

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS
Wednesday, March 14, 1990.

TIME — 10 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Connery, Derkach
Messrs. Driedger (Niakwa), Gilleshammer,
Helwer, Minenko, Pankratz, Patterson, Storie,
Ms. Wasylycia-Leis, Mrs. Yeo

* Substituting for Mr. Connery, Mr. Ernst at
11:40 p.m.

* Substituting for Ms. Wasylycia-Leis, Mr.
Maloway at 11:40 p.m.

* Substituting for Mr. Patterson, Mr. Gaudry
at 11:40 p.m.

* Substituting for Mr. Helwer, Mrs. Oleson
at 12:46 a.m. (March 15)

* Substituting for Mr. Gaudry, Mr. Patterson
at 12:46 a.m. (March 15)

WITNESSES:

Mrs. Irene Friesen, Private Citizen
Mr. Lionel Orlikow, Private Citizen

MATTERS UNDER DISCUSSION:

Bill No. 59—The Public Schools Amendment
Act

Bill No. 60—The Education Administration
Amendment Act

Bill No. 72—The Securities Amendment Act

Bill No. 75—The Insurance Amendment Act

Bill No. 78—The Prearranged Funeral
Services Amendment Act

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Mr. Chairman: Will the committee on Law Amendments
come to order? Mr. Helwer.

* (2205)

COMMITTEE CHANGES

Mr. Edward Helwer (Gimli): Mr. Chairman, I would
like to make some committee changes here. I would
like to replace Gilleshammer for Burrell; Derkach for
Driedger (Emerson); and Helwer for Penner.

**Hon. James McCrae (Minister of Justice and Attorney
General):** As I understand it, those changes are done
with the leave of all of the Members of the committee.

Mr. Chairman: Changes are done with the agreement
of all the committee Members? Agreed. Are there any
more committee changes? Mr. Storie.

* (2210)

Mr. Jerry Storie (Flin Flon): Mr. Chairperson, I move,
by leave of the committee, to amend the membership
by replacing the Member for St. Johns (Ms. Wasylycia-
Leis) for the Member for The Pas (Mr. Harapiak).

Mr. Chairman: Is that the wish of the committee?
Agreed. Mr. Storie, would you repeat that, please?

Mr. Storie: Yes, Mr. Chairperson, replace the Member
for The Pas (Mr. Harapiak)—

Mr. Chairman: He is not on the committee.

Mr. Storie: The Member for St. Johns (Ms. Wasylycia-
Leis)—

* (2215)

Mr. Chairman: She is not on the committee.

Mr. Storie: This is Law Amendments?

Mr. Chairman: This is Law Amendments. Whom do
you want on the committee?

Mr. Storie: The Member for St. Johns (Ms. Wasylycia-
Leis).

Mr. Chairman: Judy Wasylycia-Leis is on the
committee. Is that the will of the committee? Agreed.
Mr. Storie.

Mr. Storie: Mr. Chairperson, could I have the list of
Members who are on the committee, please?

Mr. Chairman: Mr. Gilleshammer, Mr. Connery, Mr.
Derkach, Mr. Driedger (Niakwa), Mr. Maloway, Mr.
Minenko, myself, Patterson, Helwer, Storie and Yeo.
Mr. Storie.

* (2220)

Mr. Storie: Thank you, Mr. Chairperson, I move that
the Member for St. Johns (Ms. Wasylycia-Leis) replace
the Member for Elmwood (Mr. Maloway).

Mr. Chairman: Very good.

Mr. McCrae: Mr. Chairman, to facilitate and
accommodate Members presently sitting right now in

the Standing Committee on Industrial Relations, who are not able to be present at this moment, I would suggest to the Members of the committee that we deal with the presentations indicated regarding Bill 59, briefly we hope, because of the lateness of the hour.

The Bills would then be dealt with in the following order: 59, 60, 72, 75, 78, 101 and 56; later to be followed by 47, 48, 50, 51 and 52.

Mr. Chairman: Is that the will of the committee? Agreed. Mr. Minister.

* (2225)

BILL NO. 59—THE PUBLIC SCHOOLS AMENDMENT ACT

Hon. Leonard Derkach (Minister of Education and Training): Mr. Chairman, does that mean that immediately following presentations, we will go into clause by clause on Bill 59?

Mr. Chairman: I understand immediately following presentations on Bill 59, we will be going into Bill 59, clause by clause. Is that the will of the committee? Agreed.

Persons wishing to make presentations, I would like to read the list. Mr. Lloyd Dyck, Mrs. Joy Burik, for the Parent Educational Rights Committee Incorporated, Mrs. Joan Johannson, Private Citizen, Mr. Derwyn Davies, Private Citizen. Are there any others who would like to make presentation? If there is anybody else besides these four names that I have called out, would you please let the Committee Clerk know about it. Mr. Lionel Orlikow would also like to speak to Bill No. 59. Is he also present? Okay. We will follow the list in the order that I called out the names. Would that be the will of the committee? Mrs. Friesen.

* (2230)

Mrs. Irene Friesen (Private Citizen): I am presenting as an individual. I would like to make a statement prior to that.- (interjection)- Excuse me?

Mr. Chairman: Mrs. Friesen, do you have a written presentation?

Mrs. Friesen: No, I do not.

Mr. Chairman: You are presenting as a private citizen to Bill No. 59?

Mrs. Friesen: May I speak as to why I am presenting as a private citizen to Bill 59?

Mr. Chairman: The only problem I have, Mrs. Friesen, I have read out the names in the order that we would like to follow, unless the committee wishes to change that order. It is up to the wishes of the committee. Mr. Storie.

Mr. Storie: Thank you, Mr. Chairperson. I think Mrs. Friesen is also a member of PERC, although she has

indicated that she would like to speak as a private citizen. I see no reason why she should not be allowed to present, and we can proceed from there.

* (2240)

Mr. Chairman: Is it the will of the committee that Mrs. Friesen may appear before this committee first? Agreed.

Mrs. Friesen, before we will ask you to make your presentation, I would like to read a letter to the committee. It was brought to the attention of the three House Leaders that this group, Parents Educational Rights Committee Inc., was going to bring forward a video, so I would like to read this letter before you make your presentation.

On March 5, 1990, it was brought to my attention that the Parents Educational Rights Committee Inc. wanted to present and show a video tape in the Law Amendments Standing Committee which was considering Bill 59, The Public Schools Amendment Act. In consultation with the three House Leaders on March 5, 1990, a decision was made regarding the presentation of video tapes at committee stage. It was concluded that video tapes, along with all other multimedia presentations, excluding oral or written presentations, would not be viewed in committee. However, the House Leaders were able to provide an alternative to this proposal. They suggested that groups or individuals who are wanting to make presentation before committee could provide a video tape or other forms of multimedia as a supplement to their oral and/or written presentation for perusal by committee Members at a later date.

Mrs. Friesen: I wish I could have a copy of that letter, and I would like to correct the date on there.

Mr. Chairman: You can gladly correct the date right now, and it will be on record.

Mrs. Friesen: Okay, fine. Just as a point, we had inquired in November when we heard that Bill 59 would be coming up, and notification—and I am not standing here to criticize the process—but upon asking when we did get the call, and we knew we would get short notice—that was registered in November, our request, not March 5 or whatever date you have there.

Mr. Chairman: This date that I read out was the date that it was brought to the attention of the committee. That was not the date when you originally wanted to make the presentation or anything of that nature.

Mrs. Friesen: It was brought to the committee's attention in November, and they realized when we called that you had not called us and given us the notice, but that is okay.

Mr. Chairman: We stand to disagree. Mrs. Friesen, you may start with your presentation on Bill No. 59.

Mrs. Friesen: Yes, thank you. The reason for changing it, to me standing as a private individual, is that we were told the Minister of Education (Mr. Derkach) did not want to listen to PERC.

I wish to just make a few comments. This piece of legislation, we feel, is not written addressing the present school system and understanding what is presently occurring regarding availability of records. I wanted some clarification so that I can partake in the system as a parent. Currently, the only access—legal access I would call it—or obligation by a school division is the report card. To make available to the parent such information as may be contained in any file or record kept at the office of the school or school board office respecting the pupil, I take to be in the school that the pupil is attending.

I find that just stating this obviously ignores the fact that some files or records are kept elsewhere. Is this intentional? Whoever drafted this piece of legislation, I feel, is not aware of this. If you believe that this improving access to records and files, I think you are mistaken. For example, the child guidance clinic has nine clinic offices, and in my experience, the clinic offices are located sometimes at school board offices and sometimes not. This is a representation of 237 schools. I think maybe the Minister's is understanding that there is a file on every child at every school containing clinical standardized tests, et cetera, et cetera, and that would make it very simple for us as parents to go obtain that information. If I have that assurance, that is great.

Beyond, the Child Care and Development Branch from the Department of Education has a policy. Again, are parents in rural divisions to go to the Department of Education Child Care and Development Branch to get their files? I think this needs a lot of clarification, and I am not sure that all the homework has been done. Rules and policies, you can see, clearly vary, and we are extremely disappointed that all data as presently exists was not collected, thoroughly reviewed and examined and then drafted into Bill 59. I am wondering also if this applies to private schools, or does this just apply to public schools.

It is a problem in the system if you have a child that has had the Canadian Achievement Test, Canadian Test of Basic Skills, Early Identification, The Metropolitan Readiness Test in kindergarten, where, where can the Minister tell us to go get these files? We are lost. I think if this Bill is bringing in direction that we can just like that walk in, in times and manners as determined by the school board, that would be great. You are opening up the process, but I am total at a loss as to where we would go get those files. If the Minister can assure me that I can go into a school or school board office, I would be pleased. Thank you.

Mr. Chairman: Thank you, Mrs. Friesen. Would the Minister want to respond to that?

Mr. Derkach: Thank you, Mrs. Friesen. I think the intention of the Bill is fairly specific in that we want to assure parents they have access to information on their children, and that information that they have access to would be information that the school would have in its records, or information that may be kept on that child by the school board office. The parent would be able to then access that information by either making an appointment with the principal of the school so that there could be a convenient time to access that

information or indeed with the superintendent of the school division.

The intention of the Bill is to make available to all parents information which is pertinent or which pertains to the academic aspects of that child or any other record. We are not speaking about a slip of paper that a teacher may have on a child in his or her drawer; we are talking about information that has been gathered on that child's academic performance or any testing that has occurred on that child, whether it be school testing or testing by a psychologist or speech therapist or whoever. All of that information that is contained in school records should be made available to each and every parent, depending whether it is a guardian or a parent.

* (2250)

Mrs. Friesen: Well, it all sounds wonderful, and I will congratulate you on the day that this Bill receives Royal Assent and is actually a fact in Manitoba. I guess then I am wondering if you could, Mr. Minister, provide a document like this as you have in AIDS education and perhaps say, you know, call it Parents Availability to Records in Manitoba. Are they going to stumble across the newspaper and read that Bill 59 came in, or are they going to suddenly find Bill 59 somewhere? You have a lot of uninformed parents out there.

Mr. Derkach: I think you have a good point, Mrs. Friesen, in that parents need more information and parents need also to become involved as partners in education. I think this has been a goal of mine as Minister and a goal of our Governments since we took office. The reason that the AIDS pamphlet, the Parents' Guide on AIDS, was put out to parents at no cost was to ensure that parents became aware and involved in the process. Your suggestion with regard to information to parents on this particular aspect of the legislation is a good one, and certainly I will take that under advisement. If the Bill is passed, certainly that would be a positive aspect that we could discuss.

Mrs. Friesen: I would like you to remove that word "if."

Mr. Derkach: When the Bill is passed.

Mrs. Friesen: Mr. Chairperson, I would like to ask what your target date is. I mean, this has been going on far too long, where, as you know, we had policies by school divisions that said you had to have a court order to get your child's clinical records.

Mr. Minister, you have a mess out there that needs cleaning up. I would like to tell you that this AIDS pamphlet, as a parent myself in the school system I have not received this. The delivery model is bad.

Mr. Derkach: Mrs. Friesen, I have to advise you that each school received a copy, not only of the AIDS guide but also the parents guide. Each school was instructed to share those with the parents that had children within that school.

We cannot, as a department, mail a copy to each and every parent in the province. I mean that would

be a horrendous and impossible task. All the news releases that went out on that particular program, and all the letters that went out, indicated very clearly that this information was available to parents.

I think that parents have a responsibility here as well, in that they must be aware of it, and when they read something in the newspaper they should at least contact the school—or a news release for that matter—to get that information. I think we are trying to be as open as possible and to ensure that parents have that information.

When you talk about this particular Bill it is my hope that Members around this table will be able to pass this Bill tonight and it will then proceed to third reading in the House and become law.

Mrs. Friesen: I will be glad to congratulate you when you give me something besides a report card and my school tax bill.

Mr. Derkach: Thank you.

Mr. Chairman: Thank you, Mrs. Friesen, for your presentation.

We will go to the next presenter. Mr. Lloyd Dyck, Mrs. Joy Burik—they are not here. Mrs. Joan Johansson—she is not here. Mr. Lionel Orlikow. Mr. Derwyn Davies is also not here, I believe. He was supposed to appear but indicated he would not be here tonight.

Go ahead Mr. Orlikow. Mr. Orlikow do you have a written presentation?

Mr. Lionel Orlikow (Private Citizen): No, I do not.

Mr. Chairman: Carry on.

Mr. Orlikow: I am coming tonight to speak as a private citizen. I am a teacher by career and a school trustee as an extracurricular activity. I am specifically speaking to the amendment in Bill 59, the Clauses 60(5)(a),(b),(c), the clauses which deal with grants to private schools, as well as the amendment that has been made by Mr. Storie, No. 60, Clause 8.

Very quickly I would like to go through a quick history of the public education system, because I believe that the proposals that are being made in the legislation are a further hit upon the public education system. I would urge the Members of the committee to use this time as an opportunity to provide leadership of vision about what our public education responsibilities are in the 1990s.

Very quickly as a background, back in 1916 the Government of T. C. Norris had a vision of this province. It was a province that was multi-ethnic, that through its public education system had learned to live together. Models such as the one at Strathcona School, where there were some 40 different ethnic groups speaking as many languages, was used as a model of how different groups within our society could work together. Unfortunately, the model that was set in the 1916 period

on has been undermined many times over the last 30 years by NDP, by Conservative Governments alike.

The royal commission in 1959, the so-called MacFarlane Commission, was the first which provided a rationale to provide aid to private schools. In the last number of years the concern for the question of who am I, in terms of identity of ethnic groups, has become very important in the schools and has led to many demands that schools that are really private should be funded out of public monies.

Combined to very few people defending the integrity of the public education system, there has been a lack of confidence in the public education system, but I would argue, Mr. Chair and committee, that the vision given to us in 1916 is even more valid in the Manitoba of the 1990s.

We have in Winnipeg, for example, a rising number of Native children who soon will probably be around 30 percent of the Winnipeg School Division population. We have schools like Daniel McIntyre where the majority of the students at that school not only have come from other countries but have started school in other countries before they came to Winnipeg.

So the question today for the public education system, which is the only institution in our society that can deal with the question, is not just who am I but who am I in relationship to others? If the fragmentation that could be promoted again through additional grants to private schools, if this comes through it will mean increased fragmentation within our body politic. Unfortunately, if this does occur, the many lessons that could be learned in the public education that goes far beyond the basics of the reading and the math, the hidden curriculum, the curriculum how adults learn to work with other adults—adults with children will be lost.

I think you have heard enough about the distinctions that will be made upon wealth like St. John's-Ravenscourt. If you visit Ravenscourt, for example, you will see that the classes are very small, much smaller than any of the public education system. The ability and the willingness of the parents to provide extremely wealthy grants to the school is creating a dual system of education in this province based upon wealth.

We see the Native community and other communities wishing to have their own schools separate from other ethnic and racial groups. We also see that a number of the private schools, while in the clauses that are indicated by the Government, there would be certain controls dealing with course content, certification of teachers and so on. There are other very clear gaps. For example, let us take the inclusion of the handicapped. This Government has a special education paper where it has reaffirmed its interest and concern for the matter of mainstreaming.

The Government has also raised grants for special education, which is mainstreaming. The whole concept of mainstreaming is, I believe, to develop patterns of behaviour and thought for a caring society. So private schools are under no obligation to have students who are handicapped. In fact that is happening already. The

vision that is coming through present practice and also could be encouraged by additional grants then will be a public education system that will likely be comprised of the handicapped and the poor and many of the more affluent will leave.

The controls that are placed in the Act in Clause 60, No. 5, are very minimal. Successive departments of education have found it very difficult to control private schools, whether you define them as being the fundamentalist schools, whether you define them to be the home schooling. I think the controls there will be minimal. Perhaps politically they will sound all right, but I think in application do not.

I would then urge that in the look at the revisions to The Public Schools Act that you use this as an opportunity and to make a statement dealing with the public education system, its unique role to foster understanding, to foster acceptance of all races and groups through the school system.

It is true that academics have to be addressed. If we look at the Native community, for example, some of the leaders are seeking to have separate schools. The main issue for the Native community is how do they deal, how do they work with, how do they collaborate with the majority?

The "who am I" question, in terms of Native culture, is very important, but how do they react with the majority, which will spill over not only into neighbourhoods but also into the workplace.

* (2300)

So I would say that what we require in the Bill, and what I would urge the Minister to make, is a statement on public education for the 1990s. One where the statement will say that the public education system of this province, supported by this Government and the other political Parties, is to help pupils understand each other—that could be incorporated into all courses and all activities—and also to help parents understand each other and work together, because I believe that it is only a collaborative society that is going to mean a wealthy and rich society for Manitoba over the next decade.

In conclusion, Mr. Chairman, I believe that the Bill as presented now is going to be another step not just in administrative practice in eroding the public education system. More important, there is no message being given to the public how important the public education system is, and the need to revamp the system goals for the 1990s. Thank you.

Mr. Mark Minenko (Seven Oaks): Mr. Orlikow, you mention your example of Ravenscourt. Would the comments that you made about Ravenscourt also apply to many of the other schools that are in the same category, including for example Immaculate Heart of Mary and Joseph Wolinsky? Would you then suggest that they also fit within the characteristics as you set out for St. John's-Ravenscourt?

Mr. Orlikow: There is a high correlation between ethnicity, social class and wealth, and there are some

private schools that are poor and are having difficulty surviving. I go back to the matter of the mission of the public education system, and that is that public funds should be used for public purposes. I think I set out what I consider to be the mission of a public education system. So in answer to your request, yes, I could be very concerned about the matter of wealth, but I guess the essential issue is the matter of public funds being used for private purposes.

Mr. Minenko: So you are then saying that Immaculate Heart of Mary and Joseph Wolinsky Schools and many schools like that are not in the public's interest?

Mr. Orlikow: Correct.

Mr. Minenko: Would you also include in your statement about the characteristics of St. John's-Ravenscourt schools like Immaculate Heart of Mary and Joseph Wolinsky?

Mr. Orlikow: Yes, I would put it to you that if you are going to follow your reasoning, you are into trouble, because at least under the public education system there is some attempt to provide equity. How are you going to provide Ravenscourt X dollars, and to provide two times X to say, Immaculate Conception School?

In other words, you are really going to be in dynamite if you are starting to deal with equity questions, which I think we are very concerned about, and start to give private schools different funds because one is somewhat richer than the other, or poorer. I think by raising the matter of dollars you are getting into some of the complexities that you will not be able to provide equity across the board.

My main concern though is not the matter of equity. My main concern is there is a limited pot of money. The limited pot of money for education has to be fought out with the highways, the transportation and all the other interests of this Government. The more money that goes into the private system, with all the inequities in the private school system, means that there will be less money for the public education system which is dedicated to the poor, the handicapped and so on.

Once you get involved with the private schools, the definition itself of private or independent means they have to be private and independent from Government, otherwise why are they not just part of the public system?

Mr. Minenko: Well, I hope you are not suggesting that the people who send their children to Immaculate Heart of Mary fit into the same kind of income brackets or social economic status as people who send them to St. John's-Ravenscourt, or are you familiar with the schools that I am mentioning, because that certainly seems to be suggested in what you are saying as well?

Mr. Orlikow: Let me make it clear then, Mr. Minenko, no aid, period.

Mr. Minenko: You mentioned that public schools are dedicated to providing support for handicapped children

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and for the poor. I would suggest to you, and I am sure you are knowledgeable enough to suggest that is not necessarily the only objective or the reason for existence for public schools. I certainly went through the public school system, and I certainly do not come from anything anyone would suggest as not a wealthy family.

I am also quite concerned when you said that, you went on and I quote you: academics have to be addressed. You almost seemed to say that was almost like an aside that is also an objective of the public school system. Do you still suggest that is an extra sort of objective, or would you perhaps want to change your comment to suggest that should be the first priority of the public school system? I just wonder if you could clarify that.

Mr. Orlikow: I believe that at 11:10 in the evening I could provide considerable clarification if it was 11:10 in the morning, but to treat my statement as rather flippant that the academics are considered an aside, whatever, something else that has to be done, I resent that remark. Naturally the academics, the schools are organized to provide the reading, the math, the chemistry and so on.

It is also important in the schools in terms of vocational, and I dealt with that question in terms of the Native population. A large amount of the concern for a Native person is not just the skills in terms of a science background or a vocational trade. A lot of the issue is more the relationship issue, is how does one deal with others of different groups?

For example, if a Native person is in his own school, and let us say the academic background qualification is just as good as if that student attended a public school, there is one element missing in a separate school and that is, how to get along with a superior, a foreman, a manager who is non-Native? Many Natives have been trained unconsciously in our community to not be able to deal with the non-Native as equals.

I stress that important role of what I will call the hidden curriculum in terms of the public education system, which are the other things beyond the academics, but to suggest that the academics are not important, I think would be another 15-20 minutes which I do not think you would like to spend.

* (2310)

Mr. Minenko: I certainly was not suggesting that your comment was flippant, I was just wondering as to what your opinion was on that. I appreciate your clarification on that.

I certainly think, and I am sure everyone around the table could agree—having myself come through the education system and the Faculty of Education—that the priority of schools should obviously start with academics. We know that many other factors impact on our school children, on our curriculum, and have developed over the years to include many other areas. Certainly, I was not suggesting you made a flippant comment. I was just wondering if you could clarify that point.

Mr. Chairman: Mr. Orlikow? No. Any more questions to Mr. Orlikow? Mr. Storie?

Mr. Storie: Mr. Chairperson, it is getting late. I want to thank Mr. Orlikow for his presentation. I think most people around the table will recognize the experience that Mr. Orlikow brings to this question. I appreciate the presentation.

I have a couple of short questions. First of all, I understand from your presentation that the last review of the issue, we will say somewhat comprehensive review of the issue, of aid to private schools was conducted in 1959, if I understand you correctly. We are some 30 years past that date. Do you think it is reasonable to request the Government to at least examine the impact of its increased funding to private schools before it proceeds to fund such increases?

Mr. Orlikow: I do not want to deal with the funding issue. I suggested that the funding issue is quite serious. I think that any review would have to look at the mission of the public education system.

It is certainly time that there has to be a new statement, because every time—and I have to say that it is not just the present Bill, but also during the time of the Schreyer Government, when statements were made upon increasing the aid to private schools, rarely was there any declaration by the Minister who is responsible for the public education system to either defend it or to support the integrity of the system.

In answer to your question then, I think the matter of review more important than the funding is a statement on the role of the public education system in the 1990s. It could lead to certain different arrangements with private schools. I think the main thing is what are the goals. If you do not know where you are going then it really does not make any difference how you get there.

Mr. Storie: Mr. Chairperson, I agree. I think there is clearly a lack of appreciation for what the goals of the public school system are. I think you enunciated them very clearly. Certainly, as one individual Member I support the goals as you have defined them. I guess it is a major concern that we have Members, like the Member for Seven Oaks (Mr. Minenko) who believes that there is only one goal and that is the only criteria on which the school system should be judged and who represents a Party who is prepared, in my opinion, to abandon the public school system.

I have two very simple questions. The first is: Do you believe that an increase in support to private schools, funding increase in the neighbourhood of \$50 million to \$100 million, will have a negative impact on the funding available to the public school system?

Mr. Orlikow: It has to.

Mr. Storie: Mr. Chairperson, I have a further question. Do you believe that the introduction of an 80 percent level of funding for private schools will fragment the school system in Manitoba?

Mr. Orlikow: It has to, because 80 percent—why not then 90 or 100? I think 80 percent is just a pause

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towards complete funding of private schools in this province.

Mr. Storie: Mr. Chairperson, a final question. Do you, Mr. Orlikow, believe that if private schools receive 80 percent funding, there will be pressure to increase funding to 90 percent; there will be pressure to contribute to capital construction; there will be pressure to further shared services, further dilution of the ability to fund public education?

Mr. Orlikow: No question.

Mr. Chairman: Any more questions to Mr. Orlikow?

Mr. Storie: Thank you, Mr. Chairperson, I have no further questions.

Mr. Chairman: Thank you, Mr. Orlikow, for your presentation.

Mr. Orlikow: Thank you very much.

Mr. Chairman: Is there anybody else that would like to make presentation to Bill No. 59? If not, then we will start with Bill No. 59, clause by clause. I would like to ask the Minister whether he has any opening comments to make before we go clause by clause.

Mr. Derkach: No, let us go right into it.

Mr. Chairman: Bill No. 59, Clause 1, The Public Schools Amendment Act. Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass. Mrs. Yeo.

Mrs. Yeo: I am lost already.

Mr. Chairman: No problem.

Mrs. Yeo: I have an amendment—

Mr. Chairman: To which one, Mrs. Yeo?

Mrs. Yeo: To Clause No. 7.

Mr. Chairman: Is it the will of the committee we go back to Clause 7? Agreed. Mrs. Yeo, do you have your amendment distributed? Good. Mrs. Yeo, will you please move your amendment.

Mrs. Yeo: I move

THAT clause 41(1)(s) of the Act, as proposed in section 7 of the Bill, be amended by adding "subject to the order of a court to the contrary" after "(s)".

THAT clause 41(1)(s) of the Act, as proposed in section 7 of the Bill, be amended by striking out "or to both the parent or guardian and the pupil where the pupil has reached the age of majority," and substituting the following:

or to a pupil who has reached the age of majority and, where the pupil gives written consent, to the parent or guardian of the pupil,

THAT clause 41(1)(s) of the Act, as proposed in section 7 of the Bill, be amended by adding the following to the end of the clause:

I would like to change what is proposed here, if I may, to read:

and every principal shall offer to designate an employee to assist a parent or guardian who is given access to information to interpret it;

(French version)

Il est proposé que l'alinéa 41(1)s) de la Loi, ainsi qu'il paraît à l'article 7 du projet de loi, soit amendé par insertion de "sous réserve de toute ordonnance contraire d'un tribunal," après "s)".

Il est proposé que l'alinéa 41(1)s) de la Loi, ainsi qu'il paraît à l'article 7 du projet de loi, soit amendé par substitution, à "ou au père, à la mère ou au tuteur et à l'élève dans le cas où ce dernier est majeur, les renseignements sur la situation de l'élève", de ce qui suit:

ou à l'élève si celui-ci est majeur et, dans le cas où cet élève donne son consentement par écrit, à son père, à sa mère ou à son tuteur, les renseignements concernant sa situation et

Il est proposé que l'alinéa 41(1)s) de la Loi, ainsi qu'il paraît à l'article 7 du projet de loi, soit amendé par adjonction, à la fin de l'alinéa, de ce qui suit:

chaque directeur est tenu d'offrir de désigner un employé chargé d'aider le père, la mère ou le tuteur qui a accès à des renseignements à les interpréter;

Mr. Chairman: Mrs. Yeo, I believe that—is that the will of the committee that we agree to the changes in this amendment which is before us? Mr. Storie.

Mr. Storie: Yes. Well, just for clarification, the last, the substantive part of Clause 41(1)(s) would be: And every principal shall offer to designate?

Mrs. Yeo: Yes.

Mr. Storie: Okay.

Mr. Chairman: Mrs. Yeo, would you please move that also in the English and French version.

Mrs. Yeo: I move that in both English and French.

Mr. Chairman: Pardon me, Mrs. Yeo, we will have to ask legal counsel. They have to now change this amendment also, this amendment to your amendment also in French. I am just wondering, what is the will of the committee? Should we have that changed and come back to this clause later? Is that the will of the committee? Mr. Storie.

Mr. Storie: Mr. Chairperson, I am prepared to pass this clause and we can come back to it. I simply want to say for the record that the Liberal Party is prepared to amend The Public Schools Act to require school

divisions, principals and teachers to do things, and yet they have indicated they are prepared to move to 80 percent funding with no requirements, no obligations, on private schools. This is inconsistent and it is hypocritical.

Mrs. Yeo: Would the committee care to hear our rationale behind these amendments, or are you willing to accept them as they are?

Mr. Derkach: Mr. Chairman, we are prepared to accept the amendment that has been proposed by the Liberal Party with regard to Clause 7, and I do not believe we require any explanation of it at this point in time.

Mr. Chairman: Is it the will of the committee to pass the amendment to Clause 7—pass; Clause 7 as amended—pass; Clause 8—pass; Clause 9—pass; Clause 10—pass. Mrs. Yeo, will you please read out the amendment.

* (2320)

Mrs. Yeo: I move

THAT section 48.1 of the Act, as proposed in section 10 of the Bill, be amended

- (a) by striking out “a teacher” wherever it appears, and substituting “an employee”;
- (b) by striking out “the teacher” wherever it appears, and substituting “the employee”;
- (c) in subsection (3), by striking out “teacher’s” and substituting “employee’s”;
- (d) in subsections (3) and (4), by striking out “the teacher’s school board” and substituting “the employee”.

THAT section 48.1 of the Act, as proposed in section 10 of the Bill, be amended by adding the following after subsection 48.1(4):

Definitions

48.1(5) In this section,

“employee” means an employee of a school board, school division or school district; (“employé”)

“employer” means a school board, school division or school district. (“employeur”)

(French version)

Il est proposé que l'article 48.1 de la Loi, figurant à l'article 10 du projet de loi, soit amendé par substitution, à chaque occurrence du mot “enseignant”, de “employé”.

Il est proposé que l'article 48.1 de la Loi, figurant à l'article 10 du projet de loi, soit amendé par adjonction, après le paragraphe 48.1(4), de ce qui suit:

Définitions

48.1(5) Les définitions qui suivent s'appliquent au présent article.

“employé” Employé d'une commission, d'une division ou d'un district scolaire. (“employee”)

“employeur” Commission, division ou district scolaire. (“employer”)

I move that in both French and English.

Mr. Chairman: Thank you, any comments? Mr. Minister.

Mr. Derkach: Mr. Chairman, I would like to indicate that we are prepared to accept this amendment as proposed by the Liberal Party.

Mr. Storie: Mr. Chairperson, here is another obligation being put on the public school without any obligation on the private school system. Here is another obligation that the taxpayers are going to be expected to accommodate, another example of hypocrisy, another example that the Liberal Party and the Conservative Party are prepared to undermine the public school system without putting the equivalent obligations on the private school system—it is a farce.

Mr. Chairman: The amendment to Clause 10—pass; Clause 10 as amended—pass; Clause 11—pass.

Clause 12 pass—Mr. Storie.

Mr. Storie: I move that Section 12 be struck out—

Mr. Chairman: Mr. Storie, do you have the motion in writing, the amendment in writing?

Mr. Storie: Are they being passed out separately?

Mr. Chairman: You may proceed, Mr. Storie.

Mr. Storie: I move,

THAT section 12 be struck out and the following substituted:

Subsection 60(5) repealed and substituted

12 Subsection 60(5) is repealed and the following is substituted:

Grants to private schools

60(5) Subject to subsection (8), the minister may pay to a private school by way of grants under the regulations in respect of instruction and services that are offered by the private school to children enrolled in the private school if the following requirements are met:

- (a) the private school teaches the same curriculum of core courses approved under The Education Administration Act as are required to be taught in public schools;
- (b) a teacher teaching a core course referred to in clause (a) holds a valid and subsisting teacher's certificate issued under The Education Administration Act and meets the same qualifications and requirements as a teacher who teaches the same course and grade in a public school;

- (c) a person in charge of a private school holds a valid and subsisting teacher's certificate issued under The Education Administration Act and meets the same qualifications and requirements as an administrator in a public school;
 - (d) the private school provides audited financial statements including information as to the source of all funds received by the private school for the two year period immediately preceding the year in which the private school applies for a grant under this subsection;
 - (e) the private school is registered in accordance with section 60.1;
 - (f) the private school has been in operation for a period of five years prior to receiving a grant under this subsection; and
 - (g) the private school is in compliance with such other requirements as may be prescribed by regulation.
- c) les personnes à la direction d'écoles privées sont titulaires d'un brevet d'enseignement valide et ont les mêmes qualifications professionnelles et remplissent les mêmes conditions que les administrateurs d'écoles publiques;
 - d) l'école privée produit des états financiers vérifiés faisant état de la source de ses fonds pour la période de deux ans précédant l'année de la présentation de sa demande de subvention en application du présent paragraphe;
 - e) l'école privée est enregistrée conformément à l'article 60.1;
 - f) l'école privée a exercé ses activités pendant cinq ans avant l'obtention d'une subvention en application du présent paragraphe;
 - g) l'école privée remplit toutes les autres conditions prévues par les règlements.

Regulations as to grants

60(6) The minister may make regulations respecting the making of grants under this subsection and prescribing requirements for the purposes of clause (g).

Transitional

60(7) If a private school received a grant under subsection 60(5) as it was set out in chapter P250 of the Re-enacted Statutes of Manitoba, 1987, in the twelve month period immediately prior to the coming into force of this subsection, the private school may apply for a grant under subsection 60(5) as it was set out in chapter P250 of the Re-enacted Statutes of Manitoba, 1987 for a period of two years from the coming into force of this subsection.

(French version)

Il est proposé que l'article 12 soit remplacé par ce qui suit:

Remplacement du paragraphe 60(5)

12 Le paragraphe 60(5) est remplacé par ce qui suit:

Subventions aux écoles privées

60(5) Sous réserve du paragraphe (8), le ministre peut verser, conformément aux règlements, des subventions à une école privée, pour l'enseignement et les services qu'elle offre aux enfants qui y sont inscrits, si les conditions suivantes sont remplies:

- a) l'école privée offre les mêmes cours de base que ceux que doivent offrir les écoles publiques en application de la Loi sur l'administration scolaire;
- b) les enseignants qui donnent les cours de base visés à l'alinéa a) sont titulaires d'un brevet d'enseignement valide et ont les mêmes qualifications professionnelles et remplissent les mêmes conditions que les enseignants qui donnent les mêmes cours dans des écoles publiques;

Règlements sur les subventions

60(6) Le ministre peut prendre des règlements portant sur l'octroi des subventions en application du présent paragraphe et fixant les conditions applicables aux fins de l'alinéa g).

Disposition transitoire

60(7) L'école privée qui reçoit une subvention en application du paragraphe 60(5) de la Loi sur les écoles publiques, chapitre P250 des Lois réadoptées du Manitoba de 1987, au cours de la période de douze mois qui précède l'entrée en vigueur du présent article est, pendant la période de deux ans qui suit l'entrée en vigueur du présent article, autorisée à demander une subvention en application du paragraphe 60(5) de la Loi sur les écoles publiques, chapitre P250 des Lois réadoptées du Manitoba de 1987.

Mr. Storie: Mr. Chairperson, the Minister has often chided me for not ensuring that private schools were accountable. I have said that although there were improvements through regulation, to the accountability of private schools during our reign, I have acknowledged that I regret the fact that I was not more vigilant in terms of my own responsibilities as Minister of Education. I fault myself for that, although I was Minister of Education for a relatively short period of time, I wish I had.

I remind the Minister of Education (Mr. Derkach) that during my tenure, private schools were receiving approximately 25 percent of that available to public schools, and this Minister and the Liberal Opposition in the 1988 election, promised to jump increase the funding by threefold without making any commitment whatsoever to increased accountability.

There can be no doubt that if we are increasing as we have increased funding to private schools to 50 percent, and if we are intending, as has been indicated by the Liberals and the Conservatives, to move to 80 percent, we cannot fail to increase accountability. The Minister's amendments, in my opinion, fail. They fail miserably, and we require this increased accountability,

both in terms of establishing it in The Public Schools Act and in terms of the regulations which are going to flow from this, the regulations which do now require or will be required under this Act and these amendments.

Mr. Chairperson, if we want increased accountability, then let us get it. I would like to think that if there is any seriousness in the Minister's statements and the statements by the Members opposite, that they will support these amendments.

* (2330)

Mr. Chairman: Mr. Storie, are you moving this in both English and in French?

Mr. Storie: Yes, indeed.

Mr. Chairman: Moved by Mr. Storie, shall this amendment to Clause 12 pass? All those in favour, say yea; all those against, say nay. The Nays have it. I declare this amendment defeated. Mr. Storie.

Mr. Storie: I have a further amendment to Clause 12.

Mr. Chairman: To the same clause?

Mr. Storie: Yes, Mr. Chairperson.

Mr. Chairman: Go ahead, Mr. Storie.

Mr. Storie: The amendments are being handed out right now.

Mr. Chairman: Go ahead, Mr. Storie.

Mr. Storie: Given that the amendment has not been approved, this section will be required to be renumbered. However, I move,

THAT Bill 59 be amended by adding the following after section 12:

Subsections 60(8) to (12) added

12.1 The following is added after subsection 60(7):

Moratorium on grants to private schools

60(8) The minister shall not make a grant to a private school under subsection (5) in an amount that is higher than the amount of a grant made to a private school for 1990 until

- (a) the report of the review committee referred to in subsection (9) is tabled in the Legislative Assembly; and
- (b) any increase in the funding relevant to private schools is approved by the Legislative Assembly.

Committee Review

60(9) The minister shall, within one month of the coming into force of this subsection, appoint a committee to review the impact of private school funding on the operation of public schools including but not limited to a review of the impact on

- (a) enrollment in public schools;
- (b) local property taxes;
- (c) government funding of public schools;
- (d) programming in public schools; and
- (e) special needs and disadvantaged pupils.

Committee members

60(10) The committee shall consist of five persons, including a representative from

- (a) the Manitoba Association of School Trustees;
- (b) the Manitoba Teachers' Society; and
- (c) the Union of Manitoba Municipalities.

Committee report

60(11) The committee shall report to the minister within six months of the coming into force of this subsection.

Tabling of report

60(12) The minister shall lay the report referred to in subsection (11) before the Legislative Assembly immediately if the Legislative Assembly is in session, or, if the Legislative Assembly is not in session, within 15 days of the beginning of the next ensuing session.

(French version)

Il est proposé que le projet de loi 59 soit amendé par adjonction, après l'article 12, de ce qui suit:

Adjonction des paragraphes 60(8) à (12)

12.1 La Loi est modifiée par adjonction, après le paragraphe 60(7), de ce qui suit:

Moratoire sur les subventions aux écoles privées

60(8) Le ministre s'interdira d'accorder à une école privée, en vertu du paragraphe (5), une subvention plus élevée que celle qui a été versée à l'école privée pour 1990, tant que:

- a) la rapport du comité de révision visé au paragraphe (9) n'aura pas été déposé à l'Assemblée législative;
- b) l'Assemblée législative n'aura pas approuvé l'augmentation, le cas échéant, du financement des écoles privées.

Comité de révision

60(9) Le ministre constitue, dans le mois qui suit l'entrée en vigueur du présent paragraphe, un comité chargé d'étudier les effets du financement des écoles privées sur les écoles publiques, notamment sur:

- a) les inscriptions dans les écoles publiques;
- b) les taxes locales sur les biens;
- c) le financement du gouvernement à l'égard des écoles publiques;
- d) les programmes dans les écoles publiques;
- e) les élèves défavorisés et ceux qui ont des besoins spéciaux.

Composition du comité

60(10) Le comité se compose de cinq personnes, dont:

- a) un représentant de l'Association des commissaires d'écoles du Manitoba;
- b) un représentant de l'Association des enseignants du Manitoba;
- c) un représentant de l'Union des municipalités du Manitoba.

Rapport du comité

60(11) Le comité produit, dans les six mois qui suivent l'entrée en vigueur du présent paragraphe, un rapport à l'intention du ministre.

Dépôt du rapport

60(12) Le ministre dépose immédiatement le rapport visé au paragraphe (11) devant l'Assemblée législative, si elle siège, sinon dans les quinze premiers jours de séance ultérieurs.

Mr. Chairman: Mr. Storie, are you moving this both in English and French?

Mr. Storie: Yes, Mr. Chairperson.

Mr. Chairman: Did you want to have any comments to this motion?

Mr. Storie: Yes, Mr. Chairperson, we have the spectacle of the Liberal Party in particular changing its mind on final offer selection. We have the spectacle of them suggesting that we kill final offer selection, and then study it.

Before we kill the public school system in Manitoba, let us think very carefully about what we are doing. The New Democratic Party cannot stand alone and fight the Liberals and the Tories who hold the majority of the seats in the Legislative Assembly. I can tell you that the 12,000 or 13,000 public school systems, including the thousands of teachers in the Seven Oaks School Division, are not very pleased with the Member for Seven Oaks (Mr. Minenko) at this point, nor are they very pleased with the Member for Sturgeon Creek (Mrs. Yeo), the Member for Radisson (Mr. Patterson), the Member for Niakwa (Mr. Herold Driedger) or any of the other Members of the Liberal Party.

Mr. Chairperson, the Education Critic from the Liberal Party, the person who is supposed to stand up and defend the public school system in this Party says, we will see. We will see when the public school system starts to deteriorate in her neighbourhood, what the reaction of her constituents are.

Mr. Chairperson, the Member for Sturgeon Creek (Mrs. Yeo) wants to enter debate and suggests it started under my tenure. I can tell the Member for Sturgeon Creek that under no circumstances would private schools be getting 80 percent of funding under our administration or my tenure as Minister of Education. I ask this committee to consider the logic of studying the implications of this major policy shift before we begin the process of dismantling the public school system.

Mr. Chairperson, the only recent issue where I have evidence that the Liberal Party has followed the practice of thinking before they have leapt is with respect to the Free Trade Agreement. Some Members of the Liberal Party had the foresight to say, let us study the impact of this; let us not jump into it. They have shown no such foresight when it came to final offer selection, or when it has come to the increased funding to private schools.

Mr. Chairperson, what I am suggesting is not that we cut off private schools from assistance. We are already at, according to the Minister's own figures, some 54 percent of what the public schools get. I am saying, does it not make sense, before we potentially ruin a system that has served Manitoba for 100 years, that we study it; that we examine it; that we at least consider the possibility that what we are about to do is undermine a system that has worked well?

Mr. Chairperson, if there is anyone around this table that believes that increasing the aid to private schools to 80 percent will not deteriorate or cause the public school system to deteriorate, they are dreaming. They are dreaming. The public school system is going to suffer; it already is suffering. We had before us a trustee from the Winnipeg School Division, who is not wholly unbiased, I will acknowledge, who has said that anybody that believes you can fund private schools to the tune of \$30 million a year or more, believes that does not affect the amount of money that is available for a public school system is also a fool—is a fool.

Mr. Chairperson, if we want to proceed to fund private schools, then at a minimum we should protect or at least examine the impact of that policy on the public school system. The public school system serves 95 percent of the people in this province. It serves them well. We should not abandon them in some cavalier way because of a political promise, not because there is any evidence to support a policy, but because it was a political promise.

Mr. Chairperson, we are heading in the wrong direction. The only way to stop it is to make sure that we have an independent group to study it. The Member for Seven Oaks (Mr. Minenko) continues to say it is theatre. He seems to think that it is funny that the Liberal Party is prepared to kill the public school system.

Mr. Chairman: Mr. Minenko, on a point of order.

Mr. Minenko: Mr. Chairman, the Member well knows the number of times he has spoken to me about things, about displays -(inaudible)- calling it a theatre. I am quoting his own words.

Mr. Chairman: A discrepancy over the facts is not a point of order. Mr. Minenko, that is not a point of order. Go ahead, Mr. Storie.

Mr. Storie: Mr. Chairperson, it is unfortunate that there are so many people in the Liberal Party who do not have the intestinal fortitude to stand up to their convictions. I do not believe for one minute that every single Member of the Liberal Party or for that matter, every single Member of the Conservative Party, believes that this course of action should be taken.

All I am asking is, let us give ourselves that right for a sober second thought. Let us give ourselves the luxury of having this considered in an independent manner before we jump. Let there be no doubt about it. If we refuse to act now, every day, every year we increase funding, the task of going backwards becomes more difficult, if not impossible. It is very much like the Free Trade Agreement in that way, that once you have gone down that road, once you are past a certain point, there is no going back.

Mr. Chairperson, the Minister of Education (Mr. Derkach) acknowledged the other day, or challenged, my figure of \$100 million as the real cost of increasing funding to 80 percent of private schools. I want the Minister to table the information in the House. I want to see whether he has considered the impact of increased enrollment. I want to know what happens when the enrollment in private schools goes from 10,000 to 15,000 to 20,000 to 30,000 to 40,000 to 50,000. What happens to the public school system? The Liberal education critic was a trustee in St. James school division. She and that Member should know better than most around this table the impact of declining enrolment on school divisions.

This policy is a guarantee of declining enrolment at our public schools. Mr. Chairperson, the issue of equity has been raised a number of times by the Members who support this, the equity in terms of parents. I remind Members opposite that in terms of equity there are very few private schools in rural Manitoba. There are virtually no private schools in northern Manitoba. The Minister of Education is prepared to spend \$30 million plus on private schools when they are not available in northern Manitoba. He is asking the taxpayers of the City of Winnipeg, the Winnipeg School Division to pay an additional \$100 to support the Winnipeg School Division and he is taking money out of general revenue which is supported by the taxpayers of that same school division to pay for this secondary school system.

* (2340)

This policy is going to create a two-tiered educational system in Manitoba. This policy over a period of time is going to create the situation that was raised by Mr. Orlikow. It is going to create a situation where our school system is segmented. It is not going to be a twin system, a public and a Catholic system as is common in other jurisdictions. It is going to be a multi-faceted system. It is going to be a system where the Minister of Education is going to be a rubber stamp for the creation of private schools that are based on characteristics we do not even want to think about. The provisions under this Bill give the Minister the right, in fact, the obligation to support private schools under conditions which provide really no limits whatsoever. It is not acceptable.

The fact of the matter is that the Liberal Party and the Conservative Party have not consulted, have not discussed this issue in any depth, at any length, with the people who represent those 200,000 public school students. It has been done because of a political commitment, it has been done for crass political reasons. It has been done because the Leader of the official Opposition (Mrs. Carstairs) and the Minister of Education (Mr. Derkach), for some reason, for their own reasons, support private schools. I do not know the Minister of Education, what his connections are. I certainly know what the Leader of the official Opposition's connections are to private schools.

Mr. Chairperson, the Member for Seven Oaks (Mr. Minenko) asked me if I had spoken to Mr. Penner, who has a child incidentally in a private school. I have no objection to private school. I never have had; I believe that parents should have that right to choose. But, like Mr. Orlikow, I do not believe that the public necessarily should fund those schools. I certainly do not believe that we should be increasing funding before we consider the impact on the public school system. That is what I believe.

Mr. Chairperson, I have moved an amendment. Before Members opposite vote on it, I would like to hear some rationale for turning such an amendment down.

COMMITTEE CHANGES

Mr. Chairman: Before I ask for the next speaker—Mr. Ed Helwer, you have a committee change?

Mr. Edward Helwer (Gimli): Do I have leave to make that committee change?

Mr. Chairman: Does he have leave? Mr. Helwer has leave. Go ahead, Mr. Helwer.

Mr. Helwer: I would like to appoint Mr. Ernst in place of Mr. Connery.

Mr. Chairman: Does the committee agree? Committee agrees.

Mr. Storie: I have another committee change.

Mr. Chairman: Do we also give Mr. Storie leave to make a committee change? Leave is granted.

Mr. Storie: I move that the Member for Elmwood (Mr. Maloway) be substituted for the Member for St. Johns (Ms. Wasylycia-Leis).

Mr. Chairman: Very good. Mr. Minenko, also a committee change. Does the committee give Mr. Minenko leave?

Mr. Minenko: Member for St. Boniface (Mr. Gaudry) for the Member for Radisson (Mr. Patterson).

Mr. Chairman: Agreed.

Mr. Chairman: Mrs. Yeo, you may proceed.

Mrs. Yeo: Mr. Chairperson, I was going to ask the Chair if this amendment was actually germane to the Bill, whether it was in order in the opinion of the Chair.

Mr. Chairman: Whether this amendment is legal to the Bill? I would imagine we would have to ask legal counsel for that advice. It seems to me that legal counsel indicates that it would follow in those parameters.

Mrs. Yeo: Thank you, Mr. Chairperson, I would like to make some comments about the amendment. I must say that I think some of the content has merit. I would have no difficulty at all and I am sure our caucus would have no difficulty with the suggestion that perhaps a study could be done. Where I have difficulty is actually legislating the study. I think that the concept of reviewing the impact of increased funding to the independent school system—may well have an impact on the public school system. I do not know.

I know that in Alberta what was found was that there was not a significant increase in the enrolment in the independent schools with the increase in funding to the independent or private schools. I would also like to suggest that when one looks at the amount of funding that for instance Balmoral Hall receives, because it is the first one on the list of the independent schools, that the funding that they receive from the Department of Education accounts for only around 28 percent of the actual cost to the school, that the parents, their tuition fees fund something like 72 percent of the operational grants for that particular school.

Although there is the move to increase the actual public funding, the tuition fees of these independent schools set them apart from the public school system. It will likely not assist parents if they do choose to send children to independent schools. The parents are still going to have to pay significant amounts in the way of tuition fees to many of the independent schools. Parents will choose to send their children to the Mennonite school, for instance, if they are from that particular persuasion, or to some of the other religious schools, and the tuition fees there will be requested at the time of enrolment.

I would like to see some sort of impact study. I would urge the minister and his department to consider following the recommendations, but I see no reason why it should be legislated.

Mr. Chairman: We have an amendment before us, Mr. Storie.

Mr. Storie: Thank you, Mr. Chairperson, I am pleased to hear the comments from the Member for Sturgeon Creek (Mrs. Yeo). Just in response, of course, there is no legislative reason why we cannot direct a study to be taken. It has been done on previous occasions. The Member for St. James (Mr. Edwards) recently moved an amendment recommending a study in terms of FOS which would have been a legislatively directed study.

So clearly we can make those kinds of amendments. I am pleased to hear the Member for Sturgeon Creek suggest that it may be reasonable to do it. Legislative Counsel have assured me that this is in order. It follows from Section 65, grants to private schools. It has to be renumbered but it certainly is in order, and I appreciate the support. I move the question.

Mr. Chairman: We have an amendment to Clause 7. All those in favour of the amendment, say yea. All those opposed to the amendment, say Nay. The Nays have it. I declare that the amendment is defeated.

Mr. Storie: A recorded vote, please.

Mr. Chairman: All those in favour, please raise your hands. Two. All those opposed, please raise your hands. Seven. I declare the motion defeated. Mr. Storie, another amendment. Mr. Storie, did you have another amendment?

Mr. Storie: Yes. I understand it follows the amendment that is being circulated right now. Mr. Chairperson, the amendment that is before us follows Section 12. It precedes my next amendment. I do have a further amendment in Section 12. The Member for Sturgeon Creek (Mrs. Yeo) has an amendment which precedes it and that would be the appropriate clause to deal with or amendment to deal with at this time.

Mr. Chairman: Mrs. Yeo, would you please read out your amendment at this time to Clause 12?

Mrs. Yeo: I move

THAT subsection 60(5) of the Act, as proposed in section 12 of the Bill, be amended by deleting "and" at the end of clause (b), renumbering clause (c) as clause (e) and adding the following after clause (b):

I have one slight change in (c)

- (c) the Department of Education has approved the core curriculum of the school;
- (d) the private school has a legally incorporated Board of Directors and an elected advisory board that
 - (i) includes at least three persons who are parents or guardians of children enrolled in the private school;
 - (ii) reports on the private school on a regular basis during the school year, and not less often than once in each school term, to the parents or guardians of students enrolled in the private school; and

That section 12 of the Bill be amended by adding—no, I am removing the bottom section. I am not going to propose the bottom section as indicated on the page, so it is just as read in both English and French.

(French version)

Il est proposé que le paragraphe 60(5) de la Loi, figurant à l'article 12 du projet de loi, soit amendé par

substitution, à la désignation d'alinéa c), de la désignation e), et par insertion, après l'alinéa b), de ce qui suit:

- c) que le ministère de l'Éducation a approuvé le programme de l'école;
- d) que l'école privée a un conseil d'administration légalement constitué et un conseil consultatif élu qui:
 - (i) comprend au moins trois personnes qui sont des parents ou des tuteurs d'enfants inscrits à cette école;
 - (ii) présente, de façon régulière au cours de l'année scolaire mais au moins une fois par trimestre, un rapport au sujet de l'école privée aux parents ou aux tuteurs d'enfants inscrits à cette école;

* (2350)

Mr. Chairman: So you are deleting from your amendment what is part of what has been circulated, the bottom two paragraphs. Is that right?

Mrs. Yeo: Yes, correct.

Mr. Storie: Mr. Chairperson, I too can count. I recognize what I consider to be tougher requirements in terms of the obligations on private schools have not been passed by the committee. I would like to request that the Member for Sturgeon Creek (Mrs. Yeo) consider one further amendment, a further clause, Clause (e), and that would be similar to Clause (f) in my amendment which suggests that a private school has been in operation.

Mr. Chairman: Mr. Storie, do you have that amendment in writing?

Mr. Storie: Yes, I do have, Mr. Chairperson, but let me explain first that what we are about here is amending the current Act to require further obligations on private schools. We have, according to the Minister's Bill, making sure that they are teaching some of the curriculum, a sufficient number of courses, that they are qualified teachers.

We have an amendment from the Member for Sturgeon Creek which adds that the Department of Education has approved the curriculum, indeed, that the private school has a legally incorporated board of directors and elected advisory board, and that et cetera. I am suggesting that we also add the obligation that the private school has been in operation for a period of five years prior to receiving a grant under this subsection.

The Minister's guidelines, and the Minister is saying that he wants to make sure that we have some regulations governing the incorporation, the development of new private schools. His guidelines, if memory serves me correctly, was to require two years of operation—the Minister can correct me if I am wrong—before they would be eligible for grants. I am

wondering if we could increase that requirement to five years which, I believe, would show certainly a greater level of support and continuing commitment on the part of students. I am wondering if the Member for Sturgeon Creek would entertain that as what I hope would be a friendly amendment.

Mrs. Yeo: Mr. Chairperson, I believe that what the Member for Flin Flon (Mr. Storie) has stated has merit although I would accept his amendment if it read "the private school has been in operation for a period of three years prior to receiving a grant under this subsection."

Mr. Storie: Mr. Chairperson, I have always enjoyed horse trading in public. Fine.

Mr. Chairman: Are you, Mr. Storie, prepared to make this amendment to the amendment?

Mr. Storie: Mr. Chairperson, I move—I am going to need legal advice here.

Mr. Chairman: Excuse me Mr. Storie. Legal counsel needs some time to prepare this amendment in both English and French.

Mr. Storie: Mr. Chairperson, to assist legal counsel, my amendment to Subsection 60(5), Clause (f) contains the appropriate wording in both English and French except that the word "five" would be now "trois", and it would follow the Member for Sturgeon Creek's amendment as Clause (e). We can move on and continue the debate while legal counsel drafts those amendments or that additional amendment.

Mr. Chairman: What is the wish of the committee? I would like to see that we would continue and have the written presentation before us, and then we could all read it over and approve it at that time. Would that be the wishes of the mover as well? Granted. Then we will come back to Clause 12 once legal counsel has prepared that amendment for us.

Mr. Derkach: Mr. Chairman, with the permission of the Member for Sturgeon Creek (Mrs. Yeo), I would like to address the amendment that she proposed in (d). I think there is a little bit of uncertainty as to what Subsection 1 and Subsection 2 refer to. I am wondering whether she would accept, perhaps, a modified wording that would clarify that particular situation.

Mrs. Yeo: I can see what the Minister is saying. The private school has a legally incorporated board of directors, perhaps could be (d) and maybe (e), an elected board that, and it is the elected advisory board that should include the 1 and the 2. I can see that the way the wording is now, and I apologize for the haste with which this rewording is put together, that the legally incorporated board of directors should stand alone and an elected advisory board would include No. 1 and No. 2.

Mr. Derkach: Agreed.

Mr. Chairman: The Minister agrees with that. So we will wait till legal counsel has drafted this amendment,

and then the Members can read it over and then we will come back to it clause-by-clause. Are those the wishes of the committee? Agreed.

Shall Clause 13 pass? Mr. Storie.

Mr. Storie: I still have a further amendment to Clause 12. Mr. Chairperson, I move—you are getting amendments, I will just wait for a second. No, I will begin reading.

Mr. Chairman: Is your amendment being circulated?

* (0000)

Mr. Storie: The amendment is being circulated.

I move

THAT Bill 59 be amended by adding the following after section 12:

Section 60.1 added—this would have to be renumbered.

12.2 The following is added after section 60:

Private schools to be registered

60.1(1) No person shall operate a private school unless the person and the private school are registered in accordance with this section and the regulations.

Application for registration

60.1(2) Every person operating or intending to operate a private school shall make an application for registration in writing to the minister in the form prescribed in the regulations and shall provide the following:

- (a) a copy of the curriculum offered by the private school including a detailed statement respecting each course of instruction;
- (b) information respecting educational practices and discipline at the private school including copies of any handbooks respecting same;
- (c) where the private school is in operation, audited financial statements for the year immediately preceding the year of registration including information as to the source of all funds received by the private school, and where the private school has not been in operation, projected financial statements including this information;
- (d) such other information as may be prescribed in the regulations.

Regulation respecting registration

60.1(3) The minister may make regulations respecting the registration of private schools.

(French version)

Il est proposé que le projet de loi 59 soit amendé par adjonction, après l'article 12, de ce qui suit:

Adjonction de l'article 60.1

12.2 Le projet de loi est amendé par adjonction, après l'article 60, de ce qui suit:

Enregistrement des écoles privées

60.1(1) Il est interdit d'exploiter une école privée à moins que la personne qui l'exploite ne soit inscrite et que l'école visée ne soit enregistrée conformément au présent article et aux règlements d'application.

Demande d'enregistrement

60.1(2) Quiconque exploite ou se propose d'exploiter une école privée doit présenter, par écrit, au ministre une demande d'enregistrement en la forme réglementaire contenant les renseignements suivants:

- a) une copie du programme d'études qu'offre l'école privée, y compris la description détaillée de chaque cours offert;
- b) les méthodes pédagogiques et les mesures disciplinaires que préconise l'école privée, y compris une copie des guides correspondants;
- c) si l'école est en exploitation, les états financiers vérifiés de l'année précédant l'année d'enregistrement, y compris la source de tous les revenus; si l'école n'est pas en exploitation, les états financiers prévus, y compris la source prévue des revenus;
- d) tous les autres renseignements prévus par les règlements.

Règlement sur l'enregistrement

60.1(3) Le ministre peut prendre des règlements portant sur l'enregistrement des écoles privées.

Mr. Chairman: Moved by Mr. Storie, and he moves that both in English and in French version. Mr. Storie.

Mr. Storie: Mr. Chairperson, this amendment clears up, I think, a problem that existed previously and still exists and that is that there are private schools operating in the province which are not registered which become known only by virtue of the fact that school divisions are losing students, losing personnel. This is an obligation I think that should be a minimum and it seems to be a fairly straightforward and not necessarily onerous obligation on private schools in the province.

Mr. Derkach: Well, Mr. Chairman, I would propose that this amendment is out of scope of the amendments being proposed here this evening, and I would ask you to rule on that.

Mr. Chairman: Mr. Minister and Members of the committee, I will have to rule that this amendment is out of scope. It is out of order because it is out of scope.

Mr. Storie: Well, Mr. Chairperson, we have been this route before. The fact that it may be out of scope or that the Minister may view it as out of scope does not mean that the committee cannot deal with the amendment as presented. We have on many occasions

included amendments which could have been ruled out of scope in fact, and perhaps technically were out of scope by the will of the committee. It is very convenient for the Minister to say, this is out of scope and dismiss it out of hand.

My question is to the Minister: is there anything conceptually wrong with this amendment? If the answer is no, then is there anything technically that would prevent us from incorporating this into the Act? If the answer is no, then obviously we should do it.

Mr. Chairman: Members of the committee, I have ruled on this amendment. Does the committee challenge the ruling of the Chairman? Mr. Storie.

Mr. Storie: Mr. Chairperson, I am not challenging the ruling of the Chair at this point. What I am asking is, the Minister has said technically he does not want to deal with this amendment. My question to the Minister is: what substantively is wrong with this amendment? What is the reason why the committee should not bring this amendment forward?

This committee has been breaching the Rules of the House technically all evening by making amendments to the membership of the committee. We are doing it by leave. We can introduce an amendment that is out of scope, by leave. My question to the Minister is: what is his objection to this amendment, his conceptual objection? That is my question. Does the Minister care to answer?

Mr. Chairman: Members of the committee, I have made a ruling and the ruling stands unless it is being challenged.

An Honourable Member: I challenge the ruling.

Mr. Chairman: All those in favour of my ruling, say yea. All those opposed to my ruling, say nay. I rule that the Yeas have it.

We will get back to Clause 12 on the amendment of Mrs. Yeo a little later on. We will go to Clause 13—pass; Clause 14—pass. Mr. Storie.

Mr. Storie: I have one final amendment on Clause 14, if I can find it. Mr. Chairperson, this is an amendment that I had indicated earlier to the Minister that I would be introducing.

Mr. Chairman: Do you have a copy of your amendment, Mr. Storie?

Mr. Storie: I have had copies ready for some time. I do not know if they are being circulated. Section 14, Termination of teacher designated as principal. I bring this amendment forward on behalf of The Manitoba Teachers' Society.

The amendment basically provides what I think is some reasonable protection to principals with respect to their transfers and/or their dismissal. The position of principal has not in the past received the same kind of legal protection as other positions in school divisions

when it comes to what may be arbitrary decisions on the part of school boards. I am not suggesting, nor is The Manitoba Teachers' Society suggesting that there are many instances where teachers have been denied due process, nor have there been many instances where principals have been mistreated, but there are some occasions where that issue is in question.

So I move

THAT Bill 59 be amended by adding the following after section 14:

Subsection 92(4.1) added

14.1 Section 92 is amended by adding the following after subsection (4).

Termination of teacher designated as a principal

92(4.1) Where the teacher referred to in subsections 92(3) and (4) is a teacher designated as a principal, the provisions of subsections 92(3) and (4) apply with such modifications as the circumstances require, except that the words "and subject to appeal as provided in The Arbitration Act" in clause 92(4)(e) do not apply.

(French version)

Il est proposé que le projet de loi 59 soit amendé par l'adjonction, après l'article 14, de ce qui suit:

Adjonction du paragraphe 92(4.1)

14.1 L'article 92 est modifié par adjonction, après le paragraphe (4), de ce qui suit:

Fin du contrat de travail du directeur

92(4.1) Les dispositions des paragraphes 92(3) et (4) s'appliquent, compte tenu des adaptations de circonstance, aux enseignants visés aux mêmes paragraphes et occupant un poste de directeur. Toutefois, le passage "et sous réserve de l'appel prévu dans la Loi sur l'arbitrage" à l'alinéa 92(4)e) ne s'applique pas.

What this basically does is it gives the principal the right to grieve, to have an arbitrator look at what may be considered wrongful dismissal or arbitrary transfer. Currently, teachers who feel they are mistreated in one way or another can grieve and have the issue finally go to arbitration. The Teachers' Society believes that principals who are moved should have the right to have the issue of their grievance looked at by an independent third party, someone who can arbitrate the dispute. They are not asking for any further remedy.

Under most circumstances, an arbitration award, an arbitration decision can be taken to the courts. The Teachers' Society is not suggesting or recommending that a grievance that is filed in the case of a principal's transfer or dismissal or removal should be taken that far, but they would like the principal to have the right to have a third party review the issue. I move it as a case of justice overlooked and recommend it to the committee.

Mr. Derkach: Mr. Chairman, with the greatest of respect for my colleague from Flin Flon, I would have to pose the same argument and request your ruling on this

particular amendment, in view of the fact that it is out of scope.

Mr. Chairman: I rule that this amendment is out of scope, and for that matter I rule it out of order. Shall Clause 14 pass—Mr. Storie.

Mr. Storie: Mr. Chairperson, I am going to challenge your ruling once again.

Mr. Chairman: All those in favour of my ruling, please say yea. All those who say nay, please say nay. I believe the yeas have it. All those in favour of the ruling, please raise your hands. Seven in favour. Opposed, please raise your hand. Two.

An Honourable Member: Three.

Mr. Chairman: Is he a Member? I declare the ruling carried and the motion defeated. Clause 14—pass; Clause 15—pass; Clause 16—pass; Clause 17—pass; Clause 18—pass. We will go back now to the Clause 12. The amendment to Clause 12, has that been circulated? Members of the committee, what is your wish? It will take about three, four minutes to get the amendment in both English and French; should we take a five minute break?

BILL NO. 60—THE EDUCATION ADMINISTRATION AMENDMENT ACT

Mr. Jerry Storie (Flon Flon): We have another Bill. We can just proceed and revert back to Bill 59? We could do Bill 60 right now.

Mr. Chairman: What is the will of the committee? Proceed. Bill No. 60, a very good idea. Bill No. 60, The Education Administration Amendment Act, Clause No. 1. Shall Clause No. 1 pass? Mr. Storie.

Mr. Storie: Mr. Chairperson, there are very few clauses in this Bill. I only intend to say that we will not be supporting Bill 60. It is tokenism. The real amendments and the real initiative to have private schools held accountable have been turned down in another guise by Members of the Conservative and the Liberal Parties. The committee can proceed, but we will not be supporting Bill 60.

Mr. Chairman: Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Clause 5—pass; Preamble—pass; Title—pass. Shall the Bill be passed? (Pass) Is it the will of the committee that I report the Bill? Agreed.-(interjection)- You are challenging—

An Honourable Member: No. Counted vote.

Mr. Chairman: Recorded vote? Okay. All those in favour say, yea. All those opposed say, nay. I say the yeas have it.

An Honourable Member: Counted vote.

Mr. Chairman: All those in favour, please raise your hands.

Clerk of Committees (Ms. Bonnie Greschuk): Eight.

Mr. Chairman: All those opposed, raise your hands.

Madam Clerk: Two.

Mr. Chairman: Two. I declare the Bill passed. Bill No. 72, The Securities Amendment Act.

An Honourable Member: Are we going to go to Bill 60?

Mr. Chairman: Bill 60, we just passed.

* (0010)

An Honourable Member: Or—I mean, 59. Clause 12 of 59.

Mr. Chairman: Is it ready now?

An Honourable Member: I do not know.

Mr. Chairman: Let us go to the next Bill -(interjection)- Oh, well now we need a break. Is it the will of the committee that we have a five-minute break?

An Honourable Member: Why?

Mr. Chairman: Because the Minister in charge of the other Bills is in the other committee. He will have to be out here. Bill 59, we are waiting for the English and French version which is not ready for us at the present time. With the will of the committee, we will have a five-minute break.

RECESS

BILL NO. 72—THE SECURITIES AMENDMENT ACT

Mr. Chairman: Securities Amendment Act, Bill No. 72, The Securities Amendment Act, Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass; Clause 10—pass; Preamble—pass; Title—pass. Shall the Bill be reported? Report the Bill. Is it the will of the committee that I report the Bill? Agreed.

* (0020)

BILL NO. 75—THE INSURANCE AMENDMENT ACT

Mr. Chairman: Bill 75, The Insurance Amendment Act, Clause No. 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass; Clause 10—pass; Clause 11—pass; Clause 12—pass; Clause 13—(pass); Preamble—pass; Title—pass; shall the Bill be reported? Report the Bill. Is it the will of the committee that I report the Bill? Agreed.

**BILL NO. 59—THE PUBLIC
SCHOOLS AMENDMENT ACT (Cont'd)**

Mr. Chairman: The amendment now to Bill No. 59, Clause 12, is being circulated. Mr. Maloway.

Mr. Jim Maloway (Elmwood): Mr. Chairman, the Member for Flin Flon (Mr. Storie) is not here at the moment, so I wondered if we could deal with maybe, go on to Bill 78, deal with Bill 78 and come back, no?

Mr. Chairman: No, unfortunately we cannot, but we would gladly wait if you so desire. This gives the Members on the committee time to read over the amendment. Mrs. Yeo, this amendment that we have before us now, that has been distributed now, is this now the amendment that basically replaces yours, with the corrections in it? Is that correct? Would I be able to ask you to withdraw the original and move this one please?

Mrs. Iva Yeo (Sturgeon Creek): I withdraw the original amendment and replace it with the amendment that reads:

* (0030)

THAT the motion to amend subsection 60(5), as set out in section 12 of the Bill, further be amended by:

(a) striking out clause (d) and substituting the following:

- (d) the private school has a legally incorporated Board of Directors;
- (e) the private school has an elected advisory board that:
 - (i) includes at least three persons who are parents or guardians of children enrolled in the private school;
 - (ii) reports on the private school on a regular basis during the school year and not less often than once in each school term to the parents or guardians of students enrolled in the private school; and
- (f) the private school has been in operation for a period of three years prior to receiving a grant under this subsection and has complied with clauses (a) to (d) for each of those years; and

(b) renumbering clause (d) as clause (f).

(French version)

Il est proposé que la motion portant amendement au paragraphe 60(5), ainsi qu'il paraît à l'article 12 du projet de loi soit de nouveau amendé

a) par substitution, à l'alinéa d), de ce qui suit:

- d) que l'école privée a un conseil d'administration légalement constitué;
- e) que l'école privée a un conseil consultatif élu qui:

(i) comprend au moins trois personnes qui sont des parents ou des tuteurs d'enfants inscrits à cette école;

(ii) présente, de façon régulière au cours de l'année scolaire mais au moins une fois par trimestre, un rapport au sujet de l'école privée aux parents ou aux tuteurs d'enfants inscrits à cette école;

f) l'école privée a exercé ses activités pendant trois ans avant l'obtention d'une subvention en application du présent paragraphe et s'est conformée aux alinéas a) à d) au cours de chacune de ces années;

b) par substitution, à la désignation d'alinéa c), de la désignation d'alinéa f).

Mr. Chairman: Mrs. Yeo, you will first—I believe we need a—

Mrs. Yeo: In both English and French.

Mr. Chairman: That is right, both in English and in French.

Mr. Mark Minenko (Seven Oaks): Mr. Chairman, just on a point of order on this. I am just wondering—

Mr. Chairman: On a point of order.

Mr. Minenko: —whether the (f) referred to in (b) should really be a (g)? Maybe if Legislative Counsel could advise us on that, whether at the bottom of the page where it says, (b) renumbering Clause (c) as Clause (f). There is a Clause (f) in the amendment. Should that be a (g)?

Mrs. Yeo: That (c) is referring to (c) in the original Bill which was -(inaudible)-

Mr. Minenko: Okay.

Mrs. Yeo: -(inaudible)- amendment now becomes (f).

Mr. Minenko: But what, Mr. Chairman, happens to the (f) in the—

An Honourable Member: It should be (g).

Mr. Chairman: Mr. Minenko, it seems to me you are correct with your change that you are referring to.

An Honourable Member: Mr. Chairperson, we do not need another amendment. This is a technical error.

Mr. Chairman: This is a technical error. Can everybody make that change on the amendment before you? Mrs. Yeo, I would like to go back to our confusion we had before. You should not actually have withdrawn your original motion.

Mrs. Yeo: I just did as I was told, Mr. Chairman.

Mr. Chairman: I realize; your instructions from the Chair were incorrect.

Mrs. Yeo: I accept your apology.

Mr. Chairman: So I would wish that you would propose your original amendment and then also as a subamendment, as has been read into the records. Would you be willing to do that, or do you take this as read?

Mrs. Yeo: I shall take this as read.

Mr. Chairman: Very good. Thank you, Mrs. Yeo. I would like to ask the committee whether you are prepared to pass the amendment which is proposed by Mrs. Yeo to Clause 12.

* (0040)

Mr. Jerry Storie (Flin Flon): Technically, we should pass the amendment that I made to her amendment, which was Clause (e) or (f), whatever it is renumbered to, before we pass the amendment.

Mr. Chairperson, apparently the amendment that I had moved as Clause (f) has been incorporated into the original amendment, although the record will show that this entire motion was moved by the Member for Sturgeon Creek (Mrs. Yeo). The record will now show, as a result of my comments, that the amendment (f) was in fact a subamendment to the original motion, but we will pass it as part of the original motion for the sake of convenience. We will move it as part of convenience.

Mr. Derkach: Mr. Chairman, I would propose that we vote on the subamendment that was proposed by Mr. Storie.

Mr. Storie: Fine, let us do it.

Mr. Chairman: I still would, for clarification, like the committee to first of all vote on the original proposed amendment by Mrs. Yeo. Is the committee in favour of that? After this is passed, we can go to the other amendment. We cannot amend this one unless we have passed this one. Is it the will of the committee to pass the subamendment to Mrs. Yeo's amendment? No? All those in favour of the subamendment moved by Mr. Storie?

Madam Clerk: One, two, three, four, five, six.

Mr. Chairman: All those opposed?

Madam Clerk: One, two, three, four.

Mr. Chairman: I declare that this subamendment by Mr. Storie is passed. Now to the amendment of Mrs. Yeo. All those in favour of this amendment? Agreed. Now to the original amendment by Mrs. Yeo. All those in favour of that amendment—the original amendment brought forward by Mrs. Yeo to Clause 12. Shall the amendment pass—(pass); Clause 12 as amended—pass.

Now we have a proposed amendment to Bill No. 59, The Public Schools Amendment Act, moved by Mr. Derkach.

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

(French version)

Il est proposé que le conseiller législatif soit autorisé à changer tous les numéros d'articles ainsi que les renvois nécessaires pour l'adoption des amendements faits par le présent comité.

That is moved by Mr. Derkach in both English and French. Is it the will of the committee to pass this amendment? Agreed.

The Preamble of Bill No. 59—pass; Title—pass. Shall the Bill as amended be reported? (Agreed) Is it the will of the committee that I report the Bill as amended? Agreed. Mr. Storie.

Mr. Storie: Mr. Chairperson, you all know we have important amendments (inaudible) There are some aspects of the Bill that are worthy of support. Those sections that pertain to grants with private schools are not satisfactory and amendments which were proposed, which would have made them satisfactory in the eyes of many people across Manitoba, have been turned down. For that reason we cannot support the reporting of this Bill even though as I say it has been amended in a positive way on at least one occasion.

Mr. Chairman: Thank you for those brief comments. We will now carry on to Bill No. 78. Members of the committee, we will have a five-minute recess before we go to Bill No. 78. The Minister is not available at the present.

* (0046)

RECESS

Mr. Chairman: I would like to call the committee back to order at this time.

COMMITTEE CHANGES

Hon. James Downey (Minister of Northern and Native Affairs): Mr. Chairman, I have a committee change: Mrs. Oleson for Mr. Ed Helwer.

Mr. Chairman: Mrs. Oleson for Mr. Helwer. Mr. Helwer, at the 52-minute mark. Is that agreed? Is there agreement in the committee to make that change? Agreed. Mr. Driedger, Niakwa.

Mr. Herold Driedger (Niakwa): Mr. Chairman, I too have a committee change. I move that the Member for Radisson (Mr. Patterson) replaces the Member for St. Boniface (Mr. Gaudry).

Mr. Chairman: Is that the will of the committee, that change? Agreed.

BILL NO. 78—THE PREARRANGED FUNERAL SERVICES AMENDMENT ACT

Mr. Chairman: Bill No. 78, The Prearranged Funeral Services Amendment Act. Clause No. 1—

Hon. Ed Connery (Minister of Co-operative, Consumer and Corporate Affairs): Just hang on a minute. We were going to let Mr. Patterson get back.

Mr. Chairman: Mr. Patterson, do you realize how important you are? You held this committee up for a couple of minutes. We shall proceed.

Clause No. 1 on Bill No. 78—pass; Clause 2—Mr. Minister.

Mr. Connery: I move, in English and French,

THAT clause 2(3)(a), as proposed by section 3 of Bill 78, be amended by adding “or her” after “him”.

(French version)

Il est proposé que la version anglaise de l’alinéa 2(3)a), ainsi qu’il paraît à l’article 3 du projet de loi, soit amendée par insertion de “or her”, après “him”.

Mr. Chairman: Mr. Minister, that is to Clause 3?

Mr. Connery: Clause 3—Section 3, yes.

Mr. Chairman: That amendment is to Clause 3. Is it the will of the committee to pass the amendment proposed by the Honourable Mr. Connery, that Clause 2(3)(a) as proposed by Section 3 of Bill No. 78 be amended by adding “or her” after “him”? Is it the will of the committee to pass the amendment—pass. Clause 3 as amended—pass.

Clause 4—Mr. Maloway.

Mr. Jim Maloway (Elmwood): Mr. Chairman, I would ask for leave to revert to Clause 3?

Mr. Chairman: Is it the will of the committee to go back to Clause 3? Agreed. Go ahead, Mr. Maloway.

Mr. Maloway: Mr. Chairman, I move,

THAT subsection 2(4) as proposed by section 3 of the Bill, be amended by adding “, nor canvas or solicit by telephoning or visiting private residential premises,” after “rest home”.

(French version)

Il est proposé que le paragraphe 2(4), ainsi qu’il paraît à l’article 3 du projet de loi, soit amendé par insertion de “Il est également interdit de téléphoner à une résidence privée ou de s’y présenter dans le but de vendre un arrangement préalable d’obsèques”, après “d’obsèques”.

For the Members of the committee, perhaps I could just read that in the context of the current Bill: notwithstanding the issuance of a licence, no person shall canvas or solicit a patient in a hospital, a resident

of a nursing home or a resident of a senior citizens rest home. Then we add in: nor canvas or solicit by telephoning or visiting private residential premises for the purpose of a prearranged funeral plan.

I believe that is somewhat consistent with what has been passed in B.C. recently.

Mr. Chairman: Mr. Maloway, did you read that into the record the way this amendment has been circulated?

Mr. Maloway: That is correct. That was my original—and for the committee’s benefit I read it in as it would tie into the Act.

Mr. Chairman: Very good. Are you moving that in both English and in French?

Mr. Maloway: I am, Sir.

Mr. Chairman: Shall the amendment as proposed by Mr. Maloway pass?

An Honourable Member: I cannot support it. I cannot support that.

Mr. Chairman: Okay. All those in favour of Mr. Maloway’s Bill, please say yea. All those opposed say, nay. I believe the Nays have it. It has been asked for a recorded vote. All those in favour, please raise their hands? Two in favour. All those opposed, please raise their hands? Eight opposed. I declare that amendment defeated.

Clause 3, as amended by the Minister—pass.

Clause 4—Mr. Maloway.

Mr. Maloway: I move, in French and English—I would ask the committee to allow me to dispense with the reading, because it is two pages long, and I believe the amendments were being handed out at the current time.

* (0050)

Just by way of explanation, I should tell you these particular amendments are supported by the Manitoba Funeral Association. The intent of these are basically to get rid of the ability of the licensee to retain the 12 percent they are allowed to do right now on new contracts only, under Section 4(2) of the Act.

MOTION:

THAT section 4 of Bill 78 be struck out and the following subsection substituted:

Section 4: repeal and substitution
4 Section 4 is repealed and the following is substituted:

Payments to constitute trust moneys

4 A licensee who enters into a prearranged funeral plan is trustee of all moneys paid under the plan, for the purposes for which the moneys are paid, until

- (a) the funeral services mentioned in the plan are provided in accordance with the plan; or
- (b) the moneys or any unused balance of the moneys are refunded to the purchaser or are paid to the personal representative of the purchaser, as the case may be.

THAT the following clause be added to Bill 78 as a new clause:

Transitional in respect of existing plans

4.1 Where, before the repeal of subsection 4(2) of the Act under section 4 of this Act, a licensee retains moneys under subsection 4(2) of the Act,

- (a) the licensee may continue to retain the moneys after the coming into force of this Act;
- (b) subsection 4(3) of the Act, notwithstanding its repeal under section 4 of this Act, continues after the coming into force of this Act to apply to the licensee in respect of the moneys retained; and
- (c) the new section 4 that is added to the Act under section 4 of this Act does not apply to the licensee in respect of the moneys retained.

THAT subclause 6(2) of Bill 78 be struck out and the following substituted:

Subsection 6(2) repealed

6.2 Subsection 6(2) is repealed.

AND THAT the following subclause be added after subclause 6(2):

Subsection 6(3) amended

6(3) Subsection 6(3) is amended by striking out "subsections (1) and (2)," and substituting "subsection (1)".

(French version)

Il est proposé que l'article 4 soit remplacé par ce qui suit:

Remplacement de l'article 4

4 L'article 4 est remplacé par ce qui suit:

Sommes en fiducie

4 Le titulaire de permis qui conclut un arrangement préalable d'obsèques est fiduciaire des sommes payées aux termes de l'arrangement, aux fins pour lesquelles elles ont été payées, jusqu'à ce que, selon le cas:

- a) les services de pompes funèbres prévus par l'arrangement aient été fournis conformément à cet arrangement;
- b) les sommes ou le reliquat non utilisé soient remboursés à l'acheteur ou remis à son représentant personnel.

Il est proposé que le projet de loi soit amendé par adjonction, après l'article 4, de ce qui suit:

Disposition transitoire

4.1 Le titulaire de permis qui retient des sommes en application du paragraphe 4(2) de la Loi, avant l'abrogation de ce paragraphe en vertu de l'article 4 de la présente loi:

- a) peut continuer à retenir les sommes après l'entrée en vigueur de la présente loi;
- b) demeure régi par le paragraphe 4(3) de la Loi après l'entrée en vigueur de la présente loi, malgré l'abrogation de ce paragraphe en vertu de l'article 4 de la présente loi, en ce qui concerne les sommes retenues;
- c) n'est pas régi par l'article 4 qui est ajouté à la Loi en vertu de l'article 4 de la présente loi, en ce qui concerne les sommes retenues.

Il est proposé que le paragraphe 6(2) du projet de loi soit remplacé par ce qui suit:

Abrogation du paragraphe 6(2)

6(2) Le paragraphe 6(2) est abrogé.

Il est proposé que le paragraphe 6(2) du projet de loi soit amendé par adjonction, après le nouveau paragraphe 6(2) de la Loi, de ce qui suit:

Modification du paragraphe 6(3)

6(3) Le paragraphe 6(3) est modifié par substitution, à "aux paragraphes (1) et (2)", de "au paragraphe (1)".

Mr. Connery: If I could question the Member, this amendment really says, there would be no administration fee at all for anything in the prearranged funeral situation, which would really rule out prearranged funerals. People would not get paid anything at all for their endeavours until the money was taken out. They would not get paid at all. In my consultations with the funeral homes and the association, nobody brought this in that this should be this way. So this has not been a consulted one with the industry, with me. I could not support this, because it says there is no administration fee. It would rule out prearranged funerals. I do not think that is in the best interests of people who want to have prearranged funerals.

We are wanting to secure the money people put into trust and which we are doing, a reasonable amount of administration fee of 12 percent. Then the rest goes into trust. The interest accrues to the account. The Bill really protects the consumer. But this one would almost eliminate prearranged funeral services. I do not think that would be in the best interests of the industry or in the best interests of the consumer.

Mr. Chairman: On the proposed amendment to Clause 4 proposed by Mr. Maloway, shall the amendment pass? All those in favour of the amendment, please raise their hands. Two. All those opposed to Mr. Maloway's amendment please raise your hands? Seven. I declare his amendment defeated.

Clause 4—pass. Clause 5—Mr. Minister.

Mr. Connery: Mr. Chairman, I move that, and I hope they are circulated now, are they?

THAT the proposed subsections 5(3) and 5(4), as set out in clause 5 of the Bill, be struck out and the following substituted:

Interest and income to purchaser

5(3) Subject to subsection (4), where a prearranged funeral plan fails to provide that interest and income earned on moneys paid under the plan are payable to the purchaser upon a payment of the moneys to the purchaser under clause 6(1)(a), the plan is deemed to so provide and a provision in the plan to the contrary is unenforceable to the extent that it conflicts with this subsection.

Transitional: existing plans

5(4) In respect of a prearranged funeral plan entered into before the coming into force of this section, subsection (3) does not apply in respect of interest or income earned on moneys paid under the plan where the plan expressly provides that the interest or the income, or both, is not or are not payable to the purchaser upon a payment out of the plan moneys to the purchaser.

AND THAT the proposed subsection 5(6), as set out in clause 5 of the Bill, be amended

- (a) by striking out "that accrues to,"; and
- (b) by striking out "by," and substituting "on".

(French version)

Il est proposé que les paragraphes 5(3) et (4), ainsi qu'ils paraissent à l'article 5 du projet de loi, soient remplacés par ce qui suit:

Intérêt et revenu payables à l'acheteur

5(3) Sous réserve du paragraphe (4), l'arrangement préalable d'obsèques qui ne prévoit pas que l'intérêt et le revenu provenant des sommes payées aux termes de cet arrangement doivent être versés à l'acheteur au moment du paiement visé à l'alinéa 6(1)a) est réputé prévoir ce versement. Toute disposition contraire de l'arrangement est inexécutable dans la mesure où elle est incompatible avec le présent paragraphe.

Disposition transitoire

5(4) Dans le cas où un arrangement préalable d'obsèques est conclu avant l'entrée en vigueur du présent article, le paragraphe (3) ne s'applique pas à l'intérêt ni au revenu qui proviennent des sommes payées aux termes de l'arrangement lorsque celui-ci prévoit expressément que l'intérêt ou le revenu n'est pas payable à l'acheteur au moment où les sommes payées aux termes de l'arrangement sont versées à l'acheteur.

Il est proposé que la version anglaise du paragraphe 5(6), ainsi qu'il paraît à l'article 5 du projet de loi, soit amendée:

- a) par suppression de "that accrues to,";
- b) par substitution, à "by," de "on".

The intent of the amendment was raised by Mr. Patterson and some other people that, would the people be getting a T45 on the interest on an annual basis. The purchaser of the plan would then be paying income tax on the interest accrued, then at the time that the money was used, would there be another double taxation. This really, all it does is ensures that there is no taxation on the interest accruing to the money put in trust until it is withdrawn by the purchaser or the funeral service is provided by the funeral home and at that point the money becomes income taxable.

Mr. Chairman: Shall this amendment as read into the records by the Honourable Mr. Connery in English be recorded in English and in French?

Mr. Connery: I move it in English and in French.

Mr. Chairman: Shall it pass—pass; Clause 5 as amended—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass; Clause 10—pass; Preamble—pass; Title—pass; shall the Bill as amended be reported? (pass). Is it the will of the committee that I report the Bill? Agreed.

Is it the will of the committee to rise?

An Honourable Member: All the Bills done?

Mr. Chairman: Committee rise.

COMMITTEE ROSE AT: 12:58 a.m. (March 15, 1990)