



Third Session - Thirty-Seventh Legislature

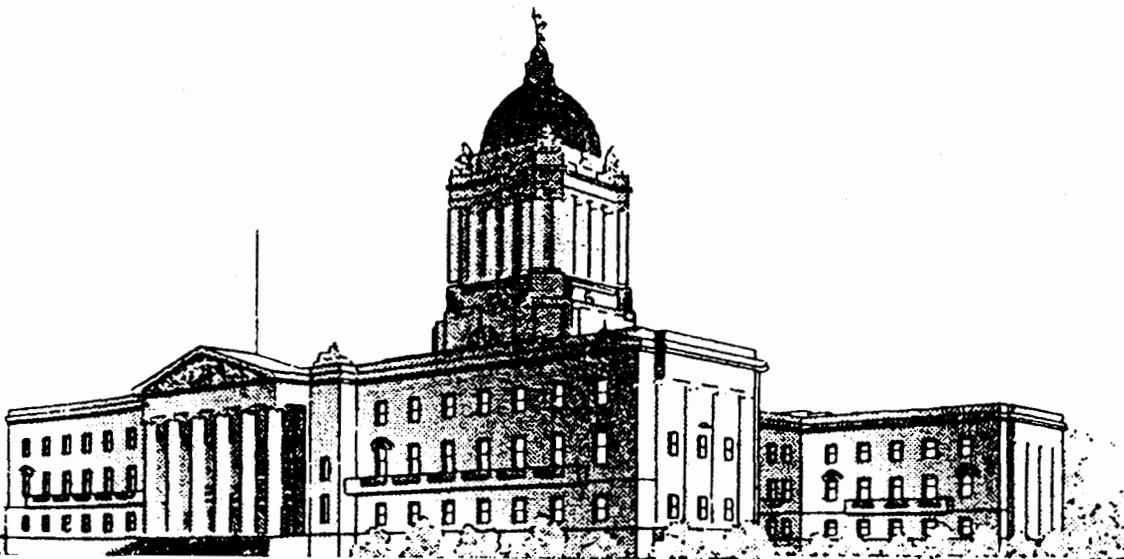
of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
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HAWRANIK, Gerald	Lac du Bonnet	P.C.
HELWER, Edward	Gimli	P.C.
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## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 13, 2002

The House met at 10 a.m.

### PRAYERS

#### Introduction of Guests

**Mr. Speaker:** Prior to going into the business of the House, I would just like to draw the attention of all honourable members to the public gallery where we have from Journeys Education Association five visitors under the direction of Mr. Joe Davis. This school is located in the constituency of the honourable Minister of Intergovernmental Affairs (Ms. Friesen).

Also in the public gallery we have from Madson Public School in Red Lake, Ontario, 20 Grade 8 students under the direction of Ms. Caryl Hron.

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

### ORDERS OF THE DAY

#### GOVERNMENT BUSINESS

##### House Business

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, would you please call debate on second readings on Bill 14.

#### DEBATE ON SECOND READINGS

##### Bill 14—The Public Schools Modernization Act (Public Schools Act Amended)

**Mr. Speaker:** Resumed debate on Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), on the proposed motion of the honourable Member for Lac du Bonnet (Mr. Hawranik) in amendment thereto, standing in the name of the honourable Member for Pembina, who has 17 minutes remaining.

**Mr. Peter Dyck (Pembina):** Mr. Speaker, yes, I do want to continue the debate on Bill 14.

However, I am debating the amendment, as I indicated yesterday.

Yesterday, I made continuous reference to the whole part of amalgamation where I felt that fundamentally it was not necessary. The communities, the divisions have the ability to amalgamate voluntarily. However, today I would like to just spend a few minutes on the other part of Bill 14 which I believe is problematic for the boards that I have met, that I have talked to.

First of all, Bill 14 amends The Public Schools Act to enable the minister to make regulations after school divisions and school districts are amalgamated. The first part of that one is that the bill restructures the process for initiating a hearing by the Board of Reference, changes the awards of the board that the board can make, and allows the board to make final determinations.

Now, Mr. Speaker, the Board of Reference was put in place years ago and, I believe, has in fact served a very useful purpose over the years when boards had a concern regarding their boundaries, whether they wanted to enlarge them or whether in fact they wanted to decrease them and another division take over those boundaries. So they had that opportunity to do that. Right now, what I see taking place here is a tampering with the regulations as we had them.

Now, I am not one who says that we need to put our heads in the sand and have absolutely no discussions and make no changes to regulations or to the legislation that we have. However, Mr. Speaker, I believe that there needs to be a good, common-sense reason to make some of these changes. In my discussion with school boards, they are not the ones who have brought these concerns to my attention. According to the information that I have from them they have not brought this information to the minister's attention. Consequently, this is something that the minister, together with his staff, I would assume, have dreamed up and, in fact, are looking at putting in place. So this is a concern that I have

with this part of Bill 14 which is referring to a regulation change.

Mr. Speaker, the next one that is under regulation is the bill provides that a school board must have between five and nine trustees with certain exceptions. Again, I do not have a big problem with that one, except I would suggest to you that the minister should be consistent with this, where we have Morris-Macdonald who, in fact, does not fall into this category at all.

He stripped them of their rights. There is no representation by that community on the school board. Consequently, I fail to see the consistency in this aspect here. Yes, I know that the minister has said that, come fall, after the elections, there is going to be representation. But that community right now is not represented, and consequently, I believe that this is unfair. They need to have representation, people representing their school division and the complaints that have been lodged against the school board, in fact, at this point in time, and as the minister is well aware, they are in court and they are going to determine who really is at fault in this.

In that same vein, I would suggest to the minister and to the Doer government, as well, that they take this one a little bit further. Let us look at the people who were running the program in Morris-Macdonald, the Orlikows, the Cowans. What part did they play in this whole process? In fact, they lined their own pockets in this process. The members of the school division, are they, in fact, being the innocent victims in this case? So, Mr. Speaker, I would encourage the minister to very seriously look at this and be consistent with what he is promoting in the regulation change on Bill 14.

Then the next one is the bill enables the minister to set limits on prescribed administrative costs of school boards. Now, Mr. Speaker, this goes back to the fundamental rights that school boards have as they administer the education for their own divisions. These are duly elected people. I would suggest to you that yesterday we were debating the resolution on multiculturalism, people having come to Canada, to Manitoba, for very specific reasons, that they wanted to be able to have a say in the things that

they are involved in, and in this case, specifically, with school boards.

Mr. Speaker, I make reference back to the issue of the whole area of unitary divisions back in the sixties when these were formed. These were done on a voluntary basis. The division that I represented for 18 years was the last one to be a part of the unitary division. *[interjection]* The Minister of Education (Mr. Caldwell) appears to have something to say. I am not sure whether he is calling me to order or someone else. I would suggest, though, that he has the ability to debate this amendment as well, and I would encourage him and all the other members on the Government side to get up and to put a few comments on the record regarding the amendment that we have here.

But, Mr. Speaker, I must move on. As I indicated, school boards have been duly elected. It is a democratic process. This is why the people, our ancestors, came to this country, because they wanted to have freedoms. They wanted freedom of religion. They wanted to have freedoms to be able to enunciate their own feelings and to be able to speak as they saw fit; yes, to live within guidelines and laws, but they did not want restrictive guidelines and laws put out for them. So I believe that this is a responsibility that we need to continue to give to our school boards, to allow them to be able to manage their own budgets as they see fit.

\* (10:10)

One other comment that I find very interesting is that the minister and the Doer government continue to talk about the way they are funding education. If you look at I believe it is the last Manitoba Teachers' Society and the graph that they have out there, it is interesting to find out that the Province right now is funding at the lowest level, 59.9 percent.

I find this interesting, where, on the one hand, we are told consistently that the funding has been going up, up, up. Yet, when you look at the percentage of the dollars that are required in education, under this administration they have been going down. So that, again, Mr. Speaker, is something that I find interesting. They are forcing the school boards to go out to the local

taxpayer to raise the dollars that you need for education, and in that way in fact in order to be able to fund the education system that they have within their local divisions.

Specific to the regulation part, I have a problem with the way things are changing, that more powers are given to the minister and his department, being able to dictate and determine the outcomes as they are going to be perceived within the local divisions.

Now, I want to go back to some of the comments that I made yesterday specific to amalgamation and just put a few quotes on the record. Again, I think, just to draw our attention to the fact that there are some tremendous inconsistencies within this Bill 14. I just want to refer back to the comment again that our Premier (Mr. Doer) made when he was speaking to MAST. He indicated that there would be "no forced amalgamations." It was "not the Manitoba way." Again, I find it interesting you say one thing one day, then you come back and you make comments the next day.

Now here is the one for the Minister of Education (Mr. Caldwell): I am not inclined to impose anything. I am really not. This was in the *Winnipeg Free Press* on December 22, just in case he had forgotten.

**An Honourable Member:** It is not the Mennonite way.

**Mr. Dyck:** No, it is not the Manitoba way. Someone indicated "the Mennonite way," and, you know, I would concur with that. It is not that either. It is not the Mennonite way. Absolutely not.

Then we have the MLA for Wolseley. This is dating back to 1996, and this is from an NDP news release. Again, very interesting. The comment that she made at that point was: The reports are very consistent in finding potential cost increases and few or no savings if the government proceeds with amalgamation. Few communities see benefits in the reorganization, and in fact, rural communities are concerned about the potential destructive impact on their quality of life. In Winnipeg, people worry that these

new divisions would result in greater bureaucracy, a loss of autonomy and increased taxes.

Again, I want to refer back to the comments that I made yesterday about increased taxes. We have found that in the division, the newly formed voluntarily amalgamated one at Prairie Spirit, that they have not saved money. They have not saved money. Now has the amalgamation gone well? I say it has not gone without its hiccups. But they worked at it in a voluntary way. Mr. Speaker, the two divisions, at that time, got together. They agreed that they wanted to become an association, a voluntary one. However, the cost savings are not there. The cost savings in no way are there. In fact, in talking to the superintendent, he says in many areas it has become more expensive. So, when we go out there and we indicate that we are going to have cost savings, I fail to see the reasoning on it.

Another comment, this goes back to the present deputy minister, Ben Levin, who said: Changing boundaries will neither save significant amounts of money nor improve students' learning and experience but will involve substantial costs in time and energy.

What concerns me about comments like this is that, following that, the Premier (Mr. Doer) has indicated, the Minister of Education (Mr. Caldwell) has indicated that we are going to be saving tens of millions of dollars in this process. I guess time will tell, but so far there certainly is no clear indication that this could happen.

MAST president Don Dunnigan has made a number of comments, but he said: "In some circumstances, amalgamation would actually result in higher education costs rather than saving money." And then he continues to say that each case has to be considered on its own merits. The best people to consider those merits and make a decision are those who were elected by the communities to govern the public schools of the area. If these local citizens cannot see advantages to change, there is little reason to think that experts from government will be better able to judge the wisdom of amalgamation.

Now this is the association that represents all the divisions within the province. I do not

think that the minister, the Doer government had, in fact, been listening to the people of Manitoba.

He goes on to say: It is regrettable that with major issues such as special education, class size and composition, and education funding before us, government has chosen to focus its attention on amalgamation, which pales in comparison to these critical matters.

I come back to the comment I made yesterday. Why are we doing this? Is this for the students? Is this for the betterment of the students? Is this a way to assist them by having them sit on buses for longer distances? This is what is happening, because what is happening is that through amalgamations and divisions having directives that they need to cut costs, and I have no problem with being prudent, but when the directive is given, students are being forced to be transported greater distances. Again, I believe that it is a tremendous inconsistency.

The last part that the president of MAST, the comment he made is: We will continue to urge the Premier (Mr. Doer) and his colleagues in the provincial government to respect the wisdom of local authorities and give up his promise that there will be "no forced amalgamations" of school divisions in our province. "It is not the Manitoba way."

So what are we supposed to believe? On the one hand, we have a clear indication that there will not be forced amalgamations. Then, on the other hand, just on the flip, you turn around and a directive is given. Again, talking to school boards, there is a fear out there that, yes, in fact, if they do not just ante up to the trough there are going to be repercussions. I do not believe that that is the way in a democratic society that we should be operating.

This is from the superintendent of the Midland School Division, Fred Colvin, who indicates that the letter from the minister does not indicate really exactly what they want. That makes it a little difficult for school boards to know what to do. Then he goes on to say: I have no idea where the minister is at. So there is certainly confusion out there. They do not know

what is taking place, although they have a directive.

In my own school division, Garden Valley, Reg Klassen, superintendent: All we can do is to be angry. There is no appeal, nothing left for us to do. Now, I mean, why should people not have the opportunity to be able to express their views, to be able to express their opinions? Of course, that is what is taken away also in Bill 14, when you do not have the ability to challenge the legislation that is out there within the courts. That is being taken away now.

Again, we go back to the way we had the Board of Reference. People were able to bring this to an independent body rather than giving a directive from the top down from the Minister of Education's desk but allow the individual boards to take this to an independent body.

Mr. Speaker, I see that my time is nearing an end. I would challenge the government of the day, who have been sitting here for the last few days. I would challenge them to get up and speak to the amendment—in fact, I assume that they are listening—and put some of their concerns on Hansard, to debate this rather than just to sit there and listen.

Just one more letter that I would like to refer to is regarding the whole part of democracy. Few things are more important to the future success of our children and our province than the quality of education we provide. Parents and taxpayers have every right to voice their concerns about the issues of education that impact on their children and to have a full range of action available to them.

Now, all levels of government have a responsibility to ensure the process and manner with which they deal with residents in a fair and open manner—

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

\* (10:20)

**Mr. Jack Reimer (Southdale):** Mr. Speaker, you sort of caught me unawares. I thought that someone from that side got up to speak there for

a moment and you were recognizing them. That is what I thought. I would say, well, I will certainly sit down and let the Government speak on our amendment. In fact, I believe that there was a bit of hesitancy when the Minister of Justice (Mr. Mackintosh) called the bill, that there was a motion of saying pass on our amendment. I thought, my gosh, they are changing their minds. They are seeing the light. You know, it is the New Democratic Party, the one that wants to bring things forth, but I digress a little bit. I apologize, but sometimes these things get the best of you at times.

I would like to speak on the amendment that was brought forth by the Member for Lac du Bonnet (Mr. Hawranik), and I would just like to read it back into the record because sometimes I think the other side does not realize what exactly we are debating here. I will read this, Mr. Speaker.

*THAT all words after the word "THAT" be deleted and the following substituted therefore:*

this House declines to give Second Reading to Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), until such time as the Minister of Education, Training and Youth undertakes meaningful consultations with all effected stakeholders within Manitoba's education system.

Mr. Speaker, that is what we are here to debate in essence, is this amendment to Bill 14. It revolves around, I guess, one of the basic principles of why we are elected and why we are here as MLAs, and each one of us is here to represent our constituents. That is because of the fact that we are here to represent their views, their concerns, their expressions of direction that they feel the Government should be going. That is all done through the broad spectrum under public consultations.

I think each of us, as MLAs, takes pride in being involved with our communities, to be at events, to be at functions, to be at situations where there are people around, not only to promote our own philosophical party lines, if you want to call it, whether it is from the Conservative side or the NDP or the Liberal side, because we feel those are the things that

got us elected, and we feel that we should be preaching those things, but it gives us a time also to gauge what the public's attitude is, what their sentiments are and what type of opinions they have on various legislation, whether it is good, bad or indifferent. It is important that we listen to the people in our constituencies because I think, Mr. Speaker, as you will agree, if you stop listening to the people in your constituencies, the biggest equalizer is polling day, and the results will show which way the Government is going.

One of the things that also comes into play is the fact, when legislation is brought forth, that it is brought forth under the guise of wanting to make a change, and then they do not listen to the people. Then they bring in the change that does not really listen to what the people are saying and does go against the basic principles of bringing in legislation, and that is to have public consultations.

Under the Manitoba Schools Act, I believe it is, or The Public Schools Act, one of the criteria is for public consultation. Public consultation plays a great role in what direction the Government should be taking. It gives them the second sober thought of analyzing whether their legislation does have merit, where it can be changed, where it can be amended or sometimes even scrapped in a sense, because it is not what the people are wanting. We are feeling that, by the amount of replies we are getting back and concerns that we are getting back in regard to Bill 14, a lot of people are recognizing that there should be more answers and questions asked because there is the unknown factor of what is it going to cost and what the benefit is.

The Minister of Education and Youth (Mr. Caldwell) has continually said, well, it is always for the students, which is commendable. I think that every government makes legislation in regard to education for the betterment of the students and the children in the community to give them the best education that is affordable at the time. Amalgamation of the school districts took place on a very rapid initiative. It happened in sort of a haphazard way of how the divisions were formed. It caused anguish between a lot of school divisions. It caused, in particular, in my area, which was the amalgamation of the St. Boniface School Division and the St. Vital

School Division, it has caused some problems because of the unknown factors of what the costs are going to be between the amalgamation.

It serves also as a good example of what happened prior to what happened in my area with St. Boniface School Division when they amalgamated voluntarily with Norwood School Division. I think that was an example and possibly even a template that this Government should have looked at more seriously into how school divisions can amalgamate on a voluntary basis, and things do work out that way.

It took some time. It was not something that happened overnight. There was a fair amount of consultation. The school trustees looked at the various options. There were consultations with some of the stakeholders, like the residents and the parents as to the amalgamation. When it finally happened, it went very, very smoothly. There were costs involved. The Government did help to a degree with the per diem per student on the amalgamation. So these things were all worked out. But this was part of a system that was based on consultation and working with the community, Mr. Speaker, something I feel needs more work done, especially on something involving education.

Education has always been one of the cornerstones of all governments, whether the NDP or the Conservatives have been in power. The idea of having a good education for our people of Manitoba and the students is something we have always cherished and something that we work very, very hard to accommodate. Whether it is, like I mentioned, the NDP government, Conservatives or possibly even the Liberals a long time ago when they were in power in Manitoba, education was part of it. These are some of the things that we always have to keep in mind when we are talking about what is best for the people of Manitoba.

Mr. Speaker, in my particular area, the St. Boniface School Division and the St. Vital School Division, we are faced with quite a unique situation out there because there is a tremendous amount of new growth, new homes, new development in our area, new families, young families, new children coming into our area, and all this puts a tremendous strain on the

educational process of the two areas, St. Boniface, St. Vital.

Under the new amalgamation it is going to be a very, very big school division and one of the most rapidly growing school divisions because of all the new homes. In fact, the projections for home growth in my area of Southdale, my constituency, has some very, very impressive numbers for new homes over the next few years, and they are all in one particular area called Island Lakes or even Royalwood.

Presently we have a school there, a K-to-8 school, we worked very, very hard to get opened. It opened, and believe it or not, it opened and it was full of students from day one. In fact, it was over capacity because of the sudden growth, and the unexpected growth of more families and more homes in there because it is a good place to live, close to amenities and it is well represented, good homes, but the school itself is too small.

Now I know there has been a fair amount of lobbying done by not only myself but the school divisions and the school trustees, the parents especially with the minister to try to get an expansion of the school. I recognize the budget process and the budget restraints that are put on all the demands from Treasury Board, but I think that other things have to come into play when the decisions are made. When you look at certain areas of the city as to their sense of community and neighbourhoods and keeping things together because, just as under the Minister of Intergovernmental Affairs (Ms. Friesen), they talk a lot about Neighbourhoods Alive! and neighbourhood growth and neighbourhood revitalization, it all revolves around community spirit.

\* (10:30)

In this particular area that I am referring to, Island Lakes, it is sort of landlocked between some very, very major arteries. One is Highway 59, Lagimodiere Boulevard and Bishop Grandin Boulevard and the Seine River on the other side, so it is sort of an island, theoretically, by itself. The only area of community congregation, if you want to call it, has become the school in that particular area. Now, with the school being too small and the fact that it has to be expanded,

these are some of the things that the community is working towards.

I am sure the Minister of Education (Mr. Caldwell) will try to help in getting these things going, because the Minister of Education knows that we need the portable rooms in Island Lakes. He has been very receptive to our meetings and my overtures towards him. He listens to me very diligently at times when I am trying to lobby for my constituency. So I have confidence in the Minister of Education. I do have his ear on this particular item, but as anything, it is the reminders that you have to keep coming forth with.

Mr. Speaker, I digress, but I digress in good faith, because it is something that is very close to my constituency and something that I am working very hard with. I have been trying to get a rectification for it.

In regard to this bill, Mr. Speaker, and the amendment, I would like to refer to a letter, a letter that was sent out. Before I refer to the letter, though, I must bring up the point of this Government here. The NDP government now keeps touting their strong commitment to public education and the fact that they have increased the funding to public education. It has gone up every year while they have been in power, and they keep telling themselves this. It is like standing in front of the mirror and saying what a good guy am I today and all this stuff, but then unfortunately what happens is you get statistics, and you get people coming out. Believe it or not, lo and behold, they say that these figures are not right. They say that the figures are wrong, and then you get out letters, even the Minister of Education stating in a letter of April 19 that the province provides 59.2 percent to support ongoing operating costs of school divisions.

In the Manitoba teachers' gazette, the news magazine of the Manitoba Teachers' Society, they also publish figures. They have come up with their figures in regard to what this Government is doing towards public education and their commitment to public funding of the school system.

If we looked at their graph that they come up with, the funding to public schools as a percentage is at an all-time low. Now, I am

perplexed. I have the minister and I have other members of the Government stating that funding to public schools is at an all-time high, and yet, from the Manitoba teachers' association, they come out with their figures in a comparison. They show that, over the years, since the NDP have taken power, in fact, funding for operating costs of school divisions has gone down, and it is at all-time low.

These are some of the things that you have to bring forth because a lot of times the members of the Government, they get surrounded by their spinners, and they get surrounded by the staff. It is like the old mushroom farm. They are kept in the dark. They keep their spinners feeding this information. They keep coming to the House here with their prepared speeches, and then they—[interjection] Thank you very much.

So, Mr. Speaker, it is something I think that a lot of times a lot of the backbenchers and some of the ministers they do not really recognize what some of the statistics are, and they look very, very selectively at what the funding formula is particularly. So these are some of the things, from time to time, you try to correct the record so that the other side or the Government recognizes that there is a reckoning and also the fact that they can tell where the truth is coming from.

I know that that is fringing on possibly being a little bit out of order, when you talk about speaking the truth in this Chamber, and if that is offending anybody on the other side when I say that she should be speaking the truth, then I certainly would apologize for that.

But, sometimes, these are some of the areas that you have to bring forth, because I recognize your dignity and decorum in the House here, and words spoken sometimes are ruled out of order or points of orders and things like that, but certainly, I do not want to offend anybody in saying that they are not telling the truth.

I just want to go back to the amendment in regard to public hearings for the bill. I think that this is one of the ways, going out into the community and listening to the community and getting feedback. As mentioned, in my particular area, the St. Boniface and St. Vital school

divisions, I have had some very interesting conversations with some of the school trustees in that area, and they point out the fact that St. Boniface School Division, itself, has gotten a very, very long history of strong teachers, strong school division, strong support from the community. It was the instigator, if you want to call it, of the French immersion program. I believe even the Member for Riel (Ms. Asper) at that time was the principal of one of the schools, and she can attest to the community involvement at that time and some of the—there are some very, very heated debates in the community about the direction that education is taking.

The Member for Riel was the principal of Collège Béliveau at that time, and she can attest to the fact that there were a lot of things that were brought forth that caused anguish among parents and people, but it was worked through, Mr. Speaker. It was worked through because the people in the community got involved, and they had the opportunity to express their concerns. It became a model for Canada, in fact, I believe, for French immersion programs here, not only in Manitoba but throughout all of Canada.

That was something that the St. Boniface School Division worked on very, very hard to bring forth. There has been some comment made to me. They are concerned about this program, the strength of the program, the history of the program, the recognition of what transpired in our communities. They are concerned that with the amalgamation, they would hope that it does not get shuffled off to the side or downgraded or downplayed in its importance for students who are seeking French as a second language in their community.

It is something that I would hope the Minister of Education (Mr. Caldwell) has taken into account because I recognize that there are a lot of factors that have to be brought forth when they are looking at legislation. But a lot of the time it is the human element disruption that is not looked at. This is the element of confusion that causes people and parents to be worried about the direction that education has taken. If it becomes focussed too much around the administration and the mechanics of education instead of the student, the well-being of the student and the

concern for the student, then I think education really is not fulfilling its obligation.

The student should always be the paramount concern of education. It is something I think, as I mentioned earlier, that all members of this Government and all members of this Legislature take into account when they look at various sectors of any type of legislation.

\* (10:40)

So I would think that, as I mentioned before, particularly to my area, in regard to the St. Boniface School Division, these are some of the things they have talked about. They have also talked about the fact that there is a cost involved. There are going to be additional costs for the school divisions, for the amalgamation. I know the minister and the Government keep saying that there is going to be this great saving of \$10 million. I think that was just a figure that was plucked out of the air, sort of like throwing a dart at a board and saying how much do you think we should be saving, and \$10 million is a nice round figure, so let us say \$10 million we are going to save, and it is all going to go back into the classrooms.

But, when you look at some of the reports that are coming back from some of the school divisions, they talk about what the anticipated costs are for the amalgamation of the structures, the guidelines, the salaries, the administration, the programs, the transportation, the overlap of various jurisdictions, the retirements and all these things that come into play, we are looking at millions and millions of dollars. In fact, the amalgamation of St. Boniface School Division and St. Vital, I believe, is upwards of over \$3 million before it all settles out.

Those are all costs that have to be recuperated from some place. The only place they can come from is the taxpayer. The taxpayer is going to be on the hook for millions and tens of millions of dollars, millions, millions of dollars because of what this Government is headlong strong down the road; they are going to make it happen, their Government. I give them credit, their Government. They can put forth this legislation. They can have it passed tomorrow if they wanted to. They keep saying that, well, we want

a debate in the House. They bring out this artificial date of saying, well, we have to have it by July 1, this mythical date of July 1. They are the Government. If they want legislation passed, they could pass it this afternoon. There is nothing to stop it. They are Government. Maybe not this afternoon. The former Speaker has told me there are rules, so they cannot do it this afternoon, but they can do it. They can do it. They are the Government. They can bring forth legislation to closure, any way they want.

So let us not be fooled in thinking that this Government has got some sort of artificial date of July 1. If this was such a paramount, pressing, life-threatening situation, it could be passed. They could do it. They have the power. They are the majority at the moment. So let us not listen to a lot of their rhetoric that they figure up running down the halls here with their communicators, their spinners and the people that are behind the scenes sort of pulling the strings, if you want to call it, as to what should or should not happen with this Government and their legislation.

So those are some of the things that should be made aware of when we are looking at things that come forth for discussion in regard to Bill 14, and the fact that as amended as stating that their many full consultations with all of the affected stakeholders within Manitoba's education system, and that would include the teachers, that would include the MTS, that would include even the parents' groups and the students.

They should be surveyed as to what their opinions are, whether they feel that this is going to help them keep some of the programs. Some of the school divisions have got some very, very interesting programs. They are very concerned in some of the school divisions as to some of the programs that they have specialized in, whether it is band programs or theatre programs or something like that. With the amalgamation the apprehension comes in, and it is the students that are going to be the brunt of not knowing whether they will have programs available for them next semester or the semester after or the career path that they feel that they are already starting to take as they get into the senior years of high school and even into secondary school to a

degree, because of the fact they are not sure whether some of the programs are going to be there.

So these are a lot of things that come into play when we talk about the amalgamation and the bill that was brought forth. In fact, the name of the bill that was brought forth, The Public Schools Modernization Act (Public Schools Act Amended) actually brings forth a fair amount of other areas that should be talked about. But it is something that was mentioned in regard to no consultation with the stakeholders.

I refer back to what the Premier, the First Minister (Mr. Doer), said back in the fall of last year. That was when he was doing an address at the MAST convention. He was saying, and I quote: There will be no forced amalgamations. It is not the Manitoba way.

Well, Mr. Speaker, I do not know what happened to that thought or that attitude that the First Minister, the Premier, had, that Premier Doer had at that particular time when he said that, because it was not less than a few months after that then they started to talk about the amalgamation of the school divisions and the forced amalgamation, no consultations.

Nobody knew which school divisions were going to be amalgamated, which ones were going to be left alone, how big, how small. This was all done in secret in either the minister's office or in one of the boardrooms or even around the Cabinet table where they laid it out on the big Cabinet table on the second floor and everybody leaned over the Cabinet table and said, well, do not touch my school division, do not touch mine, well, let us touch these, we can move these, and we will make it happen this way. We can only speculate that that is the way it was done, because there has been no disclosure as to what the rationale was for school divisions.

So I can only think that they had a big supply of crayons around the table and everybody crayoned in their area that they did not want touched and the rest was left for redistribution by the Department of Education after, given the direction by the minister and Cabinet. Maybe even to that degree, maybe even caucus

was brought around to look at the big map and say which way it should go. But there is really no indication, Mr. Speaker, as to what was the rationale behind the boundaries and the divisions and which ones got amalgamated and which ones did not and some left alone and some left isolated, some actually even, from what I understand from some of my rural colleagues, wanting to be part of amalgamation, but they were even left out because they were not even consulted.

There is the real irony of it all. You have got some small school divisions that would like to be involved with other school divisions for the symmetry of—oh, there is that word "symmetry." Pardon me. That was going by the minister a lot there for a while—but for the synergies, I should say, of being amalgamated with some of the bigger districts and in that way could share programs or strengths of direction and possibly other things that are involved with the two divisions, but they were not even consulted on it. So you have got small divisions, from what I understand, in some of the rural areas that were left out totally of the amalgamation and did not benefit either way, whether it was good or bad or indifferent.

I digress to a degree, but I am only pointing out those factors because of the situation of decision making by the Premier (Mr. Doer) and Cabinet and his colleagues as to how they addressed the amalgamation of the school divisions. Mr. Speaker, they refer back from time to time. They like to throw up the fact of the Norrie Commission, but the one thing that they failed to mention with the Norrie Commission is the Norrie Commission was based on public consultations. It took months and months to come through to its final recommendations because of the fact that the commission was out talking to the people, talking to the stakeholders, getting the feedback, coming forth with a report. That is the report that, to a degree, was commissioned, granted, under the Conservative government, the previous government, but the recommendation or the final outcome, the feeling was that voluntary amalgamation was the best way to do it, with incentives, and that this created the opportunity for innovative collaboration between school divisions and they could benefit from it.

\* (10:50)

Now this Government says, well, we had all those public consultations four years ago or five years ago, whenever the Norrie—no, it was longer than that I guess—report came forth, so we do not need to do it again. Times are different. It is now: We are the Government and we do it the way we want. We just barrel ahead and do it the way we want and do not worry about what the people think. We do not need to talk to the stakeholders. We will just do it our way.

This is something that I think, you know, there is a certain amount of arrogance in there. I guess, as an Opposition, that is good for us to see. We like to see that. We like to see that arrogance. It creeps in, and it is odd that it is creeping in so early in their mandate. Usually that comes in after a while, but their mandate, after two and a half years now, they feel that they can do what they want when they want, and the public is not going to rise up and say that this is not what they want.

Mr. Speaker, those are some of the things that will come back, and it will bite the Government, because the people will remember this. People slowly get to recognize the attitude, the direction that government takes when it does these things without public consultation. That is the great reckoning of government and governance. It is to listen to the people.

It is something that I feel that sometimes what has happened, in particular with this piece of legislation, is that the people that are affected most, whether it is the school trustees, the school divisions or the various stakeholders in the school divisions, and particularly the students, have not really had a chance to see the good, the bad and the ugly of this legislation. I would commend the Government to do that. They have a chance to do that.

It is not as if they have to boldly go where no person has gone before and bring forth legislation that is going to make some very, very significant changes in the way that school divisions operate. This type of disruption takes years to assimilate into the program. It takes years for it to assimilate back into through to where there is what you might call a normalcy in

relations, not only within the school divisions, but that has a ripple effect down into the schools and naturally into the teachers and into the students. So what we are going to be seeing over the next few years is a disruption of and an uncertainty of programs and uncertainty of funding. This Government is cutting back on their funding to public schools. They have cut it back now over the last two years as reported by the Manitoba Teachers' Society.

We can see that their commitment is not as bold and is not as strong as they like us to believe, that they are here for public education. If they were that committed to public education, they would be increasing the funding to public education, but, as pointed out, over the last two years, it has gone down each year as a percentage, lower than when we were in government, and it is something that I think that they should be very, very aware of, how they are shortchanging the students and the people. Now, with the added costs of amalgamation, the school divisions are going to have to pick that up. The only place they can pick that up, naturally, is through tax increases, cutting of programs, possibly even laying off of teachers or administrative staff. That all has a direct effect on the quality of education or the students in Manitoba.

I think that was not thought through properly when they talked about the amalgamation, and it was so poorly put forth and in such a rush that they even had to face the challenges by a couple of school divisions that were taking them to court because it was not done properly. I believe there are two cases before the courts, or are going to be heard before the courts very, very shortly, as to the legality of this amalgamation because it contravenes the Manitoba Public Schools Act, and that they are going to be challenging this Government in court as to the legality of having this type of amalgamation.

As a matter of precaution, when the bill was brought forth, the Government, seeing that there could be problems there, they are putting in a clause in the act that they are bringing forth under Bill 14. I will refer to the act itself. It is clause 9.3. It is called Validation of Manitoba Regulation No. 61/02.

I will read it: "*The School Division and School District Amalgamation (2002) Regulation*, Manitoba Regulation 61/02, made by the minister and confirmed by the Lieutenant Governor in Council in the *School Districts Amalgamation (2002) Confirmation Regulation*, Manitoba Regulation 63/02, in accordance with section 7 is validated and declared to have been lawfully made, and everything done pursuant to that regulation is validated and declared to have been lawfully done."

Mr. Speaker, what that clause does, it is in theory saying that even though things may not have been exactly done properly, with the passage of this bill it does not matter. Anything pursuant to the passage of this bill is deemed to be lawful. What a wonderful position to be in in government. What a wonderful position to be in in government where you can go out and do things, make changes, it does not matter what the process is, it does not matter what the procedures are. You could do these changes, and then, after you see, oh, there are some problems here, you bring in a bill saying that everything that I did is okay, not only from now on, but prior to my even bringing in this bill. I mean, what a situation to be in where you can do that and make changes and then just cover yourself. I think there is an old expression, you hear that sometimes in offices, and it is called a PYA. I guess this is what this is in a sense. It is covering up, PYA. I believe it stands for paper your—oh, I cannot remember what the last word is now.

It is something that is brought forth, and I think that this is where we have to recognize that this is a government that is desperate to make changes. They do not know how to make changes. Then they bring in addendums to their legislation, saying that everything that I am doing is okay and that even with the passage of this bill I am okay for the next time and I am okay for what transpired prior to what the bill stated.

Mr. Speaker, I realize that unfortunately we only have 40 minutes to talk on this bill. There are so many other things to cover in regard to what I feel is important and bringing to the attention of members in the House here as to the bill that is brought forth and the amendment.

I would just like to close by rereading the motion.

THAT this House declines to give second reading to Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), until such time as the Minister of Education, Training and Youth (Mr. Caldwell) undertakes meaningful consultations with all affected stakeholders within Manitoba's education system.

As I mentioned, public consultation is very important, but I think the minister is recognizing this. I have the confidence that not only will we have the public presentations at committee meeting, but I am sure that maybe he recognizes the fact that there is need for more consultation in the community and that he will give some serious consideration to having some sort of possible delay—I believe they call it a hoist motion on the bill—so that there is time for the second sober thought of the people of Manitoba and the concerned citizens of Manitoba, able to look at this bill in a more thorough manner. Thank you very, very much, Mr. Speaker.

**Mrs. Joy Smith (Fort Garry):** Mr. Speaker, I would like to put some comments on record regarding the amendment, because the amendment is a very important aspect to this bill. Historically, this Government has said that they wanted to have open collaboration. Historically, the Premier (Mr. Doer) of this province assured school trustees that there would be "no forced amalgamations." That is "not the Manitoba way." That was just a little over a year ago.

\* (11:00)

Mr. Speaker, today, the Education Minister and his Government are facing at least two separate court actions related to amalgamation. This is a very serious bill. The most unfortunate thing is the biggest concern right now we have in this bill is the one section that states that everything that the Minister of Education has done in regard to forced amalgamations was lawfully done. In view of the fact that the two separate court actions are in court or will be in court shortly, this is a big concern.

The Minister of Education, in this bill, we ask: Why this bill? Why does this bill come into

play? Why is it needed? In actual fact, if we look at the facts, Mr. Speaker, we know quite categorically that The Public Schools Act enables the Minister of Education to have the authority already to amalgamate school divisions. The Minister of Education does not need Bill 14 to do this.

So, again, when we hear just over a year ago the Premier (Mr. Doer) stating that there would be "no forced amalgamations," that "it is not the Manitoba way," then suddenly we find the Minister of Education indeed forcing amalgamations with little or no collaboration. Then we find out that there are at least two separate court actions related to amalgamations in the mix right now, and then we find out in Bill 14, the biggest concern in the bill is the one section that states everything that the Minister of Education has done in regard to forced amalgamations was lawfully done.

We have a problem with this. We have a problem. In this House we have said, and this is the resolution:

THAT *all the words after the word "THAT" be deleted and the following substituted therefore:*

this House declines to give second reading to Bill 14, The Public Schools Modernization Act (Public Schools Act Amended), until such time as the Minister of Education, Training and Youth undertakes meaningful consultations with all effected stakeholders within Manitoba's education system.

Mr. Speaker, all we are asking for on this side of the House is collaboration. Since this Government has come into power, it has talked about open-door policy. It has talked about open collaboration, and we have concerns. We have concerns about the two court cases in the courts at this time. We have concern that this Bill 14 now allows the Minister of Education—the one section in the bill itself states that everything that the Minister of Education has done in regard to forced amalgamations was lawfully done.

Mr. Speaker, if we allow this bill to pass, the court action is finished. What we are saying to the courts is it is okay. Whatever the Minister of Education (Mr. Caldwell) has done is okay. We are stating on this side of the House it is not

okay. This was done under the cover of night. It was yet again a spin in the hallways, politically motivated. Even Fort Garry School Division, and I quote from the letter written by Fort Garry School Division: This legislation would permit the minister, who is further removed from the schools, to impose arbitrary and limitless decisions on the local school divisions which may not be practical, not necessarily even in the best interests of the students in the local community. There is no objective reason for the shift of authority from the local school boards to the minister. The only conclusion to which a reasonable person can come is that this legislation is politically motivated.

Mr. Speaker, this is serious. This is what we have concerns about on this side of the House, the fact that the history, since the present Government has come into office, has been that they have professed open collaboration, collaboration with the people. When we first got into office as opposition, all we heard day after day after day was the fact that the present Government got into power because there was no collaboration from members on this side of the House.

Well, the fact of the matter is that they wrote the book. The present Government wrote the book on closed door, top down, Big Brother decision-making, and we have a situation here in the province of Manitoba that The Public Schools Act gives the Minister of Education (Mr. Caldwell) the authority to amalgamate the schools right now, without Bill 14.

Bill 14, with two court cases now, two court cases pending in the court system right now, actually states that everything the Minister of Education has done has been lawfully done. We do not agree that this is the case. Members on this side of the House do not agree. We are calling on the minister and members on the other side of the House not to cover up wrongdoing, not to cover this up. We are calling on members on the other side of the House to say, yes, we do agree, we need open collaboration, to go out, and as this amendment states, meet with the stakeholders that are concerned about amalgamation, listen to what their concerns are, talk to them and then come back, and not push this bill through in such a hurried fashion before the

court cases come up, to state that everything was lawfully done.

Because in actual fact, Mr. Speaker, when we have a school division that is on paper questioning if this is a political motivation, when we have Bill 14 that states as soon as this bill goes through, as soon as it is given Royal Assent, we have agreed that the Minister of Education has done everything in a lawful manner. When we see that there are two court cases that are before the courts right now, not in the courts, but ready to go, we have problems.

There is no reason for Bill 14 to have to be put on the docket. There is no reason at this time. The minister does have the full authority under The Public Schools Act to amalgamate all school divisions. Without Bill 14, the minister can effect the amalgamation of school divisions and this is how he can do it.

Mr. Speaker, I want to explain to the Minister of Education how he can amalgamate the school divisions. If the Minister of Education has not done his research and if he thinks he has to use Bill 14, then let us inform the Minister of Education how he has the authority, what he has to look at to be assured that he has the authority to amalgamate the school divisions. He can utilize the provisions under section 5 by referring the matter to a Board of Reference or under section 7, both places, by referring the matter to a Boundaries Review Commission.

Now to be specific, under the section 5 application, the minister may merge or amalgamate or dissolve school divisions or school districts if he receives (a) a written request from a school board or municipal council, or (b) a written request from 10 or more residents. Mr. Speaker, 10 or more residents entitled to vote in the school division, and then the minister refers the request to the Board of Reference which will decide the matter.

The Board of Reference is established by the Lieutenant-Governor-in-Council and the hearings of the Board of Reference are public hearings. This is called democracy. This is called a process that we are all under in a democratic society. This is what our people, our veterans, fought for in the First and Second World War,

for democratic free vote, a voice from the people by the people to any sitting governments. That is why we have democratic elections. We have serious concerns about this Government in power at this point in time taking away the democratic rights of the taxpayers and the voters in the province of Manitoba.

\* (11:10)

Mr. Speaker, in addition, for the minister's information, the minister may on his own initiative refer the merging or amalgamation or the dissolution of school divisions or school districts to the Board of Reference which will decide the matter. An appeal of the decisions of the Board of Reference could be made to the Court of Queen's Bench and then an appeal to the Court of Appeal. These appeals can be in the form of a trial de novo, and the court can alter any decision in any way it sees fit. This is the democratic process. When the minister proceeds under section 5 of the act, the minister must proceed with separate references for each amalgamation proposed. For example, Springfield with Agassiz would be one application. Transcona with River East would be another. Pine Falls School District and Agassiz would be another, et cetera. Four separate applications would be required for the Transcona-Springfield and Agassiz amalgamation, for instance.

Given the number of amalgamations proposed under Bill 4 will reduce the number of school divisions from 54 to 38, so the number of references may be too cumbersome and maybe too time consuming; but, by the same token, there is an avenue which the Minister of Education can use, without Bill 14, to amalgamate the school decisions.

Under section 17 of The Public Schools Act, or under section 7, I stand to be corrected. It is section 7. Notwithstanding section 5, "the minister may, by regulation, (a) add territory to or withdraw territory from any school division or school district . . . , (b) amalgamate any two or more school divisions or school districts . . ." Under this section, the minister cannot do this unless he has received a recommendation from the Boundaries Review Commission which has reviewed the matter. Once the minister amalgamates or alters boundaries by regulation, it is of

no force and effect until confirmed by regulation of the Lieutenant-Governor-in-Council. This is done because we live in a democratic society. We do not live in countries where the government of the day makes all the decisions without feedback and consideration from the grassroots, from the voters.

There is no appeal provision in the act from the decisions of the Boundaries Review Commission. However, an appeal based on error in law, such as a breach of natural justice, can be made from the decision of any board. No appeal lies from a decision on the basis that the facts relied upon are erroneous or on the basis that the decision was wrong. The hearings of the Boundaries Review Commission are public hearings. Mr. Speaker, so, under section 7, there is an efficient way to proceed under The Public Schools Act. Given the number of amalgamations proposed under Bill 14, only one hearing would be required and only a very limited appeal would flow from the decision. This is the common-sense, logical way to proceed with amalgamations of school divisions.

It is very, very worrisome when we have a government in power that forces amalgamations to be done. On record, in the past, past history, there have been numerous quotes from numerous members from the current Government that have said that forced amalgamation will not work. They have said, this present Government has said in the past, that amalgamation should be with collaboration. The tide has changed. Now the present Government is in power, and when asked why do you not do this, they say no, people voted us in. We will not do it. We are the Government. We will make the decisions. All the promises about open-door policy, all the promises about open collaboration are gone. I daresay there would be some members on the other side of the House that would be very uncomfortable with this. I know, as a member on this side of the House, I am very uncomfortable with this. We need to have open collaboration. This amendment speaks to asking the minister to put everything on hold at this point in time and have open collaboration.

Manitobans should have confidence that anything their elected representatives do on their behalf is lawfully done. Manitobans now should

be further concerned that the bill protects the minister and his Government from any decision. This bill gives the Government immunity. In other words, when this bill actually says that the minister has done everything in a lawful manner, then all the court cases, all the decisions come to a halt because there is now a law on the docket that says the minister has done everything. As responsible elected members of the Legislature, we need to put into question, in a forceful manner, when we believe a bill could be protecting a minister who has not followed through.

Over the past few months, Mr. Speaker, we have gone through much dialogue in this House. We have gone through much discussion in this House. There are many unanswered questions in this House about this process, and now the present Government defies a listening to the people.

This present Government defies listening to members on this side of the House that are asking these questions. It is on record that we want this bill stopped until there is time for collaboration, until people can go out, until this Government can go out into the communities and address the concerns that the people have. I would like this Government to go out to Fort Garry and address the concerns that the Fort Garry School Division has, the concerns that they have in this letter about what is happening to the school division, about taking the local authority out of the hands of the locally elected people by the people in Fort Garry. This bill has a lot of concerns that all of us are questioning on different fronts.

Mr. Speaker, it is very worrisome when the very premise of the democratic process is slowly being eroded, when Big Brother comes down and says: We are a socialist government, this is the way we do business. You elected us, so we have the power. They are power-hungry. Some of the significant changes moved certain important decision-making power from the school boards to the Minister of Education, Training and Youth. These changes remove decisions from the locally elected authority, which was most familiar with the circumstances and reasons for the decisions, to a more removed and centralized authority at the provincial government.

I quote from the letter sent from the Fort Garry School Division: The Fort Garry School Division believes that school boards ordinarily exercise good judgment when making these decisions, and I must say in this House that the people of Fort Garry have confidence in their trustees. The trustees come out. They work in a very collaborative manner in the district of Fort Garry. They work with the people even when they have very tough budget decisions to make. Both the superintendent and the trustees in the Fort Garry School Division are very concerned that the people know, the elected taxpayers know what is going on, why decisions are made, even when tough budget decisions have to be made.

So it is not only the Fort Garry School Division and the trustees that are saying that they exercise good judgment. The people of Fort Garry are saying that the trustees exercise good judgment, and the people of Fort Garry are wondering if this Government and this Minister of Education (Mr. Caldwell) is exercising good judgment when they are pushing through Bill 14 when there are these concerns in Bill 14. We are not going to stand by and say, yes, we believe that the minister has done everything lawfully when there are two court cases up right now. That is not going to be happening.

Since these decisions at the school level require a high degree of local knowledge, Mr. Speaker, it is quite obvious that local divisions are better able to make a properly balanced decision than the Minister of Education of any current government or other officials of any provincial government. So we are talking about something that is much, much bigger than any small issue or any big issue here in the Legislature. We are going to a different kind of government. We are going into a socialist regime when you take away the democratic rights of the grassroots people. I have a concern about this.

\* (11:20)

Things have to be done in a democratic manner. I might not agree with all the decisions that are made. I might not agree with everything that is being done, but, as an elected official in Fort Garry, I have to listen to the people who

elected me. That is what I was elected to do. I am sorry. That is where I am. That is where I stand. I am sorry if anyone is offended by that, but the fact of the matter is I hold dear the democratic society. I hold dear the fact that the veterans who died in the Second and First World Wars put the blood on the ground so we could be free, free to voice our opinion, free to vote, free to have decision making in our own backyards. Mr. Speaker, the things that are important to people of Manitoba are what happens in their local community, what happens right on the ground in their local community.

Our local community in Fort Garry is very upset that things are happening at the Government level that are very, very worrisome. I brought to this House in great detail the Boundaries Commission and how the boundaries at the civic level were changed through this present Government and the Intergovernmental Affairs Minister (Ms. Friesen) and the Premier (Mr. Doer). All of a sudden, in the dark of night, Fort Garry was sliced and diced so all the civic kinds of decisions that are made will be done—now a part of Fort Garry has become Fort Rouge. The other part has become Fort Garry-River Heights. Then we have lost another little bit of it at the south end. So Fort Garry has been sliced and diced.

Nobody asked Fort Garry people. Less than 1 percent of the population went to the commission to present. You know why? Because they did not know about it. What was the plan? What was the behind the scenes kind of plan that happened, that this happened in the darkness of night? A tiny little ad in the paper saying, oh, there is public consultation. When we find out that less than 1 percent of the population is even presented to a commission, I dare say that the public did not know about it. I dare say that letters should have gone out. If letters would have gone out to the people of Fort Garry, I daresay every single person would have been at that commission saying do not do it. They went against their own commission. *[interjection]* Oh, yeah, right, members across the way say. Come out to Fort Garry. Tell Fort Garry people, ah, yeah, right. They will tell you a thing or two and they will be telling it in the next election too.

The fact of the matter is you have a top-down government. If that attitude across the way is ah, yeah, right, it does not matter what the Fort Garry people say, let me tell them what you are saying about them. I see members on the other side of the House laughing. I see members on the other side of the House taunting me because I am defending Fort Garry. You better come out to Fort Garry. I challenge members on the other side of the House to have a public meeting and talk about the Boundaries Commission. Come out and talk. You will find a few things going on out there that might just wake you up. The fact of the matter is that challenge is there. Come on out. Come on out.

The fact of the matter is Fort Garry has been sliced and diced, and to put it quite bluntly, we do not like it. As a member of this Legislature, I like it less when members on the other side of the House laugh at this while I am making a speech and they say it is a big joke. Well, I challenge you to have a public meeting. I challenge your Intergovernmental Affairs Minister (Ms. Friesen). I challenge the Premier (Mr. Doer) to come out. Meet with Fort Garry. Let Fort Garry tell you what they think about this. I will await your answer.

Having said that, come on out also and talk about the tax burden on the shoulders of the taxpayers, removing the property tax and the municipal tax from the University of Manitoba. Help the university, which is fine. That university is used by all people across Manitoba. I challenge this Government to come out and explain to the people of Fort Garry why they have to pay higher property taxes because no grant was given to the school division that the school division asked for to relieve the taxpayers in Fort Garry.

There have been some very unpopular decisions made, and I am talking about lack of collaboration. That is why I am up here today speaking on behalf of not only Fort Garry people, but of Manitobans. When we have a bill that is unnecessary, when we have a Public Schools Act that allows the Minister of Education to do whatever the minister wants through this present act, then the question is asked, why is Bill 14 put forward?

Why, Mr. Speaker, does the Minister of Education (Mr. Caldwell) have to have this bill to say everything was lawfully done? Why will this Government not allow those court cases to go through in the court system? It makes you wonder why.

As I stand in this House today, Mr. Speaker, I have to say, listening to the catcalls and the attitude across the way, I can say categorically, there is no concern. There is no concern about what happened to the boundaries at the civic level in Fort Garry. There is no concern about the added tax burden on the taxpayers in Fort Garry. There is no concern about what has happened with amalgamation and what our trustees are trying very hard to address with the minister.

These trustees sent this letter to the minister. There is no concern. There is no amount of political spin that can get you out of this big black hole. In this House, yes, I admit, I have brought forward very strongly the concerns that I have as an elected representative, as the MLA for Fort Garry because I am speaking for the people. I introduced the petitions in this House signed by many, many people.

I see smiles again on the faces of members across the House. Seven hundred and some people signed petitions for a start that were handed in the next day. Members across this House find this amusing. Those petitions were signed because they were saying that they do not want this tax burden put on them, that they need to have this grant. I say this Government should be ashamed of this lack of collaboration. I think this Government should be ashamed when they close their ears and they close their eyes.

Mr. Speaker, it is unbelievable the attitude that I am seeing in this House today. How this can be rectified is, No. 1, to re-examine The City of Winnipeg Act, to acknowledge that Fort Garry has been sliced and diced and needs to be revisited again to put the community back together again.

The second thing is that a grant has to be given to the Fort Garry School Division to allow for the added tax burden on the taxpayers.

The third thing is, we have to address the concerns that our very capable trustees and our very trusted trustees have regarding Bill 14. When our own trustees say that the only logical conclusion to which a reasonable person can come, and I quote from this letter written to the minister on May 28, 2002: that this legislation is politically motivated.

I have to regretfully say in this House this morning there is no doubt. There is no doubt that we have a different kind of government in this province of Manitoba. There is no doubt that we have a government that has very socialist views on a lot of things and has become Big Brother. I hear "hear, hears" from the other side of the Legislature after I said this Government has become Big Brother top down. I hear on the other side of this Legislature from members opposite, from the current Government, "hear, hear." I would be ashamed to do something like that. That is regrettable because in this Legislature I will fight for my constituents.

What did McGifford just say? Did you hear?

**An Honourable Member:** No.

**Mrs. Smith:** What did McGifford just say?

**An Honourable Member:** I did not hear.

\* (11:30)

**Mrs. Smith:** Listen, because I think I did hear. Let us call a point of order if she does that again.

Mr. Speaker, I have to say that in this Legislature as the member from Fort Garry, as MLA for Fort Garry, I love my district. I take care of my district. I listen to the people in my district. I have brought to this Legislature today what my people are saying, what they have said through numerous petitions, what they have said, Mr. Speaker, through their talking with me. I am going door to door right now today, at the door, talking to everybody.

I know Fort Garry. My husband moved there with his family when he was two years old. We have raised our six children there. We have lived in Fort Garry ever since we have been married, and it has been a long time. So, excuse me,

ladies and gentlemen, but when I say that I have concern about Fort Garry, I was a classroom teacher—one member opposite asked, out of curiosity, I am sure—for 22 years.

The fact of the matter is, Mr. Speaker—*[interjection]* I am paying attention to comments being made, because I stand very firmly here in this Legislature, fighting for Fort Garry, fighting for the people of Manitoba, because we have serious concerns about Bill 14. No political spin is going to cover up the fact that we do not need Bill 14, and Bill 14 has some real issues when it comes to the people of Manitoba. Having said that, I very proudly stand here as a member from Fort Garry.

As I was saying before I was rudely interrupted, I am very proud of Fort Garry. In this Legislature, it is my duty to speak what the people are telling me. These are not things that are made up. This has happened. This is a burden on the people of Fort Garry. Having said that, Mr. Speaker, with Bill 14, I am also speaking on behalf of the Fort Garry School Division. I have quoted this letter. I am appealing to this Government to reconsider. I am not hopeful that this is going to happen. Hearing the attitude today as I am giving my speech, seeing the smiles, hearing the comments, the catcalls across the way is regrettable because the fact of the matter is this is very serious business.

I put on record the concerns that we have on this side of the House. Again, I will say to you The Public Schools Act is in place. I have outlined, Mr. Speaker, why the Minister of Education (Mr. Caldwell) does not need Bill 14 to amalgamate the school divisions. Bill 14 only says in one section, it says a number of things, but it gives all authority to the minister. Then it says that the minister has done everything in a lawful way. The minister is well aware right now, Mr. Speaker, that there are court cases pending regarding this amalgamation issue.

What our amendment states is that all we want, members on this side of the House, is to take this out to the public, to collaborate. The Premier (Mr. Doer) is on record saying that he will never force amalgamations. We know right now this is not true, that in actual fact amalgamations have been forced.

Mr. Speaker, we also know that members on this other side of the House are trying to use all the political spin they can, all the political spin possible to pass this bill. I daresay this bill has the potential to give the Minister of Education (Mr. Caldwell) and this Government unfettered power over the school divisions. This bill also absolves the minister of any potential unlawful things or things that should have been done in a different way, protects him against that. This bill is not something that should go forward. This is not a bill that we endorse. This is not a bill that we want.

We are not against amalgamation. One point I want to say, we have said very publicly that we are very supportive of voluntary amalgamation. Members on this side of the House have no problems with that, and there have been some instances where we have promoted amalgamation. There is no problem with that.

Where the problem is, is with the politicizing of the school system. When they call it The Public Schools Modernization Act, I would hope, Mr. Speaker, that this kind of moderation is not what we are going to be accepting in the province of Manitoba because, rather, we have to work together, both parties on both sides of the House, to do what is best for the people.

Mr. Speaker, in all honesty, we know that it is best for some school divisions to amalgamate, but we need to let the school divisions at the local level make that decision because, Mr. Speaker, there are many variables that come into play. It has to do with building community. It has to do with cost. We do not even have before us any valid documentation that the cost is something that will be saved because of amalgamation. Historically speaking, through the Norrie report, it is well known that members on this side of the House tried to amalgamate. Members on this side of the House endorsed it, and you know what? We still endorse it.

Mr. Speaker, when governments go to the lengths that this Government has to produce a bill that will not only give the Government unfettered powers on school divisions and will absolve the current Minister of Education (Mr. Caldwell) of any potentially unlawful acts or

unlawful processes, we have concerns about that.

The fact of the matter is when I came to present, and I presented three different times the concerns that I had about what was happening in Fort Garry, I did it in a very respectful manner, and, today, Mr. Speaker, I confess it angered me greatly when I saw the kind of attitude across the way about what was happening in Fort Garry with the boundaries review. I am sorry, but it is connected to the present Government because it went right back to the Department of Inter-governmental Affairs.

Mr. Speaker, I am very, very concerned about the tax burden on the people of Fort Garry, because they are paying big time for having the university that we love so much. We do not go against the fact that the property taxes were removed from the university. We welcome it in many ways. What we go against is the lack of a plan for the taxpayers in Fort Garry, because these people now, some of them have had their lives altered. There are some senior citizens who simply cannot pay these extra taxes.

So if I am catcalled across the way, Mr. Speaker, because I stand up for Fort Garry, I find that regrettable because in the event we come into power, they will never see me as a Member of Fort Garry catcalling any member on the other side of the House for standing up for the region they represent. Those people voted me to be there, and this is my job.

As for Bill 14, I would not get up and speak if I felt this was a good bill. I have put on the record that this bill needs to be stopped at this point, collaboration has to happen, and I appeal to the other side to accept this amendment. Thank you, Mr. Speaker.

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I appreciate the opportunity to put a few words on the record regarding Bill 14 and also the amendment on Bill 14, because this is about education, and education is a very important topic to all of us. We all have children. We are all taxpayers in Manitoba. We all have a stake in the education process, and it is very important. Also, the education of our children is very important to all of us, and we are concerned

about where today's minister is taking education and where we are going.

The main issue, the main thing, I guess, on Bill 14 is why did the minister not delay this and take this out for public consultation? I think that is what has to be done. We have to get the people from Manitoba to have a look at this, let them understand the bill and the amendment, and see why we do not need Bill 14.

\* (11:40)

First of all, if you will go back in history a little bit, back when we had the Norrie report, some of the things they said—and I am going to talk about some of the things that the Norrie report recommended for the Interlake region—was that the Evergreen and the Lakeshore divisions look at amalgamating.

Well, they did, and when we were in government we did not force the issue because we feel voluntary amalgamation is the proper way to go. We are not against amalgamating school divisions or amalgamating municipalities or towns or whatever. In most cases, if it is a voluntary situation and people want to work together and get together for the benefit of everyone, I think that is a good way to go.

When the Norrie Commission recommended that Evergreen and Lakeshore divisions, as an example, look at amalgamating, they looked at the whole area. If you look at the map of the Interlake area, right from Lake Manitoba to Lake Winnipeg, it is a big area, yet it is sparsely populated. The towns are not large.

As an example, when you look at Evergreen on the east side of the lake, you have big towns such as Gimli, Arborg, Riverton, where some of the larger schools are located, and they are actually very viable right now. The Evergreen division does very well and it is one of the best divisions, as far as I am concerned, in Manitoba. It is I think one of the more efficient divisions. They have excellent schools, excellent staff, excellent administrations and then do a good job there.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

When you look at the Lakeshore side, the Lakeshore division, because it is a larger area, and it is a little more sparsely populated, it is a little more costly for that division to be able to transport their children to the larger schools, such as in Ashern, Lundar or wherever. So, when you looked at the amalgamation of these two divisions, it did not work, because they are two different situations altogether. The area in Evergreen, because of the larger towns such as Gimli, Arborg, did not have anything really in common with the west side of the Interlake, which is along Lake Manitoba.

*Mr. Speaker in the Chair*

So they looked at it and agreed. It just did not make sense. Another thing that the Norrie Commission talked about was Lord Selkirk School Division and the amalgamation of Lord Selkirk with Agassiz. Well, to me, that did not make sense at all, because Agassiz, which takes in everything east of Lord Selkirk, Lord Selkirk already is one of the largest school divisions in Manitoba, has a large community such as the city of Selkirk, and the municipalities of St. Andrews and St. Clements. It is a very good division. It works very well. It is in an area that is concise and works very well. When you look at the distance between, even in Lord Selkirk, between some of the schools at Lockport, Selkirk and Grand Beach and then Libau on the east side, for example, there is a big distance there, a long distance between schools. So it would not make any sense for Lord Selkirk to look at amalgamating with Agassiz. That just would not work.

This just was all looked at prior to the minister's coming out with these forced amalgamations now. We looked at the voluntary system. It did not work. There was no need for it whatsoever. At the present time, in the Interlake, we have four school divisions: Interlake, which takes in southern part of the Interlake; Evergreen, which takes in most of my constituency and part of the Interlake area, which is Arborg and Riverton; and Lord Selkirk, which takes in all of the city of Selkirk, most of the municipality of St. Andrews, and all of the municipality of St. Clements. That works very well, these divisions, and Lakeshore, which is along Lake Manitoba. At the present time, these

four divisions that serve the Interlake region work very well. There is no need to look for any changes. They already tried to look at voluntary amalgamation, and it just did not work. There was no need for it. So that is where it is at in the Interlake, and I am glad that the minister did not try to force any amalgamation on us in the Interlake. It certainly is not necessary because we already have a good system, and it works very well, Mr. Speaker.

I guess some of the things on Bill 14 that they talk about is that it would provide a school board, a school board must have between five and nine trustees. That is a minor thing. I think that should be up to the local division, the local people to decide how many trustees they need or should have. The minister has no business at all dictating to any division as to how many trustees they should have. These trustees are elected by the people, the same as we are elected, the same as that minister is elected, so he should have no authority any more to dictate to these divisions than we have or than anybody else has. The division, itself, should have the power to be able to regulate their own actions and appoint as many trustees as they require to do their business.

The bill also enables the minister to set limits on prescribed administration costs. Well, how is the minister going to know what the administration costs of a division are going to be? He has not got a clue, first of all. He does not know. He does not understand what makes up a division. There can be such variations between divisions because of the various programs. It depends on the programs that are being presented. Some divisions offer various programs that take more administration. How can the minister dictate to the two divisions, which are elected by the people, as to how many administrators or what level of administration they should have?

In most cases the trustees and the financial officers of a division are very efficient and do an excellent job of managing their own affairs. As an example, Evergreen School Division is probably one of the most efficient in Manitoba. They probably spend less on administration than any other division. So, if they can do that and get away with it and serve their people in the best

way possible, that is fine. *[interjection]* That is probably right. So why does the minister want to be able to dictate the administration costs of a division? As I said before, these division trustees are elected by the people to represent them, so they have the best knowledge as to how they should govern their own division.

The bill also says: School boards should hold consultations regarding annual budgets. Well, they have been doing that for years. In our area, as an example, the school divisions meet with the municipalities. They hold public meetings to discuss their programs and what programs are required and also the budget consultations. It is not something new. I do not know why the minister even has it in Bill 14, because it is not necessary. It is an automatic thing. The trustees already know. They must get the information that they need from the people that they represent. If they cannot serve the people that elect them, who is supposed to do it for them? The minister cannot go and dictate as to how trustees, under what rules they should operate. They have to do that themselves. They are elected to do that. In 99 percent of the cases trustees are very responsible and do an excellent job in representing their areas.

It is understandable that when it comes to budget consultations that they should consult with their ratepayers, naturally, and with the municipalities, because actually the bill for the school divisions goes to the municipalities and the municipalities put it on the tax bill. It is not the municipality's choice, but people have to understand that it is not part of the municipal money. It is part of the school division money. It is paid out to the municipality and then paid to the school division, which has worked in Manitoba for many, many years. There could be improvements maybe in the way it is done, but it does work very well.

\* (11:50)

It also talks about restructuring the process for initiating a hearing by a Board of Reference. Well, as far as I am concerned, I think the Board of Reference has done an excellent job over the years. They have had some excellent people on the board. We certainly want to see that

continued, because they have looked at many problems between divisions.

As an example, I want to give you an example of what the Board of Reference did between the Lord Selkirk School Division and the Seven Oaks School Division here just last year. There were some people that live in St. Andrews who wanted to become part of the Seven Oaks School Division because they were closer in proximity to the West St. Paul School, which made sense. When it went to the board of revision, the board of revision listened to all sides and decided that it would be best to leave those people that live in St. Andrews in the Lord Selkirk School Division.

So they listened to the people, they listened to everyone, and made a decision. That decision was accepted by all sides. So why would you want to do away with a board that serves the public very well, that has a track record that is second to none. Actually it takes away the power maybe from the minister and puts it in the hands of the Board of Reference, which is the proper way to do it. That board certainly has done a good job over the years. I would like to see that continued.

One of the biggest concerns, of course, is that everything that the minister has done regarding forced amalgamations is done lawfully. Well, that seems to be a problem and, I guess, especially with the Agassiz and Transcona and River East and Springfield divisions, as to what is going to happen there. That is something that I would say the local area should work out best of all without the interference of the minister trying to dictate as to how it should be worked out.

Just an article from the paper here states that Bill 14 buries the rights of voters. It takes away the rights of voters. It goes on to talk about, it says: Who dares to challenge dictator Drew? Who dares to challenge—

**Mr. Speaker:** Order. I would just like to remind all honourable members that all members in the House are honourable members. When making the reference to members, by their constituencies or ministers, by their titles. I would ask the cooperation of all honourable members, please.

**Mr. Helwer:** Mr. Speaker, I apologize for that, but I was quoting from a paper here. I am sorry. If that is not allowed, I will withdraw those comments.

Just getting back to the discussion on Bill 14, I am just reading an article from our MP that looks after part of the area east of Winnipeg here. He says: Parents have a right to be heard in school division boundary changes or in boundaries debates. This is what the minister is taking away in Bill 14. He is taking away the rights of people to be heard. All levels of government have a responsibility to ensure that the process and manner with which they deal with residents is fair and open. Unfortunately, Bill 14 does not do that.

This dictates that the minister has the right to do what it says to do. He has the right to dictate to the trustees, to the divisions that they must amalgamate, they must do this, they must do that. That is just not the Manitoba way although back in—what did the Premier (Mr. Doer) say some time ago about amalgamation? I have that article. Here it is. Premier Gary Doer says: There will be no forced amalgamations. It is not the Manitoba way.

Yet, what are they doing with Bill 14? Mr. Speaker, they are dictating, forcing amalgamations and forcing the divisions to amalgamate. So the Premier says one thing on one hand, the minister says something in the other. They are supposed to be part of one government, so why can they not agree on a system that should work for all Manitobans?

The minister says I am not inclined to impose anything. He says I am really not. But what does he do? He comes out with Bill 14 then, and says where the minister has the right to set limits on prescribed administration costs, the number of trustees, the division boundaries. So he is dictating. Where he says he is not inclined to oppose anything, he is doing exactly that, so he is contradicting his own words.

I guess it is difficult to understand why they want to impose Bill 14 on divisions, on our Manitobans, without first holding public hearings or public discussions at least as to why they should do certain things and what boundaries.

When you amalgamate divisions, it raises many questions. First of all, the teachers have agreements. In every division, they have their own agreement. Each division has their own programs, to some extent, that are different from the next division. How long is it going to take for them to work together to be able to come up with something that is uniform between any divisions, as an example?

The salaries of teachers is one thing. Do you suppose for a moment that if one division has a lower salary than the next one, do you expect them to accept the lower salary levels? Not a hope, Mr. Speaker. You know what is going to happen. They are going to accept the higher level. So, in fact, this is going to cost the divisions more money, and in the long run, cost the taxpayer more money.

That is the part we are concerned with, and that is the part we as members of the Legislature have to protect. Our job is to protect the people who elect us. That is what we are trying to do, Mr. Speaker, by trying to oppose Bill 14 because of the dictatorial rights in the bill and as to what effect it is going to have on Manitobans and on divisions and also on all the taxpayers.

We know that the tax bills will be coming out in the very near future. I understand the City of Selkirk was out yesterday or the day before. I know that St. Andrews, as an example, is coming out in the next couple of days. I just spoke to the administrator this morning as to where the tax bills are and what effect they will have on education and also on farmland and businesses in the R.M. of St. Andrews, as an example.

Mr. Speaker, there is no doubt school taxes are up. Assessments are up, of course, and the municipality did lower the mill rate on their own expenditures to affect their own expenditures, but because of the school tax being up, every taxpayer is going to have to pay more.

**Mr. Speaker:** Order. When this matter is again before the House, the honourable member will have 18 minutes remaining.

The hour being 12 noon, we will recess and reconvene at 1:30 p.m.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, June 13, 2002**

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