



**First Session - Thirty-Sixth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

<u>Name</u>	<u>Constituency</u>	<u>Party</u>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
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DACQUAY, Louise, Hon.	Seine River	P.C.
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GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
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HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
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**Monday, September 25, 1995**  
**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Monday, September 25, 1995**

**The House met at 8 p.m.**

**ORDERS OF THE DAY**  
 (continued)

**DEBATE ON SECOND READINGS**

**Bill 2—The Balanced Budget,  
 Debt Repayment and Taxpayer Protection  
 and Consequential Amendments Act**

**Madam Speaker:** To resume debate on second reading, Bill 2, (The Balanced Budget, Debt Repayment and Taxpayer Protection and Consequential Amendments Act; Loi sur l'équilibre budgétaire, le remboursement de la dette et la protection des contribuables et apportant des modifications corrélatives), standing in the name of the honourable member for Inkster (Mr. Lamoureux), who has 16 minutes remaining. As previously agreed, the bill will remain standing in the name of the honourable member for Wellington (Ms. Barrett).

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, as I was indicating prior to the break, the Liberal Party feels very firmly and positive toward the concept of balanced budget legislation even though we—

**Hon. James Downey (Deputy Premier):** How are you going to vote?

**Mr. Lamoureux:** The Deputy Premier asks how I am going to be voting. I am going to be voting to see this bill go to committee if in fact there is a recorded vote, or should I say there is a very good chance, just to keep the New Democrats guessing anyway.

Madam Speaker, I was commenting in terms of the three different ways in which government can address the economy. One was through the increase of taxing, the other one was increases of taxes where I did, I believe, fairly clearly demonstrate that this is a government that has done just that. The second one was through the increase of borrowing. Again, I believe that I was able to demonstrate that the

government is very good at doing that, and it has shown that over the last seven budgets that they have brought in.

The other issue was the issue on which I started to spend a bit more time speaking and that was cuts or cutbacks, if you like, from the government and the idea that there are, no doubt, going to be cuts into the future from all different levels of government. It is a question in terms of how it is that they will spend that money, and in fact there are better ways at spending that money.

In fact, Madam Speaker, just prior to the break I was commenting on the benefits of health care reform. If the government was true to its word and wanting to follow through on many different initiatives that are out there, in fact, I would ultimately argue we could have a healthier health care system and not necessarily have to commit more dollars per se. Those are the types of issues which I think the government has to address.

Another area of spending, and you can almost say spending better in virtually any given department, but another major expenditure of government is that of Family Services and Education. We had talked in the past about the possibility of integration of services in our community schools, and we could see many potential benefits where services for our children and adult population can be enhanced while at the same time ultimately even possibly reduce costs.

Madam Speaker, I do believe that this is the sort of change that governments of whatever political stripe they might be have to start looking for.

Ultimately, having said those three points, there is absolutely no doubt that the best way to achieve a balanced budget or in fact surplus budgets is to get people working. I think that when we hear from government like the other day when they made the announcement of McCain's I was genuinely pleased. The Liberal Party was genuinely pleased to see expansion as long as other concerns are taken into account such as environment and so forth. We trust the

government has done that in this particular case and time will tell given that they have many more resources than we do as an opposition party to be able to give the type of analysis that a venture of this magnitude actually requires. But we do anticipate that this will be a very beneficial thing for the province of Manitoba and applaud the efforts of the government for whatever role it ultimately played in that.

There are other areas of the economy which I pointed out in the past the Minister of Culture and Heritage and I have had discussions on. I have raised the issue in Estimates for the Deputy Premier (Mr. Downey), the Minister of Finance (Mr. Stefanson) through Question Period, in fact, the Premier (Mr. Filmon) of the province, that of course being the garment industry. It is an industry in which I do believe that we need to start working more in co-operation in order to resolve this particular problem, because there is great potential there in that particular industry. We are losing out on considerable amounts of tax dollars, not to mention other economic activities and the social benefits of having more people working whether it is off of a social assistance program or through more increase in immigration to the province of Manitoba.

Ultimately, Madam Speaker, I do believe that government does have a role to play in the economy. I pulled out a file that I somewhat have maintained over the years and there was one thing that came to mind that I thought maybe I would quote from and it is actually from *The Globe and Mail*, Monday, April 5, 1993. It is making reference to jobs. Does the government have any role to play during downturns of the economy and upturns?

**Mr. Downey:** We do not anticipate any of those events.

**Mr. Lamoureux:** The Deputy Premier says, no, there will not be any downturns of Manitoba's economy. I would like to believe, Madam Speaker, that that in fact will be the case.

I know if there was a Liberal administration provincially there would probably be a better chance of there not being a downturn in the economy. The reason why I thought this was somewhat of an interesting

article was because one could bring it back to a philosophical discussion or a debate, if you like, in terms of government's role. It was interesting, and I am just going to quote right from the article. It says, last year when the country lost 100,000 jobs, total employment down 0.8 percent, New Brunswick was one of the two provinces that added jobs. Its employment went up 1.1 percent, second to British Columbia's 1.9 percent job gain.

I think that clearly demonstrates that—[interjection] No, the federal government at the time would have been Conservative. So I do not know if the Deputy Premier wants, knowing full well that his colleague the Minister of Agriculture (Mr. Enns) thinks so highly of the former Prime Minister, Mr. Brian Mulroney.

Madam Speaker, I digress somewhat from the point I am trying to get across to members. That is, that the New Brunswick government has been very successful in getting and promoting the province of Manitoba. To what extent is this particular Premier using the provincial Treasury in order to entice this? I do not have all of the details, but I do know that I believe that the New Brunswick government was the first to introduce a balanced budget legislation.

I think, if we look at all sorts of and forms of job creation, that what we should be doing is looking where it has been successful and trying to copy, if you may, those good ideas. You know, I recall a job creation program that was introduced in the early '80s under the Howard Pawley administration. I have heard from numerous speakers from the Conservative side being very critical of the job creation program. Mr. Doer, himself, when he was the president of the MGEU, was very critical of the job creation program of Howard Pawley.

This is a government that could be criticized for not investing in Manitobans and not sincerely attempting to get job creation. What this budget does is it talks a lot about the infrastructure program. Well, Madam Speaker, we do know that for the infrastructure program, I recall seeing TV commercials in which, I believe it was, the Conservatives throwing coins or loonies or whatever it was into the ditch, saying that the infrastructure program was a bad idea, but that was the

federal Tories. The provincial Conservatives realized the importance of a good, healthy infrastructure program, and we applaud them in that recognition. Equally, we applaud the current federal government in—[interjection] The member for St. Norbert (Mr. Laurendeau) applauds when I say federal government. I know it is a natural thing for some people inside the Chamber.

\* (2010)

We applaud the federal government for acknowledging the importance of an infrastructure program. What does it mean, Madam Speaker? It means that there is a role for government to play in the economy.

Ultimately, as I said at the beginning of my remarks, to me personally, and I believe to a vast majority of Manitobans, the role is actually fairly clear, and that is that, when the economy is doing relatively well, government has the responsibility to hold things in check in terms of government expenditures. If the opportunity is there for them to accumulate dollars—not borrow dollars in order to accumulate dollars like the Fiscal Stabilization Fund, but, if they can accumulate dollars so that, when we are at the other side of the business cycle, the government then has additional resources which it can use to be able to help assist an economy—[interjection] The Deputy Premier (Mr. Downey) makes reference to something like the Fiscal Stabilization Fund.

The concept of a fiscal stabilization fund put in the context of a business cycle is not all that bad. The concept that this government has adopted of a fiscal stabilization fund was real bad. This is a government that borrowed money in order to create a fiscal stabilization fund.

I do not know if you can ultimately, legitimately say it made sense to borrow money in order to create a fiscal stabilization fund. Then why does government, using the very same Clayton Manness logic and this government's logic, not go out and borrow all the money it possibly can in order to create a fiscal stabilization fund?

Madam Speaker, of course the simple answer is, because it does not really make sense to do something of that nature because really what you are doing is, you are playing with the numbers.

To that end I notice the member for Wellington (Ms. Barrett) posed the question in terms of the party's position on this bill. I get the feeling that the New Democrats, at least after listening to their speeches, are not in all likelihood supportive of this bill. It is a feeling that I get, and it is interesting in the sense that I know their brothers and sisters over in Saskatchewan are in fact adopting balanced budget legislation. It is only the New Democrats in Manitoba that want to stay with the past. That is fine with me because we Liberals will go out there and hug all those New Democrats and bring them into the Liberal Party like you have never seen before, Madam Speaker. I can assure you of that.

Hopefully, after the next massive loss that they take at the polls they will finally come to grips and say that, you know, the member for Inkster (Mr. Lamoureux) and the Liberal Party were not too far off when we talked about the concept of balanced budget legislation. This is the reason why we have no problem in seeing this bill going to committee.

We do have some amendments that we would like to see brought in and, ultimately, if there is no other reason, to ensure that this bill becomes law. The Minister of Agriculture (Mr. Enns) I thought said it quite well. You never really necessarily know who the personalities are going to be well into the future in terms of the government. Heaven forbid, but if it is the New Democrats, it will make it awfully difficult for them to increase the taxes 36 times like they did when they were in government and to borrow the type of dollars that they did and create some of the programs that ultimately we are paying for now.

Now, it is not to say that the New Democrats were totally irresponsible. Very close to being totally but, Madam Speaker, this government in itself, the current government, could be solidly criticized for many of the actions that they have taken over the years. [interjection] The member for Kildonan (Mr. Chomiak) said, no hug for Kevin. Well, I do not want

to be hugged by a New Democrat. I can assure you of that.

With those few words I see that my light is flashing. We do look forward to having input at the public committee stage. Hopefully, this government will see fit to bring in some amendments that could enhance this legislation, such as allowing the Provincial Auditor to be able to have the final word on terms of what is the balance and not a balance in terms of this government's practice on balanced budget legislation in the past such as the surplus and the way in which they have misled through the Fiscal Stabilization Fund and others that they will see fit to agree with us and incorporate the Provincial Auditor into this particular bill.

The member for Kildonan (Mr. Chomiak) can possibly read my speech and possibly pick out one or two other things that I might have had an opportunity to point out. Unfortunately, in 40 minutes you are very limited in terms of what it is that you can say. So we will have to wait until we go into the public hearing process unless, of course, I can get a designated spot to continue my discussion because I only got to briefly talk about the garment industry. The New Democrats have provided me leave. With leave of the Conservative side, Madam Speaker, I would be able to continue on and would be more than happy to do just that.

Madam Speaker, I appreciated the opportunity to speak on this bill and look forward to it going into the committee stage.

**Madam Speaker:** As previously agreed, this bill remains standing in the name of the honourable member for Wellington (Ms. Barrett).

#### **Bill 27—The Cattle Producers Association Amendment Act**

**Madam Speaker:** To resume debate on second reading, Bill 27, on the proposed motion of the honourable Minister of Agriculture (Mr. Enns), The Cattle Producers Association Amendment Act (Loi modifiant la Loi sur l'Association des éleveurs de bétail), standing in the name of the honourable member for Brandon East (Mr. Leonard Evans).

**An Honourable Member:** Stand.

**Madam Speaker:** Is there leave to permit the bill to remain standing? [agreed]

#### **Bill 4—The Real Property Amendment Act**

**Madam Speaker:** To resume debate on second reading, Bill 4, on the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), The Real Property Amendment Act (Loi modifiant la Loi sur les biens réels), standing in the name of the honourable member for Transcona (Mr. Reid).

**An Honourable Member:** Stand.

**Madam Speaker:** Is there leave to permit the bill to remain standing? [agreed]

#### **Bill 5—The Education Administration Amendment Act**

**Madam Speaker:** To resume debate on the proposed motion of the honourable Minister of Education and Training (Mrs. McIntosh), Bill 5, The Education Administration Amendment Act (Loi modifiant la Loi sur l'administration scolaire), standing in the name of the honourable member for Swan River (Ms. Wowchuk), and standing in the name of the honourable member for Transcona (Mr. Reid) who has 16 minutes remaining.

**An Honourable Member:** Stand.

**Madam Speaker:** Is there leave to permit the bill to remain standing? [agreed]

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, I look forward to the opportunity to put down my thoughts on Bill 5, The Education Administration Amendment Act. It is an opportunity to discuss education which is of primary importance to those of this side of the House and I would hope to those on that side of the House as well as the public.

This is actually a rerun of a bill that was presented earlier in the previous session with some fairly radical

changes to a bill that I would say would not have a whole lot of content originally and that has been amended substantially. So, overall, I think there are some good ideas in the bill and I will be articulating those points.

My general comment in regard to Bill 5 is that it is basically a small bill, a shallow bill, a bill presented basically so that the Conservative government, the Filmon team would have an impression of an educational vision, and although this bill is presented as The Education Administration Act, it holds very little in terms of substantial change, and, in fact, basically allows the minister to bring even more regulations on a system which is heavily regulated as it is.

\* (2020)

The bill covers three areas, providing legislation to create school advisory councils. It also allows the minister to make regulations concerning the duties of principals, and it allows teachers to suspend from classrooms and allows principals and superintendents to suspend from schools, an authority that most teachers, principals and superintendents already have in the school system, which is one of the reasons why this bill is basically quite a shallow document.

One of the issues I think that needs to be looked at in this legislation is the process that we went through—very limited input as to public consultation. I would argue no meaningful contribution from the public. I believe that the former Minister of Education did call one meeting of invited guests only, and I would not speculate that those invitations went to people that held the same perhaps political agenda, but it seemed to be highly suspicious since the conclusions of that invited forum were similar to the previous Minister of Education's personal opinion, and we all heard that.

Those of us in the education system who had the opportunity to be in a sincere public forum just at the earliest part of the former minister's mandate as Education minister—we attended a forum in Brandon where there were representatives from MAST, the Manitoba Association of School Trustees, MASS, Manitoba Association of School Superintendents, MASBO, MTS. We had parent representatives. We

had students and we had the business community in attendance. We went through a comprehensive program where we reviewed difficult questions about education, what are our priorities, how do we deal with the future of education, with a lot of very challenging issues coming before the society in terms of education. What happened to those recommendations? They fell on deaf ears.

The minister then, Clayton Manness, came before the Assembly saying, it really does not matter what you say, you 500 people assembled here. I have a vision.

Now, what I find amazing is this invited forum came to the same conclusion, quite opposite that of which the Brandon forum came to. So I would argue that the process of public consultation was, in fact, flawed, and I would hope that we provide an opportunity for the public to actually have meaningful input on education reform.

Part of the argument that I know that the Minister of Education, former and present, and the government will argue is that, in fact, meetings were held with representatives of the major organizations. I know that there were fairly small, intimate meetings between MAST and MTS and MASS with the Minister of Education at that time. Curriculum, the challenges of the education system were discussed. Many of those organizations, however, would argue that they presented their positions, they informed the minister, but the minister was not hearing what those organizations were saying.

One of the participants, in particular, in those forums or those small meetings was the Manitoba Home and School and Parent-Teacher Federation of Manitoba. This organization purports to represent parents, obviously, of Manitoba. The problem, as of my information from last year, is that the organization represents 50 schools of 836 schools in the province, some divisions not represented at that forum at all. For example, the Winnipeg School Division, which I am most familiar with, has 78 schools. None of those schools are members of the Home and School Association of Manitoba. That representation, that organization, we can see, does not reflect parents and community representatives—in fact, its representation is

extremely limited—and would ask the government to look at a different way of reaching parents.

They say that they are looking for meaningful consultation. I challenge them. Go and find another way to reach parents because obviously this organization, as presently structured, is not the vehicle of parental voice for the people of Manitoba.

Now, the bill deals with three areas, and that is a beginning. There are hundreds, probably, issues. I have colleagues, school trustees that sit on the other side of the House, and they are fully aware of the challenges facing the public education system. This is a beginning and, as we look, particularly at school councils, I think, a positive step for the most part, and we, on this side, support community involvement in schools and councils.

There are some, what I would say, flaws to the proposed formula. I am hopeful that, given this, the government will review their regulation or their plan, their blueprint, that has a few flaws in the structure, and, given that they have a good representation of former school trustees on their side of the House, I look forward to the government being more open to looking at perhaps making some changes that make sense.

There are a large number of important and some very urgent issues facing education, and these are not being addressed by the legislation.

Those people who had the opportunity to attend a lecture by Dr. Dagget [phonetic] a couple of years ago will remember his vision or his challenges of the future where he talked about, what is it that our school systems should be doing to prepare our children for tomorrow? It was a very interesting and challenging debate that we had there.

It was noted by Dr. Dagget [phonetic], who does consulting worldwide, that what we are looking at is a major challenge to the education system. What is it that the future requires? What is it that our children require for the future? What are the skills? What are the basics that are going to be needed in the future? Is it what was in the 1950s? Will that prepare our children? Are we going to ensure that they are

successful? He was asking some very challenging questions as to where we are going to go in the education system. Not once did he say, we need to go back to the basics. What he was saying is, we must advance and redefine the basics.

I will use an example that he used in his speech. He said that he gave an oral presentation like the one that we do here in the House. Within a few minutes it was put into hard copy and translated into five languages and distributed to the audience. That is without any clerical assistance, and that was done fully automated. What does the future hold for our children? What are the skills that they will need to succeed in that future? I challenge you. It is not in the past. It is in the future and we need to be futuristic when we look at our education system.

In terms of technology, and I think that this is an area that we must concentrate on, it was pointed out that Canada, although better than the United States, has a long way to go in terms of preparing our children for a technological future. Are our children prepared and able to read, perhaps, a technical manual? Are we preparing our children for the future? Are we preparing our children for the jobs that are going to be available in the future? I think that is what we all want to do.

What we have heard from the public, what we have heard from parents is that we hope that our children will be able to succeed in the future, and I think, whether on this side of the House or that side of the House, that is beneficial to all of Manitobans.

So, the challenges before education are very complex, are very serious, and require considerable debate. It is not going to be an easy solution that you can dream up in a few short meetings. It is going to be one that the whole province should collectively define.

One of the issues also is that when we look at the school system today it is much different than the school system of the past. The social world of families that the children come from are drastically different than what we know or what we remember when we were children. It is not normal, for example, in the school division that my children go to to have the traditional



family, mum, dad and two children, who live in and own their own home.

**An Honourable Member:** With a white picket fence.

**Ms. Mihychuk:** As my colleague says, with a white picket fence. That is not the reality now.

**An Honourable Member:** Is that what you have?

**Ms. Mihychuk:** That is not what I have.

\* (2030)

That may have been true back in the '50s; I do not even know if it was true back then, but it is not the reality now. We see children coming from homes where there are single parents, where we have blended families, where extended family members are actually the primary caregivers. We have a whole variety of differences now in the school system, whether it is in Winnipeg, whether it is in Morris, whether it is in Virден or Swan River or in Winkler. I mean, those differences that we see now that the children come from are there in our classrooms and we must adapt to meet those challenges.

Another important question that we should be facing now is, who goes to school? Who is it that we welcome in our school system? Is it those that we consider normal? The former minister identified the school system serving the so-called normal population, and he felt 95 percent of children fell within that norm. I would argue that if anything it was probably the opposite.

There are children that excel above the average; there are children that fall somewhat slower than the average. So when you look at the normal curve, it all depends what you call normal. I would argue that we do not have a huge block of children that all learn uniformly, and only 5 percent would deviate from that learning curve. Hardly, I would say it is over 60 percent of children that are either gifted—and it is not gifted in all subjects.

You may be gifted at a certain time in your life, in a certain subject area, and other times you may need

assistance in certain areas. Given the balanced budget legislation, it may seem that the government on the other side may need some more accounting courses, because there seem to be some flaws in their ability to balance the budget in their legislation that they claim is so wise. I would argue that they should perhaps go back to school because the numbers just do not add up.

On speaking to Bill 5, Madam Speaker, I would like to just take this opportunity to talk about the proposed advisory councils for school leadership, and basically we do not know what the councils are like in terms of legislation. What we are doing is allowing the minister to make regulation on councils. It is interesting that this component of the bill was dramatically changed during the election.

What we saw at that time previous to the election was the total exclusion of teachers from being voting members, a provision which in effect discriminated against teachers and educators. It is I guess to the benefit of all Manitobans that we did go into an election and we had those ideas challenged and indeed the government changed that provision. We do see the ability of educators to sit on the councils, and I think it was from the loud voice of this side of the House, it was the loud voice of educators and parents outlining how this was in fact detrimental to the process.

As I said earlier, I believe that advisory school councils are a good idea; in fact, I would say that your legislation does not go far enough. Many of the school councils are created with the commitment of the principal, and one of the things that the government's proposal makes is that the school councils must be initiated by 10 parents. For many communities this is a challenge in itself, and those members of this House that were school trustees or teachers or administrators know that it is sometimes a large challenge to get 10 parents together to initiate a school council. I would argue that the administration of the school has the ability to facilitate that type of organization and to ensure that it gets rolling along. So, I would ask the government to review that.

One of the things that we know is that every school—

**Madam Speaker:** Order, please.

### Point of Order

**Ms. Becky Barrett (Wellington):** I was wondering if you would please ask the members of the House to refrain from loud conversations while the member for St. James (Ms. Mihychuk) is putting her thoughts on the record.

**Madam Speaker:** The honourable member for Wellington does indeed have a point of order. I had requested previously that the honourable members please come to order.

\* \* \*

**Ms. Mihychuk:** Thank you, Madam Speaker. It is difficult to concentrate in this House when everyone is speaking, but I am trying. I am learning how to talk even though the other side does not appear to be listening. Fortunately, these words of wisdom will be in Hansard for them to read in the future.

I would just like to continue on school councils. It is true that this is an important aspect of this bill. This is a positive step. It is widely accepted and well documented that the more involvement that we have from parents and from caregivers, the better academically those children will do. That is exactly what we want to happen. The problem is, of course, that, again, in this model you are requiring the parents to initiate. The onus on them is to collectively bring together the school council, and for some communities that is a difficulty.

If you look at the Frontier School Division, for example, we have a model there which is very community based. Certain people are elected, and that is within the model. That is mandated so that the system itself says you must have a school council. That is a model I am familiar with. In the Winnipeg School Division, for example, each school is required to have a school council and the onus is placed on the administration of the school rather than on the parents. That is one area, I think, that we could look at in terms of improving the bill.

The challenge to make a community actively involved in education is a large one. If you work

within the education system, it is sometimes a new concept for our First Nations people, for others. They may have come out of a system that was very detrimental. They may have memories that were very negative, and for them to come into a school, for example, is a challenge. For them to become decision makers may not be within their realm of thought, because they do not know of the new environment in a school system now.

I think that when you are looking at establishing school councils, it is important to create an environment that is positive for everyone to participate in. That may mean not only in terms of being decision makers or providing advice, but also inviting those people to participate on a social level, on a volunteer level and then ultimately to come on the school council.

\* (2040)

I just want to bring to the attention of the House a letter written by the chair of the board of the Winnipeg School Division as of February '95. That member just happens to be standing before you in a different role, but this letter in particular, addressed to the Minister of Education, Clayton Manness, raised concerns of the south end advisory committee, a committee that represents 19 schools in the River Heights area. Those schools each send a representative to a district advisory council that makes direct recommendations to the board.

In this document, the concerns that they raised are discussing the school advisory committees, and if I could quote: The Winnipeg School Division has promoted the active involvement of parent councils at the school level for many years, and in 1988 a policy on community involvement and education was adopted by the board. It asked the minister to basically look at that as a model that perhaps could be incorporated in a larger vision.

It goes on to say that we, and that would be the south end advisory committee, believe that the existing school-based decision-making committee is in place and functioning to the satisfaction of the majority of parents in this school and should be allowed to continue. We believe that any requests from parents

for establishment of an advisory committee for school leadership under the act must be supported by the majority of parents attending the school.

Those concerns I wish to raise because one of the other provisions of the bill is that any 10 parents can come forward and basically null the existing school council, truly an injustice, because, as we know, you can get special interest groups, you can get a certain forum that may have a specific agenda, may not reflect the wishes of the majority of parents.

It is my understanding that if they go through what the minister calls her steps, they would in fact invalidate what was already an elected school council. This is a concern of the south end advisory committee in the Winnipeg School Division. It is a concern, I would argue, of the people of Manitoba.

I am sure that the government, in its wisdom, would not wish to have a system which would in fact disrupt and make governance of schools more of a handicap than make it a contribution on behalf of parents. This may be an area where the government would wish to amend the bill.

In addition, school councils are not something new. In fact, school councils have probably existed since schools were created. They are a vehicle of participation for the community, and we have seen them doing various things in the past, sometimes on a volunteer format, sometimes basically fundraising, other times providing support in the classrooms. It is, I would say, the vogue and the future trend to get community actually more involved in terms of meaningful decision making.

A recent mass survey last year of school divisions in Manitoba indicated that 80 to 85 percent of schools in Manitoba already have a form of school council, so the concept of school councils is hardly radical and one that, again, is basically, I would say, an election ploy to suggest that the Conservative government actually wants to hear from parents and the community when, I would argue, that the opposite is actually true.

(Mr. Marcel Laurendeau, Deputy Speaker, in the Chair)

You look at the rest of the bill which empowers the minister; she or he, whoever the minister will be—and that happens to rotate very frequently on that side of the House—will actually attain more powers than less so that the advisory councils can advise all they wish as the minister becomes more powerful and puts her influence into the local schools even more than in the past.

There are various models in existence already. Again, I would just like to describe a little bit of what happens in my home school division. We did pass a policy of facilitating the use of the school premises for the community, and that is one step of getting people into schools again. For many, many years, parents did have a role in the school council, but that was not the majority voice. Sometimes the way to get people into schools is providing access to the facilities there, the computer lab, the gymnasium, provide a room to allow for meetings.

Community use of schools is vitally important. As we see this becoming more and more common, schools are in fact becoming open for use from early in the morning, from pre-school programs that open at seven o'clock, breakfast programs, through the educational day and on into the evening with after-school programs and then offering a variety of programs in the evening, recreational and educational in focus, and I would say that is a very positive step indeed.

The other component, creating more community participation in schools is one of actual decision making and providing recommendations at a more meaningful level, and the Winnipeg school board did this by creating district advisory councils. Given that it is already, what I would say, a very large school division, with 35,000 students and almost 80 schools, it is a challenge to make community decision making meaningful in a system which is so big, another issue which government may wish to remember when they look at boundary change. Larger does not necessarily facilitate local community decision making. If, as their bill would wish to present that is their wish, I would ask that they reconsider or look at what boundary review, given the size of the divisions already, would do to that philosophy or goal.

These district advisory committees are made up of area representation and programming. They advise the board, and their recommendations come directly on the agenda of the local school board. They are required to deal with those recommendations. The consequences or the result of the board's deliberation is recorded for the public and that provides open accountability of wishes of the public, of the local schools, to the school board, a program which has meant access to the local government and has been well received by those that participate in that forum.

Finally, the other thing that the Winnipeg School Division did in terms of enhancing community participation is the creation of school-based, decision-making committees. Each school, as I previously said, is required to have a school-based, decision-making committee. The committees are composed of parents, students, teachers, the administration, nonteachers, the custodian and the clerical staff who are represented in a committee which jointly deliberates on a number of issues including the budget, the school priorities, discipline procedures and policies and staffing, as well as the use of the school and other initiatives that the school may wish to take on in the year upcoming.

This is a program which says to teachers and other staff members, you are important. You are an important part of my child's education. I want you at the table as an equal partner not excluded, not there sitting on the sidelines providing advice or just watching the procedures. In fact, staff members are voting members, are equal partners, and it is interesting in 1989-1990 when the program was developing the board went out to the community and listened to what the parents actually wanted in terms of decision making, whether they wanted it to be advisory, what areas of decision making did they wish to have.

What the result of those forums were was that most parents view their teacher and their school as a resource, as providing a good—and most would argue—an excellent, educational experience for their child. So what we heard from parents was that they wanted to include teachers as partners at the table, not to exclude them. We heard that from River Heights up to Kildonan and Seven Oaks. So across the city we heard parents speaking asking for participation with

teachers and with staff members. There is a certain wisdom that comes when you include nonteaching staff on a committee. It may be relevant to know some of the mechanical and other physical features of the school, and our custodians have a vital role in terms of the school. We look to making them equal partners, not excluding them from the process.

\* (2050)

In addition to local schools having an important part in enabling the community to have a meaningful role in our education system, I believe that trustees have an important role to play in this process.

One of the things that you will notice in this bill and you will notice in the blueprint is the virtual exclusion of trustees in the whole process. What it is doing in effect through regulation and in the proposed changes, is taking away local authority from duly elected representatives in a local government setting and putting it more into the hands of the minister. I would argue that although the school councils are a good idea, they do not have very many actual decision-making abilities. What they are is an advisory committee.

Again, I wish to just reiterate that some of the concerns I have with the school council model presently envisioned by the government, is that the signature of 10 parents can in effect void a legitimate school council. That is an important issue that must be dealt with by the government and by the bill. I am hoping that we will look at that during committee stage.

Number two, that it is required to be parent initiated. In fact, we may still have schools that do not have councils, and what we want to do is empower communities. I am suggesting it be a school-community responsibility, that the administrator can take the lead where needed to get a council going, and that the model we have seen so far is too structured. It does not allow for the local differences that are important.

In some communities you may wish to have a larger representation of business, you may wish to have more representation of staff members, and what we see in the regulation or in the proposed regulation is a very

structured formula. Ultimately, I think to add insult to the whole process is the provision of the minister to dissolve the council basically at whim. This is inappropriate, in my opinion, that the minister would deem a council to not be following within the mandate and therefore be dissolved.

These processes—and what we are creating is a local forum of government that hopefully will be duly elected. I would think it would be up to the mandate of that committee, and hopefully they will have a constitution and can call an annual meeting within the community, and then if for some reason there is the need to disband the board or whatever government structure that it be done at the local level, not by the minister but rather by the community. That is another area that I think deserves review.

This bill also allows the minister to regulate the duty of school principals. In fact, it will regulate and broaden their responsibilities. Having been in schools for several years, you will know that principals are extremely busy people, and given the cuts to the public education system by this Conservative government over the past seven years, what we have seen is more and more cuts to administrators.

What used to be often a team of a principal, vice-principal, we are seeing fewer and fewer of. What that means is there is more administrative work for the principal to do. The expansion of responsibilities of school principals will add an additional burden to an already burdened person within the school system.

You can see those changes already. Recently, actually this morning I visited our local school, Isaac Brock School, in the west end of the city, and found that one of the complaints that the teachers and the vice-principal were talking about was the additional paperwork already required, and I do not think that is something that this government is proposing to do.

This government purports to look for less administration, not more administration, so again, I would ask the government to review what they are doing in terms of the bill and look at the responsibilities. This has been a role of local school boards. Again, why is the Minister of Education

looking at becoming more directly involved with local schools, eroding the authority of local school boards?

In terms of the suspension component of this bill, I would say, this is truly the piece that is the weakest. What we saw previously was the concept that the teacher would suspend from the school, a ridiculous idea. We heard that from everyone. The idea that a teacher would suspend from the classroom, from the school, would lead not only to inconsistent discipline policy but would end up with the teacher meeting with the parents, dealing with all the conflict and spending more time doing the administrative work, not doing the teaching.

So I am glad to see that the government has changed its mind on that and is actually looking at what is really in effect right now. What this bill does is basically confirm what happens already. Teachers have the right to suspend from the classroom for the most part, and principals and superintendents suspend from the school.

One of the things that this government has not done is taken a proactive measure in terms of discipline issues. This, again, is an issue which has been overlooked.

I thank you for the time, for this opportunity for talking to the bill, Mr. Deputy Speaker, and look forward to speaking to Bill 6.

**Ms. Barrett:** Mr. Deputy Speaker, it is my privilege to speak tonight to Bill 5. Many of my caucus colleagues have spoken about the specifics of this piece of legislation. I would like to talk tonight more about a couple of areas of general concern that I have with this piece of legislation. I would like to put in a little context.

One thing that has been mentioned in the past in discussion of Bill 5 and in other discussions is the fact that we are now, just after seven years of the current government being in power, on our fourth Minister of Education, and I think this is reflected in the confusion and the disturbance and the distrust that many people in the province of Manitoba both within and without the school system feel for this government.

Mr. Deputy Speaker, the Department of Education, along with the Department of Health and the Department of Family Services, have the three largest budgets in the province of Manitoba, in the government of Manitoba, and they have, arguably, the most difficult and complex issues facing any government in Manitoba or anywhere else in the country. We are now on our fourth Education minister. In contrast, we have had two Health ministers and two ministers of Family Services.

\* (2100)

Now, I do not know what this says about the role of education and the importance that education plays in this government, but I would suggest to you that the issues facing the Department of Health and the Department of Family Services are not less important, are not less complex than the issues facing the Ministry of Education. Why is it that the government has been able to have only two ministers of Family Services and two ministers of Health but four ministers of Education? I would suggest that it is because, in all honesty, this government does not put as much emphasis on the needs of the education system in this province as they should, and it is shown in this Bill 5, along with many of the other cuts that have taken place in the education system since this government took power just over seven years ago.

One problem with having so many ministers of Education is that there is an enormous learning curve that must take place. As everyone in this House knows, who has been either a minister or a critic, when you get a new ministerial portfolio or a new critic area, it is very difficult at the beginning. You have to learn the specifics. You have to learn the players. You have to learn the processes, the issues. There is, as I stated, a learning curve, and I think we in the province of Manitoba have been ill served by this current government in its rotation, very quick rotation, of ministers of Education.

Another thing, Mr. Deputy Speaker, is, each minister brings to their portfolio a certain vision, a certain framework of ideas that is their vision, and I think that has also been shown throughout the seven years that this government has been in power in the very different

views that have been shown by the various ministers of Education. I think this is a concern because, throughout Bill 5, in the three major areas that Bill 5 discusses, the issue of school suspension, the issue of school advisory councils and the issue of the role of the principal, most of what takes place, most of the activity, most of the action in Bill 5 comes through regulation. This is a major concern for us on this side of the House, and it speaks for several important reasons.

I would like to speak, Mr. Deputy Speaker, most about the issue of school suspensions and the school advisory councils, and the areas that I would like to talk about, the questions that we have, the concerns that we have about those areas, are the role of regulation in Bill 5, the concept of accountability. Who is accountable to whom in Bill 5 as a result of Bill 5?

Another area that I do not think has been spoken about, perhaps, enough, as much as it should have been, and that is the whole area of appeal, the appeal process that is seen in Bill 5.

There is a real disturbing trend toward government by ministerial fiat, and that is shown very clearly I believe in Bill 5, because it relies so heavily on ministerial regulation. There is no real public input, no real ability of the public, either as members of the Legislature representing the public or the public at large, to have an input into the regulation process. Bill 5 allows for the regulation process to take over from public input. That is a concern in any piece of legislation, but it most particularly is a concern in the area of education because we have had such a rotation of ministers with their varying perspectives and visions for the province of Manitoba in the education system in Manitoba or lack of a coherent vision.

If you are dealing with important issues such as school suspension, roles of the principal and school advisory councils and the implementation procedures are all through regulation, that does not allow for enough public input. As I stated, it is a much more centralized kind of process than this government usually talks about. This government usually talks about the need for decentralization, for local control, for bringing things down to the community level, for

volunteers, for community responsibility. Those are issues and visions that this government has talked about throughout its seven-plus years, and they talk the talk but they don't walk the walk. In particular, Bill 5, epitomizes that phrase.

The whole area of regulations, the role of regulation in the whole issue of school suspension, the minister now in Bill 5 by regulation, not with public consultation, not with public input but by regulation which is not seen by the public at all, provides for all circumstances under which pupils may be suspended. The periods of suspension that may be imposed and for any other matter relating to suspensions, this is an enormous degree of power to give to the Minister of Education through regulation.

What this says to me, Mr. Deputy Speaker, is that this government is dictating in a very important area what will be the process and the guidelines and the rules for suspension for every child, every teacher, every principal, every school, every school division in the province. There is no more local control when it comes to suspension.

Now, in a homogeneous society that might not be a problem. In a society where everyone came from the same background and was from the same socioeconomic strata, where everyone went to the same church, where everyone went to the same service club, where everyone went to the same community centre, where everyone played the same games, maybe that is not a problem. But we, Mr. Deputy Speaker, in the province of Manitoba live in a the most cosmopolitan province, community in North America, I would argue, and I mean by cosmopolitan that we have people from over 100 countries living in this province today.

Mr. Deputy Speaker, it is essential in the school system, which we have said before is the one public area where virtually all children connect and come together, this is the one system where we have an opportunity to interact with the next generation. It is essential that each, as locally as possible, ideally at the school level, but most assuredly no higher than the school division level, local control and local values and local standards must apply. Now, this cannot happen when the minister by regulation will determine the

ground rules and the framework under which suspensions will take place.

(Madam Speaker in the Chair)

\* (2110)

Suspensions, in our current context, and we were discussing this earlier in private members' hour, dealing with youth violence and the problems around violence in the schools, connects very closely with the whole issue of suspension and, again, to my way of thinking, it goes back to the principle of local control. What are the local community mores? What are the local community values? What may be a suspendible activity in one school might be a nonsuspendible activity seen in another school if you took the local situation into account. It is incomprehensible to me, Madam Speaker, that a minister of this government would take onto herself, in this case, that kind of power.

One must ask themselves, I certainly have to ask myself, to what end? Why does the minister feel it is so important that she should by regulation be able to determine the context within which any student is suspended from school? I do not understand, Madam Speaker, given the stated values of this government over its seven years of local control of volunteers of the importance of community, why they are bringing forth this legislation that gives the minister this kind of power.

The Minister of Family Services has talked in the House regularly about the need for families to take responsibility, the need for families and communities to work together, and here the Minister of Education is turning that very valid principle on its head. To what end? I do not understand, and this is a legitimate question, it is not a rhetorical question, the rationale behind this provision of Bill 5, and I look forward to discussion in committee hearings and perhaps the minister herself will be able to enlighten me as to the thinking behind this provision when she speaks to this piece of legislation.

This suspension regulation not only does not take into account or allow for local differences, but it also

takes away again autonomy and control and authority of school boards.

Maybe I have just begun to answer my own question. This government does not much care for school boards. This government has had some pretty interesting dealings with school boards over its term of office and, perhaps, and I look forward to the minister's comments on this, just perhaps this regulation, this element of Bill 5 is designed to take away some of the local autonomy of those pesky school boards who persist in making representation publicly in opposition to some of the decisions that have been made by this government.

Now, granted, suspension is not necessarily the largest role that a school board plays, but it is a very symbolic one, and I think it is very symbolic that this government is taking away that kind of local control.

Another problem here is, we do not know or I certainly do not know what those criteria for suspension are going to be, and we probably will not know until the actual dictate comes from on high from the minister down to the school boards, to the schools, to the principals.

What are the criteria for suspension? There are criteria for suspension already in place in every single school in this province. Are those local criteria going to be addressed? Are they going to be honoured? Certainly, they cannot possibly all be honoured because, I am sure, they are different throughout the province. So which criteria is this minister going to pick and choose? Is she going to pick and choose criteria that provide for flexibility? I do not think so. It certainly does not sound to me like that is the case. It sounds to me like this minister is interested in taking control over the whole issue of suspension.

Well, I think it is important that we do not know. We are discussing this bill, and we do not know what the implications are going to be for schools and parents and teachers and students, because it is all going to be done by regulation. That is the problem with regulations. There is a role for regulations.

Let us have a discussion about regulations. In the context that we are faced, in the context of regulations

to an act, to a statute is a very different situation than discussing regulated activities. What we are saying here is that the minister is taking unto herself and the government is taking unto itself enormous amounts of power in complete contradiction to much of what they have said over the years, which is, get government out of our hair, get government out of our faces—less government.

Well, perhaps, Madam Speaker, what they really mean is less government for big business, less government regulation for environmental polluters, less government regulation for employers who have large Workers Compensation cases. Let us not regulate that kind of the part of our society, but, oh, boy, let us take on those school boards. Let us make sure that there is only one kind of suspension for students across the province—the slippery slope.

There is a role for regulation in our society, because bills are supposed to be principles and policy, and the regulations are designed to implement that principle and that policy. I ask you, the members of this government and, most particularly, the Minister of Education (Mrs. McIntosh), what are the principles that are espoused in Bill 5 that are going to be implemented by regulation? I would suggest to you that in this particular situation the important part of Bill 5 is what appears in the regulation.

We are not debating the principles here; the principles are very, very small here. The regulations are the be-all and end-all in this particular piece of legislation, and I would suggest to you that that is not the role of regulations, that the minister is taking unto herself powers that should not be hers to undertake.

Another question on the whole issue of suspensions goes to the next area of concern, which is the role of school advisory councils. According to my understanding of Bill 5, there does not appear to be any role for the school advisory councils in this whole issue of suspensions. Again, what will the school advisory councils be allowed to do? The minister, here again, has an enormous amount of control; the minister can say, this is an advisory council, this is a legitimate advisory council, this is not a legitimate advisory council. Again, we do not know in the House tonight



what will constitute a school advisory council. All we know is that the minister has the power now to dictate to all 54, currently 54, school divisions in this province. However many schools there are, there shall be a school advisory council and it shall be made up of, and these are the roles that that school advisory council shall undertake.

Just as we have concerns about the role of suspension being taken over by the minister, we have many serious concerns about the fact that the school advisory council is being controlled by the minister. It is being controlled by the minister, and we do not know how. As the member for St. James (Ms. Mihychuk) stated in her speech earlier this evening, over 80 percent of the schools in the province of Manitoba already have school advisory councils—over 80 percent—so one could possibly say that this is a meaningless exercise putting this bit into Bill 5, dealing with school advisory councils.

I do not happen to think it is a meaningless exercise; I think it is a very important thing that is happening here. Just as it happened with the suspension concept, here we are, the minister is saying, on the one hand, we are in favour of school advisory councils; they are an important part of the school system and the public ability to participate. That is all well and good; nobody disagrees with that. But what we are disagreeing with is the fact that the minister is taking unto herself the power and the responsibility and the authority to appoint—

**An Honourable Member:** That is called representative government.

**Ms. Barrett:** No, Madam Speaker, I would love to be able to get into a discussion about the definition of representative government with the member for Lakeside (Mr. Enns), but I will put it off till another time.

Madam Speaker, our position is, this is not a legitimate role for the government. A legitimate role for government is to say, yes, school advisory governments are an important concept, something that every school should have, but to dictate what those school advisory councils will look like is interference

in the local determination that we feel is very important. We feel that it is essential that, again, just as there should be local input into what constitutes a suspendable action to reflect the local community, the school advisory councils must be able to reflect the local community. They must be able to reflect the local school.

\* (2120)

There are some schools in this province that are very small. There are some school divisions that are very small. That may change in the next period of time if the School Boundaries Review is implemented. But, even so, the issues that face parents and teachers and nonteaching school board employees, students and the community in Boissevain, I would argue, are not exactly or, in many cases, may not be at all similar to the issues that face the community, the parents, the teachers, the nonteaching school employees and the community that deals with R.B. Russell. They are in enormously different kinds of communities, but, if the minister has the power to establish and say what a school advisory council must look like, then there is no way—that is making the concept of school advisory council not flexible but inflexible.

Again, what the temptation is to have happen is that the vision of the Minister of Education (Mrs. McIntosh), the vision, the ideology and the value system of the government of the day, to take control over something that should be locally controlled. There is no need to have a centrally dictated school advisory council formula, and there is a major need to have a local control of a school advisory council.

If you are going to go to regional health boards, it seems to me that that is a concept that takes into account and reflects a value system or a principle of regional authority, more local control, less hierarchical and centralized control. If it is a good way to go for the health care system, health care provision, if we are talking about trying to take the top heaviness out of our systems, then, if it works for the health care system, why does it not work for the school system? The schools, Madam Speaker, again, are the one public institution that we all go through and can relate to. Some of us have very little contact, thank goodness,

with the health care system; some of us have an enormous amount of contact with the health care system. Some of us have no contact with the social insurance or social service system. There are many people in this province who luckily will never have to deal with or connect with any of the members of the staff of the Minister of Family Services.

There is not a single ministry in this government that reflects upon the people of Manitoba, every person in the province of Manitoba, more than or anywhere near I would suggest, as much as the Ministry of Health, of Education. This is the linchpin that holds us all together. We all go through the education system, and the vast majority of us go through the public education system. It has to be reflective of the local area. There has to be local autonomy to the extent that there is possible.

Why would there even be a school advisory council in each school if its boundaries are determined by the Minister of Education? What is the purpose? What is the purpose if who can be on this school advisory council is predetermined? I do not see any purpose to having put into legislation the requirement to have a school advisory council if there is not local autonomy in determining how that advisory council is struck and what that advisory council will look at.

Another question in the concept of the advisory councils that we do not know about—and again this is very disturbing that we do not know about it—is who is going to select the advisory councils?

**An Honourable Member:** People.

**Ms. Barrett:** The member says people will select the advisory councils. What people? Everybody over the age of 18? Everybody who lives in the catchment area for the school? Parents only? How will you determine the voters list? Do you have to be a citizen of Canada to be able to vote for a school advisory council person?

I would like to ask the minister, and these are questions that have not been addressed by the minister and will not be addressed by the minister because this is part of the regulations and not the bill. Another problem that we do know in the advisory council setup

is that nonteaching staff will not be eligible to participate in the school advisory council. As the member for St. James (Ms. Mihychuk) has pointed out, nonteaching staff can have a very vital viewpoint to bring to a school advisory council.

The member for St. James talked about maintenance staff. I would suggest too that school office staff, library staff, often have more contact with a wider range of the students and perhaps parents than many teachers and certainly the administration might have. So why are they not allowed to participate when they could play a very important role? There may be schools where this is not deemed to be necessary.

My understanding is that the teaching staff can only be represented in a nonvoting capacity if they are on the school advisory council in the school in which they are teaching. I assume, and I am making an assumption here, that this is to prevent the staff from taking over or having too much of an impact and an influence in the deliberations of the school advisory council. But I would suggest, Madam Speaker, that again is a decision that is best left to the school and the local community itself, rather than being dictated to by the minister.

The fact that these are regulations are of concern. I think we have seen, just in the difference between Bill 3 of the last session and Bill 5 of this session, a couple of areas where there have been changes that have taken place, legitimate changes, I think, and changes that the government must take credit for and I will give them credit for making. They were changes that took place as a result of public input, changes that dealt with teachers being allowed to suspend from the classroom and from the school. The community spoke out and the minister heard, and that change has taken place now.

Before—again on the school advisory councils—no teachers or parents who worked for the school division could be on the school advisory council. That has now been marginally changed to allow for school employees to be seen as parents if they have children in the school. That again was a change that came about as a result of public input. I would argue again that Bill 5 takes away the ability of the public at large to have an input to understand, to know, what is going to happen with

these important elements before they take place. So where is the check and balance on what appears to me to be almost an unfettered authority on the part of the Minister of Education (Mrs. McIntosh) in these very important areas?

\* (2130)

The ability as well, Madam Speaker—and this I think again goes to the heart of local autonomy and local control. If you give a community the right to elect a school advisory council which this bill does—again we have questions about what is a definition of the community—but if you give the community the right to elect that school advisory council, then why should the minister have the authority to dissolve a council? I do not understand how the minister can take that responsibility, that authority, unto herself. What is the rationale behind this element of Bill 5? How does this make for better school advisory councils, more flexible school advisory councils, more responsive school advisory councils?

I would suggest that it does not. It will create school advisory councils that are more timid than they should be, that are always looking over their shoulders at what the provincial government of the day is saying, what the current Minister of Education is saying. Instead of being able to deal with their local situation in a locally effective way, their continued existence is at the whim of the Minister of Education. Until we know what it means—and in the legislation it says that the minister can dissolve councils which are, and I quote, not functioning in keeping with the mandate of the advisory councils for school leadership as defined by the province.

Well, Madam Speaker, why does the government want this kind of authority? To what end are they coming into the schoolrooms of the province? It occurs to me that an earlier prime minister in the country, Mr. Trudeau, talked about the need—and I am sure members opposite would agree with this—for the government to get out of the nation's bedroom. Well, I would suggest that the same process should be undertaken here.

The Minister of Education and the provincial government have no business being able to disband a

duly constituted and duly elected school advisory council, and I do not understand why the minister feels it is essential for her to have that kind of power. I hope that the minister will be able to answer these questions that are being put on the record by myself, by others of my colleagues, and I am sure will be put on the record during the legislative hearing process.

Finally, another area that is a major concern in both of these situations is the whole issue of appeal. Now there is an appeal process both from the school suspension and from the school advisory councils. I think there is an appeal process. Is there an appeal process? What appeal does an advisory council have if the minister decides to dissolve an advisory council? Is there any avenue of appeal, or does the minister have complete control over the life and death of a school advisory council? If the minister has control, if there is no appeal from the decision of the minister—and I cannot imagine what appeal there would be from a decision of the minister other than to go to the Premier—if there is no appeal, this is an unbelievably broad power that the minister is taking onto herself and a power that should not be there.

Madam Speaker, I am repeating myself in making these points because I feel it is important. These go to the heart of representative democracy, to my way of thinking, and I think that Bill 5, far from being merely a housekeeping piece of legislation, is a very, very potentially disturbing piece of legislation. It could lead to enormous difficulties.

Again, in the appeal process for suspension, where is an appeal from a suspension to go? There is a lack of guidelines for an appeal from students and their families. Where will an appeal be directed? Will it be directed to the minister or to the school board? Would they be heard by a committee of parents or by a committee of deputy ministers? Is there any appeal from a minister's decision?

Again, these kinds of issues, these kinds of questions, No. 1, are not answered in the legislation and, No. 2, should not even be questions that we would have to deal with. The minister should not have the authority to be the court of last resort on an appeal from a suspension. We do not know.

Madam Speaker, I would like to conclude my remarks by stating again that this piece of legislation, while very innocuous on the surface is not in its implications innocuous at all. I feel that this piece of legislation has the potential for being a very damaging bill to the rights of parents, to the rights of schools, to the rights of students, to the rights of school boards.

It flies in the face of local representation. It flies in the face of decentralization. It flies in the face of democracy, Madam Speaker, and instead it gives the Minister of Education (Mrs. McIntosh) unwarranted and uncalled for powers and powers that we do not know the extent of. We cannot know to what extent these powers will be put forward because they are going to be outlined only in regulation.

There is no opportunity for public debate. There is no opportunity for public input, either by members of this Legislature or by the members of the public at large when you are dealing with regulations. We have to have the authority and the ability to talk and to understand what is happening in our school system, and this bill takes away some basic rights that should be entrenched in our schools.

We talk about individual rights and community rights. We talk about the need for flexibility, and we talk about the need for an understanding of the differences between various communities in our province. This piece of legislation puts all of that aside and allows one government member, it allows one particular individual to establish the terms of references for the entire province in several very important areas.

Madam Speaker, I would suggest to you that this is a sad day for the democratic process in our province, and I would hope very seriously that the minister will consider reworking this piece of legislation, so that it allows for democracy in its fullest extent to flower, rather than being poisoned. Thank you.

#### Introduction of Guests

**Madam Speaker:** Order, please. I would like to draw the attention of all honourable members to three parliamentarians from Newfoundland who are visiting with us this evening.

In the loge to my right is Mr. Tom Lush, the member for Bonavista North, and in the gallery is Mr. Rick Woodford, member for Humber Valley, and Doug Oldford, member for Trinity North.

On behalf of all honourable members, I welcome you this evening.

\* \* \*

**Mr. Conrad Santos (Broadway):** Madam Speaker, every institution and other subunits of society in a broader context are but subsystems of the total society. That means that whatever values we share in society at large, there is a particular version of that value as conditioned by the local community. So there is always this paradox of centralization and decentralization of institution, and it is the task of people who are placed in positions of authority to govern to make that proper balance.

\*(2140)

Sometimes it is very paradoxical, because you sometimes confuse the notion of authority with the notion of power. A person can be placed in a position of authority and yet the events that will transpire in the interaction may be a matter of negotiation between all the parties interested, the stakeholders.

On the other hand, a person may think that he has the fiat, the mandate, the ultimate right to impose his will upon the will of the other participants in the process.

We should recognize that authority is always limited. It is always limited by the purpose for which the authority is given, and whenever that limit is exceeded and the one who exercised authority thinks that he is in possession of power to impose his will over another, then that is the beginning of arbitrariness and the beginning of human suffering.

Madam Speaker, let us look at the question of liability for misconduct within the public premises of a school system or a school division. If I may ask the question, who should be held liable for the damages that are caused by some problem students? Should we hold the school liable? Should we hold the teacher

liable? Should we hold the parents liable? Should we hold the student liable? Who is to be held responsible? It is a very difficult issue because, if the wrongdoer can escape liability and there is no accounting for one's conduct and one's behaviour, then that is the beginning of the disintegration of our order in our society.

If you will accept some fresh ideas, I would like to think that even minors who have conducted some delinquent behaviour and have caused some damage in terms of property damage or financial damage, like the student who burned one of the schools in St. Vital, should he escape liability just because he is a minor? How old is he?

**An Honourable Member:** Twenty.

**Mr. Santos:** Twenty years old.

**An Honourable Member:** He is not a minor.

**Mr. Santos:** Well, what if he is destitute, what if he has no money, what will you do? To my way of thinking, every individual should have a record such that all the malicious conduct that he had done in his life should be recorded there. Whether or not he is able to pay it now or not is a matter of time.

Students who have no property—[interjection] These are my ideas, these are mine. Students who have no property to pay, let us say the guy who shoots pellets in cars, he destroys a hundred cars and it is established beyond reasonable doubt that is his doing, how shall we deal with this fellow who is, let us say, 16 years old or 14 years old? Under the present legislation, the Young Offenders Act, you cannot do anything. He escapes unscathed and that only encourages him to do more things that he could not be held responsible or accountable for.

What if we have recorded in his, let us say, computer number so much damage, like this fellow who destroyed a school. It costs several millions. I would say that if the parents are able and they have property and they have possessions, I would like to hold the parents accountable. Why? Because it is their negligence in upbringing the child. It seems to me they have contributed to the delinquency of the child. If the

parents are not able to do so, of course, it is no point squeezing water from a stone. You cannot get anything from one who is destitute, but then the liability will stay. It will be like a lien. It is a charge which cannot be abolished, like a student loan that you have not paid when you are a student, they will haunt you in your adult days.

The same thing with delinquent children. Partly this is the fault of the lack of discipline in our system, and they were encouraged and they were hardened. If you put them in the detention centre, they meet other hardened people there and they become all the more problem children. It is a fact that incarceration cannot reform, it rather hardens the person. This is just an observation. It seems to me that liability should not be extinguished, it should be there. It will haunt him so that when he has started earning money, when he started making his living, when he started finding a job he should be able to pay a portion, if not all, of the damage that he has cost the rest of society.

It may seem that this is harsh, but where is justice if people can get away with things like that and not be held accountable? So if they have no assets, of course, you cannot do anything, but when he started earning, when he started using the workplace, when he started making money and piling up money, then he should be held accountable for the damage that he has caused when he was a juvenile, when he was a delinquent.

Every debt to society has to be repaid, but the question is, who is going to exercise this authority? Is it the Minister of Education (Mrs. McIntosh)? We recognize, in other civilized nations, what is known as *parens patriae*. That is the authority of the parents over their minor children.

While they are living in their home, the parents exercise parental authority over the children, but, when they become of school age and they have transferred the *locos* of the exercise of that parental authority, the teacher, to my mind, exercises substitute parental authority.

That is why, when I was a kid, I remember, in the grade school, I had to put my hands up and I waited for the ruler to strike because I have done certain things.

Will this destroy my health because I had a ruler hit in my hand? But nowadays, even their own parents cannot touch their own kids because they will be advised by the school councillor, if any of your parents should touch you, you call the police and report child abuse. What kind of system is that? When you have exercised authority in your own home, you cannot even do anything with your own kids. You cannot even touch him. No, no.

Is it the fault of the parent? Not necessarily—because of the imperatives of making a living, both the father and the mother are all the time away. Maybe they have some job at night. During the day, not one of them is available to tell the kids what is right and what is wrong, and they entrust them to some babysitter who neglects the kids, who has no interest whatsoever in the welfare of the child. This is the kind of society that I notice in this so-called civilized, industrialized country. Neglect of the upbringing of the child.

\* (2150)

I remember the sayings of Solomon. He said: My son, forget not the instruction of your father, forget not the teaching of your mother. Wear them as garlands in your head, as necklace in your neck. Those are the teachings of your father, of your mother, and, if you remember all these things, as you grow up into society, you will behave like a responsible human being.

But, if you are neglected, you are going home for lunch and there is no one there, you stay in the school, and there is no lunch program. You are hungry in the morning. You sit there in the school with your stomach churning. What kind of a society is this, you will say, when you are a kid? Then you become a rebellious youth. You are now against all authority. You are now against all order, and you become a scourge and a problem in our society. But that is not exactly the fault of the child either. It is the fault of the system.

Now, the teachers are hired to teach. They are hired to teach, and the principals are administrators who are hired to administer the school. Some of the principals may be teachers, too, and they are promoted because they may have been good teachers. The trouble with this kind of system is that, when you become an

excellent teacher and in your teaching you become so good, you are taken away from the function and you are turned into an administrator for which you are not well prepared. So there is a double loss. You lose a good teacher and you gain a poor administrator. [interjection]

The answer is that if you are a good teacher and you are excellent at teaching, you stay as a teacher, but you have your increment, your bonuses, your reward for excellent teaching.

**An Honourable Member:** How do you get good principals?

**Mr. Santos:** Good principals must be people who have been trained in administration like the hospital administrator. The hospital administrator need not be a doctor, but if he can understand the workings of organization, the workings of methods and procedures and all the rules of co-ordination and human relations and all the sciences of running an outfit—it is like teamwork—then you will be a good administrator.

**An Honourable Member:** So he should not be a teacher, right?

**Mr. Santos:** I am not saying that teachers should not become principals. All I am saying is that there are some gifted people who have a knack for administering things who are not teachers necessarily, the same thing as hospital administrators who are not doctors. They can administer huge hospitals and health centres, and yet they are not medical people.

**An Honourable Member:** So you do not think principals should be part of the Manitoba Teachers' Society? Is that what you are saying?

**Mr. Santos:** What I am saying is that even in this Legislature there should be some kind of training before you can qualify to become a legislator.

**An Honourable Member:** I agree with that.

**Some Honourable Members:** Oh, oh.

**Mr. Santos:** Oh, I am sorry. I am sorry.

**Madam Speaker:** Order, please.

**An Honourable Member:** You want them all to be academics. Right, Conrad?

**Mr. Santos:** No, no. An academic is someone who understands things but cannot do them.

Let us talk about the school advisory council. The school advisory council, as the term implies, is supposed to come up with advice. They will be the people who will provide input to the administrator, for the teacher, to those who are running the school, to the trustees. The trustees are the elected people. They make policies. They make rules.

They make frameworks of action and programs for the school, and these are to be implemented by the career people there—the superintendent, the principal—but the teacher as such, like in a hospital, is like a medical doctor who has his own specialty. He is in the teaching of students, of kids, and bringing them up and trying to understand wisdom and knowledge and learning and how to make a living in a more complex society that they are now living.

So, like the medical doctor, he understands all the workings of medicine and he works within the framework of policies formulated by the hospital administrator. The same thing with the teacher. He works within the framework of policies laid down by the school board, and they are implemented and actually carried out by the school principal and the superintendents. But the problem with the school council is that there is this risk that a special interest group may dominate that particular school council. Usually, the more learned people, the ones who have breadth of understanding, they are the ones that are most affected in this kind of body.

Should the minister have the unilateral and arbitrary power to abolish and create council? We should never forget what Lord Acton said a long time ago: Power corrupts, absolute power corrupts absolutely. That is why I want you to understand the distinction between power and authority.

When the Lord was preaching, there was a centurion who came to him and said, Lord, I have a servant who is sick in bed. He is sick with palsy, and he is suffering. Could you come and heal him? The Lord said, yes, I will; I will come. But then the centurion said, I am not worthy that you should come under my roof. Just say and speak the word only, and my servant shall be healed, because I am a man placed under authority, having soldiers under me. I say to one, go, and he goeth; I say to another, come, and he cometh; I say to my servant, do this, and he does it. That is authority.

But the person in authority should be held accountable. He should be held accountable for what he does because he has exercised that time of discretion, the choice that is always confronting an administrator. You can make a choice. Should I go left? Should I go right? Should I go forward? Should I go backward? There is always a choice.

But a person, to be a good administrator, must be a person who is informed of all the parts before he or she makes the choice, because every decision is predicated upon what they call value, value premise, your way of thinking, the way you view the world, the way you appreciate certain values as important over other values. That is the value premise.

In addition, you have to dig up the information, the facts, the reactions of people, the grumblings that you can hear around you. Then you should be able to consolidate both this valued premise and the factual premise, and then you make a choice. When you do make a choice, you do it in exercise of your authority with a willingness to explain, with a willingness to answer, with a willingness to explain to anyone who will question how you make that choice.

**Madam Speaker:** Order, please. When this matter is again before the House, the honourable member for Broadway will have 19 minutes remaining.

The hour being 10 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, September 25, 1995

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