



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 75**

**FIRST SESSION, THIRTY-SEVENTH LEGISLATURE**

**PRAYERS**

**1:30 O'CLOCK P.M.**

The following petitions were presented:

Mr. FAURSCHOU – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act. (J. Waldner, R. Waldner, D. Johnston and others)

Mr. DYCK – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (A. Driedger, J. Friesen, S. Friesen and others)

Mrs. SMITH (Fort Garry) – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (I. Mogilevsky, D. Mogilevsky, S. Humphries and others)

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Hon. Ms. MCGIFFORD presented:

Annual Report of the Manitoba Centennial Centre Corporation for the fiscal year ending March 31, 2000.

(Sessional Paper No. 207)

Annual Report of the Manitoba Film and Sound Recording Development Corporation for the fiscal year ending March 31, 2000.

(Sessional Paper No. 208)

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By leave, prior to Introduction of Bills, the House reverted to "Ministerial Statements and Tabling of Reports".

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Hon. Mr. DOER, the Honourable First Minister made a statement regarding August 9, 2000 being Peacekeeping Day in Manitoba.

Mrs. DRIEDGER and, by leave, Hon. Mr. GERRARD commented on the statement.

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Pursuant to Rule 23(1), Mrs. SMITH (Fort Garry), Messrs. RONDEAU, PENNER (Steinbach) and SMITH (Brandon West) and Hon. Mr. GERRARD made Members' Statements.

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The Order of Day having been read for consideration of Bill (No. 12) — The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments:

Mrs. SMITH (Fort Garry) moved:

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

*(a) by striking out the section heading and substituting "Notification to minister"; and*

*(b) by striking out everything after "shall" and substituting "notify the minister of the establishment of the home school."*

And a debate arising,

And Mrs. SMITH (Fort Garry), Messrs. DERKACH and PENNER (Emerson) having spoken,

The debate was, on motion of Mr. REID, adjourned on division.

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Mrs. SMITH (Fort Garry) then moved:

*THAT Bill 12 be amended in the proposed subsection 260.1(2), as set out in section 4 of the Bill,*

*(a) in the section heading, by striking out "registration" and substituting "notification"; and*

*(b) by striking out "register the home school, in a form approved by the minister," and substituting "notify the minister about the home school".*

And a debate arising,

And Mrs. SMITH (Fort Garry), Messrs. SCHULER, DYCK, DERKACH and FAURSCHOU, Mrs. DACQUAY, Messrs. PITURA and PENNER (Emerson) having spoken,

The debate was, on motion of Mr. REID, adjourned on division.

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Mrs. SMITH (Fort Garry) then moved:

*THAT Bill 12 be amended in the proposed subsection 260.1(3), as set out in section 4 of the Bill, by striking out "and" at the end of clause (b) and by striking out clause (c) and substituting the following:*

*(c) the grade level for each pupil; and*

*(d) a description of the curriculum.*

And a debate arising,

And Mrs. SMITH (Fort Garry), Messrs. ENNS and CUMMINGS having spoken,

The debate was, on motion of Mr. REID, adjourned on division.

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Mrs. SMITH (Fort Garry) then moved:

*THAT Bill 12 be amended by striking out the proposed subsection 260.1(4), as set out in section 4 of the Bill, and substituting the following:*

**Progress reports**

**260.1(4)** Within 14 days written notice, the minister may require a parent or guardian to submit a progress report on each pupil in the home school if the minister has probable cause to believe that a home schooling parent is not in compliance with the law.

And a debate arising,

And Mrs. SMITH (Fort Garry), Messrs. DERKACH, PITURA, FAURSCHOU, SCHULER and LAURENDEAU having spoken,

Mr. REID moved:

THAT the debate be now adjourned.

And the Question being put. It was agreed to, on the following division:

**YEA**

AGLUGUB	MARTINDALE
ALLAN	MCGIFFORD
ASHTON	MIHYCHUK
ASPER	NEVAKSHONOFF
BARRETT	REID
CALDWELL	ROBINSON
CERILLI	RONDEAU
CHOMIAK	SALE
DEWAR	SANTOS
FRIESEN	SCHELLENBERG
JENNISSIN	SELINGER
KORZENIOWSKI	SMITH (Brandon West)
LEMIEUX	STRUTHERS
MACKINTOSH	WOWCHUK.....29
MALOWAY	

NAY

DACQUAY	MITCHELSON
DERKACH	PENNER (Emerson)
DRIEDGER	PENNER (Steinbach)
DYCK	PITURA
ENNS	REIMER
FAURSCHOU	ROCAN
FILMON	SCHULER
GERRARD	SMITH (Fort Garry)
LAURENDEAU	TWEED ..... 18

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The Bills:

(No. 8) – The Enforcement of Judgments Conventions and Consequential Amendments Act/Loi sur les conventions relatives à l'exécution des jugements et modifications corrélatives

(No. 10) – The Cooperatives Amendment Act/Loi modifiant la Loi sur les coopératives

(No. 13) – The Taxicab Amendment Act/Loi modifiant la Loi sur les taxis

(No. 16) – The City of Winnipeg Amendment Act (2)/Loi n° 2 modifiant la Loi sur la Ville de Winnipeg

(No. 21) – The Water Resources Administration Amendment Act/Loi modifiant la Loi sur l'aménagement hydraulique

(No. 22) – The Court of Queen's Bench Surrogate Practice Amendment Act/Loi modifiant la Loi sur la pratique relative aux successions devant la Cour du Banc de la Reine

(No. 23) – The Jury Amendment Act/Loi modifiant la Loi sur les jurés

(No. 25) – The Interpretation and Consequential Amendments Act/Loi d'interprétation et modifications corrélatives

(No. 27) – The Correctional Services Amendment Act/Loi modifiant la Loi sur les services correctionnels

(No. 28) – The Northern Affairs Amendment and Planning Amendment Act/Loi modifiant la Loi sur les Affaires du Nord et la Loi sur l'aménagement du territoire

(No. 30) – The Social Services Administration Amendment Act/Loi modifiant la Loi sur les services sociaux

(No. 31) – The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act/Loi sur le commerce et l'information électroniques, modifiant la Loi sur la protection du consommateur et la Loi sur la preuve au Manitoba

(No. 32) – The Victims' Rights Amendment Act/Loi modifiant la Loi sur les droits des victimes

(No. 34) – The Statute Law Amendment Act, 2000/Loi de 2000 modifiant diverses dispositions législatives

(No. 36) – The Summary Convictions Amendment Act/Loi modifiant la Loi sur les poursuites sommaires

(No. 39) – The Insurance Amendment Act/Loi modifiant la Loi sur les assurances

(No. 40) – The Business Names Registration Amendment, Corporations Amendment and Partnership Amendment Act/Loi modifiant la Loi sur l'enregistrement des noms commerciaux, la Loi sur les corporations et la Loi sur les sociétés en nom collectif

(No. 41) – The Balanced Budget, Debt Repayment and Taxpayer Protection Amendment and Consequential Amendments Act/Loi modifiant la Loi sur l'équilibre budgétaire, le remboursement de la dette et la protection des contribuables et modifications corrélatives

(No. 45) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants

were severally read a Third Time and passed.

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Bill (No. 35) — The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire, reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

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The Order of Day having been read for consideration of Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments, the House resumed the Interrupted Debate on the Proposed Amendment of Mrs. SMITH (Fort Garry):

*THAT Bill 42 be amended in section 4 by adding the following after the proposed subsection 105(2):*

**Factors**

**105(2.1)** If a matter under arbitration may reasonably be expected to have a financial effect on the school division or school district, the arbitrator or arbitration board shall, in addition to any other relevant factors, consider the following:

(a) the school division's or school district's ability to pay, as determined by its current revenues, including the funding received from the government and the Government of Canada, and its taxation revenue;

(b) the nature and type of services that the school division or school district may have to reduce in light of the decision or award, if the current revenues of the school division or school district are not increased;

(c) the current economic situation in Manitoba and in the school division or school district;

(d) a comparison between the terms and conditions of employment of the teachers in the school division or school district and those of comparable employees in the public and private sectors, with primary consideration given to comparable employees in the school division or school district or in the region of the province in which the school division or school district is located;

(e) the need of the school division or school district to recruit and retain qualified teachers.

And the debate continuing on the amendment,

And leave having been denied to have the matter remain in the name of Mr. CUMMINGS,

And the Question being put on the amendment. It was negated, on division.

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Mrs. SMITH (Fort Garry) then moved:

*THAT Bill 42 be amended in subsection 7(1) by striking out "commission" and substituting "non-partisan commission".*

And the Question being put on the amendment. It was negated, on division.

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Mrs. SMITH (Fort Garry) then moved:

*THAT Bill 42 be amended by striking out subsection 7(2) and substituting the following:*

*Size and composition of commission*

*7(2) There shall be five commissioners, who shall be as follows:*

*(a) a parent of a child enrolled in a public school;*

*(b) a trustee;*

*(c) a teacher;*

*(d) a business person;*

*(e) a person who owns, rents or leases property on which taxes for school purposes are payable and who is not a person mentioned in any of clauses (a) to (d).*

And the Question being put on the amendment. It was negated, on division.

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Mrs. SMITH (Fort Garry) then moved:

*THAT Bill 42 be amended in subsection 7(4) by striking out "two years" wherever it occurs and substituting "one year".*

And the Question being put on the amendment. It was negatived, on division.

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Mrs. SMITH (Fort Garry) then moved:

*THAT Bill 42 be amended by striking out subsection 7(6).*

And the Question being put on the amendment. It was negatived, on division.

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Bill (No. 42) — The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments, was concurred in, on division.

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Bill (No. 43) — The Sustainable Development Amendment and Consequential Amendments Act/Loi modifiant la Loi sur le développement durable et modifications corrélatives, reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

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Bill (No. 48) — The Rural Development Bonds Amendment Act/Loi modifiant la Loi sur les obligations de développement rural, reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

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Bill (No. 29) — The Health Sciences Centre Repeal and Consequential Amendments Act/Loi abrogeant la Loi sur le Centre des sciences de la santé et modifications corrélatives, reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

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Bill (No. 37) — The Miscellaneous Health Statutes Repeal Act/Loi abrogeant diverses lois en matière de santé, reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

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The House resumed the Interrupted Debate on the Proposed Motion of Hon. Ms. BARRETT:

THAT Bill (No. 44) – The Labour Relations Amendment Act (2)/Loi n° 2 modifiant la Loi sur les relations du travail, be now read a Second Time and be referred to a Committee of this House.

**Wednesday, August 9, 2000**

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And the debate continuing,

And Mrs. SMITH (Fort Garry) having spoken,

And Mrs. DRIEDGER speaking at 6:00 p.m.

The debate was allowed to remain in her name.

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The House then adjourned at 6:00 p.m. until 10:00 a.m. Thursday, August 10, 2000.

Hon. George HICKES,  
Speaker.