70 years or so since the first act, the profession has developed into an important component in the health care across the country.

We are a very small profession. There are some 800 podiatrists and chiropodists in the country and only 24 licensed active practitioners in Manitoba. Today's podiatrists graduate with either a BSc or Doctor of Podiatric Medicine degree, and usually go on to complete one, two or three year clinical or surgical residencies in the U.K. or the U.S.

There are also clinical residencies available in B.C., and Alberta is establishing surgical residencies in Calgary. Québec is hoping to open a podiatry school soon. These measures will help to insure the profession provides the best possible training and professional development for its graduates.

The podiatrists in Manitoba intend to continue this level of excellence in the years to come. The increase in scope and practice in the act will encourage others to come to the province to practise. This brings me to our association support for the bill, which my colleagues do so whole-heartedly.

The provisions in this bill allow for a scope of practice more extensive than is currently in place; as well as major regulatory changes to enhance the power of the college in governing the profession and safeguarding the public. This scope will include both soft tissue and bone surgery of the foot, and these provisions reflect surgical practices in other jurisdictions. Practitioners who wish to include this scope of practice will have to satisfy the college they have completed the necessary educational and residency requirements appropriate to the level of competency, and work within the regulations.

The inclusion of the expanded scope of practice, with the limited prescription rights in the act, will enable well-qualified and experienced practitioners to practise in Manitoba, and enhance the quality of foot care in the province.

Our college looks forward to working closely with the College of Physicians and Surgeons, College of Pharmacy, and the

Department of Health in developing appropriate regulations to ensure the public safety of Manitobans.

The new act, in common with other recent acts, such as medical, midwifery and nursing acts, will allow for a much more structured and manageable disciplined procedure for the newly formed college. The act clearly lays out the procedures whereby accountability and reporting mechanisms are in place to insure compliance with the membership to such activities as chart and clinical audits, formal complaints procedures and disciplinary actions. The establishment of a council with one-third representation from the public will assure the effective management of this new act.

We look forward to working with the lay representatives in the future. And, finally, in closing, I would like to take this opportunity to thank the Honourable Mr. Chomiak and the Honourable Mr. Mackintosh for their support for this bill. I would also like to thank the staff of Manitoba Health, particularly Heather McLaren and Barb Millar for their help and guidance through this process. Thank you.

Mr. Chairperson: Are there any questions or comments?

Mrs. Myrna Driedger (Charleswood): Thank you very much, Doctor Todd. Certainly from hearing your presentation it sounds like this bill has a fair degree of significance for the profession, in terms of, you know, enlarging the scope of the profession and the creation of a college, which I am sure is something that is probably highly regarded by all of you. Do you have any particular concerns related to this bill at all?

Mr. Todd: Only the amount of work is going to involve in doing the regulations. Otherwise, no, we are very happy with the bill.

* (19:10)

Mrs. Driedger: Doctor Todd, were you aware that the three nursing acts were passed two years ago and that the nurses, the LPNs, the RNs and the registered psychiatric nurses are all still waiting for their acts to be proclaimed? They have been waiting two years for their regulations

to be approved and moved forward. So, despite the fact that they were hoping for a fast passage of their bill, and, in fact, it was assured to them that, that would happen. They actually have been waiting for two years and for all three of those professions, those three acts have not been proclaimed. I understand that you are hoping for speedy passage of this bill, and I wonder if you are aware that it has taken two years and we still have not seen the nursing acts proclaimed in Manitoba.

Mr. Todd: I am sorry. No, I was not aware of that.

Mrs. Driedger: Certainly, Doctor Todd, we are supportive of this bill and we certainly support the fact that you are hoping for speedy passage of the bill, because I think it will enhance the practice of podiatrists. I, certainly, as a former nurse, recognize the value of foot care. Perhaps it has been a little bit of a profession that maybe has not had the kind of emphasis but, certainly, foot care is a significant aspect of good health, and to let you know that we are supportive of the act and we will be watching this very carefully to see when the regulations will be put in place. We will be following this act as we have been following The Nursing Act and The Physiotherapy Act, awaiting for proclamation of those. It has taken two years for those regulations to be advanced.

Hon. David Chomiak (Minister of Health): Thank you, Doctor Todd, for the presentation and the kind words at the end. I want to acknowledge that often the staff who work very hard on these matters do not get the acknowledgment. I appreciate the fact that you acknowledged the staff, particularly Heather McLaren and Barb Millar, for their work. Far too often, credit goes to us and it is actually due to the hard work of people in the department.

Do I take it from your presentation that Québec is opening a school of podiatry, or contemplating it?

Mr. Todd: They are contemplating opening a school.

Mr. Chomiak: In any event, I thank you for the presentation. Just so there is no misapprehension

in the committee room with respect to the acts that were not proclaimed, we were involved in negotiations with the various bodies concerning those particular acts. Fortunately, we have agreed and the consensus with those organizations for situations that are actually improving the application of those acts is, that they are due to be proclaimed very soon.

I do not anticipate that there is any difficulty or any further negotiations concerning this particular act and I am sure it will be proclaimed as soon as the regulations are in effect. So I did not want you to get the wrong impression, perhaps, that might sometimes on occasion arise from comments in the committee.

Thank you very much.

Bill 42—The Regulated Health Professions Statutes Amendment Act

Mr. Chairperson: The next bill is Bill 42, The Regulated Health Professions Statutes Amendment Act. The first presenter is Mr. Eric Alper, representing the Manitoba Association of School Psychologists.

Please proceed.

Mr. Eric Alper (Manitoba Association of School Psychologists): Thank you, Mr. Chairman, ministers, and members of the committee. My name is Eric Alper, and I am the president of the Manitoba Association of School Psychologists. We thank you for the opportunity of presenting our comments and concerns to you, today.

On behalf of the Manitoba Association of School Psychologists, we wish to raise important concerns regarding Bill 42, The Regulated Health Professions Statutes Amendment Act, as it applies to The Psychologists Registration Act. Specifically, we have concerns with amendments pertaining to composition of counsel, registers and mobility provisions for differences and qualifications.

There are over 100 predominately master's-trained professional psychologists practising in Manitoba schools, hospitals, or government, under the exemption clause of the current

Psychologists Registration Act. As the only formally organized provincial association of predominately master's-trained psychologists, we are here to provide representation and contribute to the deliberations regarding Bill 42.

In preparation, we have reviewed Bill 42, The Labour Mobility Chapter of the Agreement on Internal Trade (AIT), also known as Chapter 7 provisions, The Psychologists Registration Act and the May 2001 revised final draft of the Mutual Recognition Agreement of the regulatory bodies for Professional Psychologists in Canada.

We recognize that the purpose of Bill 42 is limited to amendments needed for meeting the labour mobility obligations for the AIT. For the purpose of providing a context for our concerns regarding Bill 42, we wish to highlight several key points regarding psychologists in Manitoba and across Canada.

(a) First, a significant majority of psychologists in Canada, that is approximately 8000–9000, are master's licensed. According to a 1996 Canadian Psychological Association report, about two-thirds of the psychologists in Canada are registered with a master's degree.

(b) Seven out of eleven Canadian jurisdictions fully license psychologists with master's degrees for the independent practice of psychology, and grant use of the title "psychologist."

(c) Only one of the eleven jurisdictions requires the designation "psychological associate" for persons with master's degrees who are practising independently.

Table 1, which is three pages from the end of the document, lists these specific jurisdictions with title and master's degree, or title with doctoral degree.

(d) A minority of jurisdictions require a doctoral standard. In these jurisdictions, public access to psychological services is significantly limited, and even more so in rural areas.

In tables 2 and 3, also at the end of the document, in different ways gives a landscape across Canada as the variability between the

provinces and also between master's and doctoral jurisdictions.

I will be glad to answer your questions after the written presentation on those tables.

The greatest obstacle for the mobility of professional psychologists is the difference between jurisdictions in requirements for entry to the profession. The master's versus doctoral controversy continues to be an essential and still unresolved issue that has direct bearing for the free movement of professional psychologists across Canada. It is our contention that, in failing to satisfactorily resolve this issue, the proposed mutual recognition agreement fails to ensure true compliance with the spirit and intent of the AIT.

Our chief concerns regarding certain amendments proposed in Bill 42 centre around the following key points.

(a) First, the proposed designation "psychological associate" is a significant and detrimental change to the current Psychologists Registration Act. The term "psychological associate" is not in the current act, nor is it commonly used in statutes across Canada. It entrenches within the act itself a new designation of psychological associate, to distinguish between doctoral- and master's-level psychologists. Historically in Manitoba the designation "psychological associate" has been used to signify an individual lacking the competence to provide a service without supervision and who, by implication, is not a real or bona fide psychologist.

(b) Secondly, there does not appear to be a clear mobility pathway for licensed master's-trained psychologists moving from other jurisdictions to be licensed in Manitoba. The amendments appear to spell out mobility provisions for doctoral psychologists and for psychological associates. Ontario is the only province that registers master's-trained practitioners as psychological associates rather than as psychologists. In failing to provide a labour pathway for licensed, master's-trained psychologists, the large majority, in other words, two-thirds, of licensed Canadian psychologists are disadvantaged under the proposed amendments

in Bill 42. This could result in costly disputes and unnecessary delays.

(c) For mobility purposes, the proposal appears to be inconsistent with the majority of the provinces and territories across Canada.

(d) The proposed registers and entry standards constitute a hidden barrier to mobility and to Manitoba's ability to attract and retain competent skilled practitioners. For example, a licensed psychologist with a master's degree in moving from Alberta or Nova Scotia or Saskatchewan may by-pass Manitoba as a place to relocate if there is loss of the title "psychologist" and loss of the right to represent himself or herself as a psychologist.

The obvious choice for these practitioners would be to move to one of the seven jurisdictions that fully recognizes his or her professional competence as a psychologist.

Our point (e) is that professional title is as important as access to the profession. A difference in title is defensible only if could be demonstrated that there is a significant difference in core competencies. There is no compelling rationale for a two-tier system, i.e., psychologists and psychological associates, for meeting labour, mobility obligations. It is confusing to the public, unnecessary, and constitutes a disguised restriction to the free movement of licensed psychologists in the practice of their profession.

Here we quote the pertinent articles in Chapter 7 of the AIT. Based on the rationale we have outlined, we respectfully submit the following recommended changes to the proposed amendments under Bill 42 regarding The Psychologists Registration Act.

Under Composition of council, we note that amendment 5(3) regarding subsection 5(1.1) is unnecessary for the purpose of meeting the obligations of the AIT. This amendment functions to restrict eligibility for election or appointment to council to doctoral psychologists only. Master's-level psychologists moving to Manitoba would lose this fundamental democratic right enjoyed in 73 percent of Canadian jurisdictions, that is, representation through

election or appointment to the governing council in the association to which the registered members pay professional fees. We recommend that the proposed subsection 5(1.1) be deleted.

* (19:20)

Registers. As we mentioned before, we see the Registers subsection 5.1 as a significant and detrimental change to the current Psychologists Registration Act. It entrenches within the act itself a new designation "psychological associate," and the term "psychological associate" is not in the current act, nor is it commonly used in statutes across Canada.

Ontario is the sole jurisdiction in Canada to embed the title "psychological associate" in a provincial psychologist act. Except for Ontario, master's-level psychologists moving to Manitoba from the large majority of Canadian jurisdictions will be disadvantaged. They will lose the title "psychologist" and lose their previously enjoyed rights to represent or hold themselves out as psychologists entitled to engage in the practice of psychology, and, also, to use any sign, display, title or advertisement implying that he or she is a psychologist. The designation "psychological associate" constitutes a disguised barrier to free trade, movement of duly licensed psychologists, and is a disincentive to licensed psychologists with master's degrees moving to Manitoba. As such, it is contrary to the spirit and intent of the labour mobility chapter of the Agreement on Internal Trade.

We go on to say that we recommend one title, psychologist, to denote both master's- and doctoral-level psychologists with MA or MSc and doctor designations serving as clear, unambiguous, and non-pejorative distinctions for the public's right to know degree credentials.

Our suggestion is that 5(1) would change to read as follows: The association shall maintain the following registered psychologists and psychologist candidates.

An alternative recommendation is use of the term "doctoral psychologist" and "psychologist" as in the Saskatchewan Psychologist Act. This amendment 5(4) regarding subsection 5.1 would change to read as follows: The association shall

maintain the following registers, and, as you see, (a), (b), and (c),

Turning to the next page, qualifications of psychologists. If the recommendation for one title is adopted, then amendment 5(7) replacing section 9 would be changed as indicated in the underlined text.

In 9(2) the main change here is where under 9(2)(a) it says: approved by council a master's or, underlined, doctoral degree.

Section 9(4) Qualifications of a psychological associate, we recommend be deleted.

Section 9(5) Psychological associate authorized to practise elsewhere, we recommend that the term there be changed from "for registration as a psychological associate" to "registration as a psychologist" or an alternative recommendation using doctoral psychologist and psychologist would require the following changes: under 9.2 adding the word "doctoral" as you see there underlined. On page 6, section 9.3, adding the word "doctoral" to where it says doctoral psychologist authorized to practise elsewhere.

Under 9(4) qualifications of psychologist, I am using under section (a) instead of graduate degree putting in the word "master's."

In 9(5) "psychologist" is added to where it says: psychologist or psychological associate authorized to practise elsewhere. We note there once again that Ontario, alone, licensed psychological associates.

On page 7, use of title, here we proposed that two sections be deleted under the provisions for title if the option of one title is accepted or, alternatively, we recommended that section 11.1(1) the use of title doctoral psychologist be added to spell out what that signifies.

Under by-laws, amendment 5(5)(c) regarding subsection 6(1) proposes the addition of three subclauses (b.1), (b.2) and (b.3), after clause (b). Subclauses (b.2) and (b.3) are not clear and are very broad. With a risk, this may allow the setting of new precedents that may unnecessarily be restrictive to access and scope of services available to the public.

The Manitoba Law Reform Commission's report entitled *Regulating Professions and Occupations 1994* recommended with respect to entry and practice standards that a balance must be struck. Entry and practice standards should be aimed at ensuring the qualities needed to provide a service properly and should be set at a level which is sufficient to protect the public, but it should not be excessive or contain extraneous requirements.

That concludes our presentation. Thank you very much for listening.

Mr. Chairperson: Thank you, Mr. Alper.

Questions or comments?

Mrs. Myrna Driedger (Charleswood): Mr. Alper, I would ask if you were consulted during the preparation of this particular bill, if your association was?

Mr. Alper: Yes, we received phone contact from Manitoba Health, Barb Millar.

Mrs. Driedger: Were you able to put forth your position at the time either through the phone call or through a written process?

Mr. Alper: Well, we received the bill itself only in the first week of June or so. So it was already in motion. That is one of the reasons we are here, but we have provided the information ahead of today in terms of our brief to Manitoba Health. They have received this written submission.

Mrs. Driedger: Mr. Alper, how would this bill affect mental health care in Manitoba if it were to go ahead as it is?

Mr. Alper: Well, we are conscious of the needs for professional psychologists coming on stream in the next five to ten years. It is an issue all by itself. Our association did a survey recently of members estimating how many do you think would retire in the next ten years, and over 50 percent will. There will probably be a need right across the country for qualified competent, skilled psychologists. So there is a potential risk that people who may consider, as I said in the written statement, locating to other provinces.

They will look hard and fast as to where they will go.

The way it is laid out and the way, if it comes to fruition, we want to raise some concerns and observations. We do not necessarily have magical solutions for everything. It is a complex situation, we know. We also understand that July 1 is the deadline for the AIT. It is not necessarily written in stone that everything is state of the art. But we wanted to highlight here that, at the same time, this is a proposal to change the current act. At any time there is a change in the current act, we see it as a serious step that requires close examination, and we wanted to bring that to your attention for your deliberations.

Hon. Jon Gerrard (River Heights): Thank you for your presentation. I would ask whether you have been given an explanation as to why the Government would try to label master's psychologists as psychological associates, and doctoral psychologists as psychologists.

Mr. Alper: In communication with Manitoba Health and the department's representative, we received the perspective that, for some time now, there has been recognized by everybody a need for a new psychologist act, and that is, from our understanding, under serious consideration. I would add MASP has been a part of those discussions since 1992 where we have been invited to be part of discussions with Manitoba Health, along with the regulatory body. We, certainly, very much appreciate that. I think that is very important for you to know.

Our understanding is that, in the foreseeable future, there will be a new psychologist act. It is not ready yet, and there is a reluctance to move on some of the critical areas, such as title and scope of practice, that await the outcome of certain processes going on. To move at this time, in the context of this bill, would maybe detract from it. That is the dilemma in looking at the bill right now. I must say that, if nothing else was going on, and looking at the bill, we certainly would be here just the same.

I want to add that we are hopeful that there will be a new act coming downstream very shortly so that all these issues can be addressed

and the act modernized along the issues and principles raised in the many acts that have been passed, including the one that is before you this evening.

Mr. Gerrard: Psychologists are known for doing good research studies. I would ask the question whether there has been a comparison in the clinical competency to practise as psychologists, comparing master's-trained psychologists and doctoral-trained psychologists.

Mr. Chairperson: Mr. Alper, we are getting close to the end, and the minister has a question. So we will ask you to be brief, unless we give leave to continue.

* (19:30)

Mr. Alper: I am not aware of formal studies along those lines. You raise a very good question. What I can comment on is that, in Manitoba where we have an exemption clause and where the title psychologist is in the settings that, personally, I provide services in, there are people who are master's-prepared, doctoral-prepared. There is no differentiation in terms of the scope and practice and the ability to, for example, formulate diagnosis, communicate a treatment plan. So the reality is that psychologists of both trainings, so long as they are qualified and have the requisite knowledge and skills and supervision, are considered valid, competent, practitioners in the province.

Mr. Chairperson: Is there leave for the minister to ask questions? *[Agreed]* Mr. Minister.

Hon. Dave Chomiak (Minister of Health): Thank you for providing your brief in advance so that Health could have a look at it. I appreciate that. I have a whole series of questions, but I also am aware of the fact that there are other presenters on this particular issue. I think I will relegate my questions to other presenters in the interest of time. So thank you very much.

Mr. Chairperson: Thank you for your presentation. The next presenter is Dr. Michael Stambrook.

Mr. Michael Stambrook (President of the Regulatory Board, Psychological Association

of Manitoba): Good evening. I thank you for the opportunity to be here tonight. I am a private citizen, but I am here in my capacity as the president of the regulatory body of psychologists in the province. I only heard of this meeting today, and I have had to come back from Québec City, so I apologize for not having in front of you a written document for you to read along or study later on. If need be, I will provide that at a later time.

We regulate psychology in this province, which means we regulate all brands of psychology of which Mr. Alper's group, school psychology, is one but a number of groups. School psychology plays a very important role in the matrix of service delivery in this province, but it is one group. We are in the process of developing a new act to regulate the profession in the province. The new act will remedy some serious deficiencies of our current act. It will allow for public representation. It will allow for open disciplinary hearings. It will allow for independent appeal.

This process is ongoing. The process and its conclusion, ideally, will address a number of the concerns that Mr. Alper will have. I need to consider not only the regulation of school psychology, but psychologists in many other areas of practice, from health psychology, rehabilitation psychology, to industrial organizational psychology. I appreciate that Mr. Alper is representing his group, and representing it strongly tonight.

I came from Québec City today because I have been part of a group that has met since 1996 that represents the regulatory boards for all jurisdictions across Canada. We have spent, since '96 to yesterday, trying to design a system that would allow for labour mobility in Canada. Yesterday, I am proud to say, that all jurisdictions in Canada, even master's-level jurisdictions—licensed psychologists with a master's degree—have signed this agreement. The agreement is absolutely consistent with Bill 42.

In fact, the reason why you have some of the recommendations from us, the regulatory body, the way this act is structured, is because of the work we have done since 1996 of all regulatory boards, including the territorial board. So what

you have before you is an amending formula that allows our board to be in compliance with the dictate of the internal trade agreement, and allows us to do it in a way that preserves the uniqueness of each jurisdiction's own home statutes, regulations and entry criteria.

Ms. Linda Asper, Vice-Chairperson, in the Chair

That was one of the hallmark features of our discussions on the internal trade agreement. We saw this as a challenge, not necessarily to harmonize at any one level, either bringing the standard up throughout Canada or down throughout Canada, but to find a way to be mutually respectful of the fact that across Canada—due to historical tradition, due to historical fact, due to the different kinds of training programs that exist—there are differing standards. We felt that it was a very important provincial ethic that we did not want to force on any jurisdiction a change in their licensing structure.

So we have signed, yesterday in Québec, this document that allows us to be in compliance with AIT and allows us to have mobility, but to have different titles of mobility. While Mr. Alper has represented to you that that is unsatisfactory to master's-level jurisdictions, I can guarantee you uncategorically, by the signature of each jurisdiction, that this was found to be an appropriate mechanism. It was one of the hallmark features. One of the pillars of our agreement was this mutual respect of the differing training standards.

What we did in developing the mutual recognition agreement is that all jurisdictions from doctoral-only jurisdictions to master's-only jurisdictions agreed on core competencies for the practice of psychology. So it does not matter what level of training you have, doctoral or master's. If you have the core competencies, you will have access to practise in each the jurisdictions in Canada.

We are preserving a title difference, because the psychologists across Canada, even those in master's-level jurisdictions, and represented by the Canadian Psychology Association and the Canadian regulatory boards, feel that there is something different in the training of a one or

two years master's-trained individual following an undergraduate degree, and somebody who has that plus four to six years additional training. So we have felt very strongly, as do all jurisdictions, that there is an important distinction to be made.

While Mr. Alper has informed you that most other jurisdictions are at a non-doctoral level, he is only telling you part of the story. I do come from a national meeting with national regulators, and I do hear them talk about the creeping up of the requirements. In fact, with all agreed to be in compliance with a competency standard by 2003—the competency standard moves us well into the territory of a doctoral training program. That is something all jurisdictions have agreed on.

To answer Ms. Driedger's question about the practices of psychology in this province, this act amendment is absolutely neutral. What we hope to do, and I will just give you a preview of where we are going with our new act, is that we would like to extend independent practice to school psychologists. In fact, we have proposed an independent practice category that does not exist today. As I say, we are representing more than just school psychologists. We regulate more than school psychologists.

We are concerned right now with our current act, because the current act has exemptions. This is a matter that I have spoken to the minister's office before and the Department of Health. It is unacceptable in professional practice for a mature profession having exemptions. So we will be representing again that all practitioners of psychology in this province be licensed, regardless of their employment venue.

So, in terms of Bill 42, this was seen by us in consultation with the Department of Health to be a simple amending formula to allow us to be in compliance as of as close to July 1 as possible. Then we will continue to work with the Department of Health, the Manitoba Association of School Psychologists and all other psychology groups in this province to find a solution that works in Manitoba to regulate all profes-

sionals. We feel we have one. We have stated that very, very clearly to the minister's office.

* (19:40)

Mr. Alper is restating issues that are part of that ongoing discussion and have no bearing on Bill 42. Bill 42 is simply an amending formula in a time-limited sense, and, too, we have a new act before you to consider which will regulate, we hope, every single practitioner in this province have public representation, have open disciplinary hearings, have independent appeal. That is something we hope we will have on your agenda by September. It is something we have been working on for the last decade. That is my submission.

Madam Vice-Chairperson: Thank you, Doctor Stambrook. Questions from the committee members?

Mr. Chomiak: Thank you, Doctor Stambrook. Thank you for also clarifying some of the issues.

Just for purposes of clarity, as I understand it now, under the existing act, school psychologists cannot practise independently. Is that correct?

Mr. Stambrook: Currently, school psychologists cannot practise outside of the confines of their employment setting.

Mr. Chomiak: Thank you. I take it that was the exemption you were referring to, that they practise now by virtue of an exemption within the act 11(2), I think, that allows for school government and other base psychologists to function within the realm of their area. Is that correct?

Mr. Stambrook: That is correct. There are four exemptions: the schools, the hospitals and universities and government agencies.

Mr. Chomiak: Yes, just for purposes of clarity again, since '91-92, the Psychological Association of Manitoba and Manitoba Association of School Psychologists and Manitoba Health have been engaging in an effort to try to come together with respect to an act. I understand it went to the Psychological Society to facilitate discussions. In December '99, the groups

reached a consensus on a number of issues with some exceptions. An interdepartmental advisory committee has been formed, and we are hoping to have, by September or early in the fall, a new act that we can proceed with, perhaps next session.

Is that your understanding of the situation as well?

Mr. Stambrook: My understanding, Minister.

Madam Vice-Chairperson: Further questions?

Mrs. Bonnie Mitchelson (River East): Yes, thank you very much, Madam Chairperson and Doctor Stambrook. Thank you for your presentation.

You indicated that in the discussions, and I know that I have had some experience when there are different organizations delivering similar types of service, I know that I had ongoing discussions with social workers in the province of Manitoba in my former role as Minister of Family Services. There were some significant issues that, to this date, have not been resolved or worked out.

I know there has been ongoing dialogue and discussion since 1992, I believe, around bringing the profession together and trying to make changes to legislation. You indicated that many issues had been resolved, and there was consensus. What might some of the issues be that there is not consensus on? I guess where I am coming from is: How confident are you that issues are resolved enough that there is going to be unanimity in bringing together the profession under a piece of legislation this fall?

Mr. Stambrook: There is almost total unanimity in the act that we have submitted to the Department of Health. We have been party to multiple discussions with psychologists all through the province. We have been a party to a town hall discussion that was hosted by the Manitoba Psychological Society where they invited all psychologists in this province to attend.

The group that failed to attend that meeting was the Manitoba Association of School

Psychologists. Their executive chose not to attend that meeting, but all the psychologists who were there were generally supportive of what we were doing. When we poll our own members, we have over 90% agreement. The issue comes down to, in this province, a conflict between one group of psychologists and all other psychologist groups. We regulate psychology in general. The only group that does not agree to the issue of the title and the degree of entry is the executive of the school psychology group. That is the only group that does not, so we have agreement with the hospital psychologists, the rehabilitation psychologists, the forensic psychologists, the IO, industrial organizational, psychologists, all other psychology groups, minus one part of one group.

It is perplexing to me, and it has been repetitively, that this group is now not just speaking for school psychologists but is speaking for all master's-level psychologists. It is perplexing why they have taken on that mantle. We are prepared, in our new act, to give school psychologists a legal designation of school psychologists. That is their training. That is their background. That is what they do. We will give them that designation of school psychologist. We will have them practise with exactly the same level of practice they have now, with exactly the same entry criteria they have now. We will give them something they do not have, and that is the right to practise outside of the confines of an employment setting. We are perplexed that that is not a resolution to a decade-plus dilemma.

Madam Vice-Chairperson: Thank you. Our time for questions has expired. Is there leave by the committee? *[Agreed]*

Mrs. Mitchelson: Thank you very much, Madam Chairperson. You indicated, Doctor Stambrook, that this piece of legislation, Bill 42, is something that right across the country sort of reflects where all provinces are going.

Mr. Stambrook: It is the agreement that was signed in Québec City yesterday.

Madam Vice-Chairperson: Further, Mrs. Mitchelson?

Mrs. Mitchelson: Just to follow-up for clarification, so you are indicating then that every province across the country is enacting legislation with the same terms as a result because, if it is something that has been signed off on, is it going to be enshrined in law across the country? I just was not clear from your presentation when you talked about the agreement that was signed. I am just not as up to speed as I probably should be, so does that mean then that this kind of legislation will be passed in every province that will enable the mobility to be fully effective?

Mr. Stambrook: Something similar will be passed in every province. That is the commitment each signatory makes when we sign this. For some jurisdictions such as Alberta, they will not have to have the two categories, because they have one category. Their legislative changes will be very simple. We have to make legislative changes to allow for the practice of suitably trained, competent master's-level of clinicians, so does British Columbia. So we have all agreed to this concept, that there are multiple routes to practise psychology. We have all agreed that there are differences in training backgrounds. We have all agreed that there is the ability to call master's practitioners who move to a PhD province psychological associates. That was agreed to by the alternate jurisdictions. So each will enable or enact legislation, but the legislation will differ depending on their training that is needed for their registration.

Mr. Chairperson in the Chair

Mr. Chairperson: Thank you for your presentation. The next presenter is Dr. Debbie Whitney, representing the Manitoba Psychological Society. Proceed.

* (19:50)

Mr. Debbie Whitney (Manitoba Psychological Society): Good evening, honourable members, ministers, members, ladies and gentlemen. My name is Debbie Whitney, and I am a past president and member of the Manitoba Psychological Society. This is the fraternal association for psychologists in Manitoba. We have links directly with the Canadian Psychological

Association and internationally with the American Psychological Association.

I am here to represent the support of the Manitoba Psychological Society for the proposed amendments to The Psychologists Registration Act which are before you tonight.

On the whole, MPS supports the doctoral standard of training for practising psychologists. This is a national and international standard of training that is explicitly guided by our national body, the Canadian Psychological Association. CPA provides accreditation to university and internship programs which train psychologists in Canada.

The University of Manitoba Psychology Department just celebrated its 50th anniversary. It is our understanding that the currently proposed changes to The Psychologists Registration Act are in service of providing labour mobility within Canada for duly licensed psychologists from other jurisdictions, not all of which follow the doctoral standard. As such, we are in support of the accommodations needed to bring our existing act into compliance with the Labour Mobility Chapter of the federal Agreement on Internal Trade, specifically, the provision of an expanded register for psychological associates which allows for independent practice within a demonstrated area of competence. We understand that this registration category then may be used to accommodate individuals moving to Manitoba who have been licensed as psychologists in other jurisdictions and who do not meet the doctoral standard for qualification but who have practised competently for some period of time within their own jurisdictions.

MPS has worked with the Council of Provincial Associations of Psychologists for several years now in order to develop a Canada-wide strategy to address the issue of labour mobility for psychologists, and we are very pleased that this agreement was signed yesterday in Québec City.

We understand the current Psychologists Registration Act is now a dated piece of legislation and requires more extensive revision to bring it up to the current standard for acts

governing the health professions. Last year, MPS participated in extensive consultations with our regulatory body towards the development of a more modern and comprehensive act governing the practice of psychology in Manitoba. This draft legislation has now been submitted to government for review and covers a much broader spectrum than the current proposed changes.

Mr. Chairperson: Questions or comments?

Mr. Chomiak: Just a thank you for making the presentation and assisting us in clarifying a rather complex subject, and I think every presentation adds layers of information to all of us that help us appreciate the issues involved much better. So, thank you.

Mr. Chairperson: Thank you for your presentation. The next presenter is Mr. Kenneth Enns representing the Psychological Association of Manitoba.

Mr. Kenneth Enns (Psychological Association of Manitoba): Mr. Chairman, honourable ministers, members of the Legislative Assembly, ladies and gentlemen, I would also like to thank you for the opportunity to present to you today on behalf of the Psychological Association of Manitoba. I am the Chair of the Legislative Review Committee and have served in that capacity for over 10 years.

The Psychological Association of Manitoba, as you know, supports the legislation, which has been presented by the Department of Health. I would also like to thank Minister Chomiak, Heather McLaren and Ms. Barb Millar for their work over the years in bringing about this legislation. I, myself, have been involved in this process for the new act or for these amendments for about 15 years, and I can understand the patience that all of you must show in order to continually deal with this.

I would like to indicate that I am a school psychologist. I am also a doctoral registered psychologist, and I would like to clarify a few of the technical points that are rather obtuse and confusing here, in the hope that this will be of some value to you in your deliberations.

One of the things that you need to know is that the legislation that you have in front of you

is legislation which has had a great deal of thought by very many people over very many years. It is supported by the vast majority of psychologists in the province. The regulatory body, the Psychological Association of Manitoba, is by far the largest organization of psychologists in the province—I should say psychologists, psychological associates and students. It has over 200 members. Over 90 percent of people in all categories, whether they were students, master's degree psychological associates or registered psychologists with doctorates—all supported this legislation.

The information given to you by Mr. Alper earlier today was inaccurate. There has been a registered psychological associate category under our act and its regulations for approximately 30 years, and there are, in fact, almost as many psychological associates and students registered through PAM as there are in the entire membership of MASP. So you should be aware that there are many psychological associates in the province.

There is a lot of confusion over titles, scope of practice and what people are allowed to do independently and non-independently. One of the concepts that must be kept clear is that currently, there are registered psychologists in the province, there are registered psychological associates and there are what is known as non-registered psychologists, who work in certain exempt settings, most of them in schools. The scope of practice is not the same, either in terms of independence or what individuals do. In some ways, it can be thought of as the difference between school psychology and clinical psychology, in that school psychology is primarily emphasized on education and clinical psychology or registered psychologists, most of whom are clinical psychologists, deal more with health and have more overlap with medical doctors and with psychiatrists around the diagnosis and treatment of medical disorders.

Although many people share the title of psychologist, the scope of practice in law and in actual practice is not the same. By becoming a registered psychologist, you need three to six years of additional course work, supervised experience and exams, and then under its statute, you get a certain authority to diagnose and treat

mental disorders independently. That means you do not do it at a hospital or a school where there is supervision by the hospital or by the school, including by medical doctors and other professionals. If you are in independent practice, you can do it in private practice where you have no supervisor. You are it, and you have a greater degree of autonomy to do things well or to make mistakes.

Now the proposal that Mr. Alper has given you is, in point of fact, a very controversial one and will lead the province of Manitoba to experience considerable controversy in relation to other provinces and may also, if it were adopted by the provincial government, prove to be very controversial for the provincial government. I would like to outline the reasons for this.

The agreement signed in Québec by all of the regulatory bodies in Canada, including the master's degree ones, does have some minor differences in wording and phraseology, but the point is, that like a certain famous act or decree that was involving the province of Québec in the past, in this case, there is unanimity and if Manitoba breaks from that unanimity, there will be considerable controversy across the country that that unanimity or that word of the Province will have gone back upon.

The other thing that needs to be kept in mind is that Canada is moving toward a doctoral standard for the registered psychologist title and a master's standard for the psychological associate title. Manitoba PAM has proposed that we go one step further and have a new category called registered school psychologist, which would reflect not only differences in training, but differences in scope of practice, primarily the difference between educational psychology versus clinical psychology.

Ontario has the same system as we do, and we have a reciprocity agreement with them. You will find that there are many psychologists, or a good sprinkling, who do trips into northwest Ontario to do work there, or who see Ontarians here in Winnipeg upon referral from Ontario for their version of Autopac and so on. Because we have reciprocity with Ontario, there is a considerable amount of money that comes to

Manitoba from Ontario for that reason. If we have a master's-level category for psychologists, whereby there are two routes to the same title, Manitoba will be expelled from this reciprocity agreement with Ontario, and it is potentially embarrassing to the province.

In addition, Manitoba is part of a reciprocity agreement with about a dozen American states and has informal reciprocity agreements with all the other states. If we have a system whereby there is a master's route and a doctoral route to become a registered psychologist, Manitoba will be expelled from all those reciprocity agreements. We can never again get such reciprocity agreements, as long as we have a master's and a doctoral route to the same title.

Now the trend towards the master's-level being the registered psychological associate title or the school psychologist title is more established in the United States, but with NAFTA it is coming here as well. I think Manitoba and Ontario should be commended, because they are the only two provinces in Canada which are already 100 percent NAFTA-compliant. Now people may not like NAFTA, but it is here and it is a fact. Why would Manitoba Province want to change legislation to have less NAFTA compliance, so that we are a disadvantage economically in relation to the border American states and in relation to Ontario? It is important, therefore, to have the difference that exists currently in terms of title and also the difference that exists currently in terms of scope of practice and the ability to do medically licensed acts.

I think the Manitoba government needs to be commended with its far-sightedness in this proposed housekeeping legislation, and that is all that it is. There are many more changes that are needed in the next year in an more omnibus way, but one of the situations that is involved in this is the conflict between individuals who have master's degrees and those who have doctoral degrees. Since the largest number of master's-degree trained people who have chosen not to be registered with PAM works for the Manitoba government, I think the Government is to be commended in dealing with this conflict of interest in such far-sighted legislation.

Now I would like to just clarify one little issue about whether current school psychologists can practise independently. A person employed in a school psychologist position with the Manitoba government or a school can practise independently if they get a doctoral degree in psychology and finish the prerequisite training, supervision and exams. In fact, many of them do. I became registered as a school psychologist through a doctoral degree. There are many others that have done that. This is why Mr. Alper's position does not represent all school psychologists. There are a large number that boycott his organization for that same reason.

* (20:00)

Having two categories or two routes, a master's route and a doctoral route for the same registered psychologist category, creates huge incentives for people to drop out of their training programs, because they can become a registered psychologist three to six years early. They can start their private practices three to six years early, and they may also be in a better position to engage in activities they have not been trained in, particularly the highest degree of overlap with medicine when it comes to the diagnosis and treatment of medical disorders.

In conclusion, I would like to comment that the issues here really have to do with scope of practice, engaging in medical acts, and also in a system of labelling which is clear and honest and a system which does not encourage people to drop out of training programs for financial reward. Manitoba, like Ontario, is the most NAFTA-prepared province in the country, and the vast majority of psychologists in the province agree with that, even a very large number, perhaps even a majority of master's-degree practitioners, as well. They feel this is a fair proposal; and, knowing that we support the school psychologist title down the road, they feel that that is also a very fair title that hopefully can deal with this in a manner that is fair for all concerned.

There was a mention of Saskatchewan having recently introduced a two-level act. They also have the highest rate of doctoral psychologists leaving the province, and if you have a double standard where there is an easier and a

harder route, people will leave the province. Thank you very much.

Mr. Chairperson: Are there questions or comments from committee members?

Mr. Chomiak: Excuse me. Again, thank you for helping to clarify some of the issues. Just an opinion, if you could offer an opinion to me: How confident are you that we can bring it all together in terms of the legislation in the fall or early spring?

Mr. Enns: You will never get unanimity where there are differences in training and individuals are trying to acquire the same title and the same scope of practice, especially when it involves medical acts. So you cannot have unanimity because there is a conflict of interest. One group has an interest in saving three to six years, and the other group says you did not earn the right to do those medical acts or to have that title. But what you can hope for is that there is a vast majority where you have the largest number by far agreeing.

The proposals that PAM puts forward to you have achieved that kind of wide-scale support. I have been involved in this process for at least 15 years and I have never seen such a wide support. PAM has moved light years to accommodate school psychologists. School psychologists have made only one concession—that there should be a doctoral-registered psychologist and a registered psychologist.

In fact, the only jurisdiction in North America that has that is Saskatchewan and, there, it is only a name. It is not even a separate category. Saskatchewan is probably the most isolated province in terms of reciprocity with other provinces. Québec is currently adopting a one-category doctoral level act. They currently have a one-category master's act, and they are going to a one-category doctoral act. The fact is we are much more generous than that, but the trend is towards the doctoral standard, and for Manitoba to move backwards now puts the province and its people in a disadvantage.

Mr. Chairperson: Thank you for your presentation.

**Bill 27—The Manitoba Hydro
Amendment Act (2)
(Continued)**

Mr. Chairperson: We will now go back to Bill 27, The Manitoba Hydro Amendment Act (2), and call for presenters Mr. Michael Anderson and Grand Chief Francis Flett on behalf of MKO. Please proceed. Just introduce yourself, please.

Grand Chief Francis Flett (MKO – Manitoba Keewatinowi Okimakinak): My name is Grand Chief Francis Flett. I represent Manitoba Keewatinowi Okimakinak, which is an organization in northern Manitoba consisting of 27 First Nations.

I would like to apologize for being late, and I would like to thank the committee for giving us the opportunity to be able to speak to you this evening. My presentation is not very long and I want to thank the committee for allowing us to do a late presentation. So what I will do, with your permission, Mr. Chair, is I will go right into it.

Mr. Chairperson: Please proceed.

Mr. Flett: Thank you. The Government of Manitoba has expressed an interest in establishing uniform electric service rates for all Manitoba customers served by Manitoba Hydro. In general principle, the Manitoba Keewatinowi Okimakinak would be supportive of this objective. MKO represents more than 50 000 Treaty First Nations people who are members of the 27 First Nations in northern Manitoba. The combined traditional territory of MKO First Nations covers almost three-quarters of the lands and waters in the province of Manitoba.

On May 22, 2001, we wrote a letter to the honourable Premier Gary Doer to suggest that any draft legislation intended to establish uniform rates for electricity service for all Manitoba Hydro customers must, specifically, include the four remaining diesel service communities within the scope of such legislation. The four MKO diesel communities are: Brochet, which is the Barren Lands First Nation; Lac Brochet, which is the Northlands First

Nation; Tadoule Lake; and, of course, Shamattawa.

While residential customers in the four remaining diesel communities presently pay a rate equal to Zone 3, which is rural Manitoba Hydro customers, between 5 cents and 6 cents per kilowatt hour, First Nation facilities in the diesel communities have, until recently, been billed at 80.7 cents per kilowatt hour. Effective November 24, 2000, and at the urging of MKO, Manitoba Hydro has applied a lower approved rate to the First Nation facilities in these isolated communities. However, at 39 cents per kilowatt per hour, even this lower non-government rate represents a substantial economic burden upon these First Nations. For the Northlands First Nation alone, the differences between these two rates applicable only in the diesel service rates zone represents an accumulated overcharge by Manitoba Hydro of \$1,897,641.70 since April 1, 1994.

MKO has not received a reply to the letter of May 22, 2001. On May 28, 2001, Minister Selinger introduced uniform rate legislation in the form of Bill 27, The Manitoba Hydro Amendment Act (2). Bill 27 provides that rates charged for power supplied to a class of grid customers within the province shall be the same. Essentially, it would appear that all Manitoba Hydro grid customers would be charged rates equivalent to the present Zone 1 or Winnipeg rates, regardless of location. However, the proposed legislation does not require that all diesel service customers in these last four remaining diesel service areas would also pay rates equivalent to Zone 1 rates.

MKO has been advised that, pursuant to Bill 27, Manitoba Hydro is proposing rate reductions for the residential and certain general service customers in the diesel service communities. However, these reductions will apply only to the limited service residential and limited service general service customers. MKO has been advised that the full-cost diesel service customers will not be included in any rate reductions pursuant to Bill 27. These full-cost customers include all First Nations' services and facilities in these communities, including schools, community and recreational centres, water and sewer treatment plants and band

offices. As already noted in the rate charges, the rate charges for electrical service represents a significant financial burden upon these First Nations. Payment of these Manitoba Hydro bills requires reduction in other service areas.

Therefore, despite the promise of uniform electrical rates for all Manitobans, the 2500 residents of these four isolated MKO First Nations will continue to be affected by electrical rates and service costs being charged to First Nations' services and facilities which are several hundred times higher than the rates that will be paid by all other Manitoba Hydro grid customers under the provision of Bill 27. Therefore, MKO recommends that this committee require amendments to Bill 27 in order to ensure that all First Nation customers within the four remaining diesel service communities are included within the scope of any uniform rate legislation that may be enacted by the Legislative Assembly of Manitoba.

I would like again to thank the committee for giving us the opportunity to address you. Thank you.

* (20:10)

Mr. Chairperson: Are there questions or comments?

Hon. Jon Gerrard (River Heights): Yes. Perhaps you can tell me, you have been in your presentation advised of what will happen with the rate reductions, and, for example, schools in a number of First Nations communities will continue to pay higher levels for energy costs than other communities. Who has advised you of this? Is this Manitoba Hydro, or is this the Government?

Mr. Flett: Okay, I guess the reason why we looked this up was because our communities were getting into a large debt and we were hoping we could change the rate in some way. We did not know they were being charged at 80 cents per kilowatt, while the rest of us, I guess, were paying 39. Even the residents in the school, I think, were all paying 80 cents while we were paying 5 cents.

This is where we got this information from. We looked for the information through our Web

site and through our technical people in order to find out exactly how these rates were being administered and why they were being administered at that rate. I think it is because Manitoba Hydro thought that the federal government rate that they charged, which is a surcharge to, I guess, the federal government, but these are not government monies that are being used by these First Nations. So that is how we found out these rates were being charged. Certainly, it was putting a very big burden on our communities to be overcharged by that much money.

Mr. Gerrard: The higher charges, it would seem to me, for schools and First Nations communities are sort of like an extra tax and an extra burden on learning. What sort of impact will this have on your ability to provide the educational services in First Nations communities?

Mr. Flett: I think what it will do, it will certainly help the communities be able to purchase the necessary equipment, I guess, in some of the schools that require some specialized things like computers. Even the educational part of it, I think that, when a lot of these kids leave for a city or go to university there is never, ever really enough money to be able to afford for them to be able to go to school because there is only a limited amount of funding that is given to each First Nation.

I know that with these communities it will make a really big difference if they could uniform those rates, like every other Manitoban in Manitoba, to pay the same rates we have enjoyed, I guess, right across the province.

Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act): Thank you, Grand Chief Flett, for coming and presenting. One of the realities of the diesel communities is that the cost of providing the electrical service is quite a bit higher because of the diesel than it is to provide hydro-generated electricity. Would you agree with that?

Mr. Flett: Yes, I would say that, but I guess the rates they are being charged and the burden of not ever getting enough funding have certainly put these communities into debt. As you well

know, you have heard a lot of stories of third-party management and the takeover by Indian Affairs in these communities.

If we are going to pass legislation that deals with a uniform rate for everyone across the province, then I think it should be done in that manner. We would certainly be supportive of something like that.

Mr. Selinger: Just for clarification, I think we agree that the residential rates for people living in these communities will be going down?

Mr. Flett: Yes.

Mr. Selinger: The issue here is what some people have called the government accounts that are paying the full cost.

* (20:20)

Mr. Flett: Yes, that is what it is. I know in the past that Manitoba Hydro has charged the federal government, the surcharge. I guess it is being referred to by Manitoba Hydro and ourselves as a surcharge that is usually charged to the federal government for those services. But now that the funding goes directly to these First Nations communities, it is no longer a fund the federal government has control over.

Mr. Selinger: So, if I understand this correctly, what has happened is that Hydro used to have this rate and send the bill to the federal government who was obligated to pay it, and then what happened, did they transfer the resources to the First Nations bands and their administration?

Mr. Flett: Yes, they did.

Mr. Selinger: Then did that mean, then, that they also transferred sufficient resources to pay those full cost-recovery rates to the bands?

Mr. Flett: Yes, they probably did. I guess that, when you are charging something to someone like the federal government, and the federal government, I guess, did not stay to be the person using the hydro-electric power that was being provided by Manitoba Hydro, then the First Nation themselves were burdened with taking care of the bill.

Mr. Chairperson: We have passed the five-minute mark. Is there leave of the committee to allow the minister to continue asking questions? *[Agreed]*

Mr. Selinger: So I am getting from this that, even though the federal government may have claimed that they transferred to you sufficient resources to cover the full rate, the problem is that the global budget is inadequate for the needs of the community. Is that correct?

Mr. Flett: Correct.

Mr. Selinger: So we are in a dilemma where we have the small isolated communities with insufficient resources to meet their education, health, social services and other responsibilities, even though they claim they have given the full amount for the diesel fuel rate to the government agencies. Is that correct?

Mr. Flett: Yes, I guess that is correct.

Mr. Selinger: We are willing to take a look at what we can do to make amendments to the legislation, but one of the things Manitoba Hydro would like to do is to get the federal government to live up to their full responsibilities to these communities. The president has informed me that he has been in contact with the regional director of INAC as of today, and has asked for a meeting. Has there been a time confirmed? *[interjection]* He has asked for a meeting on an urgent basis to discuss this matter. I just really wanted you to know that, by way of the statement I have just made.

Mr. Chairperson: Thank you for your presentation. Yes, Grand Chief Flett, go ahead.

Mr. Flett: Thank you. I know the communities have been overcharged, and I did talk to Mr. Brennan about reimbursing these First Nation communities for all the overcharges that have happened over the years. His response is that they are not responsible for it. But, when you take something away from someone that, rightfully, should not have been done, I think Hydro does owe these First Nation communities quite a bit of money, just by that one community specifying that they are owed \$1.8 million. That is only community. The other three communities

have not come forward and given us their figures of what is being owed.

There is also, of course, the land line that was built a couple of years ago. All those diesel communities that were affected by those rates are coming back to me and saying: Well, how about us? Do not leave us behind. So I think that should be taken into consideration. Manitoba Hydro, I guess, with the rates that they are proposing, we certainly support the uniform rates, but we also want something done about the reimbursement of those communities for the overcharges. Thank you.

Mr. Selinger: Thank you for those comments. Manitoba Hydro will follow up on those concerns that you have raised and meet with the federal government to see what can be done to address this matter.

You indicated earlier, Grand Chief, that you have 50 000 members. I take it that these changes, but for these communities that we have mentioned on the government service side, all the other members of your community will benefit by the uniformed rates that we are bringing in, the reduction in costs.

Mr. Flett: Yes. I guess most people would benefit if it were a uniform rate that was being proposed to be amended to include the four diesel communities that are left out there.

Mr. Chairperson: Thank you for your presentation. Is there leave for Mr. Anderson to speak briefly? *[Agreed]*

Mr. Michael Anderson (MKO – Manitoba Keewatinowi Okimakinak): Thank you, Mr. Chair, members of the committee. We were listed as co-presenters. There was just something very briefly I would like to raise that is in the materials. It is just to clarify, if I might, how the overcharge that Grand Chief is discussing came about.

If you look at the next two sheets and the presentation package immediately following Grand Chief's comments, I have included, to support the questions that you may have, the actual customer service rates presently charged in the diesel service communities as provided to

us by Manitoba Hydro. You will note at the top it is from their customer service department, on the fax cover. The very first are the diesel services that are applicable in the communities, which you will see are equivalent to Zone 3 rates, with the exception of 16-amp limitation in the enhanced communities, no electric heat.

On the second page of the customer policy application are two rates, the non-government rate that the Grand Chief spoke of and government tariff. You will note, under government tariff, the second bullet, that it is applicable to all federal and provincial departments, agencies and Crown corporations accounts. The First Nations are not defined as an applicable customer in the tariff, approved by the Manitoba Public Utilities Board. They are just not. However, First Nations facilities, schools, residential teacherages, water and sewage management facilities have been charged this government rate since these rates were approved in April 1994.

One concern at MKO is that, as Mr. Brennan and others are familiar, MKO has been an active participant in all regulatory proceedings before the PUB since the mid-1980s, the National Energy Board and others. Had it ever been proposed by Manitoba Hydro that the First Nation communities member to MKO would be charged 80.7 cents per kilowatt hour, well, we would have said something about it. It simply is not in the transcript. It is not on the record. It was never discussed. The intent was to charge Manitoba and federal agencies this extra charge, not First Nations.

We can confirm that the Department of Indian and Northern Affairs does not consider in its O and M budgeting the differences, for example, between grid electrical charges at Split Lake or diesel charges at Northlands. There is a distance factor that is applied on a formula basis, by the department generally and no more. Roughly, it is equivalent to possible consideration of maximum 20 percent differential, but that is based on distance, not on the Hydro bill.

So, through work done with Manitoba Hydro, using their own billing department, with the kind assistance of Mr. Brennan and his staff, a billing comparison done by Manitoba Hydro

computer operators generated the number 1.8 million that Grand Chief spoke of. Essentially, MKO presented to Manitoba Hydro that the approved tariff, approved by the Manitoba Public Utilities Board, that was being charged to communities did not define First Nations as an applicable customer. Manitoba Hydro agreed, and as of November 24, 2000, began to apply the non-government rate.

Well, in an electrical regulatory proceeding, that is an overcharge. The rebilling is an admission of overcharge. The amount is \$1.8 million. In any other regulatory jurisdiction, the utility would gain a refund liability, and the regulator would sort out some means of dealing with it. Our research of utilities regulation in Canada and in the United States indicates that, while the manner of the refund is not always in cash, it could be billing in the future or other considerations. The refund liability never lies with the utility in its own discretion to determine whether or not it has a refund liability. In each case where something is this black and white, the utility owes something to its customer.

Thank you, Mr. Chair. I hope that was not an overly long explanation of where the overcharge arose, but I would just like to explain that was why the documents were attached to Grand Chief's presentation. Thank you.

* (20:30)

Mr. Selinger: Yes, thanks, Mr. Anderson. Now, when you brought this to the attention of Manitoba Hydro, the government tariff, is it correct that they then changed it to the non-government tariff in November?

Mr. Anderson: That is correct, Mr. Minister.

Mr. Selinger: At one point, in your mind, were these government accounts, but they changed status when the devolution occurred and the First Nations took over the operation of these services? Is that the history of it?

Mr. Anderson: Many of the accounts previously were government accounts. The Government of Canada and Manitoba Hydro basically negotiated the surcharge amount on an annual basis. Both parties, I guess, wearied of

this annual negotiation and proposed to the PUB in the proceedings '93-94 to forecast the amount of the surcharge, roll it into the rates being charged government customers and collect it in that way. What was not anticipated is that all of the government accounts would end up in the name of the First Nation. It simply was not discussed that they would be charged this rate.

Mr. Selinger: So the original decision was mutually agreed to. Then historical events overcame that, and they became involved under First Nations control. Is that what happened?

Mr. Anderson: Essentially, yes, Mr. Minister.

Mr. Selinger: On the first page, you indicate that the basic charge for a residential customer was \$13.65 per month. I am just going off your notes here on your first page.

Mr. Anderson: Mr. Chair, these in fact are the tariffs being applied today by Manitoba Hydro to residential customers in the diesel service zone.

Mr. Selinger: So those rates that are being charged today of \$13.65 a month and 7.33 cents per kilowatt hour and the balance at 5.16 percent, do you understand, as I do, that those rates will be reduced from \$13.65 a month to \$6.25 a month and that the 7.33 per kilowatt hour on the first 175 kilowatt hours will go down to 5.78 cents per hour and the 5.16 on the balance will remain the same? Is that your understanding of what uniform rates, how they will advantage residential customers in these communities?

Mr. Anderson: Yes, Mr. Minister. The information that we received from your department and from Manitoba Hydro indicates that diesel service rates will be equal to Zone 1, and what you have just cited, Mr. Minister, are Zone 1 rates, with the important exception, however, that they are service limited at 16 amps no electric heat. Our communities heat primarily with wood, propane and fuel oil.

Mr. Selinger: Thank you very much.

Mr. Harold Gilleshammer (Minnedosa): I am wondering if you have an opinion on whether

some of these outstanding issues might be best resolved before the Public Utilities Board.

Mr. Anderson: In a case where there is a dispute between the regulated utility and the customer, the regulator is the normal place where such a dispute is discussed. As Grand Chief has noted, there is a disagreement between the communities and Manitoba Hydro in respect of the overcharge, for example, and it is not a matter where it can simply be left. The regulator would be the place where it would appear as a complaint, yes. That would be normal for a regulated utility to experience an overview of such a circumstance, especially with such considerable funds involved and especially for a customer who cannot afford a dime of the overcharge. Thank you.

Mr. Chairperson: Thank you for your presentations.

* * *

Mr. Chairperson: That concludes the list of presenters that I have before me this evening. Are there any other persons in attendance who wish to make a presentation? Seeing none, is it the will of the committee to proceed with a detailed clause-by-clause consideration of bills 7, 21, 22, 27, 40, 42 and 300? If yes, in what order do you wish to proceed?

Hon. Becky Barrett (Minister of Labour and Immigration): Mr. Chair, I am wondering if it is the will of the committee that we proceed with bills 22, 40 and 42 and then the others in order.

Mr. Chairperson: It has been suggested that we proceed with bills 22, 40 and 42 and then the others in order. Is that agreed? *[Agreed]*

Bill 22—The Cancer Treatment and Research Foundation Amendment and Consequential Amendments Act

Mr. Chairperson: The Minister of Health will take the chair. Does the minister responsible for Bill 22 have an opening statement?

Hon. Dave Chomiak (Minister of Health): Yes, I would like to thank the honourable Member for Inkster (Ms. Barrett) and the

Member for Charleswood (Mrs. Driedger) for their assistance in this matter. It is very much appreciated.

Mr. Chairperson: We thank the minister. Does the critic for the Official Opposition have an opening statement?

Mrs. Myrna Driedger (Charleswood): Just a couple of comments. We appreciate the attempt through this bill to strengthen the accountability and transparency as it relates to CancerCare Manitoba. The expectations of CancerCare will certainly be more similar to that of the RHAs. So we are supportive of the intent of the act.

I would ask if, before the clause by clause—I do have a couple of general questions, and I am wondering if I would be allowed to ask a couple of general questions before we do move on to the clause by clause.

Mr. Chairperson: We will do them right now, if that is okay. Please proceed.

Mrs. Driedger: Thank you very much. Certainly, I would also add I do support the fact that CancerCare Manitoba was consulted, and that they do support this legislation and the board approved changes. That is important in terms of developing legislation like this.

I have read in this bill that an annual health plan and an annual report are going to now be expectations of CancerCare Manitoba. I wondered if the minister has put any other administrative changes in place to go along with those two specific ones.

Mr. Chomiak: As the member has indicated, the structure of this legislation is designed to compare with that of regional health authorities. The expectations are generally the same. There is presently expectation with respect to an annual report, and there is a plan in fact that is provided. This puts it into legislation that makes it more applicable to that of the regional health authorities. I am just quickly paging through the other amendments in the act. Aside from administrative details, that is, Order-in-Council changes relating to capital borrowing and the like, I do not think there are any other significant

changes to the expectations for CancerCare Manitoba under these changes.

Mrs. Driedger: It indicates that it sets out requirements for the way in which CancerCare Manitoba must manage its resources. I wonder if the minister could tell me what these requirements would be.

Mr. Chomiak: Our general thinking in this regard was to try to make the accountability structure more akin to that of a regional health authority. Generally, the provisions provided under the 8(2) limitation subsections are generally in line with what we expect from regional health authorities.

The governance issue with respect to CancerCare Manitoba has always been a bit of a horse of a different colour with respect to our dealings with it. This was an attempt to put some consistency in the relationship along the lines of those original health authorities. So I do not think there is generally anything specific, other than the same expectations we have of all the regional health authorities, which is approval of plans as well as approval of funding, et cetera.

Mrs. Driedger: Where it indicates in the bill that CancerCare must manage its resources, I wonder if the minister could tell me what recourse there is if CancerCare Manitoba does not oblige.

Mr. Chomiak: The obligations and the prescriptions applying under the act are similar to any other relationship of any other organization that Manitoba Health manages, or is involved with or has an accountability relationship with.

* (20:40)

Mrs. Driedger: It does not appear in here that there is an appeal process for CancerCare Manitoba if they might be in disagreement with the minister. Is the intent that when the minister gives directions it is after a certain amount of consultation, and if that consultation does not proceed, I suppose, satisfactorily, the minister may give directions? I am wondering if there is an appeal process should the corporation not feel that it is something perhaps in their best interest.

Mr. Chomiak: The directive powers are similar to those put in by the previous government with respect to regional health authorities and were stylized along those lines. Essentially, it is a question of delegated power that goes from the Department of Health to an organization of that type. In certain situations the previous government felt that the directive power should be given regional health authorities to be consistent with the previous legislation.

To be consistent with the regional health legislation, we put it in with respect to this legislation. That should not be confused with the issue of the delegated directive power that is proposed in the amendment to The Regional Health Authorities Act, which does have an appeal mechanism because it consists of a different kind of delegated power.

But the long and the short of it is that this is to be consistent with The Regional Health Authorities Act. That provision has never been utilized to my knowledge under The Regional Health Authorities Act. I doubt very much it would be utilized under this act because there is a whole series of other mechanisms that are in place and are available to the Government in a variety of means in order to exert its control. But, again, it was put in to be consistent with The Regional Health Authorities Act.

Mrs. Driedger: I have no further specific questions.

Mr. Chairperson: During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Clauses 1, 2 and 3—pass; clauses 4(1), 4(2), 5, 6 and 7—pass; clause 8—pass; clauses 9, 10, 11—pass; clauses 12, 13, 14 and 15(1)—pass; clauses 15(2), 15(3), 15(4), 16, 17, 18, 19, 20—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 40—The Podiatrists Act

Mr. Chairperson: Next is Bill 40, The Podiatrists Act. Does the minister responsible for Bill 40 have an opening statement?

Hon. Dave Chomiak (Minister of Health): No.

Mr. Chairperson: Does the critic for the Official Opposition have an opening statement?

Mrs. Myrna Driedger (Charleswood): I just want to indicate again that we certainly are supportive of the act and, looking at the size of this particular piece of legislation, recognize the amount of work that has gone into something like this to modernize this particular bill. We do commend the people involved in the drafting of it. I also do support the fact that there was consultation in addressing and putting this together, and generally we are very supportive of the act.

Mr. Chairperson: We actually muzzled the minister, so he agreed that there would be no puns tonight. We are going to keep him to that promise.

During the consideration of a bill, the enacting clause, the table of contents and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Clause 1—pass; clauses 2(1) through 3(1)—pass; clauses 3(2) and 3(3)—pass; clauses 4(1) through 5(2)—pass; clauses 6(1) through 6(8)—pass; clauses 7(1) through 7(3)—pass; clauses 8 through 9(2)—pass; clauses 9(3) through 11(3)—pass; clauses 11(4) through 13—pass; clauses 14(1) through 14(3)—pass; clauses 15 through 17(1)—pass; clauses 17(2) through 19(3)—pass; clauses 19(4) through 20(1)—pass; clauses 20(2) through 20(4)—pass; clauses 21(1) through 23(1)—pass; clauses 23(2) through 25(1)—pass; clauses 25(2) through 26(1)—pass; clauses 26(2) through 30(1)—pass; clauses 30(2) through 32(3)—pass; clauses 32(4) through 34(4)—pass;

clauses 35 through 36(3)—pass; clauses 36(4) through 38(4)—pass; clauses 38(5) through 40—pass; clause 41(1)—pass; clauses 41(2) through 41(4)—pass; clauses 41(5) through 42(2)—pass; clauses 42(3) through 44—pass; clauses 45(1) through 47—pass; clause 48(1)—pass; clauses 48(2) and 49(1)—pass.

We have an amendment.

Mr. Chomiak: Thank you, Mr. Chairperson. I just want to step in here on my sole amendment, and that is, I move

THAT subsection 49(2) of the English version be amended by adding "or" at the end of Clause A.

Motion presented.

Mr. Chomiak: Thank you, Mr. Chairperson. This amendment is necessitated by the fact that there is a semi-colon, and we require an "or" at that particular juncture, so with the committee's indulgence.

Mr. Chairperson: Amendment—pass. Clause 49(2), as amended—pass; clause 50—pass; clauses 51(1) through 52(2)—pass; clauses 52(3) through 53(2)—pass; clauses 54 and 55—pass; clauses 56(1) through 56(5)—pass; clauses 56(6) through 59—pass; clauses 60 and 61—pass; clauses 62(1) through 64(1)—pass; clause 64(2)—pass; clauses 65(1) through 67(1)—pass; clauses 67(2) through 68(3)—pass; clauses 69 through 74(2)—pass; enacting clause—pass; table of contents—pass; title—pass. Bill, as amended, be reported.

* (20:50)

Bill 42—The Regulated Health Professions Statutes Amendment Act

Mr. Chairperson: The next bill is No. 42, The Regulated Health Professions Statutes Amendment Act. Does the minister responsible for Bill 42 have an opening statement?

Hon. Dave Chomiak (Minister of Health): Just briefly, the committee heard during the course, I think, of presentations some of the genesis of this particular act, some of the issues surrounding the overall field, recognition that there

will be an updated bill brought forward to deal with this issue, hopefully in the fall or certainly by the next session.

This bill is necessitated by the internal agreement of trade and that notwithstanding, there seems to be very little controversy and notwithstanding the one issue that was raised by one of the groups. In fact, from my interpretation of the bill, the bill does not significantly change the application of the law as it presently exists. What the bill does is provide for some clarification regarding mobility. So, basically, we hope to have this bill enacted in time to meet the deadline or as close as possible to meet the deadline on the agreement on internal trade.

Mr. Chairperson: We thank the minister. Does the critic for the Official Opposition have an opening statement?

Mrs. Myrna Driedger (Charleswood): Just to indicate that I found it particularly helpful to hear to scope of all of the presentations tonight and the thought that went into all of them. Certainly I do encourage the introduction of an updated bill in the near future and look forward to an opportunity to peruse that and just to indicate generally support for this bill.

Mr. Chairperson: We thank the member. During the consideration of a bill the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Clauses 1(1) and 1(2), 1(3) and 1(4)—pass; clauses 2, 3(1), 3(2)—pass; clauses 4(1), 4(2) and 4(3)—pass; clauses 4(4), 4(5), 4(6), 5(1), 5(2) and 5(3)—pass; clauses 5(4) and 5(5)—pass; clauses 5(6) and 5(7)—pass; clauses 5(8), 5(9), 6 and 7—pass; enacting clause—pass; title—pass. Bill be reported.

Mr. Chomiak: Just before closing, I want to thank members of the committee for their assistance in this regard, and also I want to thank staff, in particular, for putting together some of

this legislation. It is very difficult and complex. Some of it had a genesis years earlier, and as was echoed in presentations tonight, it is much appreciated, the work done by all of the staff and individuals involved. Thank you.

Bill 7—The Manitoba Hydro Amendment Act

Mr. Chairperson: The next bill is Bill 7, The Manitoba Hydro Amendment Act. Does the minister responsible for Bill 7 have an opening statement?

Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act): I think the bill speaks for itself. It is a bill, Mr. Chairperson, that prevents the wholesale privatization of Manitoba Hydro. It still respects the '97 amendments to Hydro legislation, which allow for certain kinds of partnerships, for example, government-to-government relationships with First Nations communities, but protects that evolving into a privatization through the requirement that any equity partnership in a new generating facility, if it was decided to be terminated, the equity held by the outside party would have to be made available to Manitoba Hydro for repurchase.

So we have a bill here that provides for public voice in the possibility of a privatization scenario for Manitoba Hydro, a referendum mechanism. This is obviously something that we ran on and now we are enacting in legislation.

Mr. Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement?

Mr. Harold Gilleshammer (Minnedosa): Yes. We have spoken in favour of this legislation and are prepared to proceed with it.

Mr. Chairperson: We thank the member. During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; enacting clause—pass; title—pass. Bill be reported.

The next bill is Bill 21. We had previously agreed to go in order, so we will ask the Minister responsible for Labour and Multiculturalism, Ms. Barrett.

Hon. Becky Barrett (Minister responsible for Multiculturalism): Seeing as how the minister is there and the staff is there for the other Hydro bill, why do we not do clause by clause on the Hydro bill?

Mr. Chairperson: Is it agreed that we do Bill 27, The Manitoba Hydro Amendment Act (2)?
[Agreed]

Bill 27—The Manitoba Hydro Amendment Act (2)

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

Hon. Greg Selinger (Minister responsible for The Manitoba Hydro Act): Yes, thank you, Mr. Chairperson. This bill, as we know, establishes uniform rates for all customers in Manitoba, essentially by going to a one-rate category. It is a policy change promised in the election and recommitted to in the Throne Speech and followed through now in legislation. It will allow all Manitobans to feel they are being treated equally on the basis of this rate structure.

We have had some representations tonight with respect to the diesel communities, and I have talked to the Opposition critic. If there is something we can do to fine tune an amendment to address that concern at the report stage, we may bring something forward. I would, of course, consult with the Opposition critic to inform him of the details of that. As it stands, I think this bill can be proceeded with.

Mr. Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement?

* (21:00)

Mr. Harold Gilleshammer (Minnedosa): Thank you, Mr. Chairman. I think, quite clearly, the presentations tonight reflect the bill. If you ask individual Manitobans, would you like lower

hydro rates, the answer is yes. We support that. On the other hand, we have been critical of the process and I think that came out tonight as well.

We had a representative from the Consumers' Association of Canada, a grass-roots organization of members across the province who clearly wanted to have an opportunity to speak to this bill through the Public Utilities Board process where they are afforded support to get their presentation ready. They are afforded staff that would look in great detail, as the minister knows, at the thinking behind the rates.

I think it is important that we restate that, while we are in favour of lower rates and are going to vote for the bill and support that, the process here has been flawed. We know that the corporation had spent a lot of time putting together a presentation that was sent to Public Utilities Board with an accompanying letter saying we want to come forward to Public Utilities and put forth our case for the standardized rates. Some two weeks after that was sent to Public Utilities, the minister and the Cabinet indicated they wanted it withdrawn. This was done and, of course, precludes the opportunity for many Manitobans to come forward and speak on Manitoba Hydro and issues surrounding Manitoba Hydro.

There is no question that this bill is going to be put through this session. I would urge the minister, sometime very soon, to take before the Public Utilities Board the operations of Manitoba Hydro and give Manitobans the length and breadth of this province an opportunity to examine the corporation and have their input into the direction this corporation is going. It has not been before Public Utilities Board since 1996 and I think Manitobans are of the belief that it is time the operations of this corporation were examined. We think that, in all likelihood, the rates could have been lowered even further and that could have been done at the Public Utilities Board with an examination of the revenue streams that the corporation has and the Public Utilities Board is the appropriate place to do that.

I would also say, with an aggressive capital expansion on the horizon, that Manitobans will be looking for an opportunity to have public

input, and I believe very strongly the appropriate place to do that is at the Public Utilities Board. Thank you, Mr. Chairman.

Mr. Chairperson: We thank the critic.

Mr. Selinger: Well, I just want to reiterate why we are proceeding by way of legislation, not only was it an election promise and a Throne Speech commitment, but I think we have to ask ourselves where policy is properly made.

At the Standing Committee on Public Utilities, I offered the following example to the committee. If Manitoba Hydro, and this is a hypothetical example, were to propose a new rate category for, say, farmers, and asked for that rate category to increase the costs because they were a more expensive component of the Manitoba community to serve and would not bring that to the Legislature for a change, even though it was a policy change, I am certain that the critic would ask that that come before the Legislature and make us accountable as responsible for Manitoba Hydro for having this new rate category introduced by Manitoba Hydro.

So this is not simply an adjustment in the rates which is the responsibility of the Public Utilities Board. It is their job to look at the existing rate structure and to ask whether or not an adjustment in the rates to the existing structure is appropriate. What we are doing here is we are changing the structure of Manitoba Hydro rates. We are proposing a uniform rate, an inclusive rate, which treats all Manitobans the same. It is a policy-driven direction that we are taking here and the Legislature is the appropriate body for making policy. It is the lawmaking body of the province of Manitoba and, in our view, it is completely appropriate to do that as it would be if we would have introduced, or Manitoba Hydro would have introduced, a rate which would have increased costs to one category of customers. So this is a policy-driven commitment which treats all Manitobans equally, puts them on a uniform footing by equalizing their rates throughout Manitoba.

Mr. Gilleshammer: It was not my intention to get into a debate this evening, but I think, certainly, the history of rate setting in this

province by previous governments indicates that Government is on a slippery slope when rates are going to be set around the Cabinet table. I use the example of MPIC in the 1980s. We got away from that process because Manitobans were very much concerned about the rates being lowered before an election was called and then raised after the election.

The Public Utilities Board is the appropriate body to gather all of that information and I would say to the minister that you could have achieved this policy by going to the Public Utilities Board. That was the intent of the corporation when they compiled that document that must be at least an inch thick, asking the Public Utilities Board to standardize the rates, providing the evidence for them. We believe that that was the proper approach to go.

Certainly, the Government is within its rights, bringing in legislation. We do not argue with that, but we think that you are getting away from a process that has been widely accepted by Manitobans and one in which they have an opportunity to have their say.

Mr. Selinger: I thank the Opposition critic for his comments. I note that it was three years since the previous government had appeared before the Public Utilities Board. We are in our 20th month now and we have not asked Manitoba Hydro to go before the Public Utilities Board because there have been no proposed rate increases at this stage of the game. What we have in front of us is a change in the policy of how we apply rates throughout Manitoba, a change in the structure. A policy-driven decision is one appropriately legislated at this level of government.

Mr. Gilleshammer: Well, I would indicate to the committee and minister that the Public Utilities Board is, I am sure, quite prepared to look at rate reductions, as well as increases in rates. As I have indicated earlier, given the very strong revenue streams that the corporation has, there is an ability to go before the Public Utilities Board and ask for a general rate reduction across the board.

At any rate, again it was not my intention to get into a debate tonight, we are prepared to

support the bill, but I think that we have seen evidence from the presentations tonight that there are Manitobans that would have liked to have had that opportunity to have the support that the Public Utilities Board offers them in presenting their case. We also see that there are outstanding issues before the corporation and that one avenue is to go to the Public Utilities Board to have these worked through. Thank you, Mr. Chairman.

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

Clause 1—pass; clause 2.1—pass; clause 2.2—pass; clause 3.1—pass; clause 3.2—pass; clause 4—pass; the enacting—pass; the title—pass. The bill be reported.

Bill 21—The Manitoba Ethnocultural Advisory and Advocacy Council Act

Mr. Chairperson: We will ask the Minister of Labour and Immigration (Ms. Barrett) to take the chair. Does the minister responsible for Bill 21 have an opening statement?

Hon. Becky Barrett (Minister responsible for Multiculturalism): Thank you, Mr. Chair. No, I do not have an opening statement. I understand that some members of the committee may have some questions which I am more than happy to answer.

Oh, I am sorry, I do have. I want to say at the beginning that while this is a small bill in the number of pages, it reflects a great deal of thought on the part of many members of the community and enormous amount of work on the part of staff in my department, in particular Ms. Nadya Kostyshyn Bailey, who has done an enormous amount of work to bring not only this bill, but the process that is encompassed by this bill, to fruition.

Mr. Chairperson: We thank the minister. Does the critic from the Official Opposition have an opening statement?

* (21:10)

Mrs. Louise Dacquay (Seine River): No, I do not have an opening statement, but I have some

questions. I am looking for direction as to whether the minister wishes to deal with the questions. Some of my colleagues may also have additional questions prior to doing the clause-by-clause review of the bill.

Mr. Chairperson: Please proceed. You can deal with those now.

Mrs. Dacquay: One of the concerns that I raised and my colleague the Member for River East (Mrs. Mitchelson) raised in second reading was the fact that we have a concern relative the selection process. Our concern is that the council should be inclusive, not exclusive. I think the minister will agree with that because in her second reading she indicated it was her responsibility as Government to make sure we are open and that we hear from every portion of our society.

When I had a briefing on the bill in the minister's office, she indicated approximately 25 percent of 300 organizations had responded back. That would equate to approximately 75 of the communities that those names would then go forward for the 16 representatives from the larger community.

My first question is: Of the five remaining appointees on the committee by the minister, what assurances do we have that those five members will perhaps address any of the larger community that has non-representation?

Ms. Barrett: In all the public consultations I have held, two in Winnipeg, one in Thompson and one in Brandon, the issue of inclusiveness and the issue of how the 21, whatever number. The number 21 was discussed and agreed upon by the people who were represented at those public hearings.

My statement in all of those public hearings and in anything I have said to the many groups I have met with as I do my normal duties as minister has been very clear in stating that we recognize a council of 21 has to take responsibility. Each of those members has to take responsibility for much more than their own particular organization or even ethnic group. There is no way a council of 21 or, I would suggest, a council of even several hundred can

be totally inclusive by numbers. It is the distinction, I think, between the town hall concept that was in place in small town Massachusetts, for example, in the early days of the colonies, my background coming to the fore again, versus the representative form of government we have in Manitoba, Canada and North America. There is no way that the 57 of us in the Legislature can, in and of ourselves, as who we are, represent all of the communities that even we represent in our own constituency, because we are a certain age group, we are a certain gender, we come from a certain religious background, a certain ethnic background, et cetera.

So, if you take those characteristics, it is our duty as good MLAs to represent all of the constituents that live in our community, whether or not federal members of Parliament decide. Whether or not we know whether they voted for us or not, we are their representatives.

The strong commitment on the part of the individuals who will make up this council will be to recognize they have a responsibility. Because they are small in number, they have an enormous responsibility to ensure that they as members and the council as a whole reflect as much as possible the concerns and the ideas of the multicultural community, of the ethno-cultural community. That will be done through a number of outreach activities, so I am convinced.

As a matter of fact, part of the list of characteristics, the criteria that went out with the package that I have given to the critic, that went out to the 300 organizations, included such things as community participation in a broad array of multicultural issues: advocacy management, community development, negotiating legal and financial policy development, interpersonal skills and cross-cultural skills.

So I would suggest that the 21 members will do a very good job. As far as the 5 that the minister will select, after the 16 have been elected, I have also made public guarantees that the reason there is that group to be selected after the community has is to ensure, to the best of everybody's ability within those 21, that groups

are represented, that the gender balance is as close as can be, that the geographical balance is there as much as it can be. So that is exactly why those 5 are there.

Mrs. Dacquay: I would just like the minister to clarify in terms of the funding. When I met with her, she indicated: No, the funding was going to be arm's length from this committee, and yet, when I reviewed in more detail the package of information she gave me, one of the questions asked there was: Will the group be involved in the funding? The response was, however, once the council is formed, it will be asked to participate in the review process.

Can the minister please explain why, in one instance, she indicated it would be completely arm's length, and they would not be involved, and yet, in the question and answers that went out with the nomination forms, there was some indication that perhaps they would participate in some way in the grant process?

Ms. Barrett: First, for clarification, the question-and-answer package was not part of the nomination package that went out to all of the organizations. It was material that was prepared and was shared with the critic. So that was not part of that.

When we had our public consultations, the community had, in reflecting on the decade of MIC, there were some views expressed by some members in the consultation process that Government should control granting. There were other people who felt that the organization would have a role in the granting process. They all felt that the current situation, with a fairly small amount of money actually to be given out in grants, that for the time being, as the council itself gets organized, that the current situation with the Government controlling the granting process was acceptable.

I have made a commitment to the public and, through them, the council that they would be part of a review process not of the specific grants themselves, but of the granting process. I can see where, in the Q and A, it was not as clear as it should have been, but I do want them to be part of the review. I want them, as they get involved in the process, to see nothing is carved

in stone as to what the granting process should be. So I want their participation in the review of the process, not the specific grants.

Mrs. Dacquay: Mr. Chair, I personally do not have any further questions, but my colleagues might. I just want to put on the record that we will be supporting this legislation.

Mrs. Bonnie Mitchelson (River East): Mr. Chair, I spoke in detail at second reading around this legislation and indicated my concern about the exclusivity of this kind of legislation and this process. I know that I have had some former experience as the Minister responsible for Multiculturalism and want to indicate that my door was open to everyone within the community to come in and to speak to me and to raise issues.

I am very much hoping that this is not going to be a process where the council believes it speaks on behalf of absolutely every issue that any multicultural organization might bring forward and that in fact the minister is not going to tell people to go to the council rather than to come to her if there are issues and concerns, very much so when you have 21 people who represent thousands of Manitobans from very different backgrounds and with different issues, because each community, based on the size, the length of time they have been here and established in our province of Manitoba, has very unique sometimes and specific issues that may not necessarily be issues that every community would want to bring forward.

* (21:20)

My concern would be in the process. The council indicates that it speaks on behalf of the total multicultural community without actually consulting with every group and organization. I am wondering what process or mechanism will be in place to ensure that all 300 organizations within the province of Manitoba are consulted by the 21 representatives on the council to ensure that the advice that they give to government, or the advocacy that they provide, is truly representative of all 300 organizations.

Ms. Barrett: This is an issue that was brought out in the public consultations. I think it

certainly is clear to me, and I will continue to make it clear, that this is one avenue but not the only avenue. It is an avenue, not the avenue for advice and advocacy to the minister.

As a matter of fact, part of it is, I believe it is even in the legislation, that it is not even simply issues. There is a two-way street. The council can raise issues with the minister, either of an advisory capacity or an advocacy capacity, but the minister can also ask the council to provide advice and advocacy on issues. I see it that, if the minister or the Government asks questions of the council, that is because issues have come from other venues, other areas.

I think everyone recognizes that 21 people cannot possibly have a corner on all of the issues; or, even if they discuss all of the issues, they cannot possibly reflect all of the nuances that some organization might have that is not fully represented in a body that is 21. Of course, there will be an open door.

We have continued the multicultural legislation that the member referenced in her second reading speech. We still believe, and definitely believe—and I believe we supported that piece of legislation, feel it is a very important, bedrock kind of legislation. I think it is important that, because there has not been, for eight or nine years now, an organization that can provide some focus, this is a very positive step, but certainly not precluding anything else that has happened.

I would like to correct something that the Member for River Heights (Mr. Gerrard) put on the record in his speech when he asked the question about the five members that were going to be selected by the minister. Would they be government bureaucrats? I just, for the record, wanted it to show that, no, these are community people, just so the Member for River Heights can have an assurance on that.

Mrs. Mitchelson: Just one more question for the minister. Advocacy and advice are a two-way street. I know that the minister has indicated that the council will advocate and give advice to her, and there will be a reporting process. What will the reporting process be by the council to all of

the 300 organizations that they represent? I think it is critical that we know what that process will be, and will it be an open process whereby issues that have been discussed will be reported to the community at large on a timely basis? I think that that is a very important process that needs to take place so that all of the organizations have confidence that the issues that are being discussed and the advice that is being provided to the minister is advice that they would support.

Ms. Barrett: I apologize, because the member spoke about that in her earlier comments and I did not respond. Indirectly, and sort of in a roundabout way, I think the legislation is largely non-prescriptive. It is deliberately so. It is a new forum here. It does not look like the MIC did. It is a different organization.

Again, one of the important things is that these 21 members will know that they need to do that. I will make that very clear that it is critical that, in order for them to know and be reflective of the constituencies—and I use that word in the largest sense—that they represent, the entire ethnocultural community, they are going to have to outreach. That is something that we are going to have to do, work with them to enable that to happen, through regional meetings, through letters or a newsletter. I am not sure exactly what format that is going to take.

That is going to be one of the first things that the council itself will have to deal with. That is one of the critical things that must happen for this council to be effective, that they have to go out and canvass their constituencies, which is the entire set of communities. It is critical; there is no question that we agree on that.

Mr. Chairperson: During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clause 1—pass; clauses 2 to 4(6)—pass; clauses 5 to 9—pass; the enacting clause—pass; the title—pass. Bill be reported.

**Bill 300—The Jewish Foundation of Manitoba
Incorporation Amendment Act**

Mr. Chairperson: With regard to Bill 300, we will first hear a report on the bill from Legislative Counsel, so we will get the Legislative Counsel to take the microphone, please.

Ms. Valerie Perry (Legislative Counsel): As required by rule 121 of the rules of the House, I now report that I have examined Bill 300, The Jewish Foundation of Manitoba Incorporation Amendment Act, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: We thank Ms. Perry, Legislative Counsel, for that report. Does the member sponsoring the bill have an opening statement?

Ms. Linda Asper (Riel): I had the opportunity to speak to the bill in second reading, and I want to thank the Minister of Justice (Mr. Mackintosh) who gave me this opportunity and my colleagues. I want to thank the staff who have helped me. I would like to thank the members of the Opposition who supported me in second reading, particularly the Leader of the Opposition (Mr. Murray), his kind remarks about my family, and the Opposition critic in terms of her co-operation.

Other than that, I am prepared to deal with any questions.

* (21:30)

Mr. Chairperson: Does any other member wish to make an opening statement?

Mrs. Louise Dacquay (Seine River): It is not so much as an opening statement, just a general comment. We have no questions, and we will be moving this legislation expeditiously.

I just want to thank the honourable Member for Riel (Ms. Asper) for bringing this legislation forward. The former legislation was very outdated and did not give the Jewish Foundation enough governance capabilities to be able to meaningfully distribute the funds that are endowed to the organization. We would like to thank the organization for their charitable

endeavours on behalf of all Manitobans. Thank you.

Mr. Chairperson: Thank you.

Ms. Asper: I would also like to thank David Cohen, the executive director, who was kind enough to speak with both myself and Mrs. Dacquay. He did intend on being here tonight, but he had a health situation in his family and could not make it.

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

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

Clause 1—pass; clauses 2 to 5(2)—pass; clauses 5(3) to 9—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Ms. Asper: I would like to move that this committee recommend that the fees paid with respect to Bill 300, The Jewish Foundation of Manitoba Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation "The Jewish Foundation of Manitoba," be refunded, less the cost of printing.

Mr. Chairperson: The motion is in order.

Ms. Asper: I have been advised that the foundation has requested this and that this motion is in order.

Mr. Chairperson: This is a normal process for a private bill of this kind. Is there agreement to pass the motion?

Some Honourable Members: Agreed.

Mr. Chairperson: It is agreed. The motion is accordingly passed.

The hour being 9:35, what is the will of the committee? Committee rise.

COMMITTEE ROSE AT: 9:35 p.m.