



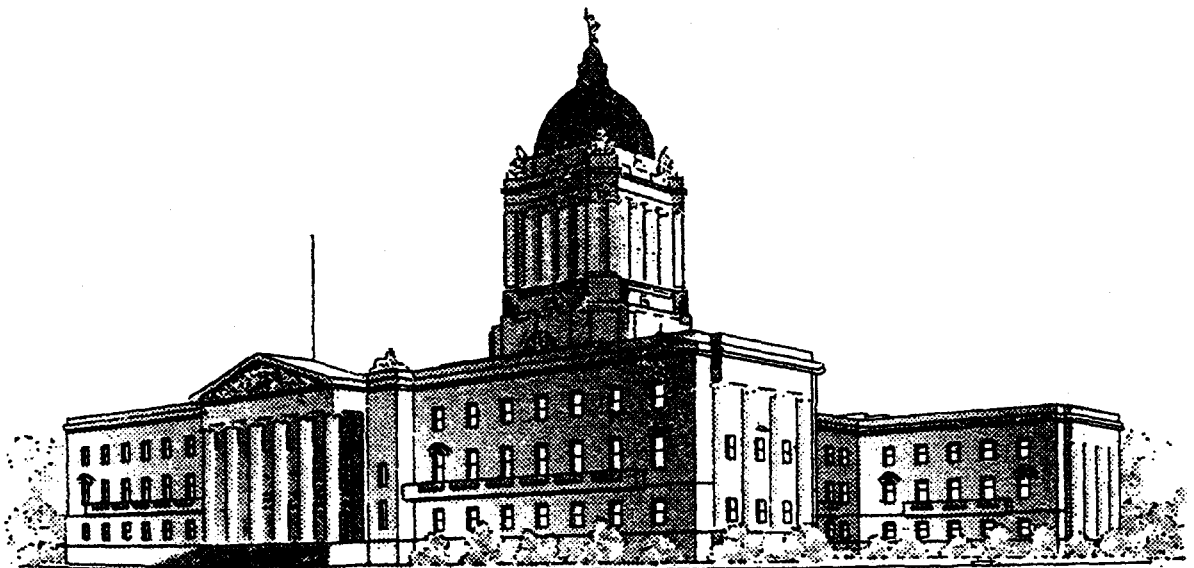
First Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(Hansard)**

*Published under the
authority of
The Honourable Louise M. Dacquay
Speaker*



Vol. XLV No. 40B - 8 p.m., Monday, October 2, 1995

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

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CERILLI, Marianne	Radisson	N.D.P.
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LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, October 2, 1995

The House met at 8 p.m.

ORDERS OF THE DAY
(continued)

DEBATE ON SECOND READINGS

Bill 4—The Real Property Amendment Act

Mr. Deputy Speaker (Marcel Laurendeau): To resume debate on second reading, Bill 4, on the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), (The Real Property Amendment Act; Loi modifiant la Loi sur les biens réels), standing in the name of the honourable member for Radisson, who has 28 minutes remaining.

Ms. Marianne Cerilli (Radisson): Mr. Deputy Speaker, resuming the debate on Bill 4, The Real Property Amendment Act, I think when we left off I was just going to get into talking about the specifics in the proposals to deal with liability of original mortgagors for default of payments on behalf of the new homeowner.

I had been talking about how—even though some people feel that there are not many circumstances where this bill will actually be necessary, I was saying how there is a requirement as legislators for us to deal with problems in legislation and loopholes even if it is only one or two citizens who are going to be unfairly dealt with or unfairly affected.

The bill does in fact have a few options or vehicles for how a mortgagor can be relieved from the promise that they have made to a bank under a mortgage to make payments on the mortgage. There is a division, if it is a demand mortgage or a nondemand mortgage, and most of the assumed mortgages will be dealt with by a provision that a mortgagor will be released from their liabilities if in fact the bank will assume the transfer of the mortgage, if the bank will approve, I should say, the transfer of the mortgage. That seems to be reasonable. This will come into effect if there are circumstances under an assumed mortgage where a

bank would have no dealings with the new homeowner or mortgagor, and in this situation the bill stipulates that the bank can ask for financial information and can even charge for this financial information to see if in fact they would approve the new homeowner's mortgage.

In this case there is also the provision in the legislation that the bank or the lending institution cannot unreasonably reject the approval of the new mortgagor. There are some questions in this area that we could ask what would be some of the reasonable reasons for the bank to refuse the approval of the new mortgagor.

The minister is suggesting that it is the ability to pay. That makes a lot of sense. We have to, I think, look at what the situations are when someone is going to be assuming someone's mortgage. Often it will not have so much to do with the financial capabilities of the new mortgagor but may be because the mortgage rate is advantageous, maybe the mortgage rate is going to be lower than the mortgage rate at the time for them to acquire a new mortgage. I think that is in fact the case when most people would want to assume someone's mortgage. It makes sense, I guess, on behalf of the banks that they should want to make sure that their new partner in this mortgage is going to have the ability to make the payments.

The provisions under this part of the bill are also strengthened because now the mortgagor is going to be responsible not only for maintaining payments but also any other insurance or maintenance that would also contribute to the value of the property. So that was one of the concerns that we had. One of the things that twiggged our interest on this side of the House was the fact that there are some differences between this bill, Bill 4, and the bill that was tabled before the election, Bill 2, that was dealing with the same issue and the provisions to include under the responsibility for payment, not only the mortgage payments themselves, but also the responsibility to maintain insurance and maintenance and any other items stipulated in the mortgage would also be included in the legislation. That, too, seems reasonable.

The other two scenarios or provisions under the bill are the ones that are potentially going to cause more concerns for people, in a sense, the provision for the original mortgagor to still be on the hook throughout the terms of the mortgage. So the scenario may be that a mortgagor will go to the bank. Someone is going to assume their mortgage, and they will be rejected for the approval. Then they are still going to be on the hook throughout the term of that mortgage plus three months.

We originally had some concerns of why these three months would be added on to the end of the term of the mortgage, and this may be reasonable to provide a time for when paperwork needs to be done in having a new mortgage term arranged. This provision may be somewhat iffy because during the term of these three months the bank may demand full payment. So there are some situations where the original mortgagor still could be required to pay liabilities that were incurred because the person who bought their home defaulted.

In the provision for the variable rate mortgages, in some ways this is also contentious. This would be mortgages where there is no term end date and the owner would have three months to inform the bank in writing of the transfer mortgage. During that time, again, the bank could demand full payment. There are some concerns that, during the three-month period for the original mortgagor giving notice to the bank, they could demand full payment, and this could be dealt with somewhat by the fact that the mortgagor has control over when that notice is to be given.

All of these situations raise the issue of the onus on lawyers dealing with real estate transactions to inform their clients. I know that I have had this issue brought to my attention by citizens who have had to go to court because the proper documents had not been filed to transfer the land, and it seems that there is going to be additional responsibilities and onus for lawyers to inform clients of all the options and liabilities. This is going to be particularly a concern when the original mortgagor is a vendor and has to try and ensure that necessary financial information on the person assuming their mortgage is going to be forthcoming to the bank or the lending institution.

So we, as I said earlier, think that the government has dealt with the issue adequately in the bill to some extent, but I have some concerns that the bill is not necessarily balanced, and those have to do with the timing provisions in the bill.

I want to refer specifically to some of the concerns from the case of one of my constituents and to see how the bill would apply in this case. This was an individual and his family who was not notified or was not contacted by the lending institution until over six years after they had sold the home—excuse me, over four years since they had sold the home. It was six years since the original mortgage had begun. The lawyer told that person they had two options. Either they could clear up the problem by buying the house back, or they could wait for the lending institution to have a mortgage sale and hope for the best. If the house sold in a mortgage sale, they would be off the hook. If the house did not sell, which seemed to be more the likely prospect, they would be forced to buy the house back again.

* (2010)

In this case, one of the problems was that the house had deteriorated. The new owners had not maintained the house. There were outstanding utility bills. There was insurance that had not been paid, and maintenance that had not been done. The interesting thing about this is that the lending institution, the bank, had waited five months before they contacted the homeowner. So it is a good example of a situation when the lending institution or the bank would in fact try to use this loophole in the law to pursue claim on the original mortgagor, and that would be when the value of the home would not be equivalent to the original value, so the bank could not simply sell the home and regain their losses or prevent them from having any losses. So it seems that the provisions to include these requirements in the legislation, as I said, make sense.

I think it is important to talk a little bit about the necessity for giving attention to this type of legislation and why we want to have the option for an assumed mortgage. I think in this day and age that one of the largest costs or expenses we ever have to incur is buying a new home, and we know that it is more cost-

effective for citizens and people to own their own home.

The average percentage of someone's income who pays rent is approximately 25 to 30 percent of their income for housing, whereas the average cost for housing as a percentage of income for a homeowner is approximately 9.5 percent, I believe, so I think we want to provide the option as a safe option for people to use whatever kind of mechanism they are able to that gives them a financial advantage to purchase a home, and one of those is an assumed mortgage. It is a good option for someone to be able to purchase a home at a reduced interest rate under an assumed mortgage and, in some cases, that may be the difference from their being able to afford a home, to own their own home or not.

So I guess that is just to stress that this legislation is important, and it warrants attention, even though it is only going to affect a small number of individuals.

It may not be to the interest of the banks, and I would wonder if there was pressure on the government to not deal with the amendment because it is in the interest of the bank to have more mortgages at a higher interest rate, but I think that the benefits of lending institutions to not be saddled with more defaulted mortgages is in their own interest as well, so I think if we can have assumed mortgages dealt with in a way that is going to satisfy all parties, that is obviously to everyone's benefit, and that is one of the reasons that we had such an interest in seeing this type of amendment go forward.

So I am pleased to see that this bill is before the House. As I said earlier, we had been calling for this bill. We had bringing in our own private members' bills to try and prod the government on to deal with this problem and, as I was saying earlier, as well, it is somewhat satisfying to see an example of where working with individual constituents on a problem can result in a change in legislation, even though it was initiated from the opposition side of the House.

I want to let the government know that we have given this careful consideration, and I think it will prove to be an improvement for Manitobans dealing

with assumed mortgages, but I am still in consultation with a number of people in the community because I think that there may be some things that could be done to even increase further the balance on the part of the bill, in balancing the interests of lenders, financial institutions, and homeowners and residents of the province.

I think the comments I was making earlier about it is a difficult thing to balance interests of individual homeowners and banks—I mean, banks are some of the most profitable institutions in our economy, in our society, and it is very difficult for homeowners to protect themselves and to be able to compete, if you will, when they are faced with a bank that has a lot of resources to hire lawyers and go to court. Then you have one homeowner who may then own a second home and is being asked to pay liabilities on a prior residence. I think that we have to keep in mind that we are really comparing minnows and whales in that kind of a situation, and I think that we have to take that into consideration with this legislation.

When you look at the way that some of the banks had been dealing with this problem, where some of them had a policy where they would not make claims on an assumed mortgage if a year had passed, that I think needs to be somehow put into legislation. Some banks had that as a policy and some did not. So I think it is reasonable to say that perhaps even some of the lending institutions recognize that it would not look good.

I wonder if that is what happened in the case of my constituent once the news coverage began, that Royal Trust was looking at pursuing them for these liabilities, that they ended up backing down. Because as we have seen with the requirement for this bill, they were in their legal right to do that, because the personal covenant portion of the mortgage had not been terminated or transferred when the property was sold.

I think that I have covered the main points that I wanted to make with respect to the bill. Just to reiterate, the fact that we have tried to think through scenarios of how the legislation would apply, and one of the things that I am still concerned about is any requirements that the onus would be on a mortgagor to ensure that financial information on a new mortgagor

is going to be made available. That is going to be problematic.

I think with those comments I will conclude my debate and look forward to the committee hearings on this legislation. It has been a challenge for me. I do not claim at all to be in the real estate business, although I have purchased two homes in my life. I bought my first home when I was 24 or 25 after I realized that I was paying a lot of money into rent, and I looked at the financial situation of what I could own a small bungalow for.

An Honourable Member: You are becoming a conservative, Marianne. Be careful. You are starting to be a conservative.

Ms. Cerilli: The minister across the way is insinuating that because I was able to purchase a home as a single female, I might be a conservative. I think what I also realized is, I was fortunate to start working full time when I was 23 at a very good job and managed to save a down payment and realized that I could in fact pay a mortgage for the same amount of money I was paying for rent at the time, which I think was about \$450 for rent. So I, at that point, bought my first home.

* (2020)

It is interesting, because as I was dealing with this bill, it provoked me to think I should go out and read the mortgage I had signed a little bit more carefully to see what kind of liabilities I could be responsible for. I think that it is important to keep that in mind.

A lot of people when they go into buying their first home, and I can remember this, it is very nerve-racking. I think you feel that you are making a large commitment and that there is some risk involved. I think probably that is what a lot of people feel. I remember now that at first it took me, I think, two tries at that point because when I first started looking at homes and seeing all the different considerations I had to make, I ended up backing off and waiting a few months. One of the things that provoked me to buy when I did was, there was a dip in the interest rates and I got on my first home a very good mortgage rate.

Since then, I have moved back out to the end of town where I grew up and went through the process again. I can say that the second time it was not quite so nerve-racking or frightening. But I think that it is important for us to realize that a lot of citizens, when they go into that process of buying a home, especially if it is their first home, they put a lot of faith into the real estate agent and into the lawyer.

(Madam Speaker in the Chair)

If they are, for the first time, selling a home and they are going to do that with an assumed mortgage, they are going to have to have very clear explanation of what their liabilities and options are with this new legislation. I am wondering if there will be some new forms that need to be developed in conjunction with this legislation to ensure, in fact, that people are informed of what their liabilities are to ensure that the proper papers are going to be filed and completed by all parties.

I can see that there are members opposite who are listening who are from the legal profession. I would be interested in hearing their thoughts on this issue. I have consulted with a couple of lawyers on the bill as well as some other agents. As I said earlier, we will be supporting the legislation. We are pleased to see that the government has finally brought it forward and that finally we can have this problem for homeowners selling their home under an assumed mortgage dealt with in this province.

With that, Madam Speaker, I will conclude my remarks. Again, I look forward to the committee stage and hearing the members' comments from opposite as well as comments from the public. I would be interested to see if there will be any individuals who have had to face this situation, who had claims from the bank or lending institution against them. I would be interested in seeing if any of those people would come forward at the committee stage and see how they feel about this legislation. I think that it is a rather technical bill and it is not the kind of legislation that it is easy for the public to comment on, but it is important for us to give consideration to a situation like this even if it is not going to affect a large number of Manitobans.

The majority of Manitobans that purchase their home do not use an assumed mortgage and in fact this new piece of legislation will not affect them, but for those that do, I am sure they will very much appreciate that we have worked so hard on both sides of the House to bring forward this amendment which is going to, as I said earlier, provide more options for people when they are purchasing their home, a more secure option for those that are buying and selling a home using an assumed mortgage.

So I thank you, Madam Speaker, for the time to have this debate.

Madam Speaker: As previously agreed, this bill remains standing in the name of the honourable member for Transcona (Mr. Reid).

Bill 5—The Education Administration Amendment Act

Madam Speaker: To resume debate on Second Reading, Bill 5, (The Education Administration Amendment Act; Loi modifiant la Loi sur l'administration scolaire), on the proposed motion of the Honourable Minister of Education (Mrs. McIntosh), standing in the name of the honourable member for Swan River (Ms. Wowchuk).

An Honourable Member: Stand.

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

Ms. Diane McGifford (Osborne): Madam Speaker, I am pleased to have the opportunity to rise today and join in the debate on Bill 5, The Education Administration Amendment Act. I note that many of my caucus colleagues have spoken most eloquently and so I am particularly pleased to join with them and express both the concerns of my caucus as well as my more personal concerns.

I note too that like myself many of my colleagues from both sides of the House have been public school teachers. Some of you have been principals, although I do not see the principals here tonight. Many of us bring a range of firsthand experiences and perspectives

to the debate on Bill 5. Some of us have taught in post-secondary institutions and so we can bring to this debate our experiences of working with the graduates of the public school system. Some of us have taught in the inner-city school system. Some of us have taught in rural areas and some have taught in the North.

My honourable colleague for St. James, who is not here tonight but, nonetheless, my honourable colleague for St. James has served as a school trustee and chair of School Division No 1. She can bring her invaluable experience with the development of education policy and school budget, with planning, administration, and with the decision making in regard to programs and curricula. Indeed, I believe that the honourable member for St. James has already spoken on the bill.

Others among us have worked with a variety of families, and we can speak about the way social services, or often a lack of social services, impinge on public school education. I think we are very fortunate in this Chamber to have such a diversity of personal experience in education and in related areas which allows us all, I think, to be cognizant both of the theory and the practice of public school education. Indeed, I think on both sides of the House we are quite an eclectic group, which is very valuable.

In order to set a context and framework for the remarks I want to make, I want to begin with a story, and here goes. Many years ago when I was a student in Grade 7 at Earl Grey School, a school of which the member for Crescentwood (Mr. Sale) has already spoken and which he has praised because of its progressive stance on the education of young women, and I might add the program greatly pleases me in my role as the critic for the Status of Women. Anyway, when I was a student there, I won a book award from the school division. I was a committed reader, but I suppose I was at that time even more committed to *joie de vivre*, for I must confess that I took my book home, carefully steamed the award certificate from the book's flyleaf pages, and then I returned the book to Eaton's, cashed it in for the money and went to the Red River Exhibition.

Now there is an interesting irony here because the book in question was Charles Dickens's *Hard Times*, a

novel which delineates the bleak Dickensian vision of the 19th Century school as a factory. The school is an institution, so Dickens thought, owing more to the ethos of the industrial revolution and its determination to expand the market to manufacture things, to make things, especially to make money, despite any human cost and despite human consequences. The environment, I might add, had not even begun to be an issue.

Anyway, Dickens's schools, like those of Charlotte Brontë—and I am sure most of you are familiar with Charlotte Brontë's *Jane Eyre*—had little of the Greek ideal about them. They believed in keeping children cold, hungry, disciplined, certainly silent and well dosed with castor oil. The guiding educational philosophy of these factories, factories as schools, I suppose, was to civilize the little varmints. These schools were basically intended to tame children, to root out curiosity, creativity and anything natural. The point of these schools was to root out the things that the prudish faction of the 19th Century so reviled, that is, anything to do with nature. I want to say as a footnote here, I think it is important to say that the 19th Century abounded with very progressive and brilliant educators, those dedicated to education too. But here I am confining myself to the facts-and-calculation school of thought, and I am not even considering the whole line of education developed through Jean Jacques Rousseau who, I think, had a very romantic attitude toward education.

* (2030)

Anyway, back to Dickens, and it does apply to Bill 5, I am setting a framework which I think will soon fall into place. Obviously, Dickens did not like his contemporary school much, and I am sure that Dickens would have approved my returning the book and using the money to go to the Red River Exhibition, for, of course, those of you familiar with *Hard Times* will remember that the ragamuffin school children in that book, led by the irrepressible Sissy Jupe, do manage to escape the classroom of Mr. Gradgrind and have an afternoon at the local fair.

You might also remember the appropriately named Mr. Gradgrind with his unremitting faith and facts and

figures, with a rule and a pair of scales and the multiplication tables always in his pocket. He believed that he could weigh and measure any parcel of human nature and that was his philosophy in the classroom. For example, he insisted that girl No. 20, Sissy Jupe, who was a bareback rider and whose father trained and doctored circus horses, could know nothing of horses because she did not know the Latin name for horse, which of course is quadruped, nor did she know the number, nor veterinarian names of the horses' teeth. So much for poor Sissy, who incidentally, all evidence to the contrary, started to believe in the condemnation of this schoolmaster.

Dickens, insightful and brilliant as always, saw that the school system of his day, one of the first public school systems, had adopted the factory model. The aim was the production of automatons. Boys and girls who had information but could not think. Boys and girls who would grow up to be earnest clerks, proper schoolmarms, dedicated civil servants, people who would provide the services to support and underwrite the 19th Century industrial revolution, boys and girls who would accept their subservience, accept their low wages and see them as natural and proper.

Dickens saw the 19th Century school system as one that would produce girls and boys who would in short be skilled at what was needed, who would be acquiescent, as acquiescence was also needed if the excesses of market capitalism, coupled with a hopelessly class-ridden society, were to prevail.

Madam Speaker, Hegel tells us that history repeats itself, and as I speak here tonight it occurs to me that there is some resemblance between Mr. Gradgrind's 19th Century classroom and the policies inherent in *Renewing Education: A Blueprint for Action*. For example, let us consider the cancellation of Canadian history in Grade 11. Initially I could not imagine the reasoning behind this action. At first it seemed wildly bewildering, and so I thought about it for awhile.

We know I resented the excesses of nationalism. They are well documented. Who can live in the 20th Century without the horrific knowledge of the excesses of nationalism. Still ignorance and the decimation of national pride are no solution so why cancel Canadian

history. The more I thought about the decision to abandon Canadian history, the less I saw it as an isolated or arbitrary decision, a willful but mindless act, the more it appeared to me to be part of the deliberate, calculated, educational policy and a part of what I would call a philistine education policy.

The strategy, the way I interpret it, is that the arts and humanities have had their day. The attitude seems to be let us shelve the quest for knowledge, the life of the mind and the life of the creative spirit. Let us put all these on ice and get on with the serious business of honing our children's entrepreneurial spirits and steeping them in technological wizardry. This way, so the argument appears to go, they will be ready for the next century.

But just whose interests are being served by this kind of agenda? Is the goal of education simply to turn our children into cannon fodder, workers trained to serve the interests and to meet the needs of transnational corporations? Is the goal of education to prepare our children for the labour market, or should education also develop the mind, encourage questioning and creativity, prepare students for lives of social responsibility and good citizenship? Is technology to be sun, moon and stars together, or do we also value people, knowledge, learning, thinking and creating?

Again I think of the 19th Century Gradgrind kind of school. I do not want them here, and I think too of the great 19th Century American thinker Henry Adams, who deplored the growing mechanization and mindlessness of his own age in his famous essay, *The Virgin and the Dynamo*. Here he delineated the bloodless, spiritually enervated world which he saw coming.

Canadian history in Grade 11 in the province of Manitoba will not keep these forces at bay, but the qualities that the humanities foster in understanding our nation, understanding our community and our people will surely help.

I want to stop myself at this point to take a little detour and to make the point that technological advances, real research and development, real competitiveness in our economy depend too on

educational breadth and depth. On the famous ideals of Renaissance we know that science and engineering require the same inquiring and creative spirit as painting and poetry, and we know that if we are to compete in the global market we had better produce graduates who think and we had better not produce automatons.

Personally, I think that scientists and engineers are among our most creative spirits, and that it is very, very essential that we foster those skills in our schools along with the skills of the humanities: writing, thinking, the development of ideas and concepts.

One final comment on curriculum as it relates to Bill 5. I want to add to the arguments for retaining physical education programs and expanding them into Grade 12 or Senior 4, Senior 4 being, of course, the newest nomenclature. I think we all recognize the importance of a holistic approach. We understand the relationship between physical well-being and personal and social well-being. We understand that when adolescents include physical exercise as a regular aspect of their lives, they are more likely to carry these patterns into their adult lives, they are less likely to develop health problems, and they are less likely to die prematurely. A healthy population means a happy population and savings in health care. It also means a more viable, highly skilled workforce, which is ready to meet the challenges as a new millennium. In other words, physical education, so it seems to me, will affect everything, and to train our young people or to begin to have our young people be part of physical education programs throughout their schooling seems to me to be extremely important and even vital.

This is especially true among women, as I know the member for Wolseley (Ms. Friesen) made clear last week. Recent studies have found that young women who exercise regularly are much less likely to develop breast cancer which, of course, is one of the leading causes of death among women, although I do understand it has been surpassed by lung cancer. This seems to me to be one of the best arguments for retaining physical education programs and expanding them to Grade 12, and I would like Bill 5 to have discussed something like physical education rather than those slender issues that it does dwell on.

* (2040)

True, education has come a long way since Thomas Gradgrind, though it is also true that my own school experience, with its insistence on straight lines after recess, perfectly organized rows of desks, imposed silence, systemic prissiness and, for a brief time, school uniforms, did seem like a bit of a cross between a convent and a factory with a dash of the military thrown in just to spice it up, I guess.

Yet, in all honesty, I must say and I do confess that I was fortunate and forever will be grateful to some most excellent teachers, teachers who changed my life profoundly, and good teachers do change many lives. I went to school with some children who were only ever treated with dignity, decency or kindness by their teachers. Their teachers changed their lives, and in the present mad dash to undermine public schoolteachers, let us not forget some of these superb teachers, teachers like the ones I mentioned.

Advances in education and the dedication of excellent teachers were and are apparent to me in the experiences of my own children who, I guess, have gone to public school for something like a total of 26 years, and here, Madam Speaker, I want to reiterate a point made by several of my colleagues, that is, I want to join my colleagues in challenging one of the great myths of our present education system, the myth that our public education system is ineffective and that it is failing our children. This belief, it seems to me, is implicit to Bill 5 and to Bill 6, the belief that legislative change is necessary if we are to save public education, and I think nothing could be further from the truth.

This is not so. To return to my daughter's school, my younger daughter's school, my younger daughter is in Senior 2. My daughter, for example, attends an inner-city school, a school that many of my colleagues opposite would probably see as a tough school and a school to which they probably would not send their children.

My daughter is enrolled in what is called a flexible learning program. The program involves boys and girls, young people from all over the city from many different cultural, racial, religious and linguistic

backgrounds. These kids are doing exciting projects and learning in ways that were never dreamed possible when I went to school.

During the past year, for example, they have rewritten creation myths from nonsexist, non-Eurocentric perspectives, then transposed these into plays, and then publicly performed the plays, making all the sets, the costumes, doing the make-up, providing the stage management. These Senior 2 students developed models of the kind of living creature that could survive on Jupiter or Saturn or Mars—just pick your planet and name it. This particular program, Madam Speaker, stresses co-operative and group learning.

My daughter tells me that when the students do individual assignments, students usually do the legwork in groups because they think checking out their ideas with fellow students makes for a better product, in mathematics, in language arts, in social studies and in science.

They think five or six heads are better than one. They like each other, they delight in each other's successes. They have learned to deal with envy. When one person succeeds, they all succeed, because they are part of a team. Everybody succeeds in personal, individual ways because this program nurtures kids and protects their self-esteem.

But perhaps most important, and here I want to symbolically place a feather in the communal cap of their school, these kids know how to work together. They understand the process; they know how to settle disputes to resolve anger and to get on with life.

This impresses me enormously. These are wonderful skills, skills that I, for one, did not learn at school, but we should all have learned them because we all need them. The world needs them and survival depends on our learning to be co-operative and work as teams.

The program that I have been discussing I think is a measure of the excellence that our public education system and our public schoolteachers have achieved without the implementation of the blueprint and without the implementation of Bill 5.

I mentioned science a few moments ago, and speaking of science, Madam Speaker, one of my privileges for several years was to attend the annual science fair and to help evaluate the written content of science fair proposals. Any of us who have been involved in the science fair know that the range of projects, their creativity, the sophistication of research are absolutely staggering.

What also is very obvious, I think, at the science fair is the incredible dedication of both students and teachers. It, too, is staggering. Often these projects are done in a second language and more and more frequently the research projects and experiments evince highly evolved social awareness and commitment, for example, commitments to environmental concerns or to health issues. The science fair and its projects are not the products of a decaying educational system. Rather, I think we Manitobans can be justly proud of our science fairs. Our teachers, our students, all of them deserve congratulations for their work.

At this time I would like to extend this commendation to all our teachers and students. I mean it to be inclusive and unequivocal, for I know that public schoolteachers and students are working in trying times, times of dwindling resources, when tongue-lashings from the provincial government are more abundant than dollars, unless of course we speak of private schools.

No wonder our public school students and our teachers are demoralized. Teachers are weary with this government's attack on educational standards and professional qualifications. Teachers looking for support in their classrooms and their professional development are simply tired. This applies to students as well, many of whom feel weighed in the balance and found wanting, judged as gang members or petty criminals.

Because the current government has failed to come to terms with violence in our society, many of our young people are labelled, boxed and packaged, and this, Madam Speaker, is manifestly unfair.

I am not even beginning here to reflect on the ennui that afflicts so many of our young people, whose

futures look helpless because seven years of Filmon government have failed to produce a job strategy or brighten the future.

As to Bill 5, last June, along with fellow MLAs, I attended several graduation ceremonies. Naturally, I attended the ones in the Osborne constituency. After listening to the valedictorians speak, after hearing teachers and principals speak about their students and their accomplishments, after seeing the students receive awards for citizenship, mathematics, science, language arts, and, of course, many other subjects, I felt relieved and optimistic about the quality and character of the young people graduating from the public school system. Those young men and women are going to carry us into the next millennium. I felt the public school system, against incredible odds and blocks thrown in its path by government, had done a first-rate job.

Now, having made the point that our public school system has progressed from its 19th Century prototype and that Manitobans can be genuinely proud of our public schools, our teachers and our students, I want to turn to some of the specifics of the bill before the House.

The issue before us is this: How can this bill strengthen what is already, as we have seen, a demonstrably successful system? How will this bill make a difference?

Madam Speaker, my colleagues have already outlined for this House the progenitor, ancestor, whatever, of this particular bill; I refer here to Bill 3, introduced to this House by a former Minister of Education.

My colleagues have, too, made the point that this ministry, while it has had more incarnations than Krishna, has had little of his vision. The number of ministerial changes, not to mention the accompanying policy acrobatics, would suggest that this government is more interested in political strategy than in sound education policies and sound education for Manitoba's students.

* (2050)

I mean, of course, that it is difficult to hit a moving target and hard to hold a new minister accountable for the bad decisions of a former minister. In fact, the whole change in the ministry reminds me of the Greek god Proteus, who constantly changes shape and, therefore, it is very hard to grab him.

My colleagues have made the point that a particularly odious clause in Bill 3, the proposal that would allow teachers to suspend students, has been rescinded in the new bill, that is, in Bill 5. I want to add a couple of remarks to the ones that they have already made in regard to this matter. During the election, I spoke to several teachers about this proposal, and I can assure this House that, to a man and woman, they assured me that they did not want this responsibility.

Most felt that if a teacher were to suspend a student, it would create a chasm between the two and so alienate students from the person whose very duty it would be to teach. Instead of trusting their teachers, many students would be angry and resentful.

It is a simple fact that students are more likely to learn from people whom they trust, whom they believe to have their best interests at heart. The bond between teachers and students requires nurturing, and suspension would be regressive, so we are very glad to see that change.

Another equally important point is consistency. The public school system will not benefit if discipline, in this case, suspension, is inconsistent. If a detention in one room is a suspension in another one, we would not have consistency.

Consistency, as parents, police, as individuals in any position of authority and responsibility well know, is essential. That is why of course schools and school boards here and elsewhere have most often assigned the duty of suspension to one individual because inconsistent policies are unfair and unjust, and an unfair system will win neither the respect of students nor the confidence of parents.

Now, while Bill 5 does not allow a teacher to suspend students, it does allow teachers to suspend

pupils from the classroom. Since this is already the practice, one wonders why it is now being legislated just as one sometimes wonders about the policies in place for students who are excommunicated from the classroom, but I do not really want to dwell on that, so I am going to move on.

Bill 5 authorizes the principal and the superintendent to suspend students. Again, this has been a long-standing practice, so one wonders about it; yet, as I mentioned earlier, we are told that history repeats itself, though here I would say, history repeats itself with a difference. Why, you might ask, and what is the difference? Well, here the difference is vital and interesting. The key adjective is "vital." Bill 5 provides that the minister, not the school board, not the principal, not the superintendent, not the Parent Advisory Councils, but the minister will provide for all circumstances under which pupils may be suspended, the period of suspension and any other matters relating to suspension.

Madam Speaker, the proposals of this minister, as reflected in Bill 5, not only weaken and confuse accountability and reporting, leaving our already overworked principals dancing between school boards and the minister's office, but it seems to me that the decisions also insult both due process and the voters who, in all good faith, elect school boards to make policy on schools.

No wonder the public is confused by this government's educational policies. We no longer know really where school boards leave off and where departments of Education begin.

As well, I want to say at this point that it never ceases to amaze me that this Tory government, this Filmon team, is clamorous and self-righteous in its defence of less government being better government when it comes to selling our Crown corporations at bargain basement prices or when it comes to balanced budget legislation. This government always stands aside, obsequious and obedient to the interests of business. Yet on the other hand this government is plain in-your-face invasive, manipulative, interfering and simply out and out dictatorial when it comes to setting educational and social service policy.

Frankly, Madam Speaker, I think it is time for this government to get its nose out of reforming education, keep its eye on the slow insidious invasion of school by big business, big business interests. Remember, our schools are not simply another industry. I believe that the work of reforming education should be left to school boards, parents, educators and students.

At this point I want to comment on a conversation I had last night with one of the local superintendents. She made a point that I have made tonight and that is that most teachers are feeling discouraged. She tells me that teachers are very zealous to implement progressive, effective teaching methods. Teachers want to implement more effective ways of evaluation. They want to implement moves that would truly improve education in the province of Manitoba. Instead of supporting their ideas, their initiatives and commitment, this government introduces this slight and slender bill, Bill 5, and I guess Bill 6 is about the same. It pushes back the clock with plans to introduce across the province departmental examinations in 3, 6, Senior 1 and Senior 4, and all the educators I have spoken with see this as regressive, Madam Speaker.

An Honourable Member: Have you talked to some of the voters?

Ms. McGifford: My honourable colleague across the way suggests I talk to the voters. I have talked to the voters. I went to every house in Osborne during the last election campaign and they do not like departmental examinations.

My colleague from Dauphin (Mr. Struthers) has already spoken from his personal experience as a school principal. He has spoken about the ways in which Bill 5 with its proposals regarding the increased role of school principals will impinge on the day-to-day workings of a school. He has addressed the concerns that many of us, at least many of us on this side of the House, share.

He has pointed out that while Bill 5 would increase the duties and responsibilities of principals, this government's educational stinginess has meant more principals are required to carry teaching loads. Vice-principals are becoming a rare breed and the expertise

of consultants is less and less available, and not to mention other kinds of pedagogical supports.

Madam Speaker, he has made the very important point that once again the minister was not overly zealous in her efforts to consult with principals and to solicit their opinions. I think there was a minimum of consultation and a few chats on the phone. Of course, lots of talk and blabber about public consultations and, indeed, very little real public consultation, almost no public consultation, characterizes Bill 5, just as it has characterized most of the content of the famous blueprint documents.

This brings me quite naturally to the famous Parent Advisory Councils and to the questions and confusion that most parents have and feel about these bodies. You see, Madam Speaker, probably thousands of parents across this province thought they were already serving on parent councils. Furthermore, these parents had the temerity to believe that they were doing important work and that their work did not have to be legislated, controlled and dictated by the very long arm of the Minister of Education.

Moreover, many parents believe that parent councils evolved to suit the nature of individual communities, that, for example, a school in my constituency of Osborne, let us say, Fort Rouge School, has different needs than a school in the constituency of the member for Dauphin (Mr. Struthers), and that the work of parent councils should answer these needs, not the predetermined ideas of the minister. Parent councils are community councils, not wings of government.

* (2100)

While we are at it, I believe that parents can figure out a way to run councils. They have been doing it and doing it well. The minister's determination to legislate the "formation, composition and mandate" of parent councils insults parents and teachers who, I understand, have now been recognized as having the right—that is, teachers have been recognized as having the right to sit on parent councils. The minister's vision of parent councils, cloned and identical, dotted across the province, is, quite frankly, regressive and Procrustean.

It valorizes the cookie cutter and denigrates individual talents.

Of course, I have not spoken about the confusion that most parents are experiencing in regard to these schools, but it is out there. One parent, a highly involved, dedicated school volunteer with 12 years of experience, asked me recently if their school would now need a school-based management committee, a parent advisory council and a plain ordinary parent council. She thought maybe it was time to throw in the towel because it was becoming all too confusing. I can see that the minister will find the committee hearings on Bill 5—

Madam Speaker: Order, please.

Point of Order

Ms. Jean Friesen (Wolseley): Madam Speaker, on a point of order, I wonder if you might request the members on the other side of the House to keep it down to a dull roar. My colleague is trying to speak and I am having difficulty hearing her, and I am sitting quite close.

Madam Speaker: Order, please. I would ask the cooperation of all honourable members to indeed keep the noise down so that those debating can be heard.

On the point of order, the honourable member for Wolseley did have a point of order, although I do take some exception to her choice of words in addressing her point of order.

* * *

Ms. McGifford: Madam Speaker, Bill 5 does not begin to address the real problems in our public education system, ones which, again, my colleagues have already discussed, but I will return to a couple. For example, overcrowding. Most public school teachers will tell you that their classes are overcrowded, numbers in the high 30s, the result no doubt of government's attacks on public education. Then there is the loss of expertise to which I have already referred, for example, consultants.

I think that I am just going to skip ahead to the most serious problem in our public school system in Manitoba today, and that is child poverty and the devastating problems that accompany it, hunger, violence, uncertainty, hopelessness, despair. Life in the modern wasteland under the looming shadow of the social deficit.

Meanwhile, government prattles of balanced budget legislation and legislated Parent Advisory Councils. It was ever thus: Nero sets the fire, plays the fiddle while Rome burns. Rome, in this case, being hungry children.

Jonathan Swift, that great 18th Century satirist and Irish nationalist, once proposed a radical solution to child poverty. In his book, *A Modest Proposal*, he suggested to the imperialist British that the problem of child poverty could be solved in Ireland if the British would only eat the poor, eat the poor children. After all, he reasoned, British imperialists had devoured the parents, why not eat the kids?

Swift was, of course, speaking ironically and symbolically, but he was an incisive thinker. Swift was a great truth teller. The truth today is that many Manitobans feel that government is devouring them, eating them out of house and home without restoring the pantry.

As one of our great Canadian writers says, Timothy Findley, look, pay attention, truth can only be found in what you do.

Instead of stewing over fluff like Bill 5, I would recommend that the Minister of Education (Mrs. McIntosh) get together with the minister of social services, let them sit down, tell some home truths, put people and principles over power and politics. Maybe then they create a better world for Manitoba's children, maybe they can actually do something to renew the quality of education and the quality of life in the province of Manitoba. All of us would benefit and every—

Madam Speaker: Order, please. The honourable member's time has expired.

Point of Order

Ms. Marianne Cerilli (Radisson): I mean no disrespect, but on the point of order, I would appreciate it if in the future when concluding a debate we could have members allowed to finish the sentence they are speaking before being cut off.

Madam Speaker: The honourable member for Radisson does not have a point of order. All honourable members are given a two-minute warning light to remind them that there are two minutes remaining, and generally I try to hand signal to the members if I can catch their attention as well.

Also, every member in this House has a 40-minute time limit. It is a rule of the House.

* * *

Madam Speaker: As previously agreed, this matter will remain standing in the name of the honourable member for Swan River (Ms. Wowchuk).

Bill 12—The Louis Riel Institute Act

Madam Speaker: To resume debate on second reading, Bill 12, The Louis Riel Institute Act (Loi sur l'Institut Louis Riel), on the proposed motion of the honourable Minister of Northern and Native Affairs (Mr. Praznik), standing in the name of the honourable member for Burrows (Mr. Martindale).

Is there leave to permit the bill to remain standing? [agreed]

Ms. Jean Friesen (Wolseley): I am pleased to have this opportunity to speak on The Louis Riel Institute Act. This is a bill which we have seen before. The government brought it in in the last session. This is, I think, the same version of it that has been presented in this session. This is not a bill which promises any financial support to the Metis; this is not a bill which promises any scholarship money to the Metis; it is not a bill which promises the restoration of the Access programs from which the Metis were particularly excluded by the actions of both the federal Conservative government and this government.

It does, however, propose to form a formal nonprofit organization which will have responsibility for finding money and support for scholarships for Metis students. It also has the responsibility to create an educational institute which will promote Metis history, Metis studies, as well as conducting and supporting educational and training programs. It also proposes to act as a resource centre in archives for Metis materials and to act as a publication centre as well for material in the education curriculum relating to Metis people in Manitoba. A general proviso in parts of the bill indicates that it should advise the government on issues concerning Metis and further the educational and social economic development of the Metis people.

So it is a very broad-ranging bill in purpose, Madam Speaker, and it does have a particular focus on education and support for education and cultural institutions. I find it a very interesting bill, and I think there is much to support in this bill. I would note in particular that the Board of Directors of the institute of the Louis Riel Institute, as it is to be called, includes members from the University of Manitoba, from Brandon University and from the University of Winnipeg. That is one of the concerns I do have about this bill, and I think I have raised it last time that we spoke on this.

The approval of the Manitoba Metis Federation for each of the appointees from those institutions I think is certainly an acceptable step, and it gives the Metis the control of the board that they are seeking. But I do question why members are not incorporated from community colleges, for example, because I think there is a great deal that can be done through community colleges, through the Distance Education components of community colleges, through the potential for linking educational institutions in different regions of Manitoba, not just in the North, which would, I think, benefit both this institution and the existing universities and colleges. There is a two-way street here, I think. I think the institutions themselves can benefit from becoming involved with the Louis Riel Institute.

* (2110)

I do draw this to the attention of the minister. I expect we will have the opportunity to discuss this with

him in committee, and it is something which I have raised also with members of the Metis Board of Governors when I had the opportunity to meet with them during the election. It is my understanding that they certainly did not mean this to be exclusive and perhaps would welcome the opportunity to involve members of the community colleges in the same manner as representatives are appointed from the universities.

I have some concerns as well about the resource centre and archives and other materials concerning Metis education, history, heritage, culture, and languages. I think for my own comfort need to know how this will relate to the archives of the Hudson's Bay Company for which the government is now responsible and to the archives of the Province of Manitoba. Both of these institutions contain a great deal of Metis material, as does the Museum of Man and Nature, and I think it would be useful for us at this stage to understand how each of these institutions is to relate to the purpose and objects and mission of the new Louis Riel Institute. I think there is a great opportunity there for linkages and for much more Metis control and input to the workings of those institutions, but I think it would be helpful to understand where the minister sees this as going and, indeed, whether he has in fact looked at the future in that context.

I am pleased to see one of the responsibilities given to this institute is to promote the study and research into Metis history. I would like to have seen this incorporated into the Grade 11 Canadian history, and it is with great regret that I have to note again that the government has not moved on its policy of eliminating compulsory Canadian history in our schools. Over and over again I have challenged every Minister of Education who has been involved with this to find me one letter, to find me one petition, to find me one Manitoban who has asked that that Grade 11 Canadian history course be removed as a compulsory aspect of our schooling. Of course, Madam Speaker, they cannot find one. They have none.

So how unfortunate it is that here we are on the brink of founding a Louis Riel Institute, which will research Metis history, which will produce and publish books, which will incorporate far more material than we have

ever been able to have at our fingertips on the history of the Metis in Manitoba and yet we will not have the vehicle to convey that to our students in the Grade 11 level in the Canadian history course. I think there is a great sadness in this. We will have students graduating from our schools, as a result of the actions of this government, well versed in American history, well versed perhaps in international problems, world problems, in the Grade 12 course, but they will have no more than a Grade 6 understanding of Canadian history because that is the last year in which they will be able to take Canadian history.

In Grade 9 they have the opportunity to do some work on politics and government, and I do hope and draw to the minister's attention that some of the material on Metis government, on the role of the buffalo hunt, of Metis politics in the Council of Assiniboia and the free trade trials of the 1840s, that that can be incorporated into that Grade 9 course. There is an opportunity there for Manitoba students, the only opportunity they will have, to learn something about their local past.

So it is all very well for the government to promote and to preserve and to institute this new Louis Riel Institute Act, but what will be the vehicles for Manitoba students to learn the material that they are going to produce? I think it is something that the minister should think carefully, that he should consult his own constituents and find anyone in his own constituency who favours, who supports the withdrawal of Canadian history as a compulsory course in Manitoba.

Madam Speaker, the institute will also have the opportunity to acquire property. It will also, I think, be a volunteer board primarily, and its goal will be overall the advancement of education and training for Metis people in Manitoba.

So I assume it will also have the opportunity to enter into partnerships with the federal government, with other governments, possibly with other provincial governments, Saskatchewan for example, which for many years now has had a Gabriel Dumont Institute which has much the same focus and goal and purpose as the Louis Riel Institute that is proposed here.

Those kinds of partnerships, of cross-border institutions and educational purposes have relevance for Manitoba and nowhere else could it be as important perhaps in aboriginal and Metis history.

Madam Speaker, it seems to me that we shall perhaps, if this institute can fulfill its goals, 10 to 15 years from now have a great deal more Metis history at our fingertips. Our students do have the opportunity, if their school board can afford to offer Grade 11, if they have a teacher who is able to teach the Grade 11 history course, they might, those students, have the opportunity to learn a good deal more about the Metis of Manitoba.

At the moment, Madam Speaker, the Metis are covered quite thoroughly in the Grade 11 history text. It is possible that those students fortunate enough to have Canadian history will still use that text and be able to have resource-base materials available to them.

Those materials should take us further than the kind of information and the kind of teaching that we have about the Metis in our current schools. I would guess that the very push for this institute has come from Metis communities who are very dissatisfied with the current materials that are available. I think there is a good deal of merit to that.

The Metis images that we use now, the Red River cart, the ceinture fléchée, the buffalo hunt, are those perhaps of a kind of stereotype. They are a myth in the sense of a broad story that has served Manitoba well but perhaps has not served the Metis as well as a different kind of history could. The image of Manitoba Metis is the one that perhaps is best presented by the diorama at the Museum of Man and Nature, the one that is perhaps taken more or less from a Paul Kane painting of the buffalo hunt in the 1840s. If anybody thinks of the Metis, that really is the image that they have.

But it is a very narrow image of Metis history. It is one that really comes from a very small period in Metis history and one that really is only applicable to the Metis of the Red River Valley. The history of the Metis is far greater, far grander and much broader than that, and I hope that this new institute will have the means and will have the staff and will have the

financial support necessary to do the research that will enable Manitobans to fully appreciate the very long and the very diverse history of Metis peoples because when Europeans came to this continent, they came not to a new world, they came to a world that was very old and one that was full of many different kinds of peoples, many different kinds of civilizations, from the Mayans and the Aztecs up through the mound builders of the central plains to the Navaho corn growers right up until the Cree and Ojibway hunters and the circumpolar people, the Inuit of the North.

It was a continent of great diversity, of great diversity of language and of enormous diversities of economic life. When those Europeans came and met and mingled with the peoples of the North American continent and the South American continent, they created, in the end, also new nations. Over four centuries, people intermingled and intermarried across North and South America, and they created whole continents of mestizo, mixed-blood, Metis populations. They created, in effect, new nations, new peoples, and it was one of the most creative and most dynamic aspects of the history of this continent and perhaps in some way offers another context to the many tragedies of disease and violent encounters that were also part of that great invasion in the 15th and 16th Centuries.

* (2120)

Madam Speaker, Metis in Manitoba have often been referred to in many pejorative terms throughout their history, called Metis, called mixed-blood, called country-born, called half-breed or sometimes breeds. Until 1982, they had no legal standing in the same way that Europeans, non-native people or First Nations peoples have had in our country, but in 1982 finally in the Constitution Act of Canada they did acquire legal standing. In most histories of the Metis, they have been characterized as landless, as poor, and yet in Manitoba in 1870 that was not the whole story. We saw much more than that in Metis history, and I hope that, if one result comes from this bill, there is the support and the energy and the financial means to telling the much larger story of Metis history.

There are Metis institutions already, Madam Speaker, which have contributed a great deal to the writing of

the history of the Metis of Manitoba. The Union Nationale Metisse de St. Joseph du Manitoba perhaps is the oldest of the organizations which has commissioned histories of the people of Manitoba. There are others, perhaps less pleasant, is Marcel Giraud, a Frenchman who wrote his thesis on the Metis of Canada in the 1930s. It is one that is often praised by contemporary historians, but it is hard to believe that many of them in fact have read Giroux's writings, because they are characterized, naturally, by many of the racial terminology and, indeed, racism of the 1930s.

But Giroux was one of a number of Europeans who have written about the Metis in varying ways. It is, I think, a great opportunity for the government to support the writing of Metis history and the production of materials written by the Metis themselves.

The Union Nationale Metisse, as I suggested, was one of the earliest in initiating writings about Metis history, but in Manitoba we have been very fortunate to have many Metis authors and a press, Pemmican press, which has also published some very successful books, some of them reprinted into many languages, some which have sold very well in Europe, the Frankfurt book fair, for example; some of them have been, in fact, bestsellers.

People like Antoine Lussier, Raoul McKay, Olive Dickison, John Burrell, Joe Sawchuk, Bruce Sealey have been the authors who since the 1960s have led the writing of Metis history, and they are themselves Metis of Manitoba.

There are others, Gerhardt Enns, Brandon University; Doug Sprague of the University of Manitoba; Joe Sawchuk, Emma LaRogue of the University of Manitoba, who have written very broadly on Metis subjects, not just those in Manitoba. Again, these are all people who are at Manitoba's universities and colleges. So I think we have a great base in Manitoba from which the Louis Riel Institute can begin and a great diversity and talent, historical and otherwise, in our province.

We have also publishing houses in Manitoba already, whether it is the University of Manitoba or whether it is Pemmican press, as I suggested, or some of the other

private presses that have also published Metis history, Rupertsland Institute, for example, or Watson and Dwyer, who have published books dealing with the Metis family in the 19th Century.

One of the most interesting ones, I think, and I would recommend it to members of this House who are interested in a broader perspective on Metis history, is a book that was commissioned actually by the National Endowment for Humanities in the United States and also supported by the Newberry Library in Chicago, which is the Institute of Aboriginal History in the United States, and it is a book called *The New Peoples, Being and Becoming Metis in North America*. It does give you a taste of the opportunities that are there for an institute devoted to Metis history.

For example, there are chapters dealing with the history of mixed-blood people, to put it in a descriptive way, not in the pejorative way of the 19th Century, but the mixed-blood people of the 16th Century and the St. Lawrence. The official policy, in fact, of Samuel de Champlain and other French policy makers of his time in New France was that our young men will marry your daughters, they said to the chiefs, and we shall be one people.

In the 17th and 18th Centuries, part of state power was in fact the necessity of having large populations, and there was a great reluctance on the part of France, as there was on the part of some other European nations, to send a great many of their settlers abroad. Large-scale imperial settlement came much more in the 19th Century. So they sought, first of all, not to deplete their own resources at home by having a large-scale migration but also to increase their state power in New France and in the West as they discovered it by encouraging intermarriage.

There was also, one might argue, as the authors of this book do, still a great fear in Europe of plagues and pestilences, and the Black Death had made many people quite intimately aware through their own family histories of the tenuous nature of life, I suppose, in the 17th Century and again a great fear of sending their sons and daughters overseas. So the official policy of the French was in fact to create one people, and there were many benefits which were offered to Indian

people who would marry Europeans, and gifts of land—incidentally, of course, Indian land was being given to Indian women, there is a great irony there—for their offer of their hand in marriage to a Frenchman.

Of course, what happened was that, yes, indeed, there were many people of mixed race in New France, but there was not one nation. Indian nations remained separate, and those Indians who married into the European society to all intents and purposes became assimilated, and that was indeed the purpose of the French policy.

As you move further west in the period between 1680 and 1815 we do see the beginnings of Metis political consciousness, and although we in Manitoba seem to think that it comes only from Red River, in fact the origins of Metis history and of the sense of community and separateness and separate identity comes from the Great Lakes and from northern Ontario and Wisconsin and Illinois to the south. It was in those areas in 1815, as the fur trade expanded westward under the auspices of the Northwest Company in particular, that many mixed families came to found settlements. The origins of Chicago, of Detroit, of Michilimackinac, in fact, are Metis settlements.

It was those Metis settlements, largely based upon extended families, most of them involved in trading, most of them involved also as interpreters, multilingual, bicultural and very distinctive in their dress and in their manner, beginning to see themselves as separate from others. They were the heart of the Great Lakes fur trade and the Great Lakes fur trade, of course, was itself one of the great engines of western expansion for Canada as well as for the United States. They were not European, they were not Indian, but they were traders and they were entrepreneurial and they were beginning to see themselves both in language and in other ways as distinct.

I made the acquaintance, said one traveller, of a half-breed in the village who kindly invited me into his house. These men who have two sorts of blood in their veins have also generally two names, Indian and French. My good friend's French name was La Fleur. His Indian one Bimashiwin or, as he translated it, une

chose ou une personne qui marche avec le vent, as we would say, a sailor. That was in 1855, à Rivière-aux-déserts, an indication of the very physical separateness of the Metis in the Great Lakes region.

* (2130)

Those communities in the Great Lakes were all trading communities. They were dependent upon the fur trade. They were, from all accounts of outsiders, relatively egalitarian. People noticed the difference between them and European settlements, for example. Most of them lived by trade and by subsistence. They were farmers, they were fishermen, but they were not using the same resources as were aboriginal people. There was much more of an independence from aboriginal subsistence activities.

For the most part, they were Catholic, although many of them existed for decades without the visit from the priest. They were Canadians for the most part who married Indian women and at Sault Ste. Marie, at Kaskasia, at Detroit, at Chicago, they set up these extended families, patriarchal in descent and continued a way of life which was to last until the 1860s.

There were many roads to Red River, the author Jacqueline Peterson suggests, and the road from Detroit and from Sault Ste. Marie was certainly one which became well travelled after the 1820s. There were, by that time, about 10,000 or 15,000 people in these Metis communities south and west of Lake Superior. They were a very mobile people and, as traders, very responsive to the changes in the fur trade. Of course, one of the major watersheds in the fur trade was in 1821, when the two companies, the Hudson's Bay Company and the Northwest Company, amalgamated into one to create a monopoly.

When they created that monopoly, it had dramatic effects upon the employment prospects, not only in the Great Lakes, not only at Red River and not only in the northwest, but the employment prospects for all Metis people because, as the company in 1821 set about creating this monopoly, it also set about reducing its costs. In order to reduce its costs, it put in place a number of policies. The most important one of these,

from the perspective of the Metis, of course, was the reduction in the number of posts.

With a monopoly, the Hudson's Bay Company no longer had to meet the Indians in their villages or along the trail. They could afford to say, here is our fort, you must come here, because in a monopolist situation, the power that the Indians had had in the fur trade was dramatically reduced, but it also meant a loss of labour, a loss of employment for the Metis. Those communities which had existed along the Great Lakes, indeed had flourished along the Great Lakes, began to find themselves in greater economic difficulties.

Very responsive to changes in the fur trade, they began to move into Red River. Some of them, in fact, were recruited by the Hudson's Bay Company, the Misses Nolin, for example, were brought into Red River as teachers, and some of the earliest European teachers in Red River, even before the Grey Nuns, were the two Metis sisters from the Great Lakes, the Mesdemoiselles Nolin.

There were others, others of the Nolin family, others of the Fleurys family, of the Bruces and the Deases and the great names of Manitoba Metis history, who came into Red River in that period as the Hudson's Bay Company began to create a monopoly.

They were joined in Red River by others, others who, at the time, were called half-breed, and that was used in a descriptive sense to describe those people who were descended from the Hudson's Bay Company families. In a sense, what you have, as Jennifer Brown at the University of Winnipeg has shown very well, are two strands of Metis history. One descended from the Northwest Company, and the other descended from the Hudson's Bay Company. They came together in the Red River region in the 1820s as this whole reorganization of economic activity in Manitoba and the northwest was conducted.

So you have in the 1820s really two strands of Metis history, those coming from the Great Lakes, for the most part, multilingual, bicultural fur traders, not trappers, but farmers, fishermen, sometimes teachers, sometimes translators and people who were to become the buffalo hunters of the plains and to seek, in a new

entrepreneurial niche, the prosperity that they had enjoyed in the Great Lakes region.

On the other hand, you have those who are descended from the Hudson's Bay Company and who came to settle in the region from the bottom of the lake, from what became known as St. Peters Parish, the parish of Peguis, down to the forks, and along there, or rather, I should say, north of the Kildonan settlement and between the Kildonan settlement and St. Peters there were two or three English-speaking, mixed-blood parishes based upon the Church of England, but very much mixed-blood parishes: St. Andrews, St. Clements, St. Peters. Then, as you move further west, Headingley and St. James, and those were the bastions of English-speaking, mixed-blood communities.

They, too, many of them, had seen their children pushed out of employment after the change in the Hudson's Bay Company situation. Many of them, in fact, also began to see changing racial attitudes in Manitoba and to see—as some of them said, indeed, the phrase they used, the mark of Cain is upon our children. They are mixed blood and they will not be hired by the new Hudson's Bay Company. Some of them perhaps put it even more strongly, but I will come to that perhaps in a minute.

But along River Road Gaelic-speaking, Ojibway, and Cree mixed together to form parishes of farmers, fishermen, mostly focused upon the parish life of the Church of England. They were people who would come from all over the northwest. Some of them had been fur traders, Cumberland House and Westwood. Probably two of the best-known families are those of the Kennedys and the Isbisters, cousins who were born of Indian women in the northwest country, Cumberland House and Westwood, and whose fathers were fur traders, in fact, very high-ranking fur traders of the Hudson's Bay Company.

Those children were sent to Scotland to school to St. Mary's School in the Orkney Islands. It is still there, still a monument of Hudson's Bay Company education. Some of those children, the children of Alexander Kennedy, the elder, were sent to university. The University of Glasgow, for example, took the oldest son of Alexander Kennedy of St. Andrews, educated

him as a surgeon, and he went out to British Columbia where he became a surgeon for the Hudson's Bay Company and one of the first members of the executive council of British Columbia.

One of his other sons perhaps became more famous, and that is Captain William Kennedy, who was educated both in St. Margaret's, Orkney, and then again at college in Glasgow, and who returned to Red River to become, as he had hoped, a trader, to become a justice of the peace, to lose a great deal in the scrip scandals of the 1880s. In a sense, he does represent, I think, much of the transition of the 1880s for the mixed-blood, country-born people of the English-speaking parishes.

It was, however, on the whole, a society which did flourish. One of the remnants of it is Twin Oaks along Captain Kennedy's road, along River Road, and that was a school for the children of the Hudson's Bay Company, many of whom later came to settle along River Road. In the archives of Manitoba, one of perhaps the most poignant files is the files of letters of those children to their parents in the northwest. They were sent to Miss Davis's Academy as it was called for, oh, perhaps eight, 10 years at a time, and never saw their families in that period. The letters back and forth are contained in one of the files in the Archives and I think are perhaps one of the most poignant readings of this period of Metis history.

Next to Kennedy's house on River Road was the house of his cousin. They tried to settle in groups which were linked by kinship. That land next to Captain Kennedy House I think has great significance. It was the land of Alexander Kennedy Isbister and he was one of the most interesting and unusual of the Metis of Manitoba of that period although he spent very little time in Manitoba. He too was educated by the fur trade in Orkney and also in university in Glasgow. He came back to Manitoba for a while and then returned as an emissary from the Metis of Manitoba asking for free trade. He began the petitions on behalf of the Metis who wanted to break out of the very narrow confines of economic activity that had been laid out for them by the Hudson's Bay Company. Alexander Kennedy Isbister went back and he took those petitions. He also took petitions on behalf of

Chief Peguis, who was interested in making much more formal claims to the reserve and ensuring that his economic future would be secure.

Alexander Kennedy Isbister's legacy lives on in two important ways. It was the land next to Kennedy House, that of Isbister, which was sold to provide the money for the library at the University of Manitoba, and what now is called the Dafoe Library is in fact based upon a foundation of Metis money and Metis land. At the same time, Alexander Kennedy Isbister also ordered in his will that scholarships be provided for children of both sexes and all races in Manitoba. We still have those Isbister scholarships at the University of Manitoba. His name is still used in reference to them. That, I think, was very farsighted and we should never forget that the origins of our library, our first big library in Manitoba was in fact of Metis origin, that the origin of our first scholarships for women students at university were Metis scholarships and came from that will of Alexander Kennedy Isbister.

* (2140)

Isbister was only one of a number of very important families in the Red River region. There were others, Narcisse Marion, for example, in St. Boniface, the Dease family, the Bruce family and many others who formed part of a mixed community of aboriginal and Europeans at Red River. One of the most important ones, I think, was James McKay, a man whose portrait lingers in the Archives at the moment and a portrait whom we would like to see restored to the Manitoba Legislature. James McKay became the Speaker of the Legislative Council of Manitoba in the short period that we had one. He, too, at Deer Lodge, in a sense one of the most prosperous and wealthy of Manitobans in 1870, is someone about whom I think we deserve to know a great deal more and his place both in this Legislature and in Manitoba should be much more widely understood.

I wish the Louis Riel Institute well. I hope they will find the money and the support they need for the kind of work that needs to be done to extend the knowledge of people like McKay, to extend the knowledge of people like Narcisse Marion, of Alexander Kennedy Isbister as well as of Louis Riel.

I think too that they have a great opportunity to extend to Manitobans a sense of the harmony in community that existed amongst all the peoples at Red River in the period before 1870. We have, because of the resistance of Louis Riel in 1870, a sense of perhaps a divided community but we should not forget that in the period before 1870, both French and English, mixed blood and aboriginal did live in a great deal of harmony. Narcisse Marion, for example, was one of the hosts for the Reverend John Black, the first Presbyterian minister who came to Manitoba. His house was a place for social gatherings for people of both languages and of many cultures.

In working conditions as well, the Metis of both languages mixed together in the boat brigades and in the fur brigades as well as in many other areas that are perhaps more familiar to us, the buffalo hunt and the transport industry as it began to expand under the auspices of Metis transporters, the Red River carts and the trails that were developed to St. Paul in the 1860s.

So Manitoba Metis, I think, have a very large task before them in developing many, many avenues of their history. Some of them, for example, will perhaps extend their interests to other Metis communities and other periods. Much of what we know about the Metis and which we have been able to convey to students both in school and elsewhere is really the Metis of 1870 and the Metis of 1885.

Although those are significant, and obviously in the naming of this as the Louis Riel Institute—both the Metis and the minister believe that has prime importance—I do not think that we should overlook the other areas of Metis history and of the Metis community.

If we look, for example, to Alberta in the period after the First World War, the creation of the Metis communities of Alberta I think is an area that needs much more work and needs to be incorporated into the greater story of the new people, the new nation of Canada.

For those of us who are interested primarily in Manitoba history, there is I think importance too in looking at the period after the First World War. We

know very little about the history of Metis communities after that. We do know of their dispossession in the 1880s, the dispossession sometimes aided by the courts of Manitoba and by some of the new Ontario settlers, the land seekers, some of them perhaps less than scrupulous methods.

We know also of the struggle of the Metis to have their children incorporated into the Metis settlement and of the difficulties that they encountered in the 1880s in doing that.

We know that by 1914, and in fact many cases much earlier, that the Metis were for the most part dispossessed in Manitoba. They had lost their land. The incoming settlers from Ontario, the Orangemen from Ontario in particular, had with great relish eaten up their land and turned it into a very different kind of country.

The buffalo were gone, perhaps for many decades now. The land which had at one point been of open access, open to all, had been fenced in and turned into private property.

The economy of transport, the economy of the fur trade, the labour of the fur trade in which the Metis had flourished, was gone. There was little left for them to do but to move into areas of the Interlake, into parts of southern Manitoba and as well, of course, to Batoche and parts of Saskatchewan to create different kinds of societies. Their resources were much less, and their opportunities for economic expansion that had been there in an earlier period were much greatly reduced.

Madam Speaker, at his trial in 1885 Louis Riel said: Through the grace of God, I am the voice of Manitoba. While we know that he is Manitoba's most important son, I do commend the Louis Riel Institute not just for research and support of the name of Riel but for all the many Metis who were dispossessed over the last century and a half and for whom I think the Louis Riel Institute will be able to find a new voice. Thank you.

Madam Speaker: As previously agreed, this bill will remain standing in the name of the honourable member for Burrows (Mr. Martindale).

Bill 6—The Public Schools Amendment Act

Madam Speaker: To resume debate on second reading Bill 6, on the proposed motion of the honourable Minister of Education (Mrs. McIntosh), The Public Schools Amendment Act (Loi modifiant la Loi sur les écoles publiques), standing in the name of the honourable member for Dauphin (Mr. Struthers) who has 21 minutes remaining and standing in the name of the honourable member for Swan River (Ms. Wowchuk).

An Honourable Member: Stand.

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

What is the will of the House? Is it the will of the House to call it ten o'clock? [agreed]

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, October 2, 1995

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