



First Session - Thirty-Seventh Legislature

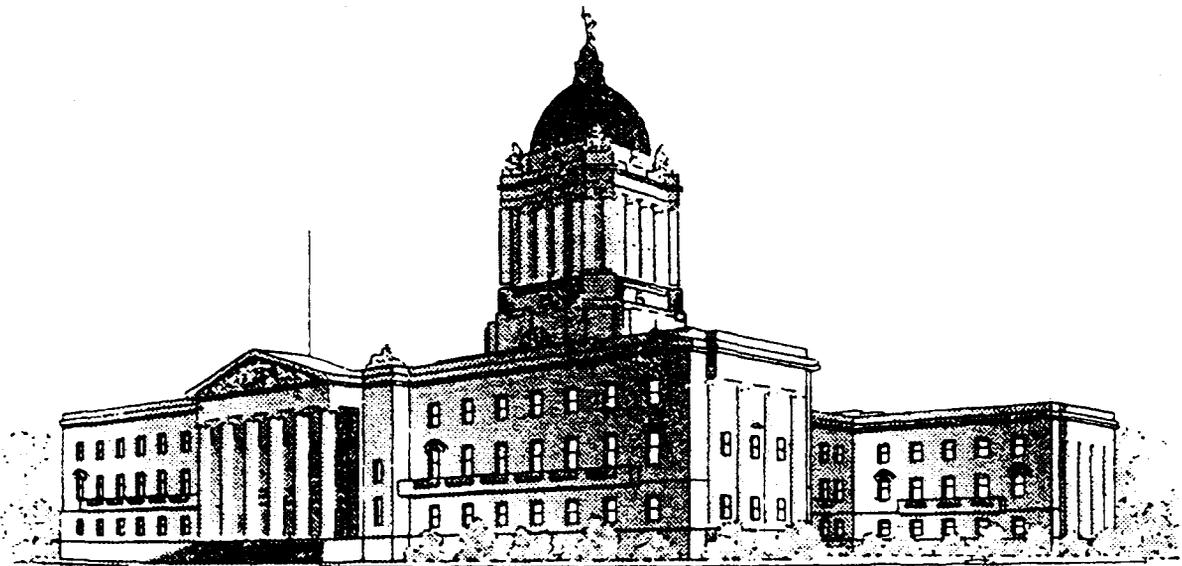
of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, August 9, 2000

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Bill 12—The Public Schools Amendment Act

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, I beg to present the petition of James Waldner, Rosa Waldner, Doug Johnston and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

Mr. Peter Dyck (Pembina): Mr. Speaker, I beg to present the petition of Anne Driedger, John Friesen, Susie Friesen and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mrs. Joy Smith (Fort Garry): Mr. Speaker, I beg to present the petition of Ian Mogilevsky, Deborah Mogilevsky, Shawn Humphries and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

TABLING OF REPORTS

Hon. Diane McGifford (Minister of Culture, Heritage and Tourism): I am pleased today to table the Annual Report of the Manitoba Centennial Centre Corporation for the year 1999-2000, and I am pleased today to table the Annual Report of the Manitoba Film and Sound Recording Development Corporation for the year 1999-2000.

Hon. Gary Doer (Premier): I wonder if there is leave to revert to Ministerial Statements for Peacekeeping Day, please?

Mr. Speaker: Is there leave to revert back to Ministerial Statements and Tabling of Reports?
[Agreed]

MINISTERIAL STATEMENTS

Peacekeeping Day

Hon. Gary Doer (Premier): Mr. Speaker, I have a statement for the House.

Mr. Speaker, I am pleased to rise today to recognize the proclamation of Peacekeeping Day in Manitoba. Peacekeeping Day pays tribute to the contribution of Canadians who over the past 50 years have served in peacekeeping operations around the world.

As Canadians, we can be especially proud of our role in creating the first United Nations Peacekeeping Force.

In 1948, UN peacekeeping began with an observer mission in the Middle East, but it was in 1956 that the first peacekeeping force was created in response to the Suez crisis. Lester Pearson, then the Canadian Minister of External Affairs, proposed a UN peacekeeping force to help preserve a truce which had been reached during that crisis. Since then, over 100 000 Canadians have served in over 40 UN peacekeeping missions. We are one of a handful of countries which the UN regularly turns to for peacekeeping assistance, and we regularly provide troops for these assignments.

In fact, peacekeeping has become an integral part of the Canadian foreign policy. Peacekeeping and peacemaking reflect our commitment to the UN and to finding multilateral solutions to international conflicts. Over the years, peacekeeping has evolved from an activity that had primarily involved military personnel to one that involves members of police forces as well as civilians working for agencies such as the Canadian Red Cross and Elections Canada. This increased involvement is part of the

changing mandate of the UN missions to include not only peacekeeping but peace-building activities which help to re-establish societies that have been torn apart by conflict.

* (13:35)

In Manitoba, we see this commitment to international peace efforts first-hand. Winnipeg's Second Battalion Princess Patricia Canadian Light Infantry is currently collecting relief supplies from Winnipeggers to help rebuild communities in Bosnia-Herzegovina, and members of the 17th Wing Winnipeg have recently returned from working with the UN contingent in Sierra Leone.

Of course, these activities are not without danger; 107 Canadians have lost their lives in peacekeeping missions. Twenty-six years ago, on August 9, 1974, nine Canadian peacekeepers died when their plane was shot down over Syria. August 9 was chosen as Peacekeeping Day to commemorate that tragic event.

In conclusion, I would like to recognize the efforts of the Canadian Association of Veterans in UN Peacekeeping, the Royal Military Institute of Manitoba and other veteran organizations who were instrumental in the proclamation of Peacekeeping Day. I would also like to acknowledge the support of all members opposite in recognizing the importance of peacekeeping.

There will be a ceremony marking Peacekeeping Day this evening, at seven o'clock, at the Cenotaph.

I also think it is important to pay tribute to the Canadian Horse that is located in Shilo that is also readying its troops to proceed to peacekeeping missions.

On behalf of all Manitobans, we pay our respects and offer our support to the thousands of Canadians who have taken part in peacekeeping activities. Thank you.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I would like to thank the Premier for that statement.

It was an honour for me yesterday to be able to rise in the House and speak to this particular resolution. As the daughter of an air force veteran, I recognize the value of the work that has been done by peacekeepers, soldiers in our country, people that have truly believed in democracy and have fought for it for all of us, not just here in Manitoba, but for Canadians and worldwide peace.

We certainly recognize and value what they have accomplished. I know yesterday when I spoke, I spoke about what it felt like, as a little girl, on November 11, to always go with my dad to the Legion, the significance that that always had, the pride I always felt in my father having been a veteran, and all of these Legion people around me who have taken such incredible pride in what they have been part of and what they believed in and fought for.

So when we have a special day like November 11 that had a poppy and a poem that we could all relate to, I think it is only in keeping with that, that we recognize too August 9 becoming the day to recognize the efforts of our peacekeepers who really give up a lot I think to meet the challenges that are placed before them. They leave their spouses, their children, their country, their home, their culture, their climate really to go someplace where they have in many instances probably no expectation of what they are going to and the dangers they are going to face.

I have a friend who just got back from Bosnia. He is with the RCMP, and I met with him briefly. He wants to have a longer talk with me, and he said, Myrna, you have no idea what it is like to be gone for a year like that and to be in that kind of a situation.

So, Mr. Speaker, certainly on this side of the House we were very pleased to support this particular resolution yesterday and respect and honour very much the peacekeepers of this province and this country and are very, very proud to be a part of an effort that is going to enshrine in our history August 9 as a day that is specially recognizing the incredible efforts put forward by this group of men and women. Thank you.

Hon. Jon Gerrard (River Heights): I ask leave to speak to the Premier's statement.

Mr. Speaker: Does the Honourable Member have leave? *[Agreed]*

* (13:40)

Mr. Gerrard: Mr. Speaker, I would like to join the Premier and other members of the Chamber in extending a tribute to all those Canadians who have contributed in one way or another to peacekeeping efforts around the globe and to celebrate their achievements, the results of their efforts, today on August 9.

Each of us, quite frankly, can rest easier here in Canada as a result of the efforts of peacekeepers, Canadians and others, who have worked around the globe to try and make a more peaceful world, a global society. Canadians can look back throughout our history, but most particularly from the time of Lester Pearson in the '50s to the recent and significant efforts of Lloyd Axworthy leading the effort to ban land mines and to clean up land mines around the world as part of an effort to make this a safer world for all citizens and particularly for children.

So, quite an important day. Let us remember this year after year as we thank those who have worked so hard for all of us.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us today members of the Manitoba Home School Association under the guidance of Mr. Gerald Heubner. This group is the guest of the Honourable Member for Portage la Prairie (Mr. Faurshou).

Also I would like to draw the attention of all honourable members to the Speaker's Gallery where we have with us today the pages who will be starting at the call of the next session. On behalf of all honourable members, I welcome you here today.

ORAL QUESTION PERIOD

J. M. Schneider Expansion

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): Mr. Speaker, yesterday when the Premier was asked some questions in this House around the status of the Schneider plant expansion, he sort of rambled and talked around in circles but did not answer the direct question.

Mr. Speaker, I would like to ask the Minister of Industry, Trade and Mines: What is the status of the Schneider expansion here in Winnipeg?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Mr. Speaker, I am pleased to respond to the question by saying that the plans are underway and there have been no changes.

Expansion—Environmental Hearings

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): Mr. Speaker, my supplementary question is for the same minister. In January, the Premier (Mr. Doer) committed to a Clean Environment Commission process with public hearings. My question is: Have those public hearings started, and what is the status of that Clean Environment Commission process?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): The process is going to be quite different from the previous process by the previous government where there was a staged environmental process. The plant was built before the environmental hearings were conducted.

That is not the case in this expansion and in fact what is going on right now is the livestock stewardship hearings that are being conducted all across the province. This is a process that is underway presently and I know that the companies have been monitoring, as well as the environmental movement. It is an opportunity to deal with a lot of questions and concerns that Manitobans have, I would say in a large part, by the process that was circumvented by the previous government.

Mrs. Mitchelson: Mr. Speaker, again this minister is rambling and has not answered the direct question. The direct question to the Minister of Industry, Trade and Mines is: In January, this government and this Premier indicated that Clean Environment Commission hearings, public hearings on the plant expansion were going to start. Has that process started?

Ms. Mihychuk: It is my understanding that the Clean Environment Commission will conduct hearings prior to the plant being built. This is a new process compared to the one conducted by the previous government which allowed the plants to be built before listening to the people of Manitoba.

* (13:45)

Elections Finances Act Amendments—Constitutionality

Mr. John Loewen (Fort Whyte): Mr. Speaker, in committee hearings we heard from several groups, including the Broadcasters Association of Manitoba, the Manitoba Community Newspapers Association, the Manitoba Chamber of Commerce, and others, that their legal counsel believes Bill 4 to be unconstitutional. Bill 4 takes away the fundamental rights and freedoms of individuals and groups. Today these groups are joined by the National Citizens' Coalition. I would like to ask the Premier why this government is rushing ahead with legislation that has been declared unconstitutional in other jurisdictions.

Hon. Gary Doer (Premier): The National Citizens' Coalition or the National Coalition, whatever it is called, did come here from Calgary today. Of course, we have tracked their activity. They are an organization that campaigned against the Canada Health Act. Is the Member opposite now saying that they are opposed to the Canada Health Act? They spent over \$800,000, not disclosing where they got their money, to defeat medicare in Canada. That is where members opposite are at, Mr. Speaker.

Mr. Loewen: Mr. Speaker, this is just one group of many that is opposed to this legislation as being unconstitutional. I would ask this Premier: Is his government prepared to use taxpayers'

money to defend legislation that is poorly written and unconstitutional, or will he get a legal opinion on the constitutionality of this bill?

Mr. Doer: In case the Member opposite has not paid attention in committees, yesterday I had a legal draftsman right beside me, and we have received advice on the Libman case and it is balanced between the issue of freedom of speech and the issue of the level playing field. The banning of union and corporate donations is a very positive step forward, we believe, in democracy. The allowance of third party, unfettered third-party advertising in between elections we obviously believe is a strong statement on freedom of speech. The clarification we believe was in the Act previously, but the amendment to ensure that third-party advertising is only limited when it is partisan against political parties or against candidates in political elections are the same rules that we live under in a free and democratic society.

The Member opposite talked about tax deductions. The National Citizens' Coalition received donations, does not reveal where they are from, gets a tax deduction and is opposed to the Canada Health Act. Are members opposite now in bed with the National Citizens' Coalition and against medicare in Canada? Let us come forward, Mr. Speaker.

Rural Health Care Facilities Report Tabling Request

Mr. Mervin Tweed (Turtle Mountain): What we are really for, Mr. Speaker, is freedom of democracy and freedom to speak.

The Minister of Health confirmed that he has revised the regional health authority template for the determination of minimal standards for acute care hospitals and has said he would distribute it to the regional health authorities, rural municipalities and other interested groups. I would ask the Minister if he has, indeed, shared his report yet.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as the Member probably knows, when the previous government was still in power, they put in place a process that would review minimal

standards with respect to hospitals and acute care facilities across the province. That group that was put in place by the previous administration prepared a report that has come to our attention.

I have indicated to members I would not do what the previous government did and hide reports and keep them from the public. We will make that report public after we have had an opportunity to review it adequately within the Department.

Mr. Tweed: Mr. Speaker, can the Minister, who confirmed in Estimates that he had the report and would table it and bring it to members opposite, please tell this House when the template will be finalized, if it has not already received final approval?

Mr. Chomiak: Mr. Speaker, if I started tabling reports that the previous government had kept under wraps, we would be in the Legislature for weeks and weeks and weeks. I indicated to the Member opposite during the course—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The Honourable Official Opposition House Leader, on a point of order.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): On a point of order, Mr. Speaker. *Beauchesne's* 417: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

If the Minister does not know where this new report of his is, he can just not answer the question.

Mr. Speaker: The Honourable Minister of Health, on the same point of order.

Mr. Chomiak: Yes, Mr. Speaker. The Member asks about tabling of reports, and I had indicated to the Member previously the report would be provided to members opposite. I am just pointing out that courtesy was not provided to us when we were members of the Opposition, year after year after year.

* (13:50)

Mr. Speaker: The Honourable Member for Turtle Mountain, on the same point of order, with new information.

Mr. Tweed: New information, Mr. Speaker. Communities are holding meetings to discuss the template and nobody has seen them.

Mr. Speaker: On the point of order raised by the Honourable Official Opposition House Leader, I would just like to remind all honourable ministers that *Beauchesne's* Citation 417 states that ministers should not provoke debate.

* * *

Mr. Speaker: I would ask the Honourable Minister of Health to continue with his answer.

Mr. Chomiak: Yes, thank you, Mr. Speaker. The reason that this report did come recently to our attention—and we are reviewing it, and we will provide it for public discussion and review because it is a very important report. It was commissioned when that government was in place, and we will provide it to the public because it is a very important issue.

I should tell you, Mr. Speaker, that one of the difficulties is when a draft was circulated, members of the Opposition were running around saying the NDP is closing hospitals, when it was a report, in fact, that was commissioned by the previous government.

Public Consultations

Mr. Mervin Tweed (Turtle Mountain): Mr. Speaker, can the Minister confirm whether he has planned any consultations on his rural hospital template so rural Manitobans can provide input, and when will they take place?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I think it is appropriate that the report that was commissioned by the previous government to deal with the issue should be provided. As well, the report that was commissioned by the previous government, in 1994, about rural hospitals, I think, we have

circulated, as well, for review amongst rural communities so they can provide their input in this regard.

Public Schools Act Amendments—Home Schooling

Mrs. Joy Smith (Fort Garry): Mr. Speaker, today we have in the gallery home schoolers from all across Manitoba, caring parents, committed parents, who want the right to home-school their children at home. This is a democratic right. Today in this House we have Bill 12 that has gone through committee. The amendments for the home-schooling population have all been turned down by members opposite.

Will the Minister explain to this House why it took a public rally, hundreds of letters, phone calls, faxes and people presenting themselves to him today for him to stand on the outside steps and say to the home schoolers of Manitoba that he will take more time to collaborate, when in actual fact he has already so-called collaborated, he has already turned down the amendments?

Hon. Drew Caldwell (Minister of Education and Training): Mr. Speaker, I am not certain of the question in there, although I do note that it took quite a while for it to be raised in the House here today. If it were such an important issue, I would have expected it would have been the No. 1 question on the members opposites' minds, but I note that it was not.

Of course, in Education and Training in the province of Manitoba, this government was left with a considerable mess in wide areas. Of course, Mr. Speaker, in resolving that situation, we are engaged in consultation and dialogue with people in the public school system, people in the post-secondary system, in the independent school system, in the home-schooling system. Today I had the pleasure to meet with a delegation from the home-schooling associations in the province of Manitoba. We had a very good discussion. It continues on the discussion that we had earlier in May. I am taking very seriously some of the requests that were made by the home schoolers.

Mrs. Smith: Mr. Speaker, if the Minister is taking seriously the concerns that the home schoolers have, will this minister commit in this House today to accepting the amendments that the home schoolers brought forward and put them into law?

Mr. Caldwell: Mr. Speaker, I made the commitment to review the concerns of the home schoolers and that is exactly what we intend to do.

* (13:55)

Mrs. Smith: Mr. Speaker, will this minister today make a commitment to the home schoolers? He has said he works in collaboration. Will this minister today accept the amendments that the home schoolers have so thoughtfully put forward in this House today?

Mr. Caldwell: Mr. Speaker, of course, that is just what I said in the previous statement.

Mr. Speaker: The Honourable Member for Russell, on a point of order.

Point of Order

Mr. Leonard Derkach (Russell): I think I heard the Minister, and correct me if I am wrong, indicate that he would accept the amendments that were proposed by the home-schoolers which were put forth by my colleague. I believe that yesterday the Minister voted against the amendments that were put forward by my honourable colleague the Member for Fort Whyte (Mr. Loewen). I would like him to explain this, Mr. Speaker.

Mr. Speaker: Order. The Honourable Government House Leader, on the same point of order.

Hon. Gord Mackintosh (Government House Leader): On the point of order, Mr. Speaker, first of all, it is my recollection from just yesterday that Bill 42 was called and there was a debate in this House on that bill, and the Opposition at no time had called Bill 12 yesterday.

Aside from that—[interjection]

Mr. Speaker: Order.

Mr. Mackintosh: Mr. Speaker, if somehow I am wrong on yesterday's sequence of bills, and I do not believe I am, it is not a point of order. The Member is getting up using a point of order purporting to ask a question of a minister.

Mr. Marcel Laurendeau (Opposition House Leader): On the same point of order, with new information, Mr. Speaker. The Honourable Member was referring to last week's committee hearing where this minister voted against the amendments brought forward by the home-schoolers. But this afternoon, this minister will have an opportunity to stand up in this House and vote for those same amendments today.

Mr. Speaker: Order. On the point of order raised, the Honourable Member does not have a point of order. It is a dispute over the facts.

I would like to take this opportunity to remind the House about the purpose of points of order.

A point of order is to be used to draw to the Speaker's attention any departure from the rules or practices of the House or to raise concerns about unparliamentary language. I would just like to remind all honourable members.

* * *

Mr. Speaker: The Honourable Member for Portage la Prairie, with his question.

Public Schools Act Amendments—Home Schooling

Mr. David Faurshou (Portage la Prairie): Indeed it is a confusing issue around Bill 12. I would like to ask the Minister of Education and Training in regard to a recent package that was sent to home schoolers requesting registration. I quote: "shall include information on the highest level of education and other related training possessed by the intended home-school instructor."

However, the Minister of Education indicated in the media that this was going to be voluntary information. Could the Minister

explain the difference between "shall include" and "voluntary," confirm whether home-schoolers must provide the information on their educational background, yes or no?

Hon. Drew Caldwell (Minister of Education and Training): I thank the Member opposite for his question. In the issue of home schooling in the province of Manitoba, since 1984, when there were 28 home-school enrolments, till this past year, when there were somewhere over a thousand home-school students registered, there have been varying practices undertaken by the members opposite when they were in government vis-à-vis the registration and information package.

Today during my meeting with the home-school association, I was quite surprised to get an understanding of the sporadic nature of in fact the registration packages being distributed throughout the province. Some years registration packages are sent out. Other years some of them were and some of them were not. There has been a very haphazard approach to the registration information of home schooling in the province of Manitoba, something, I might incidentally add, this bill seeks to rectify.

We had a very good meeting with the home schoolers today at lunch. I am taking the concerns that the home schoolers made to me today under consideration with my colleagues.

*(14:00)

Mr. Faurshou: I believe the question went unanswered. So I would like to pose a supplementary question to the Minister.

I would like to ask the Minister of Education, in regard to the new registration packages which his department sent out recently which reflected proposed amendments in Bill 12 and were being possessed by Canada Post in order that they be delivered to the home-schoolers when Bill 12 was still in committee, why he in fact is invoking something not yet passed by this Legislature?

Mr. Caldwell: Of course the re-registration packages and information packages have nothing to do with Bill 12. They are standard order

issued in the last week of July, first week in August, for return during the last week in August.

Last year, Mr. Speaker, they were determined registration be sent back by August 20. This year it is August 21. It is standard procedure for that process to take place during the summer months, because of course school begins at the beginning of September.

Mr. Faurschou: Again the question begs to be answered and yet goes unanswered. So I would like to ask a supplementary to the Minister of Education in regard to Bill 12.

Being that there are components within the registration package that directly relate to Bill 12 not yet passed by this Legislature, will this minister withdraw Bill 12?

Mr. Caldwell: In my discussion at lunch hour with the associations, the home-school associations, I made a commitment that I would review some of the requests that they had made, which incidentally are very different from having amendments put forth by opposition members for political purposes. I prefer to get my advice from individuals who are actually in the field.

Unemployment Rate Exclusions—First Nations

Hon. Jon Gerrard (River Heights): Mr. Speaker, yesterday the Premier (Mr. Doer) indicated that the statistics which show Manitoba has the lowest unemployment rate of any province are erroneous and misleading because they do not include people in First Nations communities. Yet last week the Premier was crowing about the same statistics, trying to make the case that Manitoba has the best unemployment record of all provinces. The Premier clearly cannot have it both ways. I ask the Deputy Premier (Ms. Friesen) if the Premier will be taking his case to modernize the statistics relating to unemployment to the premiers' conference. Will the Premier be seeking the support of other premiers for improvements in the gathering of unemployment statistics so that we can have a better and more accurate base on which to build?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Mr. Speaker, I thank the Member for the question. It is true that First Nations people are not counted in the statistics as they are formed right now, and that has a significant impact on the overall numbers as they are presented for Manitoba in particular. This issue is under consideration with the Manitoba Bureau of Statistics at the present time.

Health Care System Spending—Accountability

Hon. Jon Gerrard (River Heights): I ask my supplementary to the Deputy Premier (Ms. Friesen), whether the Premier will be taking the case for much better accountability in health care spending, as well as his request for lots and lots more money, to the premiers' conference.

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, we have been working together with all the levels of government and the federal government now for the last year in order to deal with the issue of renewing medicare and improving the situation vis-à-vis medicare. Two very useful things the Member for River Heights could do for us would be to urge the federal government to live up to the two commitments they made during the last campaign, of which I believe the Member was a part of cabinet at that time, and that is for a national Pharmacare program and a national home care program. It would go a long way toward assisting all of us in achieving our goals of renewing and improving health care in the province.

Children's Services Spending Priorities

Hon. Jon Gerrard (River Heights): My supplementary to the Deputy Premier. Government is about leadership. Yesterday the Premier (Mr. Doer) was talking about setting priorities for child care and taking that to the premiers' conference. I ask the Deputy Premier if she is also going to show leadership in indicating to us in what areas her government is going to spend less in order to provide more resources for children.

Hon. Jean Friesen (Deputy Premier): Mr. Speaker, I thank the Member for that question. The concern for children I think is one that is shared by all sides of this House, and I think the issues of poverty and of the health statistics which relate to poverty issues in every province are ones that also underlie the issue that the Member has raised.

I want to say to that member that I am very proud to be part of a government which has not only reduced property taxes but has included the largest increase in education funding that this province has seen in over 10 years, which has restored the funding to friendship centres, which has dusted off the 10 years of neglect and swept away that neglect and begun to deal with the Aboriginal Justice Inquiry that this previous government neglected. We have the first bursary program for students in this province in the last seven or eight years, cancelled by the previous government. We have—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Public Schools Act Amendments—Home Schooling

Mr. Peter Dyck (Pembina): In the middle of summer holidays, a principal bill, Bill 12, was introduced outlining the procedures and guidelines for home-schooling parents. This minister insisted that he undertook much collaboration with home-schoolers.

I would like to ask the Minister: Given the amendments were designed by the home-schoolers, and I would like to repeat that, designed by the home schoolers, I ask: Why did the Minister and the Government turn down every single one of these amendments?

Hon. Drew Caldwell (Minister of Education and Training): Of course, in legislative review there is an opportunity for public delegations to make presentations. There is a process that takes place. The amendments put forward by the Opposition were refused by members of government, as is their prerogative.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I am sure we all want to hear the question.

Mr. Dyck: I would like to have the Minister explain why the staff in his office insisted to home schoolers who made enquiries, that there were no changes in the registration package when in actual fact there were significant changes. Why did the Minister do this and mislead the home schoolers?

Mr. Caldwell: Of course, Mr. Speaker, there were no changes in substance with the questions that were asked by this year's registration packages with past year's registration packages. As I indicated earlier, under the stewardship of the previous government, there was an absolute mess in terms of registration information packages. Some years they were going out, other years they were not, some years they were scattered going out. There was no consistency in the process. We are aiming for some consistency in the process, with the children's interests at heart, in the public school system, in the home-school system, in the independent school system, in the post-secondary system.

I know that home schoolers themselves are very dedicated to this purpose. I congratulate them and share that concern with them.

Mr. Dyck: I do not think that is very consoling to those listening to you here. I ask the Minister: Will the Minister finally listen to home schoolers' concerns and either accept all their amendments or withdraw Bill 12 entirely, just withdraw it?

Mr. Caldwell: Of course we have heard the Opposition today talk about the National Citizens' Coalition and say holus-bolus, follow the advice of the National Citizens' Coalition. We have heard that vis-à-vis a number of different interest groups. It is passing strange that independent groups would be—

Mr. Speaker: Order. The Honourable Official Opposition House Leader, on a point of order.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): On a point of order, Mr. Speaker.

Beauchesne's 417: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

It is one thing for this minister to be challenging us on our opinions but to be challenging these home schoolers on their opinions on what they want brought forth for amendments, that is another thing.

* (14:10)

Mr. Speaker: The Honourable Government House Leader, on the same point of order.

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, on the same point of order. Points of order, of course, are available in this House to draw the attention of you, yourself, Sir, in the House to departures from the rules and the customary modes of proceedings. There was no departure from any customary mode of proceeding. The Minister was simply answering the question, answering a question, by the way, on Bill 12, which, for some reason, is a new-found interest of members of the Opposition raising it here today.

Mr. Speaker: The Honourable Member for Steinbach, on the same point of order, with new information?

An Honourable Member: No.

Mr. Speaker: On the point of order raised by the Honourable Official Opposition House Leader, I would once again like to remind all ministers of *Beauchesne's* Citation 417: Answers to questions should not provoke debate.

* * *

Mr. Speaker: I would ask the Honourable Minister to continue to finish his answer.

Mr. Caldwell: Thank you, Mr. Speaker. Of course, I have the highest respect for home schoolers and home-schooling associations. We consulted with the home-schoolers association before we drafted Bill 12, and we continue to consult with them as recently as an hour ago. During that discussion, which was a very fruitful discussion, I was illuminated to a number of

practices and procedures by the members opposite when they were in government that actually surprised me in terms of the distribution of information and registration forms. That concerns me very much as the Minister of Education for this government who desires some consistency.

The points raised by the home schoolers in their delegation with me today will be considered seriously.

Public Schools Act Amendments—Home Schooling

Mr. Jim Penner (Steinbach): Mr. Speaker, within my constituency I have a number of parents who have decided to exercise their democratic rights and freedoms to educate their children at home. I daresay, with respect to my colleague for Emerson, that I may have the greatest number of home schoolers in my riding. Now the Minister is trampling on their rights and freedoms.

Can the Minister of Education explain why home schoolers who have opted out of the public school system are required to have the local superintendent's signature on their children's registration forms?

Hon. Drew Caldwell (Minister of Education and Training): Mr. Speaker, again, I will refer to the fact that, in the Department over the past number of years, there were issues that were enforced from time to time and issues that were unenforced from time to time. Policies year in and year out were very different. It has not been a departure that superintendents have been asked to confirm the home-schooling situation. The reason for that, quite simply, is children in the province of Manitoba are required by law to attend school so they are not truant, and the superintendent's signature confirms that those students are getting an education.

Mr. Jim Penner: Mr. Speaker, this minister is consistently not listening.

How does the signature of the superintendent of the local school division guarantee home-schooled children they receive the best possible education?

Mr. Caldwell: Of course, Mr. Speaker, perhaps unlike the Member opposite, I consider it a fact that children who are being home schooled are getting the best possible education. The point of the exercise is to confirm that indeed they are getting an education.

Mr. Jim Penner: Mr. Speaker, what in-service training will home-schooling parents be required to take to meet the Minister's definition of the best possible education for home-schoolers?

Mr. Caldwell: Of course, Mr. Speaker, there are no plans to that effect.

Public Schools Act Amendments—Home Schooling

Mr. Jack Penner (Emerson): Mr. Speaker, the Minister of Education stated in the media on August 3, and I quote: Public school superintendents are responsible for ensuring children within the division are receiving an appropriate alternate education.

I ask the Minister: Since home schoolers have made a free and democratic choice to opt out of the public school system and educate their children at home, could the Minister of Education explain why he is interfering with the freedom by giving public school superintendents this watch-dog role?

Hon. Drew Caldwell (Minister of Education and Training): Of course, Mr. Speaker, if the Member cares to look, there was not a direct quote attributed to me in that regard, and in fact that was an erroneous response by the reporter. I cannot be held accountable, obviously, none of us can, for what is reported in the media. The role of the superintendent in this regard, as has been the case from time to time over the past number of years, is to confirm in fact the children are attending a school, a home school in this instance.

Mr. Jack Penner: Mr. Speaker, will the Minister outline his plans for dealing with home-schooled students if the superintendent or the Minister feel that a home-schooling family is not giving adequate instruction to their children? What are your plans, sir?

Mr. Caldwell: Mr. Speaker, I believe that the Manitoba Association of Christian Home-schools, the associations responsible for the home-schoolers, have the greatest interest possible in ensuring that children in home-school situations have the best quality education, the best possible education. I defer to their wisdom in that regard. When the Department is asked to help with resources or any such situation, we are more than pleased to assist when asked.

Public Schools Act Amendments—Home Schooling

Mr. Leonard Derkach (Russell): Mr. Speaker, we all know that home schooling is about choice. It is the choice by parents to educate their children in a forum which they feel is most appropriate for their children. Now this government is imposing limits within this right. It is violating the rights of these people.

I want to ask the Minister of Education why he is violating the democratic rights and freedoms of these parents as it relates to the education of their children.

Hon. Drew Caldwell (Minister of Education and Training): Of course, Mr. Speaker, that is the worst type of fearmongering and demagoguery that I have heard in this House. I am frankly appalled at such a statement. In no way are we interfering. In every way we are trying to assist and will so when called upon.

Mr. Derkach: Well, Mr. Speaker, if the Minister is true to his word, then I ask the Minister whether or not he will either accept the amendments that have been put forward by the Opposition on behalf of the home schoolers to Bill 12, or whether, if he will not accept those amendments, he will withdraw Bill 12?

Mr. Caldwell: I am feeling a little bit like a jack-in-the-box, Mr. Speaker, today.

We had a very good discussion at lunch with the home-schooling association. They presented to me a number of very salient points, not the least of which was the haphazard policies and procedures of the members opposite when they were in government.

As I committed to the home-schoolers, I will take into consideration the requests they made of me very seriously and be discussing that with my colleagues.

Nursing Profession Legislation Proclamation

Mrs. Myrna Driedger (Charleswood): Over one year ago, Royal Assent was given to The Registered Nurses Act, The Registered Psychiatric Nurses Act, and The Licensed Practical Nurses Act. This House supported each of these bills unanimously. In fact, the Member for Kildonan said that he, and I quote, "looks forward to its speedy passage and completion in this House."

Mr. Speaker, can the Minister of Health tell nurses, who are anxiously awaiting his response, when he plans to proclaim each of these laws or each of these acts into law?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, as I told the Honourable Member I think three or four times during the course of Estimates debates, and at least three or four times this question has been asked during the course of this session, we will proclaim those acts in due course with respect to that.

I might add, with respect to what nurses are waiting to hear, we delivered on the first two things, the diploma nurses program, which members opposite opposed, Mr. Speaker, as well as putting \$3 million into the re-education and training of nurses, which they were demanding. Those were the No. 1 and No. 2 demands of nurses in the province of Manitoba.

* (14:20)

Mrs. Driedger: Mr. Speaker, given that the regulations have been sitting with the Government for quite some time now, in fact it is probably a year's case in some instances, will this minister tell Manitoba nurses why he has failed to proclaim these acts immediately?

Mr. Chomiak: As I indicated to the Member during the course of the Estimates debate, there were ongoing discussions between all three professional organizations with respect to

regulations as recently as during the course of Estimates debate. In fact, we were in discussions with those.

But I want members opposite to know that what we have done, Mr. Speaker, is take proactive action on a nursing situation that was left to us in a drastic state by members opposite by launching our nurses' strategy.

For the first time in a decade we actually took concrete actions with respect to nurses, including a number of actions which members opposite not only did not do when they were in government but opposed. If we want to do something for nurses of Manitoba, they should support the diploma program, they should support the nurses' education program, they should support the quality task force that we set up to help improve working conditions of nurses, Mr. Speaker.

That is what we committed to. That is what we will deliver on.

Mrs. Driedger: Can this minister assure Manitobans that this ongoing delay is in no way politically motivated in order to garner leverage against any organization?

Mr. Chomiak: Mr. Speaker, as we indicated, when we came to office the state of nursing in Manitoba was in a very bad state. Morale was low. Vacancies were high. The previous government had fired 1000 nurses. We came into office and we listened to nurses. We delivered on what nurses asked us to deliver, that is, a diploma program, providing education funding to nurses, providing a quality task force, working on full-time employment for nurses and expanding positions for nurses, expanding coverage.

We put those actions in place. I wish members opposite would support the nurses of Manitoba and support us in those efforts rather than opposing our actions to deal with nursing, something that had happened in the past decade. We tried to turn it around, tried to work with nurses and work with patients because we want to deliver the best quality care to the patients of Manitoba. I wish members opposite would join us in order to do that.

**Public Schools Act
Amendments—Home Schooling**

Mrs. Joy Smith (Fort Garry): Mr. Speaker, today, with the home schoolers rallying and the Minister of Education stating that he is going to re-evaluate, and now he is going to listen, after all the amendments have been turned down, my question to the Minister of Education: Can the Minister shortcut this process and agree right now to accept the amendments, which originated from the home schoolers themselves, today in this House?

Hon. Drew Caldwell (Minister of Education and Training): Of course, Mr. Speaker, that is the oddest request I believe has ever been uttered in this Chamber. The process of legislation and implementing legislation is a responsible process; it is not something you pull from your sleeve. If the Member opposite is advocating ad hockery at its finest in this Chamber, I would say that we on the Government side of the House are having no part of it.

Mrs. Smith: Mr. Speaker, given that the Minister believes that it is an odd request to withdraw the amendments, can this minister today, in this House, guarantee that in the very near future, within a week or two weeks, those amendments will be accepted by this House and by this minister to demonstrate that he is listening to the home schoolers in this province?

Mr. Caldwell: That sort of process is more akin to making sausages than legislation. We are going to have no part of it here. I did make a commitment, as I have stated a number of times in this session, after my meeting with the delegation from the home-schooling association, which incidentally was a very thoughtful presentation that was made to me, that I would commit to them. I have said that in the House earlier today, that that commitment stands. I will review with my colleagues the legislation, and in due time we will come back to the Chamber.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Home Schooling

Mrs. Joy Smith (Fort Garry): Mr. Speaker, I would like to take this opportunity to

acknowledge the citizens in the gallery who have come to this Manitoba Legislature today to express their concerns regarding Bill 12 which deals with home schooling in the province of Manitoba.

These dedicated parents, who represent approximately a thousand home schoolers in the province, have made the democratic choice to educate their children at home. Home schoolers play an integral role in the educational mosaic here in the province of Manitoba, and we should be very proud that in our school system we have independent schools, faith-based schools, public schools and the option of home schooling our children.

Mr. Speaker, at one point in my career, I was fortunate to work with the home schoolers across the province. These parents are very deeply committed to ensuring that their children are progressing in both their academic and social development. I would like to commend them for their parental involvement in helping their children to achieve a high academic standard. Their commitment is further reinforced by the fact that they have come a long way today, some of them missing work, to ensure that this government receives their input on Bill 12.

I applaud the home schoolers here in Manitoba for their exemplary job they have done in ensuring that their children are receiving a high-quality education in the setting of their choice. We would like to thank the home schoolers for the very kind, thoughtful demonstration of bringing cookies to each and every member of the Legislature here today. We thank you collectively.

St. James Senior Centre

Mr. Jim Rondeau (Assiniboia): I rise today to highlight the work of the St. James Senior Centre.

I am really pleased to have been able to spend some time at the centre this summer. I would like to talk about some of the new and exciting programs that are available there. Some of the things that they are doing is they actually have a summer day camp for seniors who do not normally get out of the city or do not have a lot

of mobility. What they do is they have a week where people go to a barbecue at the park. They have some day trips. They have activities, different types of crafts, et cetera. They do a lot of special activities like going to the zoo, going to the Goldeyes game, going to farms, et cetera. I am very pleased that people have this opportunity, and I think it is wonderful.

* (14:30)

Some of the other things that are going on is, August 17, they are going to the Goldeyes. They are going on a trip to Minneapolis in August. Again, they are doing a unique thing: on September 13, they have their first annual golf tournament at Elmhurst. It is in partnership with Winnipeg Harvest. It is a charity golf tournament. The registration is \$150. What they are trying to do is they are going to help Winnipeg Harvest and also provide good activities for seniors and people in the community.

Both myself and the MLA for St. James (Ms. Korzeniowski) would like to congratulate the St. James Senior Centre on their efforts in all the programs they offer to the people of St. James and Assiniboia. I would like to congratulate them and thank them for their continued efforts.

Pioneer Days

Mr. Jim Penner (Steinbach): It gives me great pleasure to rise today in appreciation of volunteerism. An example of volunteers giving of themselves occurred again this past weekend.

On Friday afternoon, the annual Pioneer Days Parade was the kickoff for the annual celebration of the arrival of the Mennonites to southern Manitoba in 1874. This event is celebrated each year on the August long weekend at the Mennonite Heritage Village museum near Steinbach. The events have come to be known as Pioneer Days.

Last Friday afternoon, events and demonstrations began in full force. We started up the old steam engine and started threshing the wheat that was harvested. Actually, it was harvested last fall. The wheat, which was a food staple for the early settlers, was brought over from

European countries like the Ukraine and Russia and re-engineered to suit our climate and our growing season. This wheat is cut into sheaves, stacked and dried, and this weekend the hybrid red wheat was threshed. We used horses to move the sheaves and we used horses to move the grain and completed the harvest cycle.

Besides growing and threshing the wheat, a huge windmill, driven by air power, drives the flour mill, which stands at the centre of the museum grounds. The wheat is milled in these facilities and used in baking traditional loaves of bread. Traditionally, these ovens are built outdoors so that the homes do not heat up so much in summer.

Other demonstrations at the Pioneer Days included steam-powered lumber cutting, horse-shoe making, et cetera.

Mr. Speaker, again, I would like to thank the volunteers for making this weekend an excellent success. Thank you.

Jordan Tootoo

Mr. Scott Smith (Brandon West): It is my pleasure to stand today and give recognition to a young man from the community in Brandon. He was adopted into the community, and I think, Mr. Speaker, you might know him well, Jordan Tootoo.

He is a young man who has come from Rankin Inlet. He now plays with the Brandon Wheat Kings in Brandon and has been chosen to the under-18 hockey national team to represent us in Europe.

Mr. Speaker, this young man's story is incredible when you consider that just over three years ago this young man had never played any organized hockey in his life and had been picked up by a team in Alberta, in Bantam Triple A Hockey, at Spruce Grove, and Brandon's good luck was to recognize this young man's talent and have him into the city of Brandon to play.

This young man has come from not playing organized hockey a mere three years ago to playing with the Brandon Wheat Kings and now being drafted as one of 22 players across Canada

for the underage national team to represent us in Europe.

The national hockey scouts continue to recognize this young man's talent and many of the scouts are saying things like superb skating skills or recognized as one of the top four in Canada. At 17 years old, this young man carries himself with incredible dignity. He has confidence far beyond his years. He carries class as a representative from the community in Brandon that is being recognized.

We wish him all the very best in his tournament in Europe and all the best of luck in his chosen sport in a national hockey career.

Democratic Rights

Hon. Jon Gerrard (River Heights): Mr. Speaker, I stand to speak briefly about the democratic rights of citizens in Manitoba.

Surely one of the most important goals of our activities here in this Chamber should be to enhance and to promote the democratic rights of our citizens and to support the development and indeed the ability of citizens to participate in democratic processes.

Day to day, we have choices. We have seen what has happened in the last several months in this area in this Legislature. Just last week, on a presentation on Bill 4, a presenter from the Manitoba Association of Rights and Liberties called the approach being used in that bill scandalous in its attack on the rights and liberties of our citizens. Clearly, this government is going in the wrong direction.

We have seen in Bill 44, a movement back from a secret-ballot approach to an automatic certification with 65 percent, again, a reversal of the trend to more democracy, a movement by this government to take away the democratic rights of citizens.

Today we have many who are visiting who are concerned about home school and the democratic rights of parents to be able to school their children, to teach them and educate them at home. These are very important rights and rights

that we want to make sure are enhanced not diminished.

We have seen, in bill after bill taking away the rights of entrepreneurs, a concern that this government will move to diminish The Freedom of Information Act. Surely it is time to reaffirm, not to take away from democratic rights in Manitoba.

Introduction of Guests

Mr. Speaker: I would like to draw the attention of all honourable members to the loge to my left where we have with us Sid Green, former member for Inkster.

On behalf of all honourable members, I welcome you here today.

ORDERS OF THE DAY

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, first off, would you please call report stage on Bill 12?

REPORT STAGE

Bill 12--The Public Schools Amendment Act

Mr. Speaker: Report stage, Bill 12, The Public Schools Amendment Act (Loi modifiant la Loi sur les écoles publiques), standing in the name of the Honourable Member for Fort Garry.

Mrs. Joy Smith (Fort Garry): I move, seconded by the Member for Steinbach (Mr. Jim Penner),

THAT Bill 12 be amended in the proposed subsection 260.1(1), as set out in section 4 of the Bill,

(a) by striking out the section heading and substituting "Notification to minister"; and

(b) by striking out everything after "shall" and substituting "notify the Minister of the establishment of the home school."

Motion presented.

Mr. Speaker, I would just like to put a few words on record once again regarding Bill 12.

This is a very worrisome bill. It is a worrisome bill because members opposite have spent a lot of time talking about listening to home-schoolers, working in collaboration. As we know, there are significant amendments that have been put forward by the home school association here in Manitoba.

It is very important in a democratic society that we retain the right to freedom of speech and freedom of choice. Today it is a question of freedom of choice. I will put on record that home-schoolers should not be shackled by procedures and registrations that have the big brother government watching over what is happening.

It is very important today that members opposite realize the significance of the historical development of home schooling in Manitoba. We are talking about much more than that in speaking to the amendment. The notification to the Minister is very important as opposed to allowing people to have to inform the Minister. Sometimes the wordsmithing of words is very important, because without the correct words in a bill, it gives government carte blanche to make the decisions and put the heavy hand of government down on home schoolers.

* (14:40)

I am appealing to members opposite to reconsider this amendment. Instead of continuing to vote down this amendment, I am appealing to the Minister of Education (Mr. Caldwell) right now to reconsider his stand, and members opposite to reconsider their stand, and accept this very important amendment.

Mr. Leonard Derkach (Russell): Mr. Speaker, I, too, would like to put some words on record with regard to this bill and to this amendment.

Mr. Speaker, this bill, we have said from the very beginning, tramples on the rights and the freedoms of people who choose to home school their children. The Minister, in his answers to questions today, indicated that there were

inconsistencies in the way that registrations were sent out to home-schoolers throughout the years.

If the Department of Education was inconsistent in the way that it dealt with the registrations, then that was a very easy issue for the Minister to settle. He simply could have, and should have, instructed his department to ensure that the registration forms be sent out consistently by a particular date of the calendar year. That would have fixed the problem that he was alluding to today. He has not outlined any other problem within the Bill, within this particular issue.

Mr. Speaker, the Member for Fort Garry (Mrs. Smith) puts forward an amendment that has been agreed to or has been supported by home schoolers in this province, one where, instead of imposing on home schoolers that they must and they shall register their children, rather, this simply says that there be notification of their children being homeschooled within the province of Manitoba.

So, Mr. Speaker, I say to the Minister that this is a very simple amendment to accept. This is not an amendment that the Minister has seen for the first time, although he gives the impression that this is the first time he has seen this amendment. This amendment has been before the Minister for a minimum of two weeks. The Minister had adequate time to address this issue with home schoolers, had adequate time to address this issue with members of the Opposition but chose not to. We are in the dying moments of this bill. This bill is in report stage, moving through to third reading and then proclamation. The Government has the ability to change its mind if it wishes to.

Now I said "yesterday" when I was making the point of order; it was last week the Minister of Education in committee and his members of the Committee voted against these very amendments. They said these were not acceptable because they were politically motivated. What is politically motivated in this amendment? Would the Minister care to tell the House, would he care to tell the home schoolers what is politically motivated here in having the parents, instead of having an imposition on their

rights, rather, allowing them to notify the Minister of their children being home-schooled?

So, Mr. Speaker, I ask the Minister of Education to listen not necessarily to us as Opposition but listen to Manitobans, listen to the home-schoolers, listen to the people whose rights he is trampling on and ensure that indeed their rights and freedoms are protected and that democracy is restored in this instance and that this amendment be acceptable and adopted in this House by all members of this Legislature.

Mr. Jack Penner (Emerson): Mr. Speaker, just a few moments to put a few words on the record. This bill is very similar to a number of other bills in this House. This bill takes away an individual's rights and freedoms. That is what this bill is all about. This bill is very similar to Bill 4. This bill is very similar to Bill 42 inasmuch as it imposes upon the citizens of this province the heavy hand of dictatorial governing, and that is what this is all about. This is not asking people to do something; this is ordering people to do things.

I say to you, Mr. Speaker, that the people in the gallery today, I think, are serious about ensuring that their children will have the kind of education that will see them through life in more than just the fundamental educational agenda of this minister. These people want to teach their children what life is all about, and they want to include in that the normal process of teaching them how to read, to write, to equate, teach them about the sciences and how those sciences, in fact, interact with God's plan. That is these home-schoolers. That is the kind of education they want to impose upon our children.

I think those values are what we support on this side of the House and implementing those values in legislation is what the amendments are all about, allowing parents the freedom to teach their children the way they think children should be taught, to fear both the law, to fear God, and to respect and honour the country, and that is what these people up there are all about and I ask that we support this legislation.

Mr. Daryl Reid (Transcona): I move, seconded by the Member for St. Vital (Ms. Allan), that debate be adjourned.

Mr. Speaker: It has been moved by the Honourable Member for Transcona, seconded by the Honourable Member for St. Vital, that debate be adjourned. Agreed?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: Order. All those in favour that debate be adjourned, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion the Yeas have it. The motion has been defeated.

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

Mrs. Smith: I move, seconded by the Member for Emerson (Mr. Jack Penner),

THAT Bill 12 be amended in the proposed subsection 260.1(2), as set out in section 4 of the Bill,

(a) in the section heading, by striking out "registration" and substituting "notification"; and

(b) by striking out "register the home school, in a form approved by the minister," and substituting "notify the minister about the home school".

Motion presented.

* (14:50)

Mrs. Smith: Mr. Speaker, this 260.1(2) amendment is of crucial importance to the home schoolers across Manitoba. As I was previously explaining to members opposite and to the

Minister of Education (Mr. Caldwell), it is very important that the wordsmithing of the specific words in a bill are very carefully put forward. Registration is not what the home schoolers prefer nor want. Substituting the word "notification" gives home schoolers the option, it gives home schoolers the right, in a very respectful manner, to let the school division know, let the Minister of Education know, that the children are being home schooled without this heavy-handed word "registration." It is a very offensive, I daresay, a very untimely kind of phrase to put in "register the home school in a form approved by the minister."

I need to put on record at this point in time that this is an extremely harmful amendment because of what has happened in the last week, week and a half, here in this House. In committee I was witness to the fact that home schoolers came forward. They put forth their concerns. They wanted to work in collaboration with the Government. They continue to want to do that. They continue to want to be heard. But to register in a form approved by the Minister: when the Minister was asked in committee about the form, he said there is no form. He said there is nothing that is new.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Mr. Deputy Speaker, I want to put on record, I was in charge of the home-schooling program, with Mr. Art Rempel, for years. This side of the House takes offence at the fact that there is a form that has to be approved by the Minister, without telling the home schoolers what is going to be on this form, and then the pre-registration package arrives suddenly before the Committee has finished. Before the ink is dry on the paper, it arrives at the home schoolers' place of residence, and they are talking about a form. Not only that, the pre-registration package has a whole lot of other things in it. This minister opposite said there was no reflection on Bill 12. Bill 12 has a section in it that states that the superintendent has to sign off on these home-schoolers. This was in the pre-registration package. I saw this myself.

There is a gross falsehood in this House in terms of what is really going on with these home

schoolers. The very essence of democracy is in question at this point. And then to suggest in all the time I was in charge of home schoolers, no parent was asked for their level of education. To be quite frank, that is none of our business. These people here are the people, if all the citizens in Manitoba were as committed, as dependable, as kind, as loving as these home-schoolers are, we would have no problems. So I want to put these comments on record. I implore this minister to accept this amendment. Thank you.

Mr. Ron Schuler (Springfield): It is with great concern that I get up at this moment in this House and deal with this particular amendment to a bill. We should not even be here, Mr. Deputy Speaker, debating this. These amendments should have been accepted. They were put forward by the community that is affected the most by this particular legislation. We on this side of the House supported the amendments and we should have had the support of the other side of the House and all of this would have been not necessary.

The home-school option is a true freedom, and for myself and my wife, Tanya, we have three children who are going to be entering the school system. We have decided not to use that option, but you know there might come a time when we would like to use that option, and I have seen where parents have done it for a year. They have pulled their children out for just one year, have given them that home schooling for whatever reasons and then have put them back in the public school system, have gone to private schools, but it is a fundamental freedom. It is a good freedom and the results are always outstanding.

So then the question has to be what exactly is the Minister and the Government trying to fix, and we seem to see this with bill after bill after bill. The motto of the Government is, if it ain't broke, break it. That seems to be the motto of that government and I say shame on them. This bill really should be withdrawn. If there are some regulatory things that have to be changed, do it within the Department. If there is a problem with the mailers going out, with registration kits, do that internally. You do not need legislation to deal with that kind of a thing. Tell your staff, tell

your department to get the mailers out. Why are we trying to club this issue with a big bill?

Mr. Deputy Speaker, I can tell you that the home schoolers, and I have met lots of them and I happen to have met a lot of them today, these are decent individuals. They have great relationships with their communities. They are strong supporters of our society.

I happened to be able to meet and deal with a lot of them when I was chairman of the Board of River East School Division, and you have not met a more respectful group of people than the home schoolers. Why are we trying to tie their hands? Why are we trying to make life more difficult in using this kind of draconian legislation that we have seen time and time again, whether it is with labour, whether it is with the finances act. It does not seem to matter, it is always the big club.

You know what? We do not need this kind of legislation. They have been one of the most respectful groups when it comes to governing in Canada. They are very supportive of governments in Canada, whether it be at the civic level, at the provincial level, or the federal level. When we hear in this House that they are listening and that they are going to look at amendments, their idea of listening and their idea of amendments is running the Bill through spell check. That is the kind of amendments they talk about.

They do not mean real amendments. They do not mean real change. They are on an agenda. It is a wrong agenda. It is going to hurt this province, whether it is this bill or the other ones in front of this House. I would recommend that not just should we be calling for amending it, the Minister should have the honour and the courage and withdraw bad legislation. Go back to the groups that it is going to affect. Sit down honestly with them. Sit down with integrity with them and go through the Bill. If something has to be fixed, perhaps it can be done by regulation, but this bill is wrong. Thank you.

Mr. Speaker in the Chair

Mr. Peter Dyck (Pembina): First of all, I want to support my colleague in the amendment of this bill that she has proposed. On the other

hand, though, I would consistently go on record as saying that I would really like to see this Bill 12 withdrawn.

Further to that, this is a matter of democracy and for rights and freedoms for people within our communities. I see a continuous underlying theme that is being presented by this government and by the policies that they are bringing forward to Manitobans. That is one of concentrating the leadership, concentrating the decisions that are being made within a central point and taking away the ability for local communities, for people within the local communities to make those decisions that they need.

Mr. Speaker, that is what I object to in this. They are taking away the ability for the families, for the parents of their children to make the decisions that they need to make in order to be able to teach their children in the way that they feel comfortable and also in the way they feel that they should be doing this. So I cannot in any way respect nor can I approve of the way that this government is dealing with this.

* (15:00)

Further, they come today in the House, during Question Period they indicated that this was something that was now political and that in fact these amendments were being brought forward just because we as politicians wanted it. These are the amendments that came originally from the parents who have home-schooling children. I do not understand where these people are coming from. Obviously they do not want to listen. They have no intentions of listening.

Mr. Speaker, further to that, it reminds me very, very much of the socialistic countries, where they feel they had the mandate to train children from the cradle to the grave, like, give them to us and we as a state are going to look after them. That takes away the fundamental right of parents to be able to educate the children the way they should. So I support this amendment. On the other hand, I come back and I indicate that I would like to see this bill withdrawn.

I think today again has been a very clear indication of what this minister has seen and

what the Government has seen. I would appeal to them to do that. Thank you very much.

Mr. Derkach: Mr. Speaker, I just want to put a few comments on record with regard to this bill. What is this minister doing? What is this government doing? We saw them just stand the debate on an amendment to this bill. Here is a government that was prepared to pass this legislation by defeating all the amendments that were proposed, and now, in the report stage of the Bill, all of a sudden we have a member in the opposition standing who did not stand to debate this bill in the other sections of the Committee nor in the other stages of this bill, stands at report stage and says: I would like to stand this bill. What is this government doing? This is a member of the Government.

Mr. Speaker, obviously this government does not have its act together. This government and this minister do not know where they are going with this legislation. We said from the very beginning that this legislation was flawed, this legislation was wrong. We told the Minister that. We asked the Minister to withdraw this bill because there was no intent for this bill to really help home-schoolers or anybody in this province.

I ask the Minister: What have home schoolers done to provoke the Minister to be able to motivate him to bring in this kind of draconian legislation? What have home schoolers done to this minister to motivate him to do this?

It appears that this government is prepared to attack many sectors in our society, and we do not know what reasons they are using to attack these sectors in our society, and this is just the first term of this government.

Mr. Speaker, we are asking, the home schoolers are asking, through the amendment that we are proposing to this legislation, and that is the only way that we can bring in amendments, by consulting with the home schoolers and then bringing these amendments forward. They actually reflect the wants and desires of home-schoolers. Now we are asking the Minister and the Government to look at this amendment and to tell us what is wrong with it.

If the Minister, or any of the government members feel that there is something wrong with this amendment then tell us what is wrong with it. Tell the home schoolers what is wrong with this amendment. But now, in report stage, this government has decided to stand these, and what reasons they have given we do not know, because they are giving us no reasons, simply that they want to stand this legislation.

I wonder, is it so that they can clear the galleries of this Legislature and then have this debate in the House after the galleries are cleared? Is that the intent of this government, and is that a way of ramming through this legislation? I am appalled that in an amendment that my colleague, the Member for Fort Garry (Mrs. Smith) brought forward, the Government would actually stand the amendment. I do not know if it has ever happened in this House. Not to my memory. I have never seen an amendment put forward by the opposition be stood by the members of government. So, Mr. Speaker, I have to tell you that I am confused about what direction this government is taking with this bill.

The Minister, on the steps of the Legislature—I was there, and so were members of my caucus—told home schoolers today that this bill would not be voted on today. What did he know? What was he saying to them? The Order Paper and the agreement between the Government House Leader and the Opposition House Leader was such that this bill would be dealt with today in report stage, and yet the Minister said we will not vote on this bill today. I think it illustrates very clearly that there is mass confusion in the midst of the Government today with regard to this legislation and with regard to this bill.

I think this amendment is straightforward. This amendment simply says that the Minister should be notified, and I agree that the Minister should be notified when a child is being home schooled. There is nothing wrong with that. Instead of the Minister putting the big hand of government onto home schoolers, this simply says that home schoolers still have the right to educate their own children, but they do have to notify the Minister that, indeed, they are home-schooling their children.

Mr. Speaker, this amendment is straightforward, and I ask the Minister to accept, if he cannot accept the first amendment, to at least acknowledge that he will accept this amendment on behalf of the people of this province and on behalf of home schoolers of this province.

Mr. David Faurichou (Portage la Prairie): I rise today and speak to the Assembly in support of this amendment to Bill 12. I had the privilege of being present at the committee hearings in regard to Bill 12 and heard on numerous occasions the importance that the home educators place on curriculum and education of their young people. It was totally amazing the dedication and commitment shown by the presenters at that committee. Without question in any one of our minds of those that were there that evening, they are completely, utterly dedicated to their children's welfare and that their children receive an education above and beyond what they would receive in the public school system.

In fact, Mr. Speaker, one of the individuals that was speaking here, Mr. Gerald Huebner, indicated that through testing home-educated students scored an 82 percentile in the standardized testing, far above the public school percentile, the national average, or norm, at 50 percentile. Without question, home schooling is working.

Bill 12 is not a bill that we want to see on this side of the House passed as it exists today. We see the merits in regard to one wanting to, in fact, make certain that home education is of quality. However, Bill 12 without these amendments is flawed and should be withdrawn failing the amendments being passed by this House.

Mr. Speaker, I want to draw the attention of all honourable members to the questions I asked earlier in the day in regard to the registration packages that have put forward some of the points which we speak of this afternoon, and registration giving the impression that Bill 12 is already law, that being passed by this Legislative Assembly.

I want to look at the Minister of Justice (Mr. Mackintosh), when it came to Bill 9, this particular Legislative Assembly recognized the

importance of security at the Law Courts facilities here in the province. The Minister of Justice did not take it upon himself to tell individuals in the Law Courts to turn on those scanners to make for a more secure environment without the presence of law by this Manitoba Legislative Assembly.

* (15:10)

Yet, in fact, we have a Minister of Education and Training (Mr. Caldwell) that has gone above and beyond the law and asked within the registration package that certain components be fulfilled by the home schoolers that are not yet passed into law. Now I know the Minister of Education is new to his position and has, on occasion, admitted that perhaps not all of his department is as familiar to him as he would like it to be. However, the buck does stop at the Minister, and the Minister is responsible. All other cabinet colleagues should be taking this point to the Minister of Education that this Legislative Assembly must have the last word before practice comes into play. We must have a law passed by this Chamber prior to its enactment.

Regardless of whether the Minister was totally understanding and familiar with past practice versus Bill 12, that is no excuse. I asked all members of this Assembly to make it known to the Minister of Education that one must respect this Legislative Assembly and understand that practice may not be put into place prior to the passage of the legislation respectful of that practice.

So, Mr. Speaker, I conclude my remarks in regard to the amendment as proposed by my honourable colleague from Fort Garry, which is a direct reflection of the amendments that the Manitoba Home School Association has proposed to Bill 12. I ask all honourable colleagues to support the amendment. Thank you.

Mrs. Louise Dacquay (Seine River): Mr. Speaker, I want to put a few brief comments on the record, in particular regarding this amendment. I vividly recall the presentations that were made at committee. As a member of that committee, I also recall asking the Minister a question relative to the registration process and

the registration form. Regretfully, I am unable to read his comments into the record today, due to the fact that we have not received our Hansard for that committee on July 27. But I vividly recall that he indicated and implied very strongly that there would be little or no change to the registration form as it currently exists. I asked him specifically if he would give us an outline of what was contained on the new registration form. Once again we were told that there was little or no change required.

I was appalled when I received the communication from some members of the home-school association that indicated indeed the form had changed drastically and considerably. I do not understand why the Minister could not provide the Committee with the answers on July 27 when that standing committee was reviewing this bill clause by clause. I am very, very disappointed that the Minister then did not provide the same information according to the registration forms that have now been circulated.

This amendment would indeed alleviate the concerns of the home schoolers. I feel it is very important that the Minister reconsider his position on these amendments and give this amendment due consideration. Thank you, Mr. Speaker.

Mr. Frank Pitura (Morris): Mr. Speaker, I would just like to put a few comments on the record with respect to Bill 12. You know, all of these good people who are sitting up in the gallery, it has been quoted some time ago that the citizens of this province should be really concerned about losing their rights and freedoms every time legislators get together and go into session. I think that is really typical of what this bill is saying to those people up in the gallery, that we are going to take away some of your rights and freedoms that you now have, and so be it. There are no questions to be asked. Sorry, we will not accept your amendments. We will vote them down, and then maybe we will make a quasi flip-flop, say something like, yes, we are listening, yes, we are listening, and then go on and proceed from there and eventually vote it through the way the bill stands right now.

Mr. Speaker, actually I was disappointed that the previous amendment did not get accepted because really when you take a look at the amendments to this legislation, owing to the fact that let us say Bill 12 is not withdrawn, although it should be withdrawn for the best-case scenario, but if it is not withdrawn, then the amendments that have been suggested, it is not the end of the world. They are not changing the legislation dramatically. What they are doing is maintaining the rights and freedoms that the home schoolers now have and to preserve them in terms of legislation. So it is not a lot that these amendments are doing to this act in terms of changing its intent.

So I really find it puzzling that amendments of this nature are not being accepted by this government. So I have to start thinking that this government has their own agenda that they want to follow, a secret agenda. I have to wonder, if this year it is Bill 12, next year it will be another bill to further infringe upon the rights of home schoolers, and eventually this government will get what it is seeking to do, and that is get rid of the home-schooling system. I really think that that is what they are after. I think that is deplorable, because one of the fundamental rights that we have in this country of Canada, that we call Canada, is our freedom of choice and our democratic freedom to be able to educate our children in our own homes if we choose that way under the Charter of Rights and Freedoms.

So you cannot just take this legislation and just trumpet it through. Please listen to those who have spoken to you. Take their advice, even though you are going to say we are going to pass Bill 12 no matter what happens, and you are not going to withdraw Bill 12, at least take Bill 12 and amend it with these amendments that the home-schoolers have brought forward. I think that is the least you can do. You have said you are going to listen, now accept the amendments, and it will make a better bill out of Bill 12, although it is not the best thing in the world. The best thing in the world is to withdraw it.

So, with those few comments, Mr. Speaker, thank you.

Mr. Jack Penner: Just a few short words of concern about specifically this clause. I have talked to a number of home schoolers about this clause and the wording in this clause. It deals with the fundamental rights of a family and the sanctity of the home that they live in and raise their family in. By allowing the words to remain as they were originally drafted, the words said "register the home school." That is the first time that I have seen in legislation whereby families would be required to register their home as a school. I think that is the fundamental that needs to be addressed in this bill.

If we all believe, as all Canadians have the right to believe under the Constitution, that we should maintain the freedom and the sanctity of our home to raise our families in as we choose without anybody else entering in to inspect, and during the question I raised, the inspector would have the right within the division, and it was a direct quote made by the Minister, this leads me to believe that this is indeed an infringement of the rights and freedoms of the individual people sitting there, including my rights and my freedoms in my home to deal with and teach my children and my family or my grandchildren in my home.

* (15:20)

So I ask that the members opposite, the members of government and specifically the Minister—I know the Minister is sitting there reading. I hope he is reading the amendment because the amendment is very specifically drafted to free up and restore sanctity to the home and allow the privacy of that home to be maintained in our society as we enjoy.

My family left Russia because of exactly this reason that the Government of the day then was taking away the rights and freedoms of the individuals that lived there. My family chose to move to Canada because Canada said to them: In our country, you will always have the right and the freedom.

So we ask this minister to withdraw this clause and write into the clause what our Member for Fort Garry (Mrs. Smith) is proposing in this resolution.

Mr. Reid: I move, seconded by the Member for Dauphin-Roblin (Mr. Struthers), that debate be adjourned.

Mr. Speaker: It has been moved by the Honourable Member—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Jack Penner: I am almost tempted to rise on a point of privilege. Mr. Speaker, I will not rise on a point of privilege, but I would ask that the Member for Transcona withdraw the comment he made and apologize to this House.

The Member for Transcona said: Jack, go back to Russia. I think that is an appalling conduct of a member. I think I have the right as a duly elected member to make an honest statement and an honest fact that our people did in fact leave Russia to come here to maintain the right to educate and to maintain their families in a free society, and this Member for Transcona is telling me to go back to Russia. Mr. Speaker, I ask you to ask him to withdraw that statement and apologize.

Mr. Speaker: The Honourable Member for Transcona, on the same point of order.

Mr. Reid: On the same point of order, Mr. Speaker. If the Member opposite was offended by any comments I made in this House, I apologize. I meant no disparaging remarks towards him or any one of his family members. I did note, too, during his comments, that he had referenced his family coming to Canada, and that is what I was referencing. Perhaps he has some experience that he wished to share. So I apologize if he had taken any offence to any comments that I may have made.

Mr. Speaker: On the point of order raised by the Honourable Member for Emerson (Mr. Jack Penner), the Honourable Member for Transcona (Mr. Reid) has apologized. He has apologized, and that should take care of the matter.

* * *

An Honourable Member: Question.

Mr. Speaker: It has been moved by the Honourable Member for Transcona, seconded by the Honourable Member for Dauphin-Roblin (Mr. Struthers), that debate be adjourned. Agreed?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in support of adjourning debate on the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

Mrs. Smith: Mr. Speaker, I move, seconded by the Member for Portage la Prairie (Mr. Faurischou),

THAT Bill 12 be amended in the proposed subsection 260.1(3), as set out in section 4 of the Bill, by striking out "and" at the end of clause (b) and by striking out clause (c) and substituting the following:

(c) the grade level for each pupil; and

(d) a description of the curriculum.

Motion presented.

Mrs. Smith: Mr. Speaker, this is an extremely crucial amendment that needs to be addressed due to many of the faith-based curricula that home schoolers choose to use in the education of their children. This bill in this particular clause

has asked for information above and beyond the call of what is necessary.

The Bill states: "Within 30 days after a home school is first established and on or before September 1 in each year, the parent or guardian shall provide the minister with the following information." The Bill says the name and birth date which is fine, but then it goes on,

In (b) it says: "the name of the school or school division each pupil would otherwise attend; and

"(c) an outline of the education program and grade level for each pupil."

In the amendment the home schoolers are requesting that two things be asked: the grade level for each pupil and a description of the curriculum instead of an outline of the education program. Education programs can be defined in many ways. In the public school system, often educational programs provide materials that may not be acceptable to some parents. Having said this, the home schoolers in this province of Manitoba want to provide the Government with a description of the curriculum so that the Government is quite aware that all levels of cognitive development are being covered, that the children indeed are getting the best possible excellent education. But to accept this Bill 12 and to accept the fact that they have to go through an educational program and submit it to Manitoba Education and Training under the analysis of people from all walks of life, from all different kinds of beliefs—home schoolers often home school because they believe very firmly that the morals, the ethics, the beliefs that they hold dearly should be respected.

Mr. Speaker, we are talking about democracy. We are talking about freedom of choice and because the home schoolers are so respectful of government, so respectful of wanting to ensure that this government has the information needed to have on hand. The only thing that these home schoolers are asking—and I will speak to the Minister of Education (Mr. Caldwell)—the Minister of Education needs to know that what the home-schooling people are asking is the freedom of right to develop a curriculum that is suitable for their children.

This is the accountability; this is the commitment that these home schoolers have to the education of the children. I must say, respectfully, Mr. Minister, I submit to you, if you read some stats on the home schoolers here in Manitoba, you would find that they do very well when they enter the public school system later on in their educational experience.

Mr. Minister of Education, the members from this side of the House and myself are personally asking you to accept this amendment and do not stall, do not say: We will listen some more. We are, as my very capable colleague from Russell said, in the dying days of this bill. You and I, members on that side of the House and members on this side of the House, this is a desperate attempt to change your mind, and this issue, I will say before you, will not go away. The freedoms and rights of individuals in this province will not go away, and the amendment, there is no reason, you have stated that you are listening. We have gone past listening because the listening was supposed to have been done at committee level when those presentations were made. Nothing has changed. The listening was supposed to have been done when we went carefully through each amendment that members on that side of the House and MLAs representing the constituents up in that gallery, voted it down.

* (15:30)

Mr. Minister, what we are talking about now, is we are demanding, we are asking, we are begging, we are pleading, that the members opposite listen to reason, listen to the democratic process that we have here in this House. If you have indeed an open door and if you have indeed listened to the home schoolers, now is the time to take action and demonstrate that. Thank you, Mr. Speaker.

Mr. Harry Enns (Lakeside): Mr. Speaker, I am somewhat hesitant to speak to Bill 12 at this stage. I feel more comfortable, quite frankly, when I am speaking about agricultural matters or matters of conservation. Those are areas that I have had more to do with, with respect to legislation and the business of government.

I just want to ask the same question that I asked at committee stage to the Minister, who at

that time had his deputy minister with him. The question was put to the Minister. What is the motivation of this bill? Who is behind the changes that are being asked for in Bill 12? We specifically asked the Minister, has his department, has the Manitoba Department of Education received a list of complaints about how the home-school system has been run in Manitoba, and what was the answer? They have received none.

The parents and the system and the association have complied with all the rules, all the legislation, all the needed forms, the request for information that heretofore has made it impossible to home school in Manitoba. There was no specific complaint that the Minister could draw to our attention that could justify this intrusive bill.

I would ask, I would challenge the Minister of Education now at this stage of the Bill to stand up in his seat and tell us what specifically is wrong with home schooling in Manitoba today that needs to be fixed by the passage of Bill 12.

I am prepared to be benevolent to the Minister. He is new in the job, nine months in the job, but he had his deputy minister sitting beside him speaking for the Department of Education, the administration of the Department of Education. They are the people who deal day in, day out with all education matters in the province of Manitoba, including the home schoolers. Neither the Minister nor the Deputy Minister could cite a single complaint, a single concern that the Department of Education had with how home-school education was conducted in the province of Manitoba.

So, Mr. Speaker, I asked the question why Bill 12, without an answer from the Minister, without an answer from the Department of Education. Then it is not irresponsible for some of us to speculate. Is it because this government does not like home schoolers. Is it because they want to make it more difficult? Is it because we know the Manitoba Teachers' Society as a whole do not like home-schoolers, they do not like private, independent schoolers, partly because they do not get lucrative union dues from those people that are so teaching.

Well, I am not suggesting this is the reason. I am begging, I am asking the Minister to give us the real reason for Bill 12, but all we have is silence.

I do not want to prolong the debate on this issue, but I simply cannot understand, having had the privilege of serving four different governments over a prolonged period of time. Governments bring in legislation as a rule to fix something. If they feel that there is a perceived wrong in some area of our life, in the way we drive automobiles on our highways, in the way farmers farm, we pass environmental legislation; in the way labour or business conducts its business, we pass laws. But always there is a reason given for the Bill. There is a reason given for the changes. This late hour of the life of Bill 12, the Opposition, nor those affected by Bill 12, have been given any sound reason for Bill 12.

Pride can be a very hurtful thing. Let me speak in practical terms as a politician too. I mean, the life of this government does not hinge on Bill 12. There are not enough home-schoolers to make that change, and they are not threatening that change. Home schoolers, I do not know, as I say, I am not an expert in this field, but are there 400 or 500 of them? There cannot be many more.

An Honourable Member: A thousand.

Mr. Enns: Are there a thousand? Okay, then there are a thousand of them. But that is in political terms not heavy-duty political clout. It is not like having Bernie Christophe and organized labour unions pushing labour legislation on this government. It is not like having the chambers of commerce or the big business community coming down and putting pressure on governments, as they have on all governments. Surely, upon reflection, it would cost this government very little in terms of political dollars and cents if they came to their senses and withdrew this bill.

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I rise in support of this amendment. I am sure the members of the Government and the Minister of Education in particular may well be asking, as my colleague for Lakeside asked, the rhetorical question: Why would the opposition choose to

make a stand on report stage on this bill? The fact is the first stand was made in committee, as he knows, in committee, as many people have alluded to today. But I want to make sure that the Minister and anybody who may choose to look at what Hansard records, I want to make it very clear, one more time, that the Government voted down these amendments once already. Yet I very carefully listened, the Government went out to the steps during the noon hour, and they said, no, no, we are listening. We want to hear. We want to work with, et cetera.

Normally speaking, in this House, as you know, report stage may have one or two amendments. It might even have an amendment brought forward by the Government. I worry that what we have today where one of the Government members are taking these amendments, letting the debate stand, adjourning the debate rather than continuing with the discussion, that we may have a government that is willing to listen or we may have a government that next week will call this bill again in report stage, and none of the amendments will be dealt with. I do not want to leave any doubt in the minds of anyone, whether they are listening today or reading Hansard in the future. We want to make it very clear that these amendments have been proposed; they have been turned down; they are being proposed again. If the fact that the Government is setting them aside today means that they will seriously consider them, fine, but I find it passing strange that in fact they are adjourning debate today when they are well aware of these amendments; they are well aware of the concerns; they know what it would take to answer the concerns of what is a relatively small number of voters, as has just been mentioned. They know very well that it would only take about two minutes longer on each of these amendments to stand up and have the Minister accept the amendments.

* (15:40)

So I want to very clearly put it on the record that if the Government is not prepared to accept these amendments now, they had better be prepared to accept them when this bill comes back again for third reading, or there is going to be some very excited people on this side of the House, not to mention those across the province

who are pinning their hopes that there will be some rationale and some reason, and some amendments made. I believe the majority, if not all of these amendments, should succeed. I am seeing here a very difficult set of circumstances developing for the Government.

First of all, there was Bill 5 which takes away the livelihood of a number of entrepreneurs across this province. There was Bill 42 which took away what we thought was a moderate and appropriate way of handling negotiations for the public school system, and then there is Bill 44 which is still on the Order Paper which takes away the rights of all unionized and proposed to be unionized workers in this province for a secret ballot. Now we are looking at Bill 12 which again tends to centralize decision making. I would argue that there is a motion, I believe it is Bill 17, the Minister of Health has where it also centralizes decision-making authority and takes it out of the hands of those who might be somewhat dispassionate and those who have an ability to make a balanced decision.

So, Mr. Speaker, my comments will, I hope, remind this minister that he cannot come into this House in committee and vote against these amendments, go out in the public and say that he is listening and that the amendments have some feasibility or some possibility of standing, and not be called to account when this bill again comes to report state, unless of course at the end of this debate he is prepared to stand up and make a statement about whether or not these amendments will in fact stand.

Other members have made the case for the amendments, this and the previous ones. I simply want to be on the record as supporting the principle of home schooling. The fact that this bill impinges on the rights of parents who choose that alternative within this society, I think, is reprehensible, and I would encourage this government to seriously consider where it moves on these amendments, because if it does not move in a forthright manner, it will be called to task.

Mr. Reid: Mr. Speaker, I move, seconded by the Member for Flin Flon (Mr. Jennissen), that debate be adjourned.

Mr. Speaker: It has been moved by the Honourable Member for Transcona (Mr. Reid), seconded by the Honourable Member for Flin Flon (Mr. Jennissen), that debate be adjourned. Agreed?

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of adjourning the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it. On division.

* * *

Mrs. Smith: Mr. Speaker, I move, seconded by the Member from Seine River (Mrs. Dacquay),

THAT Bill 12 be amended by striking out the proposed subsection 260.1(4) as set out in section 4 of the Bill, and substituting the following:

Progress reports

260.1(4) Within 14 days written notice, the minister may require a parent or guardian to submit a progress report on each pupil in the home school if the minister has probable cause to believe that a home schooling parent is not in compliance with the law.

Motion presented.

Mrs. Smith: Mr. Speaker, this is an extraordinary amendment and members on this side of the House have heard the Minister saying that—the connotation was that the Minister was concerned about children who might fall through the cracks. That is a very valid concern. In putting some remarks on the record, it is very important to note that home schoolers, indeed, take of the students who are falling through the cracks. They have a concern, too. This is a very extraordinary amendment because the home-schoolers themselves wanted to address this problem.

Mr. Conrad Santos, Deputy Speaker, in the Chair

We all know that the home schoolers across Manitoba have a very strong association, and we know that home schoolers in this province want to work in partnership and collaboration with the Government. What we are speaking of today is democracy, the right to choose, the right to have an organization where home schoolers can school their children in the manner in which they see fit. I have to put on record again that you will never find, across this province, more dedicated, more committed, more faithful parents in terms of the upbringing of their children. I applaud these parents, because if we had more parents like these across Manitoba, we would have fewer worries in the public school system as well. I know parents like these do occur in the public school system, and I applaud them.

But this minister has to acknowledge the fact that home schoolers were listening to him. When the Minister of Education (Mr. Caldwell) had concerns over children falling through the cracks, voluntarily, Mr. Deputy Speaker, voluntarily the home schoolers got together and put an amendment forward that would address this issue.

Within 14 days of written notice, the Minister can require a parent or guardian to submit a progress report on each pupil in the home school and examine what is going on in that home school. The safety valve has been put in, not by the Minister, because the Minister put other suffocating kinds of clauses in Bill 12 that prohibited the democratic process that every citizen in Manitoba should enjoy. The home-schoolers themselves put this in to reassure the Minister of Education.

Mr. Deputy Speaker, could I please ask for the Minister's careful attention instead of reading other documents and paying attention to what I am saying in terms of the home-schoolers' reason for the amendment?

It is very important that this minister understand that the home schoolers are very respectful of government, very respectful of the Minister, very caring about his concerns. I

applaud the home-schooling association. I applaud the home schoolers of Manitoba for having the vision and foresight to put a clause in that would allow the Minister of Education, Manitoba Education and Training, to carefully examine any home-school situation where there might be a problem.

Mr. Deputy Speaker, as I said at the beginning, this is an extraordinary clause. I ask again that this Minister of Education adopt all these amendments, even though they have already been voted down, that this Minister of Education see the light, reconsider this decision. I ask every MLA, the Member for Interlake (Mr. Nevakshonoff), I ask that the Member for Rossmere (Mr. Schellenberg), who were out on the steps today, I ask that other members, members opposite on their side of the House, every member listen to the home schoolers and vote in favour of having these amendments accepted by the Government. Thank you.

* (15:50)

Mr. Derkach: Mr. Deputy Speaker, once again I rise to speak on this particular amendment, because this almost sets a double standard. If you listen to what the Minister is saying in this amendment and the reasons that he brought in this amendment and then you compare that to the actions he has taken with regard to the standardized tests that were being written by students in our school system, this almost contradicts the action that he took with regard to schools, because he does not want students falling between the cracks with regard to home schooling. On the other hand, he has taken away the accountability and the standards measurements that were put in place for students in the school system.

So the Minister almost is setting a double standard here. On one hand he says: We do not want to look at standards, we do not want to measure students, we are not even interested, as my colleague says, to know where the holes are or where the cracks are. On the other hand, when it comes to this legislation or with home schoolers, he is imposing conditions that are far more stringent than they are in the school system.

The Minister is silent. Through all of this debate on these amendments, the Minister has been silent. He has not spoken to the amendments. He has not spoken against the amendments. Neither of his colleagues have spoken to or against the amendments in this report stage. They are all silent. So I guess it begs the question: What is the position of the Minister when it comes to the amendments that have been proposed here before the Legislature? Mr. Deputy Speaker, this is the place for the Minister to put his comments on record so that Manitobans will know what his position is with regard to these amendments. Yet the Minister is silent. So are the other ministers and the other members of government.

Mr. Deputy Speaker, this afternoon on the steps of the Legislature, my colleague, the Honourable Member for Fort Garry (Mrs. Smith), asked a couple of members of government about how they would vote on this piece of legislation. I believe the Member for Interlake (Mr. Nevakshonoff) was one of the members and the other member was the Member for Rossmere (Mr. Schellenberg). The Member for Fort Garry asked those two individuals how they would vote on this legislation, because they have home schoolers in their areas. They have people who are concerned about this legislation. They have been presented with the amendments that have been put forward here today. So they have been asked whether or not they would oppose this bill and support the amendments. What was their response? Their response was that they could not commit themselves to support the home schoolers and to support these amendments.

So it illustrates very clearly that either this government has a hidden agenda when it comes to this bill or this government has not consulted even with the upper benchers of its own caucus with regard to this legislation. So I am concerned about what this minister's agenda is. He says that he has consulted. If he has consulted, why did he not bring forward amendments, knowing that this legislation was so flawed? If he has consulted, why did the parents of the home-school children have to come to the Legislature today to make their point? These are busy people. Not only are they home schooling their children but they all have to make a living. They

have taken time from their busy lives to come here to show the Government that indeed it is on the wrong track.

So I ask the Minister of Education (Mr. Caldwell) to stand in his place and to tell the people who are here listening to this debate whether or not he is prepared to change his mind with respect to this bill and either withdraw it or accept the amendments that have been put forward. If he is not prepared to accept the amendments or withdraw the legislation, then let him tell the people of Manitoba what he is opposed to, as it relates to the amendments and as it relates to withdrawing this bill. But the Minister cannot remain silent and then, when the galleries are cleared, bring forward amendments that he thinks he can slide through or have his government force those amendments through the members of this Legislature, because indeed we do not have the numbers to be able to stop the Government's intent when it comes to passing legislation.

So with those few comments, I want to indicate that I support, again, this amendment that has been proposed by my colleague, the Member for Fort Garry (Mrs. Smith).

Mr. Pitura: I would just like to put a very brief comment on the record with respect to the amendment dealing with progress reports that has been brought forward by my colleague from Fort Garry. I would like to make my comments in support of this amendment.

When I looked at the amendment, my own thought was that this is a very highly restrictive amendment that probably, if I were going to suggest bringing an amendment forward, I would not do so. However, I do appreciate the fact that all of the home schoolers who are with us in the gallery today, in looking at Bill 12 and seeing that it probably was not going to be withdrawn, although I think their wish is still that it would be withdrawn, that the amendments they have brought forward are their own amendments.

This amendment, the way it is written, requires within a very short time period, 14 days written notice. The Minister may require a parent or a guardian to submit a progress report

on each pupil in the home school if the Minister has probable cause to believe that a home-schooling parent is not in compliance with the law. That is a very heavy-duty self restriction, in my opinion, that the home schoolers have put on themselves, that with very little notice they would be required to fill out the necessary information and documentation on each student that is in the home school.

I really commend the home-schooling parents that are here today on their openness of mind with respect to Bill 12 in saying, well, if this is going to be Bill 12 then let us suggest some amendments to it so that life can go on. I think that, overall, the main sore point about Bill 12 is that it does erode their rights and freedoms to educate their children in their own homes. I think that is a very fundamental flaw in this bill.

I am surmising that they want to move in the direction that they are going to make it so difficult for home schooling to take place that home schooling is going to be non-existent probably in the next decade. Then if they do continue with it, they are going to make it such that there is going to be MTS-certified teachers that are going to teach home schooling. I hope that he has had enough of a conference with the union bosses over at MTS and got their direction as to whether they want to see this legislation amended or not, because I think that they are the driving force behind the Minister.

I just cannot see how the Minister can be very strong in his feelings in terms of going forward with legislation and trying to force it and ram it through the House. I really cannot understand that at all when these amendments, and this amendment, are such they are not in any way giving the home schoolers excess freedoms and will. They are actually restricting themselves with this amendment.

Mr. Deputy Speaker, I support this amendment wholeheartedly. I will be voting in favour of it, and I hope that the Government will see fit to adopt all of the amendments that have been put forward today. Thank you.

Mr. Faurchow: I appreciate the opportunity once again to rise in the Chamber this afternoon

and speak upon the fourth amendment that has been placed before this Chamber this afternoon.

This is a very important amendment because it really strikes at the heart of what all home-schoolers want for their children and for the home-schooling program within this province. They want for their children the best of education, and they are willing to put forward and stand behind this amendment with respect to the programming that their children are receiving.

* (16:00)

Mr. Deputy Speaker, 14 days is a very short period of time. However, it speaks volumes to all of us here in this Chamber about their dedication and commitment to educating the students in their charge.

I have asked the Minister earlier this afternoon to withdraw Bill 12 because of the flaws within the Bill itself. I do want to bring all members' attention to a submission that was given to the Committee by Dr. Terry Lewis in regard to Bill 12.

I quote from his submission: "When the state of Michigan sought to enforce similar controls on the Amish whose children were never unemployed nor in trouble with the law the news media captured the police driving up in force and apprehending the children of these God-fearing people and taking the children away. Such a 'home invasion' is not outside the fears of these parents who are diligently teaching their children at home," here in Manitoba.

That submission by Dr. Terry Lewis I believe points out the very fundamental flaw in this legislation.

We in this Chamber recognize the future of this province is in our children. We all want the best for our children. The people that represent home schooling here in this province want a future for their children and therefore a future for this province. I ask all honourable members of this Chamber to vote in favour of this amendment and indeed when opportunity arises to vote in favour of the other three amendments which have been very thoughtfully put forward by the Manitoba home-schooling association,

wanting in good faith to work with the Minister of Education and Training to provide for their children within the framework of the laws of Manitoba.

Mr. Deputy Speaker, I believe that the Minister of Education has met with the home schoolers in good faith. However, what is drawn into question at this time is whether or not the Minister of Education is indeed listening with the integrity of his office that is required at this juncture in time when debating this bill and the amendments.

I ask that the Minister take time to look at the amendments as proposed and to accept those amendments and therefore provide for Bill 12 in a fashion that is acceptable to the home schoolers of the province of Manitoba and indeed acceptable to this side of the House.

Mr. Speaker in the Chair

Mr. Schuler: Mr. Speaker, once again I rise to speak to an amendment in front of the House amending a bill that I believe should be withdrawn, a bill that is flawed, that is weak, that it would be in the best interest of all involved if it was simply withdrawn.

However, we have an amendment before us that was submitted by the individuals who will be most impacted upon, and again, as I said earlier, I believe that the home schoolers are a group of parents, of men and women that are probably the most reasonable individuals that you can find in our society. They are very supportive of our communities, in fact they are very supportive of the public school system, of the private school system. All that they would like is the freedom to educate their children as they see best.

In fact, when I was chairman of the Board of River East School Division, we had very good relations with the home schoolers in the River East School Division. We offered them our facilities whenever we were not exactly using them and made available, whether it was in shops, whether it was with the gyms, whether it was with the cooking facilities, they had access to it because we considered their children our

students, just that they had an alternative to their education. They were being educated differently.

While we talk about his amendment, I think it is very telling to go back to when the bill was actually introduced. I would direct the House back to Thursday, June 1, 2000, when the Minister first introduced the bill. I would like to read into the record a quote: This amendment will mandate that home schoolers register with the department, and listen to this one, so that the Minister can be satisfied that these children are receiving an education equivalent to that offered in the public school—basically what he means is the public school system.

I am sure it has been said to the Minister, I am sure the home schoolers have mentioned to the Minister that probably one of the reasons why they have decided to go with an alternative education system is because they, at that point in time, wherever they live, did not feel that the public school system was addressing the needs of their children, that what they were not looking for is for an equivalent, that maybe they were looking for something different, something better. They were looking at taking their children out and teaching them in another fashion.

I do not believe that looking for that equivalency is quite what we should be doing, because what I have found in the past, and I will tell you, anybody who decides to home-school their children are just incredible people.

Certainly my wife and I are deciding not to go that path. In fact, my wife keeps saying to me she is rather looking forward to the beginning of the school season. We have three under five. To see one going to kindergarten pleases her very much, to see at least one of them going for half a day.

So those who are choosing to are doing it for a very specific reason. The reasons usually are that they do not feel they are getting the kind of education that their children need or that they would like to see. So they are not looking for equivalency. They are looking for something better. In the Minister's statement I think there has to be a concern with it.

It goes on to say: To assist in this determination, parents will also be "required to provide the Department with information about the home school as well as periodic progress reports on each child" registered.

We go back to the amendment. Home schoolers are being very reasonable. They are saying, if there is probable cause to believe that a home-schooling parent is not in compliance with the law, then "within 14 days written notice, the minister may require parent or guardian to submit a progress report on each pupil in the home school." I think that is very reasonable.

Again, it shows the kind of individuals that we are talking about. It shows the kind of people that we are dealing with here. If we are not going to see the withdrawal of this poorly, poorly written bill, if we are not going to see this sausage approach to public policy that we seem to be seeing on a more regular and consistent basis from the Government on the other side, if we are not going to see the withdrawal, then I would recommend the members opposite, certainly we will be standing up and supporting these amendments, in particular this amendment which comes from the very group, the very people who are impacted most by this terrible and poor legislation.

Mr. Marcel Laurendeau (St. Norbert): Mr. Speaker, it is regrettable that I even have to get up in this House today to put my comments on the record, because we have in this province something that is called a committee hearing. That is something that is very well put together. It is only in this province. But it seems that, when we were at the committee stage, this minister was not listening. This minister had an opportunity at those committee hearings to hear about these amendments, because these amendments were brought forward at the committee stage, brought forward by the home-school association after being drafted by their lawyers.

Mr. Speaker, those exact amendments that we moved this afternoon have been run for the legal department here at the Legislature. So they are in order. We have today a minister who stood on the steps and said that he would listen and he would review it. He has had these

amendments for the past two weeks. He has had them since the 25th, since the 27th, when we went clause by clause, when this minister sat in his seat and voted against them, voted against the people who brought forward, after he said, I have listened.

Mr. Speaker, this minister is deaf. This minister hears nothing. He does not want to hear anything. Because on each and every one of these amendments that was brought forward today, this minister has sat in his seat and said not a word, not a word. He wants to pass it in the darkness of night. That is what this minister wants to do. He does not want the public to hear what is going on. He is afraid that the public might hear him when he is speaking the words: I cannot accept it because it might be out of line.

* (16:10)

This minister, who is evading the public by hoping he can just lay this over, after people have taken the opportunity to come down here today and hear the presentations and hear the speeches on their amendments, is sitting there and making sure that each and every amendment has been stood down. Well, this side of the House is ready to give this minister a little bit of time, a little bit of time to think about it, and maybe come back to this House and pass these amendments this afternoon.

Mr. Speaker, when this motion is again attempted to be stood down, we will vote to give this minister an opportunity to really put some thought into these amendments which he has had for two whole weeks. So we are hoping that that this minister will take this opportunity and really listen to the people this time. They have spoken. They came here today. They met in your office, Mr. Minister. They met in your office. They heard you say on the steps that "I am listening." So show them today that this government had the ears and that they are listening, because we on this side of the House have spoken on behalf of the home schoolers. We have brought forward their amendments and we will stand by them. We will see that this minister does not do it in the darkness of night.

Mr. Reid: I move, seconded by the Member for Selkirk (Mr. Dewar), that debate be adjourned.

Mr. Speaker: It has been moved by the Honourable Member for Transcona, seconded by the Honourable Member for Selkirk, that debate be adjourned. Agreed?

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the motion that the debate be adjourned, please say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

Formal Vote

Mr. Laurendeau: Mr. Speaker, Yeas and Nays, on behalf of the home schoolers.

Mr. Speaker: A recorded vote has been requested. Call in the members.

The question before the House is the motion that the debate be adjourned.

* (16:30)

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Aglugub, Allan, Ashton, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Friesen, Jennissen, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Struthers, Wowchuk.

Nays

Dacquay, Derkach, Driedger, Dyck, Emms, Faurshou, Filmon, Gerrard, Laurendeau,

Mitchelson, Penner (Emerson), Penner (Steinbach), Pitura, Reimer, Rocan, Schuler, Smith (Fort Garry), Tweed.

Madam Clerk (Patricia Chaychuk): Yeas 29, Nays 18.

Mr. Speaker: The motion to adjourn the debate is accordingly carried.

* * *

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call third readings of the following bills: 8, 10, 13, 16, 21, 22, 23, 25, 27, 28, 30, 31, 32, 34, 36, 39, 40, 41 and 45.

THIRD READINGS

Bill 8—The Enforcement of Judgments Conventions and Consequential Amendments Act

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I would like to move the following bills.

I would like to move Bill 8, The Enforcement of Judgments Conventions and Consequential Amendments Act; Loi sur les conventions relatives à l'exécution des jugements et modifications corrélatives, be now read a third time and passed.

Mr. Speaker: Order. For the information of the House, to move a bill, would the Honourable Member indicate who the seconder is? It would be the Honourable Attorney General?

It has been moved by the Honourable Minister of Finance (Mr. Selinger), seconded by the Honourable Attorney General (Mr. Mackintosh), that Bill 8, The Enforcement of Judgments Conventions and Consequential Amendments Act (Loi sur les conventions relatives à l'exécution des jugements et modifications corrélatives), be now read a third time and passed.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

* (16:40)

Bill 10—The Cooperatives Amendment Act

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 10, The Cooperatives Amendment Act (Loi modifiant la Loi sur les coopératives), be now read a third time and passed.

Motion agreed to.

Bill 13—The Taxicab Amendment Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 13, The Taxicab Amendment Act (Loi modifiant la Loi sur les taxis), be now read a third time and passed.

Motion agreed to.

Bill 16—The City of Winnipeg Amendment Act (2)

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 16, The City of Winnipeg Amendment Act (2) (Loi no 2 modifiant la Loi sur la Ville de Winnipeg), be now read a third time and passed.

Motion agreed to.

Bill 21—The Water Resources Administration Amendment Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 21, The Water Resources Administration Amendment Act (Loi modifiant la Loi sur l'aménagement hydraulique), be now read a third time and passed.

Motion agreed to.

Bill 22—The Court of Queen's Bench Surrogate Practice Amendment Act

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Attorney General (Mr. Mackintosh), that Bill 22, The Court of Queen's

Bench Surrogate Practice Amendment Act; Loi modifiant la Loi sur la pratique relative aux successions devant la Cour du Banc de la Reine, be now read a third time and passed.

Motion agreed to.

Bill 23—The Jury Amendment Act

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Attorney General (Mr. Mackintosh), that Bill 23, The Jury Amendment Act; Loi modifiant la Loi sur les jurés, be now read a third time and passed.

Motion agreed to.

Bill 25—The Interpretation and Consequential Amendments Act

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Attorney General (Mr. Mackintosh), that Bill 25, The Interpretation and Consequential Amendments Act; Loi d'interprétation et modifications corrélatives, be now read a third time and passed.

Motion agreed to.

Bill 27—The Correctional Services Amendment Act

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Attorney General, that (Bill 27) The Correctional Services Amendment Act; Loi modifiant la Loi sur les services correctionnels, be now read a third time and passed.

Motion agreed to.

Bill 28—The Northern Affairs Amendment and Planning Amendment Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 28, The Northern Affairs Amendment and Planning Amendment Act (Loi modifiant la Loi sur les Affaires du Nord et la Loi sur l'aménagement du territoire), be now read a third and passed.

Motion agreed to.

**Bill 30—The Social Services Administration
Amendment Act**

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 30, The Social Services Administration Amendment Act (Loi modifiant la Loi sur les services sociaux) be now read a third time and passed.

Motion agreed to.

Bill 31—The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 31, The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act (Loi sur le commerce et l'information électroniques, modifiant la Loi sur la protection du consommateur et la Loi sur la preuve au Manitoba), be now read a third time and passed.

Motion agreed to.

Bill 32—The Victims' Rights Amendment Act

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I move, seconded by the Attorney General (Mr. Mackintosh), that (Bill 32) The Victims' Rights Amendment Act; Loi modifiant la Loi sur les droits des victimes, be now read a third time and passed.

Motion agreed to.

**Bill 34—The Statute Law
Amendment Act, 2000**

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Attorney General (Mr. Mackintosh), that (Bill 34) The Statute Law Amendment Act, 2000; Loi de 2000 modifiant diverses dispositions législatives, be now read a third time and passed.

Motion agreed to.

**Bill 36—The Summary Convictions
Amendment Act**

Hon. Greg Selinger (Minister of Finance): I move, seconded by the Attorney General (Mr. Mackintosh), that Bill 36, The Summary Convictions Amendment Act; Loi modifiant la Loi sur les poursuites sommaires, be now read a third time and passed.

Motion agreed to.

Bill 39—The Insurance Amendment Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 39, The Insurance Amendment Act (Loi modifiant la Loi sur les assurances), be now read a third time and passed.

Motion agreed to.

**Bill 40—The Business Names Registration
Amendment, Corporations Amendment and
Partnership Amendment Act**

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 40, The Business Names Registration Amendment, Corporations Amendment and Partnership Amendment Act (Loi modifiant la Loi sur l'enregistrement des noms commerciaux, la Loi sur les corporations et la Loi sur les sociétés en nom collectif), be now read a third time and passed.

Motion agreed to.

**Bill 41—The Balanced Budget, Debt
Repayment and Taxpayer Protection
Amendment and Consequential
Amendments Act**

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 41, The Balanced Budget, Debt Repayment and Taxpayer Protection Amendment and Consequential Amendments Act (Loi modifiant la Loi sur l'équilibre budgétaire, le remboursement de la dette et la protection des contribuables et

modifications corrélatives), be now read a third time and passed.

Motion agreed to.

**Bill 45—The Teachers' Pensions
Amendment Act**

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 45, The Teachers' Pensions Amendment Act (Loi modifiant la Loi sur la pension de retraite des enseignants), be now read a third time and passed.

Motion agreed to.

* (16:50)

Mr. Mackintosh: Mr. Speaker, would you please call report stage of Bill 42, followed by debate on second readings, Bill 44.*[interjection]*

There has been some consultation. Mr. Speaker, before proceeding with the other bills as announced, would you please call report stage of the following bills: 35, 42, 43 and 48.

REPORT STAGE

Bill 35—The Planning Amendment Act

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Lemieux), that Bill 35, The Planning Amendment Act (Loi modifiant la Loi sur l'aménagement du territoire), reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

**Bill 42—The Public Schools Amendment and
Consequential Amendments Act**

Mr. Speaker: Bill 42, The Public Schools Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les écoles publiques et modifications corrélatives), standing in the name of the Honourable Member for Ste. Rose (Mr. Cummings).

Is it the will of the House for the debate on the amendment to remain standing in the name of the Honourable Member for Ste. Rose?

An Honourable Member: No.

Mr. Speaker: Leave has been denied.

An Honourable Member: Question.

Mr. Speaker: Is the House ready for the question? The question before the House is

THAT Bill 42 be amended in section 4 by adding the following after the proposed subsection 105(2):

Factors

105(2.1) If a matters under arbitration may reasonably be expected to have a financial effect on the school division or school district—dispense?

Some Honourable Members: Dispense.

Factors

105(2.1) *If a matter under arbitration may reasonably be expected to have a financial effect on the school division or school district, the arbitrator or arbitration board shall, in addition to any other relevant factors, consider the following:*

(a) the school division's or school district's ability to pay, as determined by its current revenues, including the funding received from the government and the Government of Canada, and its taxation revenue;

(b) the nature and type of services that the school division or school district may have to reduce in light of the decision or award, if the current revenues of the school division or school district are not increased;

(c) the current economic situation in Manitoba and in the school division or school district;

(d) a comparison between the terms and conditions of employment of the teachers in the school division or school district and

those of comparable employees in the public and private sectors, with primary consideration given to comparable employees in the school division or school district or in the region of the province in which the school division or school district is located;

(e) the need of the school division or school district to recruit and retain qualified teachers.

Mr. Speaker: Is it the pleasure of the House to adopt the amendments?

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of adopting the motion for the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

An Honourable Member: On division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mrs. Joy Smith (Fort Garry): Mr. Speaker, I move, seconded by the Member for Charleswood (Mrs. Driedger),

THAT Bill 42 be amended in subsection 7(1) by striking out "commission" and substituting "non-partisan commission."

Motion presented.

Mrs. Smith: Question.

Mr. Speaker: Is the House ready for the question? The question before the House is

THAT Bill 42 be amended in subsection 7(1) by striking out "commission" and substituting "non-partisan commission."

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

An Honourable Member: On division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mrs. Smith: Mr. Speaker, I move, seconded by the Member for Pembina (Mr. Dyck),

THAT Bill 42 be amended by striking out subsection 7(2) and substituting the following:

Size and composition of commission
7(2) There shall be five commissioners, who shall be as follows:

- (a) a parent of a child enrolled in a public school;
- (b) a trustee;
- (c) a teacher;
- (d) a business person;
- (e) a person who owns, rents or leases property on which taxes for school purposes are payable and who is not a person mentioned in any of clauses (a) to (d).

Motion presented.

An Honourable Member: Question.

Mr. Speaker: Question? Is the House ready for the question? The question before the House is

THAT Bill 42 be amended by striking out subsection—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

THAT Bill 42 be amended by striking out subsection 7(2) and substituting the following:

*Size and composition of commission
7(2) There shall be five commissioners, who shall be as follows:*

- (a) a parent of a child enrolled in a public school;*
- (b) a trustee;*
- (c) a teacher;*
- (d) a business person;*
- (e) a person who owns, rents or leases property on which taxes for school purposes are payable and who is not a person mentioned in any of clauses (a) to (d).*

Mr. Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

Mrs. Smith: I move, seconded by the Member for Seine River (Mrs. Dacquay),

THAT Bill 42 be amended in subsection 7(4) by striking out "two years" wherever it occurs and substituting "one year".

Motion presented.

Mr. Speaker: Is the House ready for the question? The question before the House is

THAT Bill 42 be amended in subsection 7(4) by striking out "two years"—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

THAT Bill 42 be amended in subsection 7(4) by striking out "two years" wherever it occurs and substituting "one year".

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

* (17:00)

Mrs. Smith: I move, seconded by the Member for Portage la Prairie (Mr. Faurichou),

THAT Bill 42 be amended by striking out subsection 7(6).

Motion presented.

Mr. Speaker: Is the House ready for the question? The question before the House is

THAT Bill 42 be amended by striking out subsection 7(6).

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Robinson), that Bill 42, The Public Schools Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les écoles publiques et modifications corrélatives), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Mr. Speaker: It has been moved by the Honourable Government House Leader, seconded by the Honourable Minister of Aboriginal and Northern Affairs, that Bill 42, The Public Schools Amendment and Consequential Amendments Act, as amended and reported from the Standing Committee on Law Amendments, be concurred in. Agreed?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Speaker: On division.

**Bill 43—The Sustainable Development
Amendment and Consequential
Amendments Act**

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Aboriginal and Northern Affairs (Mr. Robinson), that Bill 43, The Sustainable Development Amendment and Consequential Amendments Act (Loi modifiant la Loi sur le développement durable et modifications corrélatives), reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

**Bill 48—The Rural Development Bonds
Amendment Act**

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Lemieux), that Bill 48, The Rural Development Bonds Amendment Act (Loi modifiant la Loi sur les obligations de développement rural), reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

House Business

Mr. Mackintosh: On House business, Mr. Speaker, report stage, would you please call Bills 29 and 37.

Bill 29—The Health Sciences Centre Repeal and Consequential Amendments Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 29, The Health Sciences Centre Repeal and Consequential Amendments Act (Loi abrogeant la Loi sur le Centre des sciences de la santé et modifications corrélatives), reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

Bill 37—The Miscellaneous Health Statutes Repeal Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Agriculture and Food, that Bill 37, The Miscellaneous Health Statutes Repeal Act (Loi abrogeant diverses lois en matière de santé), reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 44—The Labour Relations Amendment Act (2)

Mr. Speaker: Bill 44, The Labour Relations Amendment Act (2) (Loi no 2 modifiant la Loi sur les relations du travail), standing in the name of the Honourable Member for Fort Garry, who has 23 minutes remaining.

Mrs. Joy Smith (Fort Garry): Mr. Speaker, today is a day of great sadness, because we have seen demonstrated in this Legislature the draconian short-sightedness of members opposite in bills that are crucial to this Legislature, to the people of Manitoba.

Mr. Speaker, it has been a well-known fact that Bill 44 is one of the bills that speak to the lack of democratic process here in the province of Manitoba. I want to speak to the fact that through Bill 44, through Bill 42, through Bill 12, through Bill 4, we are seeing a pattern. This pattern has to do with top-down government. It

is not a government for the people, by the people. Rather, it is a government that is embedded in political partisan decision making that bends in the favour of unions.

Mr. Speaker, with Bill 44, across this province we have seen business people, we have seen people from all walks of life that have come forward and spoken to Bill 44. We have before us now, at this time, a time when we have to sit back and reflect, reflect on the ability of members opposite and this government to come forward and actually listen to the people.

Mr. Speaker, we have in the first term of this new government been presented with legislation that will change the face of the economy in Manitoba, of education, of home schoolers. This is a day of great sadness because, as I said before, we had demonstrated in this legislature the closed door of members opposite of this government. When we speak of Bill 42, as we have earlier today and yesterday and the day before, we found that Bill 42 had the same threat in it that Bill 44 does, and Bill 44 is definitely weighted in the favour of unions. Bill 44 is also weighted against the face of business here in Manitoba.

Mr. Speaker, we cannot speak of one bill without tying the thread in on all the bills because what we can see is a government that has a way of doing business, a way of doing business that has nothing to do with a democratic process. What it has to do with is principal bills being brought forward by this government that change, not only the face of education but, as I said previously, the face of business. What is happening is that we are headed in a downward spiral in this province based on the lack of vision, based on the lack of foresight, the lack of problem solving, the lack of providing Manitobans with the ability to develop business, the lack of Manitobans with the ability to sustain a high standard educational system with a government that shackles free enterprise, that shackles free speech, in the name of hearing the same phrase "we won the election." I would remind members opposite that they only won by a very slim margin.

* (17:10)

Mr. Speaker, the thing that Manitobans hold dear and Canadians hold dear is the right to be heard, and then, after the right to be heard, to be respected by the Government listening to what the people of Manitoba have to say. So, early in the mandate of a new government, we see editorials sent out, we see ads put in newspapers, decrying the direction the Government is taking. This is serious. It does not take a rocket scientist. I mean, someone has to have the IQ—I better retract my statement because I am going over the line. But, Mr. Speaker, this Bill 44 is a legislative package that has been dumped on Manitobans without collaboration, without speaking with people across Manitoba, businesses across Manitoba, and setting up a climate and an environment that Manitobans across this great province are shocked and alarmed.

Mr. Speaker, this is yesterday's NDP government. We have the shadow, the ghost of Howard Pawley sitting in the chairs with members opposite. We have the Eugene Kostyras directing policy. These are the people who put this province on the brink of bankruptcy a decade ago. Now, during the last election bonanza, members opposite said they were Today's NDP, the new NDP. There is no indication that there is anything new about Today's NDP.

We have different segments of society here in Manitoba that are waking up. What they are saying is, what have we done, because now our province is going to have limited ability for free enterprise, limited ability for free speech and a socialistic government that does things according to what they have done a decade ago.

On July 7, in the *Winnipeg Sun*, Dan Kelly of the Canadian Federation of Independent Business said of Bill 44: "This is absolutely shocking legislation. . . . The true colours of this government are starting to become very, very clear."

Mr. Speaker, when I talk about the true colours is what we mean about the ghosts of Howard Pawley and Eugene Kostyra and all the old gang that put this province into a crisis situation approximately a decade ago. The former government brought forward legislation that included balanced budgets, paid down the

debt, provided an economy in this province that caused businesses to grow and increase, caused people who had left the province to return to Manitoba once again, back to Manitoba to raise their families to grow and prosper. It was a province of which we could be proud.

The spin doctors of members opposite are very skilful in putting a veiled message across. In any government's mandate, there are challenges, and there are difficulties. Members opposite were well aware that we had an aging population here in Manitoba and that the health care system was in dilemma because the challenges continue, and the false promises that were brought forward are shocking. The election promises that had empty promises, empty problem-solving strategies. There were no problem-solving strategies. Now, in the first segment, the first session of this government's mandate, we have business coalitions that have gotten together to speak out against the Government. There is something wrong with this picture.

Mr. Conrad Santos, Deputy Speaker, in the Chair

This government has been very eager to go back to the days of the former Howard Pawley and bring back Eugene Kostyra and once again to set up the kind of environment that is stifling to Manitobans. We have a Minister of Education (Mr. Caldwell) who promised great input into the school system, only to find out in a few short months that every single school division, or a large number of school divisions, indeed had to raise their taxes to meet the needs.

Indeed, we have Bill 42 now that is very subliminal in its message to Manitoba because there are veiled messages where people in their busy lives do not have time to sit down and understand the ramifications of such damaging bills. And Bill 42 is to the detriment of the whole public school system here in Manitoba, a public school system that had the ability, with the new curriculums that were already introduced, with the balanced budget legislation, with the greatest transfers from Ottawa, it had a chance.

Mr. Deputy Speaker, along with Bill 44 coming into play and Bill 42, they are like a

symbiotic relationship, a symbiotic relationship that puts us into a downhill slide in terms of the economy here in Manitoba. This government needs to open the doors, not pay lip service to committees who are presenting to them, to citizens who are presenting to them, the concerns that they have about the economy. This government has a lot of support systems with their staff. This government has a lot of support systems with the people of Manitoba who want to give them input. The business world wants to talk to them about the labour law.

In Bill 44, the aspect of the violence on the picket lines is nothing short of shocking. I heard the Minister of Labour (Ms. Barrett) say when there was an incident that came forward and actually talked about the reason why new labour legislation was put in by the former government. One of the reasons was that there was violence on a picket line that had significant consequences, but the present Minister of Labour very flippantly said: Well, that was only one incident. Mr. Deputy Speaker, the important aspect right now is that the legislation in Bill 44 allows for this violence to occur, and not only that, but for the employers to be forced to hire back the actual employees who have committed violent acts. This makes no sense. There is no semblance of reason in this.

* (17:20)

In the House on July 12 the Minister stated that the NDP made an election commitment and restated that commitment after the election that all pieces of labour legislation would go to the Labour Management Review Committee. The LMRC was given three weeks to review the proposed amendments. The labour management is a very important aspect, is a very important player, and should be consulted and given the time to look at the labour legislation. The LMRC was given only three weeks, and in a letter to the Minister dated June 21, Mr. Deputy Speaker, indicated that the Committee would have preferred to have more time to study the matters more thoroughly and to consult more broadly with their respective constituencies. All we hear from the present Minister of Labour is simply that she consulted. Some people were for the new legislation, some people were against the legislation. But, goodness me, there is no way

that you would reach consensus by every party. This is what I would call a cop-out.

Mr. Deputy Speaker, when you have major players, knowledgeable people who are giving input into a piece of legislation, it would behoove the Minister of Labour to stop, look and listen before she proceeds. This government has extolled the virtues of co-operation and working with both business and labour in order to build a better working environment within the province. It is unclear how the fairness and balance that the Minister speaks of in relation to this labour legislation are being carried out when only five of the eleven amendments were agreed upon by both labour and management, and of the remaining six the Minister sided with labour's recommendations each time.

Indeed, in all legislative bills that have been brought forth and brought forth to committee, it makes one wonder why bother having a committee at all, because the Minister and the members opposite have circumvented committee, have not listened. The original agenda that was set out is still in place. All bills, whether we talk about Bill 44 or Bill 42, we talk about Bill 12, we talk about Bill 4, it is the same old, same old.

This is yesterday's NDP. The ghost of Howard Pawley is writing the policies for this government. The flawed process is best illustrated by the fact that the proposed section 23 of the Act was not even referred to the LMRC. Indeed, when the Minister asked for input on disruptions, management requested a six-month period to study the issue, a six-month period, and not only did the Minister refuse to consider this request, she drafted an amendment based squarely on one of labour's proposals. This Minister did not even give the business community a chance to respond.

I think the members opposite should be a little more up front and not waste the time of these very important organizations unless members opposite are prepared to stop, look and listen, because nothing is happening in this area. This is a very alarming strategy that has come out of this new government. This socialistic labour-driven view will not help labour. Like Bill 42, Bill 44 is not going to help the labour

force. When employers cannot have some control or when employers cannot have input into labour laws, and when labour takes over business, this is draconian. I will give you an example.

If a business were to come to town, and they hired 20 people, the businesses, in normal situations, are able to say to the employees: This is what we need; this is our vision; this is the requirement; this is what your role is. Then they listen to the employees, and they give the employees benefits. They give the employees a voice, and they try to set up a liaison between employers and employees. I know this because I owned a business, and it was a very successful business. This business was one that had quite a few employees, some part time, some full time. Employees have to be able to understand the objective of the business for the business to succeed. If you want to control or if you want to develop a business and put jobs into the job market, then the focus of the business has to be centred on the objectives of the business. The bottom line is the funds that come forward from the profits that you make and from the contributions that you make to the community.

Business owners across this province contribute in a very meaningful way to the well-being of the province of Manitoba. They create jobs. They cause money to come into households so families can live. They can give music lessons to their children; they can give hockey lessons. The business world is a very important component.

Members opposite have sold out to the union bosses. This is clear. The members opposite have developed policies and strategies that are top-down, that are closed-door. The only thing members opposite care about at this point in time is how many votes. How many votes can we get? They are banking on the fact that the votes will come from labour. They will not next time, because labour will be hurt by the short-sighted draconian legislation brought up in such an important labour bill as Bill 44.

I want to put these remarks on record because I plead with members opposite to start listening to all segments of the community here in Manitoba and to insure Manitobans that they

will be heard and that their comments will be taken seriously, that labour will be heard, employees will be heard, business people will be heard. So the balance is there.

Mr. Deputy Speaker, when I hear about a fair and balanced way of doing business and the hyperbole that goes across the House from members opposite about fair and balanced, it is a veiled attempt to get the real agenda pushed forward, an attempt to fool Manitobans. Well, Manitobans are very intelligent. They are watching. They are waiting. I say to this government, to members opposite: Beware, because the bills that are coming forward are going to do damage in a very major way to the economy, to the educational system and to the free speech that we so value as Manitobans and as Canadians here in this great nation. Thank you, Mr. Deputy Speaker.

Mrs. Myrna Driedger (Charleswood): Mr. Deputy Speaker, you only get one chance to make a first impression. The impression left by the new NDP government is that it is not so new or modern after all. One needs only look and see how they are handling Bill 44.

* (17:30)

It must be asked: Why bring in such draconian legislation? Why rush it through now without proper debate and consultation? Why try to sneak it through? Why introduce it in the heat of the summer when supposedly no one is paying attention?

One must also ask: Who is behind this bill? Where is the big push coming from? Who benefits from this bill? Is it good for Manitoba? Is it good for the economy? Will it strengthen our economy? Will it attract business to Manitoba? Does it send out a strong signal that Manitoba is open for business? Why was it not a major platform in the election? After all, it is the biggest piece of legislation to come forward this session, yet it never once reared its head in the election. Why not? Did the NDP think that if they raised it then, they might not get elected? In fact, the image shift promised by the NDP in the election has not translated into action. We know, Mr. Deputy Speaker, that actions speak louder than words.

The NDP like to reference their commitment to keeping election promises. It is interesting that this is not one election promise they are going to have to keep because it was not an election promise that they made. Why was it not in the Throne Speech? At least it would have added some substance to the Throne Speech. Surely, a bill of this magnitude just did not appear overnight. Surely, it has been on the drawing table for some time.

Why was it not discussed at the Century Summit, Mr. Deputy Speaker? A summit which the new Premier (Mr. Doer) has preened about and indicated how happy government and labour and business were going to be interfacing with each other in the future. After all, this was the new-look NDP, Today's NDP, who promised to be co-operative with business.

The way I see it, Manitoba has an economic climate that is competitive on the global economy. The unemployment rate is the lowest rate in Canada for two consecutive years. Youth employment is high. More people have become confident enough to move to Manitoba despite the high taxes. Manitoba has begun to pay down the incredible burden of debt left by the former NDP government.

Mr. Deputy Speaker: Why then would a bill that is undemocratic, unfair, unbalanced and pro-violence be introduced at all? What kind of a government would promote such a thing? Are there no level-headed thinkers on that side of the House who would challenge their colleagues who are promoting this? Who benefits from this bill? Well, for sure, union leaders; not workers, that is for sure, who are stripped of their democratic right to a secret ballot.

You know, Mr. Deputy Speaker, so many people in this world have fought and died to have a democratic society. I am the daughter of an air force veteran, a veteran who believed so much in such a democratic society that he went to war to fight for it. So to not be able to voice one's opinion in secret, without fear or intimidation by anyone on whether or not one wishes to join a union is something that I find extremely offensive in this day and age.

Years ago, Mr. Deputy Speaker, I did not have a voice about whether or not I wanted to join a union. I became a pawn between management and labour, and I was forced to join a union. I was not given a choice. I had no control over my situation. I was not consulted. I did not even have a chance to cast a vote. My rights were violated. My democratic rights were stripped from me. I remember most vividly how that felt, how it felt to be powerless against something that was far bigger than me.

It was not so much that I was targeted by a union which wanted me in it that bothered me. I had been a unionized worker before, and the union had been helpful to my profession. What was most alarming to me was my lack of power, of a say, and it was my loss of my democratic right as a human being. I was stripped of that right and it was wrong. It was dead wrong. It is an extremely unhealthy way to do business.

This bill, in fact, is contrary to the concept of population health and those determinants that make people healthy. Under the premise of population health, workers who have some control over their environment are much healthier human beings than those who do not. Their sick time actually decreases. That is because employment and working conditions are a significant determinant of health, which states that those people with more control over their work are healthier. Thus helping people gain greater control over decisions and actions affecting their health or empowerment is a guiding principle for health promotion.

Under Bill 44, Mr. Deputy Speaker, there is no empowerment. People lose their ability to control their work environment. Workers are not allowed to have a secret vote on a major aspect of their work environment, and businesspeople would be forced to accept binding arbitration 60 days into a strike. Everybody loses their rights. It is far from a level playing field. In fact, it could be argued that Bill 44 is not healthy public policy. For a government that likes to think they can fix all the health care problems, they turn around and bring in a policy that is not healthy for workers or for business.

Based on this, I challenge them to withdraw this bill.

Not only do we have regressive labour legislation, we have bad public policy as it relates to the health of people. Population health promotion strategies include creating supportive environments. Our environment is not only physical, it also has social, political and economic dimensions. All these aspects interact to exert a powerful influence on health. An important element of the political dimension includes democratic participation in decision making, an aspect glaringly and deliberately missing in Bill 44.

Health reform and population health promotion are closely intertwined. One of the goals of health reform is to broaden the health care system's focus from simply service delivery to a health promotion approach in which the system's primary goal is the enhancement of health at the individual and population levels.

Mr. Deputy Speaker, the Minister of Health's words from Estimates will ring hollow when he supports health promotion and community initiatives if he then turns around and supports legislation that can negatively impact on an individual's health, in fact supports legislation that is bad health policy.

But maybe I should not be so surprised, because when I looked, budget to budget, the NDP Government increased acute care spending by 18 percent, long-term care spending by 13.6 percent, home care spending by 10 percent, and community and mental health services by only 7 percent, and the Healthy Communities Development saw a 4% decrease in spending. So if we were to look at where this government placed its priorities by looking at its spending levels, we would not have seen a strong commitment to health promotion and community initiatives, and it sure did not transfer over into intersectoral collaboration or partnerships for health promotion as we see demonstrated by this legislation.

This Minister of Health is misleading Manitobans, Mr. Deputy Speaker, when he says he supports the premise of population health. If he truly believed it, he would have influenced his cabinet colleagues to not put forward such draconian and unfair, unbalanced, undemocratic legislation which leaves people feeling they have no control over their work environment. By

losing this control over their work environment, their democratic right to a secret ballot, a determinant of health has been impacted. It can lead to an environment that makes people sick. Employees deserve to decide and they deserve to decide by a free democratic secret ballot whether or not they want to join a union. Governments have a responsibility to uphold the standards of democracy that are in this province and country today.

We are asking this Manitoba government to respect those standards of democracy and allow employees the democratic right to vote. Why would any government want to lower the standards of democracy? It is very hard to understand. I know that the Minister of Labour likes to look back and refer to the old days, going back decades. But a responsible minister would look to the future and upholding democracy.

* (17:40)

I am totally surprised that members opposite are not standing during the debate to defend their position. Normally on such significant pieces of legislation, government representatives would want to get their comments of support on the record. Yet nobody on the Government side of the House wants to defend it, and it begs the question, why. Is there lack of support on this bill especially with such flawed clauses and thinking in it? Is their caucus divided on whether or not this is a bill they can support? I agree it is probably hard for some of them to support a bill that takes away the democratic right of individuals to vote on the direction that they want to go.

This is a value held dear by Manitobans, especially by our veterans. This value is learned by children in school and at home. This is a value championed by university students and many others. Why is it a value not championed by this new government, this new government which promised to be Today's NDP? A government, which promised to listen and consult, yet, are shutting down people left, right and centre.

They are not a government that is listening to the people. I saw it in one of the committees

with a presenter who flew in all the way from Montréal. The person that was presenting at the Committee was not quite finished his presentation by the time his time was up, and for two minutes of extra time, the NDP members of that committee would not grant this person leave. They allowed two minutes for questions, and despite the fact that this was a person who had made a lot of effort to come from Montréal, who worked hard to put together a presentation, who gave up their time to attend, they were not allowed to be given leave to add a few more minutes to what they had to say. The NDP demonstrated again this not listening when they shut down MAST during Bill 42. And again, we saw it this afternoon when on Bill 12, the new NDP government, Today's NDP Government shut down another community group.

This government is trying to hoodwink the public into thinking that good debate is going on in committee when in fact full presentation and question and answers are not being allowed. In fact, I do not know why this government is not absolutely embarrassed by this type of behaviour. It is certainly embarrassing for us to be sitting there and watching this kind of behaviour occurring, and to have to be associated with it in any way.

This bill, Mr. Deputy Speaker, has raised such alarm in the business community, who feel that they have not had a voice, that they have not been consulted, that businesses from across Canada have banded together to form a coalition to fight what they feel is harmful, dangerous legislation. We are talking about thousands of businesses that are part of this coalition. They feel that this bill will hurt Manitoba's business and employment environment, hurt employees and hurt Manitoba, not only by endangering employees' freedoms and rights, but also by driving business away, discouraging investment, and curtailing expansion.

Mr. Speaker in the Chair

Mr. Speaker, I received a letter from the Vice-President, Food Service, of Boston Pizza. In one of the paragraphs in the letter he says, and I quote: "We are disappointed that this government has chosen to elevate the power of unions as one of its first pieces of legislation. It

demonstrates to us that the Government's priorities are not to attract investment and employment in Manitoba or to ensure a competitive environment for existing businesses. This may have an impact on our franchisees' plans for further investment in the province of Manitoba."

They have asked that the Government withdraw Bill 44. All of these businesses involved in the coalition, Mr. Speaker, have seen the Bill for what it is, the most regressive labour law changes in Manitoba since the days of Howard Pawley, who saddled this province with the worst anti-business legislation in decades.

What business in its right mind would chose to expand or set up shop in Manitoba under the conditions prevalent in this bill? We certainly see the concern expressed by the Vice-President, Food Service for Boston Pizza, who is asking this very question.

What message is the NDP sending out to people who put their capital at risk to generate economic growth? What understanding does this government even have about business? Because they are sure not demonstrating that they have any. When businesses decide to expand or relocate, they do so after much thought and planning.

One-sided labour laws favouring organized labour do not invite investment in a province. All we need do is look to Bob Rae's government in Ontario.

We also have a one-two punch. With the high taxes for Manitoba's middle-income earners, we now have one-sided labour laws which are really going to make businesses look twice before deciding whether or not they want to come to Manitoba or expand in Manitoba.

The other disturbing aspect of this bill is that it gives unions the unilateral right to end strikes and lockouts in favour of binding arbitration while denying employers any say in the process. The last time I looked, fairness and balance was not lopsided, tilted one way to favour a particular group.

What this bill in fact achieves is an end to good-faith bargaining. Mr. Speaker, why negotiate in good faith if you have a weaker position than your opponent? Just wait 60 days and you can go before an arbitrator who has the authority to impose a more favourable settlement. This 60-day deadline is unprecedented in Canada and is a telling tale of the true beliefs and likely future directions of this NDP government.

This bill also promotes tolerance of picket-line violence by requiring employers to reinstate employees guilty of criminal acts. Under the old legislation, which this NDP government is intent on bringing back, the Manitoba Labour Board forced employers to hire back employees who were convicted of criminal activity for their conduct during a strike at Trailmobile. I had an opportunity to view a videotape of this activity. I find it abhorrent that this Minister of Labour and this government would support this type of behaviour.

In fact, the Minister of Labour (Ms. Barrett) in this House on August 2 said that the violence at Trailmobile was committed only once, with the inference that one instance of violence was okay. She indicated that it was her government's policy and decision to approve reinstatement of employees guilty of criminal acts on the picket line. As our Leader asked the Premier that day, it bears being asked again: Does the NDP Government transfer that thinking into their policy around domestic violence? I have to wonder if the Minister of Labour (Ms. Barrett) and the Premier (Mr. Doer) have ever observed domestic violence and if they would still say about any violence that once was okay. This clause in the Bill, Mr. Speaker, and the thinking behind it, is reprehensible and truly shameful to me.

I would like this Minister of Labour and this Premier to stand before two small children who had just seen their mother brutally beaten for the first time and tell them that it is okay. It only happened this once, so it is okay. I dare them to stand in the shoes of those two small children and think that, because the violence happened only once, it was okay. Violence is never, never okay, whether it is related to domestic violence, whether it is related to violence on the picket

line, whether it is related to violence on the streets or in the schoolyard. Violence committed only once is no excuse for having a clause like that in any piece of legislation.

All anybody has to do is be part of domestic violence to realize that violence of any kind is not acceptable, and any government that condones violence the way this government does in this bill needs to be taken to task by vulnerable people and potentially vulnerable people throughout this province. Where is this supposed get-tough-on-crime Minister of Justice (Mr. Mackintosh), the one that was going to come in and address all the issues and be tough on crime? Where is he when his own party is enshrining into legislation here that it is okay to be violent once? I am extremely alarmed by this aspect of the Bill and find it truly unfortunate that in the 21st century we see a government in Manitoba that is now enshrining violence as an acceptable form of behaviour into Manitoba law. Mr. Speaker, what will be next?

* (17:50)

Several years ago, when I was working as a nursing supervisor, a nursing manager, I was threatened by an employee that, if I crossed the picket line which was going to be set up the next day, my car would be damaged, and they could not guarantee that I would not be hurt. Mr. Speaker, this was an incredibly uncomfortable, scary situation for me to be in. I was a nursing manager, and I had an obligation to care for patients. We did not have many nurses that were going to be in the hospital. A lot of the staff were going to be out on strike, and managers were expected to come in and look after patients. As a manager I felt I had that obligation. Late in the evening, the evening before, to be threatened by a staffperson that if I crossed the picket line they could not guarantee that I would not be hurt, and they could not guarantee that my car would not be damaged, is this really what this is all about, promoting this kind of violence by enshrining it in legislation?

The fear component, even for what I had to experience, Mr. Speaker, was not something I care to relive. That was not an instance that was easily forgotten, as the climate at the time for several weeks was very tense. There were many

of us who were in a very uncomfortable position, very afraid that we could be hurt, afraid enough that we requested security guards walk us to our cars in the evening so that we were not endangered in any way.

Another disturbing aspect to this bill is that it removes the right of workers to be consulted about their union dues being spent for political purposes. Unionized workers now have the right to object to their union leaders donating money to political parties by having their share transferred to a charity of their choice. Under Bill 44, workers will lose that right. So much for workers' rights in Manitoba.

Bill 44 is about the Member for Concordia (Mr. Doer) paying off the union bosses who helped him get elected, nothing more, nothing less. If he were truly interested in fairness and democracy, he would withdraw Bill 44. But he should also withdraw it because, according to John McCallum, a finance professor at the University of Manitoba's I. H. Asper School of Business, in the *Winnipeg Free Press* of July 28 of this year he says that Bill 44: "has the potential to seriously derail perhaps the best economy we've had in 25 years."

Why would this government want to risk something like this happening? It is a bit mind boggling to even try to comprehend. Mr. McCallum went on to say that a perceived reluctance to cut taxes combined with more strident labour laws are a recipe for economic disaster for Manitoba. Mr. Speaker, I think Manitobans deserve better than that. I fear, however, that they will not get it with this NDP Government, what is quickly becoming this old style of NDP Government.

Even Winnipeg labour lawyer Sid Green, who served as a cabinet minister for seven years under Ed Schreyer, says that Bill 44 is an assault on the rights of employees. In the August 3 edition of the *Winnipeg Sun*, he is quoted as saying: 'The NDP has done more to destroy and impair free collective bargaining than any other political stripe government in the history of Canada. . . . The so-called proponents of free collective bargaining have been its No. 1 assassins.'

Mr. Speaker, they are not the only people that have made comments about this particular bill. Dan Kelly of the Canadian Federation of Independent Business, in the *Winnipeg Sun* of Friday, July 7, under the headline: "New law 'attack on business'; Union building now easier," says: "This is absolutely shocking legislation. . . . The true colours of this government are starting to become very, very clear."

Mr. Dave Angus, President of the Winnipeg Chamber of Commerce, has said: "How can you argue against the democratic process of a secret ballot vote?"

The Canadian Council of Grocery Distributors, which is a national trade association of wholesale and retail grocers, is very concerned about Bill 44. They have written a letter to the Premier (Mr. Doer) and to the Minister of Labour (Ms. Barrett), and they have outlined a number of their concerns. But in a particular part of their letter they talk about the realities of today's marketplace. I would like to read a couple of the paragraphs of the letter that has been sent to the Premier, and the Canadian Council of Grocer Distributors is abbreviated as CCGD.

This is from their letter: CCGD is also worried about comments from other business sectors which suggest that an unfriendly business climate could result in reduced investment, cause closures and/or possible relocations. Bill 44 is not business friendly. If the resource industry is damaged in any way, wholesales will suffer as the sales volumes in grocery stores and restaurants decline and outlets close.

In the next paragraph they say: Manitobans should not lose what they have worked so hard to achieve as a result of policies and legislation that will likely drive costs up and business down. Bill 44 will have a negative impact on Manitoba and is only designed to appease a small group of union leaders who, in CCGD's view, do not understand the realities of today's marketplace. Should they win the day with the passage of Bill 44, it will be a short-term victory that ignores the future of a province which must compete in an increasing global economy.

If the NDP Government, Mr. Speaker, was truly committed to listening to these people of Manitoba and across Canada, who have these huge concerns, they would withdraw this bill. The voices out there are speaking up loudly against this bill, and they must be heard and respected. This government is being given the opportunity to do the right thing through all of this debate. I hope that they have been listening.

As we enter the committee stage in addressing this, I hope that, unlike what happened to MAST, the people that make the presentations in committee will be respected, that they will not be shut down, which is what seems to be becoming a tradition here by this new government, to be shutting down speakers, especially if those speakers do not happen to agree with them. I hope that this government will think hard and fast about what they want to see happen in Manitoba, that they truly believe that Manitoba has some wonderful opportunities. I hope they do the right thing for the sake of the people of this province.

I hope they do the right thing. I hope they withdraw Bill 44. The Bill certainly, in itself, is open to some huge need for amendments. If they are not able to make the significant amendments that are needed to be made with this bill, it is certainly a bill that needs to be withdrawn because this bill is not good for people in

Manitoba. It is not good for our economy, it is not good for business and it is definitely not good for workers.

Mr. Speaker, as we are nearing the time when committee is being called, and we see the long list of presenters that are going to be at committee and are going to be giving their time and their effort, I hope that the people that attend there are not treated like the man from Montréal, who was shut down, who was not given an opportunity, despite the fact he had spent a considerable amount of money to come here. I hope that consideration and good due consideration and respect is given to the presenters that come forward. I hope they are not intimidated, as they were by the Minister of Education (Mr. Caldwell) in committee on Bill 42. I hope that a good amount of respect, which all people in Manitoba deserve, is shown to all the presenters.

Mr. Speaker: Order. The hour being 6 p.m., when this matter is again before the House, the Honourable Member will have nine minutes remaining.

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow morning (Thursday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, August 9, 2000

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