



First Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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The Honourable George Hickes
Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary	Tuxedo	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALLOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott	Brandon West	N.D.P.
STEFANSON, Eric	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, August 15, 2000

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Bill 12—The Public Schools Amendment Act

Mr. Frank Pitura (Morris): Mr. Speaker, I beg to present the petition of Doris Dyck, Tony Dyck, Margaret Dyck 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. Jack Reimer (Southdale): Mr. Speaker, I beg to present the petition of Cathie Van Benthem, Andrew Van Benthem, John Visser and others praying that the Legislative Assembly of Manitoba request the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Peter Dyck (Pembina): Mr. Speaker, I beg to present the petition of Tina Klassen, Helen Wolfe, Lisa Michnik 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. Louise Dacquay (Seine River): Mr. Speaker, would you please canvass the House to see if there is leave to have me present the petition on behalf of the Honourable Member for Carman?

Mr. Speaker: Is there leave? [*Agreed*]

Mrs. Dacquay: Thank you, Mr. Speaker. I beg to present the petition, on behalf of the Honourable Member for Carman (Mr. Rocan), of Katharina Wiebe, Lisa Elias, Betty Elias 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. Myrna Driedger (Charleswood): Mr. Speaker, I beg to present the petition of Anne Rempel, Sheryl Hinton, Llewellyn Peters 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 Jim Michnik, Tina Michnik, Mike Contois 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.

Mr. John Loewen (Fort Whyte): Mr. Speaker, I beg to present the petition of Alice Hordyk, Cornel Van Egmond, Mahendra Ramrattan 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. Louise Dacquay (Seine River): Mr. Speaker, I beg to present the petition of Lena Varao-Klippenstein, Winnie Chan, Bevan Klassen 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.

Mr. Ron Schuler (Springfield): Mr. Speaker, I beg to present the petition of Rosie Dueck, Doris Dueck, Marlene Dueck 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.

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I would ask you to canvass the House to see if there is leave to allow me to present the petition on behalf of the Member for Gimli (Mr. Helwer).

Mr. Speaker: Is there leave? *[Agreed]*

Mr. Maguire: Mr. Speaker, I beg to present the petition of Larry Kornelson, David Klassen, Wesley Dueck 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.

* (13:35)

READING AND RECEIVING PETITIONS

Bill 12—The Public Schools Amendment Act

Mr. Speaker: The Honourable Member for Morris (Mr. Pitura), I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

The Clerk please read.

Madam Clerk (Patricia Chaychuk): To the Legislature of the Province of Manitoba

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Russell (Mr. Derkach), I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

Will the Clerk please read.

Madam Clerk: To the Legislature of the Province of Manitoba

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Lakeside (Mr. Enns), I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read? [*Agreed*]

The Clerk please read.

* (13:40)

Madam Clerk: To the Legislature of the Province of Manitoba

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Pembina (Mr. Dyck), I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Steinbach (Mr. Jim Penner), I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

* (13:45)

Mrs. Louise Dacquay (Seine River): Mr. Speaker, would you canvass the House to see if there is leave to read and receive this petition on behalf of the Honourable Member for Carman (Mr. Rocan).

Mr. Speaker: Is there leave? *[Agreed]*

I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Larry Maguire (Arthur-Virden): I ask the Speaker to canvass the House in regard to allowing me to present the petition on behalf of the Member for Gimli (Mr. Helwer).

Mr. Speaker: Is there leave? *[Agreed]*

I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Springfield (Mr. Schuler), I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

* (13:50)

Mr. Speaker: The Honourable Member for Portage la Prairie (Mr. Faurchou), I have reviewed the petition, and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in

nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Marcel Laurendeau (St. Norbert): Mr. Speaker, I wonder if you might canvass the House to see if there is leave for me to present on behalf of the Honourable Member for Emerson (Mr. Jack Penner).

Mr. Speaker: Is there leave? *[Agreed]*

I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Yes.

Mr. Speaker: Clerk, please read.

Madam Clerk: To the Legislature of the Province of Manitoba:

The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home

educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Standing Committee on Municipal Affairs Second Report

Ms. Marianne Cerilli (Chairperson of the Standing Committee on Municipal Affairs): Mr. Speaker, I beg to present the Second Report of the Committee on Municipal Affairs.

Madam Clerk (Patricia Chaychuk): Your Standing Committee on Municipal Affairs presents the following—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Your Standing Committee on Municipal Affairs presents the following as its Second Report.

Your committee met on Monday, August 14, 2000, at 10 a.m., in Room 255 of the Legislative Building to consider the Consolidated Financial Statements of North Portage Development Corporation—operating as The Forks North Portage Partnership—for the years ended March 31, 1999, and March 31, 2000.

Mr. Jim August, Chief Executive Officer, and Mr. Bill Norrie, Chairperson of the Board, and Mr. Paul Webster, Chief Financial Officer, provided such information as was requested by members of the Committee with respect to the Consolidated Financial Statements of North Portage Development Corporation—operating as The Forks North Portage Partnership.

Your committee reports that it has considered the Consolidated Financial Statements of North Portage Development Corporation—operating as The Forks North Portage Partnership—for the years ended March 31, 1999, and March 31, 2000.

Ms. Cerilli: Mr. Speaker, I move, seconded by the Honourable Member for Brandon West (Mr. Smith), that the report of the Committee be received.

Motion agreed to.

* (13:55)

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 a group representing the home schoolers of Manitoba. This group is the guest of the Honourable Member for Fort Garry (Mrs. Smith).

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

ORAL QUESTION PERIOD

Health Care System Bed Availability—Obstetrics

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, there is a severe maternity care crisis in Winnipeg due to shortages at the St. Boniface Hospital and the Health Sciences Centre. All postpartum beds at St. B and Health Sciences are full. The neonatal and intensive care units cannot accept babies in distress, and the Health Sciences Centre is not accepting any low-risk deliveries. This is, and I quote obstetrician Dr. Denise Black saying, a tragedy waiting to happen.

Mr. Speaker, I would like to ask the Minister of Health if he is aware that there are 12 moms being put at risk because they need to be induced and they cannot be brought into the Health Sciences Centre or St. Boniface Hospital because there are no postpartum beds available

at these hospitals. Where are these moms supposed to go?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I thank the Member for raising that question, and I will address that issue in terms of providing the beds.

As I pointed out to the Member during Estimates, it was unfortunate, when the previous government two years ago authorized additional beds at both St. Boniface and the Health Sciences Centre, they did so without money. This year, we not only funded and authorized the opening of additional beds in the maternity ward at the Health Sciences Centre to happen in the fall, but we are also putting in place additional beds at St. Boniface Hospital.

While there might be a problem today, which we are going to look into, Mr. Speaker, I am very pleased that we have taken action and put actual money and resources in place to address this in the future, something that was not done in the past.

Mrs. Driedger: Mr. Speaker, I wonder, then, if the Minister of Health can explain why at the end of June the 17-bed LDRP unit at the Health Sciences Centre was closed after it had been operating for 2 months. All they were looking for was \$300,000. That unit was closed, and if those beds were open right now, today, this crisis in Manitoba would not exist.

Could he please tell us what he is going to do about it because those 12 moms could fit into those 17 beds?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Thank you, Mr. Speaker. As I indicated to the Member when she raised this question three weeks ago on several occasions during the course of Estimates debate, the previous government authorized additional beds at the Health Sciences Centre and St. Boniface Hospital with no money attached. We put into—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: Mr. Speaker, in the Budget that was presented by this government which members opposite opposed and voted against, we put in funding for the opening of the beds at the Health Sciences Centre, something that had not been done, and as well we announced in the capital plan additional plans for beds that had been promised in 1992 to St. Boniface for LDRP beds.

Mrs. Driedger: I wonder if the Minister of Health could address this crisis now before tragedy strikes due to his government's mismanagement, because it was his government that closed these 17 beds. They were open for 2 months. Why did they close the beds?

Mr. Chomiak: It is a good deal ironic, Mr. Speaker, that members opposite who precipitated the worst nursing crisis in the province of Manitoba, firing a thousand nurses, who refused to—

Mr. Speaker: Order.

Point of Order

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

Mr. Speaker, the question that was asked is about the crisis that is today, the crisis that this Minister created by closing those 17 beds. That is the answer that we are searching for. Why is he putting these mothers in danger?

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

Mr. Chomiak: Mr. Speaker, it is interesting that the House Leader should say "that is the answer that we are searching for," precipitating and in fact pre-supposing a response to a question.

Mr. Speaker, on the response to the question that was raised three weeks ago in this Legislature, and as I pointed out previously with respect to that, there are nursing shortages that

are the precipitator of this difficulty, and members opposite ought to accept responsibility for that.

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

* (14:00)

Mrs. Driedger: On that same point of order with new information, Mr. Speaker, this issue is not about a nursing shortage. The nurses are there, and they are trained. This is about a bed closure by this Minister. The nurses are there. They were there working in the 17 beds.

Mr. Speaker: Order. On the point of order raised by the Honourable Official Opposition House Leader, it is not a point of order. It is a dispute over the facts.

* * *

Mr. Chomiak: Mr. Speaker, when members opposite were government, they closed 1400 beds permanently. This summer, there have been summer bed closures just like every other year. Every time there is a summer bed closure this year, all of a sudden members stand up and try to make some kind of a claim like it was in the previous years when beds were closed permanently. A number of beds have been closed for the summer like last year, in the same levels they were last year, and members stood up and said "Treherne" when it was a two-week bed closure.

I think members ought to get it correct. We are doing everything we can with respect to the situation. It is obviously of concern. We funded this program for the fall, and there will be beds and resources in place from this government as opposed to the record of the previous government.

Health Care System Bed Availability—Obstetrics

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): Mr. Speaker, we have seen time and time again this Minister of Health try to lay blame on someone else for the issues

and the responsibilities that he has. We heard very clearly at committee this morning on Bill 44 that when someone does not have a justification for the argument they are trying to make, they blame someone else and think that is the approach they can take rather than taking responsibility for their actions.

This Minister of Health promised Manitobans during the election campaign that all they had to do was elect him and he would fix everything. Well, Mr. Speaker, there are 12 moms waiting today in a situation that is unacceptable because of this minister and his government. It is time that he stood up and took responsibility, showed some leadership and indicated what he was going to do to fix the situation.

Mr. Speaker, my question for the Minister of Health is: Why did he close the 17 beds that were open and put these moms at risk?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, we not only included in this year's budget funding for the LDRP beds at Health Sciences Centre, something that had not been done for two years, but we went ahead on a proposal that was put forward in 1992 to provide similar kinds of beds at St. Boniface Hospital, and we funded that in this year's budget as well. Not only is the Member wrong, but they are attempting to cover up for their own inadequacies in the system. The system is not perfect, but we have put more resources into the system than were done any time during the 10-year period when that member sat around the Cabinet table and said nothing.

Mrs. Mitchelson: Mr. Speaker, but, again, it is clear that this minister accepts no responsibility for the position that he holds around the Cabinet table of that NDP Government. My direct question to the Minister of Health is: Why did he close the 17 beds at Health Sciences Centre that were fully staffed? Why did he close those beds and put these 12 moms at risk?

Mr. Chomiak: Mr. Speaker, the WRHA will open eight rooms in September 2000 and seventeen will be opened by October 2000. Funding of \$300,000 was approved for the costs of opening the program, something that was not provided for when that program was announced by the previous government. No funding was

provided under the previous government in this regard. This is in the Budget, and it is real in the Budget.

Mr. Speaker, I might add that bed closures this summer are part of a similar pattern that occurred every year. Would we have liked to have opened more beds? Yes, but we are dealing with a nursing shortage that was created for the past decade, and I wish members opposite would support our nursing program so we could move forward on nursing, rather than opposing the nursing program at every step of the way.

Mrs. Mitchelson: Mr. Speaker, and again, that is very small comfort to the moms that are being put at risk by this minister and his government.

My very direct question to the Minister of Health is: Those beds were opened in May and June of this year. He closed them and he moved the beds out of those rooms. Will the Minister of Health now stand up, take some responsibility and fix the problem, open those beds that he closed so that those moms can receive the care that they deserve?

Mr. Chomiak: Mr. Speaker, as I indicated to the Member opposite during the course of Estimates, we will look at that situation with respect to the bed need. Secondly, I indicated for the first time in a decade there is actually more money in the Budget to open beds, something that is very novel to members opposite. There is actually more money in the Budget to open beds, as opposed to closing 1400 permanently when they were in government. We are actually expanding programs and providing services. Unfortunately, because of the nursing shortages and other professionals in this jurisdiction, we are having trouble staffing some of these situations, but we put resources into the beds to be available to fund the beds.

I know it is novel for members opposite who are used to cutting beds, but there is money in the Budget, and there are resources available with respect to those beds.

Health Care System Bed Availability—Obstetrics

Mrs. Myrna Driedger (Charleswood): Well, if the Minister has indicated that there is money,

that they are willing to address this situation, because it is not related to a nursing shortage, this is related to a bed closure by his government, and if he is indicating that there is money, if this unit was operating in May and June, why did he close these 17 beds? It is his decision, and we have moms needing to come into beds in this city because every postpartum bed in the two major hospitals that treat high-risk moms are full, and it can be eased if he would open this unit.

Would he be prepared to open that unit today?

Hon. Dave Chomiak (Minister of Health): As I indicated in my previous responses, and I know it is a novel concept if members would just pay attention to this, there is money in this year's budget, as I indicated during the Estimates process. If it is possible to immediately move on that, we will move on that as we have done in every other area of health care, like when there were long waiting lists, we sent people to the United States, like when there are people in the hallways, we put in resources, like when we expanded dialysis in opening additional dialysis units. We will respond. The resources are available, and if the beds can be moved forward and opened quicker, if it is necessary, we will do that. We will take that action.

Mrs. Driedger: I would like to ask the Minister why it has taken him a month to address this issue. This issue has been brewing out there for a month. He has had a lot of time to address it, and I brought it up. Will he address it now that he has wasted a month and he could have prevented this?

Mr. Chomiak: This issue was first addressed in this year's budget when we actually—I know it is novel to members opposite—put money in the Budget to open these beds this year. Now this item first went to the members opposite's Treasury Board in 1998, and there was no money in the Budget to do this.

We put money in this year's budget, recognizing and planning to open them in September and October. If it is necessary to move it up, if the resource is in place, that will take place. But I want members opposite to be

assured the resources are in place, as opposed to the bad old days of this jurisdiction when there was no money and no beds, and it was a straight no from the government.

Mrs. Driedger: I would like to ask the Minister of Health: Where are mothers, this evening, supposed to go if they are going to be delivering a baby because the labour and delivery unit at St. Boniface is full? They cannot accept any into labour and delivery at Health Sciences Centre. Where are these mothers to go tonight if they have to have a baby delivered? To the United States?

Some Honourable Members: Oh, oh.

Mr. Speaker: May I remind the Honourable Member for St. Norbert (Mr. Laurendeau) and the Honourable Member for Interlake (Mr. Nevakshonoff), *Beauchesne's* Citation 168: "When rising to preserve order or to give a ruling the Speaker must always be heard in silence." I would ask their co-operation.

Mr. Chomiak: Again, I know it is novel for members opposite, but we have put money in this year's budget. If those beds can be opened sooner, those beds will be opened sooner. And if there are any resources that we can put in place to deal with that situation, we will do that. We will address the issue and try to come to grips with it. But I want members opposite to know that not only did we put money in this year's budget for that, not only did we plan for it, we also put into capital plan LDRP beds for St. Boniface Hospital, something that had been recommended since 1992, Mr. Speaker, since 1992, and we put it in this year's capital plan to do that.

So we will attempt to address those issues, and when there are problems that arise we want to try to solve them, not deny that they exist.

Labour Relations Act Amendments—Secret Ballots

Mr. John Loewen (Fort Whyte): Mr. Speaker, we know that intrinsic to any democracy is the right to vote, a private vote. Indeed, this Premier (Mr. Doer) has said the fundamental aims of the labour movement remain to ensure that

democratic rights of workers are respected and exercised to the fullest. He has also said: The last time I looked the most democratic process for consulting people was an election.

Does the Minister of Labour agree with her leader that employees should be able to exercise their democratic right to the fullest through a private vote?

Hon. Becky Barrett (Minister of Labour): Mr. Speaker, I agree with the Member for Lac du Bonnet (Mr. Praznik), the former Minister of Labour, who stated in the House in Hansard on May 13, 1992: We accepted the argument—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Barrett: Thank you, Mr. Speaker. I agree with the Member for Lac du Bonnet, the former Minister of Labour, who stated in Hansard on May 13, 1992, that the government of the day—of which he was a representative, but he was speaking for the government of the day—and I quote: Accepted the argument that was made by labour that where you have 70 percent-plus, 65 percent-plus of people who have signed cards, that that truly is representative of the majority. He then urged all members of the Legislature to go back to first principles, which is to determine the will of the majority.

* (14:10)

Mr. Loewen: Mr. Speaker, given all of the labour and election legislation changes this government is proposing, will the Premier confirm whether he still supports the democratic right to a secret ballot in elections? This is a right he is taking away from employees. Who is next?

Hon. Gary Doer (Premier): Well, Mr. Speaker, we will find out when the Chief Electoral Officer reports who follows the law of the land and who does not. We have already seen the results of a 1995 election inquiry, one Justice Monnin. I would point out that Justice Monnin has not only spoken about the lack of ethics of members opposite, but Justice Monnin was part of a—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Thank you, Mr. Speaker. Justices Monnin, Huband and Twaddle dealt with the issue of certification and talked about the need for employees to minimize pitfalls. Legislatures have enacted laws to speed up certification process, and he goes on to say in ruling against Mr. Tucker, who was represented by Mr. Green, that this is certainly appropriate in a democracy.

Amendments—Consultations

Mr. John Loewen (Fort Whyte): Mr. Speaker, will the Premier, who refused to raise the issue of eliminating the secret ballot during his Century economic summit, commit to the Manitoba Business Council's proposal and postpone the three contentious areas of Bill 44 dealing with the democratic right to vote, binding arbitration and picket line violence, until a proper consultation, that includes business, occurs?

Hon. Gary Doer (Premier): Mr. Speaker, the proper consultation is occurring as we speak. I understand there were a number of well-thought-out presentations being made by many Manitobans last night and this morning. Very intelligent presentations were being made to the Committee.

I know this is the withdrawal party. Whenever they cannot come to any conclusion about where they are going to go, banning union and corporate donations, withdraw the Bill; dealing with other issues of home schooling, withdraw the Bill; withdraw this bill, withdraw that bill. Why not listen to Manitobans in committee and make the appropriate changes on behalf of all Manitobans. That is what we are going to do.

Labour Relations Act Amendments—Consultations

Mr. Harry Enns (Lakeside): Mr. Speaker, this question is prompted by the front-page story in the *Free Press* a few days ago featuring none other than our Premier and his indication that he was in fact listening to the concerns that were

being expressed about the labour legislation passed. The Premier referred to the numerous presentations that we received last night, a very eloquent one from Mr. Green that the Premier mentioned.

My question to the Premier is: Was he just fooling the business community about his seriousness about actually listening and perhaps accepting some changes? Are there any fundamental changes, notably the three amendments that my colleague just asked for that is the big concern of business? Are they in any way being dealt with by this government?

Hon. Gary Doer (Premier): Mr. Speaker, the Member may recall yesterday that the Minister of Labour (Ms. Barrett) indicated that one of the concerns about a balance becoming a tilt was the issue of the second vote. The Minister of Labour indicated that she has positive ideas and amendments on that issue.

Mr. Speaker, we certainly would note that yesterday in an interview an individual from the school of management said that the "legislation is," and I want to make sure it is—"a pretty mild bill."

Mr. Speaker, that is an individual, Mr. Godard, from the Faculty of Business Administration at the University of Manitoba. Having said that, we are still listening to Manitobans. There are still ideas being proposed, and particularly there is a fair amount of consensus about the seven or eight amendments that have arrived in this bill. There are some concerns that we did not go far enough here or we went too far there.

I think all in all our goal is to have a growing economy, which we have right now, we have had since we have been elected, and we have had since this bill has been announced. Our goal is to make sure that average families in Manitoba enjoy some of the fruits of their labour in this province and are able to raise their kids and have their kids stay in Manitoba with opportunities.

Labour Relations Act Amendments—Short-Line Railways

Mr. Harry Enns (Lakeside): Mr. Speaker, a new question addressed to the Minister

responsible for economic development. Yesterday at committee, we heard representations on another bill, Bill 18, from a Mr. Peters who runs successfully several short-line railways in Manitoba and from representatives of the Seagram's company in Gimli.

Mr. Peters, who has experience in setting up short lines, indicated Bill 18 would inhibit the further development of short lines. Should that short-line railway that serves the Seagram's plant, that consumes 68 000 tons of grain annually, has there been any thought given, any studies taken, to the position that that plant may be in should that plant, its continued existence, be jeopardized if in fact that piece of track should be destined for a short-line operation, which with Bill 18, we are being told by those who run short lines, makes it not possible to set up more short lines in Manitoba?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): It is clear that short lines have a role in Manitoba, and we are very proud of the success story, that OmniTRAX has been able to succeed.

The concerns raised by the short-line operator that presented yesterday have been taken very seriously, and there has been consultation with the Department and legal counsel. I know that several different organizations have had opinions on the impact of the legislation.

We are fairly confident that the short-line industry in Manitoba will expand, that the Seagram plant will be successful, and if there are options that we heard hinted of yesterday, will be able to proceed, and this bill will not harm or hamper the short-line industry.

Mr. Enns: It is just amazing, Mr. Speaker—

An Honourable Member: Question.

Mr. Enns: Okay, the question. Will the Minister not agree, because I believe she was at committee yesterday, we heard from the representatives representing the national association of some 48 short-line railways across the country, and we heard from one of Manitoba's more successful short-line operators, Mr. Peters, who said that Bill 18—

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

Point of Order

Hon. Gord Mackintosh (Government House Leader): On a point of order, we were trying to assist the Honourable Member in moving towards a question. Mr. Speaker, would you please ask him if he has a supplementary question.

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

Mr. Enns: No. I accept the admonition from the Government House Leader.

Mr. Speaker: On the point of order raised by the Government House Leader, *Beauchesne's Citation 409(2)*—[interjection]

I have to deal with the point of order first before I can recognize the Honourable Member.

Beauchesne's Citation 409(2) advises that a supplementary question should not require a preamble.

* * *

Mr. Speaker: I would ask the Honourable Member to please put his question.

Mr. Enns: Will the Minister not concur that from those people who run short-line railways in Canada, the presentations made yesterday to the Committee were that Bill 18 would make that more difficult, would inhibit the further development of short-line railways in Manitoba?

Ms. Mihychuk: I did have an opportunity to listen very closely to the presentations from the short-line industry, both from the national organization, from the presentation of a Manitoba operator. It is important also to note that there was a successor rights' provision in B.C., that the case went to the Labour Board where a comparison between the class one rail operators was compared with the short lines. The ruling of the Labour Board indicated that successor rights in this case would not apply

because the two operations were significantly different. We have considerable confidence that the successor rights' legislation will not hamper our short-line rail industry.

Sustainable Development Act Procurement Guidelines—Consultations

Hon. Jon Gerrard (River Heights): Mr. Speaker, both the Premier and the Minister of Conservation (Mr. Lathlin) have indicated that they are planning to present the Government's procurement policy in September to meet, in a belated fashion, the requirements of The Sustainable Development Act, an act which mandates extensive involvement of all departments in the development of the policy.

Since the Government's procurement policy may be one of the most important ways that the Government interacts with businesses and supports businesses in Manitoba through course of fair process, I ask the Premier whether he has learned from his experience with recent labour legislation and whether he is going to undertake extensive consultations with Manitoba businesses before he presents his new procurement policies.

Hon. Gary Doer (Premier): I certainly will not learn from the activity of the Member opposite when he was a member of the federal government and the results of his stewardship and the Cabinet stewardship in the situation in Canada dealing with the environment. This is an individual who has asked a lot of questions in feigned interest in the environment, but the Government of Canada has just received a D rating from the Sierra Club of Canada dealing with the environment, dealing with setting aside endangered spaces, dealing with many of the issues of the ozone layer. Some of the issues that the Sierra Club deals with go directly back to the '95-96 budgets of the federal government, where hundreds of millions of dollars were cut out of the environment department of Canada, and the opportunity to take a leadership role and a stewardship role in Canada was fumbled by members opposite, Mr. Speaker.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (14:20)

Mr. Gerrard: The Minister seems to circumvent the real answer.

Mr. Speaker, my supplementary to the Minister of Industry. As a run up to the September announcements of the government's procurement policies, what consultations, I ask the Minister, is she going to do with respect to procurement policies for business and, in particular, not just environmental but information technology businesses, policies which are vital for the support and the development of these industries in Manitoba?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Mr. Speaker, the mandate of procurement is actually under the jurisdiction of the Minister of Highways and Government Services (Mr. Ashton). However, I can tell you that during the Century Summit this was an issue raised by many businesses in Manitoba, both from urban businesses and rural businesses. It is a commitment that we made in the election, and we are moving towards fulfilling all of our election promises.

Mr. Gerrard: I thank the Minister for the commitment.

I ask my last supplementary to the Minister of Aboriginal and Northern Affairs (Mr. Robinson). What efforts is he making, before the September announcement, to ensure widespread consultation in relation to procurement policy development in order to facilitate the growth of aboriginal businesses in Manitoba?

Ms. Mihychuk: Mr. Speaker, we have had an opportunity to deal with the traditional chambers, as well as the aboriginal business leaders organization, as well as aboriginal—well, I know that the Member for Tuxedo is heckling that this is the lunatic fringe organization. I do not think so. I think that the economic development and business climate of Aboriginal people is very important.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Gary Filmon (Tuxedo): On a point of order, Mr. Speaker. I know that the Minister would not want to have incorrect information on the record.

I just want to assure her that I was repeating the quote of her good friend Rob Hilliard, the head of the Manitoba Federation of Labour, who called those very groups that she is referring to, the Chambers of Commerce, as the lunatic fringe in this province. I know that she would not want to put incorrect information on the record.

Mr. Speaker: On the point of order raised by the Honourable Member for Tuxedo, it is not a point of order. It is a dispute over the facts.

Labour Relations Act Amendments—Secret Ballots

Mr. Ron Schuler (Springfield): Mr. Speaker, we now have examples of union drives that failed when put to the test of a secret ballot. In one case, a union managed to get 67 percent of the workers to sign cards, but received only 47 percent when it went to a secret ballot. This, once again, clearly proves the Minister of Labour is wrong, and I thank her for admitting it on CJOB.

Can the Minister confirm that there are in fact multiple instances of 65% sign-up and certification subsequently being turned down by secret ballot?

Hon. Becky Barrett (Minister of Labour): Mr. Speaker, the Labour Board has informed me that there were several instances, I believe approximately five in number. The details of those instances are not releasable by—*[interjection]*

Mr. Speaker: Order.

Ms. Barrett: Mr. Speaker, the Labour Board is not able to provide specific details because of confidentiality, but my understanding is that these instances were instances of groupings where there were a very small number of workers involved and—*[interjection]*

Mr. Speaker: Order.

Ms. Barrett: Mr. Speaker, we are returning to a situation in Manitoba that was—[*interjection*]

Mr. Speaker: Order.

Ms. Barrett: We are returning back to a situation—[*interjection*]

Mr. Speaker: Order.

Ms. Barrett: Mr. Speaker, I will try once more to get my answer through, and if the Member for Lakeside, who was not very polite this morning in committee hearings when he was reading the newspaper when people were making presentations—he may be the dean in this House, but as dean he has a certain degree of responsibility, as we all do.

Point of Order

Mr. Harry Enns (Lakeside): I resent that implication on the part of the Minister. What I was doing was research in ensuring that the members of the fifth estate were accurately reporting the goings-on of last night which was a very important committee meeting. It was important to know who was calling me ignorant.

Mr. Speaker: On the point of order raised by the Honourable Member for Lakeside, I would have to say it is a dispute over the facts.

* * *

Mr. Schuler: Mr. Speaker, I ask the Minister if she can now confirm for this House that she actually left wrong information on the record when she said some time ago that there was never an instance where there was 65% sign-up and then did not make it when it went to a secret ballot? This seems to be a common occurrence with this minister. Can she please clear the record and tell this House that she left the wrong information on the record?

Ms. Barrett: Mr. Speaker, as I have stated on the radio this morning, yes, the information that I put on the record originally was inaccurate, and I have corrected that information. I apologized on the radio this morning, and I am more than happy to, unlike some members opposite who refuse to acknowledge when they have made

mistakes many, many, many more egregious than the error that I have made, I have the privilege of making that statement in the House today.

Mr. Schuler: Mr. Speaker, then I was wondering if the Minister of Labour would agree with a quote made by the MLA for Wellington in 1996: ". . . there should be no question about the absolute importance that we must maintain the integrity of the concepts of democracy." Does the now Labour Minister agree with the previous member for Wellington that the secret ballot was important then as it is important now?

Ms. Barrett: Obviously, the current Member for Inkster agrees with the comments made by the former member for Wellington, who happen to be one and the same individual.

Mr. Speaker, the concepts of democracy are very important. I would like to quote from Professor Paul Weiler in his book *Reconcilable Differences*—this was in committee this morning—commenting on the choice of accepting membership evidence of a certification application versus ordering votes in all cases.

The fact is that a trade union does not have governmental authority over the unit of employees. The trade union gets a piece of paper, a licence to bargain on their behalf, which is by no means a key to the vault. It is not making a momentous choice, one which should be carefully hedged with ceremonious trappings such as a voting booth.

Might I add that in cases where a union is certified and then after a period of time or any period of time chooses to decertify, it is much easier actually to decertify than to certify. It only requires 50 percent plus 1.

* (14:30)

Labour Relations Act Amendments—Impact on Business

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, the Business Council of Manitoba last night in committee stated, and I quote: Quite apart from the serious reservations over the substance of Bill 44, we want to comment on

process. There was no mention of significant changes in the New Democrat's campaign platform, not even a passing reference in the Throne Speech, no hint through ministerial speeches, no reference to the Labour Management Review Committee.

To the Minister of Labour: Why does she continue to try to pull the wool over the public's eyes when she talks about her surprise that over 185 000 businesses in Canada are opposed to the radical changes that she is bringing forward in Bill 44?

Hon. Becky Barrett (Minister of Labour): Mr. Speaker, in 1996 we voted against Bill 26, made statements in the House at that time that we in government would not have put in those amendments. I think that is a very clear statement. The Premier (Mr. Doer) mentioned in Question Period earlier today that a member of the faculty of management at the University of Manitoba, a faculty that is not always noted for its left-wing comments, stated that certification votes were acceptable and that this legislation brought in was not at all extreme.

We have consulted. We consulted before the Bill was brought in. We have consulted afterwards. We are listening now. We are participating in the democratic process.

Mr. Speaker: The time for Oral Questions has expired.

MEMBERS' STATEMENTS

Labour Relations Act

Mr. Jim Penner (Steinbach): Mr. Speaker, I rise today as a member of the Legislature representing an industrious constituency, as a businessperson in this province and also as a concerned citizen. Yesterday and today, we have had upset citizens representing a number of groups coming to the Manitoba Legislature in an attempt, some would say a last-ditch attempt, to have this government kill Bill 44 and ensure that labour peace and prosperity remain in Manitoba.

I have spoken in this House before on this issue, and I do so again today in the hopes that

something that has been said in committee hearings or in Question Period has shaken this government from its current unpopular and short-sighted labour bill. As an employer past and present, I want to tell members that the best workplace environment is one in which both the employers and the employees feel that they are working together and not against each other. The best production in any business comes from those in which the employees feel that they are working together with management as a team and that the success of the company enhances their own personal success and advancement. It is in that environment that the best wages can be paid as well.

Mr. Speaker, this is the type of business I have tried to run and produce and, without reservation, it is the type of business the vast majority of Manitoba businesspeople try to run. Yet, in just 10 months, Today's NDP has created a battlefield for labour and management. They have created more mistrust and anxiety between management and labour groups than has existed since Howard Pawley warmed the Premier's chair. Today's NDP has moved quickly to cause unrest in labour relations in Manitoba and has gambled with the prosperity of the province that was won on such a difficult basis in the last years.

As a member of the Conservative caucus, I am proud to stand in defence of the democratic rights of workers, the progression of business, and the opportunities for employment of our young people. I implore members opposite to give up the ghost of Howard Pawley and kill Bill 44.

Boni-Vital Black Sox

Ms. Linda Asper (Riel): Mr. Speaker, it gives me great pleasure to announce that the Boni-Vital Black Sox are Manitoba's Provincial Peewee A baseball champions. They defeated North Winnipeg on Sunday, August 6, to lay claim to the title. This is a first for the team.

The Boni-Vital Black Sox team is made up of 12- and 13-year-old boys from St. Vital and St. Boniface communities. These young people will represent Manitoba at the national championships to be held in Summerside, Prince

Edward Island, from August 24 through August 28, 2000. The players are extremely excited to represent our province in the championships, having played 44 games this year.

In preparation for their trip, the team members are trying to raise money to defray their expenses. Under the capable leadership of Craig Hornby, their manager, the young people are canvassing local businesses, organizations, and individuals for financial assistance to participate in the national tournament. You will meet them this Friday and Saturday at various locations on their tag days. As is the custom, the players and their coaches, Al White and Wayne Macaulay, will exchange pins with the other teams at the beginning of each game, only one of the many exciting experiences awaiting them in P.E.I.

Congratulations to the Boni-Vital Black Sox and good luck in the national championships. Thank you to their parents for all their hard work, to the coaches, manager, and volunteers who work with the team. We wish you all well in the championships. Thank you, Mr. Speaker.

Labour Relations Act

Mr. Harry Enns (Lakeside): Mr. Speaker, I would like to, in a few minutes, acknowledge and to comment on the very serious discussions that are taking place in Manitoba and in this Chamber here in this Legislative Chamber and in the Committee room with respect to the labour situation in Manitoba. I genuinely regret the kind of climate that is developing, the kind of rhetoric that is being exercised. I must say it is coming from one side. It is coming from the labour side. That is to be regretted.

That is not to say that business and others are not expressing their deep, deep concerns about what this Minister of Labour (Ms. Barrett) and what this government is proposing. That is fair game in our democratic society. But nobody on the management side, nobody certainly from the Opposition side, is personalizing the differences of opinion in the manner and way which has been publicly stated by the President of the Manitoba Federation of Labour describing any and all who oppose Bill 44 as being lunatics,

as being crazy, as being nuts. Mr. Speaker, it does not augur well for the future of labour relations in the province of Manitoba, and it does not, in the long run, act in the interests of the working people of Manitoba.

Honourable members in committee last night heard from a former colleague of theirs, a man well versed in labour legislation, the Honourable Sidney Green, whom I had the pleasure of serving with in this House. Mr. Green, although dismissed from his party that he had served for many years for holding these views, believed, in stark and simple terms, in the importance of freedom and principles, which we are violating with Bill 44.

Manitoba Derby

Mr. Jim Rondeau (Assiniboia): Good day, Mr. Speaker. I rise today to highlight a number of activities that have taken place in Assiniboia recently. The first event is the 52nd Annual Manitoba Derby. I had the pleasure of presenting the \$100,000 first prize to Gordon Wilson, the owner of Scotman from Alberta. It was really an excellent race. It was very exciting, with a number of horses in contention. Breaker Breaker, the underdog, made a late charge and almost created an upset. That is a \$100,000 horse basically competing against a \$1,500 horse. It was a great afternoon of entertainment and it was a great pleasure.

I had the pleasure of meeting a number of people who travelled to this event from all over North America. They all commented very positively on the hospitality of the people at the Downs. With 5356 people in attendance, including a number of out-of-town guests, it was an excellent attraction, which provides many jobs and spinoffs within the province.

My congratulations to General Manager Sharon Gulyas and all her staff who always go that extra mile to ensure their guests have a great time and ensure Manitoba continues to build as a tourist destination.

The second activity I had the pleasure of participating in was the Grand Marnier Equestrian Competition put on the by the Red River Exhibition. This event involved some of

the best jumping I have ever seen. I would like to compliment the Red River Ex board and their staff on their efforts in branching out to new activities and broadening the use of the site. With only 80 out of 480 acres now developed at the Red River site, we can all continue to look forward to exciting new future attractions at the Red River Ex site. Congratulations. I invite everyone down to Assiniboia to see the new attractions that are being formed. Thank you.

Manitoba Summer Games

Mr. Larry Maguire (Arthur-Virden): It gives me pleasure to rise today to congratulate all the participants and volunteers at last week's 2000 MTS Manitoba Summer Games held in Virden. I had the pleasure to bring greetings at the closing ceremonies on Sunday, August 13.

Over 1100 volunteers in the Virden area came together last week to host a wonderful event with the support from venues in Oak Lake and Brandon. Over a thousand athletes participated in the Games. Special congratulations to the Winnipeg Region who came away from the competition as the winners. Also the Eastman Region received the Most Spirited Award, while the Parkland and Westman tied for the Most Improved Teams. This tie between two regions has never occurred before, and so special congratulations to them.

* (14:40)

Mr. Speaker, the energy that was demonstrated by the athletes, coaches, parents and volunteers at these games was outstanding. Everyone had a wonderful time in the Virden area. Co-chairs Richard Ward and Craig Russell and their Virden Host Society are to be held up as a magnificent example of volunteerism at its best.

Mr. Speaker, I do want to make a special mention about the Westman Team in the competition of the 100 metre individual medley in swimming. Tamara McLennan of Virden received gold; my cousin Kristen Nelson of Neepawa received silver; and Colleen Cosgrove of Virden received bronze. Westman took all the medals in this event and congratulations to them.

Mr. Speaker, sport is a vital part of the academic and well-being of human society. These games exemplify team spirit, co-operation and overall personal development. I encourage this government to support the sporting community in Manitoba in their efforts to maintain a healthy youthful population.

Mr. Speaker, again I want to congratulate all the athletes, officials, coaches, parents and volunteers who made the 2000 MTS Manitoba Summer Games an overwhelming success. Thank you.

Committee Change

Mr. Gregory Dewar (Selkirk): I move, seconded by the Member for Wellington (Mr. Santos), that the composition of the Standing Committee on Industrial Relations be amended as follows: Fort Rouge (Mr. Sale) for Rupertsland (Mr. Robinson).

Motion agreed to.

ORDERS OF THE DAY

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please call report stage.

REPORT STAGE

Bill 4—The Elections Finances Amendment Act

Hon. Gary Doer (Premier): I move, seconded by the Minister of Education (Mr. Caldwell), that Bill 4, The Elections Finances Amendment Act; Loi modifiant la Loi sur le financement des campagnes électorales, as amended and reported from the Standing Committee on Privileges and Elections, be concurred in.

Motion presented.

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 4, The Elections Finances Amendment Act,

as amended. Is it the pleasure of the House to adopt the motion?

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: I believe the Yeas have it. On division.

Bill 7—The Protection for Persons in Care Act

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, I move, seconded by the Minister of Justice (Mr. Mackintosh),

THAT Bill 7 be amended in clause 12(1)(a) by striking out "\$10,000." and substituting "\$2,000."

Motion presented.

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

THAT Bill 7 be amended in clause 12(1)(a) by striking out "\$10,000." and substituting "\$2,000."

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Mr. Chomiak: Mr. Speaker, I move, seconded by the Member for La Verendrye (Mr. Lemieux),

THAT Bill 7 be amended by adding the following after subsection 12(1):

Offence of making a false report

12(1.1) A person who makes a report of abuse under this Act, knowing it to be false, is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000.

Motion presented.

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

THAT Bill 7 be amended by adding the following after subsection 12(1):

Offence of making a false report—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

12(1.1) A person who makes a report of abuse under this Act, knowing it to be false, is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Mr. Chomiak: Mr. Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs, that Bill 7, The Protection for Persons in Care Act; Loi sur la protection des personnes recevant des soins, reported from the Standing Committee on Public Utilities and Natural Resources and subsequently amended, be concurred in.

Motion presented.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Bill 17—The Elections Amendment Act

Mr. Speaker: Bill 17, The Elections Amendment Act (Loi modifiant la Loi électorale), the

amendment standing in the name of the Honourable Interim Leader of the Official Opposition.

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): I move, seconded by the Member for Minnedosa (Mr. Gilleshammer),

THAT Bill 17 be amended by adding the following after the proposed subsection 174.2(2) as set out in section 25 of the Bill:

Right of candidate to enter communities

174.2(2.1) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or distributing election campaign material in any town, village, municipality, local government district, designated community under the Northern Affairs Act or reserve as defined in the Indian Act (Canada).

Motion presented.

* (14:50)

I just want to put a few comments on the record. This was an amendment that we moved at committee stage, and it was defeated, so it is back here again today at report stage. It does address an issue that happened during the 1999 election campaign when one of our candidates was refused admission to campaign on a reserve in the province of Manitoba. I believe it was in The Pas constituency. I believe that if this amendment had been in place it would have contravened The Elections Act and there could have been some action taken. I believe that this is only fair.

When we look at the other amendments that were brought in by government to this legislation, they are amendments that allow candidates the right to enter multiple dwellings, to enter apartment blocks and communicate directly with every individual. That is the democratic right of any candidate or the person that has been designated by a candidate to work on their behalf.

It works both ways, Mr. Speaker. Not only should the candidate have the right to

communicate with every individual in the province of Manitoba that has the right to vote, but also individuals who do have the right to vote should not be denied access to anyone that would like to present their point of view during an election campaign. So I think both the candidates, those who work on their behalf, and every citizen in the province of Manitoba has an opportunity with this amendment to ensure that they are able to exercise their democratic right to vote by secret ballot based on full information by those who have put their names forward to be elected to office by any political party.

So, Mr. Speaker, that is the reason for this amendment, and I would hope that it would receive support from this House.

Hon. Gary Doer (Premier): Mr. Speaker, I want to thank the Interim Leader of the Opposition for the opportunity to speak on this amendment. I undertook in the Committee to review the amendment that she had proposed. We have reviewed this with the legal counsel and other constitutional people. We will be proposing, as an alternative resolution to this issue, an alternative amendment to allow for access of all candidates to enter all, to have the right to campaign and distribute material in any community in the province that we believe, based on our legal opinion, legal advice, is consistent with the spirit of the existing elections law and consistent with the principles of a democracy that prevail in The Elections Act of Manitoba.

Mr. Frank Pitura (Morris): Mr. Speaker, I would just like to make a few comments on the amendment put forth by our Leader, and I think that it is important to note here that within the province of Manitoba all of the governing systems are defined by political boundaries. So, whether it is a town or a village or a municipality or a Northern Affairs community or a reserve as defined under the Indian Act of Canada, there is a political boundary attached to it, a geographical boundary which defines that community. So it is important, I think, that the amendment that was put forward by our Interim Opposition Leader be supported because it actually clarifies the definition of the various political boundaries that people who are campaigning can distribute election material in,

as opposed to the amendment put forth by the Premier, which only defines a community, which then tends to throw it up in the air as to what is defined as a community. So I think that the amendment that was put forward by our Interim Opposition Leader should be supported. Thank you, Mr. Speaker.

Mr. Speaker: Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is:

THAT Bill 17 be amended by adding the following after the proposed subsection 174.2(2) as set out in section 25 of the Bill:

Right of candidate to enter communities—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

174.2(2.1) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or distributing election campaign material in any town, village, municipality, local government district, designated community under the Northern Affairs Act or reserve as defined in the Indian Act (Canada).

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

Some Honourable Members: Agreed.

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.

Formal Vote

Mr. Marcel Laurendeau (Opposition House Leader): Yeas and Nays, Mr. Speaker.

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

The question is the following:

THAT Bill 17 be amended by adding the following after the proposed subsection 174.2(2) as set out in section 25 of the Bill:

Right of candidate to enter communities

174.2(2.1) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or distributing election campaign material in any town, village, municipality, local government district, designated community under the Northern Affairs Act or reserve as defined in the Indian Act (Canada).

Division

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

Yeas

Dacquay, Derkach, Dyck, Enns, Faurschou, Filmon, Gerrard, Gilleshammer, Laurendeau, Loewen, Maguire, Mitchelson, Pitura, Praznik, Reimer, Schuler, Smith (Fort Garry).

Nays

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

Madam Clerk (Patricia Chaychuk): Yeas 17, Nays 29.

Mr. Speaker: I declare the amendment lost.

* * *

Mr. Doer: Yes, I move, seconded by the Minister of Health (Mr. Chomiak),

THAT the Bill be amended in section 25 by adding the following after the proposed subsection 174.2(2):

Right of candidate to enter communities

174.2(3) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or distributing election campaign material in any community in the province.

Motion presented.

Mrs. Mitchelson: Mr. Speaker, I was just wondering if there might be the ability to ask a question before I adjourn debate. I do not know if I need leave for that or not.

Some Honourable Members: Leave.

Mr. Speaker: Leave has been granted.

Mrs. Mitchelson: Thanks, Mr. Speaker. I was just wanting to ask the Premier—we have had some discussion. I think we are both looking towards the same end objective, and that is to ensure that candidates have the opportunity to speak to every voter in the province, but voters have the opportunity to have dialogue with all of the candidates that might be running in their particular constituency.

We have indicated that we would be prepared to support an amendment to the Premier's amendment that indicates that a candidate or his representative would have access to every residence of every voter right throughout the province. If that kind of amendment would be acceptable to the Premier, we would be prepared to support that amendment. So I ask whether he would be willing to undertake that?

* (16:00)

Mr. Doer: I am not sure how that applies to the present issue of prisoners and the decision made

by members opposite and overturned at a certain level in the court. I recall it was unlimited voting in the proposed bill in '98. There was a change in that bill and I think another change from the former first minister. Then there is the issue of some. I think we have clarified it in a number of institutions, apartments, et cetera, in the present form of Bill 17.

Let me take your question as notice and go back to legal counsel. This wording did come out of the concern in committee and did come from the legal counsel in consultation with the constitutional people in the Department. I certainly will take the suggestion back to get further advice and we will get our proper legal advice.

Mr. Gary Filmon (Tuxedo): I wonder, Mr. Speaker, if I may have leave to ask the Premier a question as well?

An Honourable Member: Leave.

Mr. Speaker: Leave has been granted.

Mr. Filmon: Mr. Speaker, given that courts have used as precedents the intent expressed in the Legislature at the time of passage of the legislation by the proposer or the government of the day, I wonder if the Premier would indicate, since what he has done here is replace a series of specific references with a broad general reference, that it is his intent to include all of the various references that are given here. For instance, is it his intent to ensure that this amendment covers access to voters living in all of the various different places, towns, villages, or First Nations communities in this province? Are they all included in his definition of community as it is shown in this amendment?

Mr. Doer: It is the intent consistent with the Act where people have the right to vote as the right to campaign. I think that is consistent with the changes we made on personal care homes, apartments, condos, other considerations that were contained within Bill 17, subject to reasonable hours of operation for those facilities, for example, hospitals. The intent is to be consistent with the democracy, wherever it exists in the province, but also consistent with the authorities that we have under the Act.

So, yes, the answer is in a democracy where people have the right to vote the people have a right to campaign and canvass. The answer to the question to the Member is yes. Whether we have the authority in this act is the question, and given the various authorities we did canvass how other provinces dealt with this issue. No other province has this specific amendment or the amendment that was proposed by the Interim Leader of the Opposition so we came back with this wording consistent with the principle that those people who have a right to vote should have the right to have democracy in their communities and the canvassing and information available to all people in all communities in Manitoba.

Mrs. Mitchelson: I move, seconded by the Member for Minnedosa (Mr. Gilleshammer), that debate be adjourned.

Motion agreed to.

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you please proceed with report stage of 33, 47 and then 12?

Bill 33—The Highway Traffic Amendment and Consequential Amendments Act

Mr. Speaker: Bill 33, The Highway Traffic Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et modifications corrélatives), amendment 1, standing in the name of the Honourable Attorney General.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Thank you, Mr. Speaker. I certainly appreciate the interest in this aspect and the aspect regarding the other amendment expressed by the critic and other members of the Opposition, notably the Member for Steinbach (Mr. Jim Penner). We have considered the report stage amendment which would permit owners to sell their impounded vehicles and have the vehicle released to the new owner. The owner, as I understand it from the amendment, would deposit money equal to the value of the vehicle as determined by the designated person, and the owner would not receive this money until the impoundment period expired.

From the critic's description and from the wording of the amendment, the purpose of the Member for Lac du Bonnet's (Mr. Praznik) motion is to allow owners of newer vehicles to avoid depreciation on their vehicle when it is impounded for a lengthy period. Given that it is our opinion that the amendment requires significant consideration as releasing the vehicle, even for sale, goes to the very heart of the vehicle impoundment program, Mr. Speaker, it would be very unfortunate, I am sure—and I think it was the intent of the Member for Lac du Bonnet to avoid situations where a friend or perhaps a family member or a person who is not at an arms-length role vis-à-vis the person with the impounded vehicle could buy the vehicle and allow the former owner to drive it.

Now I in committee had agreed to consider this issue nonetheless given that concern and I undertook, I believe, if my memory serves me right, to provide a full answer to the Member for Lac du Bonnet when we further consider significant change to the public policy with regard to impaired driving and licence suspensions in the next session. I am of the view that this course of action should be maintained. There may be some other issues where an amendment like this should best fit within The Highway Traffic Act and that, as well, deserves further consideration.

So, in summary, Mr. Speaker, since the impoundment itself, for the purpose of ensuring that a vehicle is not available to an owner as a consequence, and to ensure as best we can the public safety of Manitobans, any scheme that could soften that is something that must be considered very, very carefully, and even if in the amendment the Honourable Member had proposed this scheme would only kick in if there were a sale in an arm's-length transaction, the question is what would comprise an arm's-length transaction and who would assess that? In other words, would there be some administrative scheme in place to consider that?

What I think is important, though, about the intent of the amendment is it recognizes there is a move to longer impoundment periods. We have to consider what the impact or the effects of that change may be. I appreciate that. As I have said, I certainly commit to full

consideration of this and getting back to the Member who proposed this with the full assessment of this kind of change to the law.

* (16:10)

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Yes.

Mr. Speaker: The question before the House:

THAT Bill 33 be amended by adding "provided that the person directed to store the vehicle has, and maintains, sufficient insurance to cover any damage or loss to the vehicle—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

—while impounded," after "peace officer directs," in the proposed subsection 242.1(3), as set out in subsection 4(7) of the Bill.

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, say nay.

Some Honourable Members: Nay.

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

An Honourable Member: On Division.

Mr. Speaker: On Division.

* * *

Mr. Speaker: Amendment 2, standing in the name of the Honourable Attorney General.

Proposed amendment to Bill 33, moved by the Honourable Member for Lac du Bonnet (Mr. Praznik), standing in the name of the Honourable Attorney General.

Mr. Mackintosh: Mr. Speaker, this is an issue that requires further review as well. There are a number of issues that have to be carefully considered, and I will just outline those.

The issue was raised, of course, in committee, and the amendment requires police officers to direct that a vehicle be impounded with a person who has sufficient insurance. When the issue was raised in the Committee by the Member for Lac du Bonnet (Mr. Praznik) about who pays for damage to an impounded vehicle, I think it was the Member's view that the Government should be responsible for that coverage because it is a government program. My response was, as I recall, that while it is the Government's program, the garage keepers are remunerated for their services by way of contract and by way of the legislative scheme which requires that an owner make certain fee payments when the vehicle is claimed. I think there was a brief exchange about whether garage keepers have insurance, although no amendment was moved at that time.

It is our view, Mr. Speaker, that the issue is certainly worthy of review and consideration. So, in the Department's view, there have not been a lot of complaints and incidents brought to the attention of the Department about damage to vehicles while impounded; however, there have been some that have been passed on. I understand there was one recently where a window was broken on an impounded vehicle and, although the compound had insurance, the insurer, I understand, had refused to pay and insisted that it was the owner of the vehicle who was responsible for that damage, and liability was outside of the terms of coverage.

I understand that there may well be insurance issues on the garage keepers' side as well, such as the cost of insurance. But we will add this item to the issues that have to be considered, and we will report back to the House and to the Member. We should determine what type of insurance is currently available to garage keepers and at what cost. I think it would be

imprudent to move on this one without having consultations with the garage keepers who we so keenly rely on in enforcing this regime.

There is also some difficulty with the form of the amendment as it is currently worded because it may, indeed, put the onus on individual police officers to ensure that garage keepers have sufficient insurance in every instance. We should look very carefully at that and make sure that we are not unduly imposing duties on police officers without consulting and making sure that if we are to have a provision with regard to insurance, that we make sure that it can be delivered on and that those who we rely on to deliver the change are consulted and are with us, if you will, in moving ahead. The Department has also expressed a concern as to, if any amendment is made like this, whether it should be a stand-alone provision perhaps in the nature of a program requirement for garage keepers.

So with those remarks, Mr. Speaker, I thank the Opposition for raising this issue. It is worthy of consideration, and it may well end up as a provision. I am sure I will be most grateful at that time to the Opposition, if that is the outcome, but I think we just have to be a little more careful. We will look at it over the next few months.

Mr. Darren Praznik (Lac du Bonnet): I am rising to close debate on this particular amendment that I have moved. I appreciate the Attorney General looking into the matter, and I appreciate his sympathy for the amendment. But I have to tell you, we do not find it particularly acceptable that the Attorney General at this time would just brush off what is I think a basic matter of fairness, that if the Crown is impounding vehicles and putting them into the care of garage operators, storage facilities, that the Crown does not have some obligation to ensure that those vehicles are insured. I mean, the intent of the penalty is to deny the individual the use of the vehicle. It is not to double penalize them by seeing their vehicle damaged with no reasonable recourse to cover that damage.

I believe, as we do on this side of the House, that there is an obligation. Perhaps there have been oversights in the past. It has been raised

now, and I appreciate the reluctance that the Attorney General has indicated of his department. But we have seen in this session already where officials in the Department of Justice have not thought things through in bringing forward new administrative schemes. I do not fault the Attorney General for that, but the Attorney General has a responsibility to make sure his department is acting and acting swiftly, if they are bringing forward a scheme.

So here we have the Attorney General, who made a great deal publicly of expanding the impoundment provisions and going after drunk drivers. Yet in his haste to bring this bill into the Assembly, he has not done his work. He is admitting that today. He has not done his preparatory work to ensure that administrative scheme, that great addition to the impoundment provisions already in our law, were properly thought out and all the provisions were thought out, to ensure that somebody who is subject to that law can at least appreciate that their vehicle will be insured or have insurance during the period while it is impounded, that that property is not going to be destroyed or damaged and they will have a double penalty.

So what we are having the Attorney General admit to us today is he was ill prepared. He was ill prepared when he brought forward these proposals. We have seen it already in the Department of Justice earlier in this session when the Minister brought forward what his department I am sure told him was a simple housekeeping bill that was going to change our law that notification for jury duty would be but five days by regular mail, which this Legislature was then being asked to deem receipt of that notice which would have put the individual in a position where they may have been subject to a penalty. There was no thought in the Department of Justice to the reality for many, many Manitobans that they do not receive their mail delivered to their home and pick it up on a daily basis. That demonstrated to us that his department was not thinking through the administrative issues that they are responsible for, and this is just another case of it.

I can appreciate the Attorney General talking about our previous amendment and having some concern about how it would affect

the ability if the car could be sold to another person. Would that person get it back? Could that undermine the legislation? Yes, there are some issues, and we certainly would have accepted amendment to the fine to put arm's-length in that provision. The Attorney General says: How do you define that? Well, the income tax department, his colleague who sits next to him, the Minister of Finance, his officials have no problem defining arm's-length when it comes to tax matters, but we will give the Attorney General a little bit more time and latitude on that one.

* (16:20)

Here is a simple provision to this act, to this administrative scheme that simply will require that the Crown ensure that any place where they are impounding vehicles carries sufficient insurance to ensure, should damage be done to that vehicle in the course of impoundment, that there is insurance coverage to protect the owner of the vehicle so that this Legislature is not imposing a double penalty. Yet his own department had not thought about that, had not thought that through. I appeal to members like the Member for Elmwood (Mr. Maloway) and the Member for Selkirk (Mr. Dewar). I appeal to members like that. The Member for Elmwood has been a great advocate of protection for the consumer, but will he have the intestinal fortitude now to stand up against his Attorney General to fight to ensure that there is basic insurance coverage for people who are taking, for a fee, impounding others' vehicles.

Will he have the courage to vote against his Attorney General on this amendment and support a very, very straightforward amendment that is just the requirement that any place the Crown is using to impound vehicles be required to have sufficient insurance coverage to cover the value of the vehicles that are there? Is this such a great administrative problem that the officials in the Department of Justice cannot manage it? Is that what the Attorney General is admitting to us today, that his officials are not able to handle a simple task? They can impound vehicles. They can administer the law. They can run you through the court system, but they are not capable of ensuring that the places where they impound vehicles have insurance to cover

the value of the vehicles that are being stored there.

You know, Mr. Speaker, what concerned us on this side of the House, and it should concern the northern members and the rural members of the New Democratic Party, the Member for Interlake (Mr. Nevakshonoff), the Member for The Pas (Mr. Lathlin), the Member for Flin Flon (Mr. Jennissen), the Member for Dauphin (Mr. Struthers), the Member for Swan River (Ms. Wowchuk), their constituents may have a vehicle impounded. It may be put in some local garage, no insurance coverage. It is damaged. The cost of litigation is prohibitive to the individual whose car has been impounded. They now are out several thousands of dollars, and there is no insurance coverage. The cost of litigation in the Attorney General's court is far too great to pursue the matter. They will be in your constituency office, and they will be saying: What did you do to protect me? I paid my price. I did not have the vehicle for a year, but now I do not have the vehicle.

Here today we bring what we thought was a friendly amendment, a simple little amendment that would require the Department of Justice to ensure that any authorized compounds, in order to take those vehicles for impoundment, have secured sufficient insurance to cover the loss of the vehicles. No more common sense an amendment could you have made to this provision, and here we have the sight of the Attorney General getting up and saying my department has to study it. We have to look at it some more. We are not sure what effect this will have.

It is not even a budget item for the Department. It is not a money item for the Government, just a requirement that, if you want to do business with the Crown and impound vehicles, you have to demonstrate to the Crown that you have obtained insurance to whatever value which would be the value of the vehicles that you are going to be impounding in your lot. It is a simple, little, common-sense amendment that this Attorney General is afraid to look at his department and say, listen, this makes sense. Just do it. We are going to do it.

Between this amendment and The Jury Act, I am getting the sense that the officials in the

Department are running the Department. I am really getting a sense, unless it is a nice big public statement that the Attorney General gets to make, he is not interested.

Mr. Speaker, we will be supporting this amendment, and I say to the Attorney General get some grip on your department. These things should be done, and they should be done quickly.

Mr. Speaker: Order. Before recognizing the Honourable Member for River Heights, I would just like to remind all honourable members that the mover of amendment needs leave to close debate.

Hon. Jon Gerrard (River Heights): I just want to say very briefly and express my disappointment in the Attorney General, when there is a fairly straightforward amendment which would provide some accountability and responsibility, that the Minister of Justice will not stand up and support it.

If people's cars get damaged as a result of the actions of the Attorney General and he is not taking any responsibility, he is not putting in any mechanism for accountability within the framework, it is a sad day for justice in Manitoba, when we have a minister who will not be accountable, will not take responsibility.

An Honourable Member: Question.

Mr. Speaker: Is the House ready for the question?

The question before the House is:

THAT Bill 33 be amended by adding the following—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

after clause 4(14):

4(14.1) The following is added after subsection 242.1(6):

Vehicle may be released if sold

242.1(6.1.1) Notwithstanding subsection 242.1(8), the owner of a motor vehicle seized under this section may at any time apply to the designated person for the release of the vehicle by

(a) demonstrating, to the reasonable satisfaction of the designated person, that the owner has sold the motor vehicle to a purchaser; and

(b) depositing a sum of money, or security for money approved by the Minister of Finance, equal to the value of the vehicle, as determined by the designated person in accordance with the regulations.

Certificate of Minister of Finance confirming deposit

242.1(6.1.2) The owner shall deposit the amount determined under subsection (6.1.1), or security for it with the Minister of Finance, who shall issue to the owner a certificate that confirms the amount of the deposit.

Designated person to authorize release of vehicle

242.1(6.1.3) The designated person shall authorize the release of the vehicle to the purchaser, or to a person, other than the owner, authorized by the purchaser subject to

(a) the designated person receiving a certificate issued under subsection 6.1.2,

(b) the designated person being satisfied the owner has sold his or her interest in the vehicle to the purchaser; and

(c) the payment of the lien under subsection (9).

Security not subject to other claims

242.1(6.1.4) The money or security for money deposited with the Minister of Finance is not subject to any other claim or demand.

Release of security

242.1(6.1.5) The Minister of Finance shall return the principle amount of the sum of money, or security, paid under subsection (6.1.1) to the owner, on the date the designated person determines the owner would have been entitled to the return the motor vehicle under this section, but not before.

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 support of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the amendment, 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. Greg Selinger (Minister of Finance): I move, seconded by the Minister of Family Services (Mr. Sale), that Bill 33, The Highway Traffic Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 47—The Civil Service Amendment Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Finance, that Bill 47, The Civil Service Amendment Act (Loi modifiant la Loi sur la fonction publique), reported from the Standing Committee on Industrial Relations, be concurred in.

Motion agreed to.

Bill 12—The Public Schools Amendment Act

Mr. Speaker: Bill 12, The Public Schools Amendment Act (Loi modifiant la Loi sur les

écoles publiques), amendment 1, standing in the name of the Honourable Member for Transcona (Mr. Reid).

Is it the will of the House for the amendment to remain standing in the name of the Member for Transcona?

Some Honourable Members: No.

Mr. Speaker: It has been denied.

Hon. Drew Caldwell (Minister of Education and Training): I would like to move, seconded by the Honourable Minister of Industry, Trade and Mines (Ms. Mihychuk),

THAT the motion to amend the Bill in section 4 be amended by striking out everything after "be amended" and substituting "by striking out the proposed subsections 260.1(1) and (2) and substituting the following:

Notification to the minister

260.1(1) The parent or guardian of a child who is a pupil in a home school shall, in the prescribed form, notify the minister of the establishment of the home school.

When notification to take place

260.1(2) The parent or guardian shall, in the prescribed form, notify the minister about the home school when it is first established and on or before September 1 in each year.

Mr. Speaker: Does the Honourable Minister have leave to move a subamendment? [*Agreed*]

* (16:30)

Mr. Caldwell: Mr. Speaker, right at the beginning of my remarks, from the outset I want to commend the members opposite as well as the home-school associations, who have had considerable impact upon this amendment today. We in government listened to the comments by members opposite as well as the home-school associations in our deliberations vis-à-vis Bill 12.

Today we are pleased to put forward an amendment that reflects a number of concerns by the members opposite as well as the home-

school associations vis-à-vis notification of home schooling. We took our language from the Alberta home-school regulations and legislation as it was reflected in the Alberta legislation, primarily because Alberta was referred to a number of times during the last week or so as a model for home schooling in Canada. The Alberta legislation provides some of the language that is used in this particular amendment.

I think the important thing in this regard, and it is an important thing, is that the process in this instance which provided for consultation with home schoolers throughout the province as well as the associations and the work done by Her Majesty's loyal opposition in the debate on this particular matter, and I have to give credit, you know, because oftentimes it does not happen, so I will give credit when it is due, had an impact in thinking. I made a commitment last week to take back some of the concerns that were expressed to me by the associations to my caucus colleagues. We had three very long discussions over the past number of days, last week and this week, as recently as earlier today, this morning, which is reflected in these amendments.

As I said, the provisions provided for by the Alberta regulations and legislation, as was suggested to us by a number of home schoolers, was something that went into this process. Thank you, Mr. Speaker.

Mrs. Joy Smith (Fort Garry): Mr. Speaker, I want to thank the Minister for acknowledging the tremendous effort we have put forth on this side of the House to get the Minister to take back the Bill or to accept the original amendments that were put forward by the home schoolers.

However, I have to speak to this amendment because there are serious concerns about this amendment. The home schoolers have gained nothing today from this new amendment. In fact this new amendment is worse than the former bill.

In this amendment it says in the prescribed form. The problem that members opposite do not seem to understand is, No. 1—[interjection] No, it is not good enough. The Minister of Education

promised to meet with the home schoolers.
[interjection]

Excuse me, Mr. Speaker, members opposite are being very rude. The Minister of Industry and Trade (Ms. Mihychuk) is being rude. This is a very serious matter.

The Minister of Education (Mr. Caldwell) promised to meet with the home schoolers. You do not need legislation to put a form out. All you have to do is sit down and agree on the form.

Mr. Speaker, this is serious because none of the other amendments have been approved by the Minister and by members opposite. When the Minister talks about the Alberta model, I appreciate that he is doing his best to take the wording off of the Alberta form, but the Minister has to understand that the home schoolers in Alberta are funded. So it is a different ball game. The forms that are put forward are done by consensus, by agreement. This is a definite problem.

I spoke to the Minister earlier and to the Minister's credit he gave me some time. He spoke to me and I appreciate that, but it was under a veiled threat that if we stood this amendment he could not guarantee what members opposite would do on the third reading. We have the Member for Lakeside who has an inordinate amount of home schoolers—I am sorry, Interlake, apology. Excuse me, Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. All members wishing to speak will have their turn. The Honourable Member for Fort Garry has the floor.

Mrs. Smith: Mr. Speaker, we have the Member for Interlake (Mr. Nevakshonoff) and we had the Member for Rossmere (Mr. Schellenberg) come forward on the steps of the Legislature with the Minister the other day. I am asking the members opposite who have home schoolers in their constituencies to vote against Bill 12 and to not allow Bill 12 to go any further, because in the province of Manitoba, last time I checked, we have democracy here. Democracy means that home schoolers should have the ability to home-

school their children without government intervention.

Mr. Speaker, I quote. This is taken from a study done on the results of home-schooling education. It is a nation-wide study of home-school education in Canada, and it revealed that home-educated students achieved well above average on standardized achievement tests, quote: The degree of governmental regulation from state to state has no significant effect on the academic performance of home schoolers. When a state or a province imposes a high degree of regulation, that is notification, standards testing, professional evaluations, curriculum approval, teacher qualification, home visits or no regulation, home-school student test score averages are identical with the 86 percentile for both segments. Legitimate questions may be asked concerning the purpose of such regulations since there is no apparent effect on student learning.

Mr. Speaker, this nation-wide study indicates that regulations on home schoolers have absolutely no effect at all on the level of the students' education. Having said that, here in the province of Manitoba we are talking about a much bigger issue than having parents notify the Minister that their children are being home-schooled.

This is an issue of democratic right here in the province of Manitoba. The Minister of Education should have lived up to his word. He should have met with the home schoolers in person, not over a cell phone. He should have run this regulation by them. He should have asked them what they thought.

I am astounded at the lack of understanding that comes forth by members opposite. I am astounded about their definition of collaboration. The home schoolers were not listened to, they were not consulted, and we keep hearing on a daily basis how members opposite and this Minister of Education have consulted.

Bill 12 is not a good bill for home schoolers. I plead with this Minister of Education right now, today. I plead with him to withdraw Bill 12, to eliminate this trumped-up regulation that meets the needs of the caucus of members

opposite. I plead with this government to finally listen to what the home schoolers of Manitoba are saying to them.

Today, it was with grave reservation in speaking to this bill when I talk about the Bill being very skilfully amended, this phrase that says "prescribed form." What prescribed form? This is like putting the cart before the horse. You do not need, as I said earlier, a form. You do not have to put legislative form. A form should be done by calling the home schoolers into the Minister's office, talking about the needed information like the name of the student, where the student lives, the grade level of education and that kind of factual information that is needed to ensure that students are registered for school and receive their schooling in the province of Manitoba.

* (16:40)

Mr. Speaker, this veiled threat that if this amendment is stood, that members opposite may not support—and I see some of the members looking over and smiling. This is a serious consideration. When you have—*[interjection]* Excuse me. When you have—if you are listening, members opposite, if members opposite are listening I am asking them to throw out Bill 12. Get rid of it. This amendment today is totally unacceptable. It is not a personal debate.

Point of Order

Mr. Peter Dyck (Pembina): Mr. Speaker. I would encourage the Member for Interlake (Mr. Nevakshonoff) if he wants to get into a debate that he wait his turn and get at it. Chirping from the other side there I think is very uncomplimentary to our member. So I would suggest that he wait his turn and then put his comments on record. Thank you.

Mr. Speaker: The Honourable Member does not have a point of order, but I would like to remind all members that it is getting very difficult to hear. The Honourable Member for Fort Garry has the floor.

* * *

Mrs. Smith: Thank you, Mr. Speaker. It is very worrisome and regrettable that we have to

receive personal slurs and slanders from members opposite. This idea is not my own. Members from this side of the House went forward and spoke with the home schoolers. We looked at the laws. The Province of Manitoba does not fund home schoolers. We do not have the right. The Minister of Education (Mr. Caldwell) is really treading on thin ice when amendments are put in place that do not reflect a bill that will enhance the education of the home-schooling children.

Mr. Speaker, we have members opposite who have now left the room because they do not want to hear what I have to say. *[interjection]* Pardon me. Oh, members, yes. We now have members opposite who are not happy with my comments this afternoon. But I want it on record that this is not a personal affront to any member opposite. I respect the members opposite. I respect the Minister of Education, and I think the Minister knows that. We do differ in what we believe in terms of this bill, and I want to keep it at that level. I have great respect for this House, and I do not intend to have any personal slurs coming from this side from my perspective or members on this side of the House in terms of this bill. We are concerned about this bill because of its content.

The plain facts are that there are some very worrisome amendments put forward. This is a very worrisome amendment put forward by the Minister of Education. It is worrisome to the home schoolers. It is worrisome to the democratic process. I appeal to all the members opposite, because all the members opposite have to vote on this Bill 12 and, Mr. Speaker, all the members opposite have home schoolers in each of their constituencies.

We live in a democratic society. The home schoolers have spoken. They are not pleased with this bill. They want it withdrawn. They are not pleased, as I am not pleased and members on this side of the House are not pleased, with the lack of consultation between the Minister of Education (Mr. Caldwell) and the home schoolers.

Mr. Speaker, in speaking to this particular amendment, when we have gone all over these issues, and just to quickly reiterate, when the

Minister mentioned that consultation had occurred with the home schoolers, the Minister's definition of consultation is far different from what members on this side of the House consider to be consultation. Consultation means sit down, reach a consensus and arrive at what should be done in terms of the registration forms for home schoolers. This notification to the Minister and this prescribed form is unacceptable, because there has been no agreed-upon prescribed form.

Mr. Speaker, to say it came from the Alberta wording, I mean, members on this side of the House know that probably the intention was to pull out the wording, but the thoughtfulness is lacking, because the wording is totally out of context and indeed can prove to be disastrous to the home-schooling population here in Manitoba. We know, without a doubt, in the province of Manitoba that home schoolers have an education that is comparable to the education, if not better, and in most cases better than students who are in the public school system.

It would behoove this House to spend time on the public school system, to support the teachers in the public school system, to support the students in the public school system, and allow the home schoolers to continue the great job that they have been doing at home-schooling their children. I would remind members opposite that every member received, in good faith, some cookies, some well-intentioned good relationship building. The home schoolers did that, and I see some smirks, Mr. Speaker. This is a sign from the home schoolers that they really care about what you think, that they really care about being respectful to government, it is just that they are afraid for their democratic rights. The home schoolers in Manitoba, as we have seen in Bill 42, Bill 44, Bill 4—we keep going on and on and on. The democratic right is being chopped off the Legislature here in Manitoba.

I am appealing to members opposite. Members opposite, each one of the members opposite are responsible for the way they vote. Each member has a right in a democratic society to vote Bill 12 down. Very respectfully, Mr. Speaker, I am appealing to you and to members opposite to vote Bill 12 down, to vote this amendment down and to move forward. It is time now to move forward, to listen in real

collaboration with the home schoolers and to work together to make the best possible education for home schoolers in our province.

Mr. Leonard Derkach (Russell): Mr. Speaker, I am pleased to stand up today to put some words on record with regard to this amendment. One of the commitments that the Minister of Education (Mr. Caldwell) made on the east steps of the Legislature to the home schoolers was that, in fact, he was listening and that indeed he would be consulting with them before he moved ahead with this legislation.

Mr. Conrad Santos, Deputy Speaker, in the Chair

I am really sorry today to understand that the limited amount of consultation that the Minister has had with the home schoolers has produced an amendment that does not meet what the home schoolers were asking for through amendments that my colleague, the Member for Fort Garry (Mrs. Smith), put forward. The Member for Fort Garry put forward amendments that were brought to her by the home schoolers. These are not our amendments. All these amendments were designed to do was to give some latitude to the home schoolers to not conduct home-school activities outside the law, but to conform with the wishes of government, but perhaps in a less restraining way.

* (16:50)

This piece of legislation, Mr. Speaker, constrains the way in which home schooling is done in the province of Manitoba. The Minister of Education says that he has taken his amendment out of the Alberta regulation that is operating in the province of Alberta. There is quite a difference between the home schoolers of Manitoba and the home schoolers in Alberta. If the Minister were to take some time to research the way that home schooling is conducted in Manitoba as opposed to Alberta, he would find that in Alberta the government has moved far beyond where we are today in Manitoba in terms of support to home schoolers. In Alberta, home schooling is a funded educational activity, and therefore, because it is funded by the province of Alberta, it comes under a set of different and probably more restrictive regulations for that

reason. The home schoolers of Manitoba said: We are not asking the Government for funding; we are not asking for financial support, and therefore we should not be subjected to the same kinds of regulations and legislation that is prescribed in provinces where home schooling is funded.

So the Minister does not come close to meeting the objectives that were laid out before him through our amendment process by the home schoolers of our province. So I am somewhat disappointed that from all of that discussion and from all of that rhetoric that we heard on the east steps of the Legislature, the Minister could only come up with this regulation which, quite truthfully, is not worth the paper that it is written on because it does not meet the objectives that I think were designed in the amendments that were put forward.

Those amendments were straightforward. They were not going to jeopardize the Minister's position as Minister of Education and Training in any way. All they were doing were amendments which were asking the Minister to consider the environment in which home schooling is done in the province of Manitoba, to respect the home schoolers and to allow them in a democracy to be able to conduct home schooling as is their right.

Mr. Speaker in the Chair

By making it so restrictive that they have to fill out prescribed forms which we do not know what the forms are like, Mr. Speaker, it would have been far better had the Minister said: In consultation with the home-schooling association, we will develop a form that is approved by or is an acceptable form to the Minister and to the home schoolers and then we will have that form become a part of the home-schooling registration form, if you like.

But the Minister has to extend his hand to the home schoolers and allow them to have some input into the development of the form. It is just common sense. And, yes, they may disagree on some aspects of it, but at the end of the day, if the association and the Minister both agree that this is the form that we will register our home schoolers on, then I think he has gained a great

deal of credibility as Minister of Education and Training in the province of Manitoba in the eyes of home schoolers.

So, Mr. Speaker, I simply put those words on record, and I am disappointed quite frankly that the Government has not come forward with amendments that reflect the wishes, the wants and the desires of the people who home-school their children in the province of Manitoba.

Mr. Ron Schuler (Springfield): Mr. Speaker, once again, we stand up in this House and deal with Bill 12. Again I will put on the record, as I have put on the record several times in regard to this particular issue, we are dealing with a group of individuals that I do not know if we have the likes of a group that is more respectful, that is more concerned about its society, about the community at large. In fact, if you speak to them on an individual basis, and certainly there are some in the gallery right now, there is a group of individuals who care about their government, that care about their leadership. They will tell you, probably every one of them, one of the things they do on a regular basis is they actually pray for their government. Certainly, that can only be seen as a positive thing.

We have individuals who are basically the salt of the earth individuals, who are agreeable. I do not think you see them out demonstrating or protesting or having difficulty with the law. A group of individuals that are easy to approach, that you can sit down and you can discuss with. There is one thing about the home schoolers, their yes is their yes and their no is their no.

I guess my question to the Minister and to the Government is why not consult such an easy consulting group of individuals as the home schoolers? Certainly the home schoolers are the group most affected by Bill 12. Why not sit down with them and say listen, let us just settle this. Let us deal with this bill, let us come up with something that we can agree on. I would suggest to the Minister of Education (Mr. Caldwell) there are probably a lot of groups that I would less want to have to try to deal with than this group of citizens. They are agreeable. They want to see an end to this. They want to get back to doing the things they do best: work in their communities, support their communities,

educate their children at no cost to the taxpayer. Such a group to consult with, I would suggest to you, would be a joy and a pleasure.

I ask the Minister, when we look at the Bill, and now we look at the amendments in front of us, the question has to be posed again: What is it that the Minister and the Government is trying to fix, what great problem, what great social ill? What is broken that needs to be fixed with this particular legislation? Is it that the Government feels, and within the Department through the Minister, do they feel that perhaps home schoolers do not have the same standard as what we would like them to have? Is it a standards problem? Is it a problem that the Government feels the children are not getting a proper education? What exactly is it that the Government is trying to address?

I guess that is fundamentally what concerns me the most about this legislation and other pieces that have come in front of this House is we do not seem to get that rationale. Why? Why this legislation? Why now? What are we trying to fix?

We have heard now that this particular amendment is an Alberta amendment. We have pointed out to the Government and to the illustrious individuals in the back bench that what is so different about the Manitoba model and the Alberta model is in the Alberta model you get funding with it. As my colleague for Fort Garry was speaking, I happened to hear members of the back bench of the Government saying that, well, maybe we should be bringing funding in. So the question then is, is the Government proposing, is the Government looking at funding home schoolers, and thus, we need this kind of amendment? Is that what you are looking at, because certainly there were some members opposite—and I am not allowed to use the names, but I do not know the constituency.

An Honourable Member: Flin Flon.

Mr. Schuler: The Member for Flin Flon (Mr. Jennissen), thank you very much. He was one of whom said, yes, we will consider funding them. Is that one of the things that the Government is looking at? Is that one of the progressions that are going to come because then we have more of

a framework why we are looking at these fairly heavy-handed regulations? But, again, Mr. Speaker, who is calling for funding? Not the home schoolers. Is it coming from the Department? Is it coming from the Government? Is it coming from sources outside of the Department? Again, the question is: What is it that we are trying to address by bringing an Alberta model into Alberta that actually provides funding where here, certainly, just because a back bencher says it, hardly makes it government policy, so, again, why? Unless the Government is willing to state categorically that they are looking at moving into funding, and I certainly would not still agree with it; I would want to check with home schoolers first, but then we would know why the Government is going in this direction.

I guess, in the end, and I will conclude with my last point, that is basically what the Minister is trying to do. From what I understand from what he has said and from when he has spoken, they are looking at a more consistent registration process. I would suggest to the Minister and to the Government that it is easily done with regulations within the Department. Why is it that we seem to have to overlegislate groups and individuals in our society? It is easy to do it by regulation. If the Minister felt there was a haphazard approach to the way individuals are registering their children, the home schoolers, to the school divisions or to the Department, easily done by regulation.

There is no reason to make this an act. I have seen in my short nine, ten months here in the Legislature that basically we have a government that has legislation desire. They just desire passionately to legislate, and they want to legislate anything that moves, walks, talks, speaks and what does not move, talk, speak and the like. This is not necessary, and I would suggest to the Minister, using terms like "in the prescribed form," it leaves things so wide open. It leaves it so broad that it brings discomfort to the groups who are affected the most, and I would suggest to the Minister, you know, in reality, the Bill should be pulled. There is really nothing in it that is necessary. If the Minister is so bent and determined, he and his government, you know, again, maybe have one more look at it and take "the prescribed form" out, speak to

the individuals that are most affected, and you know what, I think I would speak for my colleagues on this side of the House, I think it is time now to put this issue to rest. I think the Minister should sit down with probably one of the most reasonable, most reasonable groups of individuals in our society, sit down and say, folks, let us settle this. Let us come to an agreement, and let us move on. You do your business, and I am sure the Minister would like to do his own. That would be my recommendation, Mr. Speaker. Thank you.

* (17:00)

Mrs. Louise Dacquay (Seine River): Mr. Speaker, I too want to put a few remarks on the record. I have sat at committee and listened to the presentations and listened to the Minister indicate that he was definitely listening to the home schoolers and then today indicated he would be bringing in an amendment. I was really disturbed when I had an opportunity to review the amendment. The amendment does nothing. In fact, it is worse than the legislation in its current form.

We did consult, and the home schoolers feel very strongly that this amendment should not be passed, nor should the legislation. We really felt that the Minister was going to sit down with the home schoolers and listen to some of their concerns or, at the very least, pass the amendments that our members did indeed bring forward. They were not political amendments. They were amendments drafted by the home schoolers with relation to their concerns with the content of the Bill.

The home-school community in Manitoba is estimated to be approximately 2000 students, and this community saves the provincial government in excess of \$8 million annually. My colleagues have spoken about the cost savings and the fact that they are doing this with a lot of devotion, a lot of consideration, a lot of dedication, and it is not costing the Government anything. In fact, the saving is larger than the proposed \$8 million, because there are also savings at the local school district level, and that has not even been projected or estimated.

They should be entitled to flexibility. They should be allowed to determine the method, the

content and the timing of their home education programs because they do have a proven track record and a very high rate of success. It is an investment by the parents, a very serious investment by the parents, and the heavy hand of government to intervene and insist that they use a specific registration form is ridiculous.

The registration before was adhered to. The rules were adhered to. The content in the former registration form was acceptable to the home schoolers. No one can understand why this government now is insisting on changing the registration form. Not only are they changing it, but they did not even have the legislation passed and sent out a brand-new registration form. Needless to say, we will not be supporting this amendment. I would suggest to the Minister that he do the honourable thing, that he withdraw this legislation, take time to sit down with the home schoolers and consult and listen to them and redraft a bill, if he so desires, and bring it back next session. Thank you, Mr. Speaker.

Mr. Frank Pitura (Morris): I would just like to make a few comments with regard to the amendments that the Minister of Education has brought forward with respect to Bill 12. At first, when the Minister had indicated that he was going to bring forth an amendment, I really truly thought that this minister had sat down with the home schoolers and had listened to them, had listened to the arguments put forward the other day and in fact stood up in this House and said I am listening, and I am ready to act on the basis of what I am hearing.

When I got these amendments here today, I just looked at it and said, well, it is basically just a rehash of the words in the existing legislation. It does not change anything. It takes the word "registration" and changes it to "notification." It takes the words "shall register" and replaces it with "prescribed form." Well, "prescribed form" and "registration" are two of the same things.

If you have a prescribed form, it is a registration form. I look at that, and I say, well, what is changed? He has sort of pacified the change from "registration" to "notification," and then in the second clause takes out "shall register the home school in a form approved by the Minister" and replaces it "in the prescribed form

approved by the Minister." It really does not change anything. I think that it is just a really, the only way I can assess this, that these amendments to this legislation are just a sham put on by the Government to try to say, oh, yes, we are listening, we have listened, we have brought in amendments, and they are not doing a thing at all.

I do not know how the Minister of Education is going to be able to approach home schoolers and look them face on, and say, well, I actually brought in amendments that changed this legislation. You cannot say that. It has not happened. I do not know how the Minister of Education will ever be able to look these people straight on and say I was listening to you and made some changes. The Minister of Education did not.

Mr. Speaker, with those few comments, I really am disappointed that the Minister of Education, after indicating that he was going to listen and understands the needs of the home schoolers, went to work and brought this out in front of the legislation because, really, this amendment is a joke. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I rise to put a few comments on the amendment and the subamendment. First of all, it would be very easy to get up and bash the Minister for failing to consult early on, for failing to really consult adequately in proposing his subamendment but presenting it as a fait accompli to the home schoolers at two o'clock this afternoon.

But I thought under the circumstances that it was at least a measure of the fact that the Minister is willing to listen that he has at least gone along with an amendment and a subamendment to this bill. I think it is also a testament to the fact that there are many here who are very concerned about home schooling in this province.

I hope that the Minister has recognized that there are a large majority, the vast majority of children who are home schooled do very, very well and that this is an important contribution that the parents are making in raising their children and schooling them at home and putting

an incredible effort and that that effort is in fact with very few exceptions turning out to be raising children and doing it very well.

Clearly the end result of this legislation and the amendment and the subamendment is that in fact what happens in the future depends in a very significant way on the ability of the Minister to work with those concerned in the home-school community to now take the opportunity and have an effective dialogue and develop a more positive relationship than the Minister has had today. Hopefully in the nature of whatever the prescribed form may be the Minister will consult and listen.

* (17:10)

I for one will be watching the Minister very closely and hoping that in the future if there are problems that I will be here to take the Minister to account, because it will be up to him to listen and to show in fact that he has learned from this experience and will be ready to do a lot better in the future than he has in the past.

Mr. David Faurschou (Portage la Prairie): Mr. Speaker, in respect to my honourable colleague for Pembina, I was to my feet earlier this afternoon and gave way to the Honourable Member for Morris (Mr. Pitura).

I rise this afternoon in regard to the subamendment which has been placed in front of the Assembly this afternoon by the Honourable Minister of Education and Training. I would just like to take this opportunity to encourage the Minister to withdraw the subamendment in regard to consultation that has taken place since the entry of this amendment into the House. There has been extensive consultation with the members of the home-schooling association. In their opinion, as guided by legal counsel, this particular subamendment does, in fact, muddy the waters even further in regard to the registration process.

That is why I stand this afternoon to respectfully request that the Minister recall or take the amendment from the floor of this Assembly in light of that consultation and give the time that is necessary for him and his department to look at the situation and come

back to this House with more learned amendments, if he will, or perhaps if he will take the advice of hundreds and hundreds of persons who have signed petitions over the past week that this honourable member had a little bit of a part to play in putting this together.

As well, I would also like to encourage the Minister to in fact rise to the occasion as being the Minister of Education and Training and to truly show leadership in this respect and to take some amendment this afternoon from the floor so that we can get on with the actual amendments that have been proposed by the home schoolers.

Mr. Dyck: I will be very brief. I just want to speak to the amendment and to the Bill itself, but first to the amendment. Certainly it has not addressed the concerns that are out there, so I would ask that the Minister simply withdraw that but go one step further. Number one, listen to the home schoolers and No. 2, withdraw Bill 12. It is very simple, and I would ask the Minister to do that.

Mr. Harry Enns (Lakeside): Mr. Speaker, I will not be so brief because we are being far too kind to the Government, and a little bit of history and a bit of knowledge about what the New Democrats are all about needs to be put on the record. My young friend from Springfield had it right. The New Democrats, this government, does not like home schoolers. They do not like the private and parochial schools that we have in this province, those 30 000 or 40 000 children that go to those schools. They want everybody to be involved and under state administration, state curriculum. And that is not just Harry Enns saying, that is what you talk about at your conventions every year. Every time a bit more money goes to the private and parochial schools, they complain, because they have to support their Manitoba teachers' union friends.

So let us understand. In 1970 the then-premier, and I might say a very popular premier in the province of Manitoba, the Honourable Ed Schreyer, who happened to be a supporter for private and parochial schools, and I am sure was a supporter of home schooling, even though it was in its infancy at that time, Ed Schreyer, the

then-premier, introduced a government resolution into this Chamber asking this Chamber for funding for private and parochial schools. That was Ed Schreyer. We had a debate on that resolution. He had a prominent cabinet minister, Mr. Sid Green, resign from cabinet to fight his premier on that issue. At the end of the day, only eight members of the government supported their premier, along with about thirteen members of the Opposition.

There were members in the Conservative Party who did not support funding for private and parochial schools, but that resolution was defeated, and there was no support provided at all for private and parochial schools up until that meanspirited Sterling Lyon, Premier of the Conservative Party in government in 1977, brought about and negotiated an arrangement with the private and parochial schools whereby they would receive increased funding in steps over a five-year period that brought them to the level they are now.

Now I will be the first to acknowledge part of the reason was because there was a constitutional requirement that in fact, particularly our French Catholic schools, the parochial schools be refunded. We knew, having the experience of having a parking ticket, for instance, taken to the Supreme Court, that if this issue were taken to the highest level, the highest court in the land, the Supreme Court, the Supreme Court would have ordered a Manitoba government to provide support to private and independent schools. That was done in 1978-79 by the then-Conservative government, and that is the basis under which the 35 000 to 40 000 youngsters who are outside of the public school system receive some public support.

Now, Mr. Speaker, I have not caucussed this with my caucus; I am only speaking as an individual member. I know that honourable members from the home and school association, the home schoolers, have not asked me for it, but I personally believe that they deserve some of their tax money returned for the costs they are incurring in taking on the responsibility of educating their children. I honestly believe that. I am going to ask, I am going to work with my group, with my party to see if I can make that a

party policy of the Conservative Party in Manitoba.

When I spoke to this bill on second reading I asked the question, what indeed is the motive behind this bill, what is the compelling reason? There were no complaints about home schooling in the province of Manitoba.

My young friend the Member for Springfield (Mr. Schuler), who has only been in this Chamber for nine months, has caught on very quickly. He understands the mindset of my friends opposite. They want control. They want the state to have control basically, genetically, if I may say that, Mr. Speaker. They are offended to have a thousand youngsters being taught outside the system, being taught by their parents, where they do not have every bit of control what the curriculum should be, what kind of family moral values should be taught. They want these children to be in the public school system. So they have devised an act that makes it a little more difficult.

I am not going to exaggerate. I have had the opportunity, the privilege of getting to meet some of the home schoolers. I have the privilege of having some of them in my constituency. They are very fine people and they are very determined people. They are going to continue teaching their children with or without these changes to this bill, but I object that for no reason other than to make it a little bit more cumbersome, a little bit more difficult for them to do that, this government is showing its bias. The bias is against anything that is not under the state control, anything that is not under a state institution, namely the public school system.

* (17:20)

Mr. Marcel Laurendeau (St. Norbert): I would have hoped that the Minister could have brought forward this amendment to have it studied a few days earlier, especially after hearing him out on the steps on the east lawn, where he said he was listening. This amendment fails. This amendment fails in doing what the Minister is maybe attempting it to do, because this amendment is attempting to modify what the home schoolers have had their lawyers put together with the amendment that the

Honourable Member for Fort Garry (Mrs. Smith) has brought forward today.

So we will not be supporting this amendment today. This is not what the home schoolers have asked for. The home schoolers have put a lot of effort and time into the amendments that they are bringing forward, that the Member for Fort Garry (Mrs. Smith) is bringing forward for them today in this House. I only hoped that the Minister, who stood on those stairs saying, I am listening, would have understood exactly what they wanted.

So we gave leave because we wanted the opportunity for the Minister to say why he was bringing forward this amendment. Mr. Speaker, it is wrong. This amendment is wrong. We ask the Minister today, withdraw this amendment, withdraw Bill 12, and support our amendments so we can support it. Support their amendments, not our amendments, but their amendments, the amendments that the home schoolers brought forward. Support those amendments. Those amendments will go a small way in correcting some of the errors that you have put in your Bill 12.

So, Mr. Speaker, we are ready for the question to be put. We will be opposing this amendment brought forward by a Minister who supposedly listened, a Minister who is not really listening, because he is not doing what they said, he is not doing what was heard at committee, Mr. Speaker. He has not listened to what my colleagues have said within their presentations and he has not taken the opportunity, I do not believe he has still taken the opportunity to review the amendments that were brought forward three weeks ago in committee. We revisited those now at report stage. This Minister is still refusing. I am only hoping that this Minister and his colleagues will be able to support those amendments, the amendments brought forward by the home schoolers, here today.

Ms. Nancy Allan (St. Vital): I am proud to stand up today and speak to Bill 12. This is the second time that I have spoken to Bill 12. The first time I spoke to Bill 12 was when we introduced it, and the comments that I have to make today are very similar to the comments

that I made the day we introduced the Bill. Those comments were that we were supportive of home schooling in the province of Manitoba, that we had a great deal of respect for home schooling, and that we appreciate the work the home-schooling association, the leadership, has done in regard to their commitment to educating their children.

I have had the opportunity to consult with the leadership of the home-school associations, and we really look forward to a working relationship with them in the future. We really do not need any lectures from members opposite in regard to how well students do in home-schooling situations. We were presented with that information when we met with Rob Pearce and Gerald Huebner, and we are very aware of how well students do in different home-schooling situations all across this province.

The original intent of Bill 12 was to legitimize home schooling. There are many options for schooling your children. There are private options, there is the public option and the third option that was not in legislation was home schooling. The original intent of Bill 12 was to legitimize the option of schooling your children at home.

I am saddened that the whole process of this bill has been politicized and—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Allan: Thank you, Mr. Speaker. So I would just like to say that just shortly today, earlier today, the Minister of Education (Mr. Caldwell) spoke with the leadership of the home-school association. They had a very good conversation. We look forward to working with them to develop a form in consultation with them, and I know we will have a good working relationship. I would just like to say that we look forward to passing Bill 12 and working with home schoolers to provide quality education for their students. In whatever way we can in the Department of Education, we will continue to work with them.

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Question.

* * *

Mr. Speaker: The question before the House is:

Mr. Laurendeau: Now the amendment.

THAT the motion to amend the Bill in section 4 be amended by striking out everything after "be amended"—

Mr. Speaker: On the proposed amendment

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

Some Honourable Members: Dispense.

(a) by striking out the section—dispense?

Mr. Speaker: Dispense.

An Honourable Member: It has been amended.

THAT the motion to amend the Bill in section 4 be amended by striking out everything after "be amended" and substituting "by striking out the proposed subsections 260.1(1) and (2) and substituting the following:

Mr. Speaker: On the proposed amendment by the Honourable Member for Fort Garry (Mrs. Smith), as amended. Is the House ready for the question?

Notification to the minister

260.1(1) The parent or guardian of a child who is a pupil in a home school shall, in the prescribed form, notify the minister of the establishment of the home school.

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the proposed amendment as amended. Is it the pleasure of the House to adopt the amendment?

When notification to take place

260.1(2) The parent or guardian shall, in the prescribed form, notify the minister about the home school when it is first established and on or before September 1 in each year.

Some Honourable Members: No.

Some Honourable Members: Yes.

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

Voice Vote

Some Honourable Members: No.

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

Some Honourable Members: Yea.

Some Honourable Members: Yes.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

Voice Vote

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

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

Some Honourable Members: Yea.

An Honourable Member: On division.

Mr. Speaker: All those opposed, say nay.

Mr. Speaker: On division.

Some Honourable Members: Nay.

* * *

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

Mr. Speaker: On amendment 2, standing in the name of the Honourable Member for Transcona (Mr. Reid). Is it the will of the House for the amendment to remain standing in the name of the Honourable Member for Transcona?

Mr. Laurendeau: On division, Mr. Speaker.

Mr. Speaker: On division.

An Honourable Member: No.

Mr. Speaker: It has been denied. Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is:

THAT Bill 12 be amended in the proposed subsection—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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".

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, say nay.

Some Honourable Members: Nay.

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

Mr. Laurendeau: On division.

Mr. Speaker: On division.

* * *

Mr. Speaker: On amendment 3,

THAT Bill 12 be amended in the proposed subsection 260.1(3), as—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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.

Is the House ready for the question?

An Honourable Member: Question.

Mr. Speaker: The question before the House is:

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—

Order. Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: Standing in the name of the Honourable Member for Transcona (Mr. Reid). Is there the will of the House for the amendment to remain standing in the name of the Honourable Member for Transcona?

* (17:30)

Some Honourable Members: No.

Mr. Speaker: Leave has been denied.

Is the House ready for the question? The question before the House is:

THAT Bill 12 be amended in the proposed—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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.

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, say nay.

Some Honourable Members: Nay.

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

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

Mr. Speaker: Amendment 4,

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

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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.

Standing in the name of the Honourable Member for Transcona.

Mr. Daryl Reid (Transcona): I had stood this amendment to give the Minister the opportunity to review this matter. I will let the Minister put comments for our caucus on the record. Thank you.

Mr. Caldwell: Mr. Speaker, I would like to thank the Member for Transcona (Mr. Reid) for that opportunity.

I too am disappointed that this became such a politicized issue. This is an issue of children, Mr. Speaker. All of us in this House and I know all members of the gallery place children at the centre of this debate. This is about children in the province of Manitoba. It is about education of children of the province of Manitoba, whether it is in the public school system, the private school system, or in the home-school system. I know that the associations are very conscientious and home schoolers are very conscientious in the education of children. I respect that very profoundly.

We made in government and I made personally a commitment to contact Mr. Huebner and the Christian home-school association before this came to the report stage today. When I discovered that it was going to be in the report stage today, I immediately proceeded to contact Mr. Huebner. I am pleased to see Mr. Huebner in the gallery now. I think that is a very positive thing to have occurred. I know there is a lot of interest in this matter, particularly with home schoolers, but more broadly in the public. We are starting to get some calls in to the Department from the public at large on this particular issue. That is what disappoints me about the politicization of this issue. We do know that we have polarizations that occur around the issue of home schooling vis-à-vis public education in this province. I think that is very disappointing. It has begun to

occur, which is why we want to put this matter to bed and get on with the process of working together in co-operation with home schoolers to determine and to assist in the best way that we can and the best way that home schoolers can to put this matter to rest in the interests of children.

Mr. Speaker, there will be a consultation. There has been a consultation with home schoolers as this bill emerged. We shared with them in government, I shared with the associations many months ago the intent in this particular matter. It has been an interesting debate. I have learned a great deal from this particular debate which is valuable to me as an individual. I know that there have been many prayers said for members of the Government, and me personally, as this has progressed. In all good faith, this matter was discussed a number of times in caucus, a number of times with my colleagues and likely more debate than caucus has been used to in this particular matter. I also would note that this whole issue of regulation, quote unquote, of home schooling is something we inherited from the members opposite, so there is a little bit of a disappointment when I am told that nothing was in the mill previously.

Mr. Speaker, in terms of the way that the issue has evolved, there has been a significant acknowledgement of the concerns of the home-school population in the province with this amendment. The words "registration" and "register" were deemed to be inappropriate. "Notification" and "notify" were words that were deemed to be more appropriate. That is from the home-school associations themselves. We reviewed existing legislation as it existed throughout the province, particularly in the case of Alberta because Alberta was referred to us a number of times, literally dozens of times in terms of telephone conversations and the lobbying that has taken place on this particular issue over the last few weeks. We reflected that in the language that was used in this legislation. There was a considerable degree of respect in this caucus for the concerns of all who seek educational excellence in the province of Manitoba.

Mr. Speaker, I will say again as I have said, and I reviewed my remarks in Hansard from a few days ago where I talked about I would take

the concerns back to my caucus colleagues and we would have a discussion. I would like to commend, in fact, my caucus colleagues because there are a lot of opinions on this particular matter. I have to say I respect the views that were expressed by my caucus colleagues and thank them for the very considerate debate that took place in caucus on the matter of Bill 12 and home schooling generally in the province of Manitoba.

The result of that consultation and the result of the dialogue that we have had with the home-school associations in the province of Manitoba are the amendments that we put forth here today, which incidentally reflected in great measure some of the suggestions that were put forth. In fact, it is an amendment of the Member for Fort Garry's (Mrs. Smith) original amendments on this matter.

So, Mr. Speaker, in terms of the Government members and the caucus of government, there has been a considerable dialogue that has taken place. There has been a considerable acknowledgement of the concerns that were expressed by the home-school associations throughout the course of this discussion. The consultation that began formally on May 9, 2000, which was the first meeting with the associations in this regard, will continue. It will not end. The consultation will be one that places the utmost respect on the rights of home schoolers in the province of Manitoba, the utmost respect for the very good work that they do in home schooling in the province of Manitoba.

All aspects of home schooling will be discussed in consultation and with respect by the members of the Government on this side of the House. The consultation with the associations on all aspects of home schooling that began a number of months ago and will continue throughout the course of the mandate of this particular government will be characterized by mutual respect, mutual understanding, mutual dialogue. As I said, I have not as members opposite have over the course of this debate, spoke to the gallery. I have resisted that, Mr. Speaker, in deference to the rules in this Chamber and speaking through the Chair. But I do want to acknowledge the fact that home

schoolers have been in the gallery the last number of days.

I must say, as the Minister, during Question Period, we have not had questions on home schooling while members have been in the gallery, which surprised me frankly, given the petitioning that has gone on previous to Question Period. It surprised me, given that this was an issue.

But, in concluding my remarks on this particular issue, Mr. Speaker, I want to say again that the discussion has been—*[interjection]* The dialogue in this matter—somebody mentioned MTS a little bit in here—I do not want to get into the MTS debate frankly because the consultation there the entire province of Manitoba knows about. The consultation that has occurred will continue to occur, will take place, from my perspective, in an atmosphere of mutual respect. I know that the home-school associations also place a very high value on mutual respect.

I think that an understanding that I have gained personally from this matter has been useful and helpful to me as an individual. I think that there will be, of course, debate and discussion and differences of opinion as there is in any human relationship. But the important thing to me on this matter, as on all matters with education, is the interest of the child must be first and the interests of educational excellence must inform our discussions around the child. In the Department of Education and Training, that must take place. I know that that—*[interjection]*

* (17:40)

Mr. Speaker, the Member for Russell (Mr. Derkach) talks about standardized tests. Of course home schoolers are not subjected to the standardized tests that the public school system has. If the Member is advocating for standardized testing for home schoolers, I would like him to put it on the table because that is certainly what I am hearing right now.

So, just in concluding my remarks, I respect the views of the home-schooling associations on this matter. We have made amendments to reflect some of the concerns of the home-

schooling association in an atmosphere of respect for the home schooling—*[interjection]* The atmosphere of respect that I hope and pray will characterize the future consultations that will occur between home-schooling associations in the province of Manitoba and myself and that have characterized our discussions exclusive of this Chamber. Our discussions have been characterized by mutual respect for our views, and I commit again, as I have in my earlier discussion today with Mr. Huebner of the Christian home-schooling association, that that atmosphere of respect, that atmosphere of mutual understanding, will characterize our relationship as we move forth. It is involved—*[interjection]*

Mr. Speaker: Order. All members will have a chance to debate. I think all members should be entitled to be heard, and the Honourable Minister of Education and Training has the floor.

Mr. Caldwell: Thank you, Mr. Speaker. It is implicit in the amendments that were proposed today before this House, which is an unusual occurrence in many regards. I think that that does reflect, as the Member for River Heights (Mr. Gerrard) suggested in his remarks, he will hold me accountable, as he should, as an elected official in this House for what happens in the future. But he did acknowledge, and I thank him for that, that there were amendments brought forth.

There were amendments that struck the words "register" and "registration" out of this as words that were of concern to the home-schooling associations and their membership, and in fact, "notification" and "notify" is the language of the Alberta legislation. It was the language suggested by the Member for Fort Garry (Mrs. Smith), and it is the language suggested by my caucus, to their credit, when we discussed this. So we have had extensive discussion within government, outside of government, in this matter, and in terms of the relationship, in terms of discussions with the home-school associations in the province of Manitoba and those friends and neighbours of mine who home school, I have also heard in this particular matter.

There is a sense that this government is listening to those concerns. There is a sense that

the interests of children should be placed and educational interests of children should be placed in the forefront. There is acknowledgement from those of us on this side of the House that the public school system, the home-school system and the private education system all have a role to play in that in an atmosphere of mutual respect. We will not on this side of the House and we have striven not to on this side of the House play politics with the lives of children in this matter. Our work in Education and Training on this and every matter will place a premium on understanding and dialogue in respect with the field in whichever realm we operate, and that is what has characterized this department over the last 10 months and which will characterize this department in the years ahead.

I thank the home-school associations. I thank those who have appeared here for the last number of days for witnessing some of this debate in the gallery. I know that Mr. Huebner wrote me a letter saying it was instructive for the children in terms of a lesson in civics of what occurs, and I think that is a valuable thing to have occurred, and I think this whole debate and discussion has been valuable to a certain extent, but when it starts to divide and pit individuals against one another, then that is a concern, and I do not think we want that to occur. With the greatest respect, we respect the home schoolers of this province and look forward to working with them in the future.

Mr. Laurendeau: I would just like to say a couple of closing remarks before the Honourable Minister votes again against another amendment brought forward by the home schoolers. Mr. Speaker, there have been four amendments before—

Mr. Speaker: Order. The Honourable Member has already spoken to the amendment and would require leave to speak again.

Is the House ready for the question? The question before the House:

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

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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.

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, say nay.

Some Honourable Members: Nay.

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

Formal Vote

Mr. Laurendeau: Yeas and Nays, Mr. Speaker.

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

Order. The question is the following:

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—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

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.

Division

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

Yeas

Dacquay, Derkach, Driedger, Dyck, Enns, Faurshou, Gilleshammer, Laurendeau, Loewen,

Maguire, Mitchelson, Pitura, Praznik, Rocan, Schuler, Smith (Fort Garry).

Nays

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

Madam Deputy Clerk (Bev Bosiak): Yeas 16, Nays 28.

Mr. Speaker: I declare the amendment lost.

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, August 15, 2000

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