



**Fourth Session — Thirty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**STANDING COMMITTEE**  
on  
**PRIVILEGES AND ELECTIONS**

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29 Elizabeth II

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authority of  
The Honourable Harry E. Graham  
Speaker*



**10:00 a.m., TUESDAY, FEBRUARY 12, 1980**

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**  
**Tuesday, February 12, 1980**

**Time: 10:00 a.m.**

**CHAIRMAN: Mr. J. Wally McKenzie (Roblin).**

**MR. CHAIRMAN:**

The Committee will come to order. The first thing that I request that the Committee deal with, I have before me here a note to the Chairman of the Committee of Privileges and Elections and to the Clerk of the Legislative Assembly: "I, Ben Hanuschak, MLA for Burrows, tender my resignation from the above-named Committee, effective forthwith". So how do we deal with that?

Mr. Walding.

**MR. D. JAMES WALDING (St. Vital):**

Mr. Chairman, I move the Committee accept the resignation and nominate Mr. Schroeder to fill the vacant position.

**MR. CHAIRMAN:**

Any discussion? (Agreed)

I have before me, I guess, members of the Committee have a copy of the Draft Report, The Standing Committee on Privileges and Elections, which we requested, the Minister's staff I guess, to prepare for us and I'll read it into the record:

"Your Committee met on Monday, October 22, 1979, and elected Mr. McKenzie as Chairman. The quorum for all future meetings was agreed upon as six members.

The resignation of Mr. Jenkins, because of illness, was accepted and he was replaced by Mr. Boyce. At the conclusion of the first day of hearings, Mr. Domino tendered his resignation as a member of the Committee and he was replaced by Mr. Anderson.

A request was received that the Committee travel to The Pas to hear the submissions of several organizations. However, since the resolution referring the subject matter of the two Bills to the Committee did not contain specific authority for the Committee to conduct hearings outside of Winnipeg, it was deemed improper for the Committee to hold such hearings. Your Committee recommends that in future, the authority to hold such public hearings as is considered necessary be given to the Committee.

Your Committee agreed that the sittings of the Committee would be held from 10:00 a.m. to 12:30 p.m.; 2:00 p.m. to 5:30 p.m.; and 8:00 p.m. to 10:00 p.m. It was agreed that where a brief was commenced prior to 10:00 p.m., it would be permitted to continue to its conclusion even though the deadline of 10:00 p.m. was exceeded.

Your Committee heard briefs from the following individuals and organizations on Bill No. 22, The Public Schools Act, and Bill No. 23, The Education Administration Act, on dates as shown:

October 22, 1979

Canadian Association for the Mentally Retarded -

Dr. John Curran

Dale Kendall

The Manitoba Association of School Business Officials Inc. -

D. Cornell

Winnipeg School Division No. 1 - Mrs. M. Spivak

Special Education Administrators Association of Manitoba -

J. Fradette

Manitoba League of the Physically Handicapped -

Mrs. Paula Simpson

Henry Enns

La Societe Franco-Manitobaine - Maurice Arpin, Q.C.

Manitoba Federation of Independent Schools Inc. - J.C. Stangl

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Manitoba Catholic Schools Trustees Associations -  
Mrs. Patricia Soenen  
Collegiate Division, University of Winnipeg - Alan Judd

October 23, 1979

Manitoba Association of School Trustees -

N. G. Harvey  
Allen Rouse  
Mrs. Louise Lamb  
Roy White  
Ray Whiteway

Transcona-Springfield School Division No. 12 -

John Quail  
George E. Marshall

Manitoba Teachers' Society -

Marilyn Thompson  
John Enns  
Wally Pindera  
Kris Breckman  
Julien Levesque

Winnipeg Teachers' Association of Manitoba Teachers' Society -

T. Clifford

The Society for Crippled Children and Adults -

Dr. Arthur Majury  
Archie Carmichael  
Ernie Masiowski  
Mike Owen

Manitoba Association of Student Councils -

Deanne Schultz  
Stefan Deprez  
Michael Miller

October 24, 1979

Social Planning Council of Winnipeg -

Tim Sale  
Roy Warman

Manitoba Association for Children with Learning Disabilities -

Mrs. Cornelia Johnson  
Heather Grant

Manitoba Association of School Superintendents - Gordon Newton

Manitoba Association for Rights and Liberties -

Garth Erickson  
Abe Arnold  
Walter Hlady

Fort Garry School Division No. 5 - R. I. Scarth

River East Teachers' Association - Derwyn Davies

Mrs. Marlene Buffie - Private Citizen

Concerned Parents of Winnipeg -

B. Plishke  
Mrs. J. Konyk  
Mrs. Jeanne Plishke

Manitoba Association for Schooling at Home - Ms. Mary C. Figurel

October 25, 1979

St. Boniface School Division No. 4 -

Mrs. Lucille Huot  
Mrs. J. Barker  
P. Martel  
R. Millier

Manitoba Federation of the Visually Handicapped - Magnus Eliason

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Federation Provinciale des Comites de Parents -  
Roger Dubois  
P. Laurencelle  
Child Guidance Clinic of Greater Winnipeg, Advisory Council -  
J. Simpson  
Dr. H. Curtis  
David L. Jenkins - Private Citizen  
Commissaires d'Ecoles Franco-Manitobaine - Alfred Laurencelle  
Manitoba Branch, Canadian Parents for French - David Osborne  
Conseil Jeunesse Provincial - Guy Smith  
Jim Garwood, Trustee, St. Boniface School Division No. 4  
Ken Karlenzig - Private Citizen  
Mrs. Evelyne Reese - Private Citizen  
Phil Trottier - Private Citizen

October 26, 1979

People's Education Policy, Manitoba Incorporated -  
Mrs. Loretta Riedner  
Ken Alyluia  
Renaissance Manitoba - Terry Lewis  
Bill Riedner - Private Citizen  
Mrs. M. Andrieshyn

October 29, 1979

Mr. and Mrs. Robert Toews, Virden  
Labour Election Committee - Mrs. Mary Kardash  
The Manitoba Community Schools Association -  
Lynne Pinterics  
Patti Sullivan  
The Council for Exceptional Children - Cathi Hill  
Mrs. Guigerre - Concerned Parent  
Mrs. Lavoie - Concerned Parent  
Mrs. Helen Jenner - Concerned Parent  
Mrs. Sybil Plattner - Concerned Parent

Briefs were also received from the following and were distributed to all Committee Members:

B.U.S. (Bus Up Safety) Committee, The Pas - Susan Lindsay, Chairman  
Neil McQuarrie - Individual, Brandon  
L'Association des Parents de l'Ecole Provencher - Mrs. C. Bouvier  
Certified General Accountants Association  
Angie Loat, Kenville, Manitoba  
Probation Services, Juvenile Justice Committee  
Children's Aid Society of Western Manitoba  
Legislative Committee of the Local Advisory Council of Fort Garry  
School Division No. 5 - Father Mirone R. Klysh  
Canadian Alliance of Home Schoolers, Jarvis, Ontario  
Rev. James Reaves, St. Andrew's Presbyterian Church, Virden (endorsed  
by The Virden and Area Evangelical Ministers Fellowship)  
Rev. W. B. Nehring, Virden  
W. K. Ziprick, C.A., Provincial Auditor.

Your Committee met on November 13, 1979; February 12, to consider its report to the Legislature.

Your committee is appreciative of the interest shown with regard to the education of our youth, as evidenced by the many thoughtful and detailed briefs presented by the various organizations and individuals and the informative discussions which took place subsequent to the presentations. It is clear that the citizens of Manitoba regard the public school system as a vital function and a priority in our democratic society.

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Your committee also noted that a wide variety of opinions was expressed with respect to, not only the function and the purpose of the educational system in our society, but also the means by which the statutes should be given expression to the philosophical basis on which our children should be educated.

A major area of interest which was brought to the attention of your committee was the provision of educational services for all types of children with special needs. It was the opinion of many who had made presentations on this topic that the legislation should make certain that the services and programs required by such students would be available to them in accordance with their needs. Several briefs suggested that legislation should include a form of appeal mechanism in order to ensure a more effective delivery of such services and programs. Portal to portal transportation and easy access to school buildings were other points of concern with regard to students with special needs.

Opinions varied among various organizations and individuals as to the statutory delineation of the rights of pupils, parents and school authorities. Your committee recognizes the great difficulty of giving expression to the provisions for such rights in legislation in a manner that would not leave them subject to varied interpretations and limitations.

In the matter of instruction in the French language, several briefs suggested that there should be a clear definition of the right to provide programs in a physical and cultural environment conducive to maintaining, developing and enhancing French programs in the school system. Although opinions varied as to detail, most of the briefs heard with regard to this topic proposed a form of appeal mechanism by means of which problems arising from the implementation of legislation might be resolved.

Your committee notes that, with regard to the rights, duties and responsibilities of teachers, trustees and administrators there are varied opinions concerning important matters such as due process, sick leave, and tenure.

In the matter of independent schools your committee notes that of the several briefs dealing with the topic, opinions varied as to the role and function of such schools in the educational system. Some briefs suggested that direct funding by the province should be instituted, rather than payment through the public school authorities.

The role and the function of the public school system with regard to the inculcation of values, ethics, morals, and religion were drawn to the attention of your committee by several presenters. Concerns were expressed with regard to the censorship of textbooks, the place of religious instruction, and exercises in public schools and availability and support for alternate forms of schooling.

Your committee observes that there are opposing opinions with regard to the effectiveness and impact of The Greater Winnipeg Equalization Education Levy.

A number of briefs brought to the attention of your committee special situations related to the core areas of the city. They pointed out the need for a continual effort on the part of the legislators to consider ways and means of making maximum educational opportunities available under all special circumstances.

Various suggestions were made to your committee respecting clarification of certain aspects of rules of procedure for school boards as well as duties and responsibilities of teachers and trustees.

It became obvious to your committee that the general format and arrangement of the proposed legislation were acceptable. However, in addition to the matters raised in the foregoing there were a number of requests for clarification with regard to the intent of several sections."

And that is the report.

Mr. McBryde.

### **MR. RONALD McBRYDE (The Pas):**

Mr. Chairperson, it's obvious that you did well in reading during your school days. One question I have for you, Mr. Chairman, or for the committee is in regard to whether there were any late submissions that are not mentioned in this proposed report. I know that I've received two, and I assume that other members received two submissions, one from a person by the name of Scanlan in regard to transportation for French Immersion and it was a copy of a brief submitted to the Fort Garry School Division, and another from a Mrs. Val Friesen, Parent's Action Committee for transportation relating to the River East School Division.

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I wonder if those have been accepted by all members and whether we should include those in this report, and whether there are others that have been submitted that we didn't get a copy of individually.

**MR. CHAIRMAN:**

Any further discussion? I had copies of those two sent to me. I think they were sent to all members of the Legislature. —(Interjection)—

**MR. McBRYDE:**

I wonder if it would be worthwhile to just add a paragraph in there that late submissions were received from and make sure Jack gets a copy from one of us.

**MR. CHAIRMAN:**

Is that agreeable? Mr. McGill.

**HON. EDWARD MCGILL (Brandon West):**

I wonder, the briefs of course were related to the matters under discussion. We did establish a time for the reception of briefs, and is there any problem now with receiving briefs and further submissions after the date for having considered them by the committee has been passed? Is this a precedent that would cause any difficulty with other committee hearings? We, from time to time, in various committees of the House establish and advertise and make people aware of the dates on which these briefs can be presented. Is it within the normal custom and usage and rules to receive briefs and presentations subsequent to that time? I ask that question.

**MR. CHAIRMAN:**

Well it seemed to me, first of all, the original copy of any should be presented to the Clerk. The public has the right to send copies of briefs or submissions to all members of the Legislature at any time, but I think the correct procedure, if I'm not mistaken, in this matter would be that the original should have been filed with the Clerk and then we could deal with it. Have you any comments on that, Jack?

**MR. CLERK:**

No, Mr. Chairman, outside of the fact that the original advertisement that was placed in the newspapers asked that any submissions be made to the secretary of the committee or to myself in this case. But as far as setting any precedent, I am not aware that we would be doing such. I can't see any real harm in including it as part of our records.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. McBRYDE:**

Yes, Mr. Chairman, it's not a large point but it's probably worthwhile in terms of that I would like to see another addition in here in terms of that we make a recommendation that the briefs be available to all members who are interested. -- just to be available to all members. Because the report itself doesn't sort of give the mood or atmosphere of the briefs very well, it's a general summary, and to make sure that members have full access to those briefs. If we had these two particular briefs listed in our report, then members would be aware of them. It's an important subject, because we did have one or two briefs during our hearings on this matter of transportation for the French Language schools, and it's one that the Minister is going to have to make some decisions on fairly soon, so it would be worthwhile to have that information available to all members in readily accessible form.

**MR. CHAIRMAN:**

Do you have something, Mr. Reeves?

**MR. CLERK:**

The only thing I would like to say in line with what Mr. McBryde has spoken about, we would make copies of the transcripts available to all members of the House as soon as the House meets.

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If my memory serves me correctly, within each of the transcripts, so many of the briefs are shown and in total, all the briefs which we have received, with the exception of the two which you mentioned this morning, would be there in detail. If I get some direction from the committee that the briefs are to be xeroxed and made available to everybody, or whatever you want to do gentlemen — it's entirely up to yourselves.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. McBRYDE:**

Mr. Chairman, there may be some members that are not interested in every single brief. Just make sure that they are accessible to any member that wants them, rather than copy every one out, and the committee hearings are available to every member now, so that's not a problem.

I would like to move that we include an addition in there that late briefs were received from and list these two . . .

**MR. CHAIRMAN:**

We could note that they have been filed with the members of . . .

**MR. McBRYDE:**

. . . note that they were filed with members of the committee and just make a note of it in our report.

**MR. CHAIRMAN:**

Mr. Brown.

**MR. ARNOLD BROWN (Rhineland):**

Mr. Chairman, it was the responsibility of this committee to listen to the briefs presented to the committee and report on what was presented to the Legislature. We have heard the briefs, the draft report in my opinion, is an accurate account of the content of the briefs presented, so therefore I move, Mr. Chairman, that the report of the committee as presented, be adopted.

**MR. McBRYDE:**

Mr. Chairman, there was sort of a motion on the floor before this motion was presented, and I don't know if that was accepted or not.

**MR. CHAIRMAN:**

Well, I thought that we'd note in our submission that these briefs were — is that agreeable to committee — we note that these other two presentations have been made since the committee met last? Is that agreeable? Okay, now, Mr. McBryde, do you want to speak on his motion? Mr. McBryde.

**MR. McBRYDE:**

Yes, Mr. Chairman, I would like to take a little bit of a look at the report. As I said, one of the problems with a general summary report like this is that because it's so general it doesn't really reflect the mood or the feeling of the presenters, and one section that's — it's the second paragraph which does give a reflection of what took place in the committee, but sort of feels very weak or looks very weak in terms of the tone and the force of the presentations, and the fact that the majority of people presenting had concerns with the wording in the legislation, especially of Section 41(5) and that the largest number of people represented in terms of presentations, that is the Teachers Society and other large organizations, were wanting, very forcefully, to have the Minister strengthen this section and not have such a weak section that was in there.

I don't know if there's a way to strengthen the wording or just to comment on that, and say that it doesn't reflect the strength or the feeling regarding special needs students and the kind of special efforts that have to be made by the school authorities and by the province in that regard. I wonder if the Minister wants to make any comment on that part or if he wants to give us some idea of his intentions in regard to that section that was of concern to just about every single person that appeared before us.

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**MR. CHAIRMAN:**

Maybe we should just have a seconder for Mr. Brown's motion, then continue with the debate. --(Interjection)-- Don't need a seconder? Okay. Mr. Boyce. Were you wanting to speak, you had your hand up.

**MR. J. R. (Bud) BOYCE (Winnipeg Centre):**

Yes. The last paragraph on the last page, speaking to the motion, the sentence says, "it became obvious to your committee that the general format and arrangement of the proposed legislation was acceptable." As one member of the committee, I don't think that was mentioned at all. I was wondering what the basis for that observation is, you know, to be included in the report. We have capable, competent, legislative draftspeople, but I just wondered if I was alone in not being aware of the obvious in that regard. I don't think it was commented on at all. That's one question, the first question.

**MR. CHAIRMAN:**

Mr. Cosens.

**HON. KEITH A. COSENS (Gimli):**

Mr. Chairman, in responding to Mr. McBryde's observations, I think it is difficult in any report to capture the depth of feeling of the presenters on any particular topic. I suppose if we were to attempt to do that, and I think that is what you are suggesting, that there were a vast number of topics where the presenter certainly had a great depth of feeling, and I'd suggest that in all cases, people were very genuine in the thoughts that they were putting forward. I have some difficulty in attempting to visualize how we could capture that depth of feeling in any report of this nature, nor in looking at past reports of committees of this type, do I find any evidence that they attempted to capture the depth of feeling that you refer to.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. McBRYDE:**

Mr. Chairperson, maybe we could add in a sentence that said, "several delegations deplored the miserly attitude of the Minister of the Conservative Government."

Mr. Chairman, the point raised by Mr. Boyce is one that I intended to get to. I was sort of going through on a paragraph-by-paragraph basis, and I wonder if I could do that for a couple of points of clarification and then we'll get to Mr. Boyce's point, which is the major one in terms of this report. In the third paragraph, it says, "your committee recognizes the great difficulty of giving expression to the provision of such rights in legislation in a manner that would not leave them subject to varied interpretations and limitations." I would like to know, what is the difficulty I am having as a committee member in this regard? It's not clear to me what the great difficulties are.

**MR. CHAIRMAN:**

Would you care to comment on that, Mr. Cosens?

**MR. COSENS:**

Mr. Chairman, again on the basis of the presentations we received, we certainly in many cases received contradictory presentations in this regard, and I would suggest on the basis of that particular situation that if the committee were to make some summation of what we heard as far as those particular rights were concerned we would have some difficulty particularly where there was contradiction.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. McBRYDE:**

Mr. Chairman, I interpret that section differently. My interpretation is that there is a difficulty in terms of being able to put it into legislation and not a difficulty in terms of that there are various proposals and how to pick amongst them and figure out what is the best for



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the people of Manitoba. But it says the committee has difficulty in giving expression to the provision of such rights, and I'm assuming that's some sort of a legal problem in terms of legislation, like they had problems drafting a Bill of Rights, I guess, and we have problems drafting our human rights legislation for Manitoba. But I'm having some difficulty recognizing and if I accept this report it says I do recognize and I don't at this point in time. So unless the Minister can help me to recognize those points then I would like that changed somewhat or that particular sentence deleted.

**MR. COSENS:**

Mr. Chairman, If Mr. McBryde is saying that he has no difficulty in this regard and that particular sentence doesn't reflect the committee's feeling, perhaps he would suggest some amendment to it that would be more applicable.

**MR. McBRYDE:**

Mr. Chairman, it's not that I have no difficulty, it's that I don't understand the difficulty that's mentioned in the report here. Maybe Legislative Counsel could clarify if there is a difficulty in terms of outlining these kind of rights within legislation.

**MR. CHAIRMAN:**

Mr. Balkaran.

**MR. BALKARAN:**

I think the members of this committee are aware of the Human Rights Act, and ever since that was enacted I believe every session of the Legislature since then has had amendments and there are further amendments being proposed in all without violating any confidence at the forthcoming session and they continue to have trouble whenever you have codification of rights. Perhaps this sentence was indicative of that type of difficulty. Whether the members of this committee feel that way or not I don't know.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. McBRYDE:**

Mr. Chairman, I guess you have that problem with all legislation, that you try and set out what you want to do in the most effective way possible so that it meets legal requirements, can be interpreted in the courts, etc., etc.

I guess that I don't find myself agreeing with the statement that your committee recognizes the great difficulty. Basically what it says to me is that the committee doesn't want any changes in this area that's talked about in this paragraph, in the area of rights of pupils, parents and school authorities, and I would like to see the Minister of Education and the government grapple with trying to see if it is possible to outline those kind of rights, and if I accept this particular sentence and it appears as a committee member, then I am saying that well it's just too difficult, let's not bother to try and deal with it.

**MR. CHAIRMAN:**

If and when the Minister presents his legislation to the House, then that subject matter will be widely debated I'm sure. We are trying to summarize a broad type of statement here, and I can see the member's problem in expressing. . . it certainly is a difficult subject to put it in black and white before us and have it acceptable to the House.

**MR. McBRYDE:**

How about, Mr. Chairman, if we said something like, your committee recognizes that there is difficulty in giving expression to the provision of such rights in legislation in such a manner that would not leave them subject to varied interpretations and limitations, however, would like the Minister to explore avenues to see if these rights could be outlined in legislation or something to that effect.

**MR. CHAIRMAN:**

Any further comments? Mr. Cosens.

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**MR. COSENS:**

Mr. Chairman, I think it's inherent in our whole report that all of the presentations will be examined and will be considered and certainly the area regarding the rights of pupils, parents and school authorities will come under that consideration the same as any other particular area that was presented to us in the hearings. That's inherent in the whole report as far as I'm concerned.

**MR. McBRYDE:**

Mr. Chairman, that's my concern because the generalities of the report say basically that all these items will be looked at, but this particular sentence says to me that this particular item will not be explored further because of the difficulties. If we state the difficulties in this way and since it's not the intention of the Minister, then maybe it might be the simplest thing just to delete that sentence because that sentence only serves the purpose. Like what purpose does it serve? It says there will be difficulties and implies that we might not do it because of the difficulties. So maybe the simplest thing would be just to delete that sentence because the Minister intends to explore the possibilities of rights of pupils, parents and school authorities being included in legislation.

I would so move that that sentence be deleted from the report, Mr. Chairperson.

**MR. CHAIRMAN:**

...be deleted?

**MR. McBRYDE:**

Yes.

**MR. CHAIRMAN:**

Any further comment?  
Mr. Cosens.

**MR. COSENS:**

Mr. Chairman, I certainly have no great problem with that proposal. I think the comment, what we are suggesting that we delete of course is just a recognition of an area that does have some difficulty from a drafting point of view and it was stated for that purpose. We all recognize the difficulty of this type of drafting and I believe the sentence does little more than state that. I take no great exception, however, to the fact that the member is suggesting that there might be some implication that it's too difficult although it doesn't say that. It merely recognizes the difficulty of attempting to put into legislation those particular rights. It doesn't say it's too difficult. It says it is difficult.

**MR. McBRYDE:**

Maybe it would be worthwhile, Mr. Chairperson, to eliminate this part and add a sentence at the end, "the committee recognizes the great difficulty in changing and improving any legislation".

**MR. COSENS:**

I wouldn't agree to that.

**MR. CHAIRMAN:**

Any further comment? Those in favour of Mr. McBryde's amendment please signify?  
Mr. Boyce.

**MR. BOYCE:**

Mr. Chairman, my colleague from The Pas puts me in a difficult position, I will vote for his motion but nevertheless I would like the record to show that his argument I don't think accept. I've always spoken against the entrenchment of rights in statute because of the difficulties — it doesn't solve the problem. Those people who believe that establishing in-statute rights solve the problem of human rights, I just want it on the record that my position hasn't changed relative to that, but I will support the motion.

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**MR. McBRYDE:**

It's not the difficulty then, it's the principle.

**MR. CHAIRMAN:**

Any further comments? Question. Those in favour of the amendment as proposed by Mr. McBryde please signify I declare it carried. --(Interjection)-- The last sentence starting from " your committee recognize the great difficulty of giving expression to the provision for such rights in legislation in a manner that would not leave them subject to varied interpretations and limitations" will be deleted from the report. Any further comment on the report?

Mr. McGill:

**MR. McGILL:**

Mr. Chairman, while we're making some changes to the language here, this is a minor point and I don't think requires any kind of action, but would members agree that in Para 2, the second line thereof, the committee was the provision of educational services for children with all types of special needs, rather than all types of children with special needs.

**MR. CHAIRMAN:**

Do you agree to that minor change?

**MR. McBRYDE:**

Agreed.

**MR. CHAIRMAN:**

And it shall read, "A major area of interest which was brought to the attention of your committee, was the provision of educational services for children with all types of special needs." Correct? Any further comments regarding the report?

Mr. McBryde.

**MR. McBRYDE:**

Yes, Mr. Chairperson, there is part of one submission that I would like to see some consideration given by this committee and I think to legislation in general, and that was the spokesperson for the Teachers' Society ask us to consider changing the sexist language in the bill. That basically means that where it refers to the minister dealt to his delegation, etc., etc.

For example, Mr. Chairperson, on Section 37(a), "a trustee who absconds himself," and then there are others, where it says, "the minister shall do his, etc. etc." Mr. Chairperson, that was brought up and to me it was a significant point in regards to this legislation, others . . . and I guess it's from my own belief that the language that we use sort of reflects the attitudes of our society and what's going on and that this, in terms of legislators, this is one very small step we can take in terms of recognizing the equal rights and equal status of women within our society by making sure our legislation reflects that equality and doesn't revert back to the old sort of male domination of all institutions that has historically been the case unfortunately. So, Mr. Chairman, I would like to move that the paragraph be included "that the committee recommends that the language in the two bills be changed so that they are non-sexist."

**MR. CHAIRMAN:**

Any comment to Mr. McBryde's proposal? Are you ready for the question? All those in favour of his amendment, please signify in the usual manner. --(Interjection)-- Okay. Agreed.

Mr. Boyce.

**MR. BOYCE:**

Mr. Chairman, I have a question. We seem to have reverted to paragraph by paragraph. I had asked the question earlier, I assumed that it would be answered when we get to the last paragraph. Is my assumption correct?

**MR. McBRYDE:**

I think you should raise it again now.

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**MR. CHAIRMAN:**  
Mr. Balkaran.

**MR. BALKARAN:**  
May I ask a question as a result of that motion? Do we now go through the whole bill and all legislation and wherever you have his, change it to his or her or himself or herself? I think it would be chaos.

**MR. CHAIRMAN:**  
Mr. Walding.

**MR. WALDING:**  
Mr. Chairman, I believe there is an Act called The Interpretation Act, which makes clear various terminology in different bills. One of the parts of that Act, I believe, says that where one gender is used, it is assumed to include the other. I wonder if that does not take care of Mr. McBryde's concern.

**MR. CHAIRMAN:**  
Mr. McBryde.

**MR. MCBRYDE:**  
No, Mr. Chairman, because The Interpretation Act stills leaves the language as it is. I mean if I pick up this bill and read the bill, it's the minister's "his" and the school board's "him" or the school trustee's "him" and, Mr. Chairman, in a couple of years, I mean, we might have Muriel Smith or Maureen Hemple as a Minister of Education and the legislation won't accurately reflect that. Now, The Interpretation Act says "him" means "her". In terms of the comments I made in terms of our changes in our society and the equality of women, that Interpretation Act doesn't reflect changes in language that I'm talking about. And yes, I would like the drafters of the bill to go through this bill and change it. There's about 19 or 20 points and they're not difficult changes. I think that they could be handled fairly simply. Mr. Chairman, I would intend to pursue, during the session, the changes in other legislation as well as this one. But I would like this committee, being a committee on education, and how people learn about our society, that this committee reflect the current view of society in terms of equality of men and women in our society. And, therefore, I'm pleased at the amendment I proposed was passed by the committee.

**MR. CHAIRMAN:**  
Well, I'm not an interpreter nor have I a legal mind to deal with matters such as this but I can see the concerns of the Legislative Counsel, Mr. Balkaran in this, and I wonder if he would care to comment now because we could create a real problem for us. I would think that maybe if there's changes to be made, that it should go through the suggestion of Mr. Walding, that we take a look at that Act. Do you care to comment on that, Mr. Balkaran?

**MR. BALKARAN:**  
Well, Mr. Chairman, this is a matter that has been recognized for a long time now by the federal government and by all provincial governments and on balance, it's a matter of convenience to have all tools and to go with the Interpretation Act because of the resulting difficulty in drafting that will be created. And I'm sorry, Mr. Jim Ryan, who is with the federal Department of Justice isn't here because he's got a compilation of a hundred different computations and variations where it is just almost impossible to try and go through some of these statutes to accommodate that type of language. I don't think the intent of any bill is to be sexist. The balance of convenience is what dictates. We can use "her" and say feminine includes masculine. In fact, in one of the bills that's passed with respect to nurses, if you use the feminine gender and then added a clause which says, "in this Act, feminine includes masculine because of male nurses." It's a nightmare for the draftsman, I can tell you that.

**MR. CHAIRMAN:**  
Mr. McBryde.

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**MR. McBRYDE:**

Yes, Mr. Chairperson, yes, it is inconvenient. You know, it is inconvenient to make changes and in this case, with this bill here, I don't think it's very inconvenient or a huge problem. I mean there are — and I forget the figures, I think 19 or 20 places where "he" and "she" can be used together or "his" and "her" can be used together without a big problem, or the pronoun dropped altogether in some cases. I don't see it as a big problem. And, Mr. Chairperson, you recall that it's going to be a big inconvenience in this Legislature to have the French language made more prominent. It's going to be a huge inconvenience compared to this inconvenience I'm talking about here, and yet we are willing to do that in order to establish the rights of certain people. I think this Committee should be willing to do that in order to establish the rights and the equality of men and women in our society and I don't see it as a huge problem. Mr. Balkaran will be more concerned when I bring it up in relation to other bills later on. For this bill it's fairly simple. But, Mr. Chairman, I'm pleased that my sub-amendment has passed and I would like us to then proceed with it as we approved it.

**MR. CHAIRMAN:**

Any further comment?  
Mr. Boyce.

**MR. BOYCE:**

Do I get an answer to my question on the last section? I had asked to whom it was obvious, I mean perhaps the Minister can help me or he can refer to someone that's. . .

**MR. CHAIRMAN:**

To the Committee, it says. It says to the Committee.

**MR. BOYCE:**

Well, perhaps some other member of the Committee, Mr. Chairman, can answer that.

**MR. CHAIRMAN:**

Mr. Cosens.

**MR. COSENS:**

Well, Mr. Chairman, let me address that particular point. I don't think, if my memory serves me well, we had one presentation out of the many that we received that took exception at all with the format or the arrangement of the legislation, and if the member can point to one, then certainly this statement would not be valid. However, again I say if my memory serves me correctly, there was not one particular presentation that took any exception at all with the format or the arrangement.

**MR. BOYCE:**

Well, what I understand from the Minister's comment is that silence is consent in this regard. But you asked, Mr. Chairman, are there any other comments and I would like to comment on the Report in general. I feel somewhat like Don Quixote without even a Sanchez.

As one of the members who had taken strong exception to the two bills that were presented by the government at the last Session of the Legislature, I for one had hoped that we would be able to have a number of meetings and hearings and public involvement in one of our most important considerations when dealing with government, and that is the whole philosophy of education. Mr. Chairman, I would like the record to show my opinion of what has transpired, in that it became soon obvious that it was the intention of the government to use a tactic, the soft belly approach that they had responded to public pressure to see that they were in some political difficulty should they proceed with Bills 22 and 23, and we agreed reluctantly to have these meetings but it was their intention to go through the exercise, and that was all.

We have several volumes of Hansard which will demonstrate that of which I speak, where the government members did not participate in any dialogue with the people who made presentation, and when I said that I feel like Don Quixote without a Sanchez, it's the tactic has been successful in that this whole exercise has been gone through and very little has been done to raise the public awareness of the government's attitude towards the citizenry in general and with education specifically.

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And I can best point out my case in this report.. . On the top of page 5 we are asked to support a motion which says:

"Your committee observes that there is opposing opinions with regard to the effectiveness and impact of The Greater Winnipeg Equalization Education Levy."

Mr. Chairman, this is not the time nor the place for me to go into detail. I will have the occasion in the upcoming Session. But nevertheless, one-quarter of the population of the Province of Manitoba is being shafted educationally, and I am referring to the old City of Winnipeg. In Unicity, the power base in the City of Winnipeg has shifted to the suburbs and it is compounded by the attitude of this government where they will do such things as "block fund" without any attempt to deal with the special problems of the old City of Winnipeg, the downtown area. They come up with such things as increasing fines for truancy. They think that is going to solve their problem. But as I said, Mr. Chairman, I will have other occasions to go into my concerns in greater detail.

It is very difficult as I tried to participate in the Committee meetings which were held even to the point of trying to provoke argument with people who came before the Committee, because the concerns of inflation and unemployment and energy, all of the noises that are going on in our society, people are paying precious little attention to one of the most important aspects of our whole society and that's the education, the preparation of younger people for existence, and the attitude of the government to just sit back with a soft belly and let the people come here and make presentations with no attempt whatsoever to analyze the situation and to come up with a bill which is support mechanism for the dollars which are eventually put into place by the vote in the House.

They have some preconceived idea about what education should be, back to the basics, that education is one of the things that is on such low priority with this government that, Mr. Chairman, I would like the record to show that in my opinion it is reprehensible.

**MR. CHAIRMAN:**

Any further comments? Mr. Cosens.

**MR. COSENS:**

Mr. Chairman, perhaps I could respond to the member's remarks. I think he has some disposition to start debating the proposed bills at this time and I suggest this is not the forum in that regard. I think he is being a bit presumptuous as far as the proposed bills are concerned in that he hasn't seen the final draft of the bills and without having seen them he is prejudging. Certainly the government is rather pleased that we have had this opportunity to hear presentations from groups, associations, and private individuals in our society, their concerns regarding education. We have listened to those concerns. We will examine them, we are examining, and we will take into consideration those concerns in the final drafting of the bills.

**MR. CHAIRMAN:**

Mr. Boyce.

**MR. BOYCE:**

Mr. Chairman, I am looking forward to seeing the bills. I am not being presumptuous at all. All I was commenting on was what has transpired at the meetings of this Committee.

**MR. CHAIRMAN:**

Anything further?  
Mr. McGill.

**MR. MCGILL:**

I don't think we can let some of the remarks of Mr. Boyce go unchallenged. Mr. Boyce has lamented the fact that the members of the committee didn't engage in arguments with the people who were submitting briefs as he attempted to do on occasion. I suggest Mr. Chairman that that indicates some confusion on his part as to the function of this committee which was to receive the briefs, to ask questions where there was elaboration required, but not in any way to attempt to change or to diffuse the argument or position of the person presenting the brief. Mr. Boyce seems to lament the fact that that kind of procedure was not indulged in by members of this committee from the Government. Mr. Chairman this was

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brought to the attention of the committee at the time when this straying from purposes of the committee was observed. So I suggest to you, Sir, and to the members of the committee, that it was our intent to act within the terms of the committee to receive the briefs, to ask questions, for such questions would add to the clarity of the brief, but not in any way to argue with the position taken with the person.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. McBRYDE:**

Yes, Mr. Chairperson, I suppose that my perception of what took place at committee meetings is close to that of my colleague from Winnipeg Centre. And that is that it appeared that it was a large part of formality or an exercise that is not designed to really elicit information for change, but sort of to pacify the public that they were listened to and of course, we won't know. That will not be decided by us here now. It will be decided when the Minister brings forward his new bill and then we'll know whether in fact the Minister and the Government was listening to what people had to say, whether they're able to reflect the mood and the spirit of the presenters of the public - and the people here represented a large number of Manitobans, they were the official delegations representing a large number of people in our province -- whether the Government's able to reflect that in the legislation and bring forward serious change. Mr. Chairperson, in that regard the last paragraph here is, when I first read it I thought that I was sort of agreeing with the legislation. That's what it meant to me.

Now the Minister emphasizes the words: the format and arrangement. Now, Mr. Chairman, that's the format and arrangement I assume that applies to all bills that are introduced in the Legislature, and since I, a brilliant and intelligent legislator, misrepresented that the first time I read it, I'm wondering if it would be worthwhile, Mr. Chairperson, for us to just delete that clause, because it doesn't add anything to our report the fact that this bill is in the same form as other bills. There's lots of problems with the content, and I suppose that there be many like me if we leave this paragraph in there, that misinterpret that and say we are having some agreement with the content of that legislation, therefore, I would like to see that paragraph deleted I would like to see if, in response to what the Minister said or my colleague said, maybe it would be worthwhile to add in another paragraph that the committee is looking forward to the substantial and significant changes in legislation that the Minister will be bringing forward as a result of these committee hearings.

Mr. Chairman, I would move first off that we delete the last paragraph. It sort of doesn't mean that much and it can cause misunderstanding, and therefore, I would just move that the last paragraph be deleted from our report.

**MR. CHAIRMAN:**

Mr. Boyce.

**MR. BOYCE:**

Well, Mr. Chairman, there is a motion on the floor now.

**MR. CHAIRMAN:**

I had your name down . . .

**MR. BOYCE:**

Since you put my name down, there is now a motion.

**MR. CHAIRMAN:**

Yes, okay. Any further discussion?

Mr. Cosens.

**MR. COSENS:**

Mr. Chairman, if I could speak to that point as well, I think the words "format and arrangement" certainly can't be confused with contents. I think they speak for themselves, and in relation to the old bills as they existed where the format and arrangement were confusing to say the least, the fact that we've been able to condense and rearrange and put things in an order that is understandable and can be usable by people out in the field is what

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is being commented on here; and I can't agree with the member from The Pas that that statement is irrelevant or not important. I think it certainly is a positive aspect of the bills that they are usable by the people who have to refer to them. I've no problem at all with the words "format and arrangement". How we could confuse that with content is somehow something that I have some problem comprehending.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. MCBRYDE:**

Mr. Chairman, what I would do then, Mr. Chairperson, is to withdraw that sub-amendment and make another one. And that's that a final paragraph be added following that one so that there can be no misunderstanding, that the committee became well aware of the fact that the legislation as proposed was not acceptable to the majority of Manitobans and I've asked the Minister for substantial and significant changes in the legislation. I so move, Mr. Chairperson.

**MR. CHAIRMAN:**

What was that? Will you repeat that so I can . . .

**MR. MCBRYDE:**

I don't know if I can, maybe somebody wrote it down.

That the committee is aware that there is dissatisfaction with the proposed legislation — just having some trouble with my English here — from the majority of Manitobans. Does that fit? Help me with my English. The committee therefore recommends that substantial and significant changes be made by the Minister.

**MR. CHAIRMAN:**

Substantive changes?

**MR. MCBRYDE:**

Substantial and significant.

**MR. CHAIRMAN:**

I don't see how we can because we haven't seen the bill.. . to propose legislation. . .

**MR. MCBRYDE:**

No, we have the proposed legislation here. I'm talking about these bills that we looked at.

**MR. CHAIRMAN:**

Oh! I see. Bills 22 and 23 then.

**MR. MCBRYDE:**

And then the Minister will come forward with substantially different bills.

**MR. CHAIRMAN:**

Maybe if we put dissatisfaction with Bills 22 and 23, would that . . .

**MR. MCBRYDE:**

That would be good. Thank you, Mr. Chairperson for helping me redraft that wording.

**MR. CHAIRMAN:**

This is an amendment proposed by Mr. McBryde that the committee is aware there was — I guess — dissatisfaction with Bills 22 and 23 from the majority of Manitobans. The Committee therefore recommends that substantial and significant changes be made in the new legislation.

Mr. McGill.



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**MR. McGILL:**

Speaking against the motion, Mr. Chairman, I think the motion makes an assumption that we have no statistical evidence to support and that is that a majority of Manitobans take a particular view with respect to the legislation. So I think I cannot support a motion of that type.

**MR. CHAIRMAN:**

Mr. Boyce.

**MR. BOYCE:**

Mr. Chairman, a moment ago the Minister used as an argument that people were silent, so therefore they approved of the format of the bill. If there is anything which is obvious or should be obvious to the committee, is every one of these briefs had criticism of both bills, 22 and 23. So the committee has heard from a cross section of Manitoba, well represented, and if there is any basis for anything there's the inclusion of this particular amendment because every single one of them had a criticism of one or the other bills or both.

**MR. CHAIRMAN:**

Mr. Brown.

**MR. BROWN:**

Mr. Chairman, I also have to speak in opposition to the amendment that has been proposed by the Member for The Pas. I however would be prepared to make an amendment to the motion which I made, which probably would be wording it in a little different way but I think which would probably express his concerns, but I believe that we have to deal with this amendment first, do we?

**MR. CHAIRMAN:**

Right.

**MR. McBRYDE:**

As part of the member's contribution to the debate maybe he could say how it could be improved or changed to be acceptable to him.

**MR. BROWN:**

Okay. The motion that I made originally was to move that the report of the committee as presented be adopted. We could add on to that," however your committee recommends that the Minister of Education in draft and revised legislation for submission to the Legislature give consideration to the various matters which were brought to the attention of the committee and which are herein reported."

I think that would express the concern of the Member for The Pas that the Minister do.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. McBRYDE:**

Mr. Chairperson, that is an improvement but it doesn't go nearly as far as the amendment that I have proposed and I think that it was obvious, as it stated in other sections of our report, certain things were obvious and we became aware of, and that there was interest in, etc., that the bills in their existing form were not acceptable, and Mr. McGill refers to the fact that there is not a majority. But if Mr. McGill would look over the list of the people making submissions, that in all of those submissions there were sections of bills that were not acceptable or that were recommended for change, he would see that there is a majority as we are able to determine it here.-- we can't do a gallop poll -- but the committee became aware that the majority of people opposed this or found problems with these particular bills. I don't think Mr. McGill needs me to read off all the groups that did make a submission but they are all the major groups interested in education in the province of Manitoba, plus a number of individuals, but these are large organizations representing thousands of people.

So, Mr. Chairperson, I would like my motion to stand the way it is.

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**MR. CHAIRMAN:**  
Mr. McGill.

**MR. MCGILL:**

Mr. Chairman, with respect to Mr. McBryde's argument, it still seems to me that it's a non sequitur for Mr. McBryde to assume that because a number of people presented briefs, all of which had criticisms of the proposed legislation, that a majority of the people in Manitoba object to the legislation. I still think it does not follow because it is well known that people who agree with what is proposed are not likely to undertake to come to the Legislature to present a brief to present that position. So I still think we have not established that a majority of Manitobans object to the legislation.

**MR. CHAIRMAN:**  
Any further comment?  
Mr. McBryde.

**MR. MCBRYDE:**

Mr. Chairperson, through you to Mr. McGill. Would the member vote in favour of the resolution if the words, "majority of Manitobans" were changed to "the presenters to the committee?"

**MR. MCGILL:**  
Mr. Chairman, I think we should vote on the motion as it is.

**MR. MCBRYDE:**

Well, Mr. Chairman, if the member could give me some indication one way or the other then I would change the amendment and it wouldn't have to be defeated. If it could be made acceptable to Mr. McGill by a change of a couple of words, then it could be approved. If the couple of words are not acceptable to overcome Mr. McGill's concern then we could vote on it, but I would withdraw it and change it to meet Mr. McGill's wishes.

**MR. CHAIRMAN:**  
Mr. McGill.

**MR. MCGILL:**

Mr. Chairman, I would prefer to deal with motion as it is presented. If Mr. McBryde then wishes to present a subsequent motion with different words then we can deal with that.

**MR. CHAIRMAN:**  
Mr. McBryde.

**MR. MCBRYDE:**

Mr. Chairperson, in response then it's obvious to me that Mr. McGill is opposed to the idea that the bill was not acceptable, and not opposed to the specific wording, majority of Manitobans. He just doesn't like the idea that this bill introduced by his government was not acceptable, but it became obvious during the initial introduction in the Legislature and that's why the Minister withdrew it. It became obvious in the submissions we had here that the legislation as proposed is not acceptable. And when Mr. McGill talks about majority he reminds me of the new proposed Fishing Regulations which every fisherman has rejected and yet the Minister of the Conservative government still says well that's maybe not a majority or maybe everyone doesn't reject it. And so, Mr. Chairman, I would like it, you know, to be obvious that Mr. McGill opposes the idea not the specific wording of this amendment.

**MR. CHAIRMAN:**

The amendment as I have before me is worded as such "that the committee is aware that there was dissatisfaction with Bills 22 and 23 from the majority of Manitobans. The committee therefore recommends that substantial and significant changes be made in the new legislation." All those in favour of that amendment as proposed by Mr. McBryde please signify in the usual manner.

**MR. CLERK:**  
Yeas 4, Nays 5.

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**MR. CHAIRMAN:**

I declare the proposed amendment lost.  
Mr. Boyce.

**MR. BOYCE:**

Yes, Mr. Chairman, you had my name on your roster there and then a motion intervened. With reference to Mr. McGill's earlier remarks I would just like to underline that there is a difference of opinion between Mr. McGill and myself as to the functioning of committees.

After ten years I still believe that the Legislative Committee should be an instrument to elicit opinions and feelings of the citizens of Manitoba as to what the legislation should be. In fact that's the very function of the Legislative Committee. That's why all bills go to Law Amendments Committee. They come outside of the House so the public has an opportunity to express their views and that the legislators have an opportunity to dialogue with the citizens of the province. I know Mr. McGill doesn't believe in this. I know the Conservative Party doesn't believe in this. I know it's inscribed in the Senate Library in this country that the responsibility of the nobles is to protect the state against the fickleness of the people.

Legislative committees are becoming a farce in this country, Mr. Chairman, and I will continue as an elected representative to use the committees as I see fit without reflecting on the Chair and his inability to call me to order if he or she thinks that I am out of order.

**MR. CHAIRMAN:**

Mr. McGregor.

**MR. MCGREGOR (Virden):**

Mr. Chairman, I would just like to comment in answer to Mr. Boyce's earlier suggestion that we were silent over here. I have only the last few Hansards and I guess the other bundle are at home. I am certainly one that's recognized as one of the quieter members, but I would just refer to page 355, 356, 542, 543, 380 and 381, where I think generally I was asking for clarification, lest it be put on the record that I for one was completely silent. I don't think that's a fact and it's certainly backed up by these three Hansards and I quickly glanced at the others; I don't see it, so I just want the record to show that, Mr. Chairman.

**MR. CHAIRMAN:**

Mr. McBryde.

**MR. MCBRYDE:**

Mr. Chairman, on this important point here that's going back and forth in the Committee, I think that in fact the Conservative members did come to life late in the Committee and did start asking questions of people. There was one stage though on a number of presentations where there were no questions from the Conservative side and therefore we didn't ask any questions and one delegation went away without a single question because we just wanted to demonstrate that members opposite us on the table were not in fact using the Committee to ask questions and get further clarification.

Mr. Chairman, perhaps Mr. Brown would like now to introduce his changes less acceptable but nevertheless a slight improvement over what we have now.

**MR. CHAIRMAN:**

Proceed, Mr. Brown.

**MR. BROWN:**

In addition to the motion which read: "I move that the report to the Committee as presented be adopted" I would add: "However, your Committee recommends that the Minister of Education. . .

**MR. CHAIRMAN:**

Mr. Walding, on a point of order.

**MR. WALDING:**

The motion before the Committee was made by Mr. Brown. I believe it's unacceptable for a member to amend his own motion.

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**MR. CHAIRMAN:**

That's right; that's correct.  
Mr. McGill

**MR. MCGILL:**

Mr. Chairman, I'm in a little bit of a dilemma here. The original motion, it seems to me by our actions has been defeated. We have changed the report in one or two minor ways. It seems to me that that original motion would not be the one that we would now be dealing with. I would ask your ruling on that.

**MR. CHAIRMAN:**

Is that right, Jack?

**MR. CLERK:**

I would think so, yes, because we have changed the report substantially. I think the original motion should be withdrawn and resubmitted to reflect the amendments which were made and agreed to by the committee.

**MR. MCGILL:**

We have accepted certain amendments to the report . . .

**MR. CHAIRMAN:**

Therefore, it would be in order for Mr. Brown to withdraw his original proposal and introduce a new one. Is that agreed? (Agreed)  
Proceed, Mr. Brown.

**MR. BROWN:**

Okay, the motion would then read: "Your committee recommends that the Minister of Education in drafting revised legislation for submission to the Legislature, give consideration to the various matters which were brought to the attention of the Committee and which are herein reported ." I move that the report of the Committee as amended be adopted.

**MR. CHAIRMAN:**

Could you have a copy of that for the Clerk, Mr. Brown? Any further comments? All those in favour, signify in the usual . . . Mr. Walding.

**MR. WALDING:**

Just a minute, Mr. Chairman. I have to agree with some of the earlier comments that were made as to the purpose of the Committee and I would remind members that the two Education bills did in fact die at the end of the last session and it was the subject matter thereto that was referred to the Committee, the subject matter being Education, I believe.

When I first read this Committee report it seemed to be so neutral as to be meaningless. Really what Mr. Brown is saying in moving this is that we sat here for something like a week and listened to sixty presentations from people who had obviously spent a lot of time and effort, put a lot of thought into drafting their presentations to the Committee and now this Committee has no opinions on the matter. That what Mr. Brown is saying to us that we heard all of this information and everybodys opinion on it and we have no reaction at all. All that we're saying is, according to Mr. Brown, that we're asking the Minister to think about it. In other words, the members of this Committee are not able to think for themselves and to formulate any opinions.

The motion that was made earlier by Mr. McBryde, I believe, took account of that and to some extent expressed this side's concerns about education and some of the problems thereto. And the fact that it was voted down by the government members simply bears out what I have been saying, that they expect us to have no reaction and no opinions on it. I wonder if Mr. Brown, in making this motion, is now prepared to write a letter to all of these 60 people and say that your Committee went through the exercise of sitting there for a week and earning its \$50.00 a day and now has no opinion at all and send it back to the Minister to do something about .

Well, Mr. Chairman, I recognize that there is some problems and that there are things that ought to be done. There are problems with the financing of education, there are problems with declining enrolment, there are problems with Bill 58 and the special needs that

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were pointed out so clearly to us. I recognize there are problems with school transportation, the rights of students that were mentioned and I'm just going through some of these.

If the government members are not prepared now to sit down and consider education in its entirety which was the matter that was referred to us, then we might as well just vote on this motion and leave because there is really no other point in us being here, if we are not to do what the Committee was instructed to do. So I simply leave it at that and say, Mr. Brown might not have any opinions and other members of the Committee, but I believe that some of my colleagues do and that's what we would be prepared to discuss.

I just have one further question of Mr. Brown, of the last paragraph on page 5 which says, "there were a number of requests for clarification". I wonder if Mr. Brown is prepared to give that clarification to those people at this time.

### **MR. BROWN:**

To the people who are presenting the brief? Mr. Chairman, this Committee was set up for one purpose and that was to listen to presentations by people who were concerned about education and about Bills 22 and 23. There is no doubt about it in anybody's mind that this was the purpose that this Committee was set up for. Now if Mr. Walding wants to debate the issues which were presented he'll have ample time to do so in the Legislature when these bills are going to be presented by the Minister. This over here is not the forum for debate, this meeting certainly is not the time and place for debate. We're here to either adopt this report and continue debate on the presentations that were made in the Legislature or we turn down this draft report. It's as simple as that. We are here for no other purpose.

### **MR. CHAIRMAN:**

Any further comment?  
Mr. Walding.

### **MR. WALDING:**

Mr. Chairman, that's just incredible. I've never heard it suggested before that a committee is not a place to debate. Every committee that I've been on has been subject for debate by members and you, Mr. Chairman, have sat at several of them, I know that other members of the committee too, have long experience of some very protracted and often very heated debates at committee meetings. Mr. Brown's contention that all the committee is to do is to accept and listen to presentations is I believe, not correct. The Clerk now is looking for the actual words of referral to the committee and my recollection is that it was the subject matter thereto, being the matter of education that was referred to the committee, not a matter of the committee sitting here just as passive listeners. And I will now read it to you, Mr. Chairman, from the Journals of Tuesday, the 5th of June, where it says, "The Public Schools Act be not now read a second time but that the order for Second Reading be discharged, the bill withdrawn and the subject matter thereof referred to the Standing Committee on Privileges and Elections." Now, that doesn't agree with Mr. Brown's understanding of the work of a committee and I believe backs up what I said before about the subject matter thereof. The subject matter thereof, Mr. Chairman, was quite clearly education. Can I also just add to that, that Bill 23 was worded in the same manner and that the subject matter of it, that is Bill 23, also be referred to the Standing Committee on Privileges and Elections.

### **MR. CHAIRMAN:**

Mr. Boyce.

### **MR. BOYCE:**

Mr. Chairman, there was a little bit of a disagreement. This is perhaps on an understanding of the functioning of the committee. There was a motion presented at the last session of the Legislature which is a traditional thing, on the motion of Honourable Mr. Lyon, ordering that standing committees of this House for the Thirty-First Legislature be appointed for the following purposes, and it lists the committees of the Legislature including Privileges and Elections, "which several committees shall be empowered to examine and enquire into all such matters and things as may be referred to them and report from time to time their observations and opinions thereon with the power to send for persons, papers, documents and examine witnesses under oath."

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This is one of the things that I referred to earlier, that the committees of this Legislature are becoming a farce; that it should be just the antithesis of that which is trying to be pushed by the two members opposite, that all the committees are supposed to do is come and sit here and absorb public input with absolutely nothing else, no other responsibility. And, Mr. Chairman, if this persists, then the whole system is being put in jeopardy. It is the responsibility of elected members under our parliamentary system to make this system work, and for people to suggest that because they personally have the attitude or collectively develop the tactic that all they're going to do is sit here and absorb the public's criticism and then even defeat motions which says there are no criticisms, our whole system is in jeopardy. So, Mr. Chairman, I just want the record to show that I, as one member, do not subscribe to the position taken by either Mr. McGill or Mr. Brown, that legislative committees are supposed to just sit here and absorb without any other function at all. The legislative committees have to become more involved in the functioning of our total parliamentary system.

**MR. CHAIRMAN:**

Any further comment from the committee? All those in favour of Mr. Brown's motion — do you want me to read it into the record again? However, I will. " Your committee recommends that the Minister of Education and Drafting revise legislation for submission to the Legislature, give consideration to the various matters which were brought to the attention of the committee, and which are herein reported. We move that the report of the committee as amended be adopted."

Agreed? Please signify in the usual manner.

All in favour? Those that are opposed? I declare the motion carried.  
Committee rise.