



**Second Session — Thirty-Second Legislature**  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES**  
and  
**PROCEEDINGS**

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**31-32 Elizabeth II**

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, Hon. John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Hon. Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virden	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, Hon. John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Hon. Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIW, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 12 July, 1983.

Time — 2:00 p.m.

**OPENING PRAYER** by Mr. Speaker.

**MR. SPEAKER, Hon. J. Walding:** Presenting Petitions . . . Reading and Receiving Petitions . . .

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**MR. SPEAKER:** The Honourable Member for Thompson.

**MR. S. ASHTON:** Mr. Speaker, I beg to present the First Report of the Committee on Private Bills.

**MR. CLERK, W. H. Remnant:** Your Standing Committee on Private Bills beg leave to present the following as their First Report:

Your Committee met on Tuesday, July 12, 1983 and heard representations with respect to the Bills before the Committee as follows:

Bill (No. 36) - The Agrologists Act; Loi sur les agronomes,

Mr. Edward Lipsett, Manitoba Association for Rights and Liberties.

Bill (No. 38) - An Act to amend The Society of Management Accountants of Manitoba Act, Mr. Len Hampson, Certified General Accountants of Manitoba,

Mr. Ernest Orpin, Society of Management Accountants of Manitoba,

Mr. Dan Hicks, Society of Management Accountants of Manitoba,

Mr. Bruce King, Society of Management Accountants of Manitoba,

Mr. Harold Clubine, Solicitor for the Manitoba Municipal Administrators.

Your Committee has considered:

Bill (No. 40) - An Act to amend An Act to Incorporate Portage Avenue Baptist Church,

Bill (No. 53) - An Act to Grant Additional Powers to Steinbach Curling Club Ltd.; Loi accordant des pouvoirs additionnels au Steinbach Curling Club Ltd.,

Bill (No. 59) - An Act to grant Additional Powers to Victoria Curling Club Limited; Loi accordant des pouvoirs additionnels au Victoria Curling Club Limited.

And has agreed to report the same without amendment.

All of which is respectfully submitted.

**MR. SPEAKER:** The Honourable Member for Thompson.

**MR. S. ASHTON:** Mr. Speaker, I move, seconded by the Honourable Member for St. Johns that the Report of the Committee be received.

**MOTION presented and carried.**

**MR. SPEAKER:** Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

## ORAL QUESTIONS

### Bilingualism - MGEA

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, I have a question for the First Minister. He has received, as have all of us, communication from the Manitoba Government Employees Association in which they indicate that there are a number of substantive amendments that they would wish to make to the proposed constitutional resolution affecting Section 23 of The Manitoba Act - resolution that is presently under debate before the House. The MGEA in their communication indicate that they're willing to sit down with the Attorney-General and with the government to discuss these matters further. In view of the importance of having an agreement that carries the support of the Manitoba Government Employees Association, having an amendment to the act, which could of course affect them, will the First Minister give the House some indication as to whether or not he is prepared to reconsider this draft, and in the course of reconsidering it to give the House, the MGEA and the people of Manitoba further time for this reconsideration by delaying any public committee hearings until after this Session has adjourned?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, first the Manitoba Government Employees Association haven't asked for any delay. What they have indeed indicated by way of their letter is, and I quote from Page 2 of that letter, "In summary, Mr. Premier, the Manitoba Government Employees Association fully supports the reinstatement of the constitutional language rights that existed in The Manitoba Act of 1870. Had these rights not been abrogated, there would be no need for the potentially divisive debate on this issue today."

So the Manitoba Government Employees Association has made their position quite clear in principle. They have raised three very important concerns pertaining to the phraseology pertaining to definitions and other items that are outlined on Page 2 of their letter, and as I indicated to Mr. Doer yesterday I would be anxious to meet with the MGEA in the company of the Attorney-General, in order to review their particular concerns to ascertain whether or not we can make any appropriate amendment, if indeed their concerns be justified.

**HON. S. LYON:** Mr. Speaker, a further question to the First Minister. That same letter went on to say as follows,

"The Manitoba Government Employees Association is clearly an interested party in the current debate as the proposed changes have direct implications for our membership. Our suggestions are made at this time based on our initial review of the proposed amendments, which have been in our possession for barely one week. We are, of course, prepared to continue discussions with the Attorney-General, government counsel, individual MLAs, party caucuses and yourself in order to ensure that the rights of all Manitobans are protected in a fair and equitable way."

In view of the fact that the Government Employees Association are indicating that this matter has not previously been discussed with them prior to, say, a week ago, would the First Minister not take that as some indication that there is not need to be hurrying this matter through the House, as apparently is the wish of the government to do, in the summer months when many people in Manitoba customarily take holidays and are not going to be available for public hearings of a committee? Would he not agree that it would be reasonable and prudent to have intersessional meetings of the committee in the light of this new development and other developments?

**HON. H. PAWLEY:** It is unfortunate and unfair that the Leader of the Opposition wants to read into the letter from the Manitoba Government Employees Association something that they themselves are not requesting.

The Manitoba Government Employees Association letter is a responsible letter. It raises three valid points. At the same time, it indicates its support for the principle of the legislation, and nowhere in the letter does the MGEA suggest that there be a postponement or a delay, but they are asking for the opportunity to discuss and to review three important areas that are of concern to them. At the same time, I should point out to the Leader of the Opposition that in addition to the meetings that the Manitoba Government Employees Association are requesting, they too will have an opportunity to present a brief to the legislative committee to outline their points in the normal process.

I am looking forward to the meeting with the Manitoba Government Employees Association; I am looking forward to the responses in respect to legal counsel pertaining to all three items that are raised by the MGEA. But let the letter not be misunderstood. The MGEA is not asking for us to delay, is not asking us to put this matter over to meet the demands of the Leader of the Opposition. That is not what the MGEA has indicated. The MGEA has indicated its support for the basic principle of the resolution that we are dealing with.

**HON. S. LYON:** Mr. Speaker, a further question to the First Minister. Far from me to try and put any words into the mouths of the MGEA. They say it all quite clearly in here, that they have had this matter under consideration for only a week.

I was asking, based upon that, based upon the resolutions now from over 100 municipalities in Manitoba which are indicating the same thing to this First Minister, that more time is needed for its consideration, will he not do the reasonable, and may I say, Mr. Speaker, the honourable thing with respect

to a constitutional resolution and have it heard intersessionally? That's No. 1.

No. 2, Mr. Speaker, is the First Minister now indicating, because he has gone to some length to indicate that he thinks that the suggestions made by the MGEA on Page 2 of their letter for amendment of the resolution are reasonable, is he now indicating a changed position from that which he and his Attorney-General announced a few days ago when they said that they would not tolerate any amendments to Section 23?

**HON. H. PAWLEY:** Mr. Speaker, pertaining to question No. 1, the first part of the Leader of the Opposition's question, he has already asked that a number of times. Insofar as No. 2, I had indicated that the concerns that were raised were reasonable and ought to be examined by this government. I did not indicate that the concerns were right or wrong, but were concerns that were legitimate in requiring examination and review. If the Leader of the Opposition had carefully listened to remarks earlier, what has been indicated is that the Manitoba Government cannot unilaterally make changes in the resolution; the Manitoba Government can the resolution entirely or that changes can be made if the resolution is to proceed with the agreement of the other seven parties to the court action. Obviously we cannot proceed in respect to a settlement that is reflected in the resolution without the agreement of all parties.

There's no unilateral change but on the basis of three responsible suggestions, or areas, for clarification in the Manitoba Government Employees Association letter I'm anxious to look into those legitimate areas of concern that have been raised in order to assure myself that those concerns are either correct or incorrect, and certainly upon the Attorney-General's return we'll be examining that.

**HON. S. LYON:** Well, Mr. Speaker, then is the First Minister now saying that the resolution that is before the Legislature is not chiseled in stone, as he and his Attorney-General tried to indicate initially, and that they are prepared not to be a bit more reflective and open with respect to the terms of that resolution, and to consider reasonable suggestions that are being made to it by the MGEA, and I'm sure by other organizations, that will come before the committee?

And if that is the case will the First Minister not then begin to see the wisdom of having intersessional hearings on this committee so that all opinions can be sought? If this matter is still fluid all opinions can be sought, and the best advice distilled, and put into this Section 23 amendment so that we do not bind for all time Manitobans into an amendment that is less than perfect.

## Layoffs

**MR. SPEAKER:** The Honourable Member for St. Norbert.

**MR. G. MERCIER:** Mr. Speaker, I have a question for the Acting Minister of Labour.

Can the Acting Minister of Labour advise whether any employees covered by the Manitoba Government

Employees Association contract have been laid off since the new agreement with the government?

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Thank you, Mr. Speaker. I'm not aware of any layoffs that would have been contrary to the agreement entered into between the government and the Manitoba Government Employees Association but certainly I can take the question as notice and get a more firm answer than that, probably tomorrow.

**MR. G. MERCIER:** Mr. Speaker, a supplementary question to the Acting Minister of Labour.

Can he advise how many employees not covered by the Manitoba Government Employees Association contract have been laid off or fired?

**HON. V. SCHROEDER:** Well, Mr. Speaker, first of all with respect to firings, let me make it very clear that there was no agreement with the MGEA that there would not be firings. If people were not performing their duties, then we always reserved the same right before that contract to fire people for the normal reasons, for cause. So with respect to that, I can certainly determine whether we can come up with that information without going to too great an amount of trouble and if there is a lot of trouble involved, I might suggest that the member file an Order for Return.

With respect to layoffs of employees who are not covered by that agreement, I don't have a specific number. I can take that question as notice. I point out, however, that we have a large number of seasonal employees who are traditionally working at a certain time of year, be it summer or winter depending on the specific activity, and there are always some layoffs. I'm sure that there have been some of those kinds of layoffs in the past since the agreement; some haven't been called back, I'm sure, and others will be laid off in the fall when the summer work is done.

**MR. G. MERCIER:** Mr. Speaker, a supplementary question to the Minister of Economic Development. Could the Minister confirm that a Dr. Malik, the senior economist in the department, who has been employed by the government since 1966 was laid off at the end of March of this year, without cause?

**MR. SPEAKER:** The Honourable Minister of Economic Development.

**HON. M. SMITH:** Mr. Speaker, due to repriorization of department activities, this person was laid off. She was not covered by the MGEA agreement.

**MR. G. MERCIER:** Mr. Speaker, could the Minister describe the repriorization that took place that caused the government to fire the senior economist in the department, having been employed by the Government of Manitoba since 1966?

**HON. M. SMITH:** Mr. Speaker, the department's activities have shifted more into the direct technology area to provide service to business and industry in the province, to assist them in the application of newer

technologies so that they would, in fact, be able to compete more effectively in the very areas that the members opposite have been chiding us for being inactive in; that is, developing in the manufacturing and food processing areas.

### Workplace safety

**MR. SPEAKER:** The Honourable Member for Tuxedo.

**MR. G. FILMON:** Thank you, Mr. Speaker. My question is for the Acting Minister of Labour. Last year after the tragic murder of a young female employee in a doughnut shop, the government indicated that it would be bringing forth changes to The Labour Act that would lessen the risk to employees under these circumstances. Is the government still intending to bring forth these changes?

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Mr. Speaker, I'm going to have to take that question as notice for the Minister of Labour.

**MR. G. FILMON:** Mr. Speaker, the Acting Minister of Labour was the individual at that time in the portfolio, who made that announcement, and I would ask him as well, to take as notice then; in view of the fact that a female employee in an all-night grocery store was raped in Winnipeg at about 5 a.m. this morning, would the Minister urge the Minister of Labour to stop worrying about minor irritations such as the relationship between parents and babysitters, and start looking at the real need to protect people in vulnerable situations such as this?

**HON. V. SCHROEDER:** Mr. Speaker, I think that that's somewhat unfair. All members of this House are concerned with respect to what is happening at some of our workplaces at night. When I was Minister of Labour I had asked my department to review legislation elsewhere, to look at what we could do here for prevention — (Interjection) — The Member for Sturgeon Creek seems to forget that he also was in government, and that when he was in government things like this, regrettably, were happening. I really find it somewhat disgusting that members such as he and the Member for Lakeside are trying to make some political hay out of some very serious, sad occurrences in our workplaces.

I've indicated that when I was Minister of Labour, I had initiated an investigation into how we can proceed with covering of this difficult situation in our workplaces. We were looking at areas such as some form of electronic surveillance, if there was anything that could be done in that area; we were looking at legislation that would require more than one employee on the site after a certain hour; we were looking at legislation dealing with ages of people who were working on their own and that sort of thing. I have to tell you that I don't know where it is at right now. I haven't been Minister of Labour for about a year, and during that time I'm sure that more studies have gone on.

I have indicated that I will take the question as notice for the Minister of Labour. But for the opposition to suggest that there's nothing happening is simply unfair.

Well, the Minister of Labour is here now, I'm sure she'll be able to reply.

**MR. G. FILMON:** Mr. Speaker, as the Acting Minister indicates the Minister of Labour is here now. My question was with respect to legislation that was proposed by the government more than a year ago to protect workers, particularly female and lone employees in all-night situations. In view of the fact that last evening at 5 a.m. a female employee was raped in an all-night grocery store, my question is to the Minister, when is she going to bring forward the proposed legislation?

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. M.B. DOLIN:** Mr. Speaker, this is an area of grave concern to us but it's not a simple area. To put an age on workers working alone doesn't work, as I'm sure the members are aware, because a person could be one week past their 18th birthday and still be in some danger.

There are a number of different areas where workers do work alone besides convenience stores and can be in some danger because of that. We have had a study done, we have the report of that study, and my colleague, the Minister who is responsible for Workplace Health and Safety is actually the person who will probably be bringing forward the legislation since that is the area that it fits most closely to.

It is really workplace safety that we're talking about. We are at the point of putting together the legislation. It is not our intent to bring it in as part of this Session. It is not one of the bills that we had on the list of those to bring in but it is proceeding.

In the meantime we certainly have been in consultation throughout all of this with the owners and the managers of convenience stores, of hotels, of small food shops, of all kinds of different organizations and employers who do have employees working alone at any time of the day or night. We have the assurance of some of the larger ones that they are either implementing alarm systems that they feel will work, or that they will move towards this very shortly.

We are in process on this issue, and I agree with you it is a important one.

### Gasoline prices - Manitoba

**MR. SPEAKER:** The Honourable Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Speaker. Mr. Speaker, I have a question for the Honourable Minister of Consumer and Corporate Affairs.

Mr. Speaker, I wonder if the Honourable Minister can advise House if he, or any of his staff, have been alerted to the gas price increases that are all across this province this week, ranging from a 1.5 cents a litre in some gas stations in Dauphin to .5 cents in Roblin, .4 in Russell. I wonder can the Minister advise the House what it's all about, and if his department's been alerted to the problem.

**MR. SPEAKER:** The Honourable Minister of Consumer and Corporate Affairs.

**HON. J. BUCKLASCHUK:** In answer to the question from the Member for Roblin-Russell, we have been aware of the changes in the prices that have been taking place not only in the last week but over the last number of months, and my department is studying that. Certainly when the report comes down on the difference between gas prices between southern and Northern Manitoba part of the report will deal with the variances in gas prices in southern Manitoba.

### Autopac - new claims centre

**HON. J. BUCKLASCHUK:** While I'm on my feet, I'd like to respond to a number a questions I took as notice. Yesterday the Honourable Member for Lakeside had asked whether Autopac is planning the construction of a new claims centre in the City of Winnipeg. I am informed that consideration is being given at the present time to the construction of an additional claims centre, although the exact location has not been determined and definite plans have not been made.

### Co-op Implements

**HON. J. BUCKLASCHUK:** I also took a question as notice last Friday, from the Honourable Member for La Verendrye, with respect to the \$5 million of member equity to be raised by C.I. as part of the 1982 Financial Assistant Agreement. According to the agreement negotiated between all parties an additional \$5 million in member equity was to be raised within five years. I'm advised by officials in my department, who have been advised by C.I., that a marketing package to sell \$5 million of preference shares to members to meet that condition of the agreement is presently being developed with active marketing to take place to start in November of this year. Like other participants in the agreement we'll be monitoring the situation closely.

### Red River Co-op closure

**HON. J. BUCKLASCHUK:** And a further answer to a question I took as notice from the Member of La Verendrye with respect to Red River Co-op. Up until the beginning of June, there had been 253 positions terminated as a result of the closure of various Red River Co-op outlets. With the closing of the Wall Street store, there were 47 additional jobs lost.

### Gasoline prices - Manitoba

**MR. W. MCKENZIE:** Mr. Speaker, I'm disappointed that the Honourable Minister hasn't been alerted to the fact that these gasoline prices are taking place in the province, not only in the North, it's all across the province. Can he advise me, or will he take it as notice, where do these price increases come from? Do they come as a result of the recent agreement between Alberta and Canada? Are they the result of tax increases? Are they just the oil companies raising the prices by themselves?

**HON. J. BUCKLASCHUK:** I really don't know where the Member for Roblin-Russell had the information that

I wasn't alerted. I can assure you that every time I drive down McPhillips I notice when the prices go up and down. The fact is that there may be a number of reasons. I have asked officials in my department to determine the reasons for the latest price increase. When that information is provided me, I will so provide the honourable member.

**MR. W. MCKENZIE:** Well, Mr. Speaker, since the province gets about 50 percent of the revenue from these increases, I'm quite concerned, so are my constituents. Can I ask the Honourable Minister, Mr. Speaker, when we in this House, or when the people of Manitoba can be favoured with this study or examination of gasoline prices which he's been exposed to since last December? He raised it, I think, even before the House opened, that he was going to study this problem in the province. When can we in this House at least get the draft report of what the Honourable Minister has found out for the people of this province?

**HON. J. BUCKLASCHUK:** I'm very glad that the member has asked that question. I can assure the member there is no one more frustrated in this House than I am. It's not an unwillingness on the part of our department to provide a report; it is an unwillingness on the part of the oil industry in providing the simple information that we have been requesting. If the member would like us to provide a report based on fairy tales and fallacies, we can do that. But we're responsible; we will wait for the facts; we are receiving that information. I would hope that we do get the information to have an interim report within the next month or two.

**MR. W. MCKENZIE:** Mr. Speaker, I just wonder, and ask the Honourable Minister again if he realizes the power of government in this province. Can he give me any reason, or the people, why he doesn't call a committee of this House so he can examine with the oil companies the problems of these escalating gasoline prices? Surely the government has an understanding of the power that is in their hands today and can deal with this subject matter.

**HON. J. BUCKLASCHUK:** Well, I am very surprised to hear the comments from the member as to what power we have with respect to some sectors of the private sector.

I would like to inform the member that a few years ago in Alberta, the Alberta Government requested of the oil industry information as to the number of service station outlets that they had in that province. It took the oil industry 18 months to provide that information.

I think the Member for Roblin-Russell is also aware that the Federal Government has had investigations for a number of years at a cost of probably tens of millions of dollars to obtain specific information from the oil industry, and I'm not aware that there's been any final recommendation. How the member would expect us to, in view of the difficulties and the frustration and unwillingness or the inability of the industry to provide us the information we need - it's very simple information. What are your wholesale costs? What are the transportation costs? We know what the retail costs are because we've had a person out there. But to

provide that kind of simple information has taking the oil industry months and months.

We are doing this under The Trade Practices Inquiry Act, for the members information. The department will provide me with an interim report. On the basis of that report I will recommend - if I feel there is justification - I will recommend to Cabinet that there be a full-scale inquiry as to the reasons for the very marked differences in retail prices between rural Manitoba and Northern Manitoba and the city.

**MR. SPEAKER:** The Honourable Member for Thompson.

**MR. S. ASHTON:** Thank you, Mr. Speaker.

**MR. SPEAKER:** Order please. The Honourable Minister of Finance on a point of order.

**HON. V. SCHROEDER:** Thank you, Mr. Speaker. On a point of order, the Member for Roblin-Russell just misinformed the House with respect to the proposition that he made, that the Province of Manitoba is getting half of the amount of the increase in the price of gasoline that he was referring to. Now the fact of the matter is that we have a fixed rate of taxation on gasoline. It is a complete inaccuracy and falsehood that the province is making any portion of the increase, and I would ask the member to withdraw that statement.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please, order please. The Honourable Minister did not have a point of order. It might have been a point of clarification, but it was not a point of order.

The Honourable Member for Thompson.

**MR. S. ASHTON:** Mr. Speaker, I'm rather interested to see . . .

**MR. SPEAKER:** Proceed.

**MR. S. ASHTON:** . . . the rather belated interest of members opposite about the issue of gas prices. I raised this matter in the House earlier this Session via the complaints of myself and many other Northerners. When I last raised this matter in the House the Minister indicated that he had received only one response from the oil companies, despite the fact this was some three months after he'd initiated preliminary investigation. I was wondering if he could give this House an update as to how many oil companies have responded to his request for information.

**MR. SPEAKER:** The Honourable Minister of Consumer and Corporate Affairs.

**HON. J. BUCKLASCHUK:** Thank you, Mr. Speaker. In answer to the question from the Member for Thompson, we have now received, I believe, responses from four oil companies and we're waiting for two others.

**MR. S. ASHTON:** Well, Mr. Speaker, in view of the fact that it's been some five or six months since myself and

many other Northerners raised this issue and, in view of the fact that the oil companies appear to be deliberately stalling the progress of the investigation, I was wondering if the Minister could undertake to put some additional pressure on them to answer some very basic questions that I'm sure he has, and I'm sure many Northerners, especially Northern rural residents of this province have about the price of gas in Manitoba.

### Bill No. 47 - distribution

**MR. SPEAKER:** The Honourable Member for Arthur.

**MR. J. DOWNEY:** Thank you, Mr. Speaker. This question is to the Minister of Municipal Affairs. Could the Minister of Municipal Affairs confirm that he is now receiving letters from rural municipalities and councils opposing the implementation of Bill 47, The Municipal Conflict of Interest Act?

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. A. ADAM:** Mr. Speaker, I can confirm that I have received at least one; I'm not sure whether I've received two or not. I'd have to check the files, but I believe that I have received one to date, to my recollection, but I could undertake to ascertain just how many I have received and bring the information back to the honourable member. But, Mr. Speaker, I am satisfied that we have received very few complaints in regard to this bill, up to this point in time.

**MR. J. DOWNEY:** Well, Mr. Speaker, we all feel sorry for the Minister of Municipal Affairs who has difficulty in counting over one and could possibly get to two, we all sympathize with him. Mr. Speaker, will the Minister of Municipal Affairs, as he receives the letters and resolutions in opposition to his actions as Minister of Municipal Affairs, provide copies of those letters for the media and for the Members of the Assembly, so that we can be fully aware of the opposition to what he is trying to introduce to the people of Manitoba.

**A MEMBER:** Hear, hear!

**HON. A. ADAM:** Mr. Speaker, letters between a municipal council and a Minister are presumed to be confidential, unless that council was agreeable that their letters be made public; I'm sure that they can do so if they so desire at the present time. It is no problem, Mr. Speaker, to send copies to the opposition if they so desire to have that made public. I submit again, Mr. Speaker, that I have received very very few letters in complaint of Bill 47; we have verbal support from the Union of Manitoba Municipalities at the district meetings. They are prepared to support this legislation, Mr. Speaker; there may be some individuals who have expressed concern to members opposite who, by the way, have stayed at some length of time at the district meetings to foment concerns about this bill, but I say that they have gone on a tangent. There is general support for this bill, in fact, overwhelming support, Mr. Speaker. We know that there's overwhelming support. As I attended these meetings, Mr. Speaker, there was

very very little concern about the conflict of interest, Mr. Speaker.

**MR. J. DOWNEY:** Mr. Speaker, to the Minister of Municipal Affairs. In view of the fact that he did not send out copies of bills to each municipal councillor, as he told my colleague from Minnedosa that he would; and in view of the fact that it's probably been, and the question would be, has he yet sent them out or are the municipalities, just by the public news media or through other mechanisms, finding out what is actually in those bills; will he, in fact, tell the House whether he sent those bills out yet?

**HON. A. ADAM:** Mr. Speaker, I think I indicated to the Member for Minnedosa that I had sent out copies of the bill to all municipal councils, where they can review together, to council at their meetings and to discuss this bill, and I think many of them have. I am pleased that I am getting very very few complaints at this point in time.

**MR. J. DOWNEY:** Mr. Speaker, in view of the fact that he has not sent copies of this legislation to each municipal councillor; will he send copies to each municipal councillor so they know, in fact, what this government are imposing on them? Each municipal councillor has the right, Mr. Speaker, to receive a copy of legislation that will have a major effect on the telling of the public what their assets are. It's a direct intrusion into their rights as an individual in Manitoba and should have a copy of that legislation; will he send it to them?

**HON. A. ADAM:** Mr. Speaker, I think I responded to that question to the Member for Minnedosa when he asked the same question, and that was that if he felt that he wanted to send copies out to his municipal people in his area that was his prerogative, he could so; that I had sent copies out to each council. They have the copies there; they've available to them at the meetings, and I'm sure it's going to be discussed by them and it has been discussed by them. In addition to that we sent Bill 18 out, prior to that; when the Legislative Conflict of Interest Bill was introduced, I sent that out, as well. I advised them that Bill 18 was very similar to that of Bill 47, and I'm sure that they have the information out there and at the meetings they were not that concerned, that we didn't get that many questions on conflict of interest.

So, we do have majority support of that bill and I'm quite satisfied that is the case.

**MR. J. DOWNEY:** Mr. Speaker, in view of the fact that the Minister is not brave enough to send the legislation out so that the people can see it who will be affected, and that he's now getting opposition to it, will he consider withdrawing that bill from this Assembly at this sitting?

**HON. A. ADAM:** No, Mr. Speaker.

### Bombs - Oak Hammock Marsh

**MR. SPEAKER:** The Honourable Member for Concordia.



**MR. P. FOX:** Thank you, Mr. Speaker. My question is to the Minister of Natural Resources.

In view of the fact that there has been comment in the media in respect to some bombs in the Oak Hammock Marsh, can he inform us what kind of hazards there are and what is being done to alleviate this?

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** I thank the honourable member for giving me notice of the question.

Mr. Speaker, I had issued a press release a few days ago about the concern because there were a number of unexploded bombs that were found in Oak Hammock Marsh. They were found as a result of the draining of one cell at Oak Hammock Marsh.

There has been a very significant number of bombs thus far - 32 bombs have been found. They haven't been armed with explosives, but nevertheless, we are concerned that it may well have been that this area was subject to quite a number of bombs having been deliberately released or accidentally released over that marsh area. We have asked the military, the Department of Defence, to sweep the entire marsh and this will occur as and when access becomes possible to the individual cells. The walkways themselves, the dikes and walkways, have been utilized for some time and we do not believe there is any danger in their being used.

My staff will be meeting with military people on site tomorrow to confirm arrangements for completion of the sweep. There is every likelihood that that further check will include a check of all of the dikes in the walking areas, but we believe that there is no particular hazard in those designated areas.

### NEED Program

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, my question is to the Acting Minister of Energy and Mines.

Some time ago Sheritt Gordon had made a proposal to the government, to both the Federal and Provincial Government, under the NEED Program with respect to proving up the Agassiz gold deposit near Lynn Lake. The government has recently announced that they will be participating in a project there. Can the Acting Minister advise the House how the NEED project, which was approved, differs from that which was rejected by the government some weeks ago?

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Mr. Speaker, I'll take that question as notice and provide a complete answer to the member. As I understand it, though, just as a preliminary answer, there still are some concerns about the amended agreement. I don't think it's been completely finalized.

**MR. B. RANSOM:** A supplementary question, Mr. Speaker. At the time that we questioned the Minister

of Energy and Mines some weeks ago about this application by Sheritt Gordon, he indicated that the government was not willing to proceed without having an equity position. Can the Acting Minister then also either take as notice or inform the House at this time whether or not the government has made provision to take an equity interest in this gold deposit?

**HON. V. SCHROEDER:** Mr. Speaker, I'm not sure as to exactly what it was that the Minister of Energy and Mines said. I could hardly believe that he would have said that with respect to a NEED Program, because I don't believe the NEED Program has provision for equity involvement. I believe that he was referring to just generally proving up some resources, and he pointed out at the time, as I recollect, that one of the problems with the NEED application was that in order to qualify for NEED people, you had to have exhaustees or people who were close to being exhaustees from UIC. That isn't exactly the problem in that area. Therefore, the NEED Program might not apply unless there were some changes made. If the NEED Program didn't apply and if the province was to come up with money on its own then he was looking for an equity position.

So, I'm not prepared to accept at face value that bald statement of the Member for Turtle Mountain that we weren't going to do anything without equity involvement. I think that there were some caveats put on that and I have indicated already, we'll be giving a complete answer in respect to where the NEED Program is in due course.

### Satellite receiving dishes

**MR. SPEAKER:** The Honourable Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker. On June 3rd, I posed a question to the Minister responsible for the Manitoba Telephone System as to the number of satellite receiving dishes owned by the Manitoba Telephone System and the number of those dishes that were presently in service. The Minister indicated he would take the question as notice and presumably provide me with an answer at a later date and I'd like to ask the Minister if he has an answer to that question?

**MR. SPEAKER:** The Honourable Minister of Government Services.

**HON. J. PLOHMAN:** Yes, as I recall, Mr. Speaker, I did have some information on that. I don't have it with me. It's approximately 12 dishes that are in use at the present time.

**MR. D. ORCHARD:** Twelve dishes are in use, Mr. Speaker, how many dishes does the Manitoba Telephone System own?

**HON. J. PLOHMAN:** The number owned by the Telephone System is what I was referring to, Mr. Speaker.

**MR. D. ORCHARD:** Well, could the Minister attempt to clarify his answer Thursday morning at the MTS Committee hearings and provide the information as to

how many dishes the system owns and how many are currently in service.

**HON. J. PLOHMAN:** Yes, Mr. Speaker, I'll be pleased to give the exact numbers. The approximate numbers that I have given to him are very close to being the exact number, I'm not sure if it's 13 or 12, but I can get that for the honourable member.

**MR. SPEAKER:** Order please. The time for Oral Questions has expired.

### MATTER OF PRIVILEGE

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. R. DOERN:** Mr. Speaker, I rise on a matter of privilege.

Mr. Speaker, I raised a matter of privilege yesterday and comments were made upon that motion by the Chairman of the NDP Caucus, the MLA for Radisson. I now have a copy of yesterday's Hansard, which was distributed this afternoon and it contains inaccurate and misleading statements made by him.

Mr. Speaker, he said in his comments of yesterday on Page 4223 of Hansard, that I had made allegations, he described those as, "purely allegations" and secondly said, "The Member for Elmwood has the same services of caucus as all members of caucus."

Mr. Speaker, if that is true, I think that all the members who are in the backbench of the New Democratic Party have a matter of privilege. Is it true that they, for example, cannot send out questionnaires to their constituents which I have been denied? Is it true, Mr. Speaker, that they are refused to have certain letters typed concerning a matter like that? Mr. Speaker, is it true that they have had most of their caucus documentation cut off as I have? Is it true that they have had mail withheld and read by the chairman of caucus or somebody else? Is it true, Mr. Speaker, that their phone calls have been unanswered? And is it also true, Mr. Speaker, that they work in a hostile environment of looks and remarks made by their fellow colleagues?

Mr. Speaker, these are the statements that were made yesterday by the chairman of caucus. These are false and inaccurate statements which I think should be cleared up, and I simply say in conclusion, Mr. Speaker, that if he is right, that this same treatment is provided to all members of the NDP backbench, if they too have limited services and have a big brother reading their outgoing mail, then they too should have individual matters of privilege.

So I therefore move THAT this Assembly instruct the Committee on Privileges and Elections to examine the statements made yesterday by the Chairman of the NDP Caucus, the MLA for Radisson, with reference to the withdrawal and/or restriction of my privileges as a member of the Legislative Assembly; seconded by the Honourable Member for Brandon West.

**MR. SPEAKER:** The Acting Government House Leader.

**HON. A. MACKLING:** Yes, Mr. Speaker, I would like to rise on a point of order, pointing out that I don't

believe the motion is in order that you have. The basis of the motion is a concern for the accuracy of facts.

The Member for Elmwood questions the accuracy of the facts that have been given to the House by the Member for Radisson. There is a dispute as to the facts. Beauchesne clearly indicates - and I refer you to Citation 19 on Page 12 - that is, "A dispute arising between two members, as to the allegations of facts, does not fulfill the conditions of parliamentary privilege." The Honourable Member for Elmwood, in rising as he did, indicated that the statements that were given by the Member for Radisson were not in accordance with fact. Clearly, Beauchesne says that that form of a question of privilege is not in order.

Therefore, Mr. Speaker, and as I indicated yesterday, the Honourable Member for Elmwood has some difference of opinion — (Interjection) — with services that he alleges he is not receiving from his caucus. That is not a matter for adjudication by a committee of this House. It's a matter of some concern between his caucus and that member and he can settle that matter in the appropriate way.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. R. RANSOM:** On the same point of order, Mr. Speaker. The motion clearly refers to privileges as a member of the Legislative Assembly. It deals with a restriction placed on a member's services, Sir. Of course, as you pointed out yesterday, there are two things which the Speaker has to determine: Whether or not there is a prima facie case that can be established for privilege; and whether or not this is the earliest opportunity that the member could raise the point - today clearly being the earliest opportunity to raise it following upon yesterday's statement.

**MR. SPEAKER:** Order please. I thank the honourable members for their advice on this matter. I will take it under advisement to review today's Hansard and yesterday's Hansard too.

### ORDERS OF THE DAY

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. R. RANSOM:** Yes, Mr. Speaker, on a point of order. I wonder if the Government House Leader could indicate which of the bills it is his intention to deal with in Law Amendments on Thursday evening.

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** I will give that information to the Honourable Member for Turtle Mountain later on this afternoon. — (Interjection)—

I'm hearing some observations from across the floor.

**MR. SPEAKER:** Order please.

**HON. A. MACKLING:** Mr. Chairman, pursuant to an accommodation that was agreed to between the Member for Turtle Mountain and myself, I'm happy to call the adjourned debate on the resolution standing in the name of the Leader of the Opposition.

**ADJOURNED DEBATE ON RESOLUTION  
CONSTITUTIONAL AMENDMENT RE  
OFFICIAL LANGUAGES**

**MR. SPEAKER:** Order please, on the proposed resolution of the Honourable Attorney-General, the Honourable Leader of the Opposition.

**A MEMBER:** That lawyer that's leaving wouldn't understand it anyway.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**HON. S. LYON:** Mr. Speaker, I rise to participate in the debate on this resolution which was initiated by the Attorney-General just over a week ago. I feel privileged to participate in the debate and to set forward some views on behalf of the official opposition with respect to this vexed matter, because it is one that I'm sure has and will continue to engage the attention of the people of Manitoba for some time to come.

This, Mr. Speaker, is the first constitutional amendment of fundamentally serious proportion that has been brought before this House under the provisions of the new Constitution Act, which was brought into force and effect in Canada in April of 1982. This particular amendment purporting as it does to amend Section 23 of The Manitoba Act which, by the way, Mr. Speaker, is defined as part of the Constitution of Canada under that Constitution Act. This particular amendment is of fundamental importance not only to this House today, but to all future Manitobans because, first of all, Mr. Speaker, it will become for all practical purposes an entrenched amendment. The procedure under which we are operating with respect to this amendment requires a resolution to be passed by the Manitoba Legislature and a joint resolution to be passed by the Parliament of Canada, mainly the Senate and the House of Commons. That resolution, if passed by both levels of government, Sir, has the effect then of entrenching the amendment into Section 23 of The Manitoba Act.

Therefore, Mr. Speaker, the second thought we should all bear in mind as we approach this problem is that in large measure this amendment once entrenched will become practically irreversible, and by irreversible I mean it would require, unless further reading of The Constitution Act suggests other means of amendment, it will require a joint resolution of the House of Commons and the Senate and a resolution of this House if any changes were to be made to it.

The third point I would wish to make, Mr. Speaker, about this procedure and about our approach to this matter is to point out the importance of adopting, in this first instance, a procedure that should be followed for all future amendments that are of an important and substantive nature such as this one.

We are in effect, by our very participation in this debate, creating a precedent because this is the first constitutional amendment, as I have mentioned. That is why, Mr. Speaker, over the past number of weeks, from this side of the House, we have asked again and again, that a matter as fundamentally important as this be referred to a Committee of the House, with that

committee allowed to sit intersessionally so as to hear, in an unhurried way, the people of Manitoba on this topic.

Mr. Speaker, indeed in looking back at the nature of the amendment procedure that is set forward in The Constitution Act, it would appear, and this comes from the benefit of hindsight, that there might well have been a provision in that Constitution Act requiring that amendments to the Constitution be required to be considered by the Provincial Legislature or Legislatures, and by the House of Commons and the Senate over a stated period of time, so as to avoid the kind of unseemly rush that this government is attempting to establish as a precedent in dealing with this matter.

So, Mr. Speaker, the first three matters I mentioned - first of all, this amendment will become entrenched in the Constitution; secondly, it will become practically irreversible if it appears in the Constitution in its present form, or indeed in an amended form; and thirdly, it is important in a reasonable and prudent way for us at this time to be establishing a precedent for the handling of these matters in a way that best serves the public interest, rather than the narrow partisan interest of any Government of the Day.

Mr. Speaker, I well recall that when we placed constitutional questions before a committee of this House, as government, in 1980, at that time you will recall, Sir, that there had been a series of meetings between the Prime Minister of Canada and the Premiers of the ten provinces with respect to very fundamental changes that the Prime Minister was trying to, at that stage, impose upon the people of Canada and upon the various provincial governments. I need not at this stage, Sir, go into any long dissertation about those long negotiations and about the various attempts of the present Prime Minister of Canada to force his will upon the provinces of Canada to compulsorily and unilaterally change the federal nature of our country.

I need only say, Sir, that subsequently through court proceedings and through negotiations he was thwarted from carrying out that desire of his and the country, Sir, while not ending up with a constitutional package that is perfect - God knows it is not perfect - ended up with a constitutional package which at least today acknowledges the existence of the federal nature of our country, something that Mr. Trudeau's package was prepared to overrun and to cast aside as a useless part of our history.

So, Mr. Speaker, when we placed the constitutional questions before the committee in 1980, we did so at an intersessional committee that was struck for that purpose, and the wording of the resolution, Mr. Speaker - it appears on Page 6202 of Hansard, Tuesday, 29th of July - part of the preamble said: "And whereas it is desirable and in the public interest to obtain the opinions of the people of Manitoba on proposals for constitutional reform."

Mr. Speaker, I commend those words to the members of the present government because those words, I think, bespeak what any responsible government should be doing before it proceeds finally to the adoption of any fundamental change to the Constitution.

The then Leader of the Opposition, the present First Minister, responded, Mr. Speaker, on Page 6203 of Hansard. He said, "Mr. Speaker, we would urge that the committee, if it is to have any effectiveness

whatsoever at this late date, that the hearings take place as soon as possible. There is not much point," said he, "in ensuring that the public will have real input into this committee's work and the development of proposals and initiatives if the public are making their submissions, not only after the Attorneys-General have completed their meetings with the Minister of Justice, but also the meetings have taken place after the Federal-Provincial Conference, which is to take place in September."

Then he went on to say that he feared the committee would be doing little but to review hard and fast positions. He said, "We will be supporting the establishment of this committee, we will be participating. Our only disappointment is that the formation of this committee, the hearings, the public input might indeed have come, Mr. Speaker, at a time when it would have really been worthwhile; at a time when indeed the public of Manitoba would assist and contribute in the development of proposals, rather than to request the public to make their submissions after already the Province of Manitoba has staked out its position."

These were the words, Mr. Speaker, of the Leader of the Opposition, now the First Minister of this House, dealing with the constitutional reference that we made in 1980.

He then went on to say, Mr. Speaker, "I trust that the hearings will take place in various parts of the province, including Northern Manitoba. I trust that all the position papers that have already been tabled by the Attorney-General will be made available to the committee, to its members, so that they may be discussed in the openness indeed they deserve to be considered. We all, of course, accept the fact that the work of this committee is important in view of the discussions that are taking place, the prodding and urging of Ottawa, the participation of the provinces and the work toward the new Constitution to reflect new purposes and objectives in the renewing of Confederation."

Mr. Speaker, those are the words of the present First Minister, Mr. Pawley, when he was speaking to a resolution wherein we were referring constitutional matters to an intersessional committee, and he was supporting that and going further, and saying that the committee should have been called sooner; that it must have hearings throughout Manitoba; there must be time given for consideration of the proposals; words, Mr. Speaker, that we have been uttering on this side of the House for the last several weeks since the Attorney-General and the First Minister indicated, first of all, that they would oppose any intersessional committee, such as the one they supported when we advanced it only three years ago on the whole Canadian Constitution.

Mr. Speaker, I take the time to read into the record the response that I made to the then Leader of the Opposition's complaint about the committee being called too late.

"Mr. Speaker, very briefly to respond to the Leader of the Opposition, this committee has been undertaken by the present Government of Manitoba since the early days of our administration, at the time when we said it would be appropriate for the committee to meet and to hear representations. Had we listened to the requests of the opposition two years ago we would have wasted

an awful lot of time in having a committee that was listening to proposals that are now defunct. This is the appropriate time to have the committee, and that is why the resolution is being moved at this time.

"The committee, as has been undertaken before, will travel throughout the different regions of Manitoba to solicit the opinions of the people of Manitoba on the current up-to-date constitutional proposals that are before them.

"I'm sure that the members of the committee, from both sides of the House, will benefit from that kind of input that the people of Manitoba can make.

"The Province of Manitoba from time to time will be making public, and before the committee, its proposals with respect to various matters. But, lest my honourable friend, Mr. Speaker, get trapped into what I call the Trudeau syndrome, that the constitutional discussions are going to end on the 12th of September, let him rest easy. The constitutional discussions in this country are not going to end between the 8th and the 12th of September of 1980." And I interrupt, Mr. Speaker, to say that that was an accurate prediction.

Continuing, "They are going to go on for some time, but we are reaching one of the signposts on that trail toward building a renewed federalism in Canada and this committee, I think, will be extremely helpful in the achievement of that goal."

I don't suggest, Mr. Speaker, that everything that the former government did is going to find favour with the present New Democratic Party Government; but I do suggest, Sir, that here is one example of open government, of a willingness to meet and have the people of Manitoba make submissions to a Committee of the House in an unhurried way. I suggest here is one example, one precedent left by our government, that this NDP Government would be well advised, in the public interest, to be following at the present time.

I took the time, Mr. Speaker, to read that material into the record in order that the First Minister may take the time, as I hope he will, to reflect upon the reasonableness of that approach; to reflect upon why it is important, with a fundamental amendment that is going to be entrenched, will become largely irreversible, and that the procedure that he is adopting may well become a precedent - and I would say, Sir, a bad precedent of process if he were to persist with it. I ask him, Mr. Speaker, in the name of all of the people of Manitoba, to follow this good precedent that was established by our government on a constitutional process and procedure, with respect to Section 23.

I do this, Mr. Speaker, because all of us know that this matter is a vexed problem; all of us know that emotions can arise very strongly on this matter. The First Minister is heard to say from time to time, "that is because the people don't understand it." Well, Mr. Speaker, if the people don't understand it, what better instrumentality than to have an intersessional Committee of the House to take the time to do that, and let the committee move around Manitoba, as the previous committee did, in an unhurried way; and let that committee hear what the people of Manitoba want to say and, at the same time, let the committee have all of the briefing papers; the Attorney-General, the First Minister, the opportunity to do the questioning and all of the things that need to be done on something that is going to be entrenched, irreversible, and set the pattern and affect lives of Manitobans yet unborn.

So, Mr. Speaker, I start my submission today by making that very simple, but I think very much needed request to the Government of Manitoba, that they follow the precedent already established in Manitoba to hold intersessional public hearings on this, and on any other important constitutional matter, in an unhurried way.

That will mean, Mr. Speaker, that they have to back down a bit from the position that they have taken. They've already backed away from the initial position which was: these amendments have been negotiated with six or seven parties; they are carved in stone and they're going to be passed by this Legislature, come hell or high water, after only informational meetings. That position was abandoned a few days later because even the government saw the tremendous lack of wisdom of that approach.

So the next step the government said was, we're going to have our informational meetings but we're also going to refer it, while this House is still sitting - while this House is still sitting, Mr. Speaker - now in July and August, refer this to a Committee of the House, later identified as being the Committee of Statutory Orders and Regulations.

So, Mr. Speaker, they have gradually come to see the sense of public hearings on this but they still want to hurry it. They still want to clog up the pipe of government legislation with extra hearings while this House is sitting, passing and trying to deal with bills as important as The Farm Lands Bill; as important as the bill whereby the NDP want the taxpayers to pay their election expenses; as important as the bill whereby the NDP want the taxpayers to start paying for their propoganda that they will mail out, for the printing of their propoganda, Mr. Speaker, that they will mail out once every Session to the members of their constituency.

We've got all of these important matters before us. We've got the seat belt legislation before us; we've got the conflict of interest legislation before us that deeply affects municipal councillors, and the quality of public life, and the number of people who will run for public office in Manitoba; all of these things on the table at the present time in this House. The First Minister, Mr. Speaker, does he honestly expect that he can now load up the schedule of the House with this fundamentally important resolution, and ask the committees of the House deal with it concurrently? Mr. Speaker, that is unreasonable. That is unreasonable, it is not in the public interest; it is a course of action that should not be followed by any government that is truly concerned about its oath to serve the best interests of the people of Manitoba.

So I make my submission, again, and it will be made again, and again, and again, in this House, Mr. Speaker, that this matter of Section 23 amendments cannot and will not, Mr. Speaker, cannot and will not be rushed and hurried by this government, for whatever their motive may be, cannot and will not be hurried by this government through the perfunctory kinds of public hearings that they are hoping, I suppose, they will have, because most Manitobans leave on vacation in July and August. What an ill-time time to have public hearings on something as fundamentally important as this, in July and August, that is just unreasonable.

**A MEMBER:** Planned that way.

**HON. S. LYON:** It verges, Mr. Speaker, on being perverse and I don't think that the Government of Manitoba, if it gives thoughtful consideration to this matter, will want to be unreasonable or perverse. But that is the course of action that they have decided to follow so far, and it is our job, as a responsible opposition, to distract them from that unreasonable course of action, and to get them back on track serving the best interests of the people of Manitoba.

So, Mr. Speaker, back in the 1960s, when constitutional amendments were being considered at that time, we had amendments before the 10 provinces of Canada and the Government of Canada, the Fulton-Favreau Formula, going back into history - I was around at that time. We had public hearings of a committee at that time, Mr. Speaker, and matters were referred to a Committee of the House so that they could have the opportunity to review, in an unhurried way, the processes that were then being debated. Nothing came of those processes at that time, Mr. Speaker, but the fact remains that the Government of the Day, the Roblin Government of the Day of which I was then the Attorney-General, I believe did follow that same practical, reasonable process of referring matters to an intersessional committee. What's wrong with it?

I've heard nothing from the other side to indicate that the time limit is such that they can't accommodate intersessional hearings of the committee? What would be wrong, Mr. Speaker, with the Parliament of Canada, in adjournment as it is until the 15th of September, what would be wrong with canvassing the idea that the Parliament of Canada and the Manitoba Legislature have a joint committee that would travel throughout Manitoba and have hearings with the people of Manitoba? What's wrong with that suggestion? Why does this government not show a bit more imagination and concern for the opinions of the people of Manitoba than it does in this ramrod approach that it is apparently dedicated to taking with respect to this resolution?

So, Mr. Speaker, I say that this is the kind of action the government should be taking. It should be an intersessional committee. Summer holidays are not the time to consult Manitobans.

I received the other day a transcript of a broadcast that the Attorney-General, Mr. Penner, made on CBC Information Radio, July 8th, I believe it was, and the question of the day, I'll come to that a little bit later, but I refer to his response which appears on Page 6 of the transcript. I'll be happy to table this particular page in case he wishes to check the record for its accuracy, but it was taken from a CBC tape.

The question was, "Why is the government moving on French services now? Is it that pressing a problem? Couldn't it wait? Why now?" And the answer given by Mr. Penner, and I quote from this transcript, "We would rather have taken a little longer, obviously. This is the type of thing that we would like to have as much opportunity as possible to discuss with people so that they could see the very limited nature. They could see that it is not, by any stretch of the imagination, a French bilingualism or federal bilingualism, but we were faced with this case in the Supreme Court and we went three times to the Supreme Court and asked that the case be delayed. We succeeded the first two times, but when we went - when I say we, I mean the Federal Government and ourselves because the Federal Government is also

a party to this case there before the court - and we said to the Chief Justice of the Supreme Court of Canada, could we please have this postponed until the end of the year or even a little later, but that was opposed by Mr. Bilodeau and others who are also parties to the case."

The Chief Justice said, "Well, you've had two postponements, that's it; it has to be heard on May 26th." The caller said, "So, basically, what you are saying is that the Chief Justice said that he wasn't going to postpone the court hearing any longer and this is why the government had to move when it did?" Penner: "Yes, although we had been working on it for about a year and we had indeed already developed a lot of the ideas that are in this, but we really could have used more time."

Well, Mr. Speaker, here out of the mouth of the Attorney-General himself is the statement that the government wants more time to discuss this matter, and it's faced with some intransigence by Mr. Bilodeau, the plaintiff in this action, and we'll be discussing the merits of this case a little bit later on.

Surely, Mr. Speaker, it is not beyond the wit or the competence of this government which has been engaging in these discussions for over a year, to obtain another stay, another postponement of proceedings. Is the Attorney-General seriously trying to tell us, Mr. Speaker, that he couldn't get Mr. Bilodeau to agree to another postponement in order to permit the people of Manitoba to hear, intersessionally, the response that they would like to make? I can hardly believe that, Mr. Speaker. I can hardly believe that the Attorney-General of Manitoba, who has some persuasive powers, is unable to make that kind of an accommodation with another lawyer or with the other parties to the action, it just doesn't ring right. It just doesn't ring right, Mr. Speaker.

I see that the Minister of Natural Resources is becoming agitated on this point and I can understand the reason for his agitation. It's being pointed out for the first time, Mr. Speaker, that this government really is trying to ram this through for no good cause. For no good cause, Mr. Speaker.

I come back to my original point, Mr. Speaker, and say that there must be intersessional hearings of this matter; there should be in the public interest; and no, as the Attorney-General would say, milk and water excuses such as this are sufficient reason, Mr. Speaker, for running roughshod - running roughshod over the people of Manitoba - and I'll come to deal with the Bilodeau case a little later in ways that will probably cause as much disconcertment to the Minister of Natural Resources as this branch of the argument has.

So, Mr. Speaker, let us have and let us establish sound and common-sense precedence in the procedure of dealing with these constitutional matters. That's No. 1. Secondly, Mr. Speaker, and now I'm getting into an area that comes more basically to the reason why this resolution is before us at all, why was the agreement needed between the Government of Manitoba and Mr. Bilodeau and the Federal Government? Why, indeed? That question is being asked throughout the length and breadth of Manitoba. The judgment, Mr. Speaker, — (Interjection) — I hear some mutterings or interruptions, or attempted interruptions, on this important matter by the Minister of Natural Resources who finds it very

difficult to contain himself. I'm sure he doesn't understand all of the implications of this matter. Mr. Speaker, I will not be rushed, and I will not be bullied, and I will not be intimidated in any way at all by the likes of the Minister of Natural Resources. I have been dealing with his kind ever since I was raised on a back lane, and I know how to handle him, Mr. Speaker.

So, Mr. Speaker, I merely say, why was the agreement needed at all? Well, let's review briefly the background of Section 23. — (Interjection) — Let's review briefly, Mr. Speaker, the background of Section 23 and for the purposes of that review I think it's important that we put on the record, I know for the umpteenth time, but for the benefit of some cohesion and understanding in the reading of this debate, what does Section 23 actually say? — (Interjection) — Mr. Speaker, I'll find my papers, I don't need any help from the Minister of Resources. I doubt very much, Mr. Speaker, if the Minister of Resources is capable of giving anyone any help on a topic as complicated as this.

Now, Mr. Speaker, Section 23 of The Manitoba Act of 1870 reads as follows, and I quote: "Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process, in or issuing from any court of Canada established under The British North America Act, 1867, or in or from all or any of the courts of the province. The acts of the Legislature shall be printed and published in both those languages." That, Mr. Speaker, is Section 23. That is the existing section that was enacted by the Parliament of Canada in 1870 when Manitoba became a province.

Subsequently, Mr. Speaker, in 1890, the then Legislature of Manitoba enacted — (Interjection) — Mr. Speaker, if my honourable friend doesn't wish to participate in the debate in a reasonable way, if he wants to interrupt and be a nuisance in the House, that's his business, and the record will show that that's entirely what he is doing. We, however, on this side of the House regard this as a much more serious matter, and one that deserves more thoughtful consideration than obviously has been given to it by a good number of the members opposite. So, if I'm taking the time to read a little bit of history to the House, Mr. Speaker, it's for good cause, because my honourable friends, Mr. Speaker, haven't shown too close an understanding of this province and the history of this province, and the background of this province in the way in which they have started to deal with this fundamentally important matter.

So, in 1890, there was a Legislature of Manitoba which purported to pass an act which, by this Legislature, declared English to be the official language of Manitoba, and it specifically negated and specifically repealed, or purported to repeal, Section 23 of The Manitoba Act. If you read those judgements, Mr. Speaker, you will see that there was within the act itself, the 1890 act purported to understand, there was a question of the vires, or of the power of the Legislature to enact the statute that it did. It said if any part of the act is found to be unconstitutional then, of course, the parts that are constitutional will remain in force and effect, and so on.

In any event, that happened, and for the next number of years, for the next almost a century, until this case was tested by Mr. Forest who started, Mr. Speaker, his case when the Schreyer Government was in office back in 1975 or 1976, and the Schreyer Government then was the first government to take opposition to Mr. Forest's position. The Schreyer Government, of which my honourable friend by that time, the Minister of Resources, was not a member - he had been defeated in 1973 as I expect he will again in 1984, Mr. Speaker.

I merely point out that little piece of history that on the record we have heard across the way, Mr. Speaker, that we lost a particular constitutional case. I merely point out for the record, Mr. Speaker, that the Forest case started in the time of the Schreyer Government, which took the position that the Province of Manitoba subsequently followed through the various courts of appeal and ultimately the Supreme Court, the position taken by the Province of Manitoba was in opposition to Mr. Forest's position, which was that Section 23 was ultra vires. Mr. Forest, through the judgement in the Supreme Court, ultimately won his case. Indeed, he was successful in the Manitoba Court of Appeal on his case, and ultimately won his case in 1979 in the Supreme Court, a case that had been pursued against him by the Schreyer Government, and subsequently our government when we came into office pursued the case, Mr. Speaker, so let the record be clear on that point.

Now, Mr. Speaker, after the Forest case came down, the House then was called upon to make a determination as to how implementation would be given to Section 23 of The Manitoba Act, because, of course, the — (Interjection) — If my honourable friend wishes to speak, Mr. Speaker, he'll have ample opportunity, otherwise he's not disconcerting me, but I'm sure that thousands of Manitobans watching him are able to form an impression of him and of his concern on this fundamentally important issue.

So, Mr. Speaker, in 1979, I made a statement in the Legislature at that time with respect to the intention of the government in carrying out the dictum of the Supreme Court of Canada which of course was, Mr. Speaker, that Section 23 of The Manitoba Act was reinstated, that the action of 1890 by the Legislature of Manitoba had been invalid and that Manitoba had to now start giving effect to Section 23 which I have just finished reading for the record.

Section 23, Mr. Speaker, for the record, I point out again, English or French may be used in the courts, may be used in the Legislature and in the documents of the Legislature, and shall be used with respect to printed statutes and acts, etc. — (Interjection) — Mr. Speaker, I don't know what's bothering my honourable friend today when he's hearing what I think is a reasonably dispassionate record of the history of this matter. If he finds that so unnerving, perhaps he should take himself out into the hall where he can begin to contain himself and stop being a squalid nuisance in the House.

So, Mr. Speaker, I read a statement to the House in 1980 and we started to reimplement Section 23 under the guidance of the then Attorney-General, the present Member for St. Norbert, and ultimately the Minister of Cultural Affairs. We started that procedure and I quoted at that time, Mr. Speaker, and I won't reiterate the

quote. I quoted from the judgment of Chief Justice Freedman, as he then was, indicating the spirit that would guide the government with respect to the reimplementing of Section 23 of The Manitoba Act, the obedience by the Government of Manitoba and indeed by the people of Manitoba, to the rule of law that had been laid down in the Forest case. So a start was made on the implementation of Section 23.

No objection was made in the House or in public when we announced subsequently as we did, Mr. Speaker, that as the Attorney-General has pointed out, that in addition to the setting up of special court services and the provisions for getting translations done in the Legislature of Manitoba, that the Government of Manitoba of that day was going to embark upon a policy of some bilingual services, further bilingual services to the people of Manitoba. Mr. Speaker, that had been going on in Manitoba. Even since 1890, there have been bilingual services available in one form or another as a matter of policy of the governments. Mr. Speaker, it had been going on in the times of the Bracken Government, the Roblin, the Garson Government, the Campbell Government, the Roblin Government, the Schreyer Government, our government and then on into the Pawley Government as well.

I call to your attention, Mr. Speaker, because it was not a matter, as the Attorney-General would try to indicate, that the Government of Manitoba of our day was trying in any way to hide. It was a matter, Mr. Speaker, of pointing out to the people of Manitoba, as we did in News Service releases and so on, the various acts that were being taken by the Government of Manitoba with respect to further bilingual services in Manitoba.

Now, the Attorney-General in the course of his remarks the other day filed certain exhibits and seemed to take a little bit of school-boy glee in the fact that he had found some Treasury Board documents; he had found instructions that I had written as the president of the council to all Ministers, to all deputies, pointing out to the Ministers and the deputies how that policy was to be followed and, Mr. Speaker, there were news releases turned out on April 11, 1980.

There was a news release turned out, "French language bill introduced in the House, Measure restores French status in Legislature." That was not a matter that was done privately or quietly at all, that was a matter that was done openly in the House, a news release was made to the people of Manitoba about that; and subsequently on March 20th - I'll go back to the one on April 18, 1980, Mr. Speaker - there was a news release out of the Government News Service talking about asking Quebec joining in renewed Constitution; building for Canada; pointing out the action that Manitoba had taken in response to the Forest case and so on.

Then, Mr. Speaker, on March 20, 1981 as has been pointed out, we did establish, by order of our Cabinet, a French language section to improve Government Services in the two official languages and there was a news release of that date which I'll be happy to read into the record, quote: "Premier Sterling Lyon has announced the establishment of a small section in the Department of Cultural Affairs and Historical Resources to improve the capacity of the Provincial Government

to respond to requests from the public in the French language. Reporting to the Deputy Minister the section will assist him in the following functions; liaison between the Franco-Manitoban community and government departments; liaison with government departments in channelling requests for specific services or information required by individuals or organizations; studying and recommending policies and priorities of services provided in the official minority language, French; responsibility for matters related to French language and culture at the provincial, federal and international levels; advising Provincial Government departments in the planning and operation of programs and services in French.

Mr. Speaker, this was a news release that our government turned out to indicate the action that government had been taking with respect to establishing the Government Services Branch, that was in place with Mr. Turenne when this government came into office; and, Mr. Speaker, far from trying to hide that from the people of Manitoba we turned out releases and indicated to the people of Manitoba that this activity was going on at the time, that it was commendable activity and I heard not a word of objection from the NDP then in the opposition. I heard no objection from the people of Manitoba at all. This was something that was going forward in the natural course of affairs concurrent with the reimplementation of Section 23 in Manitoba, the translation, the court services, the services connected with this House. There was not — (Interjection) — Mr. Speaker, I keep hearing the shallow question from across the way - how much did it cost?

Mr. Speaker, are we only here, in the minds of these socialists, talking about costs? I thought we were here debating principles.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**HON. S. LYON:** I know, Mr. Speaker, that principle is a stranger to their thought processes most of the time but they are going to debate principle today whether they like it or not. I think the cost of it, Mr. Speaker, was a few hundred thousand dollars which was in the Cabinet papers, which my honourable friends have dug out, thinking to embarrass our side of the House with respect to a policy that was public knowledge at that time and we're proud of that policy because it was a good policy.

It was a good policy. It was not, as this policy by this government is doing, eliciting province-wide emotional uprisings. It was not eliciting that because it was being done, Mr. Speaker, in a way that the people of Manitoba, including the Franco-Manitoban community, understood to be reasonable and in the public interest.

So, Mr. Speaker, far from the Attorney-General having embarrassed us with respect to those papers that he tabled the other day thinking that he was going to pull a real great partisan embarrassment on us, not at all. Those were public policies that we were carrying out, as part, hand-in-hand with the reimplementation of Section 23 as the Supreme Court of Canada had ordered the Government of Manitoba to do.

So, Mr. Speaker, we expanded the Translation Services with a news release bulletin on January 25,

1980. We talked about the expansion of the Translation Services, a two-page release that was public knowledge at the time. We appointed Mr. Turenne and on June 26, 1981, there was a news release bulletin went out, "French Language Services Consultant is Appointed, Roger Turenne named to the Post," that wasn't done by stealth; that wasn't done in a way to cause embarrassment either to the Government of the Day or to the opposition.

That was done, Mr. Speaker, as an evidence of the goodwill of the Government of the Day in carrying on a companion program - which had been going on for years in Manitoba in any event - a companion program to acknowledge that there were certain services in this province which could and should be made available - which could and should be made available - although under no constitutional imperative to make them available, could and should be made available to Franco-Manitobans and that was a reasonable policy that was being carried out at that time. Do we apologize for it? Never, Mr. Speaker, never at all.

Then in March of 1982, Mr. Speaker, after the present government had been in office for some three or four months, they announced a policy, which was in many respects a reimplementation of the same policy that our government had been carrying out with some new factors added to it, in a speech that was made, as I recall, by the First Minister to the Society of Franco-Manitoban in March of 1982. That, again, Mr. Speaker, was a matter of government policy.

It was a carrying forward, largely a reaffirmation of the policies that we had been carrying forward, or had been working on. Mr. Speaker, was there any objection from the official opposition when that policy was announced by the First Minister? No, there was no objection by us at all because it was a reaffirmation and a carrying forward of government policy that had already been established. It was policy being carried forward in conjunction with the reimplementation of Section 23 and when the Attorney-General stood up in the House or in his Estimates and talked with the Member for St. Norbert, his predecessor, about the great difficulty of getting French legal translators in Manitoba, we knew whereof he spoke and we knew the practical problems that were involved, Mr. Speaker, in giving full implementation to Section 23. But our government after the Forest case, and the Pawley government after the Forest case, carried on with the policies of government that had been established by us in 1980.

Now, Mr. Speaker, I point that out merely to indicate to my honourable friends that far from trying to take some chintzy kind of political and partisan advantage out of those natural progressive movements that were taking place, they should be proud of the fact, Mr. Speaker, that governments have been in office, including their government, which were able to carry forward that kind of forward-looking policy without arousing undue fears among the people of Manitoba and without, in any way, trying to entrench them, or trying to make them irreversible matters of policy in the Constitution, which we will come to discuss in a few minutes.

Mr. Speaker, so long as these matters of giving government services in the French language were carried out as policy by our government, by the Pawley Government, there was no objection to speak of in the



Province of Manitoba at all. It was being carried forward in a reasonable and in a civilized way and it was for the benefit of all Manitobans; and the domestic scene in Manitoba, with respect to that matter, was a tranquil scene. It was a tranquil scene, Mr. Speaker, compared to what we witness in our poor province today.

Mr. Speaker, no objection from the opposition, no outcry from the public; it was being done as reasonable and common sense response and it went beyond the impositions made on the government by the Supreme Court case in Forest.

Then, Mr. Speaker, the Bilodeau case came along and I'm not going to read the judgments of the Bilodeau case into the record; I've referred to them on previous occasions, but suffice it to say that the proposition advanced by Mr. Bilodeau, through his counsel, was in effect that all of the laws of Manitoba were invalid since 1870 because they had not been translated into English and French; and indeed the record is very interesting in that respect, Mr. Speaker, that while the counsel for the Province of Manitoba, Mr. Twaddle, has not even been able to establish, through his searches in this regard, that there was even translation carried on between 1870 and 1890, that is contemporaneously.

It appears that there might have been a set of statutes that were subsequently translated between 1870 and 1890 but, Mr. Speaker, the fact remains that the spirit of the law between 1870 and 1890 was honoured, apparently, more in the breach than in the observance.

Mr. Speaker, the Bilodeau case came along and advanced this proposition, that all of the laws were invalid because they had not been translated as Section 23 requires. Well, Mr. Speaker, that case went to our Court of Appeal and, unlike the Forest case, that case went to our Court of Appeal and the Court of Appeal, by a two-to-one judgment, found against Mr. Bilodeau and the basis of the judgment of the then Chief Justice Samuel Freedman was to accede to the proposition advanced by Mr. Bilodeau would cause legal chaos and of course the courts are not in the business, Mr. Speaker, of causing legal chaos in a country or in a province and therefore the case failed; and I ask my honourable friends opposite to contrast that with the success of the Forest case in the Court of Appeal, contrast the fact that Mr. Bilodeau lost his case and in the one judgment which dissented in part, a judgment by Mr. Justice Monnin — (Interjection) — Mr. Speaker, I really don't care to argue law with the Minister of Finance who's making sort of coarse interjections, because his ability as a lawyer, I think, would require him to spend the next five years in any library at all in order that he would be on a plane able to discuss this case.

Mr. Speaker, this involves something more than the Beausejour Small Debts Court, I want to tell my honourable friend. — (Interjection) — That's where some of us started and that's where the Minister of Finance will probably end up. Are we going to have any more interjections from the Minister of Finance, I wonder?

The Bilodeau case, Mr. Speaker, was lost in the Court of Appeal on a two-to-one decision. Mr. Justice Monnin, dissenting in part, said, "Of course, to say that . . ." — (Interjection) — Mr. Speaker, the Minister of Finance is proving that he can read; well that's one point for him. If he could start now to count, Mr. Speaker, then

the province wouldn't be in the desperate situation it is financially.

In his partial dissent, Mr. Justice Monnin said, with response to the Bilodeau proposition: "Of course, to invalidate all of the laws of Manitoba since 1870 would cause legal chaos, so that proposition must fail." In other words, the three Justices who heard the matter in the Manitoba Court of Appeal all said that the Bilodeau proposition failed. Mr. Justice Monnin dissented in part and said, "But since 1979, since the rendering of the judgment by the Supreme Court in the Forest case, a case can be made that all of the laws of Manitoba should have been translated from that time forward". — (Interjection) — A question comes from the Member for Radisson, why weren't they? Well I ask him to invite the answer from his own Attorney-General, because there were not sufficient translators available at that time, Mr. Speaker.

A court, as that court acknowledged, cannot order the impossible. I know that's a new proposition to zealots, such as the Member for Radisson, but the court cannot order the impossible; a court cannot order the impossible to take place. So, Mr. Speaker, the Bilodeau proposition failed in the Manitoba Court of Appeal on the basis of the main proposition it advanced, that all of the laws of Manitoba were invalid since 1870 and Mr. Justice Monnin dissented, in part, as I have indicated.

Mr. Speaker, the question remains, why was this agreement needed? I start first of all with the legal opinions that were tabled — (Interjection) — Mr. Speaker, no amount of interruption is going to stop me from making my case to the people of Manitoba because the case has not been made by my honourable friends opposite. In their coarse and guttural and bovine approach to this matter, all they have done is stirred up Manitobans, they haven't tried to explain anything and I'm attempting to explain to Manitobans how this incompetent government got themselves into this pickle that they're in now and, Mr. Speaker, I'm going to suggest one or two ways as to how they can get out of the pickle; and one of the first ways would be to have intercessional hearings so that they can start getting some good advice, which they need.

Now why was the agreement needed? First of all, you come to the opinion, tendered by Mr. Dale Gibson, the former colleague of the Attorney-General, who was asked to give an opinion on May 10, 1982, and at the top of Page 2 he says, "I share Mr. Twaddle's opinion, that if the case proceeds to a final determination by the Supreme Court of Canada, the constitutional validity of the statute in question will probably be upheld." That is the opinion of Mr. Gibson.

Mr. Twaddle gave an opinion on this matter as well, Mr. Speaker, with respect to why the agreement was needed, and I refer you to that opinion, and I'm not going to read it all; the opinion has been tabled in the House. It is not evident from the judgments and from the opinions received that this kind of agreement was needed at all. There was an outside chance, at very best, said the lawyers who were consulted on this matter. As a matter of fact, other lawyers have been heard to say, Mr. Speaker, that the whole principle involved in the Bilodeau case, even though the courts haven't said this, but others I think could honestly say that the principle involved in the Bilodeau case verges

on being frivolous because a court was being asked to impose a chaotic condition upon the people of Manitoba.

Now, Mr. Speaker, — (Interjection) — I don't ask the Minister of Natural Resources - I can't command him to understand, that is within the power of God only. I only ask that perhaps if he listens he may begin to comprehend some of the problems.

So, Mr. Speaker, what did Mr. Twaddle say? What did Mr. Twaddle say and he was the counsel of record on the Bilodeau matter. I point out, Mr. Speaker, that this case had been under way for some time, that the then Attorney-General of Manitoba, the Member for St. Norbert had the general charge of all litigation that the province was conducting. I don't recall, Mr. Speaker, that the then Attorney-General of Manitoba felt that there was any great threat to the people of Manitoba by the Bilodeau case at all at that time. It was on the table when the present government came into office and we'll deal with that a little bit later.

But here's what Mr. Twaddle had to say with respect to that matter and he was not, Mr. Speaker — (Interjection) — he was a former colleague of the Attorney-General. Mr. Twaddle is a court lawyer, Mr. Gibson happens to be a professor at the university. I am not making any divisions between them. If my honourable friend wishes to make comment upon the quality of Mr. Gibson's opinion, that's his business.

All I say, Mr. Speaker, is that the counsel of record Mr. Twaddle gave opinion that there was very little likelihood that this matter would have any success in the Supreme Court. — (Interjection) — I'll read, Mr. Speaker, more importantly I'll read to my honourable friend or ask him to read himself and not to waste my time or the time of the House, I ask him to read the opinion and he will see in that opinion, Mr. Speaker, he will see in that opinion that Mr. Twaddle is of opinion along with, as stated by Mr. Gibson - I share Mr. Twaddle's opinion that if the case proceeds to a final determination by the Supreme Court of Canada the constitutional validity of the statutes in question will probably be upheld. Is he doubting Mr. Gibson's word?

Well, Mr. Speaker, I ask him to read Mr. Twaddle's opinion which is on record in this House.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER, Hon. J. Walding:** Order please. Order please.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**A MEMBER:** Shut up, you empty-headed baboon.

**MR. SPEAKER:** Order please.

**MR. F. JOHNSTON:** Al, you were a lousy lawyer then and you're a lousy lawyer now. You're the worst lawyer St. James ever had.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please. Order please, the Honourable Member for Turtle Mountain on a point of order.

**MR. B. RANSOM:** Yes, Mr. Speaker, perhaps I could draw your attention to Rule 42 which says, when a member is speaking, no member shall interrupt him except to raise a point of order or a matter of privilege, Sir. I think the normal heckling which is allowed to go on in this House is being exceeded by the Minister of Natural Resources in that he is continually interrupting the Leader of the Opposition who is in the process of attempting to address and is addressing the most important resolution to come before this House for many years.

**MR. SPEAKER:** The Honourable Minister of Natural Resources on the same point.

**HON. A. MACKLING:** Yes, Mr. Speaker, I would like to say in respect to that point of order. It has been tradition in this House as it is tradition in the House of Commons, the Mother of Parliaments in England to direct words of praise or criticism in correct heckling to members when they are straying from fact. Mr. Speaker, that is what I have been doing in this House and it's completely in accordance with the traditions, the parliamentary traditions that I respect. To suggest that I have been interrupting the member is false, Mr. Speaker, as false as some of the argument that has been advanced in respect to this resolution.

**MR. SPEAKER:** The Honourable Member for River East to the same point.

**MR. P. EYLER:** Yes, Mr. Speaker, I am sure that all members on this side of the House are prepared to extend to Leader of the Opposition just as fair and courteous a hearing as he extends to us.

**MR. SPEAKER:** Order please. Order please. I would hope that all members of the House would be prepared to extend the same courtesy of a hearing to the present member as they would expect for themselves.

The Honourable Leader of the Opposition.

**HON. S. LYON:** Thank you, Mr. Speaker. On Page 11 of Mr. Twaddle's opinion which is a matter of record of this House and I'm jumping ahead a little bit in my argument but I do that in order to quell the kindergartenish concerns of the Minister of Natural Resources whose ability - I'll read the full quote because it's a quote my honourable friends have never bothered to quote to the people of Manitoba at all. On Page 11, second paragraph, and this is Mr. Twaddle's opinion of April of 1982. "In return for waiving their existing right to have all statutes translated, the Societe Franco-Manitobain would require a constitutional extension of their language rights. This will be included in the draft amendment to be prepared by Mr. Tallin but essentially would give a constitutional right to French-speaking Manitobans to receive bilingual services from government and its agencies where there is a significant demand for such a service or where it is reasonable due to the nature of the office that communications be in both official languages. These are somewhat similar to the constitutional rights afforded by The Constitution Act 1981 with respect to the Federal Government in Western Canada."

Continuing the quote, "It will be appreciated that such a constitutional extension cannot be imposed on Manitoba. As there remains an excellent chance of success in Bilodeau before the court, careful consideration should be given as to whether it should be agreed to as the price for relief from the obligation to translate all existing statutes. The difficulty with the suggested extension of constitutional rights is that the extent to which bilingual services must be made available is unknown. At present the government can itself decide and alter the provision of such services on grounds of cost or lack of demand as perceived by the government. If the obligation is constitutionally entrenched, the courts will determine what 'significant demand' is and when 'it is reasonable due to the nature of the office' if the obligation is construed more widely than the government thought would be the case, the government is nonetheless bound by the interpretation of the courts."

Mr. Speaker, I jumped ahead in my elucidation of this case to give that full quote to my honourable friends opposite, not only an answer to Mr. Twaddle's opinion as to what he thought the chances of success were on the Bilodeau case but also to point out to my honourable friends a quotation that they have never printed in their explanatory document, that they have never mentioned at all as they try in their funny manner of propagandizing to sell a bill of goods to the people of Manitoba, to sell a bill of goods to the people of Manitoba and to pretend, Mr. Speaker, even worse, to pretend that they are not doing something that they really are.

They are entrenching, they are agreeing to entrench conditions that no court could impose upon Manitoba and they are, Mr. Speaker, — (Interjection) — well, Mr. Speaker, if my honourable friend doesn't like Mr. Twaddle's opinion then he should take it out in the hall and read it and if he has the ability to comprehend it then he will come to understand why the course that has been followed by this government is a course that is not in keeping with the previous course that was followed by our government, by the Pawley government in its announced intentions of March of 1982 but rather is taking a quantum leap beyond all of those things to settle a case, the point being, Mr. Speaker, to settle a case in which the chances of the province losing are infinitesimal.

So, what we're getting down to, Mr. Speaker - or should I say were infinitesimal until this government started mucking about and tinkering with the case. So why was the agreement needed, it's not evident from the judgments or from the opinions received, an outside chance at the very best that a court, if this case had matured when it should have matured, that a court would have paid any attention to the rather outrageous proposition that was being advanced by Mr. Bilodeau.

Mr. Speaker, if agreement is to be reached it should be on translation because that's what was at issue. That was what was required by the Forest case. The extension of bilingual services into the Constitution, not the extension of bilingual services by themselves, that can be done by government policy. But the entrenchment of those and the irreversibility of those services, once entrenched, and the taking away from government of the control over such policy development and putting it into the hands of the court, all of that, Mr. Speaker, could not have been imposed by any court

so the quid pro quo about which the Attorney-General spoke the other day, the quid pro quo that he was asked to put up in response to this apparently craven fear that he had of the Bilodeau case, was a very very severe settlement to impose upon the people of Manitoba because no Supreme Court could have imposed that on the people of Manitoba at all. That's not my opinion, that's Mr. Twaddle's opinion and he's the counsel of record and so . . .

**HON. A. MACKLING:** Would you answer a question?

**HON. S. LYON:** Mr. Speaker, I'll be happy to answer any questions at the end of my remarks.

**A MEMBER:** Well, right now is the right time.

**HON. S. LYON:** Well, Mr. Speaker, I can understand my honourable friend's concern at hearing both sides of the question. I know that coming from the fever swamps of political ideology that he does that he's used to hearing only one side but he will hear the other side. I will finish my remarks, he will hear the other side, whether he likes it or not, we'll get him sort of nose-twitched into parliament yet if he stays here long enough and I don't expect that will be very long, as a matter of fact, Mr. Speaker.

The extension of bilingualism could not have been imposed by the Supreme Court. Why are the Attorney-General and the Premier trying to imply that this agreement that they have negotiated is saving us from some tyrannical judgment of the court? Saving us from what? They go about the province saying but for this agreement we're going to be saved, we're going to save you from all sorts of terrible things that the court might have done.

Mr. Speaker, where is that brochure that my honourable friends turned out the other day? Here is a four-page brochure called "Constitutionally Speaking, July, 1983". The first observation that I make and that a number of people have made to me, isn't it funny that they didn't print the amendments to Section 23 in this document, isn't it funny that they didn't print those so the people of Manitoba could see them. I'm going to read them a little bit later on so the people of Manitoba can see that.

Here's what they said and I asked a question on this the other day, Mr. Speaker, they said in this piece of propaganda that they have turned out which doesn't contain the text of the agreement. They said: "To avoid these very real risks." What very real risks, Mr. Speaker, we've been dealing with them. — (Interjection) — To avoid these very real risks the Manitoba Government entered into a negotiated settlement. The first part of the settlement requires Bilodeau to end his Supreme Court case.

Well, now isn't that a different story from what we were hearing. Mr. Bilodeau's prepared to stop the Supreme Court case. Then, of course, the Chief Justice of the Supreme Court wouldn't have any concern, would he, about postponing the case again? Why wasn't that a precondition then, Mr. Speaker? So that we could have intersessional hearings. What kind of negotiating have they been doing? They've already agreed that Mr. Bilodeau's going to withdraw his case, isn't that interesting?

Other cases - listen to this, Mr. Speaker, - other cases could have been raised on a continual basis but the agreement now effectively eliminates such possibility. Well, what does Mr. Twaddle say about that, Mr. Speaker? What does Mr. Twaddle say about eliminating other people who may wish to take this government to court on this matter?

Well, let's look at Pages 6 and 7 of his opinion that he gave to this government. Amendment before - and he was talking about a proposed amendment this government was considering - amendment before a Supreme Court ruling could presumably be made pursuant to Section 43 of The Constitution Act 1981, although it would be open to someone to challenge the validity of such an amendment on the ground that the Legislative Assembly of Manitoba was not properly constituted. This would reintroduce the issue presently before the Supreme Court in *Bilodeau vs. the Attorney-General of Manitoba*.

What protection is this agreement giving us from somebody, some zealot, or some other person coming before the courts tomorrow and saying this Legislature had no authority to pass Section 23. Where do they come off, Mr. Speaker, saying other cases could have been raised on a continual basis but the agreement now effectively eliminates such possibility. That's what they say in their propaganda but that's not what their legal counsel tells them in his opinion at Page 6 and Page 7. So, Mr. Speaker, who's giving misinformation out about Section 23? I think that question has to be asked.

If, however, - he carries on - the amendments had the approval of the French speaking population of Manitoba, perhaps the issue would never be raised. There would remain, however, the right for someone now or at a future date to challenge the authority of the Manitoba Legislature to act at all. How does that legal opinion, Mr. Speaker, square with the propaganda turned out by the NDP saying that because of this great agreement they've negotiated other cases could have been raised on a continual basis but the agreement now effectively now eliminates such possibility.

Mr. Speaker, when is this government going to be frank with the people of Manitoba and tell them that they've negotiated a bad agreement and that it doesn't do the things that they claim it does in their statements and in their propaganda?

Mr. Speaker, he then goes on to say, in the same opinion which the Honourable Attorney-General tabled on Page 7, if it is deemed appropriate and expedient to seek an amendment to Section 23 of The Manitoba Act at this time what amendment should be sought? Obviously provision should be made for the validation of all Manitoba statutes hitherto enacted in English only. Presumably the Federal Government would only agree to this on condition that some or all existing statutes are translated into French within a stipulated period. What the period should be must depend on the advice which you received from those responsible for translating the statutes.

That's what he said should be in the agreement, some schedule with respect to translation and I read to you the quote, Mr. Speaker, where he suggests that the *quid pro quo* as the Attorney-General describes it, the extra amount that the Franco-Manitoban Society is asking for goes way above and beyond anything that

is at issue in the Bilodeau case at all and imposes upon Manitoba constitutionally entrenched conditions that no court, no other authority, could ever impose upon our province.

So, Mr. Speaker, my honourable friends really have got to start being frank with the people of Manitoba as to just what this agreement involves.

Mr. Speaker, I read to you from the brochure; I read again. On Page 13 of the Twaddle opinion, Mr. Speaker, Mr. Twaddle goes on to talk about the different options that are available to the government, and the difficulties with this option, he says on Page 13, are that (a) - and he speaks of Mr. Bilodeau wishing to pursue his appeal - well Mr. Bilodeau apparently is prepared to give up his appeal. Then he says (b) "Even if Bilodeau withdraws his appeal someone else may attack the validity of the Legislature's resolution." Mr. Speaker, there again that's at distinct odds with the statement turned out by the Attorney-General's Department, the Attorney-General trying to say that they, through this agreement, have stopped all future law cases attacking this matter from going to the courts. Mr. Speaker, that just isn't so, and it's important for the record that the people of Manitoba know that they're not getting the full or straight story from this government.

Mr. Speaker, one further quote, and I know that this is something that the Minister of Finance will want to pay particular attention to because obviously it has escaped his attention. On Page 12, Mr. Twaddle is referring to some of the options, and he said, "If the court found all existing legislation invalid (which I consider unlikely), it is inconceivable that a way could be found to validate existing laws." Of course he considers it unlikely because there is no real substantive threat in the Bilodeau case to justify the kind of craven fear, and to justify the kind of capitulation that my honourable friends opposite are engaging in with respect to this agreement.

Mr. Speaker, I can only point out, again, that Mr. Twaddle pointed out to this government the danger of the course it was taking; the tactics adopted by the government are reducing day by day its chances if Bilodeau or another case is heard. Mr. Speaker, it's something like settlement negotiations being done in public. If you're prepared to lay your full hand out on the table then, when you go to court, the court has constructive notice of what you were prepared to settle for. Lawyers, and I know there aren't too many on the other side, but lawyers understand that you can't settle cases like that and disclose all of the giveaways that this government is apparently prepared to make without imperilling, ultimately, the success that you might achieve if you had litigated, as you should have litigated, a case that was before the court when this government came into office, a case that, as Mr. Twaddle says, is very unlikely ever to succeed.

Well, Mr. Speaker, I merely point out, and I'm coming to develop this point a little bit further, the negotiations that this government has carried on. The reason for the agreement escapes me, I do not know why the government felt this kind of craven fear with respect to the Bilodeau case, with respect to its being litigated. The opinion of Mr. Twaddle is the same; Mr. Twaddle says, go ahead, let the Bilodeau case be decided and then, if you have to have a constitutional amendment, wait for the result of the Bilodeau case and you can

incorporate that in any constitutional amendment; but, for heaven's sake, don't go ahead and agree to the imposition of conditions that no court could impose upon you.

Mr. Speaker, it's a case of this government not even following the good legal advice that it's getting. I'm pleased that the Attorney-General saw fit to table these opinions, because it shows that the government has been working against the quality of the advice that it has been receiving on this fundamentally important matter; and that's why the province, this government, is getting the province into the the kind of pickle that we're in today with respect to a matter that need not have been carried to this extreme situation in terms of a constitutional amendment.

Mr. Speaker, I move now to the remarks that were made by the Attorney-General when he introduced this resolution. Mr. Speaker, the Attorney-General made, and I say it with no hesitation, a useful contribution to the debate; and, while not buttressing his case, he did fail to prove that the Bilodeau compromise, as we see it in this agreement, was necessary. He failed, indeed, Sir, to prove that the agreement is needed at all. It seemed to me that it was fundamental if the Attorney-General, speaking on this matter instead of the First Minister - and I say, with respect, it should have been the First Minister who spoke on this matter, not the Attorney-General - the Attorney-General should have been concerned with making the case in support of the need for the agreement. I've read through his remarks; I sat and listened to them; I read through them, again, Mr. Speaker, and I have to say, with regret, that he did not make that case. Mr. Speaker, I tell you now that he will not be able to make the case before the people of Manitoba anymore than he did before this Legislature, because the case isn't there to be made. I don't know why this government engaged in the kind of negligent negotiation that they did. I don't know, because the case has never been made as to why they were in the negotiation in the first place.

So I merely say, Mr. Speaker, that, while he made a useful contribution to the debate, he missed and he failed on the main obligation that he had, which was to support and to prove, by a preponderance of evidence, that the agreement that he brings before this House is needed in the public interest of Manitoba. He has failed on that point.

Mr. Speaker, the Attorney-General keeps referring to Manitoba being a bilingual province, and the First Minister will recall we had a little bit of a discussion about that in his Estimates. I have read into the record, for good reason, Section 23 of The Manitoba Act, which made the use of French and English available in Manitoba for limited purposes of the court and the Legislature, and so on. That, Mr. Speaker, and the First Minister agreed to this, and the Attorney-General agreed to it in the Estimates of the Executive Council, that that did not make Manitoba a bilingual province, Section 23 did not make Manitoba a bilingual province, except to that limited extent as is provided in Section 23.

It was on the basis of the document turned out by the Civil Service Commission, May of 1983, Inside Outlook, Volume II, Issue 2 where, in the first paragraph they said: "Why is Manitoba beginning bilingual services at this time? Answer: Manitoba entered

Confederation in 1870 under conditions guaranteeing the equality of both official languages." Mr. Speaker, that statement isn't true. The First Minister - and I'll read him back his comments if he wants from Hansard - the First Minister in the Supply debate agreed that statement went too far. Manitoba was bilingual for the limited purposes of courts, and for the limited purposes of this Legislature, and the publication of the Statutes.

Everything else, Mr. Speaker, that subsequent governments have done, as a matter of policy, with respect to bilingual services in Manitoba, is not because they're under any constitutional imperative to do it, but because it was the reasonable and the honourable thing to do with respect to the Franco-Manitobans resident in this province. That's why, Mr. Speaker; not because there was any constitutional imperative.

So, while not making a big point of it, I regret that I have to keep coming back to the point, which has already been agreed to by this First Minister and by his Attorney-General, that that statement of Manitoba being a bilingual province just isn't true; it's not true historically; it's not true politically; it's not true legally. It has never been true that Manitoba was conceived as a bilingual province.

Mr. Speaker, the Attorney-General . . . I'm trying to find the exact spot; I thought I had it marked, Mr. Speaker, where in the opening remarks, the Attorney-General made some reference to this particular statement that I have just been referring to. I'll come to it at a later stage in my remarks as we come to deal, Mr. Speaker, with his comments.

Mr. Speaker, let me continue — (Interjection) — I'm sure that the Minister of Finance will have a lot of questions for his colleagues and for the Attorney-General, if he's paying any attention, by the time I finish, because I'm sure that he has an incomplete understanding of this, as he does of many other things in life, and that perhaps if he will listen, he may gain from an elucidation of this point, that he has not perhaps heard before.

Mr. Speaker, with respect to the matter of the need for the agreement, I want to refer now to statements that have been made by the Federal Minister in charge of Cultural Affairs in Canada, with respect to matters dealing with the language question in our province. I read these matters into the record because I think they're important when we attempt to answer the question, why is this agreement before the House at the present time? Because there has been no case made by the Attorney-General, in law, other than his apparently craven fear of the Bilodeau case, there's been no substantial case made as to why we're even having this debate.

But then we see a speech that was made by the Honourable Serge Joyal at the annual meeting of the Societe Franco-Manitobaine on March 19, 1983. I'm going to read a few excerpts from that speech, Mr. Speaker, because perhaps from some of these excerpts we begin to divine why this agreement has been entered into in the particular way that it has.

This is what Mr. Joyal said on March 19th, and he's speaking to the Franco-Manitobaine Societe, "You now hold the keys to restoring the equal status of French in Manitoba. The SFM has begun discussions with the Manitoba Government, in an attempt to extend the protection contained in Section 23, to all public services

available to the francophone public. This is a critical moment; it is a chance that will not come again. It is a unique opportunity to make French a language equal, not only in law, but in fact as well."

Mr. Speaker, that's the statement by the Federal Minister in March of 1983. In March of 1983 he knew that the Societe was in negotiation with this government, with the NDP Government; nobody else did, but Mr. Joyal knew that.

He carries on, Mr. Speaker. He said, "What I told them was the following: Canada must reflect the French fact as it always has reflected the English fact. It must be as fundamentally French as it is fundamentally English. Francophones do not want to take anything away from Anglophones but they do want to take their rightful place."

Then he carries on, on Page 3, "We're all looking to the future, but we fully realize that in order to maintain our identity, to keep the special character of Canada, the country must reflect the French fact as much as traditionally and historically it has reflected the English fact. Anglophones must understand this." He carries on, "There are still some people who subscribe to that form of bigotry prevalent in the late 19th century, when it was thought that there was only one advanced, developed society and that all others would have to join it sooner or later if they wished to benefit from the advance of civilization. I do not intend to tell you," he carries on, "all of you have learned your history, as have all we Francophones, so we remember, because we are rooted in history, and if there is one group that has built this country, if there is one group that has built this province here in Manitoba, it is Francophones. As you are well aware, I do not need to recount the first 50 years of Manitoba's history to you."

Then he carries on, Mr. Speaker, "Why is the first decision I announced as Secretary of State of Canada that financial support would be provided to all Canadians citizens wishing to apply Section 16-23 of the new Canadian Constitution." That's the end of the quotation.

We'll come to Section 16-23 of the Canadian Constitution at a later stage in these remarks, but he carries on and he says, "What do Sections 16-23 deal with? They deal with French language rights in Canada. That is what they talk about and that is what we must basically be concerned with. It is these provisions that the Francophone community in Manitoba should focus on in its negotiations with the Attorney-General of Manitoba, insist that these sections be the fundamental aim of Manitoba's adoption of the Canadian Constitution, ladies and gentlemen, and you will be protected just as New Brunswick is protected; that is what you must strive for. Don't rack your brains trying to find other formulations. It took two years to draft these provisions; that was a long enough process. You saw us, you were inundated with it on television. Bockstael was there continuously."

Then he carries on, "If there is one protection, it is a Constitutional protection, Ladies and Gentlemen. As you know, as you've learned the hard way, as you now know, if after 80 years you are able to restore French to its rightful place, it is because there was a Constitutional protection. Think twice before you trade it away. If you wish to make progress, do the necessary lobbying so that Manitoba will adopt Section 16-22 of

the Canadian Constitution. We fought long enough to get this for it to be worth the price and I can assure you in this regard, and I say this publicly, that the Canadian Government is far from being indifferent to such an initiative since you may well set an example for Ontario. It may seem somewhat strange for the light suddenly to appear in the west for our friends in Ontario but I think that there you will really have blazed a trail that can only be useful to the other provinces. I can assure you that in this undertaking I can guarantee you the support of my Cabinet colleagues and the necessary funding."

Then he carries on, on Page 6 of his speech, "So you have nothing to fear, and I say this to my friends in the Manitoba Government" - note the appellation, Mr. Speaker - "You have nothing to fear. The Canadian Government can give you the necessary assistance if you wish to adopt the Constitutional objectives that we have entrenched." Then he carries on, "There is one area where the Government of Canada will not abandon its efforts and that is the support of official languages in education. We must not play the fool too long however, and we'll be told this very quickly," and on he goes on education; and then he says, "So as someone once said, we're in business, because in legal terms, in political terms, in terms of conviction, this is a historic time in Manitoba. This afternoon," - he talks about having an opportunity to meet with the Board of Directors of St. Boniface College - ". . . and I told them that the Department of the Secretary of State was prepared, as this fiscal year draws to a close, to grant them \$200,000 to purchase computer equipment so that they could offer courses in computer sciences. You see, that is the future of Francophones." An interlude and then he goes on - he's talking about computer science being the upcoming technology, "We have common views in this regard with the Government of Manitoba; I'm happy that we're making progress in this area. I'm even happier because, in the next few years, we will be needing very clear ideas on what we want to do in Manitoba, you as users of services and we in the Federal Government.

"So the first thing obviously I said to myself on my way here, to read the full paragraph on my way here as I was making up a list of the kind of objectives you should have over the next few years, I realize that the task is so monumental that I wondered if you would ever manage to finish what has to be done. The first thing obviously, I said to myself, is to guarantee the interpretation of Section 23 for Francophones. That is already under way."

Mr. Speaker, in parentheses, I say it was under way since the Forest case in 1979. Then he carries on, "Then it is necessary to get agreement on entrenching Section 23 in the Canadian Charter of Rights. Then Section 23 must be made compulsory in the new Constitution. Then we must see that the Francophone community is given control over French schools. Well, I'll tell you that's a big job because you aren't the only Francophone community outside of Quebec."

Then he carries on, "The issue of Francophone control over schools lies at the heart of the controversy in Ontario." He deals a bit more with education and the interpretation of French education in Manitoba.

Then I quote the full paragraph, "Then I said to myself, Franco-Manitobans will have to find adequate funding

for French education in Manitoba. That too, is an important factor because if you want to develop a stable, secure college and university system, you have to make sure that funds are channeled toward the requirements of that sector. Then it will be necessary to ensure that the intercultural committee that is to be organized, respects the interests of Franco-Manitobans.

"There are two official languages in Canada, ladies and gentlemen, and there are two official languages in Manitoba, too. I think we must draw the appropriate conclusions from those facts. I think you understand what I mean. That is crucial as well. We have to learn to reconcile the equal status of the two languages in Canada with the needs of the other cultural communities that go to make up the country." He goes on to say, "That won't be easy, believe me. I am counting on you to lay the foundation for the status that the French language must have in this province."

Then he goes on to talk about cable television network; and he goes on to talk about improving the cultural infrastructure available to Francophones and the network of French language libraries across the province.

Then he goes on to say, Mr. Speaker, and this was March of 1983, just a few months ago, "You must also actively support your bilingual representatives on the municipal councils. Everyone always thinks of the province in terms of the Provincial Government but there is another level of government which is also extremely important, the Municipal Government. That is the level with which you come into to contact every day. When you leave your home, step out into the sidewalk, you are in municipal territory as you well know.

"This level of government is very important because if we wish to develop a French lifestyle, all the elected agencies representing us must reflect the concerns that we have as a linguistic community. This again in my view is an important element." Then he goes on to talk about education again, school boards and then the economic basis of the Franco-Manitoban community must be strengthened by developing a city centre for St. Boniface. He was going to talk to Mr. Axworthy about infrastructure for a program something similar to the Core Area Program and so on.

Mr. Speaker, he goes on and on with respect to those matters and he goes on to say, "We want the place which is ours by right because we built this country. Our ancestors built it here. It was Francophones who were the founders of Manitoba along with the representatives of the Native people at that time. It is easy enough . . ."

**MR. SPEAKER, Hon. J. Walding:** Order please.

**HON. S. LYON:** ". . . to trace Manitoba's history in the 18th or in the 19th Century. This is the Manitoban reality."

**MR. SPEAKER:** Order please.

**HON. S. LYON:** There is more, Mr. Speaker.

**A MEMBER:** Yes, indeed.

**MR. SPEAKER:** Order please. The time being 4:30, when we next reach this resolution it will stand in the

name of the Honourable Leader of the Opposition. — (Interjection) —

Order please. The time being 4:30, Private Members' Hour.

## IN SESSION PRIVATE MEMBERS' HOUR

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**HON. A. MACKLING:** This side is certainly prepared to grant leave so that the Honourable Leader of the Opposition can complete his remarks. This is Private Members' Hour and we're certainly prepared to hear it.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, I appreciate the courtesy being offered by the Minister of Natural Resources. I can't give him any guarantee that I will complete my remarks by 5:30 — (Interjection) —

**MR. SPEAKER:** Order please. Private Members' Hour. The first item on the agenda for Private Members' Hour for Tuesday is the proposed motion . . . — (Interjection) —

Order please. Does the House wish to proceed with Private Members' Hour? The Honourable Member for Turtle Mountain on a point of order.

**MR. B. RANSOM:** Yes, Sir, I believe that it is 4:30 and that's the normal hour for private members' resolutions. There are a number on the Order Paper which we'd be prepared to deal with.

**MR. SPEAKER:** I am awaiting the attention of the members for the first item on the agenda for Private Members' Hour.

On the proposed motion of the Honourable Member for Fort Garry, Bill No. 52. (Stand)

On the proposed motion of the Honourable Member for St. Norbert, Bill No. 41. (Stand)

On the proposed motion of the Honourable Member for River East, Bill No. 58. (Stand)

On the proposed motion of the Honourable Member for River East, Bill No. 94. (Stand)

## SECOND READING - PUBLIC BILLS BILL 103 - THE LAW SOCIETY ACT

**MR. SPEAKER:** The Honourable Member for Brandon West.

**MR. H. CARROLL:** Mr. Speaker, after all the stands that I've just seen, it's going to be a pleasure to be able to speak for a few minutes on this — (Interjection) — it's outstanding? I agree that it is.

The Law Society of Manitoba . . .

**MR. SPEAKER:** Does the honourable member wish to move his bill?

**MR. H. CARROLL:** Read the motion? It would be a pleasure.

**MR. H. CARROLL** presented Bill No. 103, An Act to amend the Law Society Act, for second reading.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Member for Brandon West.

**MR. H. CARROLL:** Mr. Speaker, the Law Society has a committee that continuously, on a full-time basis actually, goes over the various rules of the Law Society and updates them from time to time. A good number of amendments contained in this Act are of a technical nature. A lot of it is for clarification. The first two or three sections of this bill are clarifying things that have been unclear for many many years.

The Law Society appreciates that times change and the Law Society has had an education over the past number of years. Problems have arisen that were not in the purview of the act somewhat earlier. Lawyers are very very ingenious and keep behaving, or sometimes misbehaving, in manners that were not really conceived of earlier and I would think a number of the sections, the final sections of this bill, give the Law Society authority to deal with all of these wonderful and imaginative ideas that some of the profession tend to do. So that basically there is nothing terribly contentious in this bill, Mr. Speaker, it's clarifying and updating and beyond that it's very very standard. Thank you.

**MR. SPEAKER:** Are you ready for the question? The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, I move, seconded by the Member for Inkster, that debate be adjourned.

**MOTION presented and carried.**

## RES. 17 - RACIAL INTOLERANCE IN CANADA

**MR. SPEAKER:** On the proposed resolution of the Honourable Member for Thompson, Resolution No. 17, the Honourable Minister of Cultural Affairs has four minutes remaining.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker. When I last spoke on this resolution I talked about the problems that still exist in the province with respect to discrimination and the lack of tolerance, or the intolerance, towards some of the visible minorities, the ethnic minorities in the province. I'd like to discuss in the last few minutes I have remaining some of the positive things that all of us should be doing with respect to this issue.

The member that spoke previous to me, the Member for La Verendrye, indicated that he felt the main focus of dealing with this issue should be through the family, should be through the education system, and I wholeheartedly agree with that, Mr. Speaker, but that

isn't enough. I, too, believe that the education system has a major role to play. I think we can, through education, through the public school system, build in a greater understanding of cultural differences that exist between the various peoples that make up the Manitoba mosaic.

It seems to me, Mr. Speaker, that through the education system we can teach our children the things that make up the various customs, the various religions that relate to specific ethnic groups because there is a lot of misunderstanding and a lot of it is developed, unfortunately, by attitudes that exist with adults at home that children pick up. But it seems to me that through the education system we can build in a greater understanding because we can impart on our children a better understanding as to why people dress the way they do, why they have the particular customs that they do, rather than leaving it for the information that people gather on that from out on the streets or through misinformed sources. So, I think, it's very important that we look to the education system to build in the curriculum and the activities that take place in the schools, a better and a healthier understanding of the cultural differences that exist between various groups.

Some of that is happening in the school system. I know some school divisions, some teachers, are going to great efforts to ensure that children do understand and do appreciate the differences that exist because of colour, because of customs, because of dress, things that relate to a person's background.

There are many things that we can also do in government and I'm pleased that our government is making attempts to assist the visible minorities, the ethnic groups, that have been the brunt of discrimination through such vehicles as the Human Rights Commission, through the Department of Education. There was recently a very well attended conference dealing with issues, as related to visible minorities, in the education system sponsored by the Department of Education. Of course, there are initiatives within the department that I'm responsible for, the Department of Cultural Affairs, and as members are aware there is a bill that's still before the House awaiting third reading, to set up an intercultural council of representatives of the various organizations and ethnic groups, so that they can advise government on issues that affect them, and this is obviously one area of discrimination and racial intolerance that is of great concern to them.

I think we should go farther, Mr. Speaker, both in government and through affirmative action programs, to ensure that through the various boards and commissions that represent government through our hiring practices, that we do reflect in that the ethnic mix, the ethnic cultural mosaic of our province. I think we should do all we can to encourage the same kind of attitudes and programs in the private sector with respect to other governments.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Order please. Are you ready for the question?

The Honourable Member for Burrows.

**MR. C. SANTOS:** Thank you, Mr. Speaker. I'd like to contribute and speak in favour of the resolution and



in so doing, try to answer the questions like, what is racism? How does it manifest itself in social relations? What are its causes and what are its effects on the perpetrator as well as on the victims? How can we, in our community or society, remedy such adverse effects in our social relationship?

Racism perhaps can be defined as the idea that some racial group is inherently superior than others; in socio-economic terms on the basis of unchangeable, genetically-endowed, immutable physical characteristics. As such, racism is merely a malevolent form of ethnocentrism, which is the comprehensive idea of the superiority of some ethnic group defined in terms of shared language, belief systems, religion and other cultural characteristics with little or no emphasis on physical appearances or features.

For example, we can say that the attitudes that have been developed in the United States against the Black considered in the American setting, can be considered as a form of racism but when the same American Black crosses the border and goes to Mexico, he will be called by the Mexicans as a Yankee and that is a form of ethnocentricity.

What does this idea mean? How can we recognize its manifestation whenever it displays itself in human relationships? How does racism manifest itself before our eyes so that we can recognize it? When it displays itself, it can take two forms, basically, the inward attitudinal form which is psychological, emotional in nature which we call racial prejudice - it is within us - and the outward behavioural manifestation or characteristic, mostly of a negative nature in the form of social and economic interruptions between what we may call the "in" group and the "out" group in society.

Prejudice itself and behavioural discriminatory acts cannot be disentangled so quickly, and we do not know what is the cause of the effect. It is like a question of chicken and egg, which one comes first, whether prejudice first and that it manifests itself in discriminatory acts, or the discriminatory acts producing prejudice inside our attitudinal or emotional states of mind.

Prejudice is attitudinal and it can see only what it pleases to see despite the plain facts of life, it will only select what it wants to see. It is inside of our psyche. It is not founded on reason or logic, therefore, you cannot argue with it. You cannot overcome it by simply logical reasoning, because it is based not on reason. It grows in the mind of those who have narrow focus, mostly those who have never travelled beyond the confines of the community, and like the weeds, they grow so firmly among the stones in the minds of those who are narrow-minded.

For example, a white person can say and rationalize that equal schools for the blacks will do no good since he firmly and honestly and sincerely believes that the blacks are not capable of benefiting in equal schooling. — (Interjection) — This prejudicial attitude inside of some of us is almost universal in the sense that we display it toward other people who are strange to us. Indeed, there are many possible explanations theoretically as to the causes of prejudice in society and the root cause of racial discrimination in our behaviour.

What are some of these theories as to the causes of racial prejudice and discrimination in

supposedly civilized societies? There is an old macrotheory of social Darwinism which was derived from and an outgrowth of the works of Charles Darwin in the physical sciences of evolution. Social Darwinism was espoused mostly by people like Gabineau, (phonetic) Chamberlain and Rosenberg, stating that mankind is in various levels of cultural evolution, and at the highest level culminating in the highest possible level of cultural evolutionary development is the white European civilization. Therefore, by definition, the white European civilization is the most supreme, highest form of culture.

This theory has later on been questioned by social scientists, mostly by anthropologists and sociologists, such as Ruth Benedict and Margaret Mead, and they proposed an alternative theory which is now popular in the social sciences. They call it the cultural relativity theory. It simply says that human beings are simply a product of the cultural and social environment, and that its culture has to be evaluated only according to the confines of that particular culture. In that sense, every culture will be different from one another, but there is no standard by which we can judge which one is better than others. How can we say, for example, that the ancient civilization of the Chinese or of the Incas in South America are inferior than any other comparable civilization?

In addition to this competing macrotheories, there are also specific theories about how discrimination and prejudice can be explained in some kind of logical and rational terms. One practical theory is what, for what lack of better term, is called as "it's-their-own-fault" theory. The dominant group is saying that the out group are treated the way they are treated because of their own faults. In other words, the prejudice against the group is generated by their own undesirable behaviour in society, and therefore, we sometimes call them as, for example, we refer to the racial problem in the United States as the "Black problem", implying that the problem is caused by the black people themselves because of their attitude, their behavioural characteristics. Specifically, let's say some people sincerely believe that a black American cannot be trusted. He cannot fulfill his promises and so on and so forth, and therefore, when they are discriminated against, it's because of their own fault.

If we bring it home closer to us, maybe we can also apply what the students say that our attitudes toward the Native people in Canada has emerged because of their own behavioural characteristics, the way they conduct their activities in life. They drink too much, therefore, we develop a negative attitude toward them. That is what is known as "their-own-fault" theory. It is only one theory.

Another specific competing theory of the origin of prejudice and discrimination is what is known as the "frustration-aggression" theory. The in group blames the out group for the frustration and shortcomings of the very members of the in group themselves, because of their own inadequacies and their own deficiencies and incapacities, they try to blame it upon others and using the other out groups as scapegoats for their own failures.

For example, during the Nazi regime in Germany, because of the incapacity of the German people themselves to remedy their economy, the depression

that they faced in the 1930s, and their incapacity to subdue the social ills in the social and economic structure of that society, they found a scapegoat and blamed everything on the German Jews. It was their own fault, but yet they could not accept it and said they had to find scapegoats, and they found the Jews, and you know what the consequences have been, as history has attested and confirmed.

A third theory of prejudice and discrimination is that proposed by Adorno (phonetic) and other psychologists, it is known as the authoritarian personality theory. The theory is saying that certain persons have certain personality structures, with certain specific qualities or character traits, such as, extreme respect for power, submission to their own superiors, oppressive attitude, and aggression towards their subordinates, a high contempt for human weakness, a lack of self-insight. That these personality structures, if possessed by certain persons or people, will tend to predispose the bearer of those types of personalities to be prejudiced against all ethnic groups. That is the authoritarian theory of personality. But whatever theory it is, whether it is their own fault theory, or the frustration aggression theory, or the authoritarian personality theory, some of them explain some phenomena, no one of them explains everything.

The root of the matter is that inherently among humankind there is a mistrust of strangers; those we do not know we do not trust. It is this basic fear and basic insecurity in the human psyche which make us possess certain attitudinal direction which we may, for lack of a better term, call racial prejudice.

Given that this is a fact of life, what are the effects of prejudicial attitudes and discriminatory behaviour on the part of the victim, as well as on the part of those who are perpetrating such undesirable attitudes and behaviour? Let us look into the effect of this, first on the part of the discriminated victims, the out-groups. Usually the victim of discrimination and prejudice begin to believe what they see and what they feel, and they begin to hate themselves, so there is a form of subtle self-hatred developing in sort of an escapist position; and so it drives them to certain mass undesirable behaviour like alcoholism, drug addiction, even paranoid- schizophrenic or manic-depressive psychosis and neurosis.

On the other hand, the power of the perpetrator of discrimination and prejudice warps their perspective and their personality and they begin to be prepossessed, preoccupied, in entrenching themselves in social and occupational positions of power, economically and socially, that they would seek to maintain their high standards of living at the expense of the oppressed group.

This is shown, for example, by the whites in South Africa who had artificially sustained their high standard of living at the expense of the majority of the Black people in South Africa. How do these victims of discrimination react? They react in a number of ways. They sometimes will result into some kind of antisocial behaviour even among their own kind, such as, the crimes in the ghettos of some Blacks against other Blacks. In other situations and circumstances they may react into passive, non-violent resistance, as what happened in India during the time of Gandhi. Gandhi espoused a philosophy which is known as Satyagraha.

Satyagraha means the soul firmness of basis in truth in facing social wrongs, and confronting social wrongs until a crisis is precipitated in society itself, such as, those who are oppressing the others will realize what they have done.

Gandhi, for example, had resisted it, while even he was in South Africa, when he saw a hotel which was marked, "For Europeans Only" and he started opposing it in a non-violent, passive way. When he came home he led the Indian people to independence through the use of this philosophy of non-violent, passive resistance to redress social wrongs in his country.

For example, he opposed vehemently what the British called the roll of bills which try to imprison any Indian who is guilty of treason without any trial, in colonial India. His disciple, Martin Luther King, Jr., used the same philosophy of Satyagraha, non-violent resistance, when he confronted the segregation in the school bus system in Montgomery, Alabama, when he confronted the segregation in the restaurants and lunch counters in Atlanta, Georgia, and when he confronted the discriminatory hiring in Birmingham, Alabama, culminating in the Lincoln Memorial march for civil rights where he delivered his famous speech entitled, "I Have a Dream - I have a dream that some day all men and women shall live together like brothers and sisters."

How can we counteract this narrow attitude which we call racial prejudice in our open, democratic, egalitarian society? It is not easy to propose a solution because it is as old as humankind, but perhaps the answer lies in the field of education, by encouraging people to travel to see other societies and other cultures they educate themselves. For example, a hypothesis or belief that those who tend to travel will have an outlook that is broader than those who are insulated in their own community.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Thompson.

**MR. S. ASHTON:** Thank you, Mr. Speaker. If there's no other member wishing to speak, I'll be closing debate.

I would just briefly like to say that I am pleased to see the apparent support coming from all Members of this House for this resolution. I know that following its introduction, I did get some feedback from constituents about the resolution and it was much the same as I've received from other members of this House. A lot of people indicated that they felt that we in Canada do certainly pride ourselves on having a tolerant society and the unfortunate aspect of that is that we sometimes kid ourselves into believing there is no racial intolerance in Canada, Mr. Speaker. As I pointed out when I introduced this resolution, that is clearly not the case. If one looks at the situation from coast to coast, Mr. Speaker, there are some people who unfortunately are racists, are bigoted, and they are taking that racism, that bigotry out on people, particularly members of visible minorities in some of our major cities and it's taken the form of verbal abuse, in some cases of physical abuse, and even in some other cases of vandalism and bombings.

I, for one, feel that these kinds of activities have absolutely no place in our society and if we choose to

ignore them, Mr. Speaker, we only compound the problem. As I mentioned during my speech when I introduced this resolution, I think there are some parallels with some of the events that have been taking place and the kinds of things that happened during the 1930s when the Nazis rose on a political platform which was totally racist, specific antisemitic, but really basically against a whole series of nationalities. This kind of thing can happen here.

I think the comments of the former leader of the Social Credit Party, who resigned over the antisemitic statements of Social Credit members in Alberta is a clear indication that he recognized that, Mr. Speaker. He chose to make a very difficult decision of resigning from the leadership of a party that had some roots in his family. He chose that decision, Mr. Speaker, and I salute him for what I would consider to be a courageous action. I would say to members of this House there are times that we also, as legislators and as individuals, have to take that same kind of action.

I've seen a number of cases, Mr. Speaker, of flagrant, racist, verbal abuse and I have chosen in those cases to stand up, not for myself because I was not the one who was target of this abuse, but stand up for those people who were affected. I remember quite specifically, Mr. Speaker, I attended a multicultural conference in Ontario when I was attending university there at the time. I remember how at a banquet which was purportedly for the multicultural council members - there were a number of outsiders who were there for political reasons since this was during an election campaign - and how one of the members hurled racial abuse at some people who were sitting at our table.

I remember, Mr. Speaker, that it placed us in a difficult position. I know the people who were verbally abused did not want to do anything, Mr. Speaker. As the situation was, they were government employees who were sent to that conference to represent the Government of Ontario. They found it rather bizarre that they should be subjected to that kind of abuse. So I got up and told this individual not to continue with that practice, Mr. Speaker, and he proceeded to attempt to hit me not only once, but twice. After about five minutes of continuous abuse, the same thing happened again.

It was a tough decision on my part, Mr. Speaker, to stand up for those people because I wasn't affected directly, but I felt that any such abuse affected not just those individuals to whom the comments were made but all of us at that particular meeting. It was multicultural meeting, Mr. Speaker, where people from various different nationalities were there to discuss problems including the problem of racism and I felt that was important.

I must say, Mr. Speaker, that what I also found very encouraging was the fact that many of the other participants at the conference were very concerned about this incident. I remember quite distinctly that this

occurred on the banquet floor and the Ukrainian dancers who were on the balcony area waiting for a performance had seen this incident. Some of them had a great deal of difficulty restraining themselves from going down and doing a drop kick to this particular individual or something to counter his verbal abuse, Mr. Speaker. But they were very concerned about it as well even though the remarks that had been made to the individuals at my table could clearly not have been directed at them. They felt that once these people had been insulted that in a sense, Mr. Speaker, all the people at that conference had been insulted.

I think this is the key to future prevention of this kind of thing, Mr. Speaker. It is the key to the future prevention of racism in Canada. That is first of all the grouping together of people who are most directly affected, Mr. Speaker, particularly visible minorities, but not just visible minorities, I think it's important that we have everybody involved.

I am pleased to see in Manitoba that some progress has been made in this regard in terms of the Intercultural Council, and having attended that meeting just recently, Mr. Speaker, to which my wife was a delegate, I can attest to the fact that the same kind of group consciousness of the problems that are faced is experienced in that particular organization. As I said, Mr. Speaker, that's important, because I think the key thing is education certainly, but more importantly than that the understanding that one gets from co-operation and consultation and activities of that kind which are being promoted rather well by the Intercultural Council.

In concluding, Mr. Speaker, I am pleased to see the support that members of this House appear to be giving to this resolution. As I said in my opening remarks, I hope it will not be seen merely as a token resolution. I hope it will be seen as a serious expression of concern about the problem, Mr. Speaker, that we are faced with, with racial intolerance in Canada; but more importantly, a statement from this Legislature that we feel some things can be done, some positive things can be undertaken by this Legislature and other public bodies across this country to overcome this problem.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Order please.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L. DESJARDINS:** Mr. Speaker, I wonder if there would be a willingness to call it 5:30?

**MR. SPEAKER:** Is it the pleasure of the House to call it 5:30? (Agreed)

The time being 5:30, I am leaving the Chair to return at 8 o'clock this evening.