



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

DEBATES
and
PROCEEDINGS

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 20 January, 1984.

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: I have a statement, Mr. Speaker, if I can find it.

MR. SPEAKER: Order please.
The Honourable Minister.

HON. A. MACKLING: Mr. Speaker, I wish to inform the House of the establishment and appointment to the Oak and Plum Lakes Levels Board.

The water levels of the Oak and Plum Lakes area have been a serious concern to the community since the '50s. In the 1950's Prairie Farm Rehabilitation Administration, better known as PFRA, did flood prevention work on the Pipestone and Plum Creeks. Concurrently, Ducks Unlimited erected the Kansas City, Oak and Plum Dam. This dam, however, does not and never has determined the outflow from Plum Lake.

In the 1960's the Water Control and Conservation Branch, now the Water Resources Branch, built a dam at the outlet of Oak Lake to provide adequate water levels for recreation purposes. Further study was done, specifically the Plum Lake Study, to ascertain water levels from an agricultural point of view.

Subsequent to the Plum Lakes Study, the Plum Lakes Study Committee was formed and submitted a report in March, 1972. Further study ensued leading to the 1975 report, A Proposal for the Development and Management of Plum Lake. This report called for federal-provincial cost-sharing and management. The province agreed to the recommendations but withdrew its support in 1977 because agreement could not be reached with the Federal Government.

In 1981 the Rural Municipality of Sifton passed a resolution requesting the Water Resources Branch to upgrade the Plum Creek Channel. Water Resources turned down this request. A subsequent request allowed a road to be built giving access to hay cutting on Crown land.

Mr. Speaker, all these studies reflect several issues. One is the need to maximize agricultural opportunity; another to preserve and encourage wildlife around the waterways; and a third to provide recreation water use for the community. These issues are grey that need community input and co-operation to maximize the use of land and water for everyone.

In 1982, at my request, the Manitoba Water Commission undertook a review of the management

of Oak and Plum Lakes. The Commission held public hearings, affording all interested parties the opportunity to have input into the report.

On the recommendation of the Manitoba Water Commission, the Oak and Plum Lake Levels Board has been established to manage the water levels in the Oak and Plum Lakes area.

The Oak and Plum Lakes Levels Board will manage the water levels in the Oak and Plum Lakes area endeavouring to keep the range between 1407 and 1409 feet. The board will establish a monitoring program, review records of levels, flows and development, as well as relate water levels to groundwater.

The people appointed to this board from the Brandon area are:

Lloyd Hatch, Chairperson

Garry Garriock, representing Ducks Unlimited

Dr. Evan Pepper, representing the University of Brandon

Marshall Thompson, representing the Department of Natural Resources and

Leonard Logeot, representing the agricultural community.

There are four vacancies to be filled in the near future that will have representatives from wildlife, agriculture, the Cottage Owners Association, and the Rural Municipality of Sifton.

I would like to stress that we have, in the establishment of the Oak and Plum Lakes Levels Board, a solution consistent with the principles of community and co-operation embodied in this government's policies and programs.

I am pleased to welcome the board and its members and gratified to note that the regional community will make local decisions to optimize regional resources use.

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Thank you, Mr. Speaker. To the Minister and his report, I'll have to say that on behalf of our party here, the opposition, that we're with you on this one. We think it is a worthwhile project and as the history has indicated, Mr. Speaker, that there has been a lot of co-operation dating from years back, so just in case the Minister feels that he's done this single-handedly, I'd like to illustrate to him and to the government opposite that there's been a lot of background work on this thing. I want to pay special tribute to the farmers, to Ducks Unlimited, and to the local people that have worked very hard to get it to this stage, and it is a worthwhile project.

I'd just like to draw to the Minister's attention that by establishing this board, we hope - like water supplies are a very necessary thing especially in that area - that this board will have water to work with in that category there.

We also hope that one concern that has been coming forward from our side from time to time is the fact

we're pleased that the Minister is starting to make some announcements that shows that possibly there is some concern about doing certain things, because the lack of drainage projects and water projects really has been, other than talk about it, something that we're very concerned about. We hope that with these kind of projects, it seems that there is more co-operation now coming from this Minister than he had in establishing the Saskeram project there where seemingly the farmers were relatively ignored. We think maybe things are looking a bit more positive in this type of approach, and I want to compliment the Minister.

Thank you.

NON-POLITICAL STATEMENTS

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I wonder if I can ask leave of the House to make a short non-political statement. (Agreed)

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Of course, I have no copies, but I'm sure my statement will be backed by the kid battler from Niakwa, and I'm sure, Mr. Speaker, that you and all the members of this House will join me in congratulating Mr. Cal Murphy, who is the first Canadian to be named the Coach of the Year in the CFL. I think that Winnipeg and Manitoba should be very proud and here I think I have to include the name of Paul Robson because I think they've worked very well as a team. They've accomplished miracles under very difficult situations, but probably more important, they've been a credit to Winnipeg and Manitoba on and off the field and we should wish them well in the coming year.

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Mr. Speaker, I also would like to ask for leave to make a non-political statement similar to the one made by the Honourable Member for St. Boniface. (Agreed)

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Thank you, Mr. Speaker. I too would like to congratulate Cal Murphy, whom I've known through many years of football, from the time that he was the head coach with the British Columbia Lions. I had the privilege of electing and to be the head referee at the very first game that Cal Murphy was head coach out there and had the privilege of talking to him prior to him going into the game. We spoke out in the middle of the field and I've had a great respect for Cal all those years.

Now that he is the head coach of the Winnipeg Blue Bombers and now, after having many years in the Canadian Football League and not being associated with any one team, today I can now say that I am a fan of the Winnipeg Blue Bombers.

I also would like to congratulate Cal Murphy on his being named Coach of the Year. It's not just all Cal's responsibility, it's the whole of the Bomber organization,

Paul Robson, all of the assistant coaches, all of the players, the executive and all of the people of the Province of Manitoba who have supported the Bombers. I join with the Honourable Member for St. Boniface in congratulating Cal.

MR. SPEAKER: Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of honourable members to the gallery. We have 60 students of Grade 9 standing from the John Pritchard School. These students are under the direction of Mr. Reimer and Mrs. Mackey. The school is in the constituency of the Honourable Member for River East.

On behalf of all the members, I welcome you here this morning.

ORAL QUESTIONS

Workers Compensation Fees

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Honourable Minister of the Environment and Workplace Safety and Health.

Yesterday, in response to a question by me, the Minister denied that his department was considering implementing a 53 percent increase in Workers Compensation.

Mr. Speaker, in view of the confusion about the question that I asked regarding an impending 53 percent increase in Workers Compensation fees - Mr. Speaker, and if I may I'd like to quote from a letter to the Minister by the Chairman of the Workers Compensation Committee of the Canadian Manufacturers Association in which it says - "It was small comfort indeed to note that 12 million from the Workers Compensation reserve funds would be used to provide some of the \$68 million required leaving an average assessment rate increase of 53 percent to provide the balance." Is his department, or is his department not, considering a 53 percent increase in Workers Compensations fees for this forthcoming year?

MR. SPEAKER: The Honourable Minister of the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker.

The Honourable Leader of the Opposition yesterday asked whether I had made an announcement the evening before to the effect that we were going to raise the Compensation Board rates by 50 percent or more. I answered yesterday that I had not, and I still say I have not, but from there I have to say that the Compensation Board, parts of my department, the Workers Compensation Board has recommended that such a rate be implemented, it is correct. Now we haven't, at this point, made a decision as to what that rate will be for 1983, and I have to let the Leader of

the Opposition know that even if it were to be at that rate it would be still the lowest in Canada.

MR. G. FILMON: Well, this government certainly can't take any credit for the lowest fees in Canada. They inherited the lowest fees in Canada and that's why they can say that.

I want to know, Mr. Speaker, and I'm sure that the employers of Manitoba would like to know, whether or not the . . .

MR. SPEAKER: Order please, order please.

MR. G. FILMON: Mr. Speaker, I wonder if the Minister of Finance would save his comments for the Winnipeg Labour Council. They appreciate them just as much as we do.

MR. SPEAKER: Question.

MR. G. FILMON: Mr. Speaker, my question for the Minister is: Is this 53 percent increase that he is proposing in Workers Compensation fees . . . ?

MR. SPEAKER: Order please, order please.

MR. G. FILMON: Mr. Speaker, is the massive increase in Workers Compensation fees that his department is considering at the moment necessitated by the new carpets and the redecorating that were done in the offices of the Workers Compensation Board, or the large increase in senior staff at high salaries, the high severance pay settlements that they had to make when they fired senior people in the Workers Compensation Board, or the additional perks and automobiles and so on that their senior staff are getting as a result of this government's initiative?

HON. G. LECUYER: Mr. Speaker, in answer to that question, I suppose one would be led to say, none of the above. Basically, I guess, Mr. Speaker, the truest answer or the closest answer I could give, that is, that the Compensation Board today is giving, under this government, better treatment to the workers than they ever did.

MR. G. FILMON: Mr. Speaker, if all of those inappropriate payments and additional costs that were added as a result of this government's actions are not being paid for by the Workers Compensation fees, where are they being paid from?

HON. G. LECUYER: I have a two-part answer to that, Mr. Speaker. First of all, I would like to know what the inappropriate costs the Leader of the Opposition is referring to. As far as the second part, we will be coming forth when we decide on an assessment rate, an appropriate assessment rate for 1984. We'll be making a statement to that effect and perhaps I could state, like the Leader of the Opposition, "sometime on a Friday morning we'll make a statement."

MR. G. FILMON: Mr. Speaker, we're a little short for good answers across the way, so I'm sure that any answer sounds good to that group over there.

I'll repeat for him the inappropriate payments that I listed earlier: one was the expensive redecorating of the offices of the senior staff of the Workers Compensation Board; the second was the additional prerequisites and other things that were added to the workers; the third was the settlements that they had to make for severance of staff who they have fired over there. Those are the inappropriate payments I was talking about. My question to the Minister is when will he and his government stop adding additional payroll costs to employers, who are already overburdened by this government, and start looking for ways in which they can save the employer's money so they can add staff so that they can create employment and not kill employment in Manitoba as they are?

HON. G. LECUYER: I suppose that some of the improvements that the Leader of the Opposition is referring to have no (. . . inaudible . . .) consulted before, when it came to striking the assessment rate, and this is the first time they ever were. We are consulting with them to try and arrive at the rate which is the fairest, which meets the cost, and yet gives the fairest treatment for the worker.

Mining industry - increase in payroll costs

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, a question directed to the Minister of Energy and Mines falling on the suggestion by the Minister of Environment, Workplace Safety and Health that the government is, indeed, consulting; has the Minister of Energy and Mines, who is directly responsible for the welfare of the mining industry in the Province of Manitoba, held any specific discussions about the dramatic increase in payroll costs that are being suggested by the board or by the Minister in these last few days?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, I have not received any word from the mining industry on this. I know that we are concerned in the mining industry about health and safety because there have been many deaths in the mining industry, and there have been many injuries in the mining industry. I can recall that when the Member for Lakeside was the Minister of Mines he was quoted as saying "production first, safety second." That is the wrong approach, Mr. Speaker.

MR. SPEAKER: Order please. The Honourable Member for Lakeside on a point of order.

MR. H. ENNS: Mr. Speaker, I have listened to that accusation being made from time to time that they dig out at their pleasure. That is a deliberate distortion of what is on the record. What is on the record, that I felt made sense, when I was responsible back in 1969, was that the separation from the safety aspects of the mineral division of Natural Resources should, in fact, be transferred to the Department of Health, or to the Department of Labour. That is all that was said, that

the Department of Mines and Natural Resources, being primarily concerned with the development of the mineral riches of this province, has a problem philosophically in properly addressing the safety of the workers. Now, Mr. Speaker, let that be put on the record. But, Mr. Speaker, . . .

MR. SPEAKER: Order please. I thank the honourable member for that explanation. It was not a point of order.

The Honourable Minister of Energy and Mines may finish his answer.

HON. W. PARASIUK: Mr. Speaker, obviously that stone hit its mark in that if, in fact, the Member for Lakeside believed that he had four years, from 1977 to 1981, to bring about the changes that he says he wanted with respect to ensuring greater mining safety, he didn't Mr. Speaker, that showed his concern with respect to the mining industry.

Obviously, Mr. Speaker, there has to be some balance and there has to be some fairness in the system. Everyone knows that we want to get more productivity from miners; everyone knows at the same time that miners face tremendous risks, we know yearly that there are mining accidents, that there are fatalities. Surely the member is not suggesting that we shouldn't compensate the victims of mining accidents fairly and on an accounting basis.

Mr. Speaker, if he says otherwise I'm not sure what the intent of his question is because I have not heard concerns, and if they are concerns from the mining industry I'll certainly meet with them. I didn't hear concerns from the mining industry when the Federal Government increased the unemployment insurance deductions substantially, Mr. Speaker, and in fact I never even heard concerns from the members opposite when that happened. They only tend to dwell on very minor cost differential when, in fact, the picture is much broader than that and requires much more than the simplistic approach that the Conservatives have shown on this question to date.

MR. H. ENNS: Mr. Speaker, if the Minister does not want to answer the question; he doesn't have to, I know that, but I'll ask him the question again because he studiously avoided answering it.

I am asking him, as the Minister responsible for the health and welfare of the mining industry in this province, has he shown the courtesy to that important industry in this province, that important job creator in this province, to sit down and discuss with them, in advance, the potential increases in payroll costs?

A MEMBER: Never.

MR. H. ENNS: Not whether or not he has received direction from them. I am asking a simple question, Have you called in some of the mining executives, mining companies and talked to them about the possible action of your fellow Minister?

HON. W. PARASIUK: Mr. Speaker, I have, in fact, had discussions with the mining industry from time to time, members of the mining industry, about the major issues that they feel are facing this country, the mining industry

in the world, with respect to mining. They have not raised the issue of payroll costs, they have raised the issue of the lack of international markets, they have been dealing with the major problems, Mr. Speaker. The Member for Lakeside is trying to imply that a change, a marginal change - because that's all it is in terms of the overall payroll costs - will be so deleterious as to bring the entire mining industry to a standstill. Mr. Speaker, that is not the case. I have had discussions; I will be going up to Thompson on Monday to speak at a miners conference, I will be speaking to workers, I will be speaking to company representatives, I will be speaking to community representatives. Mr. Speaker, we have set up processes for discussions in Northern Manitoba with companies and with workers, something, Mr. Speaker, that the opposition didn't do; and that is one of the reasons why they are the opposition.

Health care system - hospitals

MR. SPEAKER: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I would like to direct a question to the Minister of Health. Can the Minister confirm that some cancer patients at St. Boniface Hospital have received letters indicating that cobalt treatments are not available due to a shortage of staff?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, no, I haven't.

MR. R. DOERN: Mr. Speaker, would the Minister investigate a case of one of my constituents, who was due for treatment in January, who received such a letter, who is experiencing intense pain, and whose doctor has only suggested the application of painkillers; will the Minister investigate this shocking state of affairs?

HON. L. DESJARDINS: Mr. Speaker, I cannot confirm it's a shocking state of affairs before it is investigated, but if the honourable member wants to give me the details I'll be very pleased to investigate and give him the information.

MR. R. DOERN: Mr. Speaker, would the Minister also attempt, during the Estimates process, to save some public expenditures on inessential items, like Jobs Fund advertising and other government promotional programs, and direct those funds to health care and cancer treatment?

HON. L. DESJARDINS: Mr. Speaker, I have enough problems trying to run my department; if he want to talk about Jobs Fund he should direct that to the Minister responsible.

Remand Centre policies

MR. SPEAKER: The Honourable Member for Rhineland.

MR. A. BROWN: Thank you, Mr. Speaker. My question is to the Minister of Corrections and it originates from

the unfortunate death of Mr. Moore at the Remand Centre. My question is, has the Minister determined yet why Mr. Moore was not allowed to phone or contact his family when he specifically asked to do so?

MR. SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Mr. Speaker, as is normal under the circumstances, but also at our request, there will be an inquest into the handling of that particular case which we agree is a tragic thing to occur. We have strengthened or clarified, so there can be no misunderstanding of what our expectation is of staff in their procedures there and we are now waiting for the outcome of the inquest to see if, in fact, procedures were followed or not.

MR. A. BROWN: Thank you, Mr. Speaker. I am pleased to hear that the Minister has ordered an inquest into the unfortunate incident. Will the Minister now send a directive to all Remand Centres and police departments in Manitoba requesting that families, or responsible persons, be contacted when someone is apprehended because of being intoxicated?

HON. M. SMITH: That has already been done, Mr. Speaker.

Renovations - Leader of the Opposition's office

MR. SPEAKER: The Honourable Member for Inkster.

MR. D. SCOTT: Thank you, Mr. Speaker. Mr. Speaker, I have a question for the Minister of Government Services. Is he aware of whether or not the Leader of the Opposition . . .

MR. SPEAKER: Order please. Perhaps the Honourable Member for Inkster would wish to rephrase his question to seek information rather than the opinion of a member.

MR. D. SCOTT: Mr. Speaker, can the Minister of Government Services confirm that the present stylish Leader of the Opposition has found his office spaces in the "oval office" of this building not to be suitable to his liking, and has requested, or has had work done in his office to the tune of some \$10,000 to renovate his office which was certainly appropriate, sufficiently appropriate at least, for the former Leader of the Opposition?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. A. ADAM: Thank you, Mr. Speaker. The office of the Leader of the Opposition was upgraded and the cost was not \$10,000, but was \$15,000.00.

MR. D. SCOTT: Mr. Speaker, on a follow-up question to the Minister, the other official, or the other Oval Office that has been in the news with major renovations on Pennsylvania Avenue had a severe input of the First

Lady of that country, can the Minister confirm whether or not it was Government Services personnel, or was it the Leader of the Opposition's wife who was asking for the renovations and requested a certain design for the office?

MR. SPEAKER: The Honourable Member for Lakeside on a point of order.

MR. H. ENNS: On a point of order, Mr. Speaker, you remind us every once in a while that subject matters not germane to our jurisdiction here are out of order. I think the decorations on a building on Pennsylvania Avenue in Washington, D.C., would have to fit into that admonition that you give to us from time to time.

MR. SPEAKER: The Honourable Government House Leader to the same point.

HON. A. ANSTETT: Yes, Mr. Speaker, to the same point of order. I share the concern of the Member for Lakeside about the introduction of extraneous material in preambles and I would certainly concur in your ruling that material out of order, Sir, from members on both sides of the House in the future.

MR. SPEAKER: I thank those members and remind all members that their questions should be short, concise and to the point.

The Honourable Member for Inkster.

MR. D. SCOTT: Mr. Speaker, could the Minister of Government Services assure this House that the designs, or the work that was done in that office, was done in some form of procedure by government staff and not by the Leader of the Opposition or members that are close to him and his family or whatever?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. A. ADAM: Mr. Speaker, the work that was done in Room 172, which is the office of the Leader of the Opposition, had to do with upgrading of the ventilation system in that particular office and it's part of an ongoing maintenance of the Legislative Building. Whether a specific request came from the former Leader of the Opposition, I don't have that information at this time, but the way the information comes to us is via the Deputy Minister, or one of the senior staff who makes a request for that kind of upgrading in the building.

Senate reform

MR. SPEAKER: The Honourable Member for Virden.

MR. H. GRAHAM: Thank you very much, Mr. Speaker. I have a question for the Honourable First Minister. I would like to ask the First Minister if he can give the House a reason why he cancelled a meeting next Wednesday and Thursday from a visiting parliamentary delegation from Western Canada who were supposed to meet with this government to deal with Senate

reform? Can the First Minister tell us why that was cancelled?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: I don't think there was any cancellation, but I wanted to inform the Member for Virden that my position in respect to so-called Senate reform is quite clear. Mr. Speaker, I do not also favour parliamentary committees, if I can comment, that involve not only, I understand in travelling across Canada pertaining to matters, to my mind, as useless as discussing Senate reform, and also to other countries of the world, provincial committees to discuss Senate reform from the Province of Alberta, travelling throughout Canada, it is my understanding - I may be wrong and the honourable member can correct me - travelling to other countries in the world to discuss Senate reform. Mr. Speaker, as far as I am concerned, the Senate should be abolished and the sooner the better.

MR. H. GRAHAM: While the First Minister is expressing his disgust with the spending of public money going visiting other jurisdictions to promote either the cause of the Senate or, say, promoting the cause of the great growth of a particular province such as Manitoba, would the First Minister's visits to Nova Scotia and to British Columbia and other places fall in the same category? Or the First Minister would express the same disgust with the spending of public money visiting other provinces to promote a one-sided viewpoint of the health and wealth of this province?

HON. H. PAWLEY: I don't really understand the honourable member's question too clearly, but from what I understand it does give me a perfect opportunity to respond. Mr. Speaker, Ministers on this side will indeed travel anywhere, anytime, to promote the health and development of the Province of Manitoba. That has been done by the Minister of Agriculture, by the Minister of Community Services; in fact Mr. Speaker, I will do it from time to time. But, Mr. Speaker, we will not participate in useless junkets in order to promote the kind of practice just now conducted by the Liberal Government in Canada, by which 11 new members were appointed to the Senate, \$60,000 a year, young people 40 years of age drawing on the wealth of this country and draining the taxpayers of this country, the useless exercise of sitting in the Senate.

MR. SPEAKER: The Honourable Member for Virden.

MR. L. SHERMAN: They all speak very highly of you, Howard.

MR. H. GRAHAM: Thank you very much, Mr. Speaker. Mr. Speaker, in the First Minister's concern about the terrible number of appointments that are being made by the Federal Government, would he also consider rescinding some of the Orders-in-Council that we see passing every week with the appointments, numerous innumerable appointments at fantastic salaries, of some of his henchmen and his colleagues to positions of power in this province? Certainly, surely,

Mr. Speaker, he must be running out of friends pretty soon.

HON. H. PAWLEY: There is a tremendous difference in Orders-in-Council, to appoint individuals to perform meaningful and useful employment in the service of the Province of Manitoba than being retired to political pasture, Mr. Speaker. I think there's all the difference in the world.

Children's Aid Society - regional boards

MR. SPEAKER: The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Mr. Speaker, I have a question for the Minister of Community Services and Corrections.

I wonder if the Minister could advise the House how the nominees to be elected to the new regional boards of the Children's Aid Society will be chosen.

MR. SPEAKER: The Honourable Minister of Community Services.

HON. M. SMITH: Mr. Speaker, memberships in all the regional agencies are open to all the residents living in an area under the category of residents, and under the category of organizations working in the area. Representatives of organizations are eligible. The election will occur in public meetings held late February, early March.

To draw up a slate of nominees, Mr. Speaker, people are invited to submit their nominations to the Social Planning Council who are working in a support role for us to help administer the process. They will, under the direction of a three-person nominating committee appointed by myself, draw up a slate, a representative slate, of nominees at least 50 percent larger than the number of places to be elected.

MRS. G. HAMMOND: Yes, Mr. Speaker.

To the same Minister: Will nominations be allowed from the floor?

HON. M. SMITH: Yes, Mr. Speaker.

Guaranteed Loans Program

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, I have a question for the Minister of Agriculture.

In view of his government's stated policy yesterday on the interest rates to be charged to homeowners at 10 percent, will the Minister of Agriculture be introducing a new program, or a policy change, for the Manitoba Agricultural Credit Corporation where the farm community will be as well able to have the same opportunities of 10 percent mortgage money?

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, I recall the honourable member criticizing the Loan Guarantee Program - that

we would not find one farmer that would qualify under the program. I would hope that all Manitobans requiring a home, and wanting to purchase or build a home would qualify under the program, and including all farmers of Manitoba would qualify under the program announced by my colleague, Mr. Speaker.

MR. J. DOWNEY: Mr. Speaker, I'm pleased to hear that the Minister of Agriculture is going to allow them to build a home at the same mortgage rate as anyone else. Will they as well be able to carry out their farming operations, the purchase of land, or machinery, and other programs at the same interest rate, Mr. Speaker, which provides them for a livelihood as well? Will that kind of a program be forthcoming?

HON. B. URUSKI: Mr. Speaker, the honourable member should remember that when they were in office - and it flowed over to our term - where loans were made by MACC, two farmers in Manitoba in excess of 13 and as high as 17 percent, during the years 1981 and 1982, while we were in office - Mr. Speaker, I was criticized by honourable members of acting as a banker, as the Minister of Agriculture, in not being able to deal with the question.

We dealt with the question, Mr. Speaker. There were over \$50 million worth of loans in excess of 13 percent. We offered the farmers of Manitoba a buy-down. Mr. Speaker, over 400 farmers bought down and saved over \$18 million on the terms of their loans by this government, Mr. Speaker. That's what we have done in terms of loans loaned by the Manitoba Agricultural Credit Corporation. That couldn't have even been thought of by members opposite when they were in government, Mr. Speaker.

Creamery plants - closure

MR. J. DOWNEY: Mr. Speaker, the farm bankruptcy rate in the province and the difficulties farmers are having, are speaking for themselves, and there's very little substance in what the Minister is saying.

A further question to the Minister of Agriculture, Mr. Speaker. For some time now the opposition has been trying to get a response from the Department of Agriculture, and the Minister of Agriculture, re the cream quotas that are being cutoff, and the dairy farmers that are being shut out from shipping their product to the creameries as early as of the first of the week, Mr. Speaker, and in fact putting people's incomes in jeopardy. Has the Minister now developed a policy, or does he have a statement to make, to tell the cream shippers they're able to continue to operate their operations and earn an income that they've been told that they could do in this society, Mr. Speaker, by many other governments before he came on the scene?

HON. B. URUSKI: Mr. Speaker, either the honourable member didn't read or listen to the answer that I gave him last week. I will repeat again the answer I gave him.

Mr. Speaker, I will be the last one to defend the actions of the Milk Marketing Board in this situation. I believe that they did not judge the situation dealing with the expansion of cream production in this province

and they reacted on the basis of their share of the national quota.

Mr. Speaker, the honourable member cannot get away from the fact that it was his administration that allowed a marketing board in this province, to deviate in terms of asking for increased national quota on terms other than comparative advantage. It was his administration that allowed a marketing board to do that. As a result we have been fighting, and I repeat that again, a rear guard action to try and recapture our position in the national scheme.

We have had an increase in national quota in the dairy industry, however slight Mr. Speaker, and I believe that the board has overreacted in this situation imposing the type of controls that they have. However, it is very clear that the penalty to be paid to the Canadian Dairy Commission would have to be paid by other than the cream shippers. As a result the board moved in this regard.

What I have said to producers, and I repeat this again, that they should appeal the decisions of the Milk Marketing Board to the Natural Products Marketing Council, anyone who can show that he has been adversely affected by that decision of the board.

Broiler Board - Man. Natural Products Marketing Council

MR. J. DOWNEY: Mr. Speaker, a final supplementary to the Minister of Agriculture.

Can he confirm that under his administration and his government that the broiler industry in Manitoba has lost quota to the Province of Ontario and that the Broiler Board and he are now making application to the federal authority to have that quota brought back to Manitoba, Mr. Speaker?

At the same time, would he have enough courtesy for the dairy farmers of Manitoba to ask for more dairy quota for this province?

HON. B. URUSKI: Mr. Speaker, the honourable member doesn't want to admit that when he allowed the National Turkey Board to agree under pressure between provinces to use other criteria in terms of determining national quota he put all the supply management contracts in jeopardy by allowing them.

Mr. Speaker, we have sat down with all the marketing boards in this province and said we want to work in a co-operative approach to regain what we have lost in terms of position in a national context. Mr. Speaker, we have not lost any broiler quota.

Mr. Speaker, we have been involved in co-operation with all the boards in the national negotiations. We have spent a lot of time and a lot of effort working with our boards to make sure that we regain what we had lost when it was allowed to lapse and allowed to go by the board by the former Minister of Agriculture who took a "hands-off" approach. Now, the Conservatives are squirming and saying we want more quota - but we allowed it to lapse when we were in government, Mr. Speaker. We allowed it to leave our province.

Interest Rate Relief Program re farmers

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 Agriculture.

Mr. Speaker, I'd like to ask the Minister, due to the severe economic conditions that prevail amongst the young farmers in the shortage of capital that they're expressing concern about now, is he or the government prepared to reintroduce the Farm Interest Rate Relief Program that expired on December 31st?

HON. B. URUSKI: Mr. Speaker, am I hearing right? Is my hearing correct, that we now have a Conservative member of the Legislature saying that the Interest Rate Relief Program did some good for the people of Manitoba? Do I hear that?

Mr. Speaker, to the members of that government, when they were in office, said that they agreed with federal policy that the high interest rates were policy which could be accepted; it was the best that could happen to this country at this time, or words to that effect, Sir. Now, Mr. Speaker, and honourable members and I'm pleased that now the Conservatives are recognizing that the Interest Rate Relief Program is and has benefited farmers.

Mr. Speaker, the program was a two-year program. Interest rates have started coming down. We accepted more than twice the number of farmers that we originally anticipated into the program and, Mr. Speaker, we realize that there are difficulties in agriculture and in rural Manitoba. That is one aspect. We will not be extending the applications under the Interest Rate Relief Program.

But, Mr. Speaker, what we did as well when we came into office is we doubled the amount of money to the Manitoba Agricultural Credit Corporation because it had run out of money within the first month I was in office and they came scrambling to me and people were phoning and saying we can't make our loans. We can't complete our loans because there's no money.

Mr. Speaker, we made those provisions and we will continue to respond in that manner.

MR. W. MCKENZIE: Mr. Speaker, I have a constituent that asked me to stand in my place today and ask the Honourable Minister a simple question. Does he intend to extend the Interest Rate Relief Program for the year 1984? I don't want any song and dance of who's for what or who's against what. I just want a simple answer for my constituent.

HON. B. URUSKI: The honourable member should know that the Interest Rate Relief Program is a two-year program. Anyone who is on the program or who has applied for the program prior to December 31, 1983, is eligible to apply for a second year on the program. No new applications will be considered. First-time applications will be considered after the December 31st deadline that was announced.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, would you call first the adjourned debate on Bill 115, and following

that the adjourned debate on the resolution on which a sub-amendment is currently standing in your name, Sir?

MR. SPEAKER: On the proposed resolution of the Honourable House Leader, second reading of Bill 115. The Honourable Member for Niakwa.

MR. A. KOVNATS: Stand, Mr. Speaker. If any member of the Legislature cares to speak on this bill, I would have no reluctance to allow him to do so, as long as it stands in my name, Mr. Speaker.

MR. SPEAKER: Is it the pleasure of the House to give the Honourable Member for Niakwa that leave? (Agreed) The debate will then stand in the name of the Honourable Member for Niakwa.

ADJOURNED DEBATE ON SECOND READING

BILL NO. 115 - AN ACT RESPECTING THE OPERATION OF SECTION 23 OF THE MANITOBA ACT

MR. SPEAKER: The Honourable Leader of the Opposition.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please. The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker. In commenting on Bill 115 this morning, I think it's important for us to review the circumstances under which the bill is currently being considered and the process that we've been following since the bill was introduced.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. G. FILMON: Mr. Speaker, the Honourable Member for Inkster has a good deal to say from his seat; he rarely has anything to say from his feet. He'll have his opportunity to speak on this matter if he cares to later.

Mr. Speaker, this bill was introduced for second reading by the Minister of Municipal Affairs last Wednesday, the 11th of January, and it appears before the House concurrently with its companion piece, the Constitutional Resolution in its amended form - the resolution, that is, to amend Section 23 of The Manitoba Act.

I think that to understand the interties between the two we have to look at what the Minister of Municipal Affairs said when he was introducing his amended approach to the constitutional resolution. He said, at that time, and I quote, "That bill" - referring to 115 - "is consequential to and flows from the amendment I will be proposing." So, he obviously acknowledged and agreed that it was consequential to and flowed from and, therefore, was very much intertwined with the

proposed amendment to the Constitution with respect to Section 23 of The Manitoba Act.

I think that for further clarification of that close intertie we need to read Section 23.1 of that proposed amendment that says as follows, "As English and French are the official languages of Manitoba, the freedom to use either official language enjoyed under the law of Manitoba in force at the time this section comes into force shall not be extinguished or restricted by or pursuant to any act of the Legislature of Manitoba."

Mr. Speaker, what we are saying is that this bill, if it is proclaimed prior to the passage of the constitutional amendment, will then become entrenched as part of Manitoba's Constitution.

We further solicited the opinion of the Legislative Counsel, Mr. Tallin. The Member for St. Norbert asked for his legal opinion on that matter, and he said, and I would like to read this into the record, "In my view, the courts would probably give a very broad meaning to the word 'freedom'. This broad meaning would probably include all rights and privileges bestowed on persons under the law of Manitoba, whether the law was statutory or common law.

"In view of the fact that Bill 115 bestows statutory rights on persons to use either English or French in certain areas of government activity, it seems to me that this kind of right would probably be considered as coming within the expression of 'freedom to use' in the proposed Section 23.1 of The Manitoba Act. Bill 115, or at least those provisions of it which bestow rights, does not come into force until proclamation. Whether Bill 115 were included in the freedom referred to in 23.1 of The Manitoba Act would, therefore, depend on the date fixed for the coming into force of Bill 115, and the date fixed in the proclamation of the Governor-General bringing the amendments to The Manitoba Act into force. If the date fixed by the Governor-General and the constitutional amendment proclamation is earlier than the date fixed in the proclamations of bringing force Bill 115, then the rights bestowed under Bill 115 would not be part of the freedom to use either language under the law of Manitoba in force at the time of the coming into force of the amendment to the Constitution. However, if the date fixed in the proclamation for coming into force of Bill 115 is earlier than the date fixed for the coming into force of the amendment to the Constitution and the proclamation of the Governor-General, then the rights in Bill 115 would be considered as part of the freedom to use either official language under the law in force in Manitoba at the time the constitutional amendment came into place."

That, of course, has been discussed here . . .

MR. SPEAKER: The Honourable Attorney-General on a point of order.

HON. R. PENNER: Yes, I would ask that opinion be filed. I would also just remind you, Sir, of the commitment made by the House Leader, that question of dates would be worked out with Counsel such that that problem doesn't arise.

MR. SPEAKER: Order please. Would the Honourable Leader of the Opposition table the letter?

MR. G. FILMON: Mr. Speaker, if the Attorney-General had allowed I was quite prepared to acknowledge, on the record, that the Minister of Municipal Affairs had made that statement on the record earlier this week - I'm sorry, it was last week - at the time he introduced the bill for second reading . . .

MR. SPEAKER: Order please, order please.

MR. G. FILMON: Mr. Speaker, under questioning last week, the Minister of Municipal Affairs stated on the record that it was not the government's intention to proclaim Bill 115 prior to the constitutional resolution being proclaimed in Ottawa; he said that on the record. So, at best we're . . .

MR. SPEAKER: Order please.

MR. G. FILMON: . . . in a situation of interdependent . . .

MR. SPEAKER: The honourable member quoted from a letter in this House and it was requested by another member that letter should be tabled. Will the honourable member please do so?

MR. G. FILMON: Mr. Speaker, I may want to refer to it later in the course of my speaking, may I table it at the end of my speaking?

MR. SPEAKER: Fine.

MR. G. FILMON: Thank you very much. Mr. Speaker, what I'm saying is that this situation continues to be handled in a confused manner by the government. They have interdependent pieces of government business going forth. They have acknowledged, on the record, as the Minister of Municipal Affairs said, that there is this interrelationship that the bill follows from and is consequential to the constitutional resolution. That's at best, Mr. Speaker; but, at worst, we're in a situation of being asked to deal with this bill under changing circumstances, including the continual changing of the government's position on the resolution, and the statement by the Minister that, in fact, they were impressed with and they were excited about our own proposed amendment to that resolution, so we are not in a situation where we know the final form that the resolution may take when it passes this House.

MR. SPEAKER: Order please.

The Honourable Government House Leader on a point of order.

HON. A. ANSTETT: Mr. Speaker, I have not put on the record in this House any comments on the sub-amendment because you, Sir, have taken that under advisement. However, Sir, what I did say, and I wish the Leader of the Opposition would represent it properly, is that I was impressed with the amount of movement by leaders and members opposite. Sir, I at no time indicated an endorsement or any pleasure with the substance. In fact, Sir, I said at all times that, in substance, members opposite had not come near far enough and their proposal was unacceptable to members on this side.

MR. SPEAKER: Order please, order please. Order please.

If there are other members who wish to enter the debate on Bill 115, I would remind them that they will get their opportunity in due course and, as of now, the Honourable Leader of the Opposition has the floor.

MR. G. FILMON: Mr. Speaker, just to clarify what the Minister did say, I thank some members of the media for giving me a transcript of his statement last Friday.

He said, and I quote, "At first blush, it appears that the Tory Caucus is accepting virtually all of the proposal to entrench changes in the resolution to amend The Manitoba Act, except for the declaratory statement that English and French are the official languages." I go on, he said: "It's a major reversal, I'm pleased by it." That's what he says, Mr. Speaker.

So it would appear to me that we have a constitutional resolution amendment that is still in a fluid stage, that is still under active consideration by a Government House Leader who is pleased by the amendment that we've put forward - pleased by it, Mr. Speaker. So I don't know whether pleased by it is the equivalent of agreeing to it, but we have reason to believe, Mr. Speaker, that his caucus is still giving active consideration to that amendment because they have chosen not to debate it, they have chosen not to put their position on the record and, therefore, they have chosen not to call the matter before the House.

MR. SPEAKER: The Honourable Government House Leader on a point of order.

HON. A. ANSTETT: Mr. Speaker, there are, on the record in this House, several times earlier this week, clear statements by myself and other members on this side, on points of order, related to the calling of government business, our willingness to deal with the resolution on Monday, Tuesday, Wednesday and Thursday. On every day we have said we were willing to call the resolution after members opposite spoke on the bill. To allege, Sir, that at any time we were not prepared to call the resolution is not incorrect, but is contrary to what is on the record in this House. We've been prepared since that amendment was moved to debate it and discuss it.

MR. SPEAKER: The Honourable Opposition House Leader to the same point.

MR. H. ENNS: Mr. Speaker, on the same point of order, all my leader is alleging to, and referring to, are the comments that are on the record, both in this House and publicly through the media, his reaction to a sub-amendment introduced by the opposition in this Chamber. He is not alleging or we are not discussing the calling of the business of this House in the past few days, and I suggest to you, Mr. Speaker, he has no point of order.

MR. SPEAKER: I would remind all members that the matter of the proposed sub-amendment is not before the House and a decision has not yet been given on that sub-amendment; it would, therefore, be inappropriate for any member to discuss the matter.

The Honourable Leader of the Opposition.

MR. G. FILMON: Mr. Speaker, if I may continue. There have been comments by this Minister that indicate that he is pleased by the amendment that we put forward on the constitutional resolution and, therefore, that gives us the understanding that there may be some fluidity in the government's position on that interdependent piece of government business that's before the House. If you could go so far as to accept the fact that if the current amendment, not the sub-amendment, but the amendment that's before the House, were defeated it would send us back to the original proposal which contains 23.7 and 23.8 which would entrench French Language Services and supersede this legislation.

So all of these things indicate the interdependency between the resolution and the bill, Mr. Speaker, and in my view indicate good and sound reason why we shouldn't be proceeding too far along the line with this particular bill until the proposal to deal with the constitutional amendment is dealt with.

Mr. Speaker, the fact of the matter is that this bill cannot and must not be passed in its final form without first having decided on the fate of the constitutional amendment, that's the bottom line. And, Mr. Speaker, what of the whole process that we've been going through as it's been orchestrated by the Government House Leader over the past week? This is our self-proclaimed expert in the rules of the House; this is the person who was presumably the Messiah that was going to deliver the NDP Government out of the bullrushes and out of the quagmire that they found themselves in last week.

Mr. Speaker, I know that this Government House Leader has assured his caucus that he can deliver them out of the great embarrassment and out of the great discomfort that they find themselves in over this issue which they have brought upon themselves and the people of Manitoba. He has told them that he can deliver them out of this, despite all of the misinformation and the inappropriate action of the former Government House Leader, the Premier, the Minister of the Environment and all of those people on the matter, he's going to deliver them out of the quagmire. He's going to take them out of the bog, this self-created, self-inflicted dilemma that they find themselves in.

Mr. Speaker, this convulsion that we're in is something, let's make no mistake about it, the convulsion that we're in here in the Legislature or out in the province as a whole, let's make mistake about it, was brought upon us by this government. No one else bears the responsibility for this, no one else but this government. So, let's not have them try and get out from under this by some discussion of House procedures and ordering of the business, and the right of the government to call the order of the business and all of those things. Let's put the responsibility where it belongs, Mr. Speaker, because despite the fact that the government over the past 10 days may not have liked what they were hearing on their proposed amendment to the resolution, at least something was being dealt with, at least the business of the House was proceeding. It may not have been to the liking of the government, but at least it was proceeding, Mr. Speaker, maybe not as quickly or as expediently as

the Government House Leader had promised his colleagues that he would pilot things through, maybe it wasn't as quick as he would have liked it, but progress was indeed being made. Speakers were at least being put up by this side of the House, perhaps not by the other side, but speakers were being put up. Let's not have the government tell us that in some way we are stalling the progress and the business of this Legislature or of the people of Manitoba.

Mr. Speaker, this Session was called together by the government. They chose that we should be here to deal with one thing and one thing only - the French language proposal. There is nothing else that we are charged to deal with in the remainder of this Session, not a thing. They signed an agreement in August with our side of the House saying that we would come back to deal with one thing and one thing only - the French language proposal. So when they say that we are holding up the business of government, that we are holding up the affairs of the Province of Manitoba, there is nothing else before us, Mr. Speaker, and it is their responsibility to ensure that those affairs are dealt with in the best possible manner. Mr. Speaker, that involves co-operation.

There are two things before this House concurrently: one is a bill, one is a constitutional amendment. This side of the House has said that they are prepared to deal with the amended version of the constitutional amendment and would prefer to deal with that prior to dealing with the bill. We have given reasons and we've indicated that, both on the record and we've indicated it privately to the House Leader. He has chosen, Mr. Speaker, to pull the power play, to force the business so that they would not have to deal with the proposed amendment to the constitutional resolution. That's right, Mr. Speaker, he has chosen to call the business of the House in that order and it is on his head, Mr. Speaker, that the responsibility for the ringing of the bells is, and the further responsibility for bringing everything to a grinding halt and causing, once more, a poisonous acrimonious atmosphere of rancor to overtake this House. That's his responsibility, Mr. Speaker, because he has two things that he can call and he chooses only to call the bill, and not to call the other that our side of the House has said they were prepared to deal with.

Mr. Speaker, he has chosen to try and bulldoze over the opposition with his great interest in, and great knowledge of, the rules and procedures of this House.

MR. L. SHERMAN: We want Rolly back.

HON. S. LYON: Better a communist than an incompetent.

MR. SPEAKER: Order please.

MR. G. FILMON: Mr. Speaker, if the government wants to accomplish their purpose - and I remind you that it is their purpose and it is their decision, it is they who have brought this before us - if they want to, then I believe it's their responsibility to order the business of the House to facilitate things proceeding, and not to enter into a confrontation that will cause the bells to ring. It's their responsibility because they brought it

before us and they chose to deal with this, and this only, Mr. Speaker.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. G. FILMON: Mr. Speaker, further to that, I know that members opposite and the public were made aware back on Wednesday that I was prepared to speak to this bill this morning.

HON. R. PENNER: You never said so in the House.

MR. G. FILMON: Now, Mr. Speaker, the Attorney-General says that I didn't say so in the House. Mr. Speaker, our House Leader met with the Deputy House Leader, the Member for St. Boniface, prior to the beginning of the Session on Wednesday and made the proposal that that's what would happen. That proposal was obviously dealt with by the government caucus and, in fact, the House Leader was aware of it.

The Government House Leader came over and chatted, prior to question period, with our House Leader and was aware of that proposal. For whatever reason, he chose not to accept that assurance. He later came to my office, Mr. Speaker, and wanted clarification of it and, in the presence of the Opposition House Leader, stated at that time that he was willing to go back into the House, even Wednesday afternoon, subject to the approval of his caucus, and order the business differently so that the resolution could be dealt with.

Mr. Speaker, the next day he was not able to get the approval of his caucus, obviously, and he could not order the business of the House so that he could deal with the resolution, on the assurance that I'd be speaking on Friday. In fact, Mr. Speaker, in our discussion, I even suggested to him that if he wanted it on the record in the House he could get up and put it on the record in accepting the standing of debate on Bill 115. I suggested that he would put it on the record on the understanding . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please. Order please.

MR. G. FILMON: Mr. Speaker, if they believe that we have wasted time, if they believe that we have held up this important business, well they can answer to those who are concerned and who have urged them and who are forcing them to bring this bill before the House. They can answer to those people because we've been here every day, Mr. Speaker. We've given them an alternative and we have been willing to speak, Mr. Speaker. It is they who continue to mishandle the affairs of this Legislature.

Mr. Speaker, having said that and having put that on the record, to demonstrate our good faith, we, today are presenting our views on Bill 115, bearing in mind that we do not believe this is the way in which it should be dealt with. We do not believe that under these circumstances we are dealing with the bill in the best possible manner, because of the interdependency,

because of the mishandling, because of the inappropriateness of dealing with the bill before the resolution has arrived at a conclusion, Mr. Speaker. But we're putting those views on the record today, despite the fact, Mr. Speaker, that this bill is not intended to come into effect until January 1, 1987, yet we are being asked to deal with this under great duress and under great pressure at this time three years earlier; three years before it's intended to come into effect we're now being asked to do it now and do it quickly and get it over with. Why, Mr. Speaker, why?

However, let's examine the bill and some of the provisions that it contains. First and foremost, Mr. Speaker, I would like to speak about the provision for the appointment of a language ombudsman because it's very important in trying to understand what the possible ramifications and effects of this bill are, to understand what will be the role of the ombudsman, and I just don't mean what his duties will be, because his duties are laid out in a variety of different areas of the bill.

The bill says in one portion, Mr. Speaker, that the ombudsman shall exercise the powers and perform the duties and functions assigned to him under this act. In another area, Mr. Speaker, it talks about his responsibilities with respect to initiating a complaint, "where the ombudsman has reasonable grounds to suspect that any person has been denied a right provided by this Act, the ombudsman may initiate a complaint." Mr. Speaker, I think that we have some difficulty with that kind of proposal.

Mr. Speaker, it further says, "notwithstanding that no complaint has been filed, the ombudsman may investigate any matter relating to the proper administration or enforcement of this Act."

Well, Mr. Speaker, the responsibilities of the ombudsman now start to take on the role of a policeman - a language policeman - somebody who goes out and looks to find ways of creating divisiveness, of creating acrimony, who goes about harassing civil servants and government departments because he'd like to enforce additional language services on them. His role, Mr. Speaker, can make all the difference in the world as to whether or not this will be carried out in a reasonable manner, whether or not this bill has any reasonable base and rationale to it. It's all dependent on his role. Will he be a referee? Will he be an adjudicator or an arbitrator making judgments and decisions if disputes arise, or will he be a language zealot who is going out to try and find ways in which he can harass government departments who he believes are not promoting the use of the French language in the Civil Service and, Mr. Speaker, under the circumstances of this legislation, that is a possibility. That is a possibility, Mr. Speaker.

HON. R. PENNER: A remote possibility?

MR. G. FILMON: Well, I don't know. The Attorney-General wants to know whether it's a remote possibility and I suppose that it depends on who is put into the position of the language ombudsman.

HON. R. PENNER: It's the Legislature who chooses him.

MR. G. FILMON: Yes, indeed, it's the Legislature who chooses him, Mr. Speaker, but we know of course that

the government in power has certain abilities to influence choices of this nature. All I say to you is just visualize, Mr. Speaker, that the Member for Radisson could be the language ombudsman, and he is the person who only last week, if he resigns from the House, if he's defeated, as he will be in the next election, then he may well be a candidate for the language ombudsman.

Mr. Speaker, last week, it was revealed in this House that the Member for Radisson was out suggesting that people would go and create demands that would then result in additional services being provided. He used those words, I believe, "create demands." That's what he was suggesting that people who wanted French Language Services could do with this bill in place, go out and create demands for the use of additional French Language Services in this provinces. Well, if someone such as that were at the head as the ombudsman, then undoubtedly we would be in a situation where we would be creating our own problems, that we would be entering into unreasonable circumstances and bringing in unwarranted changes and differences in the provision of French Language Services in Manitoba Civil Service, and we would be creating for ourselves the very problems that have occurred in the Federal Government's implementation of their bilingualism program. I suggest to you, Mr. Speaker, that this could indeed happen with the bill as it exists today, and that's a problem. I think it's an important problem and a grave concern that Manitobans ought to be allowed to deal with.

Mr. Speaker, what about the advisory council, their role in this bill? Are they going to be allowed to act reasonably, or is it just going to be a perfunctory kind of body, just as this government turned the hearings of the Committee of Privileges and Elections into a perfunctory exercise?

I point out to you, Mr. Speaker, that the bill, although it gives the impression that there will be a language advisory council that may have some influence on this whole process, it also says and I quote, "No advice, decision, or recommendation of the council is binding on the Minister or any other person affected by the advice, decision, or recommendation." So, although we may give the appearance of reasonableness by the structuring of the advisory council, we take away any real teeth or any real effect that they might have immediately by saying they're advisory only and they don't have any teeth by which they can say, no, we've gone too far, that's too much, that's not what we intended, let's be reasonable. Well, nobody has to accept their advice, Mr. Speaker, nobody has to accept their advice. Of course, you know if — (Interjection) — it depends who the Minister is, and if they happen to make this group report to the current Minister of the Environment, then we know how their reasonable advice will be dealt with.

Mr. Speaker, I have to ask why this act takes precedence over The Civil Service Act? There's a provision in this act, Mr. Speaker, that says that the provisions of this act override and take precedence over the provisions of The Civil Service Act. Will we eventually face the prospect - I know that we're already rapidly heading that way with this government, that the merit principle in the Civil Service will be overridden by the requirements of a bill such as this - will we

eventually - we've already got a Civil Service whose morale is so badly damaged by virtue of the fact that this government is setting up political appointees to the boards of the Civil Service Commission that are selecting our senior civil servants; they've already damaged the merit principle; this would perhaps be the death blow, Mr. Speaker. That after having destroyed the morale, they are now suggesting to them that an act such as this takes precedence over The Civil Service Act and might further erode the merit principle in hiring people for the Civil Service in Manitoba.

Can it be, Mr. Speaker, that people will eventually be denied access to senior level positions because of this act overriding many other acts including The Civil Service Act?

Most of the important areas in this bill, Mr. Speaker, are lacking firm definition. The following imperatives that appear in two different portions of the bill, the following imperative statements are relatively undefined. I say, as follows, "Every person has the right to communicate in English or French with, and to receive available services in English or French from,"

That statement occurs in two different areas of the bill and it outlines what I believe is the heart of the government's intention by this bill. Yet, we have no way of understanding what the right to communicate in English and French and the available services from those principal administrative offices and so on that are listed here involves. I wonder whether or not it will be deemed to be good enough that somebody can receive the services of a translator to understand what is being imparted by anyone in that office, or rather, will it be interpreted to mean that anybody who has to provide specialized services in that office must be in a position to provide those services in French.

I remind you, Mr. Speaker, that we are dealing with the principal, senior offices of the governments, of the courts, of Crown corporations, government departments, agencies, and so on. So, we are now dealing with services available from the most senior administrative levels of this government, and will it be good enough to have available the services of a translator? Is that what's meant by the right to communicate in, or will those people who provide very specialized services - let's take just out the blue a complicated legal question that has to be dealt with or answered by a senior counsel in Autopac, obviously, in the principal administrative office of Autopac, will that senior counsel have to be able to communicate in French with the individual in order to provide the services to them? I don't know, and I wonder — (Interjection)—

A MEMBER: The bill doesn't say it will.

MR. G. FILMON: Well, the bill doesn't have a definition that would give any assurance to anyone of the intention of the government in that respect.

What are we left with, Mr. Speaker? We're left with the possibility of challenges, appeals to the ombudsman, reviews by an advisory committee, and ultimately appeals to the court.

Mr. Speaker, if that were the case, it could be argued by somebody taking this to court that providing

available services meant that the people who were the specialists in those senior level departments, offices, that those people had to provide their answers and their communication in French themselves, then I think that this would be clearly an unreasonable and unwarranted position and measure that was beyond what Manitobans wanted or needed and would be beyond what I think the vast majority of Manitobans would expect from this government or any government. That kind of definition and that kind of interpretation of this imperative statement in there is what put the Federal Government's bilingual program into disrepute, Mr. Speaker. That's the kind of thing we're dealing with.

This government has a history of very very loosely worded pieces of legislation. We started with that problem last year with the whole constitutional resolution when we had terms such as significant demand; such as head or central offices. The draftsmanship was poor and we're seeing it again and again and again, fuzzy and ill-defined intentions that none of us know how they will be interpreted, because ultimately it may well be that courts will interpret them on our behalf because that's what's provided for in the bill, Mr. Speaker.

I take it a step further. The appeals that take place under this process, there is a potential, Mr. Speaker, that if the appeals go beyond the ombudsman, they go to the Court of Queen's Bench. I say to you as well, that this bill says that when there is an appeal against an institution, the head of the institution involved in the complaint is the respondent in an application made under Subsection 1. So, the head of the institution becomes the respondent if the appeal is against the actions of the head office, the principal administrative office of the Court of Queen's Bench, the Chief Justice of the Court of Queen's Bench is named as the respondent and the court has to hear the appeal.

A MEMBER: Unbelievable.

MR. G. FILMON: Now, that is something I'm told by lawyers that is without legal precedent anywhere in this province. It is, Mr. Speaker, what they say, is a legal absurdity.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. DEPUTY SPEAKER, P. Eyler: Order please, order please. Order please.

The Honourable Leader of the Opposition.

MR. G. FILMON: Mr. Speaker, there are other areas of draftsmanship and definition that are, I think, going to cause confusion and concern and not let people know where they stand on the issue.

Mr. Speaker, there is a reference in here to that part of the City of Winnipeg historically known as St. Norbert. Well, Mr. Speaker, I'd like to know what part is historically known as St. Norbert? I think that perhaps there was a fair understanding of that some years ago when St. Norbert existed as an entity just outside the City of Winnipeg, but we now have, for instance, a constituency of this Legislature that is known as St. Norbert. Does that now become part of the area that's known as St. Norbert? That isn't a legal definition, Mr.

Speaker, that's fuzzy draftsmanship that is going to cause problems for this government and for the people who have to deal with this.

Mr. Speaker, people on the other side are saying that we're not dealing with the principle of the bill. They're assuming that all of the things that we have dealt with, the fact that the interpretation of the role of the language ombudsman is very very crucial to how this bill will be interpreted and proceeded with, the fact that the definition of available services from and the right to communicate in, is totally open to interpretation and misinterpretation, those, Mr. Speaker, are principles that get at the heart of what we're attempting to do in this province and in this bill.

Mr. Speaker, members opposite may say that this bill, and the interpretations that will be dealt with, will be dealt with in reasonable and rational terms. Well, Mr. Speaker, I think that today in the circumstances in which we're dealing and the atmosphere that's been created by this government's mishandling of the bill, I don't know if you can find anybody who can deal reasonably and rationally with this bill or with the possible consequences of that bill. Mr. Speaker.

Mr. Speaker, when we have a government talking about legal chaos, legal chaos is the justification for proceeding on this whole matter, talking in terms of saying that all of the laws of this province are invalid, I don't think we're dealing with reasonable or rational people over there who are developing this legislation. Mr. Speaker, when we have members opposite and people opposite telling us all of the things that they are telling us, and further to that, confusing the public and even the media, I don't think we're in circumstances in which any rational or reasonable solution can be found today to the problems that confront us as a result of the initiatives of this government.

When we have people telling us, as we had earlier this week, in an editorial, it was said, "Franco-Manitobans now have the right to receive from the government copies of the laws of the province in their own language. The constitutional amendment now before the Legislature would sharply curtail that right." And they're speaking of the amendment that was made last Friday by the opposition. "It would abolish the obligation of the government to print and publish in both official languages most of the laws enacted from the founding of the province down to the present day. It is politically impossible because no Canadian parliament is going to agree to wiping out French rights in Manitoba."

What rights are they talking about, Mr. Speaker? - the right to have about 4,000 dormant statutes translated into French. Is that a right, Mr. Speaker, that those dormant statutes should be translated into French, those statutes that are never used, that will collect dust on the shelves? Is that a right that anybody should be proud of and hold the province up to ransom for, Mr. Speaker? Is that the kind of right that we ought to be dealing with as the quid pro quo for enacting legislation in this province? Is that what comes out of the minds of reasonable people, Mr. Speaker, to name that as the price that the whole of the province has to pay, to have those statutes that are gathering dust on the shelves be translated into French? If not, the gun is at your head, Mr. Speaker, I don't think we're dealing with reasonable rational people who would say things like that.

Mr. Speaker, that's like saying to me that I have the right to buy shares in a company that's going broke and I can buy them cheap. That's great. That's a right that I don't need or I don't want. There are many rights in society today that aren't there.

That's like saying, Mr. Speaker, that we should justify the right of the City of Winnipeg councillors to bring in pensions at any level that they want to. That's a right. I'm not sure that that's a right that's in the best interest of all Manitobans. Having people hold us up for ransom because they're losing the right to translate statutes that are dead and dormant, that nobody ever uses, and that, Mr. Speaker, is the quid pro quo for bringing in legislation that isn't warranted and isn't reasonable, Mr. Speaker, that's no right at all as far as I'm concerned. And that's the kind of argument and rationale that we have on the other side of the House that's bringing us to this point in time.

Mr. Speaker, this bill will provide for institutionalized divisiveness, acrimony, bitterness, inviting challenges to the authority and responsibilities that are set out in this bill, inviting litigation to tell us what is meant by all of those fuzzy definitions that I spoke of earlier. Mr. Speaker, that being done at a time when this government has had the opportunity by policy to put its political commitment behind its beliefs and to bring in measures that would ensure the protection of the minority language rights and further enhance the availability of services from the government departments. They could have done it, it was being done by our government in 1980. We were doing it. We were doing it, Mr. Speaker, and this government isn't willing to even take, as I said, last week, even take those steps that are within its total control, to bring forward additional services from government departments without legislation, without constitutional amendment, without anything, Mr. Speaker, this government has the right to do it.

Do you recall, Mr. Speaker, how members opposite read to us from documents of the previous government, read to us about how we were going into this and we were telling people that we were proud to bring in additional services, to bring forward additional commitments to the use of French language without any controversy, Mr. Speaker? These were all there and they were all there in the documents that were filed, that were read into the record by the former Attorney-General, Mr. Speaker.

He said at that time, Mr. Speaker, that these were some of the things that were being done by the Lyon administration. "French Language Services to the public." This comes from a Cabinet document. "Consideration should be given to the following aspects of French language to the public:

"(a) All major Provincial Government Departments should equip themselves to serve the public in French. This would likely include the hiring of bilingual civil servants where circumstances warrant. Provisions might also be made for language training opportunities for civil servants and, no doubt, for MLA's. It might also be desirable to establish a secretariat to receive questions and requests for advice from French-speaking Manitobans and to furnish necessary information obtained from government departments to that French-speaking public.

"(b) Letters or inquiries received by the government departments in French shall be responded to in that language wherever practical.

“(c) A decision regarding the availability of both English language and also bilingual versions of the following: official proclamations, licenses, permits, etc.”

Those are things that were being carried out and committed to by our government.

It said further here in another Cabinet document, Mr. Speaker.

“Over and above its obligation to translate statutes and regulations the government has stated from time to time its desire to improve French Language Services specifically by encouraging the Civil Service to respond, where practical, in French to letters and enquiries received in that language by deploying bilingual civil servants in positions that deal directly with the Francophone community when possible by appointing the Deputy Minister of Cultural Affairs and Historical Resources to act in a liaison capacity between the community and government departments.”

That was done without legislation; that was done without constitutional amendment; that was done without bitterness, divisiveness, and acrimony; and that, Mr. Speaker, was good policy, that was good policy. Nothing happened, Mr. Speaker.

HON. A. ANSTETT: Nothing happened.

MR. G. FILMON: Nothing happened, Mr. Speaker, the Minister of Municipal Affairs says, because his government was elected and stopped the whole process, stopped it dead in its tracks.

I spoke earlier, Mr. Speaker, about the fact that I spoke to the Clerk of Cabinet more than a year ago and asked him; where was the opportunity for MLA's to learn French through their department's initiatives, and their government's initiatives? It was something that was being organized and being done under our government, stopped dead in its tracks; still not available through this government, not available. Where is their commitment, Mr. Speaker? Empty, all we have here is symbolism without commitment, Mr. Speaker.

MR. SPEAKER, J. Walding: Order please.

MR. G. FILMON: The commitments we were making by policy were commitments to action, Mr. Speaker, not rhetoric, not symbolism. Mr. Speaker, why does this government prefer to set forth a series of statements in a bill that leaves it up to somebody else to decide what level of commitment will be imposed upon Manitobans? Why won't they take the responsibility for it? Why do they leave it up to a review committee, and Ombudsman, or ultimately the courts to define what they intend in their bill? Why can't they have the courage of their ways? Can't they take the political courage to say; this is what we are prepared to do, and we'll take the responsibility for it? But, no, they put it in such a way that ultimately somebody else, some third party, is going to define what those terms mean and what their commitments are and, if things go wrong, then they can wash their hands of the whole thing. They can wash their hands of the whole thing, Mr. Speaker, because they don't know, or are afraid to tell Manitobans, what they think is reasonable and justified, Mr. Speaker.

What of the Premier, who's sitting their smiling and saying nothing? He hasn't said anything on this French

language issue since we've been back in Session this year. Mr. Speaker, he has a new person to run interference for him; he has a new Government House Leader, the Minister of Municipal Affairs, who's running interference for him, Mr. Speaker, who's out there as a lightning rod so that the Premier will not have to take responsibility on this matter for what his government believes in, because I'm not sure that they know what they believe in, Mr. Speaker, or what they're prepared to do with respect to this.

Will the Premier continue to write apologetic letters to people all over the province, to people who have criticized or questioned his government's action? Will he continue to say, no, it's not our intention to bring in a federal style of bilingualism? We really aren't going to go that far; we really aren't going to do all of those things, this really isn't bilingualism. Is that what he's going to do while his other Ministers talk about creating demands, expanding the use of French by their own choice? Well, Mr. Speaker, that's what the Minister continues to do; that's what the Premier continues to do, write apologetic letters.

Here's one that he's sent out recently to many people who appeared before the Committee on Privileges and Elections. He says: “And I can tell you that the Legislature's decision on this issue is one which will respect the views of Manitobans.” Is that why we have hundreds of people every day coming here to tell Minister after Minister, member after member of the government, that they disagree with what this government is doing because they've arrived at a conclusion that respects the views of Manitobans, Mr. Speaker?

He goes on further to say “Our objectives in view of the uncertainties created by application of the 1870 Constitution of this province are straightforward.” They want a Manitoba Act which reflects the political consensus of the 1980's, rather than of the 1870's. Is that what we're getting here, Mr. Speaker? Is that what this proposal is all about?

He goes on further to say “The September 1981 statement by the then Premier Sterling Lyon that both English and French are official languages will be reflected by a declaration in The Manitoba Act clarifying the 1870 section which provides equal status to English and French.”

He goes on further to say - “That the statutes of Manitoba are invalid”, or that the move that they're taking is because of a concern that the statutes of Manitoba could be invalid.

Mr. Speaker, here's a response that was sent to him on that letter. Mr. Speaker, it's a response by somebody I know that the government knows and respects, a former member of their caucus, Mr. Sidney Green. He says “The present proposal in no way reflects the political consensus of the 1980's.-The proposal is being made after the English language has been used officially in Manitoba for 90 years. It is likely that the political consensus of the 1980's would unfortunately result in reduced, rather than increased French language rights. If you do not accept my view in this connection, and you wish to avoid misjudging the political consensus, I suggest that you test the political consensus by calling an election with a government proposal as the issue.”

He says further, Mr. Speaker, with respect to the statement about, Mr. Lyon's statement. He says . . .

MR. SPEAKER: Order please, order please.
The Honourable Leader of the Opposition.

MR. G. FILMON: Mr. Speaker, I know that members opposite are feeling uncomfortable with this self-inflicted discomfort they have on themselves that it makes it a lot more difficult to have to remind them of it. However, Mr. Speaker, I will not be daunted. I will continue to remind them of the muddle, the problem, the acrimony and the divisiveness that is on their head.

Mr. Speaker, he goes on further - that is Mr. Green - to say, "You appear to rely on Sterling Lyon for an endorsement. You mention that Mr. Lyon made a statement that both English and French are official languages. Your advisors have apparently not explained to you that the statement referred to was adopted by the Legislature without opposition and had to do with the interpretation of statutes. It was not a constitutional amendment. It could be repealed at any time, if interpreted by the courts as going beyond its intent. Your determination to make a constitutional amendment out of a statement in a statute would indicate to me that you require." and he puts in quotes, "to be kept up-to-date" because the reason why the letter was sent by the Premier was "to keep him up-to-date" on the matter.

And then he goes just one step further and he says, "You indicate that most English-only laws will be validated. When were they declared to be invalid? You apparently have not had brought to your attention the fact that the Court of Appeal for Manitoba has already rejected a case seeking to declare our laws invalid."

Mr. Speaker, that's the kind of problem that we're dealing with in terms of the information that's available on the government side of the House.

When I spoke to the resolution last week, Mr. Speaker, I said that by the bungling, by the crude mishandling of the matters with respect to the resolution and the bill, this NDP Government had created such a poisonous, divisive, acrimonious atmosphere that they had set back relations between English and French-speaking Manitobans for decades to come and I believe that.

Mr. Speaker, they started by negotiations behind closed doors with only a small group who purportedly represented the French-speaking community. They were working on deals and arrangements that involved the Federal Government, the SFM and others without airing their thoughts, their ideas and their desires in front of the public of Manitoba. That started the problem and that created the kind of acrimony and divisiveness that has carried on step by step, as this government has proceeded along its bungling ways.

Mr. Speaker, the problem with this is that no one is speaking on behalf of the public other than this opposition right now. No one on that side is listening to the 80 percent of the people who voted against the entrenchment of the government's proposal and no one has convinced the people of Manitoba that any additional rights, with respect to French language in Manitoba, are required.

Mr. Speaker, now the government is proceeding on its two-pronged course, concurrently, the bill and the resolution amendment, and that has further confused the issue, so that today the public is totally upset, totally

confused and totally divided on this issue. Even many of the Franco-Manitobans who have been calling us within the last week or 10 days - even since I spoke on the constitutional resolution - have said that they would prefer the government to stop, to withdraw their proposal and to withdraw from this matter, to let a period of time go by to cool off on this whole thing, to let things just cool down and relax and let more rational calm heads prevail, Mr. Speaker.

Instead, Mr. Speaker, what has happened is that in the last week the Opposition House Leader has insisted on accelerating the acrimony, on increasing the pressure and forcing things to go his way and his way only, and sadly, even in the last 10 days, the atmosphere in this Legislature has become more emotionally charged, more rancorous, more embittered and it's because this government, this misguided government, has pushed on without reason, pushed forward. I think, Mr. Speaker, that they have done a serious disservice to Manitobans of both English and French origin, of either language. Mr. Speaker, they have destroyed, in my view, any opportunity to make rational decisions on this matter and they must bear the responsibility for it right now.

Mr. Speaker, we have talked about our concerns on entrenchment. We've talked about the advantages and the clear opportunities that this government has, by way of policy decisions, to implement many of the things that it says it believes in. We, in 1980, had to act on these matters and clearly we brought in a bill that dealt in a rational, reasonable way with what we thought was the best approach to this matter. At that time it was reasonable and it was warranted and under those circumstances a bill was the best answer. That bill, Mr. Speaker, was an answer that was acceptable to Manitobans almost unanimously at that time. As the Minister of Municipal Affairs pointed out, there were only three people who appeared before the committee. That's how little notice was taken of it and nobody objected to the policy decisions that we were implementing. That bill did not have the kinds of excesses and the kinds of opportunities for uncertainty, misinterpretation and litigation that this bill has, Mr. Speaker.

This bill, Mr. Speaker, in its present form cannot be acceptable without major amendment and certainly not at the present time. Where is the justification? Where is the reasonableness, Mr. Speaker, for pushing on, for creating acrimony, divisiveness, for causing relations between the English and French to further inflame in this province?

Mr. Speaker, I am reminded of a quotation in 1868, Thomas D'Arcy McGee, reflecting on agitation in Nova Scotia for the repeal of Confederation, told the House of Commons and I quote: "We need, above everything else, the healing influence of time."

Mr. Speaker, we need that healing influence here and now, not to push through under great duress a bill which doesn't take effect until January 1, 1987, at a time when acrimony, divisiveness and bitterness is all around us, at a time when the whole atmosphere has been poisoned by the members opposite, the government, on their whole approach to this. We need that healing influence before further venturing into uncharted waters in a bill such as the one that we have before us, Mr. Speaker.

So, I move, seconded by the Honourable Member for Fort Garry, that Bill 115, An Act respecting the

Operation of Section 23 of The Manitoba Act, be not now read a second time but read this day six months hence.

MR. SPEAKER: The Honourable Government House Leader on a point of order.

HON. A. ANSTETT: Mr. Speaker, I'm not aware of any precedents in this House for the moving of a substantive amendment, such as the hoist, which has just been moved by the Leader of the Opposition while the bill is standing in the name of another member. It's my understanding that the purpose of allowing debate to stand and someone to speak is that the Member for Niakwa has given, in effect, leave and the House has given leave for another member to speak on the question that the Member for Niakwa adjourned debate upon. The Leader of the Opposition in moving this amendment changes the question before the House. The Member for Niakwa has adjourned the debate on the motion that the bill now be read a second time. That motion, if the amendment is admissible, has been changed despite the fact that the debate has been adjourned and stands in the name of the Member for Niakwa.

I submit, Sir, that you may wish to consider the admissibility of that amendment and of the right of a member who is speaking under leave to move an amendment which changes the question before the House. I'm not aware, Sir, that we have established any precedents in this House to allow that to happen, and with a few moments, Sir, I'm sure I can find citations which will support the suggestion that members speaking under leave do not have the right to move amendments.

MR. SPEAKER: The Honourable Opposition House Leader on the same point.

MR. H. ENNS: We found out the Government House Leader could not and has not found the citation to support that position that he has just taken. Let me, Sir, . . .

MR. SPEAKER: Order please.

MR. H. ENNS: . . . and so, in the absence of the citation, common sense prevails. I have been advised, Mr. Speaker, that the Member for Niakwa has no objection, and the Government House Leader is citing his position, inasmuch as that the debate is being adjourned in his name raises no objection to the amendment made to the bill which by tradition and precedent . . .

MR. SPEAKER: Order please.

MR. H. ENNS: . . . is very much in order in this Chamber, one that I have experienced on many occasions in this House. I further advise you, Mr. Speaker, that if indeed the government House Leader wants to play this kind of a game, then, of course, I would ask the Member for Niakwa to promptly read the same amendment into the record on the arguments of the House Leader that it would be appropriate for

the Member for Niakwa to put forward the amendment that was just put forward by the Leader of the Opposition.

MR. SPEAKER: Order please.

Does the Honourable Government House Leader need very much more time to find his citation? I'm not aware of one in existence.

The Honourable Leader of the Opposition on the same point.

MR. G. FILMON: Yes, while we're waiting the Government House Leader's research, may I table the document that I referred during my speech, the legal counsel's opinion?

MR. SPEAKER: Thank you.

The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, without doing more research - I don't want to unnecessarily delay the House proceedings - I cannot find the citation, Sir, that I recall has been used in this House at times in the past with regard to the use of motions interrupting debate on which a member has been granted a stand in debate. I know, Sir, that has been cited in this House on previous occasions. I would ask, Sir, that you consider whether or not, in terms of the basic principle, that should be allowed. I do not, Sir, in any way intend to frustrate the desire of members opposite to move the hoist, it is a common motion moved by members, in opposition, in an attempt to demonstrate their opposition to a bill, and we certainly have no objection to them moving it. My concern was, Sir, that it be moved properly and the rights of the Member for Niakwa be in no way infringed by it being moved.

HON. S. LYON: He's already said that, he doesn't care, so sit down.

MR. SPEAKER: Order please.

HON. A. ANSTETT: The former Leader of the Opposition has indicated that the Member for Niakwa doesn't care about his rights. Sir, we have not heard that from the Member for Niakwa and I do raise the objection as House Leader, on behalf of all members of this House, with respect to the proper observance of our rules.

MR. SPEAKER: Order please, order please.

The Honourable Opposition House Leader on the same point.

MR. H. ENNS: Mr. Speaker, I just further reiterate that, of course, the motion itself is in order, of that there is no question, and I'm happy to hear the acknowledgment from the Government House Leader that there is nothing wrong with the motion. I repeat to you simply, Sir, that the Member for Niakwa is quite prepared to have this amendment made while the bill stands in his hand; and, Mr. Speaker, for your further edification, he is also prepared to so indicate that willingness by raising in his chair to say so, even if it should mean that it would be construed as having spoken to the bill.

MR. SPEAKER: Order please. There is normally no difficulty with the moving of such a motion on the second reading of a bill and that has been the way it has been done in the past. Of recent times the practice has grown in this House of allowing the debate to stand in the name of one member while another member, in the meantime, speaks on it, which is what has happened in this particular instance. I do not believe when the House gave the honourable member leave to have the matter stand that it, in fact, put any conditions on that leave. To do otherwise I believe would be to take away the right of the Honourable Leader of the Opposition to move an amendment, a right which applies to all members of this House.

I would think, under the circumstances, that since the House has allowed the debate to stand in the name of the Honourable Member for Niakwa, the debate on the main motion, when we next reach it, would continue to stand in the name of the Honourable Member for Niakwa, that anyone wishing to debate this particular amendment, which I believe is quite in order, is able to do so at this time.

It is moved . . .

Does the Honourable Minister of Natural Resources have a point of order?

HON. A. MACKLING: No, Mr. Speaker. I'm prepared to speak on the motion.

MOTION presented.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, we have waited tense hours while the buzzers buzzed, or the bells rang, while the Leader of the Opposition laboured long, the world expected an elephant and he produced a whimpering mouse. Mr. Speaker, the mask is off. The new leader of the Conservative Party in Manitoba cannot marshal his caucus in support of a consistent stand in respect to French language rights. They have had the audacity, Mr. Speaker, to suggest that to be called upon to speak and debate the principles of a bill dealing with French Language Services would confuse the issue of dealing with French language rights in Manitoba. Mr. Speaker, it is the Conservative Party of Manitoba or at least its leader and some of its caucus members who have sowed the seeds of confusion in Manitoba, confusion and hate, bitterness and gall; because, no matter what they say, they cannot erase from the record what they said in the past.

And what did they say in the past? They said they had no objection to the advance of French Language Services in Manitoba. Why are they opposing it now, Mr. Speaker? Why is that Leader of the Opposition who had days in which to prepare a very well crafted speech, to speak out on principle, why, after all that time, did all we hear was a succession of rambling nit-picking? Because, Mr. Speaker, that's what it amounted to; a concern that maybe the ombudsman would have too much power; a concern, maybe, that the Advisory Council may not have enough power - or too much power; a concern that an appeal mechanism may provide some problem.

Mr. Speaker, after working so long with all of the talent that was available to the Leader of the Opposition including, of course, all of the assistance of the Federal Conservative Party whose position has been put on the record in the House of Commons in favour of what this government is doing.

After all of that, to sit here and hear that rambling disposition of double talk, after all of that, Mr. Speaker, to move a hoist, to postpone facing up to the realities, the decisions have to be made in Manitoba in connection with the rights and the services of Francophones in Manitoba, not by the appointees of a Federal Government in a court.

Surely, Mr. Speaker, members of the Conservative Party can stand up for right sometime. Surely we can accept as principle the statements that Conservative members of this Legislature made in other times, but in this Legislature.

The Honourable Member, the Leader of the Opposition, read from a Cabinet document . . .

MR. D. BLAKE: Times change.

HON. A. MACKLING: Yes, times change, says the Honourable Member for Minnedosa. They change their principles, Mr. Speaker, like they change their socks. But, Mr. Speaker, how often do they change their principles?

I will refer back to some statements by the Member for Charleswood, the former Leader of the Opposition of yesteryear, but not so long ago, in 1980. But what did he say on September 24, 1983, last fall, what did he say about French language rights?

He was interviewed by the Honourable Member for Kirkfield Park on television. This is what the Member for Kirkfield Park said: "Some critics of the press have stated that the Conservative Party and yourself are opposed to French Language Services, what do you say about that?" Mr. Lyon, the former Leader of the Opposition says: "Well, that's not the case. All of the governments of Manitoba in recent years have been engaged in some extension of French Language Services in our province. Certainly to extend French Language Services to establish the French Language Secretariat and so on, and we did not oppose Mr. Pawley when he was doing it as a matter of policy. It's the entrenchment that's at issue, because once you entrench it, then it's there for all time. That's what the problem is."

Well, Mr. Speaker, the Honourable Member for Charleswood is in that caucus. He's still in that caucus on September 24, 1983, and he counselled the present Leader of the Opposition to move a hoist, to what? - an entrenchment of French language rights or services? Not at all, a hoist to an elaboration, a specific elaboration of basic services to Francophone people in Manitoba. Now, how, Mr. Speaker, can you reconcile the statements of leaders of the Conservative Party on this issue?

MR. SPEAKER: Order please.

HON. A. MACKLING: Mr. Speaker, back in 1981, the Member for St. Norbert provided an Order-in-Council

elaborating provisions of French Language Services and let's hear what that government said. This is in a submission to the Treasury Board, January 19, 1981, later approved by their government.

First of all it starts out with a background of the memorandum of October 6, 1980, on the subject of French Language Services, signed by the Premier. Then they say that Ministers will recall that the document was fairly received but that because of certain other factors such as the Federal Government's desire to push for the entrenchment of minority language rights, it was agreed not to announce any new policies in this area, not to announce any new policies, do it in the dark, hide it. No pride about it, not like what he said on September 24, 1983, no, no, don't announce anything. But here's what they're going to do. Notwithstanding the above and over and above its obligation to translate statutes and regulations, the government has stated from time to time its desire to improve French Language Services specifically by encouraging the Civil Service to respond where practical, and you know, isn't that a little confusing, Mr. Speaker? Where practical. You don't define it, you try to hide it so it'll never be practical.

It goes on: Where practical in French to letters and inquiries received in that language. By deploying bilingual civil servants in positions that deal directly with the Francophone community and by appointing the Deputy Minister of Cultural Affairs and Historical Resources, to act in a liaison capacity between the community and government departments.

On December 5, 1980, the Minister of Cultural Affairs and Historical Resources and the Attorney-General met a delegation from the Société franco-manitobaine. The above noted areas of activity were discussed and Ministers reiterate the government's desire to implement those policies as rapidly as possible.

Well, Mr. Speaker, that was the pronounced policy of the former administration. No question about those rights to services. They were going to stand up and do it. They're going to do it in the dark because they weren't very proud of it, but they were going to do it nevertheless.

In speeches in this House, that long past summer we had, we didn't hear any criticism in respect to the advancement of services, not at all. The former Leader of the Opposition was quite proud of the fact that the policy of his administration was to move French Language Services forward. Now, never did he put on the record that when he spoke in 1980 and addressed the question of French Language Services in Manitoba his act, and that respecting the operation of Section 23 of The Manitoba Act in regard to statutes, the definition of his act, the definition of official language in that act was, Mr. Speaker, "in this act official language means the English language or the French language." And that same act, Mr. Speaker, that the Honourable Member for Charleswood was proud to present to this Legislature also provided for repeal of an act to provide that the English language shall be the official language of the Province of Manitoba, being Chapter 010 of the Revised Statutes is repealed - proud of that fact. Mr. Speaker, he made a vigorous defence of his government's position in respect to that.

Here, Mr. Speaker, on Wednesday — (Interjection) — No, I'm going to come to another honourable

member in respect to that. Here we are, Mr. Speaker, on April 7, 1980, in this House, here is what the Honourable Member for Charleswood had to say:

"As members will know, Mr. Speaker, when our province was created through legislation of the Parliament of Canada, the population in the new province was approximately 55 percent French speaking and 45 percent English speaking, although it is clear that many members of each community were, in fact, able to speak both of these languages." A proud day in the history of Manitoba. "It was clearly the intention of the Fathers of the Canadian Federation that Manitoba, as the first daughter province to join our four founding provinces, would receive the surplus populations from both English-speaking and French-speaking Canada to the east - of course, as subsequent events proved, populations from Europe, who were neither English nor French speaking." He stops. "It was undoubtedly expected in 1970" - that should read obviously 1870, Mr. Speaker - "that the bilingual character of our province would simply be reinforced by that migration from the eastern provinces to Manitoba." Mr. Speaker, yes, in 1870, the people of Manitoba did a terrible wrong; and yes, they closed the society to French Canadians . . .

MR. SPEAKER: Order please.

HON. A. MACKLING: . . . Mr. Speaker, I said 1870, I meant 1890, post Louis Riel. You know that Louis Riel stood for basic rights in this province, and you know what Conservatives in Canada did to Louis Riel. He stuck for the rights of the poor people who wanted land, who wanted their basic rights, and Conservatives in Canada hanged Louis Riel.

Let's hear what Mr. Lyon goes on to say, Mr. Speaker, on April 7. "In so observing and following the rule of law as the basis of government in our province, we are also aware of the national — (Interjection) — . . .

MR. SPEAKER: Order please.

HON. A. ANSTETT: Mr. Speaker, I would love for the honourable members to listen at least in some sort of reverent silence to the words of their former leader. These are not my words, they're the words of the Honourable Member for Charleswood. To put them in context again, I have to read again - shame.

"In so observing and following the rule of law as the basis of government in our province, we are also aware of the national . . ." Mr. Speaker, I would love for the honourable members to listen, at least in some sort of reverent silence to the words of their former leader, these are not my words, they are the words of the Honourable Member for Charleswood. To put them in context, again, I have to read again. "In so observing and following the rule of law as the basis of government in our province, we are also aware of the national constituency in which our reaction to the Supreme Court judgment takes place. The provisions of Bill 2 are of a technical nature, it is true, but they will be understood throughout Canada as an indication of our loyalty to the national identity of Canada, and of our firm commitment to the rule of law, and to our respect for the guaranteed rights of Canadians as set forth in our constitution."

Yes, he went on in this. Mr. Speaker, at the conclusion of this statement. "The government, Mr. Speaker," - and this is Mr. Lyon in Hansard April 7, 1980, Page 2004. Mr. Lyon, the Member for Charleswood said:

"The government, Mr. Speaker, will continue to study further implications of the Supreme Court decision and will count on what I have described as the traditional wisdom and fair-mindedness of Manitobans to assist in bringing our province fully within the provisions of Section 23 of The Manitoba Act as it is to apply to us in 1980 and beyond;" a commitment to continue to move for rights. Yes, by statute, no entrenchment, but by statute.

"I recognize, Mr. Speaker, that not all Manitobans will support wholeheartedly the actions which the government is bound to take." I take an aside there, Mr. Speaker, what a gross understatement considering what sits opposite here. "Those actions, however, I suggest are absolutely necessary in the national interest" - mark that, Mr. Speaker, "in the national interest," and Mr. Mulroney is hearing those words - "and in fairness and equity to our fellow Manitobans whose mother tongue is French." I commend, Mr. Speaker, the meaning, the reasoning of those statements to members of the loyal opposition."

Their former leader made those statements and he repeated his commitment to French language services in September of 1983. Mr. Speaker, but what have we now? A slithering, dithering, inept opposition. There's only one man that sits opposite in the opposition that has indicated in a clear, concise way and recognized the need for action by this government in connection with these rights, and I refer to to the Honourable Member for Turtle Mountain.

He indicated and, yes, it was a major difference, a significant facing up to the fact that it was necessary that further legislative initiative was required to deal with the question of French rights in Manitoba. We must acknowledge that the Honourable Member for Turtle Mountain indicated the substantial shift that the Conservative Party of Manitoba finally was prepared to make in accepting the fact that some action was necessary. We didn't say, oh that is wonderful, everything they say is acceptable. What we did say is that was the first time the Conservative Party in Manitoba had acknowledged what we were doing was necessary, in part, if not in whole.

Now, Mr. Speaker, what did we have today? We had from that "Tuxedo Kid" - as I would prefer to call him - the most inept, the most awkward, the most slipshod dealing with a major matter of rights that I ever ever heard. Mr. Speaker, they have practised confusion. They have sowed hate. They have sown distortion and, Mr. Speaker, they have continued to try and frustrate what is reasonable. They have rung the bells. For what? So that they can spend more time in their caucus room trying to develop a speech for the Honourable Member for Tuxedo, the Leader of the Opposition? Did that take him three days to write that miserable drivel?

It's incomprehensible to me, Mr. Speaker, and to my colleagues, that we should, the people of Manitoba should have been held up for ransom - that those thousands and thousands of dollars of time for the operation of this facility should be held to convenience - and this is simply it - to convenience the Leader of the Opposition, so that he could get the television, so

that he could get the press for a Friday exposition. An exposition of what? Absolutely nothing. Nit-picking, distortion, confusion and then he winds up with a hoist.

You would have thought, Mr. Speaker, that the Honourable Leader of the Opposition would have said, in concert with the principles that were enunciated by the Member for Charleswood, the former Leader of the Conservative Party, yes, we believe in the principle of minority rights; yes, we believe there is an obligation to the Franco-Manitobans; yes we do not believe it should be the subject matter of litigation in courts. It is the responsibility of this Legislature, a Legislature that in 1890 struck down the rights of French Manitobans.

We would have expected that from the Leader of the Opposition. We would have expected he would have said yes, the principles of this bill, we agree with. We have difficulty with some of the parts of this bill but we are prepared to go before a committee and state our views and let the people of Manitoba know that the Conservative Party of Manitoba and the Conservative Party of Canada stands for minority rights - rights that are entrenched in the Constitution now and this is merely a legislative, a statutory development of those services.

The honourable leaders, all through that long hot summer, said oh, we're not concerned about a pragmatic, a reasonable extension of rights and services, just don't entrench it. Don't deal with the Constitution because we can't handle that. By implication, Mr. Speaker, they said bring in a statute, put those provisions in a statute and then, if we disagree or some subsequent Legislature disagrees, we can amend it, we can change it. Don't entrench it.

Well, Mr. Speaker, as a result of that vigorous dialogue that we, as a government had with the people of Manitoba, where we went out and we listened, we came back and we changed. But members opposite haven't changed one word in their speeches. They are still bitter. They are still negative. They are still willing to deny fundamental rights in this province.

Surely, Mr. Speaker, there was a time for cool sweet reason, to use the words of the Honourable Member for Fort Garry, a time for consideration of rights in this country, rights of an English-speaking minority in Quebec, rights of a French-speaking minority in Manitoba. Surely, Mr. Speaker, there was an opportunity for the Honourable Leader of the Opposition to say yes, we're in favour of principle, we're in favour of advancement of services, reasonable - we may disagree with the vehicle, we may have some criticism about that, but we're not opposed to that. But no, Mr. Speaker, the mask is off now. They're opposed to any consideration of rights. They want the Supreme Court to impose on the people of Manitoba a formula crafted by judges appointed by the Federal Government in Canada. That's their consideration of justice. That's their approach to responsible government in Manitoba.

Mr. Speaker, that approach is one of confusion, hate, bitterness and a complete paucity. Mr. Speaker, there hasn't been one original statement made by any member opposite with the exception of the Honourable Member for Turtle Mountain.

You know, Mr. Speaker, I want to single out a member opposite who spoke in 1980 and he used some very very strong words to describe the position of the

government at that time and he had some vision in his words. We don't always agree with him, Mr. Speaker, because sometimes we consider that he lacks sound judgment, but let me say that on that occasion the Honourable Member for Roblin-Russell, he had this to say in that famous debate. "Mr. Speaker, I hope that the passage of this legislation, which I will be supporting," - remember this is making English and French the official languages in Manitoba, that's exactly what it's about - "I hope that the passage of this legislation, which I will be supporting, will help meet the challenges of the constitutional changes that our country needs and I hope that at an early date, after the referendum has been held, that the governments of our provinces in Canada will sit down at the earliest possible date and through negotiations and agreements make the necessary adjustments to the Constitution that are so necessary if we're going to make our country survive for the people, especially of Quebec today and for Western Canada, and so that we continue to build the kind of a country that our forefathers placed here for us and fulfill the visions that they had because Canada is a great nation and I'm sure that we can do much and it has to be done fairly quick, in my opinion, to give it the place in the eyes of the world that it deserves. Much work must be done and this legislation certainly is going to help and I urge members to support the legislation." The Member for Roblin-Russell said, "Yes, in effect, what we're doing this 7th day of May, 1980, is a step which I support. Much more has to be done."

Now, Mr. Speaker, the courts have indicated much more has to be done. We have brought into this House pragmatic formula for the development of rights. We've had vision. We have responded to the continuing need. Now it's for the honourable members to reflect on what they've said in the past, reflect on the words of their national leader, reflect on the concerns of people everywhere in respect to basic rights and face up to the fact that what they have been doing these many days in Manitoba has been a sham, is something of which none of them can be proud.

I implore the Honourable Member for Turtle Mountain to show some leadership to members in his caucus, leadership that is not being shown by the present Leader of the Opposition because, Mr. Speaker, there has been no change, there has been even more confusion. The present "Tuxedo Kid" stands in that very long shadow of the Member for Charleswood. There's no fresh light; there's no new way. There's a continuation of darkness for which he has fought, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Arthur on a point of order.

MR. J. DOWNEY: Mr. Speaker, if not order, a point of courtesy. I think it is the courtesy offered to one member or other of the House to refer to the members of this Chamber as the honourable member for a certain constituency, not the kind of unstatesmanlike way that we've just heard the Minister of Natural Resources refer to my leader. I would ask that he apologize and make proper reference to members of this Chamber.

MR. SPEAKER: Order please.

The Honourable Minister of Energy and Mines to the same point.

HON. W. PARASIUK: Yes, speaking to the point raised by the Member for Arthur, I'd like him to take a look at the speeches of the former leader of the Conservative Party and look at the content of those speeches. Read the speeches made by the Member for Pembina in terms of the gentlemanly context and statesmanlike speeches of those people and quit interrupting my colleague when he's making a speech that's hitting home to you.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

I thank both honourable members. Those members wishing to continue to debate perhaps would like to leave the Chamber to do so. I thank both honourable members for reminding the House that it is at least a common courtesy to refer to other members by their constituency or by their title where they have one.

The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, to the extent that I've offended the rules, I sincerely apologize.

Mr. Speaker, I know that honourable members have difficulty with this matter because really they don't know which way to turn. When they're in that difficulty they procrastinate and they're even confusing themselves. They have run, Mr. Speaker, away from this Chamber. When the bells summon them to vote, they haven't come to vote, they've ran away to hide.

They can't hide away from the statements they have made in the past. They can't hide from the issue forever, Mr. Speaker. Their national leader will not tolerate that. Mr. Speaker, what they have been prepared to do is not follow the Honourable Leader of the Opposition, they've been prepared to follow the leadership of the Honourable Member for Elmwood.

Well, let's look for a moment at the record of the Honourable Member for Elmwood in respect to French Language Services and rights in Manitoba. April 16, 1980, Mr. Speaker, Hansard of that day, Page 2575. The Honourable Member for Elmwood had this to say: "And I have to say, Mr. Speaker, that I speak without any reluctance in support of the bill." Remember the bill that declared French and English are official languages in Manitoba. "I have no problem in supporting this measure; it's a step in the right direction; it is a necessity as far as I am concerned." Then his concluding words, Mr. Speaker . . .

HON. G. LECUYER: Who was talking?

HON. A. MACKLING: The Honourable Member from Elmwood.

A MEMBER: For Elmwood, not "from."

HON. A. MACKLING: His concluding paragraph, Mr. Speaker. "So I say, Mr. Speaker, in a sentence, I believe that Bill 2 is a step in the right direction, and as it has been said, a journey of a thousand miles begins with one step. But there are many more steps that must

be taken and there must also be, as we advance along the way, appreciation for the multicultural diversity of the people of Manitoba and Canada." Noble words.

HON. G. LECUYER: Who said that?

HON. A. MACKLING: The Honourable Member for Elmwood said those noble words.

What was taken in 1980 was a step, one small step, many steps to be made. It sounded like the Honourable Member for Charleswood talking when he was answering those questions from the Honourable Member for Kirkfield Park. — (Interjection) — I won't repeat those words, Mr. Speaker.

But, Mr. Speaker, what we have today is an opposition confused, disorganized. They have a leader that is showing no leadership. They are following the Member for Elmwood; they're following a road of distortion, misconception, confusion and hate. That is regrettable, Mr. Speaker. It is time that true leadership emerged in a Conservative Party in Manitoba. I appeal to the Honourable Member for Turtle Mountain, defeated though he may have been at the Leadership Convention, to even now show leadership and bring your party forward in a responsible, reasonable way and support the principles of this bill.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, I move, seconded by the Honourable Member for Virden, that the debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, would you call the resolution moved by my honourable colleague, the Attorney-General, currently standing in your name?

I believe, Sir, that members did not have an opportunity to speak to the point of order that was raised with you last Friday, and you may wish to give members an opportunity to do so.

MR. SPEAKER: The Honourable Opposition House Leader.

MR. H. ENNS: Mr. Speaker, coming from the benches of the opposition, we put forward a sub-amendment to the proposal and the motion before us. You, Sir, took it under advisement which was all right with us. We assume and we await your ruling as to the admissibility of the sub-amendment.

ADJOURNED DEBATE ON RESOLUTION CONSTITUTIONAL AMENDMENT RE OFFICIAL LANGUAGES

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General and the amendment thereto proposed by the Honourable Government House

Leader, the sub-amendment proposed by the Honourable Member for River Heights.

The Honourable Government House Leader on a point of Order.

HON. A. ANSTETT: Mr. Speaker, last Friday there was no opportunity to address the admissibility of the sub-amendment proposed by the honourable members opposite because of the hour of adjournment and your desire to consider the amendment. I've had an opportunity to review it over the weekend and wish to make several comments to it, if that's acceptable to members opposite.

SPEAKER'S RULING

MR. SPEAKER: Order please, order please. It is not acceptable to the Chair. The matter was taken under advisement so that a ruling could be given on the admissibility of the sub-amendment, it has now been prepared and I'm ready to give it to the House.

On Friday, January 13th, during debate on the amendment, moved by the Honourable Government House Leader, to the language resolution of the Honourable Attorney-General, a sub-amendment was moved by the Honourable Member for River Heights. Due to its complexity and omnibus nature, I took the matter under advisement in order to review its admissibility. Beauchesne's Citation 441(2) states, "a sub-amendment must be relevant to the amendment it purports to amend and not to the main motion."

In reviewing the details of the proposed sub-amendment, I find that some paragraphs refer to provisions in the amendment and are therefore in order, some paragraphs refer to the main resolution and are therefore not in order. The details are as follows:

Sub-paragraph (a) refers to the amendment and is in order.

Sub-paragraph (a.1) refers to the main resolution and is not in order.

Sub-paragraph (a.2) refers to the main resolution and is not in order.

Sub-paragraph (a.3) is a renumbering provision and is in order.

Paragraph (b) refers to the amendment and is in order.

Paragraphs (c) (d) and (e) are renumbering provisions and could probably be dealt with effectively in a single provision.

It is clear that the intent of the mover of the sub-amendment is to remove references to "official languages" and consistency would indicate changes to both the amendment and the resolution. The indicated changes would be to Section 23.3, 23.4, 23.5, 23.6 with only 23.5 being referred to in the amendment, thus the references to Section 23.3, 23.4 and 23.6 render the sub-amendment out of order.

The House is not precluded by this ruling from discussing the question of official languages by further amendments following the disposition of the amendment now before the House.

Once again, I wish to remind all members that the Clerk of the Legislature is available at all reasonable times to assist any member wishing to present a motion and will be pleased to offer any advice and assistance

in drafting a properly framed motion, amendment or sub-amendment.

The Honourable Opposition House Leader.

MR. H. ENNS: Mr. Speaker, it is with the greatest respect that we challenge your ruling, Sir.

MR. SPEAKER: The question before the House is shall the ruling of the Chair be upheld? All those in favour of the motion, please aye. Those opposed, please say nay. In my opinion, the ayes have it.

MR. SPEAKER: The Honourable Opposition House Leader.

MR. H. ENNS: Yeas and nays, Mr. Speaker.

A STANDING VOTE was taken, the result being as follows:

YEAS

Anstett, Ashton, Bucklaschuk, Corrin, Cowan, Desjardins, Dodick, Dolin, Evans, Eyer, Fox, Harapiak, Harper, Hemphill, Kostyra, Lecuyer, Mackling, Parasiuk, Pawley, Penner, Phillips, Plohman, Santos, Schroeder, Scott, Smith, Storie, Uruski.

NAYS

Banman, Blake, Brown, Downey, Driedger, Enns, Graham, Hammond, Hyde, Johnston, Kovnats, McKenzie, Nordman, Oleson, Orchard, Ransom, Sherman, Steen.

MR. CLERK, W. Remnant: Yeas, 28; Nays, 18.

MR. SPEAKER: The motion is accordingly carried.

The question before the House is the proposed amendment of the Honourable Government House Leader.

The Honourable Minister of Community Services.

HON. M. SMITH: Mr. Speaker, I'm happy to be speaking on an issue that has been with us for some time in this House, but of course for as long as the Province of Manitoba has existed as a general issue and a general concern. Mr. Speaker, a great deal has been thought and said about this issue in the past year. We feel, Mr. Speaker, that the duty of a government is to state its principles, to listen to what the people have to say and then to determine what action is appropriate in the best interest of all Manitobans.

Mr. Speaker, the issue at hand, which we should not forget, members on this side or the members opposite or the general public, is not the whim of the day, the issue is a deeper issue, an issue that has been with people as long as the struggle for democratic rights, and a humane society has been a real and pressing process. Mr. Speaker, we are debating the rights of a minority and the respect that they will be shown in our Province of Manitoba.

Mr. Speaker, the government has listened to what people have to say. We have listened through public hearings, we have listened to the sentiments expressed by plebiscite, we have listened to the debate in this

House when it occurred, and, Mr. Speaker, we are convinced that the approach we have taken has been a flexible one, a responsible one, and that we have moved to move closer to what the aspirations and the convictions of the people of Manitoba are.

Mr. Speaker, the proposals that we now are debating in this House, and specifically, this resolution to contribute a made-in-Manitoba section to the Canadian Constitution on language rights is reasonable, is principled, and is a constructive solution to a problem that has faced all Manitobans.

Mr. Speaker, initially, the opposition rejected the idea that there was even a problem. They contended that what we were doing, what we were proposing was unnecessary. Well, speaking first about the agreement, the Member for Charleswood stated what the government was doing was really unaccountable in terms of any judicial threat that faced the Province of Manitoba. Mr. Speaker, the Conservatives urged the government to let it go to the Supreme Court claiming that we would most certainly win.

Now, the Attorney-General at that time pointed out that there was a potential risk of going to the Supreme Court, that the government wasn't willing to take that risk. It was willing instead to take its responsibility as an elected government, weighing all the factors to see that Manitobans were not exposed to undue risk, that minority rights were not left to some other group, to a group of Justices in Ottawa to decide, but that we should have the courage and the conviction and the vision to make that decision here. The opposition urged us to take the risk, they scoffed at the notion that there would be legal chaos, but now, finally, after months of intransigence on the issue, the Conservatives have admitted that there is a risk, there is a problem, that we must in some fashion ensure that our statutes are validated. They are now unwilling to take that risk, and in all sincerity, Mr. Speaker, I congratulate them for that rethinking of a position, because I think it represents an open and responsible attitude on that part of the House.

Mr. Speaker, they have stated they are no longer willing to go to the Supreme Court. The Member for Turtle Mountain last Thursday and Friday said in his speech and I quote - it's January 12th and 13th:

"Mr. Speaker, last night in addressing this resolution, I was attempting to make a number of points. One was that indeed there was a possibility that the government and the province might have been faced with legal chaos if Bilodeau was successful in having The Summary Convictions Act and The Highway Traffic Act overthrown and that might subsequently lead to all the laws of the province being overthrown."

He goes on, Mr. Speaker, about legal chaos, and again I quote:

"If they refuse to pass the validation sections, Mr. Speaker, then let the Bilodeau case proceed; and if the Bilodeau case would indicate that indeed we might be faced with legal chaos, Sir, then I suggest that every member in this Legislature go to Ottawa with the resolution passed by this Legislature to validate the statutes and say to the Parliament of Canada, are you going to force legal chaos on the Province of Manitoba or are you going to pass this resolution that will validate the laws of our province?"

A solution, Mr. Speaker, to a problem admitted. A solution, not the one we prefer because we think rather

than leave the affairs of the province to that type of solution, better we face the problem ourselves, make our decision here and not have to go cap in hand via Air Canada to beg the Supreme Court of Ottawa to reverse their decision. These are very different words. Mr. Speaker, that we've been hearing for the last eight months from the members opposite, but we welcome that change of heart.

Mr. Speaker, the Conservatives have changed their position in another important area, or, at least, they're now willing to admit that there are contradictions on their use of the term official languages. In a speech to the Legislature on July 12, last summer, the then Leader of the Opposition had these comments to make about the term official languages, and I quote from July 12th:

"... why is that section put in that English and French are the official languages of Manitoba because they weren't in 1870. They're not under Section 23. . . . And again - "Our act as I mentioned, Mr. Speaker, said that English and French are the official languages of Manitoba." That's referring to the Conservative act in 1980. "That's never been in the law of Manitoba, even in 1870 that was never said. No, that was never said even in 1870, that English and French were the official languages. . . . It's being said now by the Pawley Government in 1983."

I find a little confusion in the statements, Mr. Speaker. Again, ". . . because this government has solemnly entrenched and made irreversible the fact that English and French are the official languages of Manitoba, something that's never been part of our history, never been part of our political traditions at all in this province."

Now, these comments were contradictory to the comments that we thought were made last Friday. I think the Leader of the Opposition did read a correction earlier this week, but to date, I haven't heard the taping of that, so I'm not sure whether it was said and a change of heart occurred; whether it wasn't said; or whether the former Leader of the Opposition found that he'd got his party into a trap from which he wanted to extract them.

However, I quote again from January 13th:

"English and French are the official languages of Manitoba for the purposes" - and here's the point at issue, whether it was of Section 23, period, or only of Section 23. ". . . they always have been. The Attorney-General of Manitoba said so in May of 1983. They have been since the Forest case in 1979."

In case there's any doubt about - if not contradiction, Mr. Speaker, confusion. I have one more quote from July 12th speech of the former Leader of the Opposition:

"When the Forest case came down in 1979 and we brought remedial legislation in in 1980 - and I spoke of that this afternoon - in bringing in that remedial legislation which repealed the act of 1890 did our government ever say that English and French were the official languages of Manitoba? No, because they never have been and they weren't as a result of the Forest case." We feel there are contradictions, Mr. Speaker, and we feel that the more recent comments add to that confusion.

But, if there is only confusion and not contradiction, we still bring ourselves down to the issue of what is the meaning of official languages and whether it is what we, in Manitoba, want to have in our Manitoba Act section of our new Canadian Constitution.

We know that the Leader of the Opposition does not want this new position to be perceived as a substantial change and I can't really blame him for this, Mr. Speaker. Only last Monday he gave a long speech to the House, totally rejecting our proposal. Correction, that was last Monday but one. Four days later we had the introduction of a Tory sub-amendment which essentially supported the logic of the government's proposal but put the leader in a box. The Conservatives have moved a long way from the position of last July, articulated by the then Leader of the Opposition - Monday, January 9th, again the new Leader of the Opposition. They're saying they agree with our position except for Section 23.1 and the word "official."

Now this begs the question as to why, Mr. Speaker, if I can read the section that we're talking about, Section 23.1 in our proposal. "As English and French are the official languages of Manitoba, the freedom to use either official language enjoyed under the law of Manitoba enforced at the time this section comes into force, shall not be extinguished or restricted by or pursuant to any act of the Legislature of Manitoba."

Mr. Speaker, the concept of official languages is the operative part of the amendment. To remove it, then you make nonsense of the whole statement. Why have it at all? Now members opposite may take that position and they're entitled to do so in this House, but to suggest that there is still meaning in that statement, that it is a real desirable amendment to make, I really think deserves examination. Why would they want to do that? Are they against freedom? Are they against the freedom of use of language? Do they want to dig in their heels so that future Provincial Governments can change the legislation and restrict freedom? Mr. Speaker, do they agree with what the Government of Quebec is doing to their English minority? Because remember, the issue at stake is not just Francophone rights in Manitoba, it's the question of minority rights wherever they occur in Canada.

Why the reluctance, Mr. Speaker, to remove this guarantee of freedom of language rights? People of Manitoba have different opinions, it's true, and that's part of what the whole democratic process is about, but my belief is that most people in Manitoba, when they understand the concept of protection of minority rights, the fact that one person's right to have services and to use their language, does not take away a right from any other person. It enriches the life and the cultural experience of all.

The only answer that comes to my mind, Mr. Speaker, is that the opposition are opposed to any guarantee of freedom, but it's a mean-minded and narrow approach to the question of language rights, which really when you come down to it, the right of one person or one group to do business or to speak in their own language, takes nothing away from other groups, it takes nothing away. It enriches, it gives people a sense of belonging, a sense of respect. If it were on those grounds alone, Mr. Speaker, it would be justified, but it also deals with the historical issues, the basis on which we came into this province, the integrity of law, of the very legislative process that we ourselves are engaged in and to which we devote so much time. Of course no law that we pass, no wording is going to be 100 percent perfect, Mr. Speaker. If we were dealing in the realm of perfection, we'd be with the angels.

Mr. Speaker, we are living in this time and place, trying to put together the clearest, the most emphatic, the most sharply-worded expression of what we believe in and what we want to achieve. We're not afraid to do that, to play a part in that creative role, Mr. Speaker, and we ask, we invite, we urge the opposition to join with us and take that extra step, so that we can put together a made-in-Manitoba solution that will have the support and real conviction of all Manitoba. We've moved a long way, Mr. Speaker. The opposition has also moved a long way.

I'd like to quote the Member for Turtle Mountain in his speech on Friday last. He said "That was the main issue that caused the concern, the entrenchment of services. That has now been removed and I acknowledge that the government has gone a long way towards satisfying the concerns that the public had." I congratulate the member opposite for having acknowledged that and had the courage to state it, Mr. Speaker.

We have listened to the people, Mr. Speaker. We respect the views of the people of Manitoba. We give them a lot of credit for expressing them, for articulating their understanding of what it was to be a Manitoban, of being willing as well to listen to our interpretation of the problems that we were facing and the challenge to a Government of the Day to deal with what could be a legislative tangle or whether we should move in and use our best judgment to resolve that tangle, to state clearly and positively a made-in-Manitoba solution of which we can all be proud.

We have reached that solution, Mr. Speaker. We believe it reflects the political consensus of the 1980's rather than that of the 1870's. Another positive aspect of our solution for the people of Manitoba is that it will go a step further than what we had before in another area. It will provide for translation and French Language Services at a reduced cost to Manitoba, Mr. Speaker.

This has been acknowledged by the Leader of the Opposition. On CBC Radio, January 16th, he says, "What is left? To date the statutes of Manitoba, all the way back to 1870 which were passed in English only and that is, of course, a great saving and benefit to Manitobans because it saves them the enormous cost and effort of translating over 4,000 dormant statutes." Not the major issue, Mr. Speaker, the cost being a smaller number of statutes requiring to be translated, not the major issue and it would never be the major sticking point, but still a significant asset of the proposal that is before the House and one which deserves recognition and support from the members opposite.

It is my belief that the opposition is slowly beginning to realize that our proposed solution is in the best interests of all Manitobans and has public support. I could only wish, Mr. Speaker, in recognizing that and taking up time delaying in coming forward in their public statements on the issue, that they had chosen the upward path, a constructive path, that they had shown the courage and the flexibility to join the compromise, to join the made-in-Manitoba solution and not to turn back and follow the path of narrowness and fear and setting up fears, as to what the changed legislation really would mean.

I urge them today and I urge them in their deliberations next week in this House to proceed to debate seriously, to endorse the solution which reflects all that's best about our province. The fact that from the earliest days all the groups who've come to this province have believed in co-operation. We have built and come to understand, I think, a spirit of tolerance and compromise which is a reality in our day-to-day life. Cultural diversity - not something to be ashamed of or to stir up in negative destructive ways, something to be proud of, Mr. Speaker, as enriching all of us. On occasion costly, but not in relation to the enormous advantages and enrichment we all derive from that tradition.

We have a compromise proposal that is practical. It is a pragmatic and a principled solution, Mr. Speaker, and I urge each and every member opposite to apply their energies this weekend to pulling together and reviewing the proposal and choosing to go with the people of Manitoba, with the government of the day, so that we have a firm and proud basis on which to build our future life together.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Speaker.

I wonder if there would be a disposition on the part of the House to call it 1:30.

Mr. Speaker, I move, seconded by the Honourable Member for Sturgeon Creek, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: If it is the disposition of the House to call it 1:30, the House is adjourned and will stand adjourned until 2:00 p.m. on Monday.