

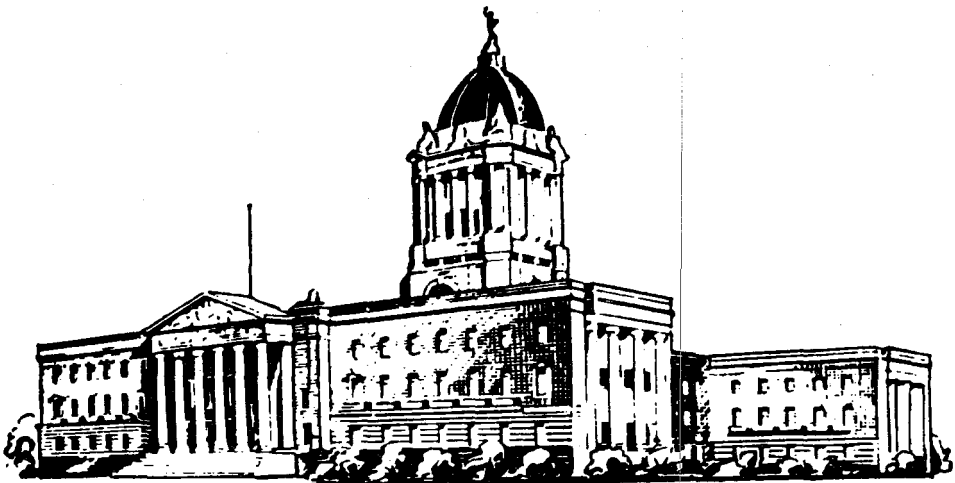


Legislative Assembly of Manitoba

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman

**Mr. J. Wally McKenzie
Constituency of Roblin**



Monday, October 22, 1979 8:00 P.M.

**Hearing Of The Standing Committee
On
Privileges and Elections**

Monday, October 22, 1979

Time: 8:00 p.m.

CHAIRMAN, Mr. J. Wally McKenzie.

MR. CHAIRMAN: The Committee will come to order. We have a quorum. I call Mr. Rene Pichi of the Societe Franco-Manitobaine.

MR. MAURICE ARPIN: Gentlemen, my name is Maurice Arpin, and my function is to submit to you a brief prepared for presentation to this Committee by the Societe Franco-Manitobaine. May I read it, Mr. Chairman, I believe it's been distributed?

MR. CHAIRMAN: Proceed, sir.

MR. ARPIN: Thank you. La Societe Franco-Manitobaine is the successor of L'Association d'Education des Canadiens-Francais du Manitoba which was formed in 1916 by the leaders of the French speaking community in Manitoba in response to the following legislation, which was given Royal Assent on March 10, 1916:

An Act to Further Amend the Public Schools Act Statutes of Manitoba 1916-17, Chapter 38:

"Section 258 of The Public Schools Act being Chapter 165 of The Revised Statutes of Manitoba, 1913, is hereby repealed".

The section 258 thus repealed had been first enacted as section 10 of the Statutes of Manitoba 1897, Chapter 26, given Royal Assent on March 30, 1897, to come into force on August 1, 1897 as follows:

"When ten of the pupils in any school speak the Franch language or any language other than English as their native language, the teaching of such pupils shall be conducted in French, or such other language, and English upon the bilingual system".

This section 10 implemented the 'language' part of the Laurier-Greenway Agreement (the other part pertained to religious instruction) which had been negotiated between the Governments of Canada and of Manitoba in order to put an end, hopefully, to what is known as The Manitoba School Question, a bitter episode in the histories of Canada and of Manitoba.

The object and purpose of the Association d'Education and of its successor the SFM, has been, and remains today, the survival and flourishing in Manitoba of the French language as well as its inherent culture. The focal point of the activities of both has been and remains, the use of the French language as a language of instruction in our public schools.

In view of the confusion which has long persisted in many quarters, it is desirable to re-state that this has nothing to do with French as an official language: that is prescribed for mandatory or permissive use in the records and journals of the Legislative Assembly, the printing and publishing of Acts and in pleadings or process in the Courts of the Province.

On April 26, 1967, the year of the Centennial of the Canadian Confederation and 51 years after the 1916 Manitoba legislation which had removed French as a permissible language of instruction in our public schools, Royal Assent was given to Chapter 49 of the Statutes of Manitoba, 1967, repealing and substituting the then The substance and object of this historic piece of legislation, now commonly known as Mr. Roblin's Bill 59, was to restore the status of French as a permissible language of instruction in our public schools.

In 1970, Section 1 of Chapter 66 of The Manitoba Statutes of that year enacted what is now known as Mr. Schreyer's Bill 113, reaffirming the principle of Bill 59, and substantially re-enacting Section 240 (renumbered as 258) as regards the use of French as a language of instruction and creating the English and French Language Advisory Committees.

It is of most significant interest that both Mr. Roblin's Bill 59 and Mr. Schreyer's Bill 113 received the unanimous assent of the members of the Legislative Assembly of Manitoba. Subsequent

to Section 258 pertain to the use of languages other than English and French.

Now, in the light of the experience gained by school boards, governments, parents and the various organizations concerned with education in Manitoba, the matter which is of particular interest to the SFM, indeed its principal reason for being, namely the one now under consideration in the course of a comprehensive revision of our Public Schools Act.

While the SFM recognizes that legislation such as The Public Schools Act is an organic whole with every part necessarily having some lesser or greater bearing on all the others, and while the SFM is concerned with all aspects of education in Manitoba, it believes that its participation in the process of revision in which we are engaged will be the more valuable and fruitful if it is confined to its primary concern, the use of French as a language of instruction.

This observation, however, is imperative: Bill 59 reflected a most significant departure from the ideas which had prevailed in the past regarding the French language culture in Manitoba. The nature of this departure is best expressed by reference to the following extracts from a memorandum which was presented on July 29, 1966 to the then Premier of Manitoba, the Honourable Duff Roblin, and which led to the enactment of Bill 59.

"This memorandum presumes your conviction that the maintenance and development in Manitoba of the French-Canadian culture, more accurately described as the French-language element of the Canadian culture, is something that is good, as being conducive to a higher quality of national unity and probably essential to the only Canadian nationhood that is both possible and worthwhile.

If a rationale be required, particularly for provincial action in an area that might appear to be of primarily national concern, it may be found in the following:

"1. The obligations of our Canadian citizenship are no less binding than those of our Manitobans. When they assigned the field of education to the exclusive jurisdiction of the provinces, the Fathers of Confederation could not have contemplated that such authority would be exercised in either an indifferent or inimical disregard of national interests.

2. If in vertical terms of Manitoba the usefulness of making provision for the cultural needs of a mere 6 percent of the local population is not readily apparent, in horizontal terms of Canada the desirability of accommodating a numerical third and otherwise indispensable part of the nation becomes compellingly evident.

3. But even in terms of Manitoba, 6 percent is not the correct measure, for the French-language culture is not the exclusive patrimony of those born to it by racial accident; it is an integral part of the national heritage of all Canadians. The fostering of a good that is common is legitimate and desirable government action.

Implicit in this rationale is the repudiation of the French-Canadian cultural ghettoism that has long prevailed for having been both imposed and preferred.

Consequential upon it is that the purview of any public measure for the fostering of the French-language culture should extend to all Manitobans, however born, who may desire to possess this element of their national heritage.

This is not inconsistent with the realistic recognition that the logical base for development of the French-language culture in Manitoba is where it already exists and that it is always easier and more economical to maintain than to restore." That is the end of the quotation, Mr. Chairman.

The experience of the past twelve years has demonstrated conclusively the wisdom of the legislators of 1967/1970 as regards Bill 59 and Bill 113 in making the French-language element of public education available, at least in principle, to all who desire it, including but not restricted to Manitobans whose mother tongue is French.

While exact figures are not available, it is not improbable that there are today, among the Manitoba parents who desire that French be an integral part of their children's education, at least as many, if not more, who are not of French-Canadian racial origin.

As a result the SFM justly considers that its role, duty and function is to promote and foster in our public schools not only French instruction but also English-French bilingual instruction; in practical terms to secure, protect, improve and expand not only the Ecoles Francaises but also the Immersion Schools.

It was obviously desirable, indeed probably inevitable, that during the experimental period following the enactment of Bill 59 in 1967, there should exist a considerable degree of trustee and ministerial discretion in all aspects of the use of French as a language of instruction.

The main point which the SFM wishes to make is that now, when the persistent desire of so many Manitoba parents for some form or measure of French-language public school education for their children has been so clearly demonstrated, the maximum availability of such education should be firmly established as a right, subject only to the reasonable dictates of administrative efficiency and economy, with an absolute minimum of discretion on the part of school boards and even on

e part of the Minister.

This would mean that in all areas pertaining, directly or indirectly, to Ecoles Francaises and Immersion Schools, wherever the roles, duties and functions of school boards and government are, by legislation or regulation, expressed by recourse to the permissive "may", they should from now on be expressed by recourse to the mandatory "shall".

The pertinent areas would include:

- (a) present section 258 pertaining to languages of instruction (proposed 79) in Bill 22;
- (b) present sections 284-288 and 468(11) pertaining to pupil

The pertinent areas would include:

- (c) present section 289 pertaining to Admission of Non-Residents;
- (d) generally all matters pertaining to the maintenance, establishment, designation, change, relocation, redesignation and disestablishment of Ecole Francaises and Immersion Schools.

It is no secret that the establishment, etc. of some Ecoles Francaises and Immersion Schools have been attended with a certain amount of friction, animosity and bitterness among groups of parents with unpleasantness for members of school boards and resulting uncertainty, inconsistency and inefficiency.

It is obviously desirable that everything pertaining to this subject be removed, as much as possible, from the arenas of politics and the forums of media and street demonstrations.

The indicated solution is the creation of a quasi-judicial body to which would be referred, by way of appeal by any person or group of persons having a demonstrably real and substantial interest, any pertinent decision or non-decision by any school board or other authority.

The decision of such tribunal would be final, conclusive and binding on all interested persons and authorities and not subject to any recourse of any kind to any other authority, including the ordinary courts.

Such a body could be composed of one appointee by each of the Minister, Manitoba Teachers' Society, Manitoba Association of School Trustees, Association des Educateurs Franco-Manitobains and Association des Commissaires de Langue Francaise.

The very existence of such a body, having regard particularly to its composition and the absolute finality of its rulings, would most probably reduce to a minimum the amount and nature of the friction and unpleasantness encountered in the past. Political pressures on trustees and ministers would be reduced to a minimum, as would be the recourse to what is sometimes referred to as "direct political action", for example mass demonstrations, open-line debates, etc. The existence of such a body would render unnecessary the Advisory Committees provided by the present Act, Sections 258(3) and (4).

In summary, Mr. Chairman, (1) the principles of Bills 59 and 113 remain today at least as valid and compelling as they were in 1967 and 1970.

(2) The time has come to consolidate the progress made during the past 12 years and to create a new launching pad for the future by making mandatory as much as reasonably possible of what has been up to now merely permissive.

(3) Demonstrated parent demand militates in favour of expansion rather than retrenchment, in the whole field of French and English-French bilingual public education.

(4) The creation of an appropriate and effective appellate tribunal as suggested would contribute substantially to the peace, order and good government of Manitoba in this particular area.

Recognizing that drafting of specific legislation and regulations is a difficult and highly specialized art, SFM has preferred to propose general principles rather than specific clauses. It will be pleased and honoured to render such assistance in that regard as may be required of it.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Arpin. Questions from the committee of Mr. Arpin? The Honourable Member for Winnipeg Centre, Mr. Boyce.

MR. BOYCE: First of all, I want to thank Mr. Arpin for making his presentation in English because I would have difficulty understanding it if he had given it verbally in French.

Yours is the second brief today which suggests some things should be taken out of "the political arena". And you go on to suggest that perhaps this group should be comprised of various representatives appointed by whom?

MR. ARPIN: Well, I've suggested in there that as a mere suggestion, this body could be composed of one appointee by each of the Minister, because ultimately he is the person who bears the responsibility for the administration of The Public Schools Act, Manitoba Teachers Society, which I presume is multi-political, therefore non-political in the sense with which we are concerned, Manitoba Association of School Trustees, Association des Educateurs Franco-Manitobains and

des Commissaires de Langue Francaise.

I find it difficult to conceive of a body that would be less taxable with partisan politics than a body so composed.

MR. BOYCE: Well, we may debate that in some other forum. You are suggesting that these statutory slots and they would be selected by these groups for appointment to this particular body.

MR. ARPIN: That's correct, Mr. Chairman.

MR. BOYCE: That's all I have at the moment, Mr. Chairman.

MR. CHAIRMAN: Mr. Kovnats.

MR. ABE KOVNATS: Mr. Arpin, I, too, must say thank you for making your presentation in English although . . . (Mr. Kovnats speaks in French here, translation unavailable.) I enjoyed very much your presentation and I just wanted you to know that I am almost in complete agreement with your presentation.

MR. ARPIN: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: Yes, Mr. Chairman. I have a question for Mr. Arpin. He suggests in his brief that education be taken out of the political arena and I'm wondering if he has any comment to make on the fact that under Bill 23, The Education Administration Act, the Minister's representatives out in the field overseeing the delivery of the education program, the so called education administrative consultants. Rather than being appointed by a Civil Service Commission machinery as the school inspectors and field officers have been, now they will become political appointments made in the Cabinet room by the politicians, and that the whole education system will be answerable to them. I am wondering, Mr. Arpin, whether you have any comment on that, or any concern or apprehension about the fact that you will have to be answerable to political appointees rather than politically neutral Civil Service appointees appointed on the basis of their academic and professional work experience.

MR. CHAIRMAN: Mr. Arpin.

MR. ARPIN: In the brief span of my life, Mr. Chairman, I have had close exposure to persons political, ranging from the extreme right to the extreme left. I have no grounds for believing that they are inferior to the general . . . of men, including civil servants and women and Civil Service Commissions in their idealism, their devotion to their duty and their desire to do right.

Another lesson that I've learned in my short span is that no human institution, no body of it, no part of it, is ever at any time any better or worse than the quality of the men and women who happen to be discharging their particular functions at any time. I'm much less concerned with the manner of appointment and selection of anyone who is called upon to administer from day-to-day any human institution than in the policing of them and ultimately the policing of them must be done under our system by politicians elected to perform that role.

MR. HANUSCHAK: Yes. Under the present Education Department Act, there is a section which does authorize the Minister to make regulations prescribing the fees to be paid by a person taking any course of instruction, whether in a public school or otherwise. I'm sorry, whether — I want to be very clear, Mr. Chairman, to correct myself — in a school or otherwise, and school under The Education Department Act embraces a whole range of schools: the Old Teachers' College when this Act was written, the old Technical Institute presently the Community Colleges, the Correspondence School, and perhaps others.

Now in the Bill before us, I am referring to Bill 23, there is very precise and specific reference made to public schools giving the Minister the power to make regulations governing the operation of public schools, and within the public schools and to assist Mr. Arpin, Mr. Chairman, I wish to cite the Section that I am referring to, Section 4, Subsection (1), Subsection (e), governing the operation of public and the other schools, and again with reference to public schools designating the groups, kinds, classes or types of persons to be admitted as pupils therein and the fees and charges, if any, to be paid by the pupils. I would like to ask Mr. Arpin whether he has any concern

out this, about opening doors to charging a user fee for the users of some of the programs within our education system?

R. ARPIN: Mr. Chairman, user fees of some type or another — my recollection of the Act as it is now and has been for some time and I must tell you that some years ago I started with the very first schools act, enacted at the very first session of the first sitting of the Legislative Assembly of Manitoba, and read every one through word by word to the present time, so I have some familiarity with the subject. User fees have been with us since Day One. They have been restricted to a number of areas by statute.

The problem which is raised by the honourable member is not an easy one. Somewhere a line has to be drawn because if user fees are not restricted by legislation they can run away, they can be abused by irresponsible humans to the point where they could effectively destroy the very concept of our public school system, open and free to all, because everybody knows full well that the ability for everyone to pay for what they want is not equal and user fees could be subject to abuse.

On the other hand, we have the other extreme, which becomes even more acute when we consider the pervasiveness of the areas in which public education has evolved and developed and penetrated, particularly during the last two decades.

Somewhere between those two a proper balance has to be struck. I would prefer, particularly in view of the possibility that governments change and Ministers of Education change — I can anticipate the day, for example say, in 1998 or 2006 where there may be a change of government in Manitoba and the Ministers responsible for the administration of the Act may not bring to it the same concept that I have of the necessary balance.

I would prefer ideally that wherever user fees can be imposed that the area be restricted by legislation so that any undue expansion of them into areas which would defeat the principle of a public education system would at least be subject to the discipline of specific legislation rather than ministerial action or even by Order-in-Council. But ideals never exist. You have to strike a proper balance between efficiency of administration, the unforeseeable and the necessity to provide or to enshrine educational rights as we have them.

I have not studied, I must confess, the Sections to which you referred in Bill 23, so I cannot express any better or other opinion than I have except to state the general principles. If it is possible on a proper interpretation and application of this Section that recourse to user fees may effectively defeat educational rights, then by all means they must be removed and I would prefer specific legislation restricting the right to impose user fees to specific areas rather than give them an open door.

If, however, there is not on proper study of this any real substantial danger then we have to recognize the practical dictates of efficient administration and leave the door open for them.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Thank you, Mr. Chairman. I too would like to say that I find myself in almost complete agreement with everything that you have presented in your brief and report to you that the youngest of my five children is completely bilingual and the others and myself perhaps reflect the times that we didn't think it was that important in my generation earlier.

In response to a question from my colleague, the Member for Burrows, I don't want to misunderstand what you said. You said, "police function". Is it my understanding that you see the deployment of educational administrative assistants and the manner in which they are appointed to be a policing function and that that is legitimate?

MR. ARPIN: I'm not concerned with the manner of appointment. In my view, in my limited experience, it doesn't really matter how someone reaches the position of authority that he has. It is of comparative insignificance when you relate it to the manner in which he exercises authority and the existence of an ultimate policing authority. Now that policing authority is the Legislative Assembly of Manitoba.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Mr. Chairman, first of all, Mr. Arpin, I would like to express my appreciation for your very learned presentation of this brief this evening.

I did have one question that I would like to place before you and that is in regard to the creation of a quasi-judicial board with power to make final decisions without recourse to the courts. Now I understand that you are a man who is very learned in the law — is such a board a good principle in law?

MR. ARPIN: In theoretical law, Mr. Chairman, it's God-awful, but however again the pragmatics of things, we have on the one hand an undesirable proliferation of administrative tribunals, quasi-judicial bodies, not subject and always with efforts on the part of the legislatures to protect them from any possible interference by the courts. For exale, you take, I think, it's Section 9 of the Federal Immigration Act, that says any decision by the Minister or by a Special Inquiry Officer shall not be subject to review by any court of the land, whether by appeal, certiorari, mandamus, quo warranto, call it whatever you wish. The courts have always found ways and means of getting around such legislation.

On the other hand we have this, we have the ordinary system of courts which is overworked, which is not specialized in any particular field and which is becoming more and more tardy in the rendering of its decisions and of the finality of them. Somewhere between those two we have to draw the line. There are courts, there are tribunals that are final. The Supreme Court of Canada, ever since 1949, the abolition of the appeals through the Judicial Committee of the Privy Council, where do you go from there? Nowhere. Other courts are final. I remember — I don't know the present state — but there was a time, I believe, until the first section of 1964, where certain decisions by a County Court Judge or a Surrogate Court Judge under The Dower Act, pertaining to whether or not when a man or woman had died the spouse had left him or her before death with the intention of living separate and apart, therefore, had no rights under The Dower Act. We had provision that that decision was, by a County Court Judge or a Surrogate Court Judge, was final, decisive, binding, not appealable.

Well, let me put it this way. We want one thing. In this area here people can't wait three months, six months, nine months, a year; they can't wait until lawyers devise all sorts of delaying tactics if they feel they are on the losing side. We want efficiency and one component of efficiency is speed. We do not have that unless you have a finality in a body like this.

Secondly, the field of expertise. More and more in various western countries you have an evolution of our general court system towards parts of them which are specialties. For example, Cour de cassation of France, which is the name of their highest appellant tribunal which corresponds to our Supreme Court. I believe there's about 56 members of it. But they are split up for any particular case, they are appointed specialists; they sit three, sometimes 5, sometimes 7 — in high constitutional cases they'll sit 9 — but they'll select amongst them specialists in the particular field. Here we would have, presumably, people who would be specialists of the particular field in which they would be operating. Their decisions would be quick, which is a great advantage by itself; they would be better than the ordinary courts; competent to decide, because it is one of the fictions that we have in our ordinary courts that our judges know nothing about nothing, not even the law, they have to be told what it is by lawyers, and they know nothing about facts, except to the extent they are told them by experts expressing their opinions.

Were you ever in any proceedings where, say expropriation proceedings, where evaluation had to be placed on a piece of land at a particular time? You can call three experts on one side and three on the other, each with a string of degrees sufficient to stock any alphabet soup and they will be diametrically opposed with equally apparently valid reasoning. The courts are dependent upon the expert testimony that is given to them by anyone. Here the court itself would be an expert in the particular field, that is an advantage.

Now, admittedly, there is room for abuse, although I can't see how a body composed like this would all of a sudden lose all common sense, all sense of justice and of fairness or anything, and dispense rulings that they would be so obviously wrong as to shock the conscience of any reasonable man and woman. So, here again, there is no absolutes, you do the best you can and if it doesn't work out well you amend it. After all this will not be the last session of the last Legislative Assembly of Manitoba.

MR. COSENS: No further questions, Mr. Chairman.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Mr. Chairman, I want to thank the Minister for asking Mr. Arpin that particular question, and especially your last statement that came down and said there are no absolutes and this is not the last session.

But just one question — I don't want to be out of order, but you seem to be indicating something in contradiction to McRuer's suggestion in his inquiry into civil rights that we move more towards that type of system.

MR. ARPIN: Right.

R. CHAIRMAN: Mr. Arpin.

R. ARPIN: Yes, Mr. Chairman. All I know is this. We have to try something because the present system is not functioning as it should. Justice delayed is justice denied. We want speed, we want efficiency, we want accuracy, these things have to work and let's try to make them work. And my submission, on the basis of personal experience as a counsel — I spend most of my time in court — ever since I started is that there has been a change in evolution in the courts and they are no longer capable of dispensing the type of justice that is required in situations like this as they were 20 years ago, and with the caseload increasing they will become less and less so as the years go by.

R. BOYCE: Well, Mr. Chairman, would it not be the case then that it would not be too long that in Manitoba we would have to have 56 experts because in the short hearings that we've had so far we've had two recommendations, yours and another recommendation, which would cause us to create the expertise capacity in such body for two separate items. So if this is where we are going in this particular bill, that each group suggests that we have a tribunal or body to resolve these difficulties, then we would have to establish that kind of a group to take care of each individual concern. I'm being somewhat facetious I realize that but . . .

MR. ARPIN: Mr. Chairman, it may be, you see this was just an idea thrown out, the suggestion as to the composition. The suggested composition here is obviously directed to the specific problem or the specific part of your endeavours here, your efforts, to which the SFMS deliberately restricted self thinking that it was, you know, chacun a ses moutons et les vaches sont bien gardees, each man to his appointed task and the cows will be that better looked after. So we've restricted ourselves to our particular area of concern.

But it may very well be that this type of tribunal, quasi tribunal can serve an equally good function in many other areas, for example, as a safeguard against possible ministerial abuse of legislation providing for the prescription of user fees by regulation or by ministerial discretion. The formula can be used and can be adapted to many other functions than the comparatively narrow one that we've ascribed to it in this brief, this memorandum.

MR. BOYCE: Thank you very much, Mr. Arpin.

MR. CHAIRMAN: Any further questions? Mr. Kohnats.

MR. KOVNATS: Thank you. Vous parlez française très bien.

MR. ARPIN: Excuse me, Mr. Chairman. If so many members want it I'll repeat it all in French, you know.

MR. KOVNATS: That's really not what I was going to ask you, Mr. Arpin. Page 5, Clause 3, just brings to mind one point. I believe this to be my right to study and learn French except that I have had some groups that have condemned me for my interest and my participating in learning French, and those groups are French groups. It's a little hard for me to understand. I would believe that the French groups are not coming together as a strong force to present this problem to the government; it's a divided force and I condemn the groups that condemn me for not allowing me to learn French. I am not bilingual at this point but almost and I don't like the criticism that I have been receiving from some of these French groups for my studying of the French language. I would suggest that I think that the Franco-Manitoba society could go a lot further if they could co-ordinate the groups that are supporting this proposal. That's not a question, it's just a statement, sir.

MR. ARPIN: Mr. Chairman, the honourable member is in good company. You may derive whatever comfort you wish out of the knowledge I drew up this memorandum 15 years ago. It was a radical departure from the concepts that had prevailed so many years, that the French language was the exclusive patrimony of those born to it by accident of race. I was ostracized myself for many years for having suggested that implicit in this rationale is the repudiation of the French-Canadian cultural ghettoism that has long prevailed for having been both imposed and preferred.

But you know people learn over the years with repetition. I'm sure that the experience that the honourable member has had has been shared with many others, but the new ideas have prevailed. The principles of Bill 59 and of Bill 11 the departure from this racial approach, mother-tongue approach, go back to 1897, who speak it as their native language. There was a racial basis to

the entitlement to what is now considered I believe by most enlightened men and women as a common part, common Canadian heritage available to every single Canadian however or whenever born or landed as an immigrant.

But this is a new departure that was made. I think it has found favour amongst the majority of thinking people, that's why we suggest that we should carry on with it and expand it on the basis of the very same principles and that's why the La Societe Franco-Manitobaine is here, to foster and to encourage the development and promotion, not just of ecote francaise but of immersion schools as well, and not just the French language instruction but of bilingual instruction.

MR. CHAIRMAN: Any further questions? We thank you, Mr. Arpin for your presentation.

MR. ARPIN: Thank you.

MR. CHAIRMAN: For the benefit of the members of the committee I have a memo from Evelyn Reese. She suggested the committee consider meeting in the evenings to convenience people like herself, that she had to cancel her daytime appointment. I wonder if she's in the room tonight and we could hear Evelyn Reese.

Then I call Mr. Bob Brown, Dependable Bus Service. I call Mr. Tim Sale, Social Planning Council of Winnipeg. I call Mr. Jake Froese from Winkler. I call Mr. Gordon Newton of the Manitoba Association of School Superintendents. I call Father M.R. Klysh. I call Mrs. Mary Kardash. I call Mr. and Mrs. Michael Andrieshyn. I call the Manitoba Association of Student Councils. I call the Society for Crippled Children and Adults of Manitoba. I call the Manitoba Association of School Trustees. No, that's the one we're to hear tomorrow morning at 10 o'clock. I call Mr. Brian of the Antler River Teachers' Association. I call Mr. Scarth from Fort Garry School Division. I call Mr. Tod Baranuik from Transcona-Springfield School Division No. 12. Mr. Gordon from the Manitoba Teachers Society wants to be heard tomorrow at 2 p.m. I call the Winnipeg Teachers Association of Manitoba Teachers Society, Mr. Clifford. I call Mr. J.C. Stangl of the Manitoba Federation of Independent Schools Incorporated.

Mr. Stangl.

MR. J.C. STANGL: Mr. Chairman, the Honourable Minister, Members of the Standing Committee on Privileges and Elections.

Before making my submission with regard to the proposed Bill 22, The Public Schools Act and Bill 23, The Education Administration Act, I want to briefly indicate to you what the Manitoba Federation of Independent Schools Incorporated is and what it represents.

Mr. Chairman, I might wait perhaps until the briefs are . . .

MR. CHAIRMAN: If you wish, Mr. Stangl. Proceed, Mr. Stangl.

MR. STANGL: Very well. I may proceed now, Mr. Chairman.

MR. CHAIRMAN: Right.

MR. STANGL: The Manitoba Federation of Independent Schools was duly incorporated through Letters Patent on the 26th day of November, 1974 and has as its objects:

- (a) To support and encourage high standards in the Independent Schools in Manitoba;
- (b) To make known to the public the rightful place and responsibility of the Independent School within a democratic and diversified society;
- (c) To strengthen understanding and co-operation between the Independent School Association and other educational institutions and between the Independent School Association and the government;
- (d) To represent all Independent Schools, members and association of such schools with respect to the receiving and disbursing of federal, provincial or other governmental grants or payments to be applied for the benefit of education in Manitoba in accordance with the terms of such grants or payments as are by statute, regulation or agreement.

The Federation functions under by-laws which stipulate its membership, voting rights, meetings, Board of Directors, the executive, standing committees and the other usual requirements and procedures of a corporation.

We have regular meetings, annual meetings and various educational programs and conferences to assist the membership in the fulfillment of their roles, obligations and responsibilities.

As you know in Manitoba there are currently some 59 schools known to us as Independent Schools. Not all of these schools are members of the Federation, although we offer certain services

all of them. However, the larger and major number of schools are members and they represent various denominations and non-denominational schools, such as the various Mennonite Schools, Christian and Calvin Christian Schools, Jewish Schools, Roman and Ukrainian Catholic schools, Memorial Hall, St. John's Cathedral Boys' School, St. John's Ravenscourt, and the University of Winnipeg Collegiate, and so forth.

With reference to Part 4 of the proposed Public Schools Act as per Bill No. 22, covering agreements with private schools, we would propose for your favourable consideration and recommendation, the replacement of the Part IV section as it now reads, with a new Part IV section which follows as an appendix to this submission. And I don't want to assure you, gentlemen, that I don't intend to read the proposed legislation as we recommend. I would hope that you, at your leisure, will have a look at it and study it as we submit it. Legislative gobbledegook is very difficult to follow at best in the presentation of a brief, and I trust that the appendix will be self-explanatory in such.

In effect, however, our proposal in the appendix does the following:

(1) It identifies "Private Schools" as "Independent Schools" for the reason that all the schools currently are not in fact private schools, but would more properly be identified as "independent schools" and further would require an amendment in Bill 23 — "The Education Administration Act" — under the Definition 1(g) by replacing the words "private schools" with the words "independent schools".

(2) It further distinguishes between agreements with school divisions or school districts and independent schools as they apply to the use of the facilities and resources including instruction and services of the school division or school districts versus agreements between the Department of Education and independent schools for the payment of grant funds.

(3) It proposes the concept of the Department of Education dealing direct with independent schools upon written approval of the Minister, where grant funds are approved.

(4) It also allocates the grants into the respective categories.

This concept, of course, where it provides for the Department of Education to deal direct with independent schools, is in keeping with the resolution passed by the Manitoba Association of School Trustees at their annual convention in March of 1979, as well as on other occasions, and again I believe you will hear in the current presentation to this committee, apart from similar presentations by individual public school boards in other groups. And I take it upon myself for reference to other groups, since MASBO made a presentation this morning and I trust that their policy was as was stated to me, and I believe that you will find MASS, that's the Manitoba Association of School Superintendents, supporting the same approach.

We believe that in effect, the Minister of Education and his government have in fact, a mandate to so proceed. Public school boards have proposed this approach for several reasons, chiefly as they do not want to be the middle man or broker, and further they do not want to incur this extra unwarranted processing cost for no internal purpose.

We sincerely believe that the public generally has accepted that the government has confirmed the policy of grants to independent schools, and further is to a great extent under the impression that the government is providing these funds directly. Since the funds do not belong to the public school division, except where the facilities and resources including instruction and services of the school division or school district are utilized by the children enrolled in the independent school, the fact that they become an issue at the divisional level would appear only to be of assistance to those who oppose the government policy. The government view of having to deal with the public school boards, despite the opposite feeling expressed by these same boards, remains an enigma. And so if the legislation for the delivery of funds were amended to a direct basis to the independent schools as proposed in this presentation, we sincerely believe that the controversy and erroneous statements now experienced at divisional board levels would disappear. Frankly, these difficulties will never be overcome until the procedures are changed.

I'd like to further state that at a time when the government is under pressure with regard to population shifts and decreases, the direct financial supporting of education with independent schools would in fact alleviate the by-passing of immigrants to this province. Gentlemen, this is not a myth, but a fact known to various cultural groups and something that was told to me personally in discussions in my past national involvements. People who have certain philosophies in the education of their children and might otherwise have to come to Manitoba, have in fact chosen to go elsewhere where this financial burden and difficulty does not exist to the same extent in the operation of independent schools.

You might very well say that the current legislation has already resolved this problem. However, that is not an assured situation, when in fact it totally depends on the goodwill and pleasure of the public board to enter into such an agreement. This situation repeats and compounds itself as new trustees are elected or new administrators are hired who may not be supportive.

And so, as previously stated, until the legislation is changed so that the government, the Department of Education, will deal direct with independent schools, these difficulties and concerns will persist and not be resolved. This obviously does create a further financial burden on the independent schools, particularly where the funding under The Agreement for Other Services is never certain and totally dependent on the goodwill of the public school board which may or may not approve the agreement, as is currently experienced by one of the major independent schools. And I might add at this point in time, after some five or six months of negotiations, we have eventually resolved that particular problem. But it does emphasize and point out the difficulty that is being experienced under the present legislation. In that particular case, their division had refused to process agreements as a matter of policy quite apart from the worthiness of that independent school.

The concerns raised with the proposal of the possible development of another system is neither valid nor practical. It is not valid because grant payments to independent schools, as experienced for some years now in such provinces as Quebec, Saskatchewan and Alberta, have proven otherwise. Our group, while supporting a common appeal for financial assistance and resources, is not sufficiently homogeneous because of ideological differences, to develop into a unified single alternative system. Furthermore, the Department of Education has a branch that handles and services special educational groups so the direct approach with the Department as proposed would not be new or impractical.

It has also been stated that direct funding of independent schools, other than through public boards, will cause the development of small splinter groups or schools, etc. Suffice it to say that the The Agreement for Other Services formula far from fulfills the financial operational requirements of the independent schools, let alone supply funding for the capital cost of such a new school. In addition, current legislation and regulations can in fact control such possibilities and development. As a matter of fact, if the MAST proposal is accepted, the criteria that would be developed for the establishment of independent schools would even further control such possibilities.

Our objective too, is to ultimately achieve the goal of having all of our teachers certified. As a matter of fact, the major number of our teachers are already certified and the certification procedure set by the department for teachers in independent schools is fully supported by the Federation.

The Federation, however, still believes that there are times when teacher qualifications, abilities, experience and commitment to teach are more important than certification by itself, and that this consideration should in fact be taken into account when funding of grants on a classroom basis is established.

Mr. Chairman, I am not sure whether your Committee accepts this kind of an approach and perhaps it should have been raised at the very outset, but I have supplementary submissions that are being made as part of this Federation presentation in terms of some of the people that are here this evening, who would very briefly be prepared to make a supporting statement. Alternatively, I could perhaps read them as part of this brief. Now, whichever is acceptable to you and the Committee would be the procedure that would be followed.

MR. CHAIRMAN: Well, Mr. Stangl, I'm at the mercy of the Committee so I'd like the wishes of the Committee. Do you want to hear Mr. Stangl make these presentations or the individuals themselves?

MR. HANUSCHAK: Mr. Chairman, each delegation is entitled to make its presentation any way it wishes. We've had others where we've had two or three spokesmen.

MR. CHAIRMAN: Agreed? Agreed. Proceed, Mr. Stangl whichever way you desire.

MR. STANGL: Under those circumstances, before I complete this particular presentation and I will pick it up at the very end, if I may, Mr. Chairman, I would now present to you, since I do not see these particular people present, some very short briefs on their behalf and then we'll call on two of the members that are present.

This one is from Peter Peters, the principal of the Mennonite Brethren Collegiate Institute. I would like to speak on behalf of the Mennonite Brethren Collegiate Institute, founded in 1945, and the Manitoba Federation of Independent Schools generally, in support of the policy of provincial grants to Independent Schools. In a democratic society, the principle of parental and individual rights and responsibilities for the health, nurture and education of children is well established. We appreciate the provincial health, education and public services now provided. They are universal and comprehensive in scope. Parents and individuals however, have the right to choose the specific doctor and medical services available to them. Certainly the choice of food is a family matter.

rent in keeping with their conscience and religious convictions should have the right of choice educate their children as they deem fit. The only limitation that the citizens of a democracy place on individuals and parents, is that their actions do not cause harm or injury to others. Actually the burden of proof should rest with the state to show that in matter of education, parents do not have the right to choose how their children are to be taught. We all have a fear of monopolistic and totalitarian forms of education. A system that allows for pluralism helps to keep those tendencies in check. Individual and family rights are the cornerstone of the democratic concept. We urge you to uphold this concept in practice in the field of education. Peter H. Peters, Principal of the Mennonite Brethren Collegiate Institute”.

This is from the Department of Education of the Winnipeg Jewish Community Council.

”Mr. Chairman, Members of the Standing Committee on Privilege and Election: This brief is being submitted on behalf of the Department of Education of the Winnipeg Jewish Community Council representing four Jewish schools in Winnipeg (Talmud Torah, I.L. Peretz Folk School, Ramah Hebrew School and Joseph Wolinsky Collegiate). We would like to underscore a few of the points made in Mr. Stangl’s brief on behalf of the Manitoba Federation of Independent Schools.

1. Alternative Education: Our schools provide an alternative to the public school system for those parents wishing to provide a Hebrew or Yiddish language, cultural and/or religious program in a school environment. The choice which parents make to send their children to one of our schools is in no way a criticism of the public school system. Rather, the decision to send our children to an independent school is based on the preference to expose our children to the specific cultural opportunities mentioned above, which are not available in the public school system. As well, we are vitally concerned with the preservation of standards for those courses prescribed by the Department of Education of the Province of Manitoba. All of the teachers who teach such courses in our system are certified by the Department and hired on the basis of their professional expertise, regardless of their ethnic background. We are grateful that the Government of Manitoba has recognized the viability of independent schools as an alternative to the public system for some children, and has seen fit to make grants available to our schools to help defray instructional costs.

2. Processing the Grants: We heartily endorse the concept of having the Department of Education make the grants directly available to the independent schools as suggested in Mr. Stangl’s brief. In our opinion, it serves no useful purpose in having the public school boards involved in processing these grants. Once the Government of Manitoba has recognized the principle of providing grants to independent independent schools, it would seem unfair that one independent school should receive such grants because the Public School Board in its area is favourably disposed to the government’s policy, while another independent school in a different school division does not receive the grants because of its public school board opposing the policy. Among the schools in our system, for example, the I.L. Peretz Folk School was receiving “shared services” grants through an agreement with the Seven Oaks School Division for several years before the other three schools in our department were able to convince the Winnipeg School Division to enter into “shared services” agreements.

Furthermore, even within a given school division, policies change from year to year. It is inconvenient and serves no useful purpose to have the independent school seek annual approval for the provincial grants from the Public School Board. Since the grant funds are forthcoming from the province, the independent schools are entitled to base their budgeting expectations on the policy of the provincial government, rather than on the policy of the public school board which really has no direct stake in the issue.

The proposals for change submitted by Mr. Stangl on behalf of the Manitoba Federation of Independent Schools, address themselves directly to our concerns. They clearly endorse the continuation of the payment of grants to independent schools, while at the same time suggest that the grants be paid directly to the schools in question. I would urge the Committee to make favorable recommendations to the government endorsing the proposals put forth by the Federation. Respectfully submitted for the Department of Education of the Winnipeg Jewish Community Council”.

Now gentlemen, I have another one. It’s a little longer and I have been speaking for a little while and if I may, I would like to just sit down and call on Mrs. Patricia Soenen, Secretary-Treasurer of the Catholic Parochial School Trustees Association of Manitoba, followed by Mr. Alan Judd, our Executive Director, who has another brief to present.

MR. CHAIRMAN: Very good, Mr. Stangl.

MR. STANGL: Thank you.

MR. CHAIRMAN: Mr. Stangl, before we proceed, would it be in order for us to ask you leave copies of those documents you read from with the Clerk so that copies can be made for member of the Committee.

MR. STANGL: Indeed, I'd be happy to.

MR. CHAIRMAN: Thank you. Proceed.

MRS. PATRICIA SOENEN: Mr. Chairman, Members of the Standing Committee on Privileges and Elections.

As catholic school trustees and parents, we are heartened by the government's recognition that independent schools play an integral part in the educational services offered in the Province of Manitoba. This recognition comes in part through the financial support given by the government under "The Agreement for Other Services".

Manitoba is the last of the Canadian provinces to recognize the right to alternative education. As a result, independent schools in this province have had a particularly long and difficult struggle and recent governments are to be commended and congratulated for their efforts to resolve these difficulties in a spirit of true democracy. Clearly, this has not been accomplished without a certain degree of controversy and dissension. Nevertheless, we are convinced that the majority of Manitobans agree that a measure of financial support for independent schools is fair and just. However, the controversy over support for independent schools will continue to erupt from time to time so long as the government provides the funds through local public school boards.

It is understood from briefs which will be received by this committee, that the majority of public school boards and officials do not oppose aid, financial support, to independent schools. What they do oppose is acting as the broker or bookkeeper for these monies.

The present arrangement for the delivery of these funds would seem to aggravate public school trustees, and as well, frustrates Catholic school trustees. When new trustees, unfamiliar with what has gone before, are elected to public boards, all the questions and procedural wrangling begins again. Catholic school trustees are unable to finalize budgets for their school year, as they await the outcome of yet another debate on the ratification of the agreement for other services. This is an onerous position for Catholic school trustees, already faced with severe difficulties in financing their schools.

In order, Mr. Chairman, that these debates be put to rest once and for all, the Manitoba Catholic School Trustees Association, in conjunction with the Manitoba Federation of Independent Schools, recommends that Part 4 of The Public Schools Act, under Bill 22, be amended to allow the Department of Education to deal directly with those schools entitled to receive moneys under the agreement for other services. As the Department of Education already has the ability to deal with special educational groups, such direct funding could be easily accomplished.

Thank you, Mr. Chairman, and members of the committee.

MR. CHAIRMAN: Thank you, madam. Your name again?

MRS. SOENEN: Soenen. Patricia Soenen.

MR. CHAIRMAN: Thank you.
Could we have your name, sir?

MR. ALAN JUDD: Alan Judd. I'm the Executive Director of The Manitoba Federation of Independent Schools, and this presentation is actually from Mr. John VanderStoel, who is the Dean, Collegiate Division, of the University of Winnipeg. He addresses it: Mr. Chairman, Members of Standing Committee on Privilege and Election:

I, meaning Mr. VanderStoel, should like to address myself briefly to the question of exclusiveness in the selection of students who wish to benefit from the alternate education provided by the private schools in Manitoba. It seems an all too general belief that private schools are exclusively operated for the wealthy and the religious, while this general belief now is expanded to include the concept that exclusiveness is further reinforced by the present financial aid provided through Other Services agreements.

As no actual study of such alleged exclusiveness had been undertaken, I chose this as my topic of research for my Master of Education thesis in 1976, a copy of which is hereby submitted for your consideration. Mr. Chairman, I have the copy here to leave with you if you would like it.

Two facts emerge from my research, (1) that although many private schools are parochial in nature, not all are church affiliated, and that those of a parochial nature do not cater exclusively

to students of their own or any religion; and (2) that although many students of wealthy background attend private schools, many others are of middle and low income backgrounds, and that the more religiously oriented the private school is, the lower the average family income tends to be. This could be summarized by saying the general belief concerning the exclusiveness of private schools is no more than a generalization from the fact that some of the private school students are wealthy and some attend for religious reasons.

Parental incomes surveyed for the six major Winnipeg private schools in this study indicate an average of 32.4 percent of families in the upper income, roughly one-third of them, 51.3 percent in the middle income group, and 10.6 in the lower income range. Religious affiliations surveyed for these same schools indicate the presence of 11 readily identifiable religions with the following noted for individual school affiliations or associations with religions:

Balmoral Hall, Anglican and United, 37.5 percent of their students are either Anglican or United.

Mennonite Brethren Collegiate Institute, 75.9 are Mennonite.

St. Mary's Academy, 70 percent are Roman Catholic.

St. John's Ravenscourt, with no religious affiliation, has six major religious groups identified.

St. Paul's High School, 69.4 percent are Roman Catholic.

University of Winnipeg Collegiate, being a United Church foundation school, 17.7 only United Church people.

Figures for 1979-80 indicate that alleged exclusiveness of private schools has not notably changed since 1976. Roman Catholic, 72 now, 69.4; Protestant — he uses the term — 25 percent, and in 1969, 24.5; t. Mary's Academy, 72.1 now and it was 70 in 1969 — I'm sorry, I'm reading this a little badly, I wasn't seeing the headings.

St. Paul's High school, for instance, Roman Catholics now 72, they were 69.4; Protestant — that's why he uses the term, other than Roman, 25 percent, was 24.5; Mennonite and other, 3 percent, it used to be 6.1.

t. Mary's Academy, 72.1 as opposed to 70; 23.1 as opposed to 22.4 and 4.8 as opposed to 7.6.

Mennonite Brethren, roughly the same split, Mr. Chairman.

It may be further noted that in the Mennonite Brethren Collegiate Institute only 49.7 of their students belong to the Mennonite Brethren Church. The other 16.4 Mennonite belong to other Mennonite sects which do not support this school.

The committee's attention is also drawn to these figures:

Balmoral Hall, 25 percent of the population belong to the religious affiliation, in other words, one-quarter of them were either Anglican or United. The percentage however, of the population in the middle and low income ranges was 62.5, virtually two-thirds.

St. Mary's Academy, 70 percent of their religion, Roman Catholic, 68.8 in the low and middle group; Mennonite Brethren, 75.9 religious, 85.5 in the middle and lower income group; St. John's Ravenscourt, without the religious affiliation of course, 23.6 were in the middle and lower income range; St. Paul's High School 69.4 in their religious affiliation, with 59.2 in the middle and lower range of income. University of Winnipeg, as I noted before 17.7 were United Church background, where 58.4 of the people were from backgrounds of middle and lower income.

Such figures indicate that private schools with little or no affiliation with a specific religion have generally the lower percentages in both categories while the others generally have higher percentages in both categories. This shows a tendency that where religious reasons may be more prevalent for attending a private school, financial hardships are likely to be the greater and vice versa.

Finally the process of selection of students from applicants varies from private school to private school. The committee should appreciate that if one school happens to be more selective than the others, this does not establish evidence of exclusiveness. Generally, private schools have bursary and scholarship programs to help those in financial difficulties. Generally also, private schools must be filled to near capacity to make ends meet. They accept all students regardless of race, religion, creed or academic background.

I, John VanderStoel, as Dean of the Collegiate Institution of the University of Winnipeg, can assure the committee that the only basis for admission to my school is first come, first served. This implies that some applicants may be rejected when the school is filled. In fact, however, all have been accommodated by expanding the school to meet demands.

In conclusion I urge the committee to accept the fact that exclusiveness is not a significant factor in the private schools of Manitoba and that in fact financial assistance to private schools will reduce little such exclusiveness as there may be."

That is Mr. VanderStoel's presentation, Mr. Chairman, and we thought it might be useful because this is one of the misunderstandings generally of the independent schools, this matter of

The other presentation which I might have read to you had to do with parental rights and it comes from the Emmanuel Christian School in Transcona. I won't read it, it's pretty much the same thing as the presentation that was made earlier by Mrs. Soenen.

MR. CHAIRMAN: Thank you, sir.

MR. JUDD: Thank you.

MR. STANGL: Mr. Chairman, if I can go back now to another submission that is being presented in support of what the Federation stands for and that's by Ms. Bernadette Russell, the President of the Manitoba Provincial Council of the Catholic Women's League of Canada. She says:

"Mr. Chairman, members of the Standing Committee on Privilege and Election. We represent the Manitoba Provincial Council of the Catholic Women's League of Canada. Our membership is comprised of approximately 3,300 members. We are one of the ten provincial councils which make up our national body of approximately 112,000 paid members. We are also part of the world union of Catholic Women's Organizations.

It has been over two decades since we have been before any committee holding hearings on this very important issue, and human right, freedom of education. During these interim years we gave our endorsement and support to the Manitoba Federation of Independent Schools Incorporated. While pursuing other deep concerns in our communities we continued to be a people of hope as the concluding words in our brief 23 years ago stated: "We trust that the good will of our fellow citizens and their thoughtful evaluation of our position will bring about a settlement that will result in the strength and progress of unity and understanding." We are still a people of hope and feel compelled at this time to come before you to restate our belief in the right of parents to choose an educational atmosphere which is in concert with their life's values and beliefs.

Our interest as mothers is concerned on the welfare and the progress of our children and especially on their character development. This to us, as Catholic mothers, means a particular concern for their moral and religious education.

Many of us make great financial sacrifice to bring a thoroughly religious education within the reach of Catholic children. Still under present circumstances many of them are being deprived of the formation we prize so highly. In the home we begin their religious formation, in the school we know that it must be continued and strengthened.

To every Christian mother the child is a treasure which she must care for and protect. She therefore wishes to keep in the home an atmosphere of love, order and security for the small living being entrusted to her by God will owe its first development and direction to her. The future is ever in her mind. The little son or daughter will reach maturity either as an honourable adult who lives by principle or as a creature of impulse. The young life now in her keeping may attain its goal of eternal supernatural happiness or on the other hand may end in the wreck of what is moral, good and worthy of esteem. Hence the mother's desire, indeed the parents' desire, that throughout the impressionable years of childhood and adolescence, the child must consistently grow in the right direction.

Side by side with moral and religious training we study and provide for their physical and intellectual needs. We want for the child a strong healthy body and a disciplined, alert and inquisitive mind. Soundness of mind and body are the best foundation on which to build the perfect person we envisage, a person of individual and social integrity, a person of worth. We are convinced too, that there can be no such balanced integration unless religion is its core and so our strong desire is to keep children developed in the religious atmosphere : they know at home. We believe that religion will have to be the strongest influence in their mature lives, an indispensable factor, and that is our sacred duty to ensure its continuance.

For these reasons we as parents feel a religious education and atmosphere must permeate their studies, the activities and the very structures. Besides knowledge of the doctrines of the child's faith, the student is given clear ethical principles by which to rule choices and actions. These principles should form for each child a conscience that is healthy, reasonable, straight and true.

As parents who have conferred life on their children, we believe that it is our solemn obligation to educate our offsprings with the principles which are the right of every child.

You might say that the concept of religious-based schools in our province is already an accepted fact and that the grants provided verify that. However, the method used is far from adequate and many other groups support their analysis. There must be a change to guarantee a grant whether the present school board agrees or not. This would ensure our children of the education we are seeking. There are many within our own community who cannot afford this kind of education because of the high cost especially at the Junior and Senior High School level.

Many mothers have had to seek employment outside the home in order to supplement incomes this very crucial period of teen-age years. We should be doing all that we can in order to allow those women who choose to stay home with their children to have that right. We must also be concerned with the many single parents, people of welfare or social assistance. In the determination of welfare rates no consideration is given at all to the cost of education and for those who desire it whose conscience dictates it, and if they want to avail themselves of an independent school education for their children, it is just not financially possible.

The recent report by the National Council of Welfare on Women and Poverty shows that in Winnipeg the welfare rate for a female-headed single parent is \$2,636 below the poverty level for Canada. With that income can hardly afford to set aside funds for alternative school education.

We think for no other reason than those instances given, a change in the method of funding must be considered. We most heartily endorse the alternate method proposed to you in the brief presented by the Manitoba Federation of Independent Schools Incorporated.

We further note from the Bulletin Volume I, No. 2 of the Committee for the International Year of the Child for Canada and of the Province of Manitoba, the government plans to introduce revisions to the Public Schools Act increasing financial assistance to all levels of education and in particular to programs that meet the needs of disabled and handicapped pupils. We applaud these proposals.

We further hope and pray that during this International Year of the Child this question of funding of Independent Schools will be favourably settled to ensure that every parent and every child in Manitoba will have the freedom of education.

We wish to restate the words of our brief 23 years ago: "We trust that the good will of our fellow citizens and their thoughtful evaluation of our position, will bring about a settlement that will result in the strength and progress of unity and understanding."

Respectfully submitted on behalf of Ms. Bernadette Russell, President, Manitoba Provincial Council, The Catholic Women's League of Canada.

Now, Mr. Chairman, if I can complete my brief.

As President of the Manitoba Federation of Independent Schools I want to say that by virtue of my involvement in the public school system at the local, provincial and national levels, I am a strong supporter of the public system and frankly feel that it serves the major portion of the public well. However, by the same token I also support the need for alternative educational opportunities that fulfill the needs and wishes of parents and students who may have different values and different philosophies which can only be achieved when the education and the environment lends itself to that common approach, something, the public system by virtue of its neutrality and non-sectarian approach cannot fulfill. Besides, I believe competition is healthy and will cause all sectors of education to be more alert and more attuned to society something a monolithic approach may very well not achieve.

There are obviously many other areas that could still be touched on. Suffice is to say in conclusion, I urge the committee to give serious consideration and to make favourable recommendations to the government as then you would in fact be supporting the mandate of the Manitoba School Trustees Association and various individual public school boards and public educational groups that have urged the Department of Education and the Government of Manitoba to legislate and implement. Respectfully submitted.

MR. CHAIRMAN: Thank you, Mr. Stangl. Before we get to the question, Mr. Stangl, may I advise the members of the committee we only have one copy of the financing of Grade XII students in six Independent Schools in Winnipeg by John VanderStoel, and if any part or whole of this report is required by the committee, the Clerk of the House will have it and you can pick it up there.

Now questions for Mr. Stangl. Mr. Walding.

MR. WALDING: Thank you, Mr. Chairman. I have a question for Mrs. Soenen, if I may and also for Mr. Stangl.

MR. STANGL: Maybe I will handle all of the questions, if I may, and redirect them unless it's your pleasure otherwise.

MR. CHAIRMAN: Whatever way you wish, Mr. Stangl.

MR. STANGL: Okay.

MR. WALDING: I wanted to refer to a quote from Mrs. Soenen's brief, and I hope I don't take it out of context, Mr. Chairman, perhaps you'll correct me if I do. You said words to the effect that, "A measure of financial support is fair and justified."

MR. STANGL: Well, that has reference, Mr. Walding, exactly what we have been receiving, a measure in financial support as we are now receiving based on the formula, is the kind of consideration and reference this, I'm sure, has. And all we're saying is, that although that is a bona fide consideration, please deal directly with Independent Schools so that we avoid the complications and avoid the doubts that are left by people, particularly the trustees in this particular brief, who also are responsible and have some budgeting to do but always are in doubt as to whether in fact they can consider this revenue for sure or not. And if we dealt directly with the government we'd feel, and they would feel, as all the Independent Schools would feel, there were some assurance that this would be an ongoing situation as long as that legislation existed.

MR. WALDING: My question was, what measure of support is fair and justified?

MR. STANGL: Well, yes, I'll answer that, Mr. Chairman. The reference is, in terms of The Manitoba Federation of Independent Schools — and I'm sure is acceptable by the Manitoba Catholic School Trustees — certainly as far as we are concerned would be something equal to, or similar to what goes on in the Province of Saskatchewan, in Alberta. Where in Alberta — and if I may give you this information — In Saskatchewan, in 1977 they developed 48.2 percent of the average cost base for Independent Schools, and that was the grant. I'm not talking about the separate system or the public system. These are the Independent Schools in Saskatchewan for Grades 9 to 12. They have no elementary. And 55.1 in 1978, and 58 percent in 1979. In 1977 this worked out to be about \$700.00. That would be an ideal situation.

In Alberta, in 1977 Grades 1 to 6 was \$469; Grades 7 to 9 was \$515; and Grades 10 to 12 was \$610; and the statement made by the Minister is, "That the School Foundation Program grant paid to public schools in the province and we are doing that" — correction — "Eighty percent of the corresponding School Program Foundation Grant paid to the public schools in the province and we are doing that at a rate of 5 percent per year; last year we paid 55 percent to the Independent Schools; this year we are paying 60 percent and it is hoped that ultimately they will achieve 80 percent." Now that of course would be an ideal situation and that is what we are referencing ourselves.

In Manitoba the current year, and as close as we can establish, the 1977-78 statistics as we've received them from the department and the 1978-79 have not yet been compiled. Our average grant through the Agreement for other Services amounted to approximately \$357 per student; that's average.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Thank you for that information, Mr. Stangl. I'd like to take this one step further, still on this matter of support being fair and justified. I understand the bill requires that teachers are certified the same as in the public schools as far as private schools are concerned and that an equivalent level of education be provided as for the public school system and that conditions for health and safety etc. in the schools also be equivalent. Is there any reason then under those circumstances why the independent school system should not seek the same level of funding per student as goes to the public school system?

MR. STANGL: Mr. Chairman, Mr. Walding, I presume there is no reason except the philosophy of the independent schools is something different. We feel very strongly committed to the philosophy that parents, in order to be identified with their particular school should have some responsibility in terms of the financing of that school. And we find, from experience elsewhere, that the best approach that we urge the government to consider and the ultimate, would be something like the Alberta one where the maximum funding would be no more than 80 percent of the costs of the public system in that particular area. Certainly the Federation's policy at this point in time and we've gone on record with this and the Honourable Minister is aware of it, we've made that statement to him, but at no time would we under the present circumstances and the current policy of the Federation ever asked for beyond that point. We recognize we're a long way from that, in any event, but it's because of that kind of commitment and involvement on the part of parents that you can get into an independent school if you have some additional funding that you are held responsible for.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: In Manitoba terms then, that 80 percent would be about \$1,600 assuming that costs about \$2,000 per student. Would that be correct?

MR. STANGL: No, I would suggest to you, Mr. Chairman, Mr. Walding, that based on the budgetary costs of MAST Study of 1978, and I'm talking operating costs, because again, one of our philosophies is that the capital costs of the school ought to be the responsibility of that particular independent school group. If you went the full limit, you're talking \$1,593.07, and that was the basis of the MAST cost study for 1978, so 80 percent of \$1,600 in round figures would be something less than that you went to that extent. And if you're on that particular situation and figuring, and I suggest, Mr. Walding, and I think the direction you're leading into, may I suggest to you that with the 6,664 students last year, less the \$357 or \$1,236.07 times 6,664, the maximum costs, since there are apparently 6,664 students attending independent schools . . . agreement for other services, the saving to the public is something like \$8 million. If the extreme situation prevailed of 8,100 students, if all of the students were in agreed services, and they're not, it would be a cost of \$2,891,700, or still a saving to the public purse of \$12,903,867 minus the \$2,891,700, or a saving of \$10 million and 12 odd dollars, so the effect is still there, regardless of how you couch this thing, it's still affects a very substantial saving to the public.

MR. WALDING: The reason for going into the arithmetic, Mr. Chairman, was just to go back to his statement "a fair and justified measure of financial support" and I wondered if the present \$357 was considered fair and justified or whether the level of 80 percent of \$1,600 would be more fair and more justified.

MR. STANGL: Well, certainly, Mr. Chairman, I would be less than human if I stood here and said that 80 percent is not more just than the \$357 we get today, but we are also mindful of the difficulties and financial difficulties being experienced and we hope that over a period of years, as the government sees their way clear to handle the funding of independent schools, and as other costs go up, I would suspect that they would be fair, to use your terminology, in some consideration in adjusting that kind of funding.

MR. WALDING: Thank you, Mr. Chairman, I'd like to move to the matter of certification now, and you allude to it in your brief and speak favourably of it, but say that there are still some teachers who do not have teaching certificates. Now supposing that this bill goes into effect at the next Session of the Legislature, requiring all teachers to have certification, what will happen to those non-certified teachers in independent schools? Will they lose their positions or will they be allowed to teach without a teaching certificate?

MR. STANGL: Mr. Chairman, as it stands at the moment, they have a period of time under which they can achieve this certification. If they're not about to proceed and show as per the requirements of the department in the certification division, if they are not about to proceed to fulfill those requirements, then that particular teacher in that particular class, or that equal dollar value, is not grantable, and that is the jurisdiction that the Minister and his financial people function under. They decide as to whether there is actual evidence that the teacher who is either certified or is going to be certified or is working towards certification, then there is a grantable situation under those circumstances, as the certification program now stands. And if they are not certified, then I presume the situation would prevail as it prevails today, that if there is no evidence of certification, no intention of certification, and no course is being taken towards certification, then the grant is not made available for that particular class.(?)

MR. WALDING: Can I ask you how much time is being allowed for them to get that certification?

MR. STANGL: Mr. Chairman, Mr. Walding, I thought I had my file on certification here. Regretfully, I don't have it here. I think it's . . . off the top of my head, it's not a matter of time in terms of years, it's in terms of courses that they have to complete to fulfill that certification. They might be able to take that in a one winter-summer course and another winter, or take time off and fulfill the 21 credits, I think 21 seems to ring the figure — don't quote me — that's the kind of thing it represents. There are certain additional credits required that these teachers have to take in fulfilling their certification requirements. I can, Mr. Chairman, if Mr. Walding would like at a better moment, maybe not today, I would be glad to produce the data for certification to Mr. Walding.

MR. WALDING: I'm not an expert on this question, Mr. Chairman, but I understood that a university degree in Education was necessary and a certain number of years of teacher training in order to get certification. Now I look to the Minister for confirmation or to you, Mr. Stangl.

MR. STANGL: Mr. Chairman, I defer to the Minister, who is an expert in this respect.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Mr. Chairman, certainly there is a requirement where so many courses be taken in Education for a person to be certified.

MR. WALDING: Is it not a certain number of years at teacher college?

MR. COSENS: It can be years or courses, Mr. Chairman.

MR. WALDING: Oh, I see. Yes, I leave that for the moment if I may and Mr. Stangl is a trustee in a school division in the area. You would be very familiar with the financial problems faced by school divisions with the declining enrolment. Would it be fair to say that not necessarily in your own division but in some divisions that they have had to cut back on programs and have had to lay off teachers because of the fact that for every student less there is a whole range of grants that are reduced, and because of the less money coming in, these unfortunate effects are taking place, also the possible closing of schools which I hear from some areas too. Would this be a fair assessment of the problems of declining enrolment.

MR. STANGL: Mr. Chairman, I suspect Mr. Walding now wants me to wear a hat as a public school trustee and not with reference to this particular brief?

MR. WALDING: I'm going to refer back to the brief in just a minute.

MR. STANGL: Yes, the assessment of the fact that there is a declining enrolment and that there are some schools in the foreseeable future that may in fact have to be closed, and in fact that you have a reduction in teachers, that assessment is correct. As long as the declining enrolment stands, and as public school trustee, I'd be less than responsible if we didn't take that particular approach under certain circumstances. And I'm not suggesting that we ought to in fact decrease courses; as a matter of fact it may very well be the reassignment of teachers in terms of courses as, Mr. Walding, you full well know, we do in our division and this was explained to you at a meeting just recently in our division when you were present.

MR. WALDING: Next question, Mr. Stangl. Are the independent schools facing a problem with declining enrolment similar to the public school system? Is it having similar effects on that system too?

MR. STANGL: Mr. Chairman, Mr. Walding, no. The fact of the matter is that there has been a . . . and that's something I said publicly some months back to a reporter. There is currently an upsurge in parents wanting their children to go to independent schools for a variety of reasons, and in fact, that situation is prevailing. But as has been experienced cyclically going back over the years, that levels off and I would suspect that within a matter of one more school year or so you will find the levelling off situation prevailing in that respect as it is doing in other areas. When I go back and study the independent schools in Canada as I can in terms of the public system and/or the separate systems in Canada, you find the cyclical situation taking place now. Our present cycle of upswing in the public area will likely not be as great as it was a few years back because of the fact that we don't have the youngsters coming along. But it is also expected that within the next few year, we're going to have a slight increase,

Now, in terms of the independent schools, for a variety of reasons, there have been increases in terms of their attendance at independent schools. I say to you though, that that's an interim situation and will likely level off within another school year or so . It's based on previous experience.

MR. WALDING: Still based on previous experience in the cycles that you mention, Mr. Stangl, have those always occurred in times of steadily rising enrolment or has declining enrolment ever been a factor in the cycle that you mention?

R. STANGL: Mr. Chairman, Mr. Walding, you are trying to assess whether in fact the curves the independent schools enrolment versus the curves of the public school enrolment either pass are underneath or over. I can't tell you that. I'd have to go back to the statistics and if I had known they were going to ask me that question, I might in fact have prevailed on some statistical information from DBS that could have given me that information. I can't frankly answer that accurately one way or other and it would be a guess.

R. WALDING: What I'm asking you in effect is, will declining enrolment reinforce this move to the private system?

IR. STANGL: Mr. Chairman, Mr. Walding, I see no valid reason for reinforcing, unless you have an explanation I don't understand.

IR. WALDING: You mentioned that it went in cycles before, but that was as far as I'm aware, always with increasing enrolment. Has there ever been a cycle tied to a declining enrolment that then came back up again? That's what I'm getting at.

MR. STANGL: Mr. Walding, in the Independent Schools, we've had very substantial higher numbers in Manitoba at one time, and they've come down considerably lower than the figures I'm quoting here tonight. And they've gone up. I suggest to you though, because of environmental changes in terms of urban-rural, where we used to have quite a few independent schools in the rural area, substantial independent schools in the rural area, they're not likely to come back because those conditions will exist in the foreseeable future — at least I don't expect in my time being involved in education — then you're not going to have that kind of a situation of an upswing and so you're going to have a levelling off, I suggest to you.

MR. WALDING: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Thank you, Mr. Chairman. Through you to Mr. Stangl, the groups to which you refer, for the larger denominations doubtless have a broad public support, but I wonder what criteria should be used for the establishment of new schools if this is a provincial Legislature and as far as practicable we have to provide some degree of universality. In other words, if funds are available to one group, then they have to be made available to all groups.

What criteria should we consider in the establishment of such schools?

MR. STANGL: Mr. Boyce, as I referred to in my brief, I think the Manitoba School Trustees Association has indicated a number of points in their brief which you are going to be hearing tomorrow morning. And they list some six criteria which we are supportive of. We, in addition, as a Federation of Independent Schools, also have some criteria of what we think independent schools ought to represent, and one of the basic principles, philosophies being that the children should receive an education equal to, if not better than, the public system. In addition to which, there is legislation currently that makes it possible for the Minister to control and consider the direction that independent schools may in fact espouse or emanate or come to being. The Minister, under a particular section last year, which was part of the Omnibus Bill, as I recall, and I can find it and quote it for you, has jurisdiction — I'm not as well prepared as I would have been if I'd have known we were going to be at some later date, but that's perfectly all right.

There is a part of the Omnibus Bill last year which gives the Minister authority to check out schools and decide whether or not those schools are a bona fide private school, either he or his delegate, designated representative can now call on private schools, which heretofore didn't prevail, and further to that can, in fact check out the schools to see whether they are bona fide schools and can be considered part of the grantable situation.

MR. BOYCE: Your association has no criteria in mind such as if 100 parents petitioned the Minister for the establishment of a school, or 1,000 parents petitioned the Minister for the establishment of a school, that such school should be established.

MR. STANGL: Mr. Boyce, no. We haven't any criteria in that kind of a situation. I think that that is purely and simply the responsibility of the Minister and his government. The criteria that we have in terms of membership and what we think in terms of education is the one I indicated to you

earlier.

MR. BOYCE: If I understand you correctly then, if 1,000 parents of children in Manitoba petitioned the Minister in the name of the John Birch Society, for example, to establish an independent school, it should be left entirely to the discretion of the Minister. Is that correct? Am I understanding you correctly?

MR. STANGL: Mr. Boyce, I said exactly that if a petition comes to the Minister, the Minister would have to evaluate whether they are actually a bona fide operation in terms of education. I said earlier in terms of criteria I would hope that the requirements would be something along the lines of mass requirements, and further, that their "standard" of education — educational people have some difficulty with the word "standard" — is at least one of education as developed by the curriculum of the Department of Education. They would fulfill the curriculum needs or requirements of the Department of Education, and not just simply a school for whatever. Particularly the reference you had, Mr. Boyce, I'm not so sure that you didn't mean that.

MR. BOYCE: Perhaps, Mr. Chairman, through you I could use another example. A group of Maoists, 1,000 Maoist parents approached the Minister. I understand you to say that you think that this should be the prerogative of the Minister, with his policing function of his education administrative assistants, to decide whether or not a school — I'm talking about the establishment of a school, a non-existent school at the present time, I'm using the case of 1,000 parents petition the government for the establishment of a school, albeit — I use one example, I could use several differing in philosophy from anything which is existing at the present time.

MR. STANGL: Mr. Chairman, Mr. Boyce, I am not going to get into a discussion on whether a particular philosophic element is the desirable one for education. I would say that the Maoists, to quote your reference, if they in fact set up a school, whether they are an acknowledged school by the Department of Education or not and by the Minister, is another question. As it stands today, as I understand it, any group of parents with sufficient funding of their own can set up a school, and provided they carry on some education program to avoid being held delinquent, if that can be enforced, then they operate a school. But whether they are an accepted school by the Department of Education is another question, and is one of criteria that — and I may add this, Mr. Chairman, Mr. Boyce, we have suggested to the Minister that we would, not only the present Minister of Education, the previous Minister of Education, that as a federation we would be delighted to spend some time, and I think Mr. Hanuschak will even recall this, that we would be delighted to spend some time to work out some criteria.

You see, one of the things that I think is very basic and fundamental, and a concept that we have supported over the years, is the viability of a school, to be operative. And if you go back to the Royal Commission in 1959, they very clearly spell out the liability, to the point where, if a private school existed, and it was viable, and a public school were to function and it wasn't viable, or the reverse prevailed, then one has precedence over the other. And that was the recommendation made away back in 1959, that we say, — and I totally agree, that if a private school were operative in an area that destroyed the current public school in that area, "destroyed" — that's wrong, reduced the viability of the public school, then I would think that the criteria should be such that that private school could not start in that particular area. No, some criteria has to be developed, and some responsibility in this respect.

MR. BOYCE: Mr. Chairman, through you to Mr. Stangl, you go, of course, right to the heart of the matter. But the point I'm trying to make, or the question I'm trying to put forth is based on the fact that if I were a Minister I would not like you to put me in this position to accept that responsibility of deciding who should and who should not. I, personally, am a theist by persuasion, I make no apology for it. That's the way I am. But nevertheless, to develop criteria which are universal in nature as far as the provincial legislature is concerned, this is one of our problems. I think that we're trying to thrust upon the Minister a prerogative that he really doesn't want. Could I ask you one other question?

MR. STANGL: Mr. Chairman, can I just interrupt here, Mr. Boyce? That's the point we made earlier. That I think the Manitoba Association of School Trustees and we, as a federation, would be more than pleased to work on and work out a criteria that would ultimately be presented to the government for their decision, and I think that that is basically a very valid concern and a very valid approach that ought to be considered at some point in time in the development of the independent schools, for a variety of reasons, no less being some of the points that you tried to make a moment

MR. BOYCE: Mr. Chairman, not to rehash history, but when you refer to the Royal Commission of 1959, there have been several Royal Commissions and several court cases relative to this particular case, and I don't think this is the time to go over the history of the involvement. But Mr. Chairman, from the experience of what happened with Sacre-Coeur in Winnipeg School Division No. 1, and taking that into juxtaposition of the information that you gave the committee just a few minutes ago, that the admission criterion is such that it is broad enough to include anyone who applies, more or less limited by space, why are not all schools public schools, albeit that if they were public schools, it may cost us an additional \$12 million in the first instance.

MR. STANGL: Mr. Boyce, for the very simple reason, and I say simple, for the values and ideologies that people have, and I think a right that is inherent to their own rights, cultural rights, and all the other rights that go with it. To follow that through, it means you ought to be able to offer an alternative situation, and not deny the opportunity to those people who have certain leanings and ideologies that are only supportive, and I guess that's best espoused in the brief that the Catholic Women's League presented here this evening. It does identify particularly the moral persuasion and religion persuasion in that particular case as well, that they feel ought to be part of the education program. It ought to permeate the education program. And that's why it can't be done in a non-sectarian setting, as is a requirement of the public schools system.

MR. BOYCE: Mr. Chairman, we certainly don't want to debate the point. I agree with Mr. Stangl. But I have to mention it's just a brief preface, that my personal opinion is that it is a parental familial right to educate children. The state should be involved in the extension of the family in this regard. I think that you would agree that there's an awful lot of difference between the philosophy of schools within the public school system in each locality. The schools down in my colleague, the Member for Rhineland's area are different from some other schools. I don't want to focus on any particular area, but in Winnipeg No. 1 there's different philosophies of each public school.

So that what attention has been given to this particular approach, rather than the hacking away in an ad hoc way at the fundamental financing as an approach.

MR. STANGL: Mr. Boyce, while in fact public schools, even within our division, change from school to school in terms of their approach, in terms of some of the courses that are being offered in terms of the requirements, and that may depend upon the administration, while that prevails, throughout the public system, and throughout the province in terms of the public system — and you're absolutely right that what may happen in one school or one school division may not be the philosophy of another school division, and/or, in fact isn't even within the schools within the division, but when you go back to the fundamental basics, all of these schools in our division, and I'm sure that this is true of the other divisions, must remain neutral and non-sectarian. And that's not the situation that prevails in the independent schools. And that's the difference.

MR. BOYCE: Well, Mr. Chairman, as someone who as taught biology I would go into one community and I would teach the theory of evolution in an entirely different way. I would teach the theory of evolution but nevertheless I would certainly know and try and reflect the milieu in which I am trying to teach it, and I think if attention was given to the problem from that different perspective that we may be able to solve this most difficult task. Because is it not the case, Mr. Stangl, that regardless of who the Minister of Finance is the government is faced with a final line. I forget what it was last year, \$1.4 billion over something, and within that you have Cabinet ministers sitting around and they say you get so much, you get so much, and they have to argue and scrap and fight. When we come up with a line for Education it is whatever it is less what we are going to give for the independent schools.

So that the problem facing many of us is that while we support in principle the idea of the need for schools to reflect at different communities within our province and it may be a geographical arrangement of those different people or it may be a theology or philosophy and as best we can we have to operate as an extension of the family, but nevertheless this cannot be done to the detriment of the public school.

MR. STANGL: Mr. Chairman, Mr. Boyce made two points. I would like to have him on our staff in Norwood if he is that flexible. I think this is tremendous if he can move from area to area and espouse a different philosophy in teaching biology in one area versus another. I think that is great and I think that is tremendous, commendable.

The point that you made, however, with regard to finance and the concern that you have in terms of dollars made available to Education, would you want to reduce this by another \$10 million? All we have to do is put the students into the public system to fulfill your needs as you espouse then you'd want \$10 million more that somebody else in some other department is not going to get.

MR. BOYCE: Well, we are arguing the point, Mr. Chairman. I had said earlier that perhaps in the long-range interest of the province it would be better for us to invest that additional \$10 million to \$12 million and have one system not necessarily a homogeneous system, but one system that could reflect the needs of the different communities within our province.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: Mr. Chairman, I believe Mr. Stangl alluded to the fact that competition in education is healthy or there is some desirability for competition. I am just at a loss to know in what manner do independent schools compete with public schools?

MR. STANGL: Mr. Chairman, Mr. Hanuschak, based on our own experience in the Norwood School Division I can tell you because of the two independent schools we have in our division, our administration in particular and the teachers in their relationship, because there is an interrelationship with the teachers in-service and what have you and the administration likewise, have been able to exchange ideas and programs. We as a result have had programs in our public system that we might not have had otherwise and it is just because there is a different kind of philosophy in one area and it is that kind of alertness that may be different in one area and conversely I am sure that they have picked it up the same way the other way.

So it is this kind of approach that makes it possible to create a bit of competitive spirit that will cause others to be more alert. Now that is one area.

The second area is that I think that the public school system, as a result of that, has to be more on its toes as well, because if they are not on their toes as much as that they will naturally lose the students for a variety of reasons. I do say and I said this before that I think the public school system as presently constituted is serving the public well and ergo we are not having that many pupils leaving the public system and going to independent schools, if that is a concern, because it is not true. It is not there. We have had increases but — a variety of increases — and I think that that is a very normal situation. But it does create that competitive spirit in communities and I think that that is healthy.

MR. HANUSCHAK: Well, do you not feel Mr. Stangl that that type of exchange of views, a comparison and exchange of teaching methods, does it not occur within the public school system as between teacher and teacher, and school division and school division, at various in-service training sessions, and other opportunities that teachers have to get together? In other words, you could have that type of thing happening within the public school system.

MR. STANGL: Mr. Chairman, Mr. Hanuschak, I hope, pray God, it is happening within the public school system today, but there is a dimension out there with the independent schools that is different, I keep saying, than what there is in the public school system, and it is that kind of difference that creates some of this kind of interest and competitiveness that we can't get within the public school system.

MR. HANUSCHAK: Well, Mr. Chairman, so then that is not competition really because, you know I suppose one could say that the manufacturers of Pontiacs compete with the manufacturers of Fords, but one would not say that the manufacturers of Rolls Royce compete with the manufacturers of Datsun, and perhaps it is not really a very accurate analogy, but the point that I am making, Mr. Chairman, is would you not agree . . .

MR. CHAIRMAN: Order please. I am finding it very difficult. We are getting into a philosophical debate on many of the questions in the ongoing debate. I think it is the responsibility and the duty of this Committee to deal with Bills No. 22 and 23 if we can. So I hope we will confine our questions within the guidelines of the Bill and let's leave philosophy for another day.

Mr. Hanuschak.

MR. HANUSCHAK: Yes, I was not aware of the fact that there is some rule within our Rules of Parliamentary Procedure ruling out philosophical debate on any point and I think that if one wishes

to debate the very essence and the very guts and the need for a particular legislation, one is at liberty to debate it.

MR. CHAIRMAN: Mr. Hanuschak and members of the Committee, I hope that we don't get into a philosophical debate with those that are here to make presentations on behalf of the province on the best interests of Bills No. 22 and 23. I think we can leave that type of debate. I am not quarrelling at all with the way that it is carrying on, but we are, I think, overstepping the guidelines that we are here for. Proceed Mr. Hanuschak.

MR. HANUSCHAK: Yes, Mr. Chairman, I wish to proceed with the debate on this issue in the best interests of the people of the Province of Manitoba.

Would you not agree, Mr. Stangl, that perhaps, you know, the expression "independent schools competing with public schools" is not really a correct expression because as you yourself have indicated that they offer a program with a different philosophical — sorry, Mr. Chairman. . .

MR. CHAIRMAN: Carry on.

MR. HANUSCHAK: . . . a different philosophical thrust than the public schools. In other words, it is really comparing apples with oranges, and what I am saying through you, Mr. Chairman to Mr. Stangl, I was brought up in a private school and I did not attend a private school because I felt that the private school that I attended in competing with the public school system was offering a superior program, but it did offer something to me which was not available in the public school system at that time, and hence I enrolled in a private school.

I would ask you again, Mr. Stangl, would you not agree that that is not really competition, that they are not really competing, they are offering an alternative program but it is not competition.

MR. STANGL: Mr. Chairman, Mr. Hanuschak, I think that is semantics, really, and I suppose I could use your analogy of the cars whether you want to describe one as a Ford education versus a Chevy education versus you know, and I think that that is semantics, it really is. But by the same token it is an alternative situation for parents to have an opportunity to participate in which they can't get in the public system and that is the way it is — the public system, I still say and I support strongly, serves the majority of the public well but albeit there ought to be something alternatively available for those who have another philosophy.

MR. HANUSCHAK: Yes, I believe you also mentioned, Mr. Stangl, that it is the philosophy of the supporters of independent schools that there be a user fee, that the parents of the students enrolled do pay a certain portion of the education costs, but would you not agree, Mr. Stangl, that that philosophic difference may disappear if the Minister should choose to proceed in accordance with Section 4, Subsection (1)(e) of The Education Administration Act, and that is to say to make regulations the operation of public schools and the fees and charges? So in other words if the user fee in the public school system should rise to approximately the level of the user fee in the private schools, then that philosophic difference would disappear.

MR. STANGL: Mr. Chairman, I think the reality of life is different and I suspect that if that reality every came to pass we would have what Lapierre said in Toronto today, we would do without school trustees because the public would soon get rid of us as school trustees.

MR. CHAIRMAN: Mr. Hanuschak. Mr. Boyce.

MR. BOYCE: I know it is after our agreed adjournment hour, but I notice in your brief, Mr. Stangl, that you say that the Manitoba Federation of Independent Schools Incorporated as incorporated under The Companies Act, is your company, you know, the by-laws are they such that they would exclude an application from this mythical John Bird Society School to join your corporation or some group of Maoists to join your corporation?

MR. STANGL: Mr. Chairman, Mr. Boyce, we have criteria of membership within the Federation and I would suspect that the Membership Committee before they could make recommendation to the Board of Directors as to whether or not that school could or could not be a member would have to grapple long and hard before they could make their recommendation. It is a very hypothetical situation.

MR. BOYCE: No more questions, Mr. Chairman. For the record, may I just put on the record in juxtaposition of what I said earlier relative to teaching the theory of evolution, I would first teach the students the difference between hypothesis theory and fact.

MR. CHAIRMAN: Any further questions of Mr. Stangl?
We thank you, Mr. Stangl, for your presentation.

MR. STANGL: Thank you, gentlemen.

MR. CHAIRMAN: Before Committee rises I have a motion here, a letter to the Clerk, Mr. Reeves:

"Dear Sir: I hereby tender my resignation as a member of The Standing Committee on Privilege to be effective immediately. Signed Len Domino, the MLA for St. Matthews Constituency."

Can I have something on the record that we accept that?
Mr. Brown.

MR. Arnold BROWN: I move that we accept that resignation and then if I also may, Mr. Chairman I would like to move that the Member for Springfield replace the Member for St. Matthews on this Committee.

MR. CHAIRMAN: Agreed? (Agreed)

Committee rise and the first presentation tomorrow morning at 10 a.m. will be the Manitoba Association of School Trustees.

Committee rise.