



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, 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, 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	Virden	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, 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, 5 August, 1983.

Time — 8:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . . Oral Questions . . .

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, even though the opposition is entitled to have a third question period during Speed-up, we are, in accordance with our undertaking to the government, forgoing question period this evening.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Acting Government House Leader.

HON. A. MACKLING: Mr. Speaker, would you call the Referral Motion dealing with Section 23. Unless the Order Paper has changed, Sir, it is found on Page 12 and continues onto Page 13 of the Order Paper.

ADJOURNED DEBATES ON MOTIONS

CONSTITUTIONAL AMENDMENT RE: OFFICIAL LANGUAGES

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, the amendment thereto proposed by the Honourable Member for Fort Garry, and the proposed sub-amendment by the Honourable Member for Arthur, the Honourable Member for Burrows has 22 minutes remaining.

Can anyone advise if the honourable member has completed his remarks or intends to return?

MR. B. RANSOM: Stand.

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Mr. Speaker, I understand the member had completed his remarks.

A MEMBER: How do we know?

HON. V. SCHROEDER: He did complete them and said thank you.

(Transmission failure)

MR. H. ENNS: Mr. Speaker, it's obvious that we on this side welcome the contribution that is made sparingly from the other side, as we had just prior to the supper hour adjournment from the Member for

Burrows. I was certainly led to believe that he had at least 20 or 22 minutes of enlightening arguments to bring to bear on this subject matter, but it would seem that the heavy hand of the government has cut him off and at least that one voice coming from Burrows, indeed in a form representative of an ethnic minority that we are concerned about in this resolution, did not have the opportunity to continue his remarks.

Mr. Speaker, I know that honourable members opposite are finding it hard to listen to some of these speeches, but they should be listening to these speeches, Mr. Speaker, not only because they're good speeches - Mr. Speaker, modesty prevails upon me to say up till now - not only because they're good speeches but they're the kind of speeches that are being made now across the Province of Manitoba. They're the kind of speeches that are going to be made by a group of people that are going to be running for the Provincial Conservative Leadership race and it will culminate on December 8th, 9th and 10th; and Mr. Speaker, they're the kind of speeches that will be refined and even made better when next this government has to go to the people on election day.

So if for no other reason, and of course the principle reason that I would ask them to listen to these speeches is because I am not that cynical that I do not lose all hope of being able to convince honourable members opposite, from time to time if our arguments are forceful enough, if they are of the substance that makes common sense to most people in this Chamber and most people in the province, then they surely ought to listen to them.

I'm particularly pleased that the First Minister is in the Chamber and I want to tell him that running caucus meetings in the loge isn't going to resolve this issue. The issue has to be dealt with here on the floor of the House and people have to start to deal with these issues.

Mr. Speaker, I support, of course, the sub-amendment that's before us, to the amendment, to the referral resolution that was placed by my colleague, the Member for Fort Garry, but I do so with some difficulty because deep down in my heart, I don't believe that they are the effective answer to the resolution to the problem that this government has, to a large extent, created for themselves. It's certainly the only option that the opposition has to attempt to bring this government to its senses, to attempt to stop the haste with which they're acting in this very delicate matter, and it's for the same reason that I can understand different municipalities throughout the province agreeing to the holding of referendums on this question. Even the City of Winnipeg councillors are looking at the situation, I understand, within a week or two.

But, again, Mr. Speaker, I say to you and I say to the members opposite and I say to the Premier, this is not a question that can be resolved by referendum. And, Mr. Speaker, in much the same case, I suggest to you, that the course we're on, that we're urging the government to take, to take this matter to an intersessional committee, that also is not going to

resolve the question and make it easier for government to deal with it.

So, Mr. Speaker, they are on notice already that they're going to have 110 briefs against the government on this resolution, and we know for sure that they have at least drummed up 30 or 40 briefs in favour of the resolution. So, we have that expression of public opinion at the committee level, but not resolution to the issue, and the issue is the agreement that was worked out very privately by members of this government with a particular segment grouping several groups, Mr. Bilodeau and his lawyer, the Franco-Manitoban Society at the urging and pushing of Serge Joyal of the Federal Government, the Trudeau Liberals, promises of funding and dollars to cascade from heaven if only the agreement is reached into. None of that is going to be resolved by listening to 100, 200, 300 briefs in a public forum. None of that, Mr. Speaker.

You see the tragedy, Mr. Speaker, is that what this government is now doing and the reason we're in this stalemate is that it is not dissimilar from the action taken by the then Liberal administration in 1890 under Premier Norris, who simply used the majority of his government to arbitrarily - and subsequently proven illegal some 90 years later - passed an act of the Legislature that abrogated certain language rights for the Francophone community of Manitoba. Mr. Speaker, it was another Liberal Government under Premier Greenway that again used the majority of the day to further abrogate certain rights with respect to the school question in 1916. In the interim, and it took a lot of time, what happened? Certainly that action taken in 1890 bred 90 years of frustration, bitterness and resentment by the Francophone community at those rights being abrogated by a majority government that exercised that majority in that way.

Mr. Speaker, what I have so much difficulty in comprehending is what this government is doing. This government is acting much like the Norris Government of 1890, except the numbers are different. I am prepared to suggest that you are doing it for the best of reasons, but the numbers are different. In this case, 94 percent of the population may well harbour bitterness, frustration and resentment for the next 90 years while you seek, in a wrong-headed way, to correct some of the wrongs that, in my judgment, many of them have already been corrected by the actions taken in 1979.

Mr. Speaker, progress in this area of race relationships has only really come when there was a fairly substantial degree of bipartisan support for it. Surprisingly, Mr. Speaker, it has come, by and large, when Conservative Governments have been in power, not totally, but certainly to a large extent.

I remind the Honourable Member for Radisson; I remind the editors of *La Liberté* who are in the business of publishing racist and hate literature these days, that it was Liberal administrations, not that same old dirty party as referred to in the cartoon, that took away, that abrogated the Francophone rights in 1890 and in 1916.

It took a Progressive Conservative administration under the leadership of Duff Roblin to start to make some amends, shared school program costs; introducing French language in different forms; making language and instruction of language in our school systems. But, Mr. Speaker, that was done because the then Premier had the support of the then Leader of

the Opposition, Mr. Gildas Molgat, had the support of the New Democrats who were then headed by Russ Paulley, and had bipartisan or tripartisan support, had the support of the Legislative Assembly.

Mr. Speaker, in 1979, when a government that I was part of, accepted the results of the Forest case, accepted the judgment handed down by the Supreme Court that struck down a law that had stood for 90 years and restored original language rights to the Francophone community as they were agreed to when the province was formed, when the province entered Confederation, my Leader, my present Leader, the then Premier Sterling Lyon stood up in this House and said, yes of course we will abide by the law, and of course we will commence to recognize the language rights of the French-speaking people in this Chamber, in the courts, and begin the arduous task of translating to the statutes. It was my colleague, the then Attorney-General, Mr. Mercier from St. Norbert, who established the first French accord that was equipped with sufficient personnel that could deal and hear cases in French.

Mr. Speaker, again, that was made possible because the now Premier, then Leader of the Opposition stood up in the House and agreed with it, supported it, and it was by partisan action in this Chamber that made that all possible, without arousing undue emotions in the general population, without talking about referendums, and without forcing or jamming anything down anybody's throat.

Mr. Speaker, I indicated the other night in a rather lengthy speech, why I thought the government chose the particular action that they chose. They believed and I believe they now see the error of that way. I believe they felt somewhat loath into the position that because the Progressive Conservative Party accepted, with no difficulty, the rightful rights belonging to that minority group - in this case the Francophones in 1979, after the Forest case - surely there would be no great problems in doing what you are attempting to do right now.

Mr. Speaker, what they should have done and what they should do now, what the Premier should be doing now, is they should drop this whole matter and if they feel compelled to proceed on the basis that they are proceeding - and for a moment let me accept at face value the reasons that we have heard from the government why we are dealing with these resolutions at this time?

The government has told us that unless they enter into an agreement of the kind that they have put before us, Mr. Bilodeau, along with his conservative lawyer, Vaughan Baird, were going to go to the Supreme Court and the Supreme Court might decide in favour of Mr. Bilodeau, and consequently there would be chaos in the Province of Manitoba. No law would stand in our books, or at worst, we would be faced with an unacceptable demand, unreasonable demand, a demand that's hard to accommodate in terms of scheduling of translations of statutes, etc. We all know that's difficult to do. But, Mr. Speaker, the mistake that this government made was when they made that decision; I don't know exactly when they made that decision, in June or April of a year ago. We know that the Bilodeau case stood before them, but at the time that they finally said, okay, we're scared, the Supreme Court could create chaos in Manitoba, that's when the

Premier should have asked the Leader of the Opposition.

Now we're faced with this situation. We can only resolve this in a bipartisan manner. I want you to appoint two members out of your caucus, perhaps the former Attorney-General, Mr. Mercier for St. Norbert, or somebody else, to sit down with three members of the government and to work on the agreement or work with the principles involved in the Bilodeau case with the Franco-Manitoban Society, and certainly to be there as watchdogs to make sure that Serge Joyal of the Liberal Party in Ottawa doesn't sell the province down the tube.

Mr. Speaker, I'm not suggesting that a similar agreement would have been arrived at under those circumstances. But, Mr. Speaker, I am suggesting that an agreement might have been arrived at that would have found acceptance in this Chamber, that would have been acceptable to this Legislature, and thus, Mr. Speaker, would have avoided all this nonsense, all this problem that we're faced with right now because I see no easy resolution to this problem on the course we're at. I don't see the question being resolved by hearing 200, 300, or 400 briefs coming from people whose minds are pretty well made up and being presented to a government who has chosen to close its mind to reason on this issue.

Mr. Speaker, the issue will not be decided by referendum unless you want the sheer will of majority of popular opinion to be the guide on all these matters. Mr. Speaker, I'm not arguing against that. That's really not how the government can resolve any of these issues.

Mr. Speaker, we have attempted to point out time and again in all our speeches the undue haste with which this government is approaching this matter. The very first substantive amendment to our Constitution, and the very first brush that we have with the new Constitution of Canada, and we are attempting to deal with it in the closing days of the longest Session on record. It was introduced into the Chamber on June 18th, I believe, and we are supposed to conclude through the various passages, the mechanical passages of these resolutions, accommodate the public hearings and pass this message on to Ottawa.

Mr. Speaker, it just is unbelievable that a government would even have the audacity to expect that of any reasonable group of men and women that are sent here to deliberate seriously the affairs in the interests of the people of Manitoba. Mr. Speaker, surely you realize that it took just a handful of men, nine at one time, 10 I think now, 10 or 11, something like 40 years to find a way to amend The British North America Act. It took intensive effort in the past 10 years. We had the Victoria accord, we had different agreements from time to time trying to seek out solutions to find an amending formula by which we could repatriate our Constitution.

Mr. Speaker, can you imagine that that process would have ever been concluded by way of public form, by way of referendum? It was only with dedicated effort on the part of nine, ten, First Ministers of the land knowing that they had the weight of the responsibility of the country on their shoulders, and I am proud to say that I was part of a government that supported a leader and a Premier that had a big hand to play in that. But that's how Canada amended and repatriated

The British North America Act and brought it to Canada and made it the Constitution by which we now govern ourselves, Mr. Speaker. This government asked us within a few short, hot weeks, to change fundamentally the Constitution of Manitoba without at least having done that kind of homework, without at least having sought that bipartisan support that in my judgment is absolutely necessary.

I repeat, Mr. Speaker, in many ways the action of this government today, that it's contemplating is not all that unlike the action taken by the Liberal administration under Premier Norris in 1890. The government at that time, Mr. Speaker, perhaps understand that, because after all I'm a politician, I understand governments replying to public pressure. It's a greater sign of some maturity and some sophistication to some extent that we have not lent ourselves to that kind of positioning, if you like, in 1983. Because, Mr. Speaker, if it's a simple question of numbers that politicians are supposed to respond to, then of course there is no problem. We wouldn't be worrying about the rights of 6 percent or 7 percent of our population, it's only because we recognize that it's how majorities treat their minorities is the quality and the level of parliamentary democracy challenged and added up in terms of how it measures up.

So, Mr. Speaker, we're not talking and not being motivated in the way that Premier Norris was in 1890 when he passed the bills that abrogated those specific language rights. We are talking far more responsibly now. It grieves me that the government has chosen not to acknowledge that much headway has been made, in fact, during the intervening years. It grieves me, Mr. Speaker, that they were not prepared to learn from how progress in race relations have in fact been achieved in this province when we've acted in harmony and with support from either side of the House that they would throw into jeopardy that harmonious relationship by making this a strictly partisan NDP sponsored resolution for small political gain which by now, I'm sure, most honourable members opposite recognize as dissipated with no gain at all for them. They can now only wonder how can they extract themselves from this mess.

Well, Mr. Speaker, I'm suggesting to them a manner and way in which they can. I'm not suggesting for a moment, despite what I said, that having created the scenario where the public now demands and wants, indeed needs to be heard, and I'll remind you, Mr. Speaker, not at their doing. The record should be expunged from the comments that were made by the Honourable Minister of Energy and Mines last night when he chastised the Conservative Party for holding up the opportunity of the public to make itself heard on this instance. It's only been at the instance, at the very first instance of our leader that the moment this matter was introduced in this House, stood up right in this chair and talked about the need for having the public heard on this matter, about the need of sending it to an intersessional committee and reporting it back, not in haste, to the next sitting of this Legislature.

That was not coming from the government side, that was not talked about by the Attorney-General when he made this resolution. That suggestion came entirely, Mr. Speaker, from this side of the House which the government now belatedly has acceded to.

But, Mr. Speaker, I can't help the feelings that I have. I think that we will have those hearings, we will have those meetings, but in order for some measure to be passed - Mr. Speaker, I'm, of course, not persuaded that any measure has to be passed - what needs to be done was being done, was being done in the spirit of how Manitoba entered Confederation and it was being done with the support of all political parties in the Province of Manitoba, a natural, a common-sense effort on the part of the government to recognize the French fact in Manitoba and to make it possible to extend services in the French language where and when it made sense, and where and when your legislators, your Government of the Day, thought it made sense; not some unelected court body, not somebody that takes the matter right out of this Chamber and into a court house and the court house then has to decide what is reasonable, what is significant. All these kinds of words, this kind of language that upset the MGEA, that upset the civil servants to the extent that they didn't know whether we'd require the 400 bilingual civil servants that the government and the Attorney-General speaks of, or the 4,000 that perhaps might be needed if the courts interpreted this language in a certain way.

Mr. Speaker, I suggest to the honourable members opposite that that, of course, is what they should have done in the first instance. They should have established a five-member bipartisan committee to work on the agreement that the government felt was needed to resolve the Bilodeau and the Supreme Court issue.

Mr. Speaker, even if it would have failed, because we could not come to an agreement - or at least Conservative members on that committee could not have agreed to any agreement - the government would still be in a better position today because they at least could stand in this Chamber and say, well, we tried. We tried to do this in a bipartisan manner, but, Mr. Speaker, they are not in a position to say that.

All we were informed of late in December - it was later on in January, I believe, that we actually saw the first inklings of what really happened, was that the Attorney-General and the government were busy drawing up an agreement and that it would be an agreement that would require a resolution to be passed in this House and to be forwarded onto the Parliament of Canada and the Senate, to formally make the constitutional change.

Now, Mr. Speaker, by that time, of course, the opportunities for genuine health and I use the word "genuine," because despite the heavy politics and the fighting that goes on in this Chamber, surely, we as Manitobans know - surely, we know, we've learned something through those 90 years that advances, changes, brought about on the issue of language rights in the Province of Manitoba have to be done with extreme caution, with extreme sensitivity and are successful and have been proven to be successful only when there is genuine co-operation and support from both sides of the House.

Now, Mr. Speaker, the irony about it is that we have in this Chamber right now two men, one former Premier and the present Premier, that were a party to that, that witnessed that.

When Premier Lyon stood up in the House and accepted and acknowledged the judgment of the Supreme Court in the Forest case, the Leader of the

Opposition, Mr. Pawley, stood up and generally applauded, acknowledged, supported the efforts taken by the then-Conservative administration. Mr. Speaker, I'm not suggesting that there might not have been some additional words, either we weren't doing enough, or we should be doing it slightly differently, but in the main the opposition supported what the then-Conservative administration was doing.

Mr. Speaker, I remind you, again, that was a very significant, a very major step forward that went a long way to eradicating 90 years of frustration, bitterness and resentment on the part of the Francophone community - the acceptance, the ready acceptance of the Supreme Court decision by the then-Conservative administration and the support that the New Democratic Party opposition at that time gave us.

Mr. Speaker, shortly after 1981, when the present government, the New Democratic Party Government took office, and when they carried on with very much the same program that we were embarked on, except they carried it on and they took it a few steps further. They suggested that they accelerate the program.

As I said the other night, we spent \$35,000 to make this Chamber available for instantaneous French Translation Services. We have a booth behind that curtain there that was built for \$55,000 so that . . .

A MEMBER: \$55,500.00.

MR. H. ENNS: . . . \$55,500, so that if a member wishes to speak in the French language, all he has to do is give notice to the Speaker and there will be translators in that booth and we have the instantaneous translation plugs and we can all listen to it - that, despite the fact, Mr. Speaker, that we all understand and speak to each other in the English language. Significantly, Mr. Speaker, even when our Francophone friends among us, like the Member for St. Boniface, when he really wants to make a speech that's important to him, he doesn't do it in French, he does it in English, because he wants us all to understand it first-hand, not just through a translator.

But, nonetheless, Mr. Speaker, that was no problem, because again when the present government did that, we supported that on this side of the House because we recognized it was in the spirit of the Supreme Court decision. We recognized and accepted the law had spoken and that those original conditions of Confederation, as they applied to Manitoba, would be respected and would be honoured.

They said, Mr. Speaker, that French shall be available for use in this Chamber. French services will be available in the courts, in our statutes, the bills that we pass, exclusive of Hansard, will be made available in the French language, Mr. Speaker. That is all it said.

It didn't talk about Manitoba Hydro, didn't talk about Autopac, didn't talk about Manitoba Telephone System, because of course none of these organizations existed at that time. It didn't talk about the various departments of governments, Highways, Agriculture and Health. But now this government is talking about all those things, and they have tried to do that, Mr. Speaker, in what could only be described as in a secret way. It reminds you like an agreement drawn up in some railway car on a siding. They wonder why people are getting up in arms, and why the opposition is so upset with this government.

I suggest to them, Mr. Speaker, that sometimes the only way out of a difficult situation is to recognize the problem for what it is, make a clean, hard decision. In my judgment, the only decision this government can arrive at - and they should be doing it by now, because they should be concerned about the problems that they are creating throughout Manitoba - they should be concerned. Right about now, they should certainly start to recognize some of the responsibility that they have as government.

I don't care who they want to blame. If they want to blame Conservatives, want to blame somebody else, fine, want to blame Reeve Harms of the Rural Municipalities, blame him, but, Mr. Speaker, the truth of the matter is that you've got an aroused and arousing public that is not going to stand for this. There is no resolution to the problem along the lines, along the path that they're proceeding. Make the break; drop the resolution. Let Mr. Bilodeau go to the Supreme Court, and let's get on with the business of Manitoba.

SOME HONOURABLE MEMBERS: Hear, Hear!

MR. H. ENNS: That's what you are going to have to do, fellows. That's what you're going to have to do.

At best, and I am not in a position to say that, but I can certainly say it as a private member, come to our offices and tell the Franco-Manitoban Society that you are prepared to set up now a committee consisting of members from both sides of the House to work out agreements that may be acceptable to this Chamber in the future. They will not be the kind of agreements that you have worked out in secret thus far, under the Whip, under the lash of one Serge Joyal.

Mr. Speaker, I suppose the part that makes it difficult for some of us that are speaking on this resolution, what the growing concern is becoming, because after all, we're all politicians. We understand when an issue hurts and when it hurts bad, that the normal reaction of a political party is to in some way respond to it. We can't help but wonder, we can't help but ponder the kind of arrangements that might have been made, likely involving the Federal Government, the Liberal Government, Mr. Trudeau, that we have yet no idea of.

MR. H. GRAHAM: Under-the-table deal.

MR. H. ENNS: I am talking the kind of under-the-table deals, Mr. Speaker, that we know that the Liberal Party and this party are capable of.

Mr. Speaker, what kind of money is really being passed under the table between the Liberal administration in Ottawa and this administration? Why else are they hanging in so tight on this issue?

A MEMBER: They're in bed with the Grits.

A MEMBER: Big dollars.

MR. H. ENNS: Why would the Minister of Finance, who should know better, even at this late date continue to support the course of action that this government is on, unless perhaps, Mr. Speaker, that he sees some salvation coming his way in terms of his deficit, his next Budget; some help coming from federal sources

if we but co-operate with Serge Joyal and the Franco-Manitoban Society.

A MEMBER: Don't fight that theory.

MR. H. ENNS: Mr. Speaker, if there is that kind of a payola being arranged, the people of Manitoba better know about it.

Again, Mr. Speaker, this is only conjecture on our part, because we begin to wonder why this government would hang so tenaciously to a resolution that has no hope of passing this Chamber and that has no hope of being acceptable to the people of Manitoba. Mr. Speaker, you will end up doing what I suggested a little while ago; the only difference is, you'll do it a month from now. A month from now, you'll drop the resolution. You will go back to the Franco-Manitoban Society and say, sorry, I tried my best. We tried our best; it didn't wash. Mr. Bilodeau, off to the Supreme Court and take our chances.

It's really surprising, Mr. Speaker, also I must say is that the Franco-Manitoban Society hasn't come to this government at about this stage and said, look it, I think maybe we bit off more than we could chew or than the people of Manitoba are about to chew. Let's drop the issue, because it is beginning to hurt us as Frenchmen, as Franco-Manitobans. It's beginning to hurt the entire Franco community.

Certainly, Mr. Speaker, the Franco-Manitoban Society, although I have no difficulty in recognizing them as the society that they are, speaking for French interests in Manitoba, they do not represent the total French community in Manitoba. So, Mr. Speaker, there has to be some real concern starting to be shown right about now about who all is getting hurt in this business.

A MEMBER: That's right, everybody.

MR. H. ENNS: First of all, the government of course. Well, that doesn't cause us much anguish on this side but, more importantly, the Franco community is starting to get hurt on this issue; and, more importantly, the entire province is getting hurt on this issue.

The resolution to the problem is simple, Mr. Speaker. I shouldn't make small of it; we are all proud people. It's not easy for a government to acknowledge that it erred. It's not easy for any of us to do that, Mr. Speaker but, above all, surely there has to be some realism that reasserts itself from time to time. Mr. Speaker, I want to assure the honourable members opposite that there is absolutely no thought at all on the part of the official opposition to allow this matter to pass.

Mr. Speaker, what we are finding and what you are finding, Sir - and I'm sure you are enjoying this - that with every speaker that is speaking to this amendment, or the next amendment, or the resolution for the second or third or fourth time, finding it possible to speak to it with greater feeling, with different words, with new thoughts, because we speak from our hearts on this issue. We know that we speak for the people of Manitoba.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for Minnedosa.

MR. D. BLAKE: Mr. Speaker, it's once again an opportunity to speak on the sub-amendment. As the

former speaker said, my colleague, the Member for Lakeside; that each opportunity we have to get up and speak on this issue - I'm sure you noticed - we're speaking with more resolve and more feeling, because there is some resolve on this side. When you know that you're on the right side of an issue, it becomes a little easier to get up speaker after speaker and debate, not for 5 or 10 minutes, but for the full allotted time from every member on this side of the House.

Mr. Speaker, I've had the opportunity in the last while to be out a considerable amount of time in my constituency, because we have been celebrating centennials there. That part of Manitoba must have been the busiest spot in the country 100 years ago, because I had about nine different municipalities and towns with centennials this year and I've become very proficient in riding in parades and attending congratulatory meetings for municipalities and various other functions.

A MEMBER: Did you see Pete there?

MR. D. BLAKE: Yes, I've run into the Minister of Municipal Affairs on many occasions, carrying a very heavy plaque. I think the First Minister is going to have to get him a truss if he has to carry this 30-pound plaque around much more often with him. The cheques aren't too heavy, because they're not that large, but the plaques are very heavily cast in bronze and he's not the most robust chap to be carrying a 30-pound plaque around for an hour or two, until he gets his spot on the platform to make his presentation.

But, Mr. Speaker, in speaking with the municipal officials, it's been mentioned before there is strong feeling out there. The headline says, "Municipalities oppose the language deal two to one." Well, I think probably it's even a little higher than that, Mr. Speaker. The Union of Manitoba Municipalities, their sister organization, doesn't feel that 66 percent is strong enough to take a firm stand on it. I don't know what they read 66 percent as, because there was 25 percent undecided. I suppose if they could get them to decide, they would be around 80 percent, similar to the Union of Manitoba Municipalities.

But, Mr. Speaker, there is strong feeling building up throughout the rural areas in my part of the country in opposition, not to the right of the French Canadians, the Franco-Manitobans to have their rightful place in society or their language, where it's required by the Supreme Court ruling. We have it in the courts and in the Legislature, and anything that they require available in the French language is available to them. But there's a strong feeling out there about the procedure that is being undertaken to sort of ram this bill through and that feeling is becoming known out in the rural areas, Mr. Speaker. They are just starting to understand it and the brochure that was sent out by the Attorney-General . . .

MR. H. ENNS: Another \$55,000.00.

MR. D. BLAKE: . . . I want to speak one or two minutes on that, Mr. Speaker. That's right, the cost is around \$55,000 to mail and what not. But you'll notice in that, Mr. Speaker, by 1986 new Manitoba laws are to be

enacted in both languages. Without the amendment this would be required now. That's a little debatable, I suppose. By 1987, people requesting service in French will be served in French by certain specified provincial departments and agencies. In 1987, Mr. Speaker . . .

MR. H. ENNS: Nice date they picked.

MR. D. BLAKE: Nice date they picked, because they know very well that they're not going to be in government in 1987 and the government that has taken over, if this becomes entrenched, is going to be saddled with providing this service, and you know who's going to get blamed for it - the Government of the Day is going to be blamed for bringing it in even though it's a fait accompli.

Another thing about the brochure, Mr. Speaker - well it goes on, it says, "Businesses, municipalities, non-governmental bodies and school boards and institutions are not affected in any way." Well, what a lot of tommyrot that is, Mr. Speaker. If this comes into effect, what do you mean the municipalities and the school boards aren't going to be affected in any way? Certainly they're going to be affected. There's just no other way that they can't be affected. "There will no change in the language at work within the Civil Service." Well, there won't be much of a change, it might have been a little more accurate I think. And, "Manitoba is not becoming bilingual nor introducing the Trudeau government's bilingual program. What are two official languages?" Read it, it's almost word for word, taken from the Federal Act that was passed. So that is a lot of nonsense.

Mr. Speaker, I've had several calls from people in the rural areas wondering how they go about charging the Provincial Government or charging the Attorney-General with distributing false information and false facts. Now, I wasn't able to give them that answer, but I'm doing some research on it to find out if there is a way, if someone wants to proceed and charge the Attorney-General with distributing false information in this brochure. I think they might have a case. It may be a little difficult to get a lawyer to get an injunction against the Provincial Government, because they may want to practice here for a while. It might be a little difficult. — (Interjection) — Yes, the Member for Turtle Mountain says they may get an out-of-court settlement, they might do all right on it.

But saving tax dollars is another heading in there, Mr. Speaker. You could on and on through this brochure and it is just filled with . . . I can't really say that or it'll be unparliamentary and I'll have to retract it anyway, but it's filled with facts that aren't true facts, Mr. Speaker. They're glazed a little bit and if there's a way for someone to lay a charge against the Attorney-General or against the government for distributing this brochure, I hope we're able to find it, because there is so much in this brochure and there's no doubt that they scurried and had to put it out in a hurry, so there's a very good chance that in their haste and their rush to get this brochure put together, that they did forget a few facts, or they didn't have all of the material available to them. Because obviously they did jump on it pretty quickly when they saw that there was a surge of unrest building up out there and non-support for their program. — (Interjection) —

Well, we'll maybe mention Serge Joyal a little later, but Mr. Speaker, the procedural methods that the government has used were spelled out very clearly by my colleague, the Member for Lakeside, who does it so eloquently that we should have had a White Paper at least to bring into this Chamber and let us have an idea what the government had in mind, what they were negotiating with the Société Franco-Manitobaine. We have no idea what arrangement they've made with them. If we had known that and could have given them some indication that, well, we could accept part of it or this or that, then possibly we might have been able to proceed. But, Mr. Speaker, to bring it in this way and keep the members of this Legislature and the staff here for Lord knows how long because, as I said, there's some resolve on this side and it's up to members opposite just how long we may be here.

I know, Mr. Speaker, that it's causing you some concern to be still sitting here, when we're hosting the Commonwealth Parliamentary Association, when we'll have 160 or 170 delegates from all across our Commonwealth here that are going to say, my God, you're still sitting in the Legislature and it's August 12th or 7th. What are you doing there? What is the reason for this? The state of the Province of Manitoba must be in a terrible state to have the Legislature sitting this long.

Well, it is maybe unfortunate, Mr. Speaker, that we didn't hire this \$85,000 a year advisor a little bit sooner. Maybe the government wouldn't have been in this spot that they're in now if they'd have spoken to him and maybe he could bring some outside feeling to them that this is not the way you do it. This is not the way business would do it, to bring something in and try and ram it through at the last minute, and they're in a position maybe to do it a little easier than this government is. But, Mr. Speaker, it is a predicament on staff and on others that are involved in trying to host this particular gathering, and it's most unfortunate, because I don't think it's going to auger well for the way the affairs of the Provincial Legislature have been handled under this particular administration.

We have said time and time again, Mr. Speaker, that the members opposite are not very adept at running a government or running anything, really. We've seen how they've handled some Crown corporations and that's another story. But to bring in something as important, as vitally important to all of the people of Manitoba - I know it's important to the Franco-Manitobans, but to all of the people of Manitoba - at the date that it was brought in and to insist that we take it or leave it. We either accept it or reject it and that was about the offer we had and it's Page 3771. I didn't have the time to dig the Hansard out and quote right what the Attorney-General said, but that was the meat of it. We either accept this or reject it and later on the Premier says, well, maybe we can change the wording. So maybe we can't take the Attorney-General's statements for full fact when he makes them, because maybe they're subject to a little bit of adjustment later on.

But this was brought in, in such a rush, and I want to still talk about the procedure, Mr. Speaker, and the way it was brought in, because I don't think people out there, especially the municipal people and the general constituents that I have in my area, really

realized what this was going to mean in total to Manitoba as a province and that is finally drifting down to them. I'm sure that members opposite have noticed that the editorials and the newspaper articles now are starting to come out, realizing that there is a strong feeling out there that what is being proposed in this thing is not right. It's not the right way to go about it and they're becoming very adamant in their stand.

This has to be of concern to the Member for Gimli, Springfield, St. George and I'm sure the Member for River East has got to be concerned with the feelings that are developing out there. I know the Seven Oaks and Garden City area, from some of the reports we're getting out of that area, it's not augering well for the membership of the New Democratic Party, if they're out looking for renewed memberships, I'll tell you that, Mr. Speaker. It has to be a worry to those members when they realize how did we get into this? How on earth did we get into this - that's causing us all of this flack - when really there wasn't a need for it? It could have been handled a lot differently, because there's . . .

MR. D. ORCHARD: Because of Howard "A." Pawley.

MR. D. BLAKE: . . . right, with his promises - that I can promise you a great future, we'll turn around the economy. Now, we know what the promises of Howard A. Pawley mean and they're about equal to the ones from Howard R. Pawley, because the government will do anything that they think is going to be catchy and helpful to them at the polls, Mr. Speaker. Well, I think they've bit off something that's a little bigger than they realize and we don't know how it came about. We don't know whether the Attorney-General arranged this with the Federal Government and the Society. As I say, we haven't seen the agreement; we don't know how it came about.

But I've said to the Premier before, he'll rue the day that he brought the Attorney-General into his party and got him elected. He'll rue the day because I don't think the New Democratic Party means a damn thing to the Member for Fort Rouge, and next election, when this party is hanging in tatters with seven or eight members left, I know the Member for Selkirk won't have the stomach for it, he'll be gone and who's left to pick up the pieces? The Member for Fort Rouge, it'll be his party.

MR. L. SHERMAN: He'll be the undertaker, Dave . . .

MR. D. BLAKE: He'll be the caretaker; it'll be his party if he's still around.

A MEMBER: They're going to get rid of Russell.

MR. D. BLAKE: So, Mr. Speaker, I say to the First Minister that if he was led down the garden path by the Attorney-General and the agreement that he made in this particular debate we're in at the moment, maybe he should sit back and rethink the position and say possibly there's a way out of it.

I might give him a suggestion, Mr. Speaker, if he's looking for a way out of it. They have a great parliamentarian in their party who is called the dean

of the House of Commons, the greatest authority on parliamentary rules and procedures since Beauchesne - or whoever was greater than Stanley Knowles - I think the First Minister should seek the advice of Stanley Knowles, saying we've got a situation here, Stan, baby, and we would like to get out of it. Just give us a little bit of that knowledge that you massed over the last 60 years and tell us how we can sort of slide out of this gently, because we're on a slippery slope. We don't want to go all the way down, but we'd like to slide sideways a bit and come out of it half intact anyway, with a little bit of face left, maybe a little scrape here and there on the cheeks, but most of our face intact. I'm sure that Mr. Knowles would have a method at his fingertips that he could pass onto the First Minister and get them out of their particular predicament.

MR. L. SHERMAN: You can count on Stanley.

MR. D. BLAKE: But, Mr. Speaker, I've been mentioning the municipalities earlier and the regional meetings that were held, the Minister of Municipal Affairs is saying, well, we didn't get too much reaction at the regional meetings, I explained the case. Well, Mr. Speaker, we've heard the Minister of Municipal Affairs explain things, and if that's the way he was explaining them at the regional meetings it's no wonder he didn't get much action out there, because the fellows were saying, well, there's just no point in asking questions because he doesn't know the answers anyway. So that's why there wasn't much reaction out there and you'll get that time and time again in talking to rural municipal people, Mr. Speaker, and they are the ones that this government should be listening to.

The First Minister is a former Minister of Municipal Affairs that prided himself in being in close touch with the municipal people, the grassroots of rural politics. Well, he hasn't been listening to them on this particular issue, Mr. Speaker, there's no question about it. There's no question about it.

I don't want to reiterate what the Member for Lakeside said about going back to the Society and saying, look, we tried, we've had debate on this - we don't know how many more days it's going to go on - but as long as it's necessary, we'll be available on this side because, as I said, there's some resolve here to take all the time that's needed. But, Mr. Speaker, I implore the members opposite to take a real hard look at it. Take a little stock on what it's doing in their constituencies, how it's going to affect them at the polls the next election because there is no question that it is going to affect them. The editorials I mentioned earlier are coming out now stronger than ever. You know, "Why the big hurry about bilingualism;" "Take all the time necessary;" "Tories try the jaw-jaw," and many others, Mr. Speaker.

The one editorial didn't like the method we were using by ringing the bells, so now that we're deciding to debate the issue for as long as members opposite care to have us debate it, they feel that that's the best idea and they go on to say that, "By now the government has to walk us through gently, trying to push the legislation through by the end of this Session is, while tempting, not a great idea."

A MEMBER: It's not a great idea at all.

MR. D. BLAKE: "This is no small matter, better to grind it out, introduce it again the next Session, if necessary, but give everybody a chance at it. Perhaps the Tories are right, and the people of Manitoba don't want bilingualism no matter how rationally it is approached."

SOME HONOURABLE MEMBERS: Oh, oh!

MR. D. BLAKE: "But the government may find that by living up to its pledge of open accessible government, there is strong support for its legislation. At the moment, by its own actions, it is affirming the Tory point of view."

Well, we know that from contact with rural people there is not much support for their proposal out there, Mr. Speaker, and if jawing it in the Legislature here is the method that we have to use, then we know that we're on the right course. When you get out in the rural areas and talk to people and get their reactions to what has happened in here, Mr. Speaker, you become all the more convinced that you are on the right course.

I think between this piece of legislation and the seat-belt law, and another one that can't be overlooked is the conflict of interest when I'm speaking of rural municipal people, Mr. Speaker. The conflict of interest bill is causing a great deal of concern and unrest in the rural areas and this government is going to have to carry the can for that one. If they don't amend it or find some way around it before the municipal elections this fall, I'm sure they're going to be very very sorry for their actions in bringing that piece of legislation in without some more consultation and further research on just what type of conflict legislation the rural people were looking for.

But these bits of legislation, Mr. Speaker, are not sitting well out in the country, and I've mentioned that members opposite should be taking a long hard look at their own positions in their own constituencies, because we all know in this particular forum here, we're pretty close to the forest and maybe if you get a chance to get out and stand back a little bit, which the rural members have a chance to do, because we have the wide open spaces and the beautiful rolling hills and the clean streams that the city folks don't have. They have to put up with mosquitoes and spray and all of that; they don't really have a chance to step back and take a look at the wider scene that we rural-based people have, Mr. Speaker.

A MEMBER: All that mosquito spray.

MR. D. BLAKE: That's right. The mosquito spray might fog up their vision a little bit.

A MEMBER: Free "Off," hand it around.

MR. D. BLAKE: I don't want you to get from my remarks, Mr. Speaker, that I'm against spraying. I would spray every living mosquito that I could find, so don't let me get sidetracked. Some of the environmentalists might jump up and think they have an ally.

A MEMBER: Would you use Baygon?

MR. D. BLAKE: I would use Baygon, I would use 245-T, anything I can do to kill them. I'm sometimes at odds

with the good Lord, Mr. Speaker, because I haven't really found a reason for him putting those little pesty things on this earth. I'm not always in tune with him, I must say, but I do my best as a good Christian, Mr. Speaker.

A MEMBER: Redemption's just around the corner.

(Lights went out in Chamber)

A MEMBER: You better get on your knees, Dave.

MR. D. BLAKE: I'll wait for the big booming voice to come.

MR. SPEAKER: Order please.

HON. J. COWAN: It was only a matter of time until darkness descended on that side of the House.

MR. D. BLAKE: And a big voice comes down and says, "Blake, sometimes you tee me off."

I'll try and gather my notes up and just speak from my heart, Mr. Speaker. That'll be all right in the dark. I know they know that . . .

A MEMBER: That's why the good Lord gave you a memory, Dave.

MR. D. BLAKE: That's right, they know that I haven't got everything written down anyway, but I do have to refer here once in awhile, Mr. Speaker, to just get back on track. I've got a note down here about Serge Joyal, Mr. Speaker, and I think it's best that we are in hush darkness when we speak of him.

A MEMBER: No, he's a hockey player. He's from Quebec.

MR. D. BLAKE: He's a hockey player all right. He stickhanded you guys into a sweetheart deal, believe me. There's no question about that. Mr. Speaker, my strongest feelings that prompt me to speak as often as I have on this motion and on the amendments is the fact that you get the feeling in the rural area that they're violently opposed to this. There's no question about it, and I don't believe in government by referendum either. I don't think that's the way to go, but you do get a pretty strong feeling. It's far better than a poll and the avenue that you left open to the municipal people to hold referendums, I know that you wanted to get a big push on nuclear disarmament and anti-Cruise and all that crap, but the avenue is now open for them to hold referendums, Mr. Speaker, and they're going to take advantage of it. They're going to be holding referendum on referendum this fall.

A MEMBER: Who gave them that advantage?

MR. D. BLAKE: That's right. The First Minister was kind of cute. He thought he was going to get a great "serge" of support - I keep using that "serge," it comes in there - but a surge of support for his anti-nuke kick that he's on. It's going to backfire on him because he's going to get a whole bunch of referendums on the

bilingual issue, Mr. Speaker, and he's going to be very surprised with the results. I don't know how he's going to go with cap in hand to Ottawa, if he does manage to ram this thing through with closure or whatever method he might be thinking of using. I don't know how he's going to go down there faced with the referendums that are going to proceed him that oppose what he's doing very very strongly. I don't know how he's going to come out of that particular situation.

Mr. Speaker, there is no doubt referendums are going to be held. I just don't know how many there are going to be. There are eight or nine I think that have agreed to already and there are some others that have to be brought in, but, Mr. Speaker, I have resolution after resolution from municipalities and towns in my area strongly opposing to it. We have copies of letters that have gone to the Premier, and I don't suppose we'll find out how many letters or phone calls they've had, but they've had a poll done and we're trying to find out the results of the poll.

The Attorney-General is not quite through analyzing it yet, so we don't know how long that's going to take or what the results of it are going to be, but there should be a message, Mr. Speaker, for the strong opposition to this particular proposal because if the resolution and the press releases that have come in from the Union of Manitoba Municipalities aren't strong enough, there are other methods that the First Minister can use to satisfy the First Minister that he's on the wrong course.

Mr. Speaker, I have a newspaper article on the hearings that were held and this is one of our agreements. That's one of the suggestions that we have, we wanted this to go to an intersessional committee so it would go out to Manitoba, not to three or four municipalities, but a good broad cross-section of Manitoba after the Session is over, when all of the members have had time to recharge their batteries, and the Ministers can get back and tidy up their offices a little bit, when the harvest is over, when we can go out there when everybody has had a chance to collect their thoughts, do some research and reading and find out what this particular issue is all about. That's what we're asking, plus the fact that we're opposed to the entrenchment of it, Mr. Speaker.

I know the Minister of Mines the other day said, well, you're opposed to entrenching. Well, why would you be opposed to that? If you're in favour of it, you entrench it and you've got it. You can't have it one week and take it away. Well, that's not really the reason that we're not in favour of entrenchment, Mr. Speaker.

But the Attorney-General went out on some hearings at the start of this fiasco that we're in now, and he had hearings in Dauphin, Brandon and a couple of other places. Mr. Speaker, the staff writer, Mr. Coyne, writes that "Manitoba Attorney-General Roland Penner may have hoped for some support as he launched public meetings on the provinces proposed French language and aboriginal rights policies. He didn't get it. Penner's public information caravan made its first two stops yesterday in Dauphin and Brandon, both NDP strongholds." He's a little off, there he should have "used to be" NDP strongholds. "But Penner ran into a stone wall of crossed arms and pursed lips as the specter of the federal bilingualism program hung over his attempts to convince local residents unlimited form

of bilingualism in Manitoba doesn't mean French will be rammed down their throats."

Well, they know a little better, Mr. Speaker. They know. They've seen the federal program; they've seen metric. They saw how metric came in and said, well, this is just a method of us increasing our opportunity to do great trade volumes with our trading partners, the United States and the rest of the country. The United States is going metric, and we're going to increase our trade by billions of dollars if we can only go metric. That's the only thing that's holding us back.

They sold the people a bill of goods, Mr. Speaker, that has cost this country billions of dollars, and what has it done for us tradewise? It hasn't done a damn thing, Mr. Speaker. We haven't increased our trade volume. The Americans saw what was happening and backed off.

It hasn't done anything for Britain. They finally backed off to the point where you can use either measurement over there in your shops. You can use pounds or metric.

We went blindly ahead, Mr. Speaker, with this metric that has cost us billions and billions of dollars for absolutely nothing. There was no reason for it; there was no demand for it.

There is no demand for what we're faced with now in this resolution. There's no demand for it and there's no reason for it. The facilities that the Francos need is there, readily available to them, and what we're being asked to do now is utterly ridiculous.

The article goes on to say, "He gave it his best shot, reiterating the government's defence of the plan, but with the first syllable from the floor microphone it became evident Penner had changed no minds, and voices cracking with suppressed anger, speaker after speaker rose to denounce the bilingual amendment to applause and cheers from the crowd."

Well, that should have been a message to him, Mr. Speaker. The implementation of French services they felt would be costly and unnecessary. The cost is not maybe as important as the fact that it's unnecessary, and the method that it's being brought in and rammed down our throats.

"A Dauphin businessman said the legislation was the result of pressure by a very vocal minority and represents the thin edge of the wedge. You say it's not going to mushroom but I tell you, Mr. Attorney-General, it will mushroom."

Now, there's no doubt about it, Mr. Speaker, the message was there. It was the same story in Brandon where 150 predominantly elderly people grilled the Attorney-General. One man said the next step will be martial law, while another said Francophones should learn to speak the Canadian language.

Well, I think the majority of Francophones, in fact I think all of them in Manitoba, Mr. Speaker, can speak English, the recognized language in Manitoba. I don't think we have a problem there because it's pretty evident by the number of requests that we have had for the translation of the French statutes that we've spent a couple of \$3 million already in translating, because there is not a strong population out there that would demand this thing be rammed through.

The article goes on by another writer, Mr. George Stevenson, Mr. Speaker, "Uproar, all the feds' fault - Pawley. 'The Federal Government is to blame for much of the hostile reaction to Manitoba's language policies,'

Premier Howard Pawley said yesterday. 'Federal Cabinet Ministers have said Manitoba is becoming a bilingual province, increasing peoples fears,' he hold a news conference."

Well, Mr. Speaker, he can get upset about that all he wants because in the resolution it says that French and English will become Manitoba's official languages. If that doesn't hint at bilingualism, Mr. Speaker, I really don't know what more the Premier can expect. But there has been article after article like this and I'm sure, Mr. Speaker, that the First Minister and the members on the opposition benches are being called time and time again by their constituents to say, "What are you trying to do? How did you get into this? I have been a supporter of your party and I'm afraid now that I'm going to have to withdraw my support." I'm sure they're getting those calls, Mr. Speaker, because we're getting them from former NDP members. This has to be of concern to the members.

The Member for Dauphin can slough it off and say, well, there's no problem in Dauphin. The Member for Flin Flon laughed about it and said, well, there's no problem in Flin Flon, people don't understand what it's all about and there's no French up there to speak of anyway.

Mr. Speaker, he hasn't been out talking to the people in Flin Flon. He's probably busy trying to be a new Cabinet Minister, and I don't crime him for that, but he should go back to Flin Flon and talk to the constituents there, because I've talked to a few of them the past number of days. He's out to lunch if he thinks the people in Flin Flon are not concerned about this, Mr. Speaker.

The Member for Dauphin has to be concerned. They're going to be one-time members, Mr. Speaker, not that we mind that, but surely they're getting the message, and surely they can go to caucus and talk to the First Minister and the Attorney-General or whoever it is on that side that's pushing this.

A MEMBER: And the Member for Inkster.

MR. D. BLAKE: I know the Member for Springfield is concerned because he's on pretty shaky ground out there anyway, and to get a little bombshell like this thrown into his midst is not going to enhance his chances.

A MEMBER: He's gone, gone.

MR. D. BLAKE: He may feel that this is going to blow over, Mr. Speaker, but I can assure you it's not going to blow over. People are going to remember and we're going to remind them that this has caused this Legislature to sit for endless, endless hours and weeks - not only this, some of the other legislation they brought in. I hope that they've got the message now, that they've got to get their act together and get the Legislature called at a reasonable time and deal with some form of consultation with the House Leader on this side, and a House Leader that can be dealt with and trusted on that side of the House, and things will move along. I know the Member for Concordia knows that that's how you move things along in the House and that's what has to be done. This is really almost inhuman to subject

people to sitting in this sweatbox in the month of July and August when with proper arrangements, Mr. Speaker - it's not really necessary unless there is a crisis. If we had a crisis in Manitoba that required all our attention . . .

A MEMBER: Particularly with bad lighting.

MR. D. BLAKE: I know, I just hold up my hand. If we all do this, Mr. Speaker, there's an old Chinese proverb that says, "Many hands make light work," so maybe we can get it back on.

Mr. Speaker, as I say in closing, if there was a crisis, no one would object to sitting here through the heat and toiling these long hours that we're toiling, if we had a crisis and if we had something that was important to all of the people of Manitoba. But it's not that important. We can deal with this issue over one year, two years, or three years and arrive at something that's agreeable to all sides of this House, and we wouldn't be going through this wrangling and the bad feelings that have been created by some of the acrimony in debate - we know that happens in this House and the people out there don't always understand it, I suppose. I think that could have all been avoided, Mr. Speaker, with the government that had the best interests of all of the people of Manitoba at heart and was interested in doing the right thing for the majority of Manitobans.

Mr. Speaker, I know that I'm going to have an opportunity to speak again on this matter, so with that, I will thank you for your attention and wait my next chance to debate this important issue.

MR. DEPUTY SPEAKER, P. EYLER: Are you ready for the question?

The Honourable Member for Swan River.

MR. D. GOURLAY: Thank you very much, Mr. Speaker. Certainly I've enjoyed listening to the debate on this referral resolution and certainly it's a tough act to follow the Member for Minnedosa. He was really at his best form tonight and even had the Good Lord above reacting to his comments.

We've had a lot of good speeches here today and unfortunately we haven't heard from many of the members opposite, but the members that we've heard from have not really dealt that closely with the resolution, but they have criticized the members of the opposition for talking about this sub-amendment and the amendment to the bilingual agreement.

Mr. Speaker, this is really the only opportunity we have to represent the people of Manitoba, to let the people in the government know what the constituents are telling us. Certainly, we want to relay the messages that we're hearing from our constituents. It's amazing that we haven't heard more speakers, from particularly the back benches of the government, responding to the comments that they must be receiving from their areas.

Mr. Speaker, I think it's important to really put on the record once more what the amendment is all about. I don't want to go reading this whole booklet that the Attorney-General presented to us several weeks ago, but I think there's some points I would like to have on the record, at least.

"Proclamation amending the Constitution of Canada, 1. The Manitoba Act, 1870 is amended by adding thereto, immediately after Section 23 thereof, the following Sections. 23.1 English and French are the official languages of Manitoba." That is what we are discussing.

There's another part that I think requires some mention at this time and this is 23.7(1). "Any member of the public in Manitoba has the right to communicate in English or French, and to receive available services in English or French from, (a) the head or central office of any department of the Government of Manitoba; (b) the head or central office of (i) any court, (ii) any quasi-judicial or administrative body of the Government of Manitoba, (iii) any Crown corporation, or (iv) any agency of the government of Manitoba established by or pursuant to an Act of the Legislature of Manitoba; (c) the office of the Chief Electoral Officer; and (d) the offices of the Ombudsman for the Province of Manitoba."

So these two areas are really that part of the amending part of the Constitution that gives us some concern. As a matter of fact, this is what the people of our constituencies are telling us that they're reacting to. I think it's important to ask the members of the government, what's all the rush on this issue? The Attorney-General introduced this, I believe it was some time in June, I just forget the exact date, but he indicated that there was a sense of urgency, this had to be passed through the Legislature before the end of the year and that there would be, I think, four informational meetings would be held in the province and one committee meeting would be held here in the City of Winnipeg.

Certainly, he had said that there wouldn't be any opportunity to amend this agreement, because there was no room to manoeuvre with respect to the Society Franco-Manitoban, that he and members of that organization, as well as the Federal Government, had met in some secluded place to draw up this agreement, and for some unknown reason this amending part of the Constitution would have to be rushed through. There would be very little opportunity for the people of the province to really have a chance to understand what was happening. There would be very little opportunity for the people to express their comment to the government with respect to the amendments that the government was bringing forth.

What we are saying is that already we have countless numbers of important legislation that is in various stages of completion. We still have considerable work to do to complete the business of the House, apart from this amendment to our Constitution. What we are saying is that there's no particular rush to put this amendment through, because it's no doubt one of the most important pieces of legislation that has come before this Legislature in a long long time, and certainly we have other matters that we can deal with at the present time and get the business of the House completed, refer this amendment to an intersessional committee of the Legislature, and go out to the people between now and December 30th to hear the views of the people and report back to the Legislature, as I say, a couple of days before the end of 1983.

As I has been mentioned a number of times today and other times, when we have been discussing this resolution, the intersessional committee can go out to

various constituencies of the province - I think it's important that we go to as many as possible. It may not be possible to get to all 57 constituencies in the province, but certainly there should be an opportunity for the people in every constituency to have an opportunity to express their opinion as to what is happening with respect to this resolution. To expect the people of Manitoba to respond, as the Attorney-General has said, to have one meeting here in Winnipeg to listen to all of the people who might want to present presentations or briefs or written submissions to the committee, is absolutely unacceptable to members on this side of the House.

It was interesting on Tuesday of this week, I appreciated the comments by the Premier when he indicated that they now were prepared to look at having additional meetings held throughout the province.

I'd just like to refer to his comments. Tuesday, August 2nd, the Premier speaking on this resolution said, "First, as we have been indicating for the last number of weeks, we are prepared to examine the wording of this resolution and to ensure that wording reflects the stated and public intentions of this government."

Well, I have some concern as to just what he means by this, because, certainly, members on this side were not aware that they were indicating for a number of weeks that they were prepared to examine the wording or make any changes. As a matter of fact, the Attorney-General in an earlier speech had said that there was very little room to manoeuvre on this proposal, and it would have to be approved in its entirety or rejected, but now the First Minister is making some changes to that comment that the Attorney-General had made earlier.

To go on quoting the First Minister, "We are prepared to listen to individuals and to groups that make representations and if, indeed, it is demonstrated to us that the wording be too loose or too broad, as was suggested by the Manitoba Government Employees Association one month ago, then we are prepared, Mr. Speaker, to tighten that wording in order to reflect our stated intentions." Well, certainly this is a change in what we had earlier been led to believe, and certainly we are pleased that it's in the right direction.

Further on the Premier says, "Mr. Speaker, the resolution pertaining to referral of this resolution to a committee or committees at place or places certainly does not preclude this government. The committee in performing in the same manner as was in the case in 1981 — (Interjection) — The Attorney-General points out to me, it is such times and places that it is in the hands of the committee, but I would think it would not be an unreasonable expectation that the same kind of process, the same sort of format, would be held in respect to this particular referral resolution as was done in respect to the referral of the resolution pertaining to the entire new Canadian Constitution that was being dealt with in the years 1980 and 1981."

Well, Mr. Speaker, this is certainly, as I said earlier, it's a step in the right direction, but certainly to expect the committee to perform, as the Premier would say, during this Session of the Legislature is where we have a very serious hangup because, as has been pointed out a number of times, we're into the harvest situation, we're into the time of year when, I think it was pointed out, 80 percent of the people in the province, if they're

taking a holiday, will take it during the months of July and August. So, to expect people to be available and to be able to be in a position to present presentations on this amendment, and to suggest that this committee could meet and do a reasonably good job while this Session is still taking place is absolutely ridiculous.

I think, and certainly my colleagues on this side of the House cannot for the life of us understand why there is this great rush that has been exemplified by first the Attorney-General and by the Premier. Although the Premier is now saying, well, we can certainly bend a little bit on it, and we've been saying this for some weeks, he says. This is only news to us of Tuesday this week where they are prepared to look at the wording and prepared to go to other locations, other than Winnipeg, with a committee of the Legislature.

So, really, there's only one other step that has to be taken and that is having the committee go about their work on an intercessional arrangement and report back to the House at the next Session or certainly before the end of the year.

I can't overemphasize the importance of this amendment to our Constitution. We all know that back in 1979, the Supreme Court of Canada had made a ruling on the Georges Forest case, on a parking ticket. The Lyon administration was in government at the time, and certainly the Lyon administration did not hesitate in proceeding after the Supreme Court had made their ruling, and it was mentioned by a previous speaker tonight, I think the Member for Lakeside, that there was fairly close agreement by the then members of the opposition that the Supreme Court ruling be implemented and the Lyon administration did proceed on the translation of the statutes. Certainly, we have had, I think, some measure of success, not only since 1979, but over the years with respect to the provision of bilingual services to any of the communities where there was a need demonstrated.

As I mentioned earlier, when the Attorney-General introduced this resolution, he indicated there would be some informational meetings held throughout the province and they were held at Dauphin, Brandon, Thompson and Winnipeg. One report I have heard from the meeting that was held in Brandon, the headlines in the Winnipeg Free Press at that time said, "Little support voiced for bilingualism deal." The article goes on to say, "Attorney-General Roland Penner yesterday offered the people of western Manitoba his practical solution to the controversial French language rights issue in the province, but the majority of people were not impressed. Penner however was content with his reception, telling the reporters later that according to polls conducted for the government within the last two weeks, it has support from about 70 percent of Manitobans."

A MEMBER: Dream on.

MR. D. GOURLAY: Well, Mr. Speaker, we have been asking questions in the House for several weeks now as to the details of this poll that was commissioned in which the Attorney-General refers to the 70 percent support of Manitobans, because certainly that is not the information I am getting from my constituency. That is not the information that is coming to all of the

constituencies on this side of the House and we are also getting many calls from NDP constituencies as well. Certainly it's well known - the indications from the rural municipalities in Manitoba and the word that's coming from the Union of Manitoba Municipalities.

I had the privilege of attending one of the June meetings that was organized and is held annually by the Union of Manitoba Municipalities. They hold June meetings in each of the seven districts throughout Manitoba, and we had members from this side of the House attend each of those meetings to discuss some of the more important issues with the municipal people that were in attendance, and particularly this resolution, as well as some of the other bills that are before the House. But the word that was coming out loud and clear from the municipal people was that they were not at all happy with this resolution that the government was trying to force through at a very rushed and hushed-up atmosphere.

As a matter of fact, the Union of Manitoba Municipalities, the executive, have had an opportunity, I understand, to meet with the Premier and members of his Cabinet to discuss the issue of the amending resolution and they are not yet convinced that the government is doing the right thing. I think that it's important to put into the record once more, the news release of the Union of Manitoba Municipalities, President Dave Harms, when he said, "A very significant majority of the members of the Union of Manitoba Municipalities and also a very large percentage of the citizens of this province oppose the amendments to Section 23 of The Manitoba Act, as presented by the Government of Manitoba. It is not that we oppose French Language Services when it is needed or requested, but we feel that the application of such a service should be entirely up to the Provincial Government to administer and should not be entrenched into the Constitution and left to the decisions of the courts of law in Canada to enforce.

"We agree that the minority groups in our province should be protected from injustices by the majority, but not to the point where it could and will give the minority the power to rule the majority through the courts, thus destroying the democratic rule.

"The program, as suggested, leaves itself wide open to challenge by any person or group as to the limited service given or a significant demand made for such services. We would be forever faced with the court rulings by any individual or groups of people.

"The program, as proposed, affects all of the citizens of Manitoba directly and indirectly, as already the government departments are instructed to hire bilingual-speaking people, whenever replacements of staff occur. We know for a fact that it will affect the Civil Service people, ag reps, nurses, labour, teachers and many more in the hundreds of government agencies and Crown corporations."

In an article that appeared in the Free Press just a short time ago, "Province to hire bilingual Ag Rep." This is something that is sort of close to my heart, having been an ag rep in the Province of Manitoba for some 21 years. This is an area that we never had a problem with. It was always a very forthright thing with the Governments of the Day that where you had a French community you hired an ag rep that could communicate with the people.

During the time that I had been employed with the Department of Agriculture, I can recall the ag rep at St. Pierre, for instance, was Joe Lafrance. He had worked in that ag rep area for over 25 years. I recall when they had a 25-year celebration for him. Gus Arnal served for some 30 years as the ag rep in Ste. Rose. Dick Philteau served in the community of Steinbach for a number of years.

As I recall, I served in the area of Pilot Mound and at that time I covered Somerset and the Swan Lake area where there was a fairly large percentage of French-speaking people. I was provided with an assistant ag rep by the name of Romeo Cinq-Mars, (phonetic) who later set up an agricultural office in Somerset.

This sort of thing didn't have to be entrenched in the Constitution. This was just common sense of the Government of the Day, and it went over not only the PC administration but Liberal administration and the former Ed Schreyer administration where there was never a problem with this kind of thing. But "The province to hire bilingual ag reps," is the headline in the recent Free Press. "Manitoba plans to hire bilingual agricultural experts to serve farming communities with large percentages of French-speaking people. 'Eight of the province's 42 agricultural districts will be getting bilingual agricultural representatives in the next few years,' Rod Bailey, Deputy Minister of Agriculture said yesterday.

"Bailey said, 'No English-speaking agricultural reps will lose their jobs as a result of the new policy which ties in with an agreement between the province, Ottawa and the SFM to expand French Language Services in Manitoba.'" Well, isn't that just great. People are going to be entrenched with this kind of service that never had a problem over the last 90 years or whatever.

"As English-speaking representatives resign or are transferred, bilingual ones will replace them. The Agricultural Department always has tried to provide bilingual services where the numbers warrant," he said." Well, that's true. I think I pointed out that certainly the extension of French Language Services to the government departments which is to be entrenched if this resolution is to pass, we're certainly hoping that we won't see this take place. But certainly under the Lyon administration when the Supreme Court made the ruling in the Forest case, we did provide or commence the translation services as quickly as could be arranged and was progressing quite favourably, as well as providing French language services to the areas of Manitoba where there was significant Franco populations to warrant the kind of services that they required.

So we're just really upset with the government's stubbornness on this decision to try and ram this resolution through the Manitoba Legislature without even giving the people of this province a fair hearing or opportunity to make their views known with respect to this new bilingual agreement. Now, I mentioned earlier that we've heard from very few members opposite with respect to this resolution.

HON. S. LYON: What about their mayoralty candidate, why shouldn't we hear from him?

MR. D. GOURLAY: We would, yes the mayoralty candidate is here and I'm sure that he will want to

participate in this debate, because we have over 6 percent of the population in the City of Winnipeg and this is a very important issue to the City of Winnipeg, it's an important issue to the people of Manitoba period. Certainly, we would look forward to hearing from the Member for Ellice.

The members that have spoken on this resolution, what have they said? They have not really contained their remarks very much to the resolution. They have talked about the Speed-up Resolution. Really we had a Speed-up Resolution and they had the opportunity to debate that resolution at that time, but, no, they didn't take the opportunity to talk on the Speed-up Resolution then, they have chosen to speak on speed-up during this resolution, condemning the members opposite for insisting that Speed-up be introduced.

It's interesting to see how the government operates with Speed-up. They feel that they want to shove this Speed-up down our throats. The Estimates were through many weeks ago and we could have been into Speed-up shortly after Estimates were completed, we could have had sessions morning, afternoon and evening. Just because Speed-up is there, that doesn't mean to say that we have to sit all night, we can have reasonable hours in Speed-up, but certainly it does put the onus on the opposition to discuss the bills that are present, to get on with the House business, and to wrap the Session without undue process. Certainly, there are some time constraints that we all have to live by and it's important that we get on with the important legislation so that we can wrap up the Session and get back to our constituencies and let the Treasury Bench get on with the day-to-day functions of the business of Manitoba. But, no the members opposite, I think unfortunately, end up abusing the Speed-up themselves by insisting that after there was an agreement reached that we sit through the long weekend in August, something that has never been done in the history of this province, that - it was a very reasonable thing for government members to do and I think the treatment they received was justified. I know that constituency calls that I've received were pleased that we weren't pushed around and especially when they make reference to this resolution, as well as our not being pushed around and letting this resolution be passed so hastily without an opportunity of people of the province having a say in the destiny of this province.

I recall the Member for Ste. Rose, he dwelled extensively on the Speed-up Motion and the Member for Springfield, he gave us quite a lecture too. He thought that we were really trying to introduce closure because of our tactics.

Mr. Deputy Speaker, once again, I want to put on the record that what we're doing is really the only opportunity we have to protect the people of this province in defending what people are telling us to do, that they don't want any part of this entrenched amendment, and that they want an opportunity to be heard before a legislative committee. The fact is that right now, as I've indicated earlier, it's unreasonable to expect the people of this province to make presentations to a committee when the weather is 100 degrees or more, people are on holidays, the farm people are now into the harvest situation and will be for several weeks, at least till the end of October, because the harvest situation is at various stages and

certainly it's a busy time of the year after harvest as well.

The recommendation that we're making to refer this to an intersessional committee where there would be several weeks, several months, yet where this important work could be undertaken. Certainly, I don't think it's unreasonable at all for that recommendation to be accepted by the government, because as I mentioned earlier, and has been mentioned many times by members on this side, this is a very important decision that is facing the people of Manitoba and why the government is closing their ears to what is being said by the constituents and wanting to accept what the Attorney-General is trying to ram through is just unreasonable. As was mentioned earlier, obviously the Attorney-General - he hasn't been a member of the NDP for very long - and it's obvious that he doesn't really care what happens to the party, but he is going to force this issue through if he possibly can.

Unfortunately, he's got a lot of followers there apparently. They're just sucked right in by this Attorney-General and what he's gambling is that he can convince the people that this is the greatest thing. If he's successful, then he becomes pretty important down the road. Unfortunately, we are not going to let that happen. We are going to dig in our heels, as we have, on this very important issue and if the members opposite want to call it stalling or trying to force closure, let them say that. Certainly, we feel right in what we're doing, because the people that elected us to come and speak in this Legislature are telling us that this is what they want to see happen. They don't want the government to ram this thing through and I think that the members of the government, I would hope, would take seriously the many comments that have been brought into this Legislature by the amendment, by the sub-amendments, and by the speakers that have contributed to this cause.

As was mentioned earlier, the government has been spending a lot of money on pamphlets trying to get a message out to the people that this new amendment is not making Manitoba bilingual. It's been mentioned many times that the nice colourful pamphlet that we see before us says nothing and is being forced on the people. Limited service simply means most people will not be affected. There's a personal message from the Attorney-General that says "This folder has been prepared for you to explain the fact that Manitoba is not going bilingual."

Mr. Speaker, this pamphlet would have been just dandy the way it was before. This really represents what we've had, except what this government is trying to do is entrench the bilingualism on all of the people of Manitoba and certainly, as I had indicated, under the Lyon administration, things were going along very well. I believe that we've come a long way with respect to fulfilling some of the requirements that the Franco-Manitobans would like to see, maybe not to the full extent that the SFM would like to see, but certainly there has been pretty good advancement made over the last 90 years. The harmony with all of the ethnic groups, the Anglos, and what have we that makes up the mosaic of Manitoba, I believe that the harmony has been pretty darn good over the years. Our concern on this side is that when this amendment is to be forced on the people and it is entrenched that it will cause a

lot of friction between the Anglos, the ethnic groups and the Franco-Manitobans like we've never seen before. I don't understand why the members of government are wanting to proceed in the fashion that they're doing.

Mr. Speaker, we've had a pretty hot week here; we've had a lot of debate of long hours and here it is Friday evening at five minutes to 10 and I know that my time has almost run out, but I would move, seconded by the Member for Niakwa, that this House do now adjourn.

MOTION presented and defeated.

MR. DEPUTY SPEAKER: The Member for Turtle Mountain.

MR. B. RANSOM: Yeas and Nays, Mr. Speaker.

MR. DEPUTY SPEAKER: Call in the members.

MR. SPEAKER, Hon. J. Walding: Order please. The question before the House, as moved by the Honourable Member for Swan River, and seconded by the Honourable for Niakwa, that this House do now adjourn.

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

YEAS

Messrs. Banman, Blake, Downey, Driedger, Enns, Gourlay, Graham; Mrs. Hammond; Messrs. Hyde, Johnston, Kovnats, Lyon, Manness, McKenzie, Nordman; Mrs. Oleson; Messrs. Orchard, Ransom, Sherman.

NAYS

Messrs. Adam, Anstett, Corrin, Cowan; Mrs. Dodick; Ms. Dolin; Messrs. Eyer, Fox, Harapiak, Harper; Ms. Hemphill; Messrs. Kostyra, Lecuyer, Mackling, Malinowski, Parasiuk, Pawley, Penner; Ms. Phillips; Messrs. Santos, Schroeder; Mrs. Smith; Mr. Uruski.

MR. ASSISTANT CLERK, G. Mackintosh: Yeas, 19; Nays, 23.

MR. SPEAKER: Order please, order please. The motion is accordingly defeated.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before proceeding, may I direct the attention of honourable members to the loge on my left. We have a former member of this Chamber, Mr. Jake Froese.

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

ADJOURNED DEBATE ON MOTION

**CONSTITUTIONAL AMENDMENT RE:
OFFICIAL LANGUAGES (Cont'd)**

MR. SPEAKER: Order please. The question before the House is the proposed sub-amendment by the

Honourable Member for Arthur. Are you ready for the question?

The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, I have to apologize for being slightly late for the vote and delayed it by about 35 seconds, but I was enjoying some entertainment that people have paid \$10, \$15, \$20, \$30 a ticket to see at the Indianapolis Speedway and other daredevil racing shows.

I was standing on the front steps watching frantic Cabinet Ministers and backbenchers round the corner into the Legislature on two wheels, tires screaming, great round eyes as big as saucers saying, how long have the bells been ringing, running up the stairs, chargin' in here. The delight of it all, Mr. Speaker, was seeing the door close as the frantic Minister of Government Services was grasping for the knob, trying to get in and missing the vote.

Mr. Speaker, what we have seen tonight indeed is a true circus and the classic zoo that the Attorney-General and others have so often said is demonstrated in this House. The zoo, Mr. Speaker, was in those daredevil drivers coming tearing around the corner, tires screaming, breaking the speed limit, not wearing their seat belts, frantically to get here for the vote. I saw, Mr. Speaker, with my own eyes, the Minister of Energy and Mines come rounding the corner doing a four-wheel slide in front of the building, in front of Queen Victoria, and he got out of his car and he wasn't wearing his seat belt. He was not wearing his seat belt, Mr. Speaker, and when he votes on Bill 60 he is going to vote with forked tongue and without conviction normally accompanied for voting for such legislation.

The worst of all was the frantic Minister of Government Services tearing up the steps with two frantic children bumping along the stairs because they couldn't keep up to their father taking four steps at once. They'll need medical attention for bruised knees and stubbed toes; and there they were, dragged into the House by their father, only to see him grasp desperately for the door as it was slamming shut, so he could not vote as he was supposed to.

Mr. Speaker, I also noted, when the frantic Minister of Government Services came up here, not doing the four-wheel slide that the Minister of Energy and Mines did in rounding the corner in front of Queen Victoria, only a two-wheel slide, with the other two tipped up slightly, he also did not have his seat belt on. He didn't, Mr. Speaker. And the beautiful one of them all . . .

HON. S. LYON: The reds don't like this.

MR. D. ORCHARD: You see, there is a difference. You know the old story, Mr. Speaker, that has btold time and time again about the old bull and the young bull.

A MEMBER: No, they don't know that one.

MR. D. ORCHARD: I want to assure you the Minister of Energy and Mines and the Minister of Government Services, being rather new members to the House, frantically drove up, their eyes as big as saucers. But I have to tell you, I saw the Minister of Municipal Affairs gently proceed around the corner, park his car, walk

up, have a conversation with the guards and come into the House - proof positive, Mr. Speaker, that the old bull has the wisdom, knowing they won't vote without him. There was no panic in the eyes of the Minister of Municipal Affairs, because as the First Minister has described, the Minister of Municipal Affairs, he has the best political nose in Cabinet. He knew they weren't going to vote without him. I suggest to the Minister of Municipal Affairs, he has a little condolence chat with the Minister of Government Services, who frantically was clawing at the door as it was slamming shut on him when he missed the vote. He might condole him all the way to the hospital, taking his two beautiful young children there for stubbed toes and bruised knees as he dragged them up the steps, and for dislocated shoulder joints because he was pulling them along at four steps at a time.

The interesting one was the Whip. The Whip pulled up frantically, didn't even park in her normal spot, parked out in front illegally and charged up the steps, because, alas, she was the one that was supposed to have the count on tonight, Mr. Speaker. She was not to be seen until she drove up in a dead panic, cold sweat beading on her forehead, to get here in time for the vote.

Then, the best of them all was my favourite MLA, the MLA for Radisson. You should have seen the pace that man was moving at when he came around the corner. It put the Minister of Energy and Mines to shame, Mr. Speaker, but he made it.

MR. P. FOX: On a point of order, Mr. Speaker.

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

MR. P. FOX: Yes, Mr. Speaker, I'd like to know what motion we're debating that the honourable member is having so much fun with?

HON. S. LYON: We're talking about the incompetence of the government.

MR. P. FOX: I would like to know if there's any relevance to debate in this House?

MR. SPEAKER: I thank the honourable member, I was beginning to wonder the same thing. Perhaps the Honourable Member for Pembina will enlighten us.

MR. D. ORCHARD: Well, Mr. Speaker, I was about to get to that.

Mr. Speaker, we were debating the referral motion and the sub-amendment thereto, and which we have debated long and arduously tonight. It was demonstrated tonight the kind of indecent haste that this government has for this resolution when you saw them driving around the corner getting here for the vote, the indecent haste with which they want to push this through, and the indecent haste in which they were all rushing here, all 17 of them who were absent, and had to get here tonight to allow this debate to continue on.

I suggest, Mr. Speaker, to the honourable former Speaker of this House that I was entirely on the topic,

because there was indeed a small problem this government had. As we saw last weekend, they attempted to ram this thing through the House, and they said we were going to sit all the long weekend in August to push it through. We sat in this House Saturday morning, and we waited 45 minutes on this side of the House for the government to come in and vote. Tonight we waited again for the government to get here to vote.

Who is the government in this province, Mr. Speaker? That is what the people of Manitoba are asking and they are getting the same answers that I have gotten from my colleagues tonight - there isn't a government operating in the Province of Manitoba. There is a collection of incompetents pretending they're government in the Province of Manitoba and tonight was a further demonstration of their lack of competence, and their lack of ability to govern. They cannot even organize the workings of the House with sufficient numbers to assure that they can win a vote in this House.

They, Mr. Speaker, are led by the Minister of Natural Resources, in his Acting House Leader capacity, once again into an embarrassing fiasco. I don't know how many more situations have to develop where the Minister of Natural Resources acts first and thinks about two days later, and called that vote tonight and wouldn't accept an adjournment motion at a reasonable hour. Instead, Mr. Speaker, we spent some 40 minutes waiting for the government to get here, so we could continue to speak on this resolution as they so desire, although they're not here to listen to our contributions to the debate, although they weren't here all evening to listen to it.

Well this, as my colleague, the MLA for La Verendrye, said is the government that was going to listen. Well, I suggest they weren't listening very well tonight, Mr. Speaker. Here we are on force debating this issue tonight and look at the depleted ranks over there, Mr. Speaker. They're probably all back home now safely figuring there'll be no more votes tonight. Well, that may be, that may not be.

I'll guarantee if we do have another vote tonight, the best show in town is on the front steps of the Legislature. The admission is free and you will see driving that puts the best stunt driver to shame. I witnessed it with my colleague, the MLA for Sturgeon Creek. It was something to behold, it really was, Mr. Speaker. I do apologize again for being some 35 seconds late for the vote.

Well, Mr. Speaker, why are we here tonight, and why have we been here for the last two weeks debating a referral motion with amendments that make that referral motion mean something, not only mean something to this Chamber, but mean something to the people of Manitoba? We are here debating it because the government does not want to listen to the people of Manitoba. The government wants to hold a little enclave in the hallowed halls of this building in the dying days of the Session, in the heat of August, in the middle of harvest in rural Manitoba, to gather public opinion on probably the most important piece of legislation that has been considered by this Chamber, certainly in the time I've been here and I would venture to say in many years.

We are here debating this resolution because we have seen that this government is not interested in

approving an amendment and a sub-amendment which makes this committee hearing they are calling for legitimate, worthwhile, and one that gives the people of Manitoba a true and adequate opportunity to express their views to this government. That's why we're here debating it, Mr. Speaker, because this government won't accept the reality that Manitobans wish to offer an opinion. They wish to do it in a thoughtful, reasonable manner. They wish to have the same opportunity to make that opinion as they had to voice their opinion to this government on the Crow rate, and that means a committee that travels the province. The Crow Committee, the Ag Committee did not tour the provincial intersessionally, because once again with undue haste, the government set up and scheduled those meetings while the Session was sitting.

It's interesting to note - and here's the parallel that I would like all Manitobans to consider, and I'd particularly like members opposite to consider - this Session we took the issue of the change in the Crow rate, a federal issue, to the people of Manitoba with the Agricultural Committee. We met in seven communities outside of the City of Winnipeg. We heard from various groups, individuals, and representatives of farm organizations. They expressed opinion pro and con to the Crow rate change. We drafted a report based on what Manitobans had said to them. We drafted the report reflecting the opinion of individual Manitobans and representatives of farm organizations. Just yesterday, the Minister of Transportation presented the government's view on the change in the Crow rate and what did they do with the drafted report which reflected the opinion of Manitobans? They attached it as an appendix to the back of it, and they never used it any way, shape or form. They went out and listened to the people of Manitoba or pretended to listen to the people of Manitoba on the Crow rate and went ahead and said to the Federal Government exactly what they originally intended to say anyway. The people of Manitoba were not listened to. Their thoughts were not reflected by this government at the Crow rate hearings where the Minister of Transportation presented the government view yesterday.

What kind of a feeling would Manitobans have after viewing that abrasion to democracy that this temporary government gave them on the Crow rate? What do they think will be the value of them coming to this government now and offering legitimate criticism to the constitutional amendment entrenching bilingualism in the Province of Manitoba? They've done it in the Crow rate issue, and did the government use what they heard from the people of Manitoba? Absolutely not, they certainly did not, Mr. Speaker.

What confidence do Manitobans now have that this government, when they hold their committee hearings, are going to listen to Manitobans? They didn't in the Crow rate. The Crow rate was a political ploy, a sham and a misuse of the trust of the people of Manitoba by this gang of incompetents that currently are in office in government.

Are they going to tell the people of Manitoba now with hearings on this fundamentally important issue of the entrenchment of bilingualism that we're going to listen to you, and we're going to make amendments if necessary based on sound public opinion? Of course, Manitobans can't come to the conclusion that is what

you're going to do, because you have not demonstrated that you are willing to do it on any other issue that you've taken to the people of Manitoba.

The Minister of Municipal Affairs did take an intersessional committee out to the people of Manitoba. He listened to various reeves and councillors and mayors and individual citizens on the very important issue of municipal assessment, and the outcome of municipal assessment on the tax bill to the individual landowner in Manitoba. They listened throughout this province at five hearings, four of them outside of the City of Winnipeg. They got a consensus from those mayors and reeves and councillors and the individuals who presented briefs that, yes, we don't agree with everything that's in the MARC Report, but we believe you have to move and you have to make some changes, and you have to get on with the reassessment and the improvement of the assessment system as recommended by the Weir Report.

What are they seeing happening? Nothing, Mr. Speaker. The government listened, claimed they wanted to get the people's opinion on an important subject such as assessment, and they come back in this House and the Minister of Municipal Affairs has done nothing, absolutely nothing. He didn't listen to the people of Manitoba. When he asked them for their opinion, he didn't listen to them. When the people of Manitoba gave the Minister of Municipal Affairs their opinions, they didn't listen to them. They didn't use them. They didn't undertake any of the recommendations that were made.

So what kind of confidence do you think the people of Manitoba have in you people to listen on the fundamentally important issue of entrenched bilingualism? Your record hardly warrants confidence from the people of Manitoba. Your record hardly warrants the trust of the people of Manitoba. So why are you trying to ram it through with a closeted-in set of hearings that are going to be inside the walls of this building at a time when farmers are extremely busy, and not only farmers but the business people of Manitoba are also busy? Machinery dealers, grain elevator agents, agribusiness suppliers are not going to be able to take the time in the next three weeks to come in here to present their views on this matter in Winnipeg.

They could in January or February or March when there are not too many farmers undertaking their business operations and putting the grain in the bin, but no, no, this government wants to hold them in the month of August. They want to hold them in the month of August when everybody's away. They want to hold them when the farm community in rural Manitoba is extremely busy contributing to the gross provincial product of this province in a very very large, large way. The farmers and the people who work with them in rural Manitoba do not have time to come and speak their piece to the government on this issue, yet the government is willing to slam this thing through, to ram it through before those people can be heard.

So I ask you, do you blame us on this side of the House for trying to get you to take this matter to an intersessional hearing so that busy Manitobans, the Manitobans that are creating the wealth and paying the tax dollars in this province, can have an opportunity to speak to this resolution? Do you think that's an unfair request? I don't think it's an unfair request.

Furthermore, Mr. Speaker, Manitobans don't think it's an unfair request. They want to have the opportunity to be heard in an intersessional committee that travels throughout this province, but are they going to? Well, the question has to be put. Why is the government defeating our sub-amendment? If they defeat the sub-amendment, they'll defeat the amendment which calls for those intersessional hearings, because not one speaker up to and including the Premier have indicated any desire for intersessional hearings.

They have been forced and dragged, kicking and screaming, to go even to a committee hearing. It has been our opposition that has caused them to do that, and it will be our opposition that causes them to take it to an intersessional committee to get the job done properly with full opportunity of input by all Manitobans of a variety of ethnic backgrounds and occupational backgrounds. But it seems to me that unless we hear someone over there, either the Premier or the Attorney-General, either of those individuals stand up in this House and put it on the record that, yes, this matter shall be laid over, this matter shall go to an intersessional committee, then we intend to stay here and debate this issue until the government comes to its senses and does what is honourable, what is decent and what is just for the people of Manitoba.

So the choice is fairly clear for the temporary government over there. Let me assure you, I don't use the word "temporary" in a light-hearted way any more. There was a time, a year-and-a-half ago, when I used to say that simply to goad the government a little bit and get a rise out of the government members. Let me assure you, with the handling this government has shown to the people of Manitoba on important issues in this Session, they are indeed a temporary government.

It would be as temporary as the next election whenever it was called. If it was called tomorrow, they would be gone in 35 days. If it was called two months from now, they would be gone in 35 days. When they finally are forced to call an election, some two or two-and-a-half years from now, they will be gone in 35 days. This is truly a temporary government trying to wrack permanent damage on the people of Manitoba and the social fabric of this province. No temporary government should be able to do that. No temporary government should take it upon themselves to undertake this kind of a constitutional entrenchment of language rights without the mandate and without the consensus of the people of Manitoba. If they think they have consensus, then they're obviously not reading their mail, because we got copies of the letters from their organizers, their fund raisers that say, "This is it for you guys. The last time we worked for the NDP was in 1981. You have burned your bridges with us." If they think the people are with them, then they haven't been answering their phone calls, because our caucus phones are busy with Manitobans phoning in and telling us, "Keep up the fight. Stop these people; don't let them ram this through; we're with you all the way." If they aren't getting phone calls telling them to back off, then they're not answering their telephones.

So, how can a temporary government dealing with a permanent change that is irreversible proceed — (Interjection) — well, the good Father says, "Don't be sarcastic." I am not being sarcastic. You are a temporary

government and the good Father may even be more temporary, because I'm quite sure the Attorney-General cannot win Fort Rouge next time. He's probably going to go up and contest a seat up there again. Except is the good Father uses the same speech in his native language, wherein he alluded to the political background of the Attorney-General, chances are the Attorney-General won't get the nomination again. It's for certain the Attorney-General will not win Fort Rouge next time. So I'm not saying in a lighthearted way that you're a temporary government, because indeed you are. Answer your telephones, answer your mail, read your letters and you will know you're a temporary government. We're getting carbon copies of the letters to your Premier. Now, maybe your Premier in the infinite ability he has to lead you, which is so evident in this House for the last three months, has not been distributing the letters that he gets on this subject matter to the caucus for their perusal. Well, he should. As a matter of fact, maybe we should, maybe the carbon copies we get we should put them in every New Democratic MLA mail slot so you can read what your organizers, your supporters, your fund raisers are saying to you on this issue. Maybe there wouldn't be quite the will to proceed if you knew how much trouble you were in.

Mr. Speaker, I had the opportunity to be out of the House for the last day approximately and I attended a couple of functions in my constituency. One of them a very unpleasant one, but another a rather pleasant one, and the third one a little bit of a coffee shop discussion. Mr. Speaker, to hear the opinion of people - and I have to tell you, these people were not campaign organizers for me last time. They weren't my die-hard, true blue supporters. They may have voted for me, I don't know, in a couple of cases I certainly don't know. I do know that one of them is from a very very strong Liberal background, but she said to me, "I read the pamphlet from the Attorney-General." She said to me, "When you read that pamphlet, you know" - and she's about 68 or 69 - "it doesn't seem as if they're doing very much, that nothing's really going to change, because that's what they say in the pamphlet that this is a very mundane sort of an amendment and nothing will change. It's carry on the ball game the same as it always has been." But she couldn't quite put together that if this was a sort of a meaningless measure that really didn't affect anybody and didn't really change anything, she couldn't quite come to grips with why they required an amendment to the Constitution of Manitoba. If it is such an innocuous thing that they're doing, why do they need to have it legislated? The basic message from that 68 or 69-year-old lady was, I don't trust these people. That's the basic underlying message. She said, "The basic underlying message was I don't believe what was in that pamphlet, that can't be the whole truth on the matter, because if it is so good, why are they entrenching language rights? Why are they passing a constitutional amendment? Why does it have to go to Ottawa if it doesn't accomplish anything that's going to change anybody's lifestyle or the linguistic lifestyle of the Province of Manitoba?" She doesn't trust the Attorney-General in what he says in his pamphlet.

Another fellow, who offered a very very interesting perspective in the coffee shop, Mr. Speaker, which I'll

be glad to share with you and with any New Democrats that are listening. He said, "I've been thinking about this constitutional amendment," and he said, "and for the life of me, I can't figure out why a government, who theoretically must have some astute political advisors around, would be doing such a suicidal thing that will, without doubt, defeat them in the next election." Do you know what his conclusion was? I have to admit that I had never put it together in this perspective, and I suppose that speaks well for being able to sit back, not involved in this Chamber where you're too close to the topic, to sit back at a distance and analyze the bits and pieces that come out in the news media and whatnot. This fellow said to me, "It finally clicked on me that the government proudly announced some three or four months ago that the Federal Government was going to pay the payroll tax, and then it clicked with me, that probably was the quid pro quo, the trade-off that this government made to get the Federal Government to pay the payroll tax. For an \$8 million payroll tax they had to agree to Trudeau and his Liberal majority. They had to agree to entrench bilingualism into Manitoba." Wasn't that an interesting observation from an outsider who was wrestling with some semblance of sanity in the government as to why they were doing this? He didn't think that any government would have an obvious death wish, as this government appears to have, and he came up with the simply analogy, \$8 million from the payroll tax with an under-the-table deal that they will entrench bilingualism and the French language in the Province of Manitoba for 5 percent of the people.

Only the government can answer that one. If they hold true to answers they've given to us in the past on a number of subjects, we know we will never get that answer from them. We know they will never be forthright enough to tell us whether that was the trade-off that they negotiated to get the Federal Government to pay the payroll tax after only one year, where it took seven to eight years for the Federal Government to negotiate to pay that same tax in the Province of Quebec. Interesting analogy, deserves some thought and I'm sure deserves some questions from the backbench of the New Democratic Party of their Finance Minister and their Premier as to whether that was the kind of trade-off that was made on this issue.

Another chap I talked to last evening was very much alarmed at the fact that this measure was to be entrenched in the Constitution. He doesn't have a legal background. He is a citizen who works with a credit union, and he just has what I would say would be an average or an above average understanding of the workings of government, but he knows instinctively that an entrenchment of this sort is permanent, and that it is wrong. He is not an atypical Manitoban. He is a typical Manitoban on this subject. He and many tens of thousands of other Manitobans understand the wrong that this current short-lived, temporary ND Government is doing to the people of Manitoba, and he is very much against it. He says that all other issues pale in comparison.

He doesn't like and others don't like the fact that Canadians cannot own land and farm land in Manitoba, but they recognize that we can change that when we defeat this government and form the next government of the Province of Manitoba. They don't like The

Elections Finances Act where they will have to pay 50 percent of the campaign costs of New Democratic Party candidates, but they know that we can change that when we defeat this temporary ND Government in the next election.

They equally as well know, Mr. Speaker, that on this issue, once it's entrenched by being passed in the federal Parliament, that it is 99.9 percent assured that it will never be reversed and that sanity will not prevail from thereafter in the Province of Manitoba. They are afraid of that, and they cannot agree with or understand a government that would make that kind of a measure and undertake that kind of a constitutional amendment without the mandate to do it as stated on an election platform, or without the consensus of the people of Manitoba backing them to do it.

So, Mr. Speaker, that was only being out of this House some 24 hours, and talking to ordinary citizens of the Province of Manitoba at three different functions. The best thing that this House could do is to drop this resolution, pass through what bills we can agree on in the House and adjourn so that these people, these temporary members of the government can go to the same kind of functions that I went to in the last 24 hours and talk to the real people, the average citizens of Manitoba.

Answer the questions such as, if it is so innocuous and it will not change anything in the province, why are you entrenching it? That's an excellent question that no one over there, the Attorney-General included, cannot answer. Answer the question as to how they can do this without the mandate, without the stated campaign promise and without the consensus of the people of Manitoba. Answer the question as to whether they have some kind of an unholy trade-off with the Federal Government that has stimulated this to be brought upon the people of Manitoba. Good questions by honest and sincere Manitobans; good questions that no one in the government can or will be able to answer.

Now, I admit that the Attorney-General would deem those individuals that I have referred to in the last few minutes as being some of the legal illiterates in the Province of Manitoba without the wise understanding and the great knowledge that he, the Attorney-General, has on such matters, but those are basic questions that they have put. They are basic questions that we have put in this House, and there hasn't been one single person, the Premier, the Attorney-General, on down, that have been able to answer those questions.

We get the MLA for Inkster from his seat saying that because municipal councillors left without a better understanding, or as confused as they were when they came in, after a meeting with the Municipal Affairs Minister and the Premier, they left as confused, he says, they must be dumb. Those people aren't dumb. They are very very intelligent, but they are probably legal illiterates in the terminology of the Attorney-General, but they are real Manitobans with a real feeling and a real opinion on this subject. They're real Manitobans that should be listened to by any government which wishes to remain government. That, Sir, is why I say that this is a temporary government.

This issue will not die; this issue will foment and boil. This issue will defeat this government. Their undue haste to ram it through is alarming Manitobans. Manitobans are asking me why we are sitting in here all hours of

the day including the weekend debating this issue when so many Manitobans are against it. We can't answer that. Only the government can, and only the government can answer that by taking an intersessional committee out to the people of Manitoba and touring the various towns and communities. That's the only way it can be answered and they, themselves, can answer it to the people of Manitoba.

So, Mr. Speaker, I would like to move, seconded by the MLA for Fort Garry, that the House do now adjourn.

MOTION presented and defeated.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Yeas and nays.

MR. SPEAKER: Call in the members.

Order please. The question before the House, it's moved by the Honourable Member for Pembina, and seconded by the Honourable Member for Fort Garry, that this House do now adjourn.

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

YEAS

Messrs. Banman, Blake, Downey, Driedger, Enns, Gourlay, Graham; Mrs. Hammond; Messrs. Hyde, Johnston, Kovnats, Lyon, Manness, McKenzie, Nordman; Mrs. Oleson; Messrs. Orchard, Ransom, Sherman.

NAYS

Messrs. Adam, Anstett, Corrin, Cowan; Mrs. Dodick; Ms. Dolin; Messrs. Eyer, Fox, Harapiak, Harper; Ms. Hemphill; Messrs. Kostyra, Lecuyer, Mackling, Malinowski, Parasiuk, Pawley, Penner; Ms. Phillips; Messrs. Santos, Schroeder, Scott; Mrs. Smith; Mr. Uruski.

MR. CLERK, W. Remnant: Yeas, 19; Nays, 24.

MR. SPEAKER: The motion is accordingly defeated.

The question before the House is the debate on the proposed sub-amendment of the Honourable Member for Arthur. Are you ready for the question?

The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, I've been looking forward for some time to participating in this debate. The record will show, of course, that this debate is on a motion by the NDP majority in this House, asking that their proposed amendments to the Constitution of Manitoba, to Section 23 of The Manitoba Act, be referred to a committee of the House while this present Session is under way and that that committee report back to this House before this present Session adjourns.

To that motion, Mr. Speaker, my colleague, the Member for Fort Garry, the deputy leader of the party, moved, I think, a very thoughtful amendment which said that indeed the question should be referred to a

committee of the House, but that that committee should sit during recess, after prorogation, and that the committee should report to the next Session of the Legislature.

Then a subsequent amendment was moved, Mr. Speaker, by my colleague, the Member for Gladstone, in which it was suggested that the amendment be further amended by saying that, in any event, the report to the Legislature should be made no later than the 31st of December, 1983. That sub-amendment was defeated by the government and we have now moved a second sub-amendment which calls for the report to be made by the committee to the House on or before December 30th, 1983.

I set that out for the record, Sir, because there's been some rather loose talk, sometimes here in the House, sometimes by commentators and the press, as to what is the process upon which we are engaged at this time. I set it out because I think there is much merit in the amendments that have been moved by my colleagues. They're reasonable. They have common sense to back them up. They are in the public interest and, quite frankly, Sir, I can't for the life of me, see why a government, if it is composed of reasonable men and women, would not grasp the opportunity to do something that is in the public interest and to commit this important and fundamental amendment to the committee, which would sit after prorogation of this Session, during recess, and report to the next Session of the Legislature, certainly before December 30th of 1983.

Why did we say December 30th, 1983, Mr. Speaker? We said that because we are aware of the fact that the Attorney-General has negotiated some arrangement with the plaintiff, Bilodeau and his counsel, with the Franco-Manitoban Society, with the Government of Canada, and God knows who else he's been talking to, whereby this undertaking or agreement that is before us in another resolution, this fundamental amendment to the Constitution of Manitoba, would be settled before the end of this calendar year; otherwise, of course, Mr. Bilodeau could proceed on, I presume, to the Supreme Court with his case. So that is why the date is put in there. It is not a frivolous date, it is not a date that is put in and picked out of the air, it is a date that bears some relationship to the statement made by the Attorney-General that he was under the gun, so to speak (one wonders why), but he was under the gun, so to speak, to have some finality to this negotiation on or before December 31st, 1983.

So, in effect, Mr. Speaker, the sub-amendment that we are debating tonight is not, as some of my honourable friends opposite would suggest, frivolous; it is not put up just as a further vehicle to permit debate; it is demonstrably real because the Attorney-General himself is the one who gave the House the information that he had to have this matter completed by the end of 1983. So that is what we are debating and while honourable members on the other side have not participated wholeheartedly, or barely at all in this debate, I suggest, Sir, that it would be in their long-term interests, to say nothing of the interests of the province which only casually and occasionally they look at, if they were to give some serious consideration to this sub-amendment and consider voting in favour of it.

Indeed, I think it was the Winnipeg Free Press in today's edition, wherein the Free Press, as newspapers are wont to do, although they, Mr. Speaker, are rather sycophantish with respect to the NDP on most issues. On this issue, they see their friends of the ideological left getting themselves into deep trouble and they said to them, in effect, that this was a chance for the government to get out of its problem and to act in a statesmanlike manner. What was the recommendation that would cause them to act in a statesmanlike manner? Today's Free Press advised the government, Mr. Speaker, strangely as it may seem, exactly the same as we are advising the government, show some statemanship, show some common sense, be reasonable, realize that a constitutional amendment, as they have said, that is based on the shifting sands of partisan cynicism and partisan advantage is no constitutional amendment at all, and that a constitutional amendment, if it is going to be meaningful and if it is going to be respected by the people of Manitoba, must be put into place after there has been full consultation with the people of Manitoba in an unhurried way. The only way in which, of course, that can take place, Sir, is for this House to pass this sub-amendment and this amendment and refer the matter to a committee of the House after prorogation.

Well, I don't know, Mr. Speaker, if my honourable friends will pay any more attention to the Winnipeg Free Press today, who've been sort of supportive of the government on this issue, if they'll pay anymore attention than they have to the reasoned arguments that have been coming from this side of the House for some time - I can say I think without fear of contradiction, Sir, the reasoned arguments that will continue to come from this side of the House on this referral motion for so long as it takes the members of the majority group across the way to come to their senses and to realize the harm that they will be doing to the people of Manitoba if they don't accept the good advice that is now literally cascading on them, not only from the opposition, not only from the Winnipeg Free Press and the Winnipeg Sun, not only from independent observers in other media outlets, but from their own party people, who are writing to the First Minister, and they're writing to the Minister of Finance. I think the Minister of Finance got a petition signed by over 300 people from his own constituency telling him not to proceed in the manner in which the NDP are proceeding. Another member the other day got a petition from another 300 people, many of them supporters of the New Democratic Party, asking them not to proceed.

There is now, Mr. Speaker, an avalanche of advice, and most of it is good advice and most of it is given to this government in a sober and thoughtful way, whether from the opposition, from the media, from their own supporters, from citizens in this province who have no partisan affiliations one way or the other. Generally speaking, Sir, I think it could be said, without fear of exaggeration, that there is a consensus developing in this province that this government is acting too hurriedly with respect to this matter, and that the people simply will not be hurried on this matter.

That is why, Sir, I have said to the press and I have said in this House before, and I say it again tonight, that as we rise to speak on this issue, as we have, as my colleagues have and I think they have to a man

and woman made excellent contributions to this debate, and I commend them for it. Indeed the people of Manitoba are phoning our caucus room, phoning my office, they're writing in and telling us how much they appreciate the work that this opposition is doing in order to prevent the government from taking steps which would do unestimable harm to the long-term public interest of our beloved province.

Mr. Speaker, when I rise to speak on this, as I know is the case with my colleagues, I rise fortified by the fact that I'm speaking on behalf of the vast majority of the people of Manitoba. That gives a vitality, it gives a strength, it gives a commitment to the words that we speak in this House, words which I suggest the honourable members opposite are going to have to listen to sooner or later whether they like it or not. Mr. Speaker, that is the topic and the process that we have been engaged in for the past week to 10 days, the process of trying to convince this government to do something that would be in their interest, as well as in the interests of the people of Manitoba.

I said in the course of remarks on another bill the other day, I don't expect too much from socialist parties anywhere in the world, be they in Manitoba or whatever part of the world. I don't expect, Mr. Speaker, that they are overburdened ever with integrity, or overburdened with fidelity to the truth or anything of that nature at all. Through a long life, having no high expectations from socialists, I've never been disappointed, Mr. Speaker, because the level of any degree of integrity has been so low that I, Sir, have had to live with that level of no expectation of anything terribly honourable ever coming forth from them.

So, Mr. Speaker, I make the further observation to my honourable friends opposite that I really don't expect much of them and their behaviour in this debate is about what I would have expected. But, Sir, there is one thing that I have found over the years that socialists pay attention to and that's their own self-interest. Heaven knows we saw that in Bill 55 and in Bill 48, where they're trying to get the taxpayers of Manitoba, if you please, to pay their election expenses after the next election. That kind of venality doesn't surprise me, Mr. Speaker, doesn't surprise me in the least but that, Mr. Speaker, bespeaks from them an interest at least in preserving themselves. They have self-interest, political self-interest. So, I appeal, Mr. Speaker, to what we would regard as the lowest common denominator; their own narrow, venal self-interest. I know that when I do that, Sir, I may be striking an harmonious chord because I know that they do have venal self-interest and, Sir, what I say to them in terms of their own narrow, venal self-interest is that if they can't see the good that would be done to the public interest of the province.

If that is beyond their comprehension, beyond their ken, if they can't see that the avalanche of advice that they are getting from this side of the House, from the newspapers, from their own supporters, from ordinary citizens of Manitoba, if they can't pay any attention to that, will they at least pay some attention to that base quality that they do appear to have - that narrow, venal self-interest - and realize that what they are doing is going to cost them dearly politically.

Now that may strike a chord, Sir, that may strike a chord with them, and if it does then I will have achieved my purpose because I will have at least strummed one

string that the socialist party in Manitoba pays some attention to admittedly, when you look at their legislation here in Bill 48 and 55 which are two of the most venal pieces of legislation that any political party has ever had the gall to bring before this Legislature of Manitoba. Those pieces of legislation, Sir, alone, are an outrage. Those pieces of legislation say more about the character or absence thereof of this government than anything I could say, and the people of Manitoba are now coming to understand just how low, how base, how venal, how greedy are these, Sir - and I say again this is not a government, this is a majority group of people in the House - this majority group of socialists are, and the lengths to which they will go to finance their own party and their own movements out of the pockets of the taxpayers of Manitoba. Now, that's the level that we're talking at because that's the level to which they have brought public debate in this province when they would bring in that kind of legislation at a time when the province is facing its most profound fiscal crisis since the '30s, and these people want to line the pockets of the New Democratic Party at the expense of the taxpayers.

So, we know, Mr. Speaker, the ones to whom we're speaking. We know what may actuate them and activate them, that is . . .

MR. B. RANSOM: Mr. Speaker, on a point of order. I draw to your attention that under Rule 4 we do not have a quorum, Sir, and the House should therefore be adjourned.

MR. ASSISTANT CLERK, G. Mackintosh: 11.

MR. SPEAKER: There being a quorum, The Honourable Leader of the Opposition.

HON. S. LYON: So I appeal, Mr. Speaker, to that base instinct of my honourable friends, their own self-interest and say to them that if nothing else commends itself to them, then certainly their own political self-interest should activate them into paying some attention to the advice that they are being given on this matter of the reference of the resolution to a committee of the House after prorogation and during recess.

I make the - I won't call it prophesy, Mr. Speaker - I make the guess that what we are seeking to have done in the amendment and sub-amendment to this resolution will, in fact, take place. Either that will take place or my honourable friends will withdraw the referral motion and, indeed, will withdraw the substantive motion proposing the amendments to Section 23. I think those are really the only two alternatives that are left to them now because even they are able to see that what they have started in this province is a force of divisiveness the likes of which even they, Sir, had no contemplation would arise as a result of their ill-considered actions.

So, I suggest, Sir, that while we're quite willing to take the time - and take it we will - with respect to this referral motion and/or sub-amendments that will be proposed to it from time to time. But my honourable friends might save themselves some time, might in some small way repair their already soiled reputation with the people of Manitoba by acceding to the reasonable

requests that are being made from this side of the House and from other parts of the community, for them, Mr. Speaker, to accede to this matter as we have proposed it in the resolution. I'm sure that the Minister of Finance has left his tiddlywinks game at home and that's probably what's causing him to be agitated tonight and we don't want to stain his mental powers any more than is necessary, there isn't much there to strain.

Mr. Speaker, I'm not making any prophecy. One can never prophesy in politics, but if I had to make a strong guess I would suggest that those are the two alternatives, the real alternatives that face the government now; either to put this into an intersessional committee, take some time on it or to pull it all together, those are the only two real alternatives they have left. I don't see any way in which they can push this resolution and the referral motion through because, first of all, we will not, on behalf of the vast majority of the people of Manitoba, permit it to happen. Secondly, because as I said before, Sir, to repeat myself, their own narrow, venal, self-interest, I think, will sooner or later cause them to realize that they are jeopardizing the socialist movement - their term, not mine - in Manitoba for all time if they insist in proceeding with the matter which is so obviously contrary to the public interest.

So, Mr. Speaker, if that is to be the outcome, why are we engaged in this debate? Why are we engaged in the debate at all? Why do my honourable friends get themselves into these pickles and know now how to extricate themselves therefrom? Well, Sir, I think it is because they really didn't think this through, and a number of my colleagues have been making observations about the Attorney-General and his powers of negotiation or lack thereof. I said in an earlier portion of the debate on this matter, I believe it was in response to the Attorney-General's first statement on the agreement, that this was not a government that was noted for its negotiating skills.

The loss of Alcan, the loss of the Western Power Grid, the failure to negotiate successfully for the potash mine are all testaments and monuments to the incompetence of this government as a negotiating arm on behalf of the people of Manitoba. Therefore, Sir, again, we don't expect much in terms of competence in any negotiation that it carries out and further, Sir, we see that in this matter, for reasons that still elude most reasonable observers in this province and elsewhere, the Attorney-General has somehow or other sold a bill of goods to his colleagues in the New Democratic Party about some agreement that he negotiated with a plaintiff who had brought a case back in our time in government which caused no worry to any of the legal advisors that we had in government - my honourable friends have the same principal legal advisor in the person of Mr. Twaddle - and for reasons that we don't understand the Attorney-General felt such abject fear that Mr. Bilodeau might take his case finally and have it heard in the Supreme Court, that he literally gave away the farm with respect to the amendment to Section 23.

If any corroboration of my words be needed, look only to the opinion of Mr. Twaddle of April of 1982, I believe it was, wherein he set forth clearly, concisely and precisely the dangers into which this government could get itself if it took certain courses of action.

Notwithstanding that advice, Mr. Speaker, they took those courses of action. They are now in the very troubles that Mr. Twaddle, and I'm sure other advisors, predicted they would be.

Why, said Mr. Twaddle, would you negotiate as a quid pro quo for Mr. Bilodeau dropping his case? Why would you negotiate the entrenchment of French language services into the Constitution when no court in the country could ever impose that condition upon you? Well, Mr. Speaker, that question remains unanswered. My honourable friends have never had the intellectual courage to answer it; they can't answer it because there is no answer to it. They were just out-negotiated.

I remember saying, Sir, in terms of negotiations, I remember saying about a year ago when this government - it wasn't even a year ago, it was a few months ago - when this government announced it had renegotiated the deal with the MGEA. I remember saying then, Sir, that I wished that the government had been as clever in its negotiating techniques as had been the MGEA, because the Manitoba Government Employees Association walked away from that bargaining table with a settlement that was rich beyond their wildest dreams from a government that didn't know what it was doing and I said then, Mr. Speaker, that I only wished that the government negotiators had been half as competent, half as clever as the MGEA negotiators.

Applying the same thought process to the negotiation undertaken by the Attorney-General, I only wish that the Attorney-General, on behalf of the people of Manitoba, had been as shrewd a negotiator as the Franco-Manitoban Society, as the Government of Canada, as Mr. Bilodeau who came away with everything - came away with everything - from that negotiating table and went in with nothing; went in with nothing and came away with everything. Ah, the Attorney-General says, Bilodeau might have won in the Supreme Court and I say equally, Mr. Speaker, and there may be three moons in the sky tonight too - there may be but I don't think it will happen - and Mr. Bilodeau's chance of winning the case, there was about the same probability as there would be of having three moons appear in the sky.

Reread the judgment as I read it to this House from the Manitoba Court of Appeal which threw the Bilodeau case out of sight, two judges out of three, and the third judge only dissenting in part, because as the three of them said, Courts are not in the business of causing chaos, and to accede to Mr. Bilodeau's proposition, i.e. that all of the laws of Manitoba are invalid because they were not translated into French, would create chaos. Therefore, said the judges, we are not in the business of creating chaos, thus Mr. Bilodeau loses his case.

Of course, he lost his case in the trial division, in the Court of Appeal, and he was about to lose it in the Supreme Court if my honourable friends across the way hadn't had such craven fear of letting the case go to trial. What was wrong with letting the case go to trial? There is nothing the Supreme Court could have said that would have imposed the conditions that are in this agreement, nothing at all with respect to French language services and they were being accomplished in any event.

So, Mr. Speaker, you see why the people of Manitoba want to be heard, and they want to question and to

cross-question these great negotiators who have been occupying the seats of power in Manitoba but not carrying out the function in a competent way for the last 20 months that they have been in office. That's why the people of Manitoba want to question this because they see, Sir, that there has been a major mistake made by the government - a major mistake - one that is still capable of being corrected.

Mr. Speaker, I am going to give some advice again to the government. I know they never accept my advice, but I am going to give them some advice. That if they wanted to recover some portion, some modicum of reputation for integrity and for honour and for fair dealing which they have destroyed in the last 20 months. I say, by way of parentheses, I've never seen a government, Sir, lose its mandate as quickly as this government did, largely through incompetence, lack of leadership, inability to carry out even the normal functions of government. If ever a government was incapable of governing, it's this majority group across the way.

So the people of Manitoba know that now, Sir. They have been misled. There has been misinformation fed to them on practically every topic. They can't get a straight answer from the First Minister or anybody else on down, and they know that. Oh, do they know it, Mr. Speaker, and they tell us every day. So, Mr. Speaker, that's why the advice I am giving to the First Minister very simply is this. If he wants to recover some modicum of self-respect for himself and his party, he should abandon this whole venture at the present time.

As my colleague, the Member for Lakeside, said tonight, that would be a government acting in an honourable way. To say in the face of the kind of divisiveness that this matter has caused already in the Province of Manitoba, we had no idea. Own up to their mistake; own up to their ignorance. We had no idea that this was going to rupture the social fabric of our province the way it is day by day. We had no idea that was going to happen. Now that we see that it is happening, we have no honourable course left but to withdraw the agreement and the proposed amendments to Section 23 from the Legislature in toto - withdraw them in toto - and refer this whole matter to a committee with no preconceived notions by the government as to what will emerge after that committee has tested opinion in Manitoba.

Now that, Sir, is the advice I am giving the government. I don't expect them to accept it, because the advice is too sound and too good. That's what a government of honour would do, but as I have said, Sir, my expectations from socialists are so low. I expect no honour; I expect no integrity; I expect nothing but misinformation, running to advertising agencies when they get into problems, conducting themselves very much as this government has been conducting itself for the last 20 months.

It was one of their own former members, Sidney Green, the Leader of the Progressive Party, who put the cap on it better than any of us when he said, "This is, without question, the worst government that has ever held office in the history of Manitoba." Regrettably, Sir - and I say it with real regret because it's my fellow citizens of Manitoba, and I have an interest in my fellow citizens of Manitoba - they are the ones who are suffering at the hands of this bad, bad government, the worst government in the history of our province.

So I hope I am not being, as the Attorney-General is often wont to be, condescending when I am giving that advice, because I give it honestly and I give it truthfully. I think it would be an honourable course for the government to take, and the sooner the better, Sir, because if they allow this matter to fester and to continue within the social fabric of our province, they will do more harm to Manitoba than they have already done in the economic sphere, in the fiscal sphere, in the financial sphere; the harm they have done to the Civil Service by the appointment of their own hacks and friends into Civil Service positions; by plugged-up committees, Mr. Speaker, wherein they appoint their own hand-chosen socialist friends to then judge a competition and say, well that's honest and honourable.

Well, Mr. Speaker, the whole Civil Service know it isn't when they see wives of former Cabinet Ministers winning competitions. Imagine that. Isn't it strange how a wife of a former Cabinet Minister can win a competition for an Assistant Deputy Minister's job? Isn't that strange when they see, Mr. Speaker, the former national secretary of the New Democratic Party, all of a sudden win a competition in the Civil Service, wherein he was selected by two other people and one representative from the Civil Service, but the two other people just happen to be hand-appointed members of the New Democratic Party who are temporarily drawing down big salaries in government. So that kind of crude patronage is going on, that kind of crudity, with respect to trying to line the party's pockets, as we see in Bill No. 48, is going on; they want the public, in Bill 55, to pay for their constituency offices and to pay for their propaganda; that kind of crudity is going on. So the public, Mr. Speaker, regrettably, are coming to be like me. They're not expecting much from this venal bunch across the way. That is why I say, Sir, they do have a chance, they do have one chance, however, to regain some modicum of self-respect on this issue, where they are doing inestimable harm, and that is by pulling the substantive motion, agreeing to the sub-amendment and the amendment, as we have proposed it, on this referral motion, and then, Sir, listening, if indeed socialists can ever listen, listening to the people of Manitoba, hear what the people of Manitoba say.

Mr. Speaker, if they're not prepared to do that, then there is a second course which I have already suggested to them, and that second course is also an honourable course, it's a course that honourable governments in the parliamentary system have seen fit to follow in Britain, in Canada and elsewhere in the Commonwealth, and that is, Sir, to realize the fundamental nature of this problem for which they have no mandate to move an amendment to the Constitution, for which this government has no mandate; and, because they have no mandate, to go to the Lieutenant-Governor and say, we want a mandate from the people of Manitoba before we take this fundamental action on the Constitution, we ask you to call a provincial general election.

That's a second honourable course that this government could follow, Mr. Speaker. In fact, I understand that advice was given to them not too long ago by more than one respected citizen of this province who has told them that is an honourable course that they could follow, to go to the people of Manitoba. But I'm afraid, Sir, that advice, too, is falling on the same, narrow, crude, venal ears that I have referred to earlier in my comments.

Now, Mr. Speaker, we're going through the metamorphosis of the socialists across the way who are now trying to pretend, as socialists often do, that black is white, that up is down, that round is square and that they are right and everybody else is wrong.

We even had the First Minister the other night stand up in this House and try to pretend that his government had always wanted to hear the people of Manitoba, always wanted to consult with the people of Manitoba and, it was during the course of those remarks, Sir, that I made unparliamentary remarks about him not telling the truth, because he wasn't telling the truth; and I paid the price for making those unparliamentary remarks and, unlike my honourable friend across the way, I don't whine about that at all, I don't whine about it a bit; but he wasn't telling the truth, Sir, when he tried to tell the people of Manitoba the other night, in his speech, that this government had always wanted to hear from the people of Manitoba. They have been shamed, Mr. Speaker, every inch and every foot of the way, into making a reference at all, even to a committee that would report back during this Session. They were shamed into that by the pressure that was put on them by this opposition, and that's not good enough, that isn't good enough; and that is why this resolution has been amended so that the matter can be referred interessionally, after prorogation, to a committee.

Mr. Speaker, I'm going to dwell on that point just for a moment because I think it's important for the record, when people try to mislead, when members of this House try to mislead other members of the House and the people of Manitoba, as the First Minister was doing the other night, and as his Attorney-General regularly does, it's important that we look back at the record - and I'm going to take a little time tonight to look back at the record and quote some of the words of the First Minister right back to him - because he was the one who stood in his place the other day and said that this government had always wanted to hear from the people of Manitoba, always wanted to hear from the people of Manitoba, and that this referral motion was an evidence of their desire to hear from the people of Manitoba.

Mr. Speaker, let's go back to Friday, the 17th of June, 1983, and if some of my colleagues have read this into the record and I'm repeating it, I apologize, but I think it's important that it be read into the record because it's important that people in this House speak the truth; and the truth was not spoken the other night by the First Minister and I'm going to prove that it wasn't spoken the other night, Mr. Speaker.

On the 17th of June, after the Attorney-General had made an announcement about informational meetings that he was going to call, with respect to the amendments to The Manitoba Act, I made the suggestion, in the course of my response to his ministerial statement, immediately, that this matter should be referred, without any further ado, to a committee of the Legislature which would sit after prorogation and report to the next Session of the Legislature.

The Attorney-General, to be fair, had no opportunity to respond to my response to his statement but, when question period came along, I placed the first question - I'm going to read it into the record - from Page 3770 of Hansard and we'll see now who's telling the truth,

Mr. Speaker. I put this question to the First Minister: "Mr. Speaker, a question to the First Minister. In light of the announcement just made by the Attorney-General with respect to the amendment to Section 23 of The Manitoba Act and the other two constitutional matters that will be brought before the House, apparently this Session, will the First Minister give an undertaking to the House this morning that the suggestion that has been made, that the committee meet intersessionally, that is, after we have concluded the business of the House this year, that suggestion be followed? Because we have all witnessed this Session the disastrous kind of folly that can occur to the business of the House if you try to have a committee of the House, such as, the Crow Rate Committee, meeting at the same time the House is trying to do its business. Realizing that we are now probably within the last few weeks of the House's business," - and that was the 17th of June, I say, by way of parentheses, Mr. Speaker - "I would commend to him the suggestion that the House meet intersessionally with respect to these constitutional matters so that there may be sufficient time given by all members of the House to hearing the people of Manitoba, particularly on the matter of bilingualism."

Here's the response of the Honourable H. Pawley: "Mr. Speaker, no. This is a matter that will be dealt with not on intersessional basis, but as a consequence of the kinds of meetings that have been outlined by the Attorney-General to deal with information. The meetings are caused as a result of the necessity for resolution of certain matters pertaining to a court case. It's not an instance where we could fairly say that intersessional committee meetings could change the nature of the agreement that has been arrived at."

Mr. Speaker, I put the same question to him, again, tried to point out what a reasonable request this was. What did he respond? I won't read it in toto. It's still on Page 3770. Mr. Speaker, he responded in part - I'm quoting the First Minister - "The meetings that are involved here are clearly for the purpose of better informing the public insofar as the resolution that has been arrived at as a result of a court litigated action, Mr. Speaker. It is a matter that cannot be dealt with effectively by public hearings, but by way of providing information as to the nature of the resolution of the court agreement."

Then, Mr. Speaker, I read my subsequent question Page 3770. I asked this question of the First Minister. "Well, now, Mr. Speaker, is the First Minister telling us that these hearings, which we thought were to be hearings of a committee of this House are now to be some form of propaganda sales pitch by this government rather than a genuine meeting of a committee of the Legislature of Manitoba, to go to the people of Manitoba, to seek their advice and counsel? Is that what the First Minister is telling us, that he's going to try to ram this through and try to propagandize his point of view and say that the devil take the hindmost to the people, is that what he's telling us?"

Here's the response from the First Minister on the 17th of June. "Mr. Speaker, those attending will be able to comment in respect to the resolution that is at hand and the matters pertaining to the resolution." Then he carries on, and I jump, "But it is a matter that we're working under insofar as strict time limitations and basically a matter pertaining to comment and providing information."

Then later on, his Attorney-General on Page 3771 got into the act as he usually does trying to bail out the First Minister, and here's what the Attorney-General said: ". . . that is, that these negotiations took place, as the First Minister has pointed out, in the context of a court case in which we were about to have the case argued in the Supreme Court with the possibility of a decision which could have created legal chaos in the Province of Manitoba. So what I'm saying," and I jump in his answer on Page 3771, "So what I'm saying is this, that, yes, the hearings will invite comments obviously. There's what they're there for. They are also there to answer questions, because we have found out in the tour of southern Manitoba that when questions are answered with factual information it helps considerably. The government has said that it will not call for a vote on the resolution until those hearings are finished, because it is not, Mr. Speaker, by any stretch of the imagination a PR exercise or sham, because it is open for us to do one thing but one thing only, that is to reject the agreement completely. It is not possible at this stage, because this case in the Supreme Court merely stands adjourned. It is not possible for us to take an agreement that involves four or five parties and unilaterally start playing around textually with the agreement."

"What we can do, and I hope we won't because of the importance to Canadian unity of what we're doing, is pull back from the agreement entirely. But we will listen to the comments, we will answer the questions, we will give factual information instead of the poisonous, race-hatred kind," etc., etc., and on he went.

Well, Mr. Speaker, I kept repeating and repeating that day to the First Minister, will you not call a committee of the Legislature to meet intersessionally and the answer was no, no, no, we're going to have propaganda meetings, we're not going to have a committee of the Legislature.

On Page 3773 listen to these marvellous words of the First Minister of our province. "Mr. Speaker, the Attorney-General has given a statement which I think is very very clear, that the meetings will be meetings that will provide Manitobans with an opportunity to comment, to receive information, to have questions dealt with, and the resolution in the House and debate commence within the next 10 days, but the resolution will not be put to a vote prior to the conclusion of these particular matters."

Then there he carries on, "Mr. Speaker, these public hearings will give opportunity for comment, for questions, for response. I must say to the Leader of the Opposition during the past recent three days, I had an opportunity to visit a number of communities . . . " and on with more bafflebag, Mr. Speaker.

Then he carries on saying, "I must say, Mr. Speaker, what is required is that kind of discussion and dialogue; we wish to do that. And I must say that there is a much better understanding outside this particular Chamber in respect to that when one meets with Manitobans and can discuss this particular item with Manitobans in a proper informational setting."

Then I said, "Mr. Speaker, in view of the fact that it is demonstrated in this House this morning that the opposition certainly will not agree to this form of unilateral, informational, propaganda hearing that seems to be what the government has in mind, will the

First Minister - I ask him for the third time - because of the fundamentally important nature of this constitutional amendment to all Manitobans, will he not reconsider the authoritarian announcement that has been made this morning by his Attorney-General and refer this matter after the House has adjourned to a properly constituted committee of this House in the normal parliamentary way, in order that the proper public hearings can be made held on the matter, and the matter reported back?"

Mr. Speaker, the First Minister responded by saying, "I point out to you that the question has been asked three times, and it has been answered three times in this Chamber." End of dialogue.

Well, except for one more on 3774 when he pounded in another spike, when he said, "Mr. Speaker, we will do as the Attorney-General has indicated, and we will proceed through a process of informational meetings. Mr. Speaker, I don't know what can be more open, what can provide greater opportunity, that is not the usual kind of process."

It certainly isn't the usual kind of process - this from the man who stood in the House the other night and said we've always wanted to refer this to a committee and to hear from the people of Manitoba. That was pure misinformation, Mr. Speaker, offered by this First Minister, and he wonders why he has no credibility with the people of Manitoba. He's laughed at throughout the length and the breadth of this province now because he can't be believed. It's this kind of statement, this kind of half-truth that has put this First Minister and his credibility into the serious state of doubt that they are at the present time.

It is that kind of statement, Sir, on the record, contrasted with his attempt on Tuesday last to try to say that this was not the case, what I have just read into the record was not the case. It is that, Mr. Speaker, that is leading this First Minister to lose what little credibility he has among the people of Manitoba. No, this government didn't want to hear them at all. They wanted for their own cynical, narrow, venal, partisan purposes, to rush this matter through with their informational meetings.

The First Minister - I've just read it into the record - said he could think of no better way to hear the people of Manitoba than the informational meetings. So they had the informational meetings - oh, that marvellous exercise in democracy, marvellous exercise in democracy where the public were allowed to speak for five minutes. The Attorney-General and his hand-picked chairman, the Dean of the Law School, his running mate, his colleague from the Law School, they could speak so long as they wished, but not the public, Mr. Speaker, the public were restricted until some like Sid Green said in effect, to the devil with you, I'm going to say my piece and you're going to hear it. I daresay that the Attorney-General with his political background found that a bit bumptious when people were actually able to tell him what was going to happen at an open, democratic committee - not committee, but propaganda meeting. In any case, Mr. Green and others were heard.

That, Mr. Speaker, was the extend to which this government was prepared to go to consult the people of Manitoba. The Attorney-General said it; the First Minister repeated it; the agreement was engraved in stone, nothing was going to be changed. I've just read

to you what the Attorney-General said, that there were only two things they could do, withdraw the agreement or put it through in the shape in which it was. That is this open, consultative government that the First Minister tried to pretend they were the other night. They were shamed, Mr. Speaker, after their propaganda meetings, they were shamed into then moving this referral motion. As the Free Press said today, they were inched further toward doing what they should be doing by this opposition.

So, Mr. Speaker, after they had taken some heat for awhile they then decided that they were going to go into the committee hearing but, of course, they couldn't do it intersessionally, no no no, they would have to have it report back this Session. They didn't intend to have a committee meeting at all till they were shamed, forced into it, and if my honourable friends can show from Hansard, from where I've just read on the 17th of June, where they ever intended to have a committee meeting, let them show it. I read it into the record tonight so that the truth will be back on the record because the truth is seldom spoken from that side of the House when it comes to trying to paint over and to create mirages about what this government intended to do.

This government intended to ram this through, to have their private little propaganda meetings with the Attorney-General and ram it through after that. No committee meetings at all, five minutes for the public, wham bam, thank you ma'am, that's enough, we've heard enough from you, that was what they intended to do and they were shamed into a committee meeting. That's why we've got a referral motion, we shamed them into this referral motion and having the kinds of cluttered minds that they do, they didn't have either the wit or the understanding to realize that the suggestion that we have made from Day One that it should be referred to a committee after prorogation, was still the right suggestion.

So while they were shamed into having it referred to a committee - and the Attorney-General finally broke down one day and made that concession, not at the beginning at all - but when they were shamed into that, Mr. Speaker, then we got the referral motion from them. They never intended to have a referral motion at all. For the First Minister to stand in this House, as he did on Tuesday night, and say that they always wanted to consult the people of Manitoba by way of a committee is a sheer, abject untruth and he should have the gumption and the honour to stand in his place if he dares debate this matter again and to admit the untruth of the statement that he made the other night.

Mr. Speaker, First Ministers are not supposed to mislead the House or the people of Manitoba and it stands on his record, until he has the honour or the integrity, if he has any, to stand up in this House and say, I spoke an untruth the other night when I said we always wanted to have a committee meeting. Mr. Speaker, I read that into the record tonight so that the First Minister, if he has a conscience, would realize that his conscience should cause him to correct the statements that he made to the House the other night.

So now, Mr. Speaker, having been forced, literally, into committee meetings by the opposition, by the public, by the heat that was put on them because they never intended to have committee meetings at all - the

invisible member from Springfield shakes his head in disbelief, he doesn't know what's going on in any event - by the way, Mr. Speaker, may I make a comment about the procedures in the House.

I want to, and because my advice is never followed perhaps I should not, I want the Member for Springfield to continue giving all the procedural advice that he can on the operation of the House to the First Minister, the Attorney-General because, Sir, he hasn't won one yet. He's never been right yet. He was never right when he sat as an Assistant Clerk, he's not right as a member, and I want him to continue to give that wonderful advice to the socialists opposite because, as one of his colleagues said the other day, we haven't won one yet listening to Andy. Well, isn't that nice, Mr. Speaker. Just so that he knows how much he's appreciated on his own side of the House, let him continue to give all that marvellous procedural advice to his colleagues because I'm sure they appreciate it and certainly we do on this side of the House.

Well, Mr. Speaker, we are into a situation now where the government having been inched forward closer to something that is honourable for a government to do and traditional in this House, that is to refer the matter to an intersessional committee, while being closer to that the government still has displayed its - may I use the term? - stupid stubbornness because no other thought comes quickly to mind, and has not yet given in on the point of having an intersessional hearing. It will. My prediction is that it will because the reason and the common sense of that argument will soon shine through even to the cluttered minds across the way.

So why don't they do the honourable thing now, Mr. Speaker, accept the sub-amendment and the amendment, and this matter can be referred then to a committee unhurriedly; we can clean up the Business of the House with a few other withdrawals that they will have to make of bad legislation. The honourable members know, our people have been in negotiation with them for sometime, they know the things that we will not tolerate. We will not tolerate Bill 48, they know that. We're not going to allow the NDP to line their party pockets at the expense of the taxpayers of Manitoba, they know that so they might as well pull that bill now. They might as well either cure the farm lands bill and allow other Canadians to buy farm land in Manitoba or they won't get that one through and they'll have to pull it again.

So, Mr. Speaker, what we're asking for is not something to embarrass the government but rather to save the government from doing deep harm to the people of Manitoba. As one of my colleagues said the other day, if we were really concerned about the narrow, partisan business of doing damage to the NDP we would let them pass all this legislation and then let the public opinion descend upon them, as an avalanche would, and rout them out and give us, as we will have no shortage of, more material with which to use against them in the next election. If we were venal and narrow and small and partisan the way they are, that's the attitude we would take. We would say, well let them pass all this bad legislation, but we feel we've got a bigger responsibility, Mr. Speaker, that is a bigger responsibility to see that good legislation comes out of this House.

MR. SPEAKER: I look in the Concise Oxford Dictionary for the word "venal" which has been used several times

by the Honourable Leader of the Opposition and find that it describes that word, when describing a person who may be bribed; ready to sell ones influence or services or to sacrifice principles from sordid motive; of conduct, etc., characteristic, a venal person. I cannot believe that the honourable member would wish to accuse other members in this House of that sort of thing and I would ask the honourable member not to use that word again.

The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, if as you say, the word is unparliamentary, I withdraw the word. I don't withdraw the thought behind it because the thought is still true.

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

MR. B. RANSOM: I think perhaps it's a point of order, Mr. Speaker. There seems to be an unusual odour in the Chamber which is rather nauseating. I am wondering, in view of that, if the honourable members opposite would consider an adjournment.

MR. SPEAKER: The Honourable Minister of Cultural Affairs to the same point.

HON. E. KOSTYRA: Mr. Speaker, I understand that odour is not only in this Chamber, but throughout the building . . .

MR. B. RANSOM: No, it's not.

HON. E. KOSTYRA: . . . and the outside. Go outside this building and you'll smell that same odour, so it's something that's in the air in the city.

MR. SPEAKER: The Honourable Member for Turtle Mountain is quite right, it's rather unpleasant. However, there seems to be no feeling from the members to adjourn.

The Honourable Leader of the Opposition may continue.

HON. S. LYON: Mr. Speaker, we've become accustomed to various evidences of unpleasantness in the House in the last 20 months. The odour tonight is only one of them.

Mr. Speaker, the advice that I have offered to the government tonight, to the majority party across the way, is advice that I think they should ponder carefully because, Sir, the government is in the position of having, day after day after day, growing numbers of people writing to them, writing to us, phoning to them, phoning to us about the situation that is being imposed upon the people or that the people fear is being imposed upon them by the government's haste in wanting to push this matter through.

I think we're entitled for a few moments, Mr. Speaker, to examine why any government in its right mind would want to carry out this activity in the particular way that this government has chosen. While it is not parliamentary to impute motives, when one looks at the whole gamut of reasoning surrounding my honourable friends' actions, one is left with the clear

impression that they are motivated more by political, partisan desire to clean something off the slate that they know is going to be very uncomfortable for them as soon as they can - devil take the hindmost - it doesn't matter if it's doing harm to the Province of Manitoba. We have embarked upon it; let's be stupidly stubborn as we are in most things, say they across the way, and carry out this amendment to Section 23 because Mr. Trudeau wants us to do it and we, of course, never argue with Mr. Trudeau. Secondly, because we have made an agreement with the Government of Canada that we would carry this through, and we have one with the Franco-Manitoban Society and for our own political purposes, we can't go back on that agreement.

So, Mr. Speaker, the only motivation that I can see for this government carrying on in this particular way is for their own narrow, partisan purposes. I, for the life of me, can't imagine how any group of people can be animated in such a way as to believe that the public can't see through that kind of base cynicism. Of course, the public see through it. They see through it very clearly.

That is why, Sir, we are getting encouraging messages from large numbers of the public day after day to carry on with this debate on this sub-amendment and on the main amendment, because they know that this government is committed to an action that is fundamentally contrary to the public interest of the province.

Now my honourable friends, I know, will say that I have strayed a bit from the process motion tonight, and perhaps I have. If I have, I apologize to the House. There are substantive things that can be said and that will be said, Mr. Speaker, with respect to not only the process that we're involved in, but when we come ultimately, as we may - although I would suggest, Sir, that we don't come to that point - to the substantive motion, then of course, Sir, there will be other examples that I will be bringing forward of how this government has not been telling the people of Manitoba the full story about the constitutional amendment that it is proposing to the people of Manitoba.

Mr. Speaker, I cite as only one small example of a matter that I intend to go into on another occasion, the meeting that the First Minister had on July 5th with the Union of Municipalities wherein he was reported in the July 6th edition of the Winnipeg Sun as saying, "Pawley said, he explained that if the issue had been allowed to go to the Supreme Court, Manitoba municipalities could have been forced to translate all their by-laws."

Now it is within the full right of the First Minister to say, I never said anything such as that at all. He has never said that but, if he did say that, Sir, that is a complete mis-statement of the fact. There is nothing in the Bilodeau case that threatens the municipalities at all, because the Blaikie case is already settled that municipalities are not subject to 133, municipalities and school boards in Quebec are not subject to 133. Because 23 and 133 are the same, it is not difficult, as Mr. Twaddle pointed out to them, to find that the Blaikie case already has disposed of that.

So I can only say to the First Minister that when we get to the substantive motion, it will be matters of that sort that we will be raising with respect to this government's record and its integrity of telling the truth about this matter. But I do not intend to take the time of the House tonight on those substantive matters.

What I do say, Sir, as I conclude is this. This government has an opportunity, if it agrees to the sub-amendment and to the amendment, to redeem a modicum of its self-respect in this province. If, Sir, it continues to vote stupidly and stubbornly against this sub-amendment and eventually, Sir, against the amendment - but that will be a long time coming I venture to say - then, Sir, it will have corroborated and confirmed to the people of Manitoba for all time that this socialist majority across the way really doesn't care what the people of Manitoba say. It doesn't care at all. It is interested only in its own narrow, partisan advantage.

So I ask my honourable friends before they cast a vote on this sub-amendment, whether it be tonight, tomorrow or whenever, that they consider carefully in their consciences what they are voting for or against. Mr. Speaker, I would suggest that history will look more fondly upon them, although God knows, history has already indicted them. But history will perhaps look more fondly upon them as they move into political oblivion after the next election if they, at least, take the honourable course on this referral motion and allow this important matter as the people, the vast majority of Manitobans wanted, to go to a committee that will sit after prorogation and report to the next Session of the Legislature of this province.

MR. SPEAKER: Are you ready for the question? The question before the House is the sub-amendment proposed by the Honourable Member for Arthur. Do you wish it read?

MOTION presented and defeated.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members. I have been advised by the official Opposition Whip that the opposition will not return to the Chamber before 10:00 a.m. tomorrow. In view of this advice, I have informed Chamber staff that they will not be required to remain on duty outside normal working hours. I have made arrangements to secure the Chamber during this period, and the sounding of the bells will be minimized to the greatest extent possible.

I am accordingly leaving the Chair to return at 9:30 a.m. tomorrow morning.

(And the division bells having stopped at 10:05 a.m., August 6, 1983.)

MR. SPEAKER: Order please. The question before the House is the sub-amendment proposed by the Honourable Member for Arthur to the referral motion. Do you require the sub-amendment read?

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

YEAS

Messrs. Banman, Blake, Downey, Driedger, Enns, Filmon, Gourlay, Graham; Mrs. Hammond; Messrs.

Hyde, Lyon, Johnston, Manness, McKenzie, Nordman; Mrs. Oleson; Messrs. Orchard, Ransom, Sherman.

NAYS

Messrs. Adam, Anstett, Bucklaschuk, Corrin, Cowan; Mrs. Dodick; Ms. Dolin; Messrs. Eyer, Fox, Harapiak, Harper; Ms. Hemphill; Messrs. Kostyra, Lecuyer, Mackling, Malinowski, Parasiuk, Pawley, Penner; Ms. Phillips; Messrs. Plohman, Santos, Schroeder, Scott; Mrs. Smith; Mr. Uskiw.

MR. ASSISTANT CLERK, G. Mackintosh: Yeas, 19; Nays, 26.

MR. SPEAKER: The motion is accordingly defeated. The question before the House is the proposed amendment of the Honourable Member for Fort Garry. Are you ready for the question?

The Honourable Member for Sturgeon Creek.

HON. S. LYON: You can win the votes; we'll win the war.

MR. F. JOHNSTON: Thank you, Mr. Speaker. I am pleased to see that we are all here this morning, feeling much better this morning, Sir, because the opposition had the ability and the foresight to see that people, at least getting to bed at 2 o'clock in the morning would be fresher this morning than getting to bed at maybe 4 o'clock or 5 o'clock in the morning. I am sure, Sir, that you and the staff appreciated a good night's sleep, because we are reasonable people on this side and we could see, Sir, that the government was having no consideration for anybody last night. So, out of the forethought and the serious thinking of the opposition, we are here tonight. As a matter of fact, Mr. Speaker, I heard the Attorney-General say if we moved adjournment early we would probably have been feeling better. I, personally, Sir, had a better sleep last night because it was a cooler night; I had much more sleep going to bed at 2 o'clock last night and having a good night's sleep than I did in the hot temperatures of the night before, but our government doesn't really realize these things.

One of the main reasons we had the adjournment last night and, unfortunately, the Minister of Finance was the one that has mucked it all up for the government. I'm sure the government were all going to attend the party that the other members were at, and probably would have gone if he hadn't yelled, no, from his seat and forced the Deputy Speaker into calling a vote. But, as my honourable colleague for Pembina said - I said to him when we went out the door, walking down the hall, let's go and take a look at the charge coming up the front steps - as he so ably explained last night, he and I went through an experience that I have never seen in my 14 years as a member of this House, Sir.

Mr. Speaker, the amendment that was just defeated was something that I can't understand the government not accepting, but the amendment that I am speaking on basically says that we want to have intersessional hearings by a committee that is constituted by this Legislature to hold hearings in many different parts of this province.

Mr. Speaker, I am going to repeat something I said in the last speech I made, because the First Minister is here this time and I want him to realize what he said when we were discussing the Constitution a couple of years back, the Canadian Constitution and Bill of Rights. He said: "There is not much point," but he said, "in ensuring that the public will have a real input into this committee's work," and the main words that the First Minister said, "and the development of the proposal of initiatives."

You see, the Premier at that point said that he believed that the people of Manitoba should be part of the development of the proposals and initiatives. The First Minister believed that there should be nothing put together until the public had had a complete input, and giving us their advice on what this Legislature should do.

Also in the same speech, Mr. Speaker, the First Minister said, "At a time when, indeed, the public of Manitoba would assist," the Premier said, "would assist and contribute in the development of the proposals." That's what the Premier of this province said; the Premier of this province said the people should have some development in the input. You know, he said he hoped that the position papers that have already been tabled would be made available to the public so the public would understand, and they would be able to look at the position papers and give assistance to this Legislature to make a decision.

Mr. Speaker, the Premier gave some very good advice. He did give some very good advice at that time, but you know two years later he becomes the ruler of this province, not the governor of this province, or the government of this province, when they become the rulers of this province, his tune changes completely. I think that's just another example of what I've said in this House many times, the Premier will say anything at any time and will change his mind later.

Mr. Speaker, that is the reason we believe that on constitutional amendments, that this Legislature should take the time to have the people have input into the development of the resolution. The only people that had input into the development of the resolution as far as Manitobans were concerned, Sir, were the Franco Society. Those are the only Manitobans that were involved in the hearings, unless some of the Trudeau Federal Liberals that were there who wanted this were from Manitoba. I'm sure Mr. Axworthy, the Minister of Immigration, was certainly involved in it, and he was there representing the Trudeau Government. In fact, I'm not too sure that this agreement wouldn't have been made in Mr. Trudeau's office. Mr. Axworthy is certainly working hard with people to influence them to see that this resolution goes through. I believe there is ample indication that he is doing that. I know about it, I'm sure the Member for Elmwood knows about the work that Mr. Axworthy is doing to try and see that this resolution goes through. We do know that the Trudeau Liberals, working with this government and the Franco Society, put a resolution together that only about 500 or 600 people in Manitoba, or maybe less, had any knowledge of before it was presented to this House. Mr. Speaker, that is a disgusting situation.

That's why this side of the House is being so adamant, Sir, to make sure that this Legislature does the right thing by the people of Manitoba, in fact, Sir, that we

do the right thing according to the gospel of the Premier which says at a time when indeed the public of Manitoba would assist and contribute in the development of the proposals.

Mr. Speaker, we also are very disappointed in the government, to say the least. The people of Manitoba are exceptionally disappointed with their government. The people of Manitoba have been letting us know, and I know they've been letting the government know how disappointed they are in a government that does not run on the basis of changing the Manitoba Constitution; in a government that didn't say one word during an election campaign that when we are elected we are going to rule you; we are not going to govern you, we are going to rule you; we are not going to bring you into any of the discussions. We are just going to present, after we're elected, something that is a complete surprise to you, which is the changing of the Constitution of the Province of Manitoba which will affect the lives of Manitobans today and in the future, and even the unborn children of this province.

Mr. Speaker, I certainly feel, as I've said before, that this resolution does absolutely nothing to assist the minorities of this province. Mr. Speaker, this government believes that by fighting or doing this that we are showing that the minorities have some rights, but as Mr. Wells put it so ably one morning on his program, he said the rights of Manitoba's minorities were given and were shown in 1979 with the Supreme Court decision. In 1979, it was decided by the Supreme Court of Canada that this province does not have any official language.

When I kept talking about the official language and the Minister of Finance got up and found one memo - maybe there are two memos - but they went to Ministers within the government discussing official languages, and the reason why it was used is because there are two official languages in Canada, so it was an explanatory type of memo to Ministers. It wasn't a news release, Sir, that I'm holding in my hand today. It wasn't a news release that was put out by this government that said Manitoba is the only province that is both officially bilingual and fully multicultural. Fully multicultural yes, but a news release that goes to the public is an entirely different thing.

As a matter of fact, Mr. Speaker, on three occasions in this news release the word "official" is used. I might say, Sir, it is used further down, ". . . services provided by Government of Manitoba shall be made available to the extent possible in both official languages in the areas where French-speaking population is concentrated." Now, under that circumstance, I don't criticize that particular line, because the two official languages of Canada are French and English of our Federal Government. I don't think there was anything wrong with that particular line. Certainly the other two places where it was used was misleading to the people of the Province of Manitoba. We do not have an official language in this province.

Mr. Speaker, this government comes along and now wants to entrench two official languages. The Government of Manitoba entrenched one in 1890 and it was proven wrong, and I'm sure the members opposite probably agreed and were hoping that the Supreme Court's decision would be the way it was and then they turn around and now they want to entrench two.

Mr. Speaker, there's been a lot said about the fact that in 1870, maybe an equal or a third of the population was French, that the other was English and there was reason to certainly have the Constitution of Manitoba the way it reads, Section 23. But you know, the people of Manitoba didn't get to be what we are today by anybody directing who was going to come here.

The immigration of the province grew on its own and the immigration of the province grew, Sir, to be, as is said in this press release, fully multicultural. We have the Ukrainians who are the second or third largest ethnic group; we have the Germans who are the second or third - I'm not sure which is which - and we have other ethnic groups that have very large populations of our province, so we in Manitoba didn't make that decision. The decision was made by people who wanted to emigrate here and be free, to live in a province and a country where their multiculturalism could be nurtured and brought forward and, Mr. Speaker, that's what's happened in Manitoba and the governments, in the last several years, have worked very hard towards that end.

We have immersion courses in French; we have them in Ukrainian; we have them in German. The Minister of Education is well aware of the work that this province has done to bring that multiculturalism forward so that people who have come to live in this province, no matter what, would have the opportunity to learn the languages that they desired; and the desirability is, first of all in many cases, I know many people and I'm sure you all do, who have taught their children the language of their forefathers before they even learned to speak English and then they would go to school and they would have the opportunity to take other languages in school.

Mr. Speaker, why are we changing? We have been working towards it. We have been doing it. All of this press release, all of this bilingual policy of this government and the bilingual policy of the last government, is such that the government is allowed and can do it for any cultural group and, Mr. Speaker, once we entrench it, once we put it into entrenchment, it's in the hands of the courts.

Now, the Member for Radisson keeps saying, that's not true. Of course, the Member for Radisson, when one of the members of this House got up to speak on the amendment, Sir, and the member from - well, it was when the Member for Pembina got up to speak the other day and he mentioned the amendment put forward by the Member for Gladstone and the Member for Radisson said from his seat, it's a waste of time. Those were his words across the House, it's a waste of time, Mr. Speaker.

Then, of course, as I pointed out before, the Attorney-General, on the 2nd of August, made the statement in this House, speaking about the resolution and said, "Now if this goes through, as I am sure it will . . ." As I am sure it will - means that the Attorney-General who runs the province, by the way, has said that he's sure it will go through. The Attorney-General doesn't care about the province or the NDP party. It's a platform for him to try and go down in history; it's a platform for his philosophy to try and get people fighting with one another. Divide and conquer is the word, Mr. Speaker. So the Attorney-General obviously thinks that way or else he would not have come forward with a resolution that he and about 500 of the Franco Society, Mr. Trudeau and Mr. Axworthy, Liberals, putting the

thing together without the benefit of the advice of the other people of this province — (Interjection) — and I say to the Member for Radisson, Sir, if he disputes that, get up and prove us wrong.

Mr. Speaker, I would ask the Member for Radisson if he disputes it and the Attorney-General if he disputes it, if he would present all of the position papers that were put forward, the same as the Premier of this Province said, "I trust that all the position papers that have already been tabled by the Attorney-General will be made available to the committee, to its members, so that they may be discussed in openness. Indeed they deserve to be considered." Those are the words of your Premier, Sir.

MR. G. LECUYER: So?

MR. F. JOHNSTON: So, he says, so. So he doesn't give a damn if the people of this province have any input into it or not. Well, Mr. Speaker, that's not much different than the comment he made the other day when he said the sub-amendments were a waste of time. — (Interjection) — Yes, he says. Now he says yes.

Well, Mr. Speaker, I just hope he keeps making these comments because it shows that this government wants to have hearings in a committee while the Legislature is sitting; they want to hold them within three weeks during the months of summer holidays; they want to hold them at a time when people in this province are busy; at a time, traditionally, for 200-300 years when people have taken holidays in this province, this government wants to have those hearings now.

Mr. Speaker, I can't really understand why the members opposite don't realize that, except that they are rulers; they're not governors, they're rulers. The Minister of Municipal Affairs who went around the province and said, we have to go back to 1870, he said, when the Constitution stated we had two official languages. I heard him say it. — (Interjection) — Misleading? Mr. Speaker, I don't know that I'm being asked to prove it. I am saying that that's what I heard the Minister of Municipal Affairs say in Woodlands. If he wants to disprove it, fine. I haven't heard him standing up on a point order. — (Interjection) —

You see, there goes the Member for Radisson again saying, prove it. He has got his mind closed to everything. He doesn't have any feeling for any of the other ethnic groups in this province.

Mr. Speaker, I know that we have spent many hours in this Legislature, and it's fairly obvious we're going to spend many hours more, and we've had a sub-amendment in this House that said that the House must report by December 30th; we have had another sub-amendment that has said that this House must report by December 29th but, of course, Mr. Speaker, there's nothing to stop the government from calling the House earlier if the committee has finished its hearings and are ready to report to the Legislature. There's nothing to stop that; there's nothing to stop the government from scheduling those hearings so that they will be finished in a reasonable length of time; there is nothing to stop the government or the House Leader saying that the committee will meet to make its final report to the Legislature, and they will make that report to

the Legislature on such-and-such a date, there's nothing to stop the government from doing that, nothing whatsoever.

What would be doing? We would be doing exactly what the Premier of this province requested be done when we were talking about constitutional amendments. Quite frankly, Sir, I believe that constitutional amendments should take at least two years but all of a sudden the Attorney-General, with his great knowledge of law, decides that the province could be put into chaos with the Bilodeau case, after everybody advised him that it probably wouldn't happen, and all of their literature says it couldn't be chaos.

Well, Mr. Speaker, anybody standing in front of the Supreme Court would say that in 1979 the Supreme Court ruled, and we have been doing what the Supreme Court ruled; we have been translating it, we have been making every effort, Sir — (Interjection) — Bull, says the Member for Radisson, again. The redneck from Radisson, bull, he says. Well, Mr. Speaker, could he probably get us translators? Could he do it any faster? They could have been negotiating those one-page pieces of legislation that haven't been used in years and years, would probably not have to be translated, they could have been doing that, but the Attorney-General says I'm not going to just cast the dice on this province - cast the dice, nothing. He had more chance of winning in the crap game than he had of losing.

Mr. Speaker, the crap game would have been the way the Attorney-General likes it, with loaded dice on his side he would have won, and this great Attorney-General, theoretic professor of law, who comes into this House not knowing any common sense whatsoever, decided to sit down with one group of Manitobans and make this resolution so that he, not caring about the NDP Party or anything else, could go down in history, Sir, that's all he wants as a platform.

So, Mr. Speaker, as I mentioned, we have made these amendments and the 29th or the 30th is very close to the end of December, it might not be possible, if the committees went late, Mr. Speaker, to get the resolution to Ottawa, whatever it may be by that time, it would probably be a hard thing to do if the committee did not meet before the December 29th. But, Mr. Speaker, if there was, at least, a full week or 10 days before the end of the year when the committee had to meet, it would put the government in the position of having a full week to come in and have the committee meet, five days, or 10 days, or whatever, when there could be a report from the committee. The resolution, after hearing from the people and getting input from the people, could be worked out and they could meet their time limit.

So, Mr. Speaker, I move, seconded by the Member for Turtle Mountain

THAT the amendment be further amended by adding after the words "next Session of the Legislature" the following words "and in any case not later than December 19, 1983."

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Yes, Mr. Speaker, I'd like to give you my views as to the propriety of the amendment.

Mr. Speaker, in considering whether an amendment is in order I would like you to refer, not only to our Rules, Mr. Speaker, but to the authorities. First of all, I'd like you to refer to Rule 58 which reads: "A motion shall not be made if the subject matter thereof has been decided by the House during the same Session." My submission, Mr. Speaker, is that the subject matter of the proposed amendment has been decided, not once, but twice in this Session.

Now, Mr. Speaker, I'd like to refer you to the authorities in Beauchesne, Page 154, Mr. Speaker, Citation 430: "An amendment already negatived may be put a second time if it contains additional particulars." Now, Mr. Speaker, I would like to draw your attention to the words "additional particulars." My submission is that the mere replacement of one number for another is not providing additional particulars. Clearly the implication is that there has to be some further new, fresh concept, some new, fresh particular in the amendment.

I refer you, Mr. Speaker — (Interjection) — Well, honourable members should have at least the decency, during submissions on points of order, to listen in comparative silence. In Citation 432, Mr. Speaker, "An amendment which is substantially the same as one moved on the Address in Reply to the Speech from the Throne is not in order because an amendment must not raise a question substantially identical with one on which the House has given a decision in the same Session."

While the reference, Mr. Speaker, is to amendments dealing with the Address in Reply to the Speech from the Throne, the principle is set out there that it should not be the same substance.

To strengthen that, Mr. Speaker, I refer you to the next page, 155, Citation 440, which reads, "As the proposal of an amendment to an amendment originates a fresh subject for consideration, the new question thus created must, to prevent confusion, be disposed of by itself."

Now I draw your attention, Mr. Speaker, to the words, "fresh subject for consideration." I suggest, Mr. Speaker, that the mere substitution of digits does not introduce a fresh subject for consideration.

Mr. Speaker, the reference in Beauchesne, in Citation 432, is to the Journals, February 13, 1913 at Page 247. In that reference, Mr. Speaker - that's a reference in 1913. It was on the 13th, the 14th of February. The Speaker had this to say: "But for another reason I am inclined to the opinion that the statement is out of order, and it is to this. The honourable member in moving it drew attention to the fact that it was substantially the same as a resolution that he had moved on the Address in Reply to the Speech from the Throne." Bourinot, in his Third Edition, says that "the renewal of a question during a Session, when a motion has been stated by the Speaker of the House, and proposed as a question for determination, it is then in the possession of the House to be decided, or otherwise disposed of, according to the established forms of procedure."

Then it goes on to say: "It is, however, a usual form of procedure that no question or motion can regularly be offered if it is substantially the same as one on which the judgment of the House has already been expressed during the current Session." I draw your attention, Mr.

Speaker, to the words, "substantially the same." Mr. Speaker, clearly this amendment is substantially the same to the previous amendments.

Then, Mr. Speaker, the further reference I want to make to you is the confirmation, again from Beauchesne, and this is found on Page 418, the process of debate - this is from May, pardon me, from Erskine May - the reference there is, "An amendment is also out of order . . ." this is found on Page 418 in Erskine May on Parliamentary Procedure, Mr. Speaker. "An amendment is also out of order if it is inconsistent with words in the motion which have already been agreed upon" - that's not relevant; this one "(c) or with an amendment already agreed to, or if it is substantially the same as an amendment to the same motion which has already been negatived."

Clearly, Mr. Speaker, the amendment which is proposed is substantially the same; it deals with the same principle. The mere variation of one date in time from another is not a substantial change, Mr. Speaker. I, therefore, submit that in accordance with our Rules, and the authorities, as I have indicated them to you, this proposed sub-amendment is clearly out of order.

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

MR. B. RANSOM: Mr. Speaker, with reference to the point of order made by the Acting Government House Leader. The first point he raised, Mr. Speaker, had to do with Rule 58, saying that the subject matter had already been dealt with. Sir, I, of course, would submit that the subject matter has not been dealt with, because the subject matter of the sub-amendment is the specific date upon which the committee must report before, prior to that date. It could be December 31st; it could be December 30th; it could be December 19th; it could be September 1st. There clearly is a significant difference in the date.

There is a difference in one day, Sir, as my colleague, the Member for Lakeside, pointed out, ask the people of Pearl Harbour if there was a difference between December 6th and December 7th. A day can make a significant difference, Sir, and that is the subject of the sub-amendment.

Sir, the Acting Government House Leader referred to Rule 430 in Beauchesne, which says that, "An amendment already negatived may be put a second time if it contains additional particulars." Of course, Sir, the particular of this sub-amendment is the date. That is the substance of the sub-amendment, and the date is different. It is a substantial difference, whether it's one day or whether it's 10 days, it is different from the previous date which was the main subject of this amendment.

The Government House Leader also refers to 432 which seems to me, Sir, to be largely an irrelevant reference which the Acting Government House Leader has made here, because it refers to the Speech from the Throne. It says, "An amendment which is substantially the same as one moved on the Address in Reply to the Speech from the Throne is not in order because an amendment must not raise a question substantially identical with one which the House has given a decision on in the same Session." I point out

to the Government House Leader, we're not dealing with the Speech from the Throne here, we're dealing with a sub-amendment to an amendment to a resolution to refer the constitutional amendment, Sir. In any case, it is not substantially the same, because the date is the essence of the sub-amendment and the date is different.

The Government House Leader also made reference to 440 which reads, "As the proposal of an amendment to an amendment originates a fresh subject for consideration the new question thus created must, to prevent confusion, be disposed of by itself." Mr. Speaker, the Acting Government House Leader tried to say that this question should be disposed of by itself because it didn't create a new subject is a contradiction in terms of that section. I think the Government House Leader would have to go back and review his reasoning, related to that subsection, because it's contradictory. The record will show, I'm sure, Mr. Speaker, that his argument there is actually contradictory to the section which he referred to.

But he also made a number of references further to that, again building his case around his allegation that the subject is substantially the same and I have referred to that in almost every section. December 30th is not substantially the same as December 31st; December 19th is not substantially the same as December 30th; December 6th is not substantially the same as December 7th. But most important of all, Sir, I refer to the fact that this House itself, two days ago, accepted a sub-amendment which changed the date from December 31st to December 30th.

Sir, at the time that the House accepted that motion and you accepted that motion, Sir, was because there was no objection to it at the time; no one in this House objected to that. A precedent has been established and a solid precedent, Sir, has been established by the decision that this House made two days ago and I submit that the sub-amendment is entirely in order.

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

HON. A. MACKLING: Yes, Mr. Speaker. First of all, the Honourable Member for Turtle Mountain obviously was not listening closely when I referred to the application of Rule 432 because it is true, as I indicated, that in the rule, in the Citation in Beausheue it does specifically refer to an amendment that was made in respect to an address in reply to the Speech from the Throne. But I read to you, Mr. Speaker, and the Honourable Member for Turtle Mountain should have been able to hear the reference, as the reference in Beausheue indicates, this Citation is from a decision in the Parliament of Canada and it refers to the Journals, February 13, 1913. I read to the honourable members that Citation and this does not apply; this has no specific reference to debate in reply to the Speech from the Throne.

Perhaps I should read it further and more extensively, but I thought the principle was very clear, Mr. Speaker. The principle that is set out in that Citation is for general application. In the decision that was made by the Speaker on that occasion, as referenced in the Citation I've given you, they were dealing with a resolution where there was to be a mere substitution of words.

Perhaps I should read it at length. Mr. Speaker stated, "I am rather inclined of the opinion that this resolution as it was drawn which says 'leave out all the words after "that" and substitute "those" instead by the words thereby substituted' affirms the principle, which is not the principle I take it, of the resolution," and then he went on with the words that I've quoted. "But for another reason I'm inclined of the opinion that the amendment," and so on, and then concludes. Then it goes on to say, "It is, however, a usual form of procedure that no question or motion can regularly be offered if it is substantially the same as one in which the judgment of the House has already been expressed during the current Session."

Mr. Speaker, . . .

MR. SPEAKER: Order please.

HON. A. MACKLING: . . . this is not a substantial change. The honourable member then says, well, Mr. Speaker, this House has already decided you have a precedent. Mr. Speaker, the acceptance by you was pro forma. There was no objection taken on the part of anyone to the proposed amendment. You did not make a ruling after consideration of whether or not the amendment was properly drawn, and therefore establishes no precedent for you, Mr. Speaker. There was no review of the authorities, no consideration of the rules, and I submit to you therefore, Mr. Speaker, no precedent established.

MR. SPEAKER: Order please. The Honourable Member for Virten to the same point.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please. The Honourable Member for Virten.

MR. H. GRAHAM: Thank you very much, Mr. Speaker. I have to agree with the Honourable Acting Government House Leader, there has been no precedence established whatsoever, Mr. Speaker.

Mr. Speaker, I realize that starting tomorrow night you are hosting a Commonwealth Parliamentary Conference of all the presiding officers across this country, and your mind may be very well tied up with many of the details of that, but I suggest to you, Sir, that the point raised by the Acting Government House Leader is one that is spurious, that there has been no precedent established.

The ruling that was made two days ago is a ruling that has been made hundreds and hundreds and hundreds of times in Houses of Parliament across this nation, and to do as the Honourable Acting Government House Leader suggests, Sir, would indeed be setting a precedent. It would be setting a precedent that is unheard of in this country, and unheard of in any House of Parliament where the rules of propriety and the customs and traditions are honoured by thinking parliamentarians.

So I suggest, Mr. Speaker, that those thoughts, while you have many other things on your mind, you must consider the traditions and customs that have occurred for centuries in parliamentary systems.

MR. SPEAKER: The Honourable Member for Springfield.

MR. A. ANSTETT: Yes, Mr. Speaker, to the same point of order. Clearly, all of the precedents that have been cited by the Minister of Natural Resources and Deputy House Leader on this side, and also by the Opposition House Leader have their basis in the Citation from the Mother of Parliaments of Westminster in 1893, which was cited, relating to a debate and in a sub-amendment in a debate in that year, almost 100 years ago.

Mr. Speaker, the wording of that Citation in Erskine May is contained in the Bourinot decision; it is reflected upon in the 1913 Journals; in our Beuchesne, Fifth Edition, which we use; and, Mr. Speaker, in our own Rule Book.

I think it bears quoting one phrase from that decision which says, "Or with an amendment already agreed to or if it is substantially the same as an amendment to the same motion which has already been negated." I think the key words, Mr. Speaker, are "substantially the same."

I don't want to debate, Mr. Speaker, or to advise on the Citations, but rather to question - and I think this is the question before you and the House, Mr. Speaker, on this sub-amendment - the implications of the words "substantially the same." Mr. Speaker, clearly this is the third time a question is being attempted to be put before this House which basically amends the original amendment, which provided for reference of this constitutional amendment to an intersessional committee, that's the proposal by the Member for Fort Garry. Mr. Speaker, the first amendment, which was defeated, and the second, both attempted only to place on the committee's deliberations a time limit, a fixed time. The second amendment changed it only by one day. Mr. Speaker, the House has clearly rejected twice any suggestion that (1) a time limit should be placed on the debate; and (2) that that time limit should be at or near the date suggested by members opposite.

Now, the House has made that decision twice, clearly stated to you, Mr. Speaker, and to the people of Manitoba, that it is not the wish of this Assembly to have the report of the committee meeting intersessionally, which is the amendment proposed by the Member for Fort Garry, constrained by that limitation in its report. Mr. Speaker, there has been no distinction in the debates by members opposite or, more particularly, by the Member for Sturgeon Creek to show this House that the difference of 10 days, which is proposed in this amendment, is somehow different, is somehow clearly distinct. Mr. Speaker, if it is not clearly different or distinct certainly then it logically is substantially the same. To suggest, Mr. Speaker, that it is different or distinct which is, I think, the essence of the matter, when we are referring only to six, or possibly seven, working days, in view of the holiday season involved, when normally no legislative activity takes place because this House is adjourned and no committee work takes place, certainly provides no evidence of something that is different or distinct.

These suggestions then, Mr. Speaker, would lead me to conclude, on the basis of the fact that no members opposite, and we have now heard in excess of 45 speeches on this very question, and in none of those

speeches to the sub-amendment, of which I believe there have been 45, in none of those speeches to the two sub-amendments proposed so far, and particularly to the second one, was there anything which addressed the question of how this vote was substantially different than the previous vote.

So, Mr. Speaker, the vote we had this morning, certainly by the member's own omission of any reference to this being separate and trying to sell it to the House on the merits of it being separate, they have admitted it's substantially the same. The Member for Sturgeon Creek, in moving the question this morning, didn't try to make any distinction at all that 10 days provided anything substantially different question to this House. In the last two sentences of his remarks he made reference to this being a major change, but he provided no substantiation to the suggestion that it somehow was different or distinct.

So, Mr. Speaker, I submit to you that, on the basis of the Citations which you have before you, the question for you to decide is whether or not the amendment is substantially the same or is a distinct and different question. Mr. Speaker, for the purposes of the amendment proposed by the Member for Fort Garry, the date and when this committee has to return to report to the House bears relevance only in terms of the date in the constitutional amendment to which it relates. That date, Sir, was December 31st; it is the only fixed time which is provided in the resolution, there is no time provided in the referral motion, and that, Sir, is the only date which is fixed, distinct and of substance. To suggest that to move from immediately after the holiday to immediately before presents a substantially different question, Mr. Speaker, is really a facade to continue a charade and a filibuster designed to delay the right of the people of Manitoba to be heard on this issue.

MR. SPEAKER: The Honourable Member for Sturgeon Creek to the same point.

MR. F. JOHNSTON: To the same point of order, Sir, I'm rather disappointed, but I'm not surprised at the words from the Member for Springfield. First of all, Sir, the contents of the speeches are for you to decide, not the Member for Springfield. The Member for Springfield really has no right to even make that statement as far as I'm concerned because the Speaker, who is in the Chair, is listening to the speeches and he will make the decision about the speeches, Sir. And the Member for Springfield was not listening when I came to the end of my remarks, when I clearly said that there would be several days before Christmas, there would be several days before the 31st. I will read Hansard, but I remarked that the 30th or the 29th might not give time for them to make their 31st date; I wasn't trying to change their 31st date.

So when I made my motion to you, Sir, I decided that it must be made substantially different than one day to give this House the opportunity, Sir, to have from the 19th, which is a Monday, the 25th which is a Sunday, Christmas, we could work all week, I said; the committee could meet and report, and the government and opposition in this House could hammer out a decision to be in Ottawa by the 31st, and that is a

logical length of time, a reasonable length of time. I said two days might not be enough time so I made a substantially different motion in days to give this House the opportunity to do what the government wants to do.

Mr. Speaker, I am not a rules expert, and I'm not going to read from something in 1923, or 1913, Sir, I'm only going to say that you, Sir, in this House, 1983, two days ago, made a decision in this House that was only one day; now you have substantially a different time limit. Sir, when I say it wasn't opposed, and these gentlemen opposite say, don't precedent or something, there were three Ministers sitting in this House at the time that that resolution was put forward and not one of them objected. So I have made a motion that is substantially different, that does accommodate their 31st date in their agreement, doesn't change it as the Member for Springfield says and, Sir, this House has made the decision which was not objected to by the government and I say, Sir, that I feel that my motion is substantially different, which is trying very sincerely to accommodate the government.

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

HON. R. PENNER: To the same point of order, Mr. Speaker, there are two issues before you. One, whether or not you have in fact ruled on this matter; two, what ought to be the rule.

Mr. Speaker, the Opposition Leader, at one point, made some remarks to the Minister of Natural Resources about law students. It's a long time since he was at law school; it's a long time since I was at law school as a student, but I do know what our law students learn about the law nowadays in any event, and that is the elementary distinction between rule and fact to begin with, and when a ruling has been made.

With respect to the latter of these two points, when it is clear law and the analogy, incidentally, between a Ruling of the Speaker, which is quasi-judicial in effect, because it settles rights as between parties arguing their case and a court, the analogy is a very strict analogy and you, in fact, in your capacity as Speaker, are called upon to listen to argument about a rule, it's the same as if a court is listening to an argument about a law and you must harken to what you hear and make a decision.

If a case has not been argued before you, mere silence on your part is not a ruling. If that were so, Mr. Speaker, then any time an issue arose, and in effect they arise all the time, the fact that no one argued a case before you and you - not having been asked to make a ruling - did not make a ruling, would on that specious argument, establish a precedent. That simply cannot be the case.

Many many times the Superior Courts of this country, through the trial divisions, the Appellate Courts and the Supreme Court have said, that that point was not argued before us in the previous case and therefore it cannot be taken that it was decided, or when this case arose in the Court of Appeal and is now in the Supreme Court, neither the appellant nor the respondent raised that point and it cannot be taken as decided unless there are reasons for judgment which

show that it has been decided, so that's the first — (Interjection) — I don't know why we're having this heckling when we're trying in a rational way, to put an issue to you . . .

MR. SPEAKER: Order please.

HON. R. PENNER: —(Interjection) — Well, it's clear you don't have one. Mr. Speaker, you have a very difficult job to do and I'm sure that you would like to harken to the arguments and consider them possibly at some length, but that will be for you to decide.

So I've dealt with one part of the issue of precedent, namely, that if an issue has not been argued before you, the fact that you have not said anything cannot possibly by any stretch of the imagination, constitute a precedent and indeed, Sir, you will find throughout the authorities, that that is so. — (Interjection) —

MR. SPEAKER: Order please.

HON. R. PENNER: Secondly, there is an elementary distinction which must be made that the Member for Virden in fact made, and I'm going to agree with him on that point, namely, that the rule is quite clear. No one is arguing what the rule is. The rule, as pointed out by the Minister of Natural Resources, by the Member for Springfield, is whether or not the issue is substantially the same or is different. That's the rule; it's elementary. No one is really arguing that rule. The question is, applying that rule to these facts, is it substantially the same or is it different? And the Member for Springfield put the matter to you, I think, succinctly and clearly. Yes, of course, sometimes a day can make a tremendous difference.

Take the day upon which the Leader of the Opposition was born. What a difference that has made to history, and upon that I will not speculate further, December 7th of course. — (Interjection) — But that's not what we're talking about. What we're talking about is, we have a resolution to refer a matter to a committee. We have an amendment that this be done interessionally. We have originally a sub-amendment, that it be reported back by a date late in December. We now have a sub-amendment which purports to be substantially different, which says, refer it back, bring it back to a date late in December.

There is no practical difference between one date late in September and another date late in September. In fact, if this is being hinged upon some action that the Commons might have to take, then it is speculative and specious. One doesn't know, for example, at what point the House of Commons itself will address the issue. We do know, and this I'm sure you would like to take under advisement, we do know if that were a material issue, that as I understand it - and this would have to be checked out - by its rules, the House of Commons goes into adjournment around the 17th or 18th of December - that's the first Monday, it would be the 19th, in fact - goes into adjournment till after January. So that sub-amendment, if it said is materially different because it gives the House of Commons an opportunity to do something, when in fact the House of Commons is not even in Session by its own rules, then it fails in terms of what it suggests.

So I summarize, Sir. You have not made a ruling on whether these facts come within the established rule. You, Sir, are not called upon to establish a rule which is recognized by both sides of the House, but whether, on these facts, it is substantially different or substantially the same. You must look at the whole context to decide that and you have not been asked to make that ruling hitherto. Whether there was a Minister or two in the House is absolutely immaterial to that issue.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. R. PENNER: Well, of course it is. What we do know, if that were indeed an issue, that the Government House Leader and the Deputy House Leader were not in the House at the time, if that were an issue - but I don't think it is - I merely put it before you in case you feel that you must address that issue. So, Sir, you have I think, in this context, a serious question to consider. You may wish to rule now; so much the better. If not, then it is something that might very well affect the future course, not only of this debate, but of similar debates down the line and you may want to reflect on that, Sir.

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

HON. S. LYON: Yes, Mr. Speaker. On the same point of order I must say, Sir, and I'm sure you find it the same way, I find it amusing to hear the Deputy Acting House Leader and the Government House Leader making arguments in this House which are so specious, so frivolous and verging on vexatious that they would be turfed out of any reasonable court in the province if they tried to make them in front of a constituted judicial body.

However, Sir, they seem to have such an attitude toward you that they can make such specious, vexatious, frivolous arguments and think that you, Sir, must accept them. But I know and you know, Sir, that the Rules of the House, the practices, the precedents of this House take precedence over Beauchesne, take precedence over Bourinot, take precedence over May and all of the other parliamentary tomes that are of such value to us from time to time when we have not established, by our own practice, in this House a precedent that can guide the presiding officer and the House.

First of all, Sir, I call to your attention Rule No. 6: "When the Speaker is of the opinion that a motion offered to the House is contrary to the rules or is a violation of the privileges of the Assembly, or both, the House shall be so advised immediately, but the Speaker may reserve a decision and subsequently state the reasons therefor before putting the question."

Now, Sir, a sub-amendment was moved a week or two ago and then only two days ago that sub-amendment was negated by vote and a second sub-amendment was moved. You, Sir, looked at the second sub-amendment, read the second sub-amendment to the House, obviously under Rule 6 you didn't divine anything that was out of order, no objection was taken on either side of the House and debate proceeded for

two days. Now, the Deputy House Leader, the House Leader and the invisible Member for Springfield, stand up, Sir, and want to try to tell you that the debate that's been going on for the last two days has been out of order. That's a reflection, not only on the Chair, Sir, it's a reflection on their innate stupidity if they allowed a debate to continue for two days which was out of order. That's why I say the arguments that have been offered this morning, Sir, are so specious; and, Mr. Speaker, when you accepted the sub-amendment the other day, the second sub-amendment on this resolution, with respect, Sir, I say you accepted it properly because it was substantially different. A day can change a civilization. Why is the change of date in a sub-amendment to a resolution not a substantial difference? Of course, it's a substantial difference.

Second point, Sir, is this, my honourable friends opposite, who are not the greatest parliamentarians in the world, are in a political dilemma; they're in a political dilemma and, as a result, Sir, they are seeking to have you extricate them from their political dilemma. They're political dilemma, Sir, arises from the fact that this opposition has made it clear that we will use every legitimate parliamentary device that we know of to stop the passage of this referral motion, that is, in the original form, that it should go to an intersessional committee. We've made that very clear and we're using all of the parliamentary weaponry that is available to us legitimately, and true parliamentarians understand that, my honourable friends across the way, not being very good parliamentarians, because of their funny ideology, my honourable friends — (Interjection) — Do we hear some chirping from the back bench, Mr. Speaker, . . .

SPEAKER: Order please.

HON. S. LYON: . . . the member with the great I.Q. Mr. Speaker, these little parliamentarians across the way are in a political problem and two days after you've accepted a sub-amendment, and the vote has been taken, the further sub-amendment has been moved, they're coming along and saying to you, will you please extricate us from our problem, we should have raised this objection, I guess - that's what they're saying now - we should have raised it but we didn't and that's our fault but please now, Mr. Speaker, will you extricate us from the problem. May I say, Sir, without any reflection on you or the Chair or anything at all, but if you were to concede that there was any merit, 48 hours after the event, in the argument that they now raise, there's a conference going on next week of the Commonwealth Parliamentary Association in this very building where I'm sure there will be scores of people who would look at the argument that has gone on this morning on this matter, and say why was there any argument at all. The Speaker had already accepted the sub-amendment on those terms, who are these funny people to be raising an objection two days after the fact, and asking the Speaker to prostitute his office to save them from a political problem; that's what this morning's exercise is all about, Mr. Speaker.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: On a point of privilege. To attribute that kind of motive and intention to a member of the

House, that we are asking the Speaker to prostitute his office is the most scandalous thing imaginable. Mr. Speaker, I would not ordinarily have arisen to the other kinds of innuendos and diatribes for which the Leader of the Opposition is so well noted, but that is too much and I must ask you, Sir, to ask him to withdraw that as unparliamentary. It is clearly unparliamentary in every word and in every syllable. He has said in terms that we are asking you to prostitute the Office of the Speaker; we cannot remain silent with that kind of unparliamentary attribution of intention and motive. It is absolutely, surely something that can be not tolerated, and I'm asking, Sir, that he withdraw that remark.

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

HON. S. LYON: No, Mr. Speaker, I don't think there is a point.

A MEMBER: Yes, there is.

HON. S. LYON: Withdraw your motion and I'll withdraw the allegations.

MR. SPEAKER: Order please. I'm sure that that particular reference is not in that list unparliamentary words; however, I note that in that particular section it does refer to words or phrases that tend to cause heat and disorder and confusion and that sort of thing. In any case, I would not consider those particular remarks as an allegation against members of this House to be proper parliamentary usage. I would, therefore, ask the Honourable Leader of the Opposition to review what he has said and withdraw those remarks.

The Honourable Leader of the Opposition.

HON. S. LYON: I'm quite happy, Mr. Speaker, to see the tremulous quiverings of the Attorney-General and the First Minister who are now so concerned about the integrity of the Office of the Speaker. It's a pity they weren't that concerned a few months ago. I'm happy to withdraw, Mr. Speaker, if the words offend you, the word "prostitute," and say that they're asking you to distort ruling and precedents from this Chair that have been made dozens of times in the past, and they have no compunction standing in their places this morning making specious arguments about a debate that is carried on for two days and saying, in effect, that that debate was out of order. That's a reflection on the Speaker, itself, and they merely, Sir, want to be extricated through the Chair from a political problem that they have proved themselves incompetent to handle.

Mr. Speaker, there's nothing unusual about that, they're incompetent to handle any problem, they can't even swat mosquitoes properly without going to a \$100,000 advertising campaign. So, Mr. Speaker, it's clear to you, clear to us, I think it's clear, really, if my honourable friends would speak their consciences, it's clear that you were not asked to make a ruling on the second sub-amendment that was moved two days ago; you saw no reason of your own motion to make a ruling on that sub-amendment two days ago; debate has proceeded for two days on a sub-amendment, and they

participated in the debate, Mr. Speaker. Now they're standing up and saying all of that debate for the last 48 hours was out of order and please, Mr. Speaker, will you get us out of this problem that we can't handle politically.

Mr. Speaker, I don't think for one moment that you're going to be taken in by that kind of specious argument that would fall badly from the mouth of a first-year law student, to say nothing of two alleged members of the bar who are here pretending to House and Deputy House Leaders. I think it's clear, Mr. Speaker, that the sub-amendment offered by my colleague this morning is in order, just as the sub-amendment that you accepted, Sir, two days ago was in order, just as the original sub-amendment was in order, and we should get on with the business of the House and stop having this group across the way try to ask the Chair to extricate them from their political problems.

MR. SPEAKER: Does any other member wish to offer advice? If not, I will take the matter under advisement and review what has been said in Hansard.

MR. B. RANSOM: On a point of order, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Yes, Mr. Speaker. On some previous occasions you have taken the opportunity to recess the House while you took a matter under advisement. Perhaps that would be in order under these circumstances.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, I have no doubt that it is your prerogative under unusual circumstances to recess the House, and I would not for a moment suggest otherwise, but there are no unusual circumstances. There is other business on the Order Paper and, as Government House Leader, I'm prepared to call that other business and get on with it. The people are here, and the people of Manitoba have been waiting for this House to deal in an appropriate way with business, that while not of equal priority to the question that has been discussed, nevertheless is important to the people of Manitoba. — (Interjection) —

MR. SPEAKER: Order please.

HON. R. PENNER: Mr. Speaker, while I'm on my feet I would like to make a correction to something I said in the previous argument, because I don't want to be in any way thought of as having misled you. I said I wasn't entirely sure of the dates of sittings of Parliament should that enter into your consideration. I have now obtained those dates and Parliament sits on the 19th, 20th and 21st, and not thereafter in this year; that is of December.

MR. SPEAKER: Would the Government House Leader indicate the next item of business?

HON. R. PENNER: I beg your pardon?

MR. SPEAKER: The next item of business please?

HON. R. PENNER: Well, I don't have an Order Paper this morning.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please. The Honourable Government House Leader. Order please.

ADJOURNED DEBATES ON SECOND READING

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debate on second reading on the proposed motion on Bill 110, standing adjourned in the name of the Member for Tuxedo?

BILL 110 - THE CONSUMER PROTECTION ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill No. 110, the Honourable Member for Tuxedo has 20 minutes remaining.

MR. G. FILMON: Thank you, Mr. Speaker. In view of the fact that I'm not in possession of an Order Paper, could you tell me how many minutes I have yet to speak on?

MR. SPEAKER: The honourable member has 20 minutes remaining.

MR. G. FILMON: Thank you, Mr. Speaker. Mr. Speaker, it has been some time since Bill 110 was called for debate, but I believe when I was last speaking on the matter, I had made comments on all of the various sections of the bill but particularly had zeroed in on the aspect which would see deposits made on — (Interjection) —

MR. D. BLAKE: Mr. Speaker, on a point of order. Members opposite want to hold a meeting . . .

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

SOME HONOURABLE MEMBERS: Oh, oh!

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

The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. I was giving examples of the various types of purchases that are currently made in the ordinary course of business dealings between retailers and consumers that absolutely demand in order for these transactions to occur, there must be a deposit of greater than 5 percent, Mr. Speaker, and I had given a number of different examples along the way. I repeat those examples to you because they're very important.

I have in my possession now, because as a result of the publicity that's been given, groups of merchants

and retailers in various types of retail businesses in this province have been gathering because they are incredulous at the prospect of the government enacting this legislation, but they have concluded, of course, having seen the vast array of legislation that has been brought forward by this government, that obviously this government does not deal with common sense, obviously this government has no concern for the adverse effects on the people, the public at large, and they have concluded that they must gather together and present briefs and appear before committee in order to stop such a foolish notion as the limitation of the amount of a deposit to 5 percent and, Mr. Speaker, that limitation as I said, would destroy any numbers of speciality businesses in this province.

If you can conceive of all of the boutique shops that are located along, for instance, Osborne Street; if you can conceive of all of the specialty stores that are in Townsite, the Old Market Square, Eaton Place, virtually any major shopping centre in this province contains specialty stores whose lifeblood it is to order special items for people. I talked about things such as mens' clothing and haberdashery, a suit especially made for I believe I said the Minister of Urban Affairs, all of those things; furniture, draperies, custom furnishings, on and on and on; automobiles with special provisions and special attachments to them. Those are things that must dictate that they require more than a 5 percent deposit, or else the merchant will not order it in.

I've had calls, as I say, from all of these groupings of merchants who say to me, is there no way we can stop it? My advice to them very simply, Mr. Speaker, was come to the committee. I believe that the government will recognize the stupidity, the error of its ways, and will come forward with a change, but you have to impress upon them how it will adversely affect you. Indeed, consumers will be totally restricted in terms of their choice.

While the Minister of Consumer and Corporate Affairs is still here, I want to give one other small example. I have a couple of stores that have grown up in my area that deal with specifically specialty-type items and they are mainly in the sort of notions, cards, stationery and things, where they will order in for you, specially made stationery. I talked about earlier I believe, the fact that they will bring in cards and stationery that have special sayings on them. They'll have "Ramblings from Russ, Rantings from Rollie," or something, just little memo pads that have in it, "Musings from Maureen," and that sort of thing. — (Interjection) — That's right.

A MEMBER: "Groans from Gary."

MR. G. FILMON: That's right, "Groans from Gary," that sort of thing they'll have on their cards or little special stationery and, of course, Mr. Speaker, these are important. So I ordered from them, one year at Christmas when we were going to be moving into our new home - I guess it wasn't at Christmas, it was perhaps some other time of the year when we were moving - I ordered some specialized stationery and, by error, we were moving to a new home, in a new district - not a new home, but another home in a district - and we ordered stationery and I asked somebody to look up the postal code - we live on a small block and,

of course, there's only one postal code for the evens and one postal code for the odds on that particular street - and they got the odds instead of the evens and we got the wrong postal code. So we got all of this specially printed stationery with the wrong postal code. You can imagine that's something of no value to anybody else and if they had only taken a 5 percent deposit on that from me and I had refused to accept that from them, then they would have been totally out-of-pocket on that particular purchase. That is the lifeblood of this small business, and yet they've become very successful and they're doing something that everybody in the area appreciates. They're very heavily patronized.

You can imagine, what good would it have done if, for instance, the Premier had ordered a whole flock of stationery that had "Howard A. Pawley" on it or, in fact, had a monogrammed shirt that had "H.A.P." on it. Who else could you have sold that to after it was finished? Of course, there may have been some saving grace with the Premier. You could have added "less" after the "H.A.P." and he could have still used it.

A MEMBER: That's right, "Hapless Howard."

MR. G. FILMON: In any case, I think I make my point, Mr. Speaker. You cannot restrict commercial businesses, retail establishments to obtaining only a 5 percent deposit, or else you wipe out all the specialty stores in Manitoba and all of the many small manufacturers who deal with specially manufactured items on order for people in Manitoba.

Here's a letter that I received, and it's a copy of a letter that's been sent to the Attorney-General because he represents this businessperson, as a member of the Legislature. It's David Rice Studios and they manufacture and have become famous across the country, I believe, for specially made jewellery, individual pieces made-to-order for one individual, and he has said, "I've built my business making pieces of jewellery designed specifically for each customer. Ideas are discussed, sketches are made, estimates for materials and labour are given. The materials I use are expensive and each piece requires many hours of work. I've always required a deposit of one-third as an advance to purchase the materials and to assure that my customer is committed to the project."

That only makes sense. I've spoken earlier to you about the fact that, for specially made pieces of home furnishings with particular coverings and particular designs that may not be salable commodities, they are asking anywhere from a 25 to a 50 percent deposit, and that's not unreasonable. The consumer doesn't object to that because the consumer knows that he won't get the item specially made if he doesn't go along with that.

In any case, this individual says, "I've spoken with several small businesses in the Osborne Village, they feel they will have similar problems. Window blinds of special fabric cut to exact sizes; tables ordered from Montreal in unusual colours and length; tailor-made suits and so on; any business that provides a personal, custom service is being put at risk by limiting their security deposit."

There is no question, Mr. Speaker, that this is a damaging, wrong-headed provision to be put in The

Consumer Protection Act, and we are just repeating that. I had the other scenario given to me by a member of the Commercial Furniture Industry, and this individual told me that there are similar provisions in other jurisdictions to this. Apparently they have sought to limit the amount of deposit in other jurisdictions, and she said, this is what happens, because they've talked to their fellow retailers in the same business. Mr. Jones, for example, comes in and orders a very special piece of furniture that has to be specially made and brought in from a factory in another part of the country, or in another part of North America. Mr. Jones comes in and orders that and puts down a 5 percent deposit. Of course, they're limited by their legislation to only accept a 5 percent deposit, the people have to assume that Mr. Jones is honest or they take him as being honest, and they order in that particular piece of furniture. Mr. Jones comes in and he finds fault with it in some way. He says, "That's pink chenille; I wanted rose chenille. That's not exactly right and I refuse to accept that." A disagreement ensues, the business can't afford to be in court all the time arguing with people, trying to collect from them. They have a heated discussion; Mr. Jones stomps out and they are left with a piece of furniture done in rose chenille or pink chenille or whatever that they can't sell to anybody else, so they put it on the floor at a 50 percent reduction. They take their lumps; they sell it for probably below their cost. What happens? Mr. Jones' brother-in-law walks in and buys it at half price. You know where it goes, to Mr. Jones' living room. It's a ridiculous set of circumstances, absolutely ridiculous set of circumstances, and that's the kind of stupidity that's being legislated by this government in Bill 110.

I could go on and on and on, Mr. Speaker, but I understand from the Minister of Consumer and Corporate Affairs that he's prepared to amend this legislation. If that is the case, he told me privately in the hall that he was, but he was not here in the House to put it on the record. He was not available the last time the House was sitting and discussing this piece of legislation to put it on the record and it seems to me, Mr. Speaker, the only way the public is going to be saved a whole lot of aggravation and inconvenience, getting together, meeting, preparing briefs, getting ready to come to committee - and I guarantee you that there will be many, Mr. Speaker - I want the Minister to please save the public and save those retailers all of the problem by saying, standing up here in this House and stating unequivocally that he is going to withdraw that provision; because, if not, the committee will be jammed with presentations of annoyed people who are working on their briefs, who are working on getting up the kind of support that they feel they need to show the public response to this legislation, and they will be wasting a whole lot of their own valuable time and effort and a lot of the committee's time. So if the Minister intends to do it, I ask him to take what he said to me privately in the hall and put it on the public record and please save Manitobans all of the necessity to come out and do this kind of thing, because it is a wrong-headed provision.

I think we've adequately demonstrated by our speeches on this side of the House, that it will not be acceptable that, in fact, it will be damaging to many many retailers and it will not be in the best interests of the consumer.

Having said that, Mr. Speaker, I say to the Minister, please, if you do nothing else, in closing debate on this, tell the public you intend to withdraw the provision, if indeed you do. That will save everybody a lot of trouble and anxiety.

We will know how to vote on it moreso than that, Mr. Speaker, because under its present circumstances, we could not support it. I think everything else in the bill, as I said, within reason is something that we will likely support in principle, but this is wrong and I don't think in principle we could accept the bill under those circumstances. But if the Minister is willing to put it on the record, we'll take him at his word and therefore let it go to committee.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER, P. EYLER: The Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I just wanted to make a brief comment on this bill and draw to the attention of the Minister the same point which I am hoping that he will, in fact, rectify either now or after there are public submissions.

I had the experience recently of going into Eaton Place and speaking to the staff of a custom jeweller there, Ludvig Nickel, who is also a well-known Winnipeg jeweller, and I spoke to a member of his staff who informed me that they too had a concern about this bill on the very same point mentioned by the Honourable Member for Tuxedo, namely, that a \$50 deposit on \$1,000 custom ring or piece of jewellery is one that does concern them a great deal, in that their standard practice there, I believe, is 30 percent. They feel that if somebody were to, say, order a ring for \$1,000 and change their mind, it wouldn't be much to forget about their \$50, and then it would, in fact, be a problem for the jeweller to dispose of the ring. So I simply draw that to the attention of the Minister.

There are a number of very accomplished jewellers and goldsmiths in Winnipeg. I myself purchased my wife's wedding ring from Mr. Nickel and she purchased my wedding ring there last November. I'm familiar with this gentleman's background. He's a very accomplished artist. I have seen his work both here and on one occasion I was in New York when he had a show in conjunction with other Canadian jewellers in New York City. In fact, it was while I was on my honeymoon last November, and that show was in fact opened by I believe the Honourable Jean Chretien and other members of the Canadian diplomatic corps, and there was a show there for several weeks.

So I'm simply saying that here is a man who is a talent, a real talent, as a jeweller and a goldsmith, a man who studied and learned his trade in a monastery in Germany, someone who has had a business in Winnipeg for a number of years starting out first in a garage and then in a little store on Albert Street, and now has a store and shop in Eaton Place, although he himself doesn't work there - he works at home or in some other facility - but his products are sold in Eaton Place.

I know in this particular instance, someone whom I happen to know personally having dealt with as a customer, I know that there is a concern coming from

his shop and ultimately from himself, that the 5 percent deposit will not be sufficient to protect an artist in this particular case from what might be a frivolous action on the part of one of his customers.

MR. DEPUTY SPEAKER: The Member for Morris.

MR. C. MANNESS: Mr. Deputy Speaker, I'd like to put on the record a few remarks on this particular bill.

I can tell you on the surface that I'm terribly appalled at some of the requirements, some of the regulations that will become part of it. I suppose it's just another in the long litany of bad legislation that has come forward, Mr. Deputy Speaker, and without doubt were there not so many other items of bad legislation, I'm sure we'd find that this would be one that would receive a very high focus.

Mr. Speaker, we keep hearing the reference to amendments and we on this side believe that the government is considering some amendments. So as I begin, I would call on the Minister responsible to lay them before us as quickly as he can, and hopefully if he has a chance to close debate either today or sometime soon, he will see fit to bring them forward at this time.

Mr. Speaker, on that whole area of amendments I find it rather intriguing that not only on this issue, but on other issues, and certainly even the language resolution, that the government is considering amendments in some specific areas, and yet choose not to bring them forward and table them at this time. I'll no doubt say more to that end when I have the opportunity to speak again on the referral motion; but here again is another case where the government leads us to believe that there are some coming and yet refuses to lay them before us.

Mr. Speaker, first of all we support the trust accounts for deposits, at least on the surface, as long as the procedures to see them work are simple and clean and I believe my colleague, the Member for Tuxedo, has indicated our support in that area. However, we totally reject the 5 percent maximum deposit limit, and I suppose I would ask in that particular area the question, does it apply to entirely all business arrangements? Then I guess I answer my own question by reading one of the sections that deals with liability, and it seems to indicate to me at least, that it does.

Well then, Mr. Speaker, I too want to add a few examples to the long list that has already been provided by my colleague. Although he's done a most adequate job in covering some of the consumer-related areas, in those areas in which we all deal as consumers, I'd like to move into an area of agriculture where, of course, there are many deals that are struck, in many cases verbally as between buyer and seller, and how I feel that this legislation, unless amended, would impact most negatively.

Mr. Speaker, before I move into that I can see the common sense at least - or the theoretical sense - of wanting to bring forward some protection on the surface at least as pertains to car sales, furniture sales, and tour packages. Those are very high profile, and I suppose that's what the government was after. But once you move and you take away that cover and you begin to really dig into the subject, as no doubt some of us

have and hopefully a few people in the Minister's department have, you begin to see the tremendous shortcomings of such a law, and specifically in Agriculture. I'm not going to move into livestock sales, because I'm sure they have potential for being impacted negatively upon this 5 percent requirement.

I'd like to touch on one specific area and that's in the area of seed grain.

Mr. Speaker, what does one do if a purchaser comes to my business and wants me, on his behalf, to go out and to purchase 1,000 bushels of certified, uncleaned, unprocessed flax, and I say, yes, I'm prepared to do that on your behalf, I can purchase that particular grain for \$10 a bushel, I'm prepared to sell it to you for \$12 and, therefore, I want a deposit covering a significant portion of that amount.

Well, Mr. Speaker, if this law were in force the total maximum deposit that I would be able to charge is some 5 percent on \$12, or 60 cents a bushel. Mr. Speaker, when I enter an agreement to purchase this flax outside my farm where it has been grown I pay \$10; so I pay \$10 a bushel, I then put in my processing cost and the cleaning cost to bring it up to standard, to put it into a sellable state, and accordingly charge \$12.00. The purchaser, for whatever reason, maybe he's found a better deal somewhere else, decides that, no, he can purchase it more cheaply elsewhere and he, therefore, will walk away from the agreement that we've made.

Now, the cost to me, given that I can't sell it to somebody else and, of course, in that business if it's earlier on there is some potential to do so. In other areas, as again has been indicated by my colleague, if you were to order some outlandish, specialized item, of course, that opportunity may not exist, but in my business my problem is, as we move towards the end of the seeding period, the demand for that particular type of seed certainly diminishes tremendously. So, Mr. Speaker, what I would find myself doing, or our business doing, is that all of a sudden, when somebody walked away from that type of deal, we would be in a position to either have to discount it significantly, or sell it into the elevator at, let's say, \$8 a bushel being the elevator price.

What does the loss represent? Well, Mr. Speaker, it represents, if we purchase it at \$10 and now we can sell it to the elevator at \$8, represents to us a \$2 loss, plus \$1 for processing, which then makes it a \$3 loss but, of course, we recapture the 60 cents a bushel that was laid with us as deposit; net loss \$2.40. Well, Mr. Speaker, you put that over 1,000 bushels and all of a sudden that's a very real cash loss of \$2,400, and I'm wondering, really I'm totally convinced that there's a whole large segment, certainly of all the business interest in this province, does not totally understand what is coming and has no knowledge of what's coming by way of this bill.

Well, Mr. Speaker, another example, and again I'll take a little less time to cover it, what if somebody is selling standing hay, what are his options as he deals with a person who puts 5 percent down on a \$40 an acre field of standing hay, and two weeks later, after that individual should have been there cutting, realize that person has no intention to come. What is the loss to that person? In that case it could be virtually the whole value of the crop. Mr. Speaker, these are just

two examples in another area, again, which seemed to cry out to the government that some common sense be brought to this whole area specifically dealing with consumer legislation.

Now, Mr. Speaker, some will say, and I've heard the members opposite, well you have, of course, the opportunity to take the whole process through the courts. If you sign properly an agreement, and it's bound on both sides by the laying of the deposit and granting of a receipt, you have the proper legal courses in which to cover your losses. Mr. Speaker, I can tell you that people are losing some faith, not in the court system, but in the process; the process which, in most cases, grants - maybe in all cases - the proper judgment but, because of time and cost, is just really not a feasible alternative, certainly not in the area of collecting a small amount of money.

So what does a seller do to reduce his risks, Sir, what does he do now to prevent himself from finding himself in court. Well, he sets a deposit and, of course, the level of that deposit is extremely variable, and I'm not going to go into a long harangue as to why it's variable, but anybody that's done any business at all realizes, of course, it all depends on the special set of circumstances, and with whom you're dealing. Of course, trust, a long history of trust, it's basically subjective, Sir, and it has something to do with a whole set of circumstances which cannot be measured in any sense. It seems to me that the government has totally ignored this aspect of dealing, and it's saying to almost every buyer and seller that a history of trust is of no significance, a history of past performance is of no significance; really it's the cut and dried law of 5 percent.

Well, Mr. Speaker, with these brief remarks I hope that the Minister, in closing debate, will lay before us the amendments because I believe, if he fails to do so he is breaking faith, really, with the whole business community in this province. I can imagine that there would be countless, hundreds of representations on that one section alone and, I think, it's only fair to remove that fear and consideration from all those people who are concerned at this time, and that can be done immediately if the Minister so chooses.

So, Mr. Speaker, with those few comments I leave the subject and, again, I call on the Minister to bring forward those amendments right now.

MR. DEPUTY SPEAKER: The Honourable Minister of Consumer Affairs. The Minister will be closing debate.

HON. J. BUCKLASCHUK: Thank you, Mr. Speaker, I welcome this opportunity to close debate on Bill 110. I'd like to also thank the Member for Tuxedo for the chuckles that he provided me this morning because he made reference to my not being in this House last Monday. As he knows and, as I gather, other members from that side of the House knew, I was involved in a parade and the critic was also in that same parade.

I do welcome this opportunity to close debate on this bill. I must also remind the House that this is the first opportunity that I have had to speak to this bill since it was last addressed in this House. It seems that for the last four or five days we've not been dealing with the business of the House and I do welcome this opportunity to provide a few comments . . .

HON. S. LYON: You call the business, not us.

HON. J. BUCKLASCHUK: . . . on the remarks made by members from both sides of the House, and to further deal with the amendment that I referred to in my discussions with the Member for Tuxedo.

I appreciate the comments that have been made by all members. I'm pleased that the members opposite agree with most of the amendments in Bill 110 which we're now considering, such as, those affecting advertising of credit, the maintenance of records, legislation with respect to direct sellers and collection agents, I am further pleased that members consider that the placing of deposits over \$50 into a trust account as being an appropriate measure.

With regard to the trust account, Mr. Deputy Speaker, it is not my intention at this time to develop regulations on this matter, and I further agree that periodic audits would be undertaken by the Consumers Bureau, particularly if that agency receives complaints from the public. So in that manner we are not enlarging the bureaucracy and creating additional cost to the bureau.

Now with respect to the 5 percent deposit restriction, I find some comments that have been worthy of consideration while others are pure hyperbole — (Interjection) — no, when I used to teach school it was called hyperbole.

If the members and others who have spoken mean what they say about this provision driving people out of business, they are making very serious allegations about consumers. What they are saying, in effect, is that many consumers, particularly those that buy special goods, walk away from contracts. Clearly, we're not talking about the capitalization of the firm because whether the deposit is 5 percent or 50 percent, the deposit would have to be held in trust if it's in excess of \$50.00. Therefore, what members are saying is that consumers walk away from contracts. — (Interjection) — Mr. Deputy Speaker, if the members opposite claim that this provision is anti-business, then I can claim that they are anti-consumer. Surely, neither is interested in being branded one way or the other — (Interjection) — no, it's not dumb — (Interjection) — no, it isn't.

Mr. Deputy Speaker, I'm well aware that there are a variety of deposit rates taken by merchants in the marketplace. The Member for Tuxedo has stated that there should not be complex regulations involved in this area, as have other members, and to this I agree. It is for this reason that provisions of this bill were not drafted to account for a very wide range of practices which currently exist. I must be very honest about it; that when we were considering when this legislation was being drafted, we had foremost in our minds big-ticket items such as cars and furniture and I thank the members opposite. I thank those businesses that contacted my office either by letter, by telephone, expressing their concern and we certainly are not inflexible. We are taking those into account and I will deal with this a little later on.

I must say again I find it simplistic that members opposite have argued, some members, that the bill is anti-business. I have already said that such a statement does cast a negative light on consumers in Manitoba. Mr. Deputy Speaker, there are a host of other problems

involved with deposits. Some of these are an inordinately long period in which deposits are being held, the refusal on the part of some establishments to return deposits, the substitution of credit for deposits - and we have only to go to the Consumers Bureau and we have many cases of that - and the delivery of wrong goods and so on.

The issue here is not only the possibility of the loss of deposit monies due to insolvency or bankruptcy, but also the effective redress of consumer complaints respecting deposits. While I agree that provisions should not be overly codified and involve complex regulations, let's not assume that the problem is so simple, as claiming it is anti-business. The issues are quite complex and if the members of the opposition claim they understand business or what's going on out there, they ought to understand and not make overly generalized, simplistic statements.

The real question that we are trying to address is the protection of deposits and redress. Bill 110 states that if the consumer backs away from the contract, the merchant either takes the deposit or seeks redress. Today the situation is that the consumer gives up the deposit or seeks redress. The bill, therefore, changes who must seek redress in certain cases and in the absolute sense, that 5 percent deposit was too low. It could be raised; it could be removed, and I'll deal with this a little later on.

Just to go through this again, if the purpose of the deposit provisions are basically twofold - and I had indicated this in my introduction - to enhance consumer confidence and to restrict deposits from being used as general cash flow, as most of you are probably aware, many economic observers including the Conference Board, claim that consumer confidence is a key element in sustaining economic growth. Confidence that deposits are secure from loss should enhance consumer-spending, therefore providing an impetus for further economic recovery.

From the consumer's perspective, monies placed in a deposit pending future delivery of goods are perceived to be held in trust pending completion of the contract. Over the past number of years, many consumers have been troubled after discovering that in an insolvency, deposits were not secure and their monies were not recoverable. I'm sure that all of you appreciate that consumers have no knowledge of how deposit monies are currently used, or of the financial position of a particular firm with which they are dealing at a particular point in time. If, as is suggested in Bill 110, deposits are in trust and the owner, partners or directors, as the case may be, are personally liable, the deposit is secure and the consumer need not be concerned over these matters.

There had been one suggestion made by, I believe, the Honourable Member for St. Norbert, that we should consider amendments to The Bankruptcy Act which it was his feeling, would in effect, accomplish the same result as deposit legislation. While I appreciate this suggestion, I can't fully agree with it because The Bankruptcy Act is federal legislation over which the province has no ultimate control. It is also my understanding that there have been amendments considered in The Bankruptcy Act since 1979, and we have seen nothing of those amendments.

Even if The Bankruptcy Act were amended to increase the priority of consumer deposits, that still would not

guarantee that sufficient assets would exist at the time of bankruptcy to satisfy consumer deposits and other preferred creditors. If deposits must be held in trust, then the level of deposits does not generally enhance or retard the cash flow of a particular firm.

I would agree, however, that the level of the deposit shifts the risk involved in the event of a frustrated contract. The higher the deposit, the greater becomes the onus on the consumer, to take action to have the contract satisfied. The lower the deposit, the onus rests with the businessperson and that is some of the difficulty that we have with the amount of the deposit.

I should make some reference to comments that were made by members opposite about the deposits. It is my understanding that consumer protection legislation does not pertain to those goods which are covered by The Farm Machinery Act. It was not any intention on my part to put farm implement dealers in a difficult position. The Consumer Protection Act, under no circumstances, applies to any good article products in excess of \$25,000, so it wouldn't have applied to combines or tractors or goods of that type.

The other area that the proposed legislation does not cover that has been made reference to by a number of members, is services; therefore it would not cover those services being provided by travel agents or airline tickets. It pertains to hard, concrete goods as defined in The Consumer Protection Act, and as determined by retail sales and so on. So this legislation does not apply to airline tickets. That is a matter that is still being considered by the industry, and we would hope that they reach some resolution that there will be appropriate measures to protect consumers under those circumstances.

Having said all this, I will now inform the House formally and say in the House what I said to the Member for Tuxedo as we left the House last Friday or Saturday, that it is my intention at the committee stage, to bring in an amendment of Bill 110 to delete Section 118 which deals with the degree of deposit. We are fully cognizant of the difficulties it would have created for certain types of businesses, and it's an indication that we are, in fact, quite flexible, understanding and prepared to react to matters brought to our attention.

Thank you very much.

QUESTION put, MOTION carried.

MR. SPEAKER, Hon. J. Walding: The Honourable Minister of Government Services.

HON. J. PLOHMAN: Mr. Speaker, with the co-operation of the opposition, I would like permission to revert to Ministerial Statements as I have an important statement with regard to aerial spraying in western Manitoba. Could I ask leave of the House?

MR. SPEAKER: Does the House give leave to revert to Ministerial Statements? (Agreed)

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: Order please. The Honourable Minister.

HON. J. PLOHMAN: We're still in yesterday, that gives even more notice to the communities affected.

Mr. Speaker, in keeping with a commitment to keep members of the House and the people of Manitoba fully informed on the status of the aerial spraying operation to combat a potential outbreak of western equine encephalitis, I would like to report that monitoring results of mosquito numbers and viral activity in western Manitoba and the Red River valley have now been received. The results received last night and this morning indicate that a number of communities in these areas are now at high risk. The mosquito causing greatest concern, the *Culax tarsalas*, has reached epidemic proportions in several centres.

I would like to restate that the present unseasonably hot and humid weather has been instrumental in promoting accelerated mosquito numbers and activity which is increasing the potential for an outbreak of western equine encephalitis. As a result of data received I have instructed Emergency Measures Organization officials to prepare for an additional and immediate spraying program. The DC-6 aircraft used in conducting the aerial application has been in Manitoba on a stand-by basis since July 31st, and additional supplies of malathion have been ordered.

Communities designated as high risk are Roblin-Russell, Melita, Deloraine, Minnedosa and Neepawa. Monitoring is also continuing in the communities of Souris, Rivers, Ste. Rose, Grandview, Killarney, Carberry and Boissevain. I must also report that there is mounting concern over mosquito numbers and viral activity in the previously sprayed centres of Winnipeg, Brandon, Dauphin, Selkirk, Stonewall and Stony Mountain. Monitoring of these centres is continuing on a daily basis and additional data is expected by late Sunday or early Monday.

All other areas and communities which received the aerial spraying are reporting low mosquito counts, and presently it is unlikely that further action will be required. Weather permitting aerial spraying will be conducted this evening over the communities of Roblin and Russell with Melita, Deloraine, Minnedosa and Neepawa as alternates. Although more notice would be preferable, and certainly desirable on our part, these communities are at high health risk and it is necessary that the aerial application be applied as soon as possible.

Reduced daylight has necessitated an earlier evening spray time, from 6:30 p.m. to 9:30 p.m. Morning applications will be applied as soon as daylight allows, but will not be continued beyond 10 a.m. Municipal officials in all designated spray areas have been informed of today's announcement.

Officials in the Department of Agriculture have been asked to make every effort possible to contact all beekeepers in the designated spray areas to inform them of the planned aerial applications so that preventative measures might be taken to minimize potential losses. While recognizing the concerns of the beekeepers we cannot lose sight of the very real and threatening health risk which again confronts the people of Manitoba. I've again asked that the radio informational campaign be implemented on every radio station south of the 53rd parallel, so that all Manitobans in that area can receive complete and accurate information on the aerial spraying program.

The Emergency Information Centre has now been placed on extended hours and will be operating from 6 a.m. to midnight each day during the spraying

program. Concerns or questions about western equine encephalitis, or the aerial spraying program are welcome. The number to call is 944-4844, or Toll Free 1-800-362-3305.

In conclusion, let me say again, that the personal protection is still the best safeguard against contracting western equine encephalitis.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Speaker. I wish to thank the Minister for this announcement. Certainly members on this side of the House share the concern implicit in the Minister's statement with respect to the continuing public health threat in substantial numbers of regions and communities in our province, in particular, a number of communities in the western part of the province. We share that concern and we certainly stand in support of the measures that the Minister, and the government, have taken thus far, and the measures that they delineate in the statement delivered by the Minister this morning to maintain active watch, and active guard, over the health threat.

At the same time there is some good news, of course, in the Minister's statement, and it's contained in the paragraphs in his statement that make reference to the effectiveness of the aerial spraying program, and the low mosquito counts in considerable parts of the province. The Minister suggested it's unlikely that further action, in terms of aerial spray, will be required in most areas of the province, and that is good news, Sir. But the fact that the incidents of heavy mosquito infestation, heavy population of the vector mosquito is now on the rise, again, in a number of communities

does stand as a point of concern for all of us, and it raises questions that I'm sure the government is going to have to examine in its evaluation over all of the program undertaken this year in this area.

The question of the effectiveness of the choice of the insecticide that is being used will, I'm sure, be a subject of study and intensive evaluation about the government. Whether that has had any effect on the resurgence of the mosquito population is a question that only scientific examination can answer. Certainly citizens of the province, in general; and those in the high risk areas, in particular; and beekeepers, in particular, will be grateful for the alert posted by the Minister this morning.

We will await further word with interest, and with considerable concern, and trust that weather conditions will be such as to assist the government in getting this public health threat under control so that further extensive applications of aerial spray will not be necessary.

MR. SPEAKER: Would the Honourable Government House Leader indicate the next item of business?

HON. R. PENNER: There are a number of bills which will be called in succession, but I think that since the next bill that is called may require a fairly long speech; I don't know but perhaps it would be wise now to call it 12:30 and, if that's agreed — (Interjection) — Yes I know, on the basis that we're calling it 12:30, I would move, seconded by the Minister of Transportation, that the House do now adjourn until this afternoon.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. this afternoon. (Saturday)