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Legislative Assembly of Manitoba

DEBATES

and

PROCEEDINGS

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 7, 2001

The House met at 10 a.m.

PRAYERS

Introduction of Guests

Mr. Speaker: Prior to Private Members' Business, I would like to draw the attention of all honourable members to the public gallery, where we have from Charleswood Junior High 134 Grade 9 students under the direction of Ms. Barbara Fitzjohn.

This school is located in the constituency of the honourable Member for Charleswood (Mrs. Driedger). On behalf of all honourable members, I welcome you here today.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

SECOND READINGS—PRIVATE BILLS

Bill 300—The Jewish Foundation of Manitoba Incorporation Amendment Act

Ms. Linda Asper (Riel): Mr. Speaker, I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 300, The Jewish Foundation of Manitoba Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation "The Jewish Foundation of Manitoba," be now read a second time and be referred to a committee of this House.

Motion presented.

Ms. Asper: Mr. Speaker, I am very pleased today to introduce The Jewish Foundation of Manitoba Incorporation Amendment Act, which will amend the current act to allow the Jewish Foundation to operate in today's reality.

The Jewish Foundation was established on January 14, 1964, and continued by The Jewish Foundation of Manitoba Incorporation Act 1990. It encourages and facilitates the creation and

growth of endowment funds to enable the community to realize its potential.

To quote its mission statement, I quote: The foundation maintains effective stewardship over all assets entrusted to it, distributes grants that reflect donors' wishes and community priorities and provides leadership in the Jewish and general communities.

The Jewish Foundation of Manitoba is the second largest community foundation in our province with assets as of December 31, 2000, of \$43 million after the Winnipeg Foundation with assets of \$220 million. The Jewish Foundation provides grants both in the Jewish community as well as in the general community. Through the ongoing generosity of our community, the foundation has been able to contribute over \$14 million in grants and scholarships. Some 375 organizations have received funds, and 516 students have benefited from scholarships worth \$566,000.

Established in 1994, for example, the Women's Endowment Fund is part of the Jewish Foundation. The accumulated capital is invested, and the income is distributed annually to Manitoba organizations whose services directly benefit women. Some examples are: first, the Alpha House, which provides safe housing for women and children who have left abusive situations; a second example, The Pas Committee for Women in Crisis, which developed an education project encouraging awareness among young women of their skills and abilities; and third, Kali Shiva Aids Services, which offers support programs for women and children who are infected or affected by HIV AIDS.

Justice Guy Kroft, President of the Jewish Foundation in Manitoba, stated in his 1999 Annual Report that the Jewish Foundation, and I quote: is an enabler and builder.

Mr. Speaker, there is a need to have the current act, which was enacted in 1964, revised to update the act with current, normal practice.

The current act is too rigid. It needs more flexibility. Bill 300 allows for the Jewish Foundation of Manitoba Incorporation Act to be amended to increase the number of members on the board of the Jewish Foundation of Manitoba, to clarify the investment powers of the foundation and to allow the board to establish committees, these committees to assist in administering the affairs of the foundation.

Mr. Speaker, I would ask members of this House to support Bill 300 so that the Jewish Foundation of Manitoba can make these changes needed to allow it to be more effective in dealing with its future directions.

Thank you, Mr. Speaker.

Mr. Marcel Laurendeau (St. Norbert): I move, seconded by the honourable Member for Emerson (Mr. Jack Penner), that debate be adjourned.

Motion agreed to.

SECOND READINGS—PUBLIC BILLS

Bill 200—The Electoral Divisions Amendment Act

Mr. Speaker: Are we ready to resume debate on Bill 200, The Electoral Divisions Amendment Act?

Mr. Ron Schuler (Springfield): Mr. Speaker, I move, seconded by the honourable Member for Tuxedo (Mrs. Stefanson), that Bill 200, The Electoral Divisions Amendment Act (Loi modifiant la Loi sur les circonscriptions électorales), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Schuler: Mr. Speaker, just a few comments for the record. As most members of this House know, the great constituency of Springfield has been in existence almost for the entire time of the province. For a certain period of time, it was part of Brokenhead, and that is when its name was changed. I believe the R.M. of Springfield is one of the oldest municipalities. Things have

changed as population grows in the constituency of Springfield. It now comprises of two rural municipalities, that being East St. Paul and the R.M. of Springfield. The population used to be about 70 percent in the R.M. of Springfield, with about 30 percent in the R.M. of St. Paul. That shift is now starting to change, where East St. Paul is around 40 percent and Springfield 60 percent.

One of the difficulties, certainly as a member of the Legislative Assembly, if I am in the R.M. of Springfield, individuals will ask, as is their right, if I live in the constituency. I say, yes, I live in East St. Paul, and they say I thought you lived in the constituency. Conversely, if I go into the R.M. of East St. Paul and say, I am the MLA for Springfield, I get questioned: So who is our MLA? Seeing as there is quite a divide between the rural municipalities, Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Schuler: Thank you, Mr. Speaker, and by the loud response I am getting from members opposite, I will take that as support, and I assume there shall be no difficulty getting this bill through the House. Clearly, the citizens of East St. Paul have a right to be recognized in the name of the constituency. The R.M. of East St. Paul has been in existence, I believe, over 100 years, and the residents were asking if this House would consider to give them recognition in the name of the constituency that represents them here in this Chamber.

Mr. Speaker, I would like to ask all of those great supporters across from us and my colleagues here if they would consider supporting this bill to allow the name of the constituency of Springfield to be changed to Springfield-East St. Paul.

Hon. Becky Barrett (Minister of Labour and Immigration): I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that debate be adjourned.

Motion agreed to.

* (10:10)

PROPOSED RESOLUTIONS

Res. 6—Child Pornography

Mrs. Myrna Driedger (Charleswood): I move, seconded by the Member for Springfield (Mr. Schuler), that

WHEREAS children have the right to be protected from all forms of sexual abuse and exploitation; and

WHEREAS the use of children in pornographic material is in itself harmful to children; and

WHEREAS the possession of child pornography is deemed illegal under the Criminal Code of Canada; and

WHEREAS the British Columbia Appeal Court struck down the prohibition against the possession of child pornography; and

WHEREAS this action by the British Columbia Appeal Court significantly hinders the efforts of law enforcement officials to combat the spread of child pornography; and

WHEREAS the previous Progressive Conservative government was committed to acquiring intervenor status in the Supreme Court of Canada case considering the B.C. Appeal Court's decision allowing an individual to possess child pornography; and

WHEREAS laws protecting children from sexual exploitation must be paramount over an individual's desire to possess child pornography; and

WHEREAS the NDP government stated in the Speech from the Throne on November 25, 1999: "The Manitoba government will continue to urge the federal government to take whatever steps are necessary to ensure that federal laws prohibiting the possession of child pornography remain enforceable—including, if there is absolutely no other alternative, resorting to the 'notwithstanding clause' in our constitution"; and

WHEREAS implementation of the Constitution Act, 1982, Section 33, the notwithstanding

clause, for the standard five-year period would provide protection to a generation of children, wherever they reside in Canada, while providing the federal government with time to fully pursue the appeal in the Supreme Court of Canada and if necessary to make improvements to the Criminal Code ensuring that the possession of child pornography remains illegal.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the federal government to consider invoking Section 33 of the Constitution Act, 1982, the notwithstanding clause, if necessary, to ensure that the possession of child pornography remains illegal under the Criminal Code of Canada.

Mr. Speaker, while I was at Child Find Manitoba, I was very—

Mr. Speaker: Order. I have to move the motion first. Prior to moving the motion, I would like to see if there is unanimous agreement of the House, where the honourable member deviated from the written text and used the word in the eighth WHEREAS. You used the word "NDP" instead of "provincial." Is there agreement to keep it the word "provincial"? Agreed? Is there agreement to have it changed to "NDP" from "provincial"?

Some Honourable Members: No.

Mr. Speaker: No? There is no agreement? Order. The Manitoba practice has been that if a member deviates from the written text, you need unanimous consent of the House to print the word or words that were used, and there is not unanimous consent, so we will revert back to the wording of "provincial" instead of NDP.

Motion presented.

Mrs. Driedger: While at Child Find Manitoba, I was very actively involved as a children's rights advocate, addressing the issues of child abuse particularly those around child prostitution and child pornography. Today we are addressing a very serious issue of child pornography.

I am somewhat saddened that the students from Charleswood Junior High have actually left the gallery because there were students from that

school that had been particularly involved in creating a petition and being involved in a petition across the country to seek greater protection of children from child pornography. I am sure they would have found it interesting to hear some of the comments being made today.

Certainly the commitment to fight this was strengthened for me after being trained by the police to understand what child pornography actually is, to sit through sessions where I saw it on video and on print, and it certainly did affect me profoundly.

It is a well-known fact that primary producers, distributors and consumers of child pornography are child molesters and pedophiles. Law enforcement investigators have verified that pedophiles almost always collect child pornography, and collection is the key word here. It does not mean that pedophiles merely view pornography; they save it. It comes to represent their most cherished sexual fantasies.

Mr. Speaker, child pornography devalues, degrades and marginalizes children as a class. It portrays children as objects for the sexual exploitation and entertainment of adults, consequently child pornography deprives children of their innocence and their unique human character and identity. When a real child is used to make the pornography, actual child abuse has been committed against that child. Where the child pornography takes the form of written material, sketches or drawings, children as a class are violated, thereby exposing children to greater risk of injury and harm.

Since 1988, it has become clear to those responsible for law enforcement that child pornography is uniquely harmful because child sexual abuse and exploitation are required for its creation. It has the effect of fueling the sexual and predator appetites of pedophiles. It provides pedophiles with an important tool for lowering the inhibitions of their child victims, thus enabling them to seduce their child victims into having sex. It represents a permanent record of the portrayed child which can later be used to enslave the child in an unwanted sexual relationship or to blackmail and extort favours, silence or money, and it is easily and surreptitiously distributed by way of the Internet where it is largely immune to interception.

Virtually all of the child pornography being created and distributed today is communicated by computer through the Internet. I am sorely disappointed right now to hear that the federal government has taken the Internet-luring aspect of child protection legislation and buried it in an omnibus bill. I have huge concerns that this particular bill and the child protection part of it may not end up passing at the federal level. I think that is a huge disservice to children.

John Robin Sharpe, a child pornographer—and it was his legal difficulties which caused the Supreme Court of British Columbia to rule possession of child pornography is not a crime—ended up in the Supreme Court. But prior to that, in April of 1995, police found computer disks in Sharpe's home that contained pornographic writings and photographs related to sexual activity with children. A year later another search turned up more graphic material including photos of nude boys displaying their genitals. He was charged with four counts of possession of child pornography.

In January 1999, the judge hearing Sharpe's case ruled: There is no evidence that demonstrates a significant increase in the danger to children caused by pornography. Justice Duncan Shaw's decision was appealed and has since been heard by the Supreme Court of Canada. John Robin Sharpe is now legally free to have sex with a 14-year-old boy or girl, videotape the act and view it as often as he wants in the privacy of his own home. Sharpe, 67 years of age, challenged the country's child pornography law and managed to get two lower B.C. courts to agree the law was an unconstitutional limit on free expression. For five years, the man who believes 12-year-old boys are ripe for sex battled on.

* (10:20)

The January 27, 2001, court decision, the Supreme Court decision, upheld the country's child pornography law but added two loopholes big enough to drive a busload through. If the material is created privately and is not intended for distribution, it is okay. If an adult wants to have sex with a child of 14 and photograph the event, it is still okay. The child must consent to the sex and the photography, which implies a

level of maturity and ability to foresee consequences that few teenagers possess.

Once that consent is given, it is irrevocable. When a 14-year-old agrees to be videotaped performing oral sex on a man the age of her father, she cannot demand the tape back at the age of 21. The only time the law will come knocking is if the pictures are sold or otherwise distributed.

Mr. Speaker, this law is about men and women who want to sexually abuse infants and children. They have permission to write out their fantasies, draw their pictures, fuel their obsession and feel secure that, in the eyes of the Supreme Court, they are innocent. Every Canadian parent should be outraged. These are our children, and our highest court has allowed this perversity to happen.

I am honoured to know a woman by the name of Roz Prober, who is the head of a group called Beyond Borders. It is a group that actively advocates on behalf of the rights for children. Her comments about this, I think, are very appropriate. She says it is all about sexually abusing children. When you move beyond thoughts, when you put those thoughts onto paper, when you write these fantasies and draw pictures, when you say this child of 14 is okay, what have you got left?

It is a clashing of rights, but the rights of the children seem to be ignored. We need to decide whether a man should be free to write and draw his fantasies of raping the neighbour's preschooler as long as he promises not to share his journals for money. We need to learn to put the rights of our children well above the rights of the pedophiles.

In this particular case, the law was found constitutional because Parliament was trying to protect children from harm in the making of child pornography, but now we have a set of competing rights, the right to possess child porn versus the rights of children to be kept from harm. History shows the notwithstanding clause was written into the Charter partially because of concerns that, for example, some day a judge might decide child porn was a constitutional right. Ottawa will not evoke the notwithstanding

clause against child porn when it conceded that possessing child porn is a right, and, Mr. Speaker, the die then has been cast.

Mr. Speaker, there is a special trust or a sacred trust that we as a society have set for ourselves when it comes to children, and it is at the level of government that we must set the standard of advocacy for protecting our children. We must advocate for a strong stand against child pornography to complement existing community standards. We must be alert and sensitive to community standards and the level of intolerance for child pornography within our community.

We must not be deterred in our stand that all children have the right to be protected from all forms of sexual abuse and exploitation. Mr. Speaker, as legislators, I believe that we must not do less. The children are depending on us. Thank you.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): It is an important opportunity to be able to speak to this issue in this Legislative Assembly. I thank the member opposite for introducing this resolution which deals with the critical issue of child pornography, an issue that, in my view, is becoming more critical. It is an area of criminal activity which, in my view, is growing and becoming more challenging to deal with, particularly because of the introduction of the Internet.

Mr. Speaker, there are a couple of comments just on the resolution itself. First, it is important to note, of course, that the resolution is out of date in the sense that the Supreme Court of Canada has now ruled on this matter. The resolution is based on the British Columbia Court of Appeal decision and based on concerns following that and before the Supreme Court decision in *Sharpe* that the child pornography provisions of the Criminal Code might be struck by the Supreme Court, and I will deal with what occurred there.

I also take it from the resolution that it is supportive of this Government's position as set forth in the Speech from the Throne of November 1999 where the Government stated

that it will continue to urge the federal government to take whatever steps are necessary to ensure that federal laws prohibiting the possession of child pornography remain enforceable, including, Mr. Speaker, if there is absolutely no other alternative, resorting to the notwithstanding clause in our Constitution.

When the Supreme Court ruled on the case of *Sharpe*, my sense was that across the country there was a generally positive reaction, which concerned me. Now, I understand the positive reaction. It is because there, I think, had been some very real concerns, indeed as expressed in the resolution and as expressed by the provincial government in the Throne Speech, that the prohibition on the possession of child pornography would be struck in its entirety and would cause therefore a significant and dangerous hole in the law and in how we protect Canadian children. When the court did not strike the section of the Criminal Code, it produced a generally favourable reaction across the country. There was, as I said at the time, certainly in that decision, good news and bad news. The good news being, as I just described, the decision of the court not to strike the section, but the bad news was that the court had created two court-derived exceptions to the prohibition on simple pornography, on child pornography, and it was the exceptions that caused us some serious concern.

As a result, I instructed our officials to read the law again with a view to determining what steps we could take to ensure that the law was as effective as absolutely possible, and also to determine how far the Criminal Code could be rewritten to reflect our desire to ensure an effective prohibition against child pornography. As a result of those considerations, and indeed, Mr. Speaker, I have to add, when I read the decision in *Sharpe*, it appeared to me that the court made it very clear to the federal Parliament that it was being invited to go back and rewrite the law and clarify, contain, otherwise tighten and define what the Supreme Court said.

So, on March 19, I wrote to the Minister of Justice and Attorney General of Canada, and I will read the remarks into the record, Mr. Speaker.

I am writing to express the concern of my colleagues and myself with the decision of the

Supreme Court in *The Queen v. Sharpe*. As you know, the court drafted two exceptions to the offence of possession of child pornography. While it appears that the Court's chief motivation was the potential application of the current law to teenagers who are privately exploring their sexuality, the court's exceptions may exclude from the scope of the offence, conduct which would pose a high risk of harm for children.

*(10:30)

I just want to add my own remarks here. Chief Justice McLachlin often used an example of teenagers exploring their sexuality in relationships as reasons to construct the two exceptions.

I will go back to the letter. While the two exceptions: One, self-created written or visual material created by an individual for his or her own personal use; and, two, visual recordings of lawful consensual sexual activity created by or depicting the accused and held for personal use, prevent the prosecution of the teenager who records a first sexual encounter in a confidential diary, they also prevent the prosecution of a convicted sex offender who possesses a large amount of self-created sexually graphic material. In fact, the material seized from Mr. Sharpe included stories written by him describing sexual abuse of children in which the children were portrayed as enjoying the activity. The court exempted this material from the application of the law, in spite of the fact that it accepted that exposure to child pornography could reduce a pedophile's inhibitions against sexual abuse of children.

The court stated that the exception for visual recordings would only apply where the recordings were consented to. However, the court's failure to define consent may legitimize possession of sexually explicit pictures of teenagers whose consent was obtained on the basis of compensation or inducements. This loophole must be plugged to prevent the exploitation of teenagers in these situations. While the court saw fit to draft the two exceptions, it acknowledged that questions could arise about the application of the exceptions and invited Parliament to redraft the Criminal Code to reflect the court's concerns about the breadth of the provision. It is incumbent upon Parliament

to pursue the court's invitation and introduce amendments to ensure that those who are most vulnerable are protected.

To assist in this process, we suggest that the following be addressed by amendment. Mr. Speaker, we then set out five changes to the Criminal Code, which in our view are available to be introduced within the confines of the Charter. This can be done without having to resort to exceptional procedures, which if need be, will have to be resorted to, but it is our view that this can be accomplished without offending the Charter.

Number one, pedophiles, i.e., convicted child sex offenders, should not be able to possess child pornography of any kind, self-created or otherwise. One way to address this would be by amendment to section 161 of the code which currently allows a court to prohibit a convicted sex offender from entering playgrounds or working with children. Two, the Supreme Court felt private possession of the exempted material posed no reasoned risk of harm to children, because it was unlikely to fall into the hands of someone else.

So, Mr. Speaker, just to add my own words to that, because the court made that observation it allows the Parliament of Canada to maintain a prohibition where exempted materials are stored or located in a way that could be viewed by others. For example, we offer the concern that where a person stores child pornography files on a family computer, those materials and that act should be found to be criminal.

Number three, private possession of visual recordings of lawful sexual activity should not be permitted where the consent to the recordings was obtained as a result of compensation, fraud, inducement, promises.

Four, given that visual recordings create a permanent record of a teenager who at the time of its making may not realize the potential for harm that such recordings may cause, possession of these recordings should not be permitted where consent is subsequently withdrawn. I was pleased to hear the member opposite talk about that kind of situation. I think it could be terribly damaging to an individual going through life and having been exploited and then later being unable to deal with that exploitation.

Five, further, in relation to visual recordings, the harm sought to be prohibited is the sexual exploitation of children and youth. Where persons under the age of 18 are being depicted, if there is an age disparity of more than four years between the person depicted and another person created or engaged in the depiction, the depiction should be disentitled from the exceptions outlined in *Sharpe*.

Now, Mr. Speaker, I will add in addition to the letter, this raises the issue of age of consent, which has to be dealt with in this country. It is my view that the age of consent should be at least 16, but I think what we need is some national dialogue on this one on a timely basis. One of the reasons it has come to the fore is that we have a new Internet provision that is pending before Parliament, which is based on the age of consent, which really protects children 13 and under. That is not good enough. This is not the adequate protection that we should be ensuring for Canadian children, but when we talk about the age of consent, it is also important to recognize that there must be an allowance for healthy relationships between young people. That need has to be recognized when we talk about age of consent, and I have heard differing ages, recognizing that the age cutoffs in any legislation will always be somewhat arbitrary. But, if there is an age disparity of more than four years, we think that exploitation then can be shown or deemed.

I conclude the letter by saying: Further to the above, we also ask you to now initiate a process for reviewing the current age of consent to sexual activity. Chief Justice McLachlin pointed out that the exceptions that she had drafted were dependent upon the current definition of lawful sexual activity. However, she indicated that Parliament could affect the scope of the exceptions by broadening the range of sexual activity that is criminalized. I conclude by saying: I hope you find these recommendations will be of assistance as you review approaches to the amendments to the Criminal Code.

Mr. Speaker, unfortunately, I have heard nothing more. I think that we have an important challenge ahead of us, and that is to make a strong statement. I will be raising this with my

federal counterpart, as well my provincial counterparts once again. We have got to get on with this job because right now as the law exists it is not good enough. It is not good enough for Canadian children.

I also just want to conclude by remarking that the issue of Internet safety is very critical. There are serious shortcomings in the law that is before Parliament, let alone how it is being packaged, but we also have to look to see what else the federal government can do and what the Province can do. That is why we have established now a committee for looking at how children could be protected on-line. They will look at issues of child pornography and Internet luring to determine what new approaches can take place. We have also asked them to put in place a cyber tip line so that child pornography can be reported to a central number and be dealt with according to the law. Thank you, Mr. Speaker.

Mr. Ron Schuler (Springfield): Mr. Speaker, I would like to put a few comments on the record on this particular issue. I think it is particularly a sad commentary on our society that we are actually having to deal with issues like this.

I believe, as I believe most in this Chamber do, that the future of our nation, the future of our province and our future lies in the young and the children who come forward. Certainly, I took that very much to heart, and I ran for school trustee because I felt that that is where the future is. It lies within our young, our children, what goes on in our schools, what goes on in our families. Probably more than anyone else, it is really our children that must be fostered, must be protected, must be promoted, must be taken care of in fact.

When I was on the school board, we had what was called early intervention programs, early reading recovery programs because what we wanted to do was catch the children when they were young, Mr. Speaker, because that is when you want them to have the best. That is when you want them to learn the best so that as they grow up and as they mature into young adulthood and go into further education and move on into the workforce and someday become perhaps even leaders in this Chamber,

that the foundation is absolutely solid, that it is 100 percent there, that they have the ability to go with confidence into the workplace, whatever their choosing is, and contribute to society, have great lives and continue on in the world. As I tell my children, I say if we are driving along: Is our world not beautiful? They say yes. I say: You know what, it is yours. This is your world. It is for you, and you can take all the opportunities.

* (10:40)

Unfortunately, Mr. Speaker, there are some in our society who wish to deny the young this opportunity, some of the most vile individuals who prey on the young. As we know, and certainly I do, being a father of young children, that they are easily coerced. Children have not yet learned to discern between a lot of things. There is a lot of power that adults have with children, and, for some reason, they are able to coerce them. For some reason, they are able to use power or force over them. I think it has been proven, and it has been said more often than I can repeat, that the devastating, the absolutely horrible effects that that has on young children is, in some cases, never repairable.

It is the most vile individual who takes advantage of a young child, who takes away that right that they have to a great childhood, to a good childhood, to have a foundation built for that child and to be able to take all that they can and be the best that they want to be and to move on into society. We know, from account after account after account of adults who were abused as children, who were used in the manner of the way that we are talking today, that they have problems later on in life. They have areas of difficulty, where they are just not able to excel. It is this kind of stuff that is just so shameful. It is so despicable that these people would prey on young children and deny someone else the right to move into society with the confidence and with the courage to move ahead. That is so despicable that we deny others that.

Mr. Speaker, the motion speaks about children who have the right to be protected from all forms of sexual abuse and exploitation, and that is absolutely right. I support this. I believe that we want to be very, very mindful. I believe the number is, by five years old, a child has

already learned, has already had that basis that they are going to continue with into life—by five years old.

There was another study, and that was from university, that by age two a child has basically learned more by age two than they will learn for the rest of their lives. They can learn more in the kitchen of the home than they will the rest of their lives. I know that, Mr. Speaker, I see that my one-year-old opens the door, closes the door, opens the door, closes the door. She figures out how things work. The fundamental things, the basic things that we take for granted, that is what these children learn.

Mr. Speaker, to somehow deny children that right, the right to be able to move ahead and have a great life, I just have great difficulty with. I am glad to see that this motion is here. I know it has been read into the record. I hope that this Chamber takes the time, more of us speak briefly on it. I would encourage my fellow legislators that today we would pass this motion and let it be known that this Legislative Chamber of Manitoba does not tolerate this kind of despicable activity towards children.

Our future, in time, it is going to be our history, and these young children need our protection at that age. They deserve our protection at that age. I am pleased to see that this is coming forward because we must take a stand against this kind of activity. We must stand up for our children and the foundation of our society. Thank you.

Mr. Doug Martindale (Burrows): Mr. Speaker, I would like to begin by thanking the Member for Charleswood (Mrs. Driedger) for this resolution. It is certainly an important topic and one that has garnered a lot of public interest over the last number of years.

Children are a top priority for our Government, as our numerous initiatives in the areas of children's health and safety, fighting child poverty and supporting Manitoba's families has shown.

I could probably talk about this at some length because there are many, many things that the Minister of Family Services (Mr. Sale) and many other ministers have done in this area. Just one, briefly, would be to begin restoring the

National Child Benefit to families with children under six, something that we initiated because the former government clawed back all that money from families on social assistance and even people that were working full time and having a top up of social assistance. Now we are allowing those families to keep that money to spend it on food, clothing and other amenities for their children.

We believe that sexual exploitation of children is unacceptable, and our Government believes that laws against possessing child pornography are a reasonable limit on free speech and do not offend the Charter.

The Supreme Court of Canada supported this assertion in the ruling on *R. v. Sharpe*.

Our Government was pleased in part with the Supreme Court decision in the *R. v. Sharpe* case, in which the court ruled that the appeal should be allowed and the charges remitted for trial.

However, we are concerned that the two exceptions to the offence of possession of child pornography drafted by the Supreme Court may exclude conduct that poses a high risk of harm to children.

Consequently, Manitoba's Minister of Justice (Mr. Mackintosh) has forwarded a letter to the federal Minister of Justice outlining our concerns and asking that Parliament pursue the court's invitation to introduce amendments to the Criminal Code to ensure that those who are most vulnerable are adequately protected.

I have a copy of the minister's letter to the Honourable Ann McLellan, Minister of Justice and Attorney General of Canada, which is dated March 19, 2001. I am going to summarize some of the points that our minister made in that letter. The next day, March 20, our Minister of Justice put out a news release entitled *Ottawa Urged to Strengthen Child Pornography Law. Criminal Code Changes Needed to Limit Possession of Pornography*.

We suggested, our Attorney General suggested, five amendments be made to narrow the exceptions in *R. v. Sharpe*:

(1) Convicted child sex offenders should not be able to possess child pornography of any kind.

(2) Possession of material exempted in the Supreme Court ruling should be made illegal where it is stored or located in a way that it could be viewed by others. An example of this would be files stored on a family computer.

Certainly, because of changes in technology, it is much, much easier now unfortunately to disseminate child pornography. It is certainly accessible 24 hours a day on numerous sites and therefore available to people that in the past it was never available to, and this has certainly compounded the problem.

(3) Private possession of visual recordings of lawful sexual activity should be considered illegal where the consent to the recordings was obtained as a result of compensation, fraud, inducements or promises.

(4) Possession of such recordings should not be permitted where consent is subsequently withdrawn.

(5) Further in relation to visual recordings, where persons under the age of 18 are being depicted, if there is an age disparity of more than four years between those depicted and another person creating or engaged in the depiction, the recording should not be exempted from the law.

So we had some concerns about the Supreme Court ruling. We put those concerns in writing. We suggested that there be changes made. I am not up on what kind of legislation the federal government is enacting, although I was listening carefully to the Member for Charleswood, who mentioned that the changes were put in an omnibus bill. The latest I heard was that the Opposition parties were trying to get the Government to split up the bill, but I have not heard whether they were successful.

I think this is the last week that they are in session, so either it would be past this week or postponed until the fall. I know that many Canadians will be very interested in knowing what happens to those amendments.

In addition, we believe that using the Internet to lure and exploit children is a serious

offence and should be recognized as such in the Criminal Code of Canada. We know that this kind of exploitation can happen very easily because of the anonymity of the Internet and that people can pose as children. They do not have to be honest about who they are as adults because they can take any name or age that they want, and if people are vulnerable or not aware that it could be an adult that they are talking to, certainly any kind of on-line communication leaves children vulnerable to being exploited.

* (10:50)

Our Government, and the Minister of Justice (Mr. Mackintosh) in particular, has led a national campaign to amend the Criminal Code and has won the support of the Uniform Law Conference of Canada, the Canadian Association of Chiefs of Police and other provincial ministers of Justice. So it is good to see that there are other major and important organizations in society that are sympathetic to our suggested amendments.

As a result, on March 14, 2001, the federal Minister of Justice introduced amendments to the Criminal Code that criminalized luring children over the Internet. The Manitoba government is pleased to see that there are finally provisions in place in this regard; however we are concerned that these provisions will not protect children and youth between the ages of 14 and 18, the ages most at risk from cyberstalkers. We will continue in our fight to ensure that adequate provisions exist in the Criminal Code to protect our children.

This Supreme Court case has an interesting background, as has already been outlined. In June 1999, the British Columbia Court of Appeal upheld the acquittal of John Robin Sharpe on charges of possession of child pornography. I think that is probably when the public outrage started, when they upheld the acquittal. The BC court ruled that one section of the Criminal Code, the law dealing with simple possession of child pornography, is so sweeping that it violates freedom of expression as defined in the Charter of Rights and Freedoms. The court did not, however, question Parliament's right to outlaw the possession of child pornography nor, Mr. Speaker, did it touch the provisions of the Criminal Code covering production, distribution

and dissemination of child pornography. All these are still illegal.

The B.C. government appealed the judgment to the Supreme Court of Canada, and the Supreme Court overturned the B.C. Court of Appeal ruling but allowed for two exceptions: One, materials generated by one person that did not involve actual children and are not intended for distribution; and, two, visual material such as video recordings of oneself created for one's own use that depict lawful sexual activity.

In conclusion, Mr. Speaker, we hope that the federal government has listened to the Attorney General of Manitoba (Mr. Mackintosh) and to other Attorneys General and organizations like the Chiefs of Police and will do the right thing in terms of their amendments which we will await.

Hon. Diane McGifford (Minister of Advanced Education): Mr. Speaker, I am certainly pleased this morning to join my colleagues on both sides of the House and to put some remarks on the record on this very serious issue with regard to child pornography.

As my colleagues have been saying, and as I am sure members opposite know, children are, of course, a top priority of our Government, as I think our numerous initiatives in the areas of children's health, children's safety, fighting child poverty and supporting Manitoba families have clearly shown.

For example, Mr. Speaker, the Premier (Mr. Doer) in his wisdom created a Healthy Child Committee of Cabinet which is chaired by my colleague the Minister of Family Services and Housing (Mr. Sale). It includes a number of ministers. I am on that committee as the Minister responsible for the Status of Women. I have already mentioned the Minister of Family Services and Housing. The Minister of Education, Training and Youth (Mr. Caldwell) is present, as is my colleague the Minister of Culture, Heritage and Tourism (Mr. Lemieux), the Minister of Aboriginal and Northern Affairs (Mr. Robinson), the Minister of Health (Mr. Chomiak) and, of course, the Minister of Justice (Mr. Mackintosh). I am reading out this list of appointees to the Cabinet because I think it is indicative of the seriousness with which our

Government takes this issue and is certainly symbolic of our commitment.

Mr. Speaker, I also would like to address the issue of the sexual exploitation of children and point out, of course, that the sexual exploitation of children is unacceptable. Our Government believes that laws against possessing child pornography are certainly a reasonable limit on free speech and do not offend the Charter.

Just to put this in a historical context, limits, that is, reasonable limits on freedom of speech are traditional to our culture. I might point out, for example, John Milton's very famous essay, *Areopagitica*, which recognizes that in certain circumstances certain kinds of speech cannot and should not be allowed, because they are simply not in the public interest. I could also point to the Victorian scholar, John Stuart Mill, who, in his essay, *On Liberty*, distinguishes between liberty and licence. In distinguishing between liberty and licence, he goes on to point out that once we err on the side of licence, we abuse freedom of speech and consequently abuse liberty.

Some of the other voices that have spoken against pornography include the new wave of feminism. The new wave of feminism beginning in the late 1960s has certainly suggested that freedom of speech needs to be balanced with the public good and that in certain circumstances freedom of speech can become, as John Stuart Mill indicated, licence and can become exploitation of other individuals.

Some of these scholars and leaders of the feminist movement include women like Andrea Dworkin, Kate Millet, Betty Friedan, Simone de Beauvoir, Germaine Greer, Susan Brownmiller.

This is just to name a few of these women. All of these speakers have spoken against child pornography, I might add, as well. I might add that these women and feminist scholars and leaders in the feminist movement have recognized that pornography is a continuum that can begin with children, with boys and girls, and can end with the sexual exploitation of women.

I want to mention these women because I think it is important that we recognize the central

role that feminists have taken in the struggle against pornography. I think it is important that we recognize that the women's movement has been very central in leading a crusade against the sexual exploitation of children, as well as adult women.

Mr. Speaker, the Supreme Court of Canada, as we know, supported the assertion that possession of child pornography violates reasonable limits on free speech and does not offend the Charter. Our Government, of course, was very pleased, in part, with the Supreme Court decision in the *R. v. Sharpe* case in which the court ruled that the appeal should be allowed and charges remitted for trial. I wanted to put the emphasis on "in part" because, of course, we were not thoroughly pleased. We are concerned with two exceptions to the possession of child pornography, those two exceptions, of course, being self-created material for personal use and visual recording of lawful consensual activity for personal use.

Because of our concerns, Manitoba's Minister of Justice (Mr. Mackintosh)—

Mr. Speaker: Order. When this matter is again before the House, the honourable minister will have nine minutes remaining. The hour being 11 a.m., we will move on to the second resolution.

* (11:00)

Res. 7—Accountability in Education

Mr. Peter Dyck (Pembina): Mr. Speaker, I move, seconded by the honourable Member for Gimli (Mr. Helwer), that

WHEREAS Manitoba parents recognize the importance of strong literacy skills for our children; and

WHEREAS the previous Progressive Conservative administration took numerous steps to strengthen and enhance Manitoba's public education system; and

WHEREAS one component of this strengthening was the introduction of standards testing that allowed for the early identification of

students' strengths and weaknesses relative to outcomes and standards; and

WHEREAS standards testing allows teachers and parents to provide remedial support to students with a learning difficulty before they leave school; and

WHEREAS any delay for remedial support at this point may negatively impact the student's performance in the middle school years as well as later learning; and

WHEREAS during the 1999 Provincial General Election the New Democratic Party guaranteed that all students will be reading and writing fluently in their Grade 3 year, calling this their Grade 3 Guarantee, and as well, all students would "demonstrate a high level of computer literacy" by Grade 8; and

WHEREAS The Minister of Education and Training during an interview with the *Winnipeg Sun* last fall pled ignorance when asked about the status of his Government's Grade 3 Guarantee; and

WHEREAS teachers and parents have expressed concerns that the Grade 3 diagnostic assessments will take away from classroom contact time, considering that a study by the Interlake School Division determined that a teacher requires a minimum of 1.5 hours to assess one student.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider providing statistics as to the number of Grade 3 students not able to meet the Grade 3 Guarantee, and publicly release the results of the Grade 3 diagnostic assessments on a school-by-school basis thereby offering accountability to the taxpayers of this province.

Motion presented.

Mr. Dyck: Mr. Speaker, first of all, the whole intent of this is one of accountability in education. I would assume and I would hope that both members, both sides of the House rather, would agree that accountability in education is important. The point of this is to educate

students so that they will be prepared to go into the world, as it were, and today with the global society that we have certainly the world, the people living across the globe, across the ocean, wherever, are our own global community. So I would encourage us to look at this in the light of being able to educate our students in such a way that they will be able to go anywhere in this world and be able to, certainly be able to communicate, be able to express themselves in such a way that others know what in fact they are thinking so that others would be able to respond to them as well.

Just again, and I will eventually get to the resolution itself, but I think that the intent, and I would hope that the intent of whether it was standards tests or whether it is assessing students, is to prepare them for the world but also prepare them for the mobility which so many people have nowadays in moving from province to province.

If I can relate a specific example on that, I have several brothers, and one is in Ontario and one is in British Columbia, but their professions allow them to move. So it is very important for them, as they teach and they take their own children to school and as they learn, that these students, their children, are able to move from one province to another, whether they are in Grade 3, Grade 5, whatever that may be, S1 or 3, when they move to another province, be that in the middle of the school year, or be that at the end of the school year, that they can automatically fit into the grade that they were currently at when they did move.

So I believe that anything that we do when it comes to education should be something that allows and gives that opportunity for students to be able to communicate, to be able to just move gradually and without too much strain or stress into the same grade that they left when they moved from the other province.

Mr. Speaker, I want to, first of all, talk somewhat briefly about the standards test which our Government had in place. It is interesting that this past Sunday—and I had a member's statement which talked specifically to the Back 40 Folk Festival, which takes place in Morden on an annual basis, but this gave me an

opportunity, and there were approximately 2000 people out there, to move from one group to another.

During the course of our discussion, I had the opportunity to talk to educators, superintendents, principals, teachers, parents. It was interesting as through the course of our discussion we started talking about standards testing. So, of course, this was compared to the direction that the current Minister of Education (Mr. Caldwell) has gone. He, of course, is talking about the assessment that he is going to be doing, which is going to be guaranteeing that, at the end of Grade 3, students will be able to, in a proficient way, be able to read.

Now the comments that came back to me, as I have gone throughout the school divisions, were similar. The one comment that was made on an ongoing basis was that, certainly, with the standards testing that our Government had in place, there were some things that could be altered and improved on. I think that I would be one of the first to indicate that certainly there were areas of improvement that we could make, but you do need to start somewhere. The feeling, though, was, by and large right through the people that I have talked to, that they thought that the direction that we were heading was the right direction. Yes, changes could be made, but the direction we were going was the right one. So, of course, the discussion, as we continued our discussion, was one of where, through a philosophical point of view, it was the current Government, the NDP, the current minister who decided that fundamentally they just wanted to change things. Of course, as they are in government, that is the opportunity. That is their prerogative; they can do that.

However, I want to come back again, and I have said this for many years. I will just sidetrack a little bit. I had the opportunity, first of all, to teach for a number of years. After I went into business, I had the opportunity to serve on the local school board for 18 years and 10 years as the chair of the board, but the basic message that we had to our communities was that, as a board, as teachers, as staff, we were there for one purpose, and that was for the student and whatever was best for the student. I

believe that it was our intention, at the school board, to take the politics out of there, as I have said, to do what was best for the student. So, consequently, as we took surveys and as we went throughout our division, we looked at and asked parents as to what they felt would be best for their students. They wanted to know where their students stood as far as their ability to be able to communicate within a specific grade level, whether in fact they were doing well.

As a parent, I think that all of us would agree that, when our children are in school, and it does not matter what grade they are in, whether they are in fact in the elementary, whether they are in the post-secondary level, we want to know and we are keenly interested in how our students, our children, are performing. Consequently, that was the reason that we went towards these standards testing, to be able to indicate and to be able to tell us as parents, to be able to indicate to the teachers where these students, where our children stood relative to the total province.

Again, I will confirm the fact that there are changes that we could have made. Certainly, in my discussion with people, by and large they accepted the standards assessments, but indicated that certainly, they would have asked and I am sure that we would have looked at making some of the changes out there. So, by and large again, the responses that I got were that they were supportive of the Grade 3 and so on, the standards tests that we had implemented. On the other hand, they would have liked to have us make a few changes to them which would have, again, supported the position that they were taking.

* (11:10)

Mr. Speaker, the other part that I want to talk to, and I know that I have only a few minutes left, but that is specific to the resolution that I have put on the floor and in the Chamber here today, is the whole part of the assessment that the current Minister of Education (Mr. Caldwell) has put in place.

I believe that to assess people is great, but is it in fact doing what the minister has indicated that it will do? The information, in fact, we do not have any information back yet. Maybe he

can enlighten us later on as to information that will be forthcoming regarding this, but will in fact the students be able to read at a proficient level at the end of Grade 3? He has made a commitment to that, and, certainly, if there is a way that one can do that without putting any pressure on the students or on the teachers, I would be prepared to look at that.

Mr. Tom Nevakshonoff, Acting Speaker, in the Chair

Again, just coming back to the standards test, I think that the argument that this current minister and the current Government had in not wanting to continue with the standards test was the pressure they felt that had been put onto students and onto teachers. Now, I would suggest to them that they have put a different kind of pressure onto these students now by the commitment that they made. So, again, I look forward to any information that the minister can come up with as to the direction that they are heading but also as to some of the information that they have received regarding the assessment that they are doing.

The other area I want to talk to, and it is sort of an addendum to the resolution, but a concern that I have, and this is regarding another commitment that was made, and that was the investment that they would make in public education and specific to the school divisions which would be no less than the growth of the economy.

Now, Mr. Acting Speaker, I need to just speak personally regarding my own school divisions about some of the concerns that I have there. I know that this minister and the current Government certainly appreciate the fact and encourage growth, but what we are experiencing within our school divisions, both Garden Valley and Western, is that we are experiencing growth in students. We are having immigration come in, and yet, though, this Government has changed the way they fund them. Any new students coming in, when you have growth in your own student enrolment numbers, they only fund 50 percent.

Now I know the minister has indicated that he is prepared to look at that, but I must indicate

to you that that is not a great consolation to the school boards and to the school divisions as in fact they are planning their own budgets for the coming year. So I would, again, encourage the minister to please take a good close look at this. I know that he is spending money when it comes to the assessment that he is doing, and if this assessment in fact is going to be as valuable to the students as he indicates that it will be, so be it.

He appears to be able to find the money to spend in certain areas and not in others, and so, again, I just want to encourage him to take a good close look at the whole area of funding for student enrolment growth within the divisions.

The other part that I need to indicate, as I had said before, that no less than the growth of the economy, well, in our area, the Garden Valley School Division and Western, they have a .05% increase. I do not see that as being the amount of growth that has taken place within our economy. So again there are certainly some variances out there, some of the commitments that he has made which I am not seeing fulfilled at this point and would encourage that the school divisions be treated equally and, when in fact he says that there are increases coming, that they be made.

Coming back to my resolution, I would encourage the minister to continue to look very seriously at the whole area of testing within the classrooms. I believe it is important that students have the ability and parents have the ability to know where their students are as far as the grade level that they should be in, whether, in fact, they are average, whether they need special and extra assistance, whether, in fact, they need very special assistance. I know that this is something that we as a government are pushing, that students be able to be given the opportunity to access extra help whenever they, and should they, need it, that this be an opportunity that be afforded them.

In the last part of the resolution, I am suggesting that:

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider providing

statistics as to the number of Grade 3 students not able to meet the Grade 3 guarantee and publicly release the results of the Grade 3 diagnostic assessments on the school-by-school basis, thereby offering accountability to the taxpayers of this province.

I believe they have made a commitment, and now I believe they should at least give the taxpayers of the province, give the parents, give the students, the teachers the ability to see what in fact is taking place and that they offer them that choice.

Thank you very much.

Hon. Drew Caldwell (Minister of Education, Training and Youth): It is a pleasure to rise in my place today to speak to the proposal by members opposite. I do not think I am being taped, though, or am not being picked up by Hansard.

It is a privilege to rise today in the House and speak to issues educational again. The resolution put forward by members opposite is an interesting and instructive resolution because, in many, many ways, it clearly articulates the profound differences in educational philosophy between the members opposite and those of us on the Government side of the House.

Many of these preamble phrases to the resolution speak to the commonality between our two parties in this House.

In the first WHEREAS, "WHEREAS Manitoba parents recognize the importance of strong literacy skills for our children," I think there is not a Manitoban that would not agree that strong literacy skills, strong numeracy skills, strong interpersonal and social skills, indeed strong skills for history, science, and music, arts and other areas are skills that produce a well-rounded student, a well-rounded citizen of Manitoba and of Canada.

So there is no fundamental disagreement with what, in essence, is a motherhood statement, that Manitobans recognize the importance of strong literacy skills, strong numeracy skills, strong social skills, strong interpersonal skills for our children. I suppose I am a little disappointed

that the first WHEREAS was just confined to literacy, because we on this side of the House believe in the whole student, and indeed that is fundamental to our position on assessment for children in the public school system.

Mr. Acting Speaker, the second WHEREAS maybe points a little bit to the profound differences. If there were nuance differences in the first WHEREAS in terms of the broad view that the Government members take to things educational as opposed to the narrower view as expressed by the first WHEREAS, in the second WHEREAS, there is a profound difference of opinion.

The second WHEREAS reads that "the previous Progressive Conservative administration took numerous steps to strengthen and enhance Manitoba's public education system." Some of my colleagues are saying, oh, I do not think so, Mr. Acting Speaker, and I certainly could not agree more. In the 12 years that the previous Progressive Conservative administration managed the public school system, the public school system withstood 12 years of sustained attack. The legacy—*[interjection]* Well, some of my colleagues are uttering some remarks on this side of the House; shame is a common refrain. On the other side of the House, there are murmurings, so I should read into the record in terms of capital support over the last decade.

* (11:20)

Mr. Acting Speaker, 2001-2002, this Government was pleased to provide the single largest infusion of funds for capital infrastructure into the public school system in this province's history, \$76.6 million. *[interjection]* One of my colleagues suggests that the previous government innovated open-air classrooms, in visiting some of the schools where roofs are in dire need of replacement, where walls are leaking, and when we have mould problems, closing off wings. I think my colleague the honourable Minister of Industry, Trade and Mines (Ms. Mihychuk) is quite right in suggesting that members opposite were innovators in open-air classrooms because, certainly, in many of the classrooms I visited, the amount of work needed to be undertaken in terms of infrastructure is quite extraordinary.

Mr. Acting Speaker, I spoke of, just a minute ago, the \$76.6 million that was injected into the public school infrastructure in this year's funding announcement. In 2000-2001, this Government was also pleased to contribute \$51.2 million in the 2000-2001 fiscal year for capital infrastructure, for a total of over \$127 million in the 20 months that this Government has been in office.

Now, Mr. Acting Speaker, to put that into context, because I was referring to the second WHEREAS—"WHEREAS the previous Progressive Conservative administration took numerous steps to strengthen and enhance Manitoba's public education system"—I will put the \$127 million over the last 20 months over the \$18 million in 1993-94, the \$18 million in 1994-95, the \$20 million in 1996-97. The ruin that was visited upon the public education system over the 12 years under the leadership of the members opposite, words almost defy—"appalling" springs to mind—the legacy of ruin visited upon the public education system by members opposite.

I think it is instructive to note that after 12 years, there is only one former Minister of Education still sitting in this House. Manitobans did speak. Indeed, Manitobans did speak, as my colleague suggests. In the area of public education, the contrast could not be more stark between this Government and its belief in investing in education and the views of the members opposite, where they view public education as a cost and something to be cut and slashed at.

In terms of capital, Mr. Acting Speaker, which is just what I referred to in terms of the 2000-2002 fiscal years, there is \$127 million in investment compared to the \$18 million, \$18 million and \$20 million which is barely enough to keep the windows clean, let alone the windows replaced and the electrical systems maintained, the heating systems maintained, the mechanical systems maintained, the roofs maintained, the mould problems rectified throughout our province.

Indeed, the Member for Lac du Bonnet (Mr. Praznik), in his own constituency, in Beausejour school, the school in his own constituency, sections of that school were closed off because

of blue mould through entire walls of the Beausejour school. This was not a problem that was hidden from sight. This was a problem that was existing within ministers' own ridings. We on this side of the House believe in taking steps to strengthen and enhance Manitoba's public education system. That is why we have invested substantial dollars into our capital infrastructure, as I have just indicated, and into our operating of the public school system, and I will talk about operating for just a few moments.

Mr. Acting Speaker, over \$100 million was taken out of the operating funds provided by the Province of Manitoba to the public school system over the decade that members opposite were in office. That \$130 million-odd was directly off-loaded onto every municipal property taxpayer in the province of Manitoba. There has been an explosion. The members opposite presided over an explosion in property taxation directly linked to the cuts in provincial funding to the operations of Manitoba's public schools. For every \$100 million the Province of Manitoba, over the decade that the Progressive Conservative government was in office, pulled out of the system, there was \$100 million in property tax increases at the local level for every taxpayer in this province.

That is something I know that I never tire of talking about in my home constituency, and I know it is something that people raise with me as they do, coming from rural Manitoba, about the rate equalizations for Hydro that are going on, something that is very, very popular and progressive for rural Manitobans in terms of offsetting the high cost of energy that Manitobans are faced with, particularly in gas, but generally.

So this Government is being very responsive, not only to the public school system in providing the funding support for the school system, but also to taxpayers who suffered \$130-million-odd worth of off-loading that was directly picked up by their property tax bill. Mr. Acting Speaker, you could correlate this year in and year out during the tenure of the members opposite. For every \$10 million taken out of the public school system, \$10 million was added on to the local property tax bill. Successive years this occurred.

Mr. Speaker in the Chair

Now I will contrast this, in terms of our belief on the Government side of the House to take steps to strengthen and enhance our public education system and, I might add, our tax system generally because an investment in education is not only an investment in the children of this province and the young minds of the future of this province, but it is an investment on behalf of the taxpayers to help support and reduce the local property tax burden experienced, as a consequence of the offloading by members opposite over the last decade.

Mr. Speaker, the 2000-2001 school year, this Government announced a 3.8% increase to the operating funds available to public schools in the province of Manitoba. This contrasts 1993-94, minus 2 percent; 1994-95, minus 2.6 percent; 1995-96, 0 percent; 1996-97, minus 2 percent. The members opposite, their second WHEREAS is specious, if not spurious. The previous Progressive Conservative administration did nothing to strengthen and enhance Manitoba's public education system. They seemed to do everything to undermine it and again leave the province with a legacy of ruin that this Government is seeking to rectify in a very proactive and constructive way. So we will compare the levels of support, the levels of investment in the last 20 months of this Government with the entire 10 years of the members opposite any time, any place.

I am very happy to speak about this in a public arena, and that is why I am happy that this motion is before us today, because it again allows me to put on the record the stark contrast between the previous Conservative administration and this administration, an administration in the province that believes in investing in our public school system.

So, on the operating side, as I said, \$127 million in 20 months invested in our public school infrastructure. Incidentally, we still have \$200 million to go to begin to repair the damage to our capital infrastructure throughout the province, so on the operating side we are starting to make some real headway in rectifying the mess left by members opposite on the operating side, Mr. Speaker.

As I said, in 2000-2001, a 3.8% increase to operating support for provincial schools for the

public school system, and that compares with minus 2, minus 2.6, zero, minus 2, zero, in successive years, starving the school system. So, you know, the very real contrast in terms of a government that believes in investing in education, believes in investing in healthy communities, believes in investing in economic development, believes in investing in social justice, believes in investing in the children and in the future of this province, contrasting with members opposite who believed in starving the public school system and believed in ridiculing public educators and public school teachers, believed in confrontational, destructive tactics in addressing issues educational for their entire mandate, is one that is very shameful.

* (11:30)

Members opposite should respectfully be ashamed to proclaim anything in terms of advancing education in this province, because members opposite did everything they could, during the 12 years that they were in office, to destroy the public education system in this province, to undermine teachers, to undermine the classrooms in this province. They did not invest in public education. They cut in education. They cut, cut, cut. They believe education is a cost and not an investment. It is in stark contrast with those of us on this side of this House.

Mr. Speaker, I have only got through two WHEREASes. There are a number of others here, but suffice it to say that we believe in children. We believe in improving opportunities for children. We believe in the whole child. That is the perspective that this Government will have, in one with the people of Manitoba throughout our mandate. Thank you.

Mr. Harry Schellenberg (Rossmere): Mr. Speaker, as a former teacher, I appreciate talking on this resolution, but, before I do that, I would like to make a few opening remarks. The education of our children is one of the greatest responsibilities for our society. Education is an investment in our society, and, also, education begins in the home.

I want to point out that many of our students are doing very well in our educational institutions. I know my own children have done very well in the public school system and in post-

secondary institutions. My wife and I are quite satisfied with the education our children received in the public schools. However, there are students who have had a difficult time in school and have not been as successful as they could have been, but that is not necessarily a reflection of our public schools or the public school teachers.

We live in a changing society with many new emerging social issues. We have economic pressures on the family. The institution of the family today is under great pressure, and it needs support. Both parents are often forced to work to make ends meet or may be unemployed or may be on social assistance. Often single-parent families struggle to provide for their children.

The point that I want to make is that there are all kinds of social issues that manifest themselves in the classroom. Standardized testing does not deal with these issues. The Opposition wants to improve educational performance by using standardized testing for young children. Standardized tests just deal with the symptoms of education and do not deal with the root causes of the problems that manifest themselves in the classroom.

The centrepiece for the former government was standardized testing. That was their whole agenda. Let me tell you, in the last election, that whole agenda was rejected. I want to point out, the former Minister of Education was not returned to this Legislature as a result of their outdated educational agenda, and that former Minister of Education ran in a very safe seat, but there was a rejection to the Conservative agenda in education.

The Conservative Party was outdated and out of tune with the realities in the classroom and, I should say, in society. I have something else to say. The Tories have been at war with many groups in our society, and that is why they are in Opposition. Before the last election, they were at war with LPNs. They were at war with the RNs. They were at war with home care. They were at war with civil servants and, of course, teachers.

Let me tell you it is really nice campaigning in Rossmere. When you went to the homes of

the working people, it is wonderful. Generally, they do not seem to appreciate or understand working people. When they were in power, they looked after their friends, and we know who they are. I do not have to tell you who they are. Tories do not really respect working people. They believe in a low-wage economy. One thing they do is they apply the business mindset to the classroom, to Grade 3 children. There is a place for a business mindset, but in the classroom, we must use other ways of dealing with problems.

Mr. Speaker, teachers told me they do not really need standardized tests, because they work with the students on a daily basis. They know the strengths and weaknesses of each student. It is a redundant exercise at the Grade 3 level. Now, it does not mean that we do not believe in a standardized test at the high school level where the students are older, where they understand the consequences, you might say, of tests and so forth, or the meaning of them.

Another thing, the Tories want to apply competition to our school system, just as in the private sector of the economy. It is good there in the private sector of the economy but does not quite work in the classroom. I will say just ask the teachers. The Tories believe in privatization, globalization, free trade, and if you apply these things in the classroom, this mindset, you lose.

Filmon once said in this House before he left that people on this side of the House do not understand business. He said you are not in business; you do not know business. Well, I would like to say people on that side of the House, or across the way, they do not understand education, because most of them are not in education.

However, I will point out the Member for Russell (Mr. Derkach). I appreciate his attitude in Estimates and in the Legislature, and also I can say the Member for Fort Garry (Mrs. Smith) has taken a U-turn. The first session she was in here, she spoke loudly with a lot of rhetoric, and now she has changed somewhat. I have heard her in Estimates and her tone was much quieter. She was not as angry at teachers. She wanted to make peace with the teachers, and I appreciate the Member for Fort Garry for making that U-turn.

I think some others there, as well, are beginning to make a U-turn. My friend from Pembina there, a former teacher, a fine MLA, a colleague of mine, I am surprised that he would put forward such a resolution, very surprised for a fine MLA like that. However, that is probably the party position, and he was sort of forced into that.

I was here in 1995 in this Legislature, and Filmon once had a bill before the House where a teacher could suspend a student for two days. Also, he had another bill before the House that would not really allow teachers on the parent committees. It just showed to me that they were not in tune with education. I raised it in Question Period, and the Tories were just howling at me. Then just before the election, Filmon pulled both bills, because he had checked it out and he felt they were not in tune. So he pulled both bills before the 1995 election, and I appreciate him for doing that.

I would like to look at a few of these WHEREASes, the second one, and the Minister of Education (Mr. Caldwell) has already talked about them. It says: "The Progressive Conservative administration took numerous steps to strengthen and enhance the Manitoba public education system." That is the second WHEREAS. Well, excuse me, the minister answered very well. I think we were at a standstill, or I should say maybe we were going backwards for 10 or 12 years. There was no movement at all. Our school system fell behind, so I disagree with that WHEREAS.

The third WHEREAS, and I will just read part of it: These standardized tests are supposed to identify students, the strength and weakness of each one. This is redundant because teachers know best. They are working with the students every day. They can tell you the level of literacy, the level of numeracy of each student. They know the family background of each student, the social problems they face. They know the personality. There is no better person than the teacher to assess these young students, so I think it is totally redundant.

* (11:40)

At the end it says THEREFORE BE IT RESOLVED. I will just read part of it: They want to release the results of the Grade 3 diagnostic assessment on a school-by-school basis thereby offering accountability to the taxpayers of this province. This is not fair because you set one school against another. Conditions vary, so I think you are just embarrassing the people that are on the front lines. They might be working very hard, but the conditions vary. Also, you set teachers against teachers. One school might do better than the other, and you set teachers against teachers.

This does not develop rapport, but the Tories have always had difficulty establishing rapport with the professional people, with the working people in our society. What they do is they turn it into a competition. This is the business mindset they bring to children at the Grade 3 level.

I would like to point out a few of these things that we have done to support our public education system. I am always happy to compare our record with the Tory record or the Tory legacy. In less than two years we increased public funding by \$47.5 million. Compare this to the Conservative record where in the last four years of government they increased public funding for public schools by only \$15.2 million. Is this what members opposite mean when they talk about Conservative commitment to education? Our Government has restored stability to the funding of our public schools by tying our public schools' funding to the rate of growth in the economy. This plan has worked for the past two years and will continue to succeed in bringing stability and increased certainty to our annual funding of our public schools.

Our policy of tying education funding to the growth in the economy is an affordable, sustainable approach. Compare this to the previous Conservative government who had no such commitment to stable funding for public schools. Our Government has made a commitment to providing much needed capital funding. In 2000 and 2001 we increased capital funding to \$51.2 million, an increase of 7.6 percent over the previous years. *[interjection]*

I hear a member across the way say to be truthful. These are facts, and we all know these

facts. Our Government has created an atmosphere of respect for teachers in Manitoba's public schools, something the people opposite never did. However, I see a few members in the Opposition are changing their attitude to the front-line people. Educators are not opponents. They are professionals who provide an important service in our community, and the people in the Opposition are learning how to respect professionals.

Restoring respect to the relationship between government and educators is an important component of our plan to recruit new teachers and retrain those we currently have in our province. Most importantly, we are providing new hope for young people through our education system. When I say that, you see the increase in enrollment in our post-secondary institutions. The universities are way up. Red River Community College enrolment is way up. In fact, over 5000 more students are in our post-secondary institutions, which speaks for the hope that we have given our youth.

The system of Grade 3 assessment that our Government has put in place addresses this need. In November 1999, following the last provincial election, our Government assured parents that they would receive an assessment of their child's reading and numeracy abilities at the beginning of the Grade 3 year. As a first step in fulfilling that promise, the Department of Education, Training and Youth undertook a wide-ranging consultation with parents, educators and community members. The provincial government must ensure that there is an adequate means of assessing children as early as possible in order to determine and help rectify any learning challenges that students may be facing.

The new model put in place by this Government of Grade 3 assessments is an effective means for achieving this goal. Standardized testing has not proved itself to be an effective tool for improving students' reading and writing ability. The new Grade 3 assessment program assesses students at the beginning of the school year when it is most critical to understand any learning deficiencies that students may have, so that both teachers and parents can work together in order to make progress with the child.

Literacy and numeracy skills of Grade 3 students must be assessed—

Mr. Speaker: Order. The honourable member's time has expired.

Ms. Nancy Allan (St. Vital): It is a privilege today for me to rise and speak to the private member's resolution that has been brought forward by the MLA from Pembina, and I would just like to say it is unfortunate that his colleagues did not think this private member's resolution was important enough to speak to today and have left him kind of out on a limb. On this side of the House we are very proud in regard to our record on accountability in the public education system, and we are pleased to speak about our record in regard to rebuilding the public confidence in the public education system.

The other day I had the opportunity to attend a press conference that was organized by Economic Development Winnipeg and the Winnipeg Chamber of Commerce. I want to say that they have our messaging, and they are on exactly the same path we are on. They understand that a strong education strategy is a strong economic strategy, and investment in the public education system is an investment in the economic strategy and our province, giving hope to young people.

Let us talk about our strategy since we have become government. We have a very, very big job ahead of us after 10 years of underfunding by the previous Tory Filmon government. We have been working hard to rebuild our education system and restore public confidence in our public education system.

Let us talk about the Tory Filmon record when they were in government. They took \$135 million out of the public education system. They reduced 700 teaching positions throughout the province of Manitoba. Their continual underfunding took resources out of the public education system, resources that were critical in the daily lives of students in classrooms. Their accountability strategy was to destabilize the public education system.

The education of our children is one of the greatest responsibilities our society has for our

next generation. We, as a province and as parents, rely on the quality of our public school system to educate our children in the skills that they need. Manitobans respect our system of public education and demand the highest quality from the curriculum we offer our children. In order for our children to receive the education they deserve, it is important that a mechanism exists for the assessment of the skills and knowledge that they are requiring.

The members opposite suggest that the previous Conservative government strengthened public education in Manitoba. In less than two years, our Government has begun to repair the damage done to our education system by the previous Conservative government. In less than two years, we have increased public school funding by \$47.5 million, compared to the four years prior to that when the previous government put in \$15 million in over four years. Shameful.

* (11:50)

When we became government, Mr. Speaker, in September 1999, the Minister of Education (Mr. Caldwell) started working with departmental officials to restore public confidence in our education system. We discovered that we had no Research and Planning Branch in a \$1.4 billion budget educating students all across this province of Manitoba. They talk about accountability, and there was absolutely no means to evaluate best practices, and develop policy and curriculum around best practices throughout the country. Absolutely shameful. They totally decimated the Research and Planning Branch. So we are pleased that we have cobbled together a Research and Planning Branch of terrific people. They are working hard with us and with the professionals in the province of Manitoba to have the ability to talk about best practices in our public education system.

Our Government has restored stability to the funding of our public schools by tying our public schools' funding to the rate of growth in the economy. This plan has worked for the past two years, and will continue to succeed in bringing stability and increased certainty in our annual funding. Our policy of tying education funding to growth in the economy is affordable and

sustainable. Our Government has also created an atmosphere of respect for teachers in Manitoba's public schools. Educators are not our adversaries. They are professionals who provide an important service in our communities. Restoring respect to the relationship between government and educators is an important component of our plan to recruit new teachers and retain those we currently have in our province.

There are no more directives from the minister's office, Mr. Speaker. There used to be in the past, under the previous government, directives from the minister's office out to the field with absolutely no consultation. We will not carry on that way. We will not, and have not. We consult with our education community. Eighteen months of consultation alone, just on amalgamation. We have consulted with teachers, parents, students, educators, staff, trustees, principals, superintendents. We will continue to do that, and take advice from the field in regard to the best way to proceed in building confidence in our public education system.

The system of Grade 3 assessment that our Province has put in place addresses many needs. In November of 1999, following the last provincial election, our Government assured parents that they would receive an assessment of their child's reading and numeracy abilities at the beginning of the Grade 3 year—at the beginning. As a first step in fulfilling that promise, the Department of Education and Training undertook a wide-ranging consultation process with parents, educators and community members.

The provincial government must ensure that there is an adequate means of assessing children as early as possible, in order to determine and help rectify any learning challenges that students may be facing. The new model put in place by this Government of Grade 3 assessment is an effective means for achieving this goal. Standardized testing has not proved itself to be an effective tool for improving students' reading and writing abilities.

I remember the days of Grade 3 testing by the previous government, provincial exams. Young children stressed out, not sleeping, having accidents at school. Many parents withdrew their children from Grade 3 testing to

protect them from the rigours and the stress of that model. The new Grade 3 assessment program assesses students at the beginning of the year when it is most critical. The previous government's provincial exams were also not culturally specific. There was no difference. Every student, regardless of their ethnicity, received the exact same exam. ESL students received the exact same exam. There was absolutely no recognition for different learning styles, no recognition for students' learning styles in regard to multiple intelligences.

Mr. Speaker, it was a way of testing students that was wrong and totally unfair to students' individual capabilities in the classroom. Standards testing also built up a huge bureaucracy in the department that was not focussed on enabling learning but was focussed on building up a system in the bureaucracy, just for the sake of testing. Literacy and numeracy skills of Grade 3 students must be assessed as early as possible in the school year, not at the end of the year when it is too late to address any problems that may be developing.

By administering the Grade 3 skill assessments at the beginning of the school year, educators will be in a much better position to focus on the particular needs of children as they attempt to develop their basic literacy skills at such an important point in the education process.

Our Government has made public consultation a priority in the implementation of this Grade 3 assessment program. The new Grade 3 assessment program puts control back into the hands of teachers and parents, those at the front line of our education system. We will continue to remain in contact with parents and the education professionals to get their input into the Grade 3 assessment.

So far, the response from parents has been quite positive on the matter of Grade 3 assessment. We appreciate the feedback which has been received from parents and educators and, with them, we will continue to adapt the assessment program to meet changing needs and create the highest quality learning environment for our children. It is the intent of this Government to continually improve the assessment process for Grade 3 students, and we will

be working in the months to come in order to ensure this.

We expect that an evaluation of our assessment program will be an ongoing process. I would like to give the Minister of Education A+.

Mr. Speaker: Order. When this matter is again before the House, the honourable member will have three minutes remaining.

The hour being 12 p.m., we will recess and re-adjourn at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 7, 2001

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