



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 | Virден | 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 |
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| 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 |
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| USKIW, Hon. Samuel | Lac du Bonnet | NDP |
| WALDING, Hon. D. James | St. Vital | NDP |

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, 17 June, 1983.

Time — 10:00 a.m.

OPENING PRAYER by Mr. Speaker.

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

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I have a statement.

I am pleased to be able to make an announcement today which reflects positively on this government's ability to work with the business sector and to use the Jobs Fund to create meaningful, lasting jobs to support economic development in Manitoba.

I am pleased to announce that the Manitoba Jobs Fund is establishing a new Science and Engineering Employment Program to assist Manitoba companies to hire Manitoba university graduates in these fields and to keep them in the province.

The Jobs Fund is putting \$1 million into this program to help Manitoba companies offset wages paid to new employees hired from the 1983 graduating classes in Engineering and Sciences from Manitoba universities, to fill new, permanent positions. The Jobs Fund will assist these companies for a period of up to one year, paying the lesser of 60 percent of the employee's per annum wages or \$12,675 per year which the employer will receive on a monthly basis.

The program will be operating by the first week in July, and continue to August 31, 1984.

Our government's Jobs Fund has established this special pilot program for several reasons. Through this program the Jobs Fund will be helping Manitoba companies increase their engineering activity and capability. It will be helping to retain the expertise of trained Science and Engineering graduates in Manitoba and to increase the economic stability of this province. (Manitoba's average investment in the education of each of these graduates is \$25,000 - an investment this program will help to keep in Manitoba because the jobs created are designed to be permanent, and lasting jobs.)

Through this program the Jobs Fund will also create immediate jobs for Science and Engineering university graduates who are facing unusually harsh employment prospects this year - a situation caused by the economic recession. The 75 positions this Jobs Fund Program will create will make a real difference to Manitoba businesses, to skilled, unemployed Manitobans, and to the Manitoba economy.

The Jobs Fund will be publicizing application procedures for businesses and graduates very shortly, and it will be announcing the formation of a program advisory committee consisting of business, university and professional association representatives who will assist the program managers to allocate the funding most effectively.

The Manitoba Jobs Fund Advisory Committee has recommended this program and they have provided the government with a strong and positive vote of support. We have also had a strong supportive response from the Winnipeg Chamber of Commerce.

The government understands the importance of a strong business sector, the importance of working with that sector to give it that support. It needs to create jobs for Manitobans, to keep our economy moving especially during these tough, difficult economic times when extra incentives are required.

Indeed, the jobs, which result from this program, when combined with the over 6,700 jobs which have resulted so far as a direct result of the Jobs Fund Program, clearly indicate that this initiative is helping to meet the employment needs of Manitobans.

That is the Jobs Fund's intent and approach to unemployment and I am pleased to be able to announce this program as another example of our intention to strengthen the business sector of the province through Manitoba Jobs Fund Programs and projects which are being developed and carried out in consultation with the business community.

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

MR. G. MERCIER: Thank you, Mr. Speaker. No doubt the graduates in Engineering at our universities in Manitoba, Mr. Speaker, will welcome this announcement because there is a crisis amongst the graduates in Engineering occurring this year. Mr. Speaker, there are virtually no jobs available for the graduates in Engineering. The latest information I have with respect to one class is something like two or three out of a class of 62 have been able to find jobs, Mr. Speaker, so that this is a response to a crisis amongst graduates and engineers seeking employment.

Mr. Speaker, unfortunately the 75 positions created by this program will do little to help the unemployed youth of this province between the ages of 15 and 24 when we have an unemployment rate of some 17 percent. One out of five young male persons, for example, is unemployed, Mr. Speaker, and cannot find a job. There are still some 52,000 unemployed people in Manitoba, Mr. Speaker.

Mr. Speaker, it would be fortunate for the graduates of Engineering if the government had not lost the mega projections, because these engineers could be usefully and permanently employed on the Hydro construction project, for example, and the other projects which were negotiated by our government for the Province of Manitoba.

Mr. Speaker, the First Minister talks about the importance of a strong business sector and the importance of working with that sector. Mr. Speaker, it would be fortunate indeed if the government, in carrying out that statement, would repeal the payroll tax by which they are collecting some \$75 million from small businesses in Manitoba this year which employ

70 percent of the labour force in Manitoba, but that is a burden that they have cast upon the business sector in this province which is hurting employment in this province.

Mr. Speaker, there are some supposedly 6,700 jobs now created by the Jobs Fund, but we find in the unemployment statistics that from April to May the numbers of unemployed people have remained constant at 52,000, the first time in at least the last seven years and probably going back a lot further. There is a real crisis in unemployment. The "Jobs Fraud Fund," Mr. Speaker, is not solving that crisis. The anti-business attitude and the tax policies of this government are destroying the economy of this province, and are not providing the employment opportunities for permanent lasting jobs in the private sector which should be created in this province.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, Mr. Speaker, I have a statement.

Mr. Speaker, during the balance of this Session of the Legislature, the government will be introducing three resolutions dealing with the Constitution. One deals in the very preliminary way with aboriginal rights, another deals with language rights, and the third concerns economic rights.

The first of these, the one dealing with aboriginal rights, was unanimously agreed to at a First Ministers' Conference held in Ottawa on March 15th and 16th of this year. It declares that aboriginal and treaty rights are guaranteed equally to male and female persons; states that the rights and freedoms guaranteed in the Charter do not take away from rights acquired by reason of land claim settlements; and it calls for at least two more Constitutional Conferences on aboriginal rights between now and 1987.

The resolution dealing with language rights is designed to ensure the validity of the statutes of Manitoba which were passed in one language only, provide time for the translation of some of our statutes and requires the government but no one else to communicate and deliver services in both official languages in certain carefully defined circumstances.

The third resolution will deal with an amending proposal emanating from the Province of British Columbia, supported by the Province of Ontario, and now proposed by the opposition in Manitoba on the resolution of the Member for St. Norbert, which proposal calls for the inclusion of the term "enjoyment of property rights" in Section 7 of the Canadian Charter of Rights and Freedoms.

Although there has been much publicity and many political statements about each of these issues, many Manitobans would like more factual information and would wish to have questions answered.

Accordingly, although the government must meet certain deadlines with respect to two of these resolutions, it is prepared to organize public meetings in a number of Manitoba centres in the next few weeks. These meetings will provide Manitobans with an opportunity to comment, to receive information and to have their questions dealt with. The resolutions will be introduced in the House and debate commenced within the next 10 days, but the resolutions will not be put to a vote prior to the conclusion of these meetings.

Dates, places and particulars of the meetings will be announced early next week.

MR. SPEAKER: The Leader of the Opposition.

HON. S. LYON: Mr. Speaker, we welcome the announcement made by the Attorney-General with respect to the business of the House relating to the three constitutional amendments contained in the statement this morning.

The one particular amendment, of course, Sir, about which we have spoken, is that with respect to Section 23 of The Manitoba Act which would be a constitutional amendment giving official bilingual status to the Province of Manitoba. It is that amendment, in particular, that we suggested should be referred to the people of Manitoba by way of committee hearings intersessionally in order that the opinions of the people of Manitoba could be sought before the Legislature was asked to pass upon such a resolution. So while we welcome the combined approach that has been taken, it's all right to refer the property rights matter to the public as well, it's all right to refer the other amendment with respect to Native people, to the public because it's largely of a secretarial nature, the prime issue will, of course, be the agreement that this government is proposing, which will involve a fundamental amendment to the Constitution of Manitoba.

I would make this further suggestion to the Attorney-General and to the government, as I suggested in the first instance, that the resolution should be introduced and referred immediately to a standing committee of the Legislature, which has power, of course, inherently to sit intersessionally, and that that resolution should then be dealt with after adjournment of this House, with the understanding that if time limits have to be met before the end of the year, that the House would then reconvene to deal with the resolution after it has heard from the public of Manitoba.

There is a suggestion of unilateralism and authoritarianism that is entirely unnecessary at the end of the statement this morning: "The resolutions will be introduced in the House and the debate commence within the next 10 days," that's within the province of the government, "but the resolutions will not be put to a vote prior to the conclusion of these matters. Dates, places, and particulars of the meetings will be announced early next week."

Mr. Speaker, the customary practice in this House, so long as I've been here, is that the committee is struck, whether it's a standing committee, or whatever. The committee, at its first meeting, will make the determination as to the place and the time of the hearings. That is the courteous way. That is the ordinarily democratic way that matters of this sort are handled in the House. I would commend to the Attorney-General the suggestion that we have made, that the committee should meet first, and the committee will then make a determination as to the dates and the places and the times of the hearing, not unilaterally by the government.

Aside from those comments, Mr. Speaker, we welcome the government's suggestion this morning and we will do everything that we can to co-operate, to

ensure that the hearings of the committee are held throughout Manitoba and that Manitobans have a full opportunity to express themselves on each of these matters.

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

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we reach Oral Questions, may I direct the attention of honourable members to the gallery where we have 25 students of Grades 5 and 6 standing from the Brock Corydon School under the direction of Miss Doncaster. The school is in the constituency of the Honourable Member for River Heights.

There are 21 students of Grade 5 standing from the Harold Edward School under the direction of Mrs. McNaughten. The school is in the constituency of the Honourable Member for Morris.

There are 19 students of Grades 5 and 6 standing from the Victoria Albert School under the direction of Mr. Hildebrand. The school is in the constituency of the Honourable Minister of Education.

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

ORAL QUESTIONS

Intersessional meeting - The Manitoba Act

MR. SPEAKER: The Honourable Leader of the Opposition.

HON. S. LYON: 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, 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.

MR. SPEAKER: The Honourable First Minister.

HON. 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.

HON. S. LYON: Mr. Speaker, having already expressed the desire of the opposition to co-operate in these public hearings, I would submit and ask the First Minister to reconsider the statement that he has just made because this is a very fundamentally important topic for the people of Manitoba. It is one not to be rushed at by this or any other government.

I would ask the First Minister if he would reconsider that because it will be in the public interest that hearings be held intersessionally, so that the members of the House can complete the business of Manitoba here as it has to be completed with a raft of, in some cases, wild ideological legislation to be passed which requires all of the attention that sober people can give to it; and at the same time, Mr. Speaker, to ensure that the other topic, which is equally and fundamentally important, be given full attention by all of the members of the House during the committee meetings which, I suggest again and commend to the First Minister, should be held after the House has adjourned?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, the last time intersessional hearings were held pertaining to the Constitution was after there was already a decision that had been firmly made on the part of the Government of the Day.

Those hearings indeed were a sham because a firm decision had been made, announcements had been made, and the then First Minister had attended even conferences and announced the Manitoba position.

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.

MR. H. ENNS: I think now we can have our usual Friday morning.

MR. SPEAKER: Order please.

The Honourable Leader of the Opposition.

HON. S. LYON: 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?

HON. H. PAWLEY: 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.

Mr. Speaker, let us use, for example, the resolution pertaining to aboriginal treaty rights. We are firmly committed, along with the other provinces in Canada, to holding a meeting pertaining to aboriginal treaty rights within the next year.

The honourable members have an opportunity, as well as members of the public, to comment in respect to the resolution that is at hand, to request and to ask information, and to comment about the resolution, Mr. Speaker. 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.

HON. S. LYON: Well, now, Mr. Speaker, this is a matter that is assuming far different proportions from what the statement of the Attorney-General would lead us to believe.

I'm asking now of the First Minister, Mr. Speaker, whether or not the government is committed to the agreement and whether or not the government is prepared to modify, moderate, change that agreement with respect to bilingualism after the public hearings if it finds that the public interest of Manitoba would, for instance, be better served by some changes or moderations in that agreement?

Is the First Minister indicating that the mind of the government is not made up on this matter, and that the government's prepared to be flexible and to listen, or is he saying that the government is going to go out and propagandize its point of view, and to hell with the people of Manitoba, we'll pass it anyway? Is that what he's saying?

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: I'd like to, first of all, set the context in which this matter arises because I think that's important to the answer that I'm about to give; 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.

In that context I should also point out that it was, as is frequently the case, an attempt by those involved in litigation to see whether or not a resolution could be arrived at which would save all parties concerned the enormous problem that might ensue from an adverse decision either way.

I should also like to point out that there were several parties to the action, for example, the appellant himself, Mr. Bilodeau. The Supreme Court had joined, as parties, the Societe Franco-Manitobaine and a powerful Anglophone group in Quebec called the Positive Action Committee, who felt that their rights could be enhanced and protected in the context of this case.

Indeed, I may say that they and the other Anglophone groups in Quebec are very happy with the resolution that has been arrived at. It was in the course of these negotiations that over a year that a number of textual, legal constitutional problems had to be resolved in terms of language and the meaning of language and some parallelism between the proposed amendment and the Charter of Rights, things of that kind.

So what I'm saying is this, that, yes, the hearings will invite comments obviously. That's what they are 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 a 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 the case in the Supreme Court merely stands adjourned. It is not possible for us to take an agreement that involves four, 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 of propaganda that has been stirred up by very very few people, I'm happy to say.

We found that once that is dealt with and put aside people understand the nature of this agreement and understand that it is not official bilingualism. People understand that there is no relationship to the official language policy of the Federal Government. People understand that it is an obligation with respect to services on the Province of Manitoba alone, on the Government of Manitoba alone, not on municipalities, not on school boards, not on institutions, not on individuals, and not on corporations, but on the government. When people understand that, they understand not only the importance of it but the value of it.

HON. S. LYON: Mr. Speaker, a preliminary question. In the course of his response the Attorney-General referred to a few people making poisonous, race-hatred statements, I would like the confirmation from the Attorney-General that he's not referring to anyone in this Legislative Chamber?

MR. SPEAKER: Order please. The Honourable Attorney-General.

HON. R. PENNER: I was not referring to any person in this Legislature. That's not the kind of language I use with respect to the members in the Legislature.

HON. S. LYON: Mr. Speaker, we're happy to have that assurance from the Attorney-General even though we don't have it from the Member for Radisson.

Mr. Speaker, I go back to my original question which I think was answered in part by the Attorney-General. He said that the government was either prepared to give consideration to the whole agreement or to no agreement at all. Why is he trying to suggest, Mr. Speaker, that an agreement that was arrived at largely in private negotiations between himself, the Government of Canada and the Franco-Manitobaine Societe, which only saw the light of day some three weeks ago, why is he trying to say that agreement is somehow or other chiselled in stone and that the comments of the people

of Manitoba, indeed, the comments made from this side of the House, made by his own back bench could not have the effect of moderating some terms of that agreement even if it means that he must go back to the other partners with whom he negotiated to make the changes, or even if it means that the Bilodeau case can go ahead, because if he reads the opinions which he has tabled in the House offered to him by the counsel whose advice he's sought, the proceeding with the Bilodeau case represents no real threat to the constitutional stability in Manitoba in any case?

HON. R. PENNER: First of all, Mr. Speaker, for the record, the debate on the proposal has taken place in the public arena for over a year, well close to a year. The first major press reports with many details began to appear in July of last year. There have been editorials. I recall a lead editorial in the Free Press in July of last year. There have been full page articles. There have been, in French language newspapers as well as in the local newspapers; there has been discussion on the radio; there has been discussion on TV. There have been reports of open meetings held by the Societe Franco-Manitobaine, in which the issue has been very strenuously debated with many, including Mr. Forest, for example, originally denouncing the negotiations as being a sellout to the Franco-Manitobans and things of that kind.

But more to the point, the Leader of the Opposition, in my view, is being something less than candid in the form of the question and its preamble because in December of this last year, I mailed to the Member for St. Norbert, a copy to the Leader of the Opposition, a letter outlining the fundamental nature of what was taking place and not once, Mr. Speaker, between that time and the time when the agreement was announced did I receive any comment, did I receive even the courtesy of a letter back acknowledging my letter. Was there a question asked in the House? Was there an attempt to raise the issue in any way? Not once, from December of 1982 through to May of 1983 when they knew exactly what was taking place, if not through the media, because maybe they don't read anything but their own newspapers, but through the letter of information sent to them by me on behalf of the government in December, 1982.

So to suggest that there has been some kind of sub rosa, under the table, hiding of this thing, is to fly in the face of reality. That has not been the history of the development of this.

If there ever was, Mr. Speaker, a negotiation of a court case that pre-eminently took place in the public arena, this was it. Normally, negotiations of court cases even involving the government in matters relating to constitutional difficulties and all the rest of it take place between lawyers, behind closed doors. That was not the history of this event.

HON. S. LYON: Well, Mr. Speaker, the department of the Attorney-General in responding to the question leads one to believe that there should be a stronger Committee on Ethics in the Law Society so that people don't try to get away with smoke and mirrors in their responses in this House.

Mr. Speaker, I acknowledged two weeks ago, the courtesy of the Attorney-General in sending us the first

draft of the agreement in December and we heard nothing from him after that, not a thing. Until two or three weeks ago we didn't know if the agreement was completed or not. We acknowledged his courtesy in sending the agreement but, Mr. Speaker, that's a red herring that he's dragging over the trail.

The point of the question is why is this Executive Branch of government not prepared to listen to the Legislature of Manitoba and to listen to the people of Manitoba and to say and to perhaps even take the chance that there might be some wisdom that would emanate from this Legislature or indeed from the people that would be helpful to that agreement that he has negotiated? Mr. Speaker, speaking from somewhat considerably more experience than the Attorney-General, I can tell him that no side of the House, no executive branch of government has a monopoly on intelligence and that his side, particularly, can benefit from all of the advice that they can get.

Why will the Attorney-General and the government not consider finishing the business of the House in a regular way, as we will in the next few weeks, then referring the agreement without the fiat of the government on it, refer the agreement to a committee of the House which can sit intersessionally, not as a form of Star Chamber which will allow people to come before, I suppose, and tug their forelocks and say, Mr. Speaker, or Mr. Attorney-General, may we speak to you - but as a legitimate, democratic, free committee of this Legislative Assembly so we can hear the people of Manitoba in the normal way, in the normal, traditional way, not one of these pumped up propaganda committee meetings that my honourable friends are becoming fond of? Why is that not the better, the more prudent procedure for something that is not just the settlement of a civil matter, something that is fundamental to the future of Manitoba, a major constitutional amendment that will affect generations yet unborn? Why is the normal committee hearing process not suitable for that, intersessionally? Why does this government insist on ramming through something, the wisdom of which is far from certain?

HON. R. PENNER: What, Mr. Speaker, has to be understood is this, that there are parallel proceedings taking place and they're not one or the other, but both, and they are related one to the other.

The resolution will be introduced into the House and there the legislators of the Province of Manitoba duly elected by the people of Manitoba will, in the fullness of time and one hopes in the rightness and maturity of wisdom, debate the issue in public as they should. One hopes that debate will be on a high level; one hopes that it will be a debate that will not appeal to zealots; one hopes that it will be a debate that will look at fact and not fancy; one hopes that it will be a debate that indeed will demonstrate what has not been demonstrated at all in the time that I have been in this House, that there is an opposition capable of rising to the occasion just once, capable of demonstrating statesmanship just once, capable of looking at the question of Canadian unity just once, capable of putting aside narrow partisanship just once. If they could only demonstrate that, what a marvellous reaffirmation of the worth of this Legislature we will have.

While that is taking place, there will be public hearings so the public at the same time will be there and, if he had read the statement, will be invited to comment, to question, to receive information. It's a unique exercise that is taking place that is not the separation of the people from the Legislature, it is the uniting of the people with the Legislature in a joint exercise. That's what it is.

SOME HONOURABLE MEMBERS: Oh, oh!

A MEMBER: A typical NDP approach - you know what's best for everybody.

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

HON. S. LYON: Mr. Speaker, I come back to my question, which was initially directed to the First Minister, after the rather wild declamations of the Attorney-General who is losing track of his equilibrium. I come back to the First Minister and I ask the First Minister in all solemnity, Mr. Speaker, because of the fundamental constitutional importance of this matter to this generation of Manitobans and all future generations of Manitobans, will the First Minister not reconsider and have this resolution referred to a standing committee of the House to meet intersessionally in the normal, parliamentary way in order that this matter can be fully aired before the people of Manitoba, and their opinions then given full account of before this Legislature is asked to vote upon it?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: 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 resolutions will not be put to a vote prior to the conclusion of these particular matters.

Mr. Speaker, I think back to the intersessional meetings, hearings that were launched by the former government of this province when they had declared very very - and they wouldn't concur with intersessional hearings until there was a great deal of pressure from our side then in opposition. But in the meantime, they had very clearly stated a position which was fundamental to the entire Constitution of Canada. They very clearly announced their position. That position was announced not only within the province, but was announced, as I recall, at First Ministers' Conferences. Then, Mr. Speaker, after that announcement that had been made by the then Premier, we went through a sham - and it was a sham - of public hearings in the Province of Manitoba after the Manitoba Government had very clearly declared their position.

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 discuss this along with other issues. I find that when adequate opportunity is given in order to discuss and properly inform Manitobans of the nature of the settlement that was arrived at pursuant to the court case, that there is an understanding.

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 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.

HON. S. LYON: 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 - and 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 proper public hearings can be held on the matter; the matter reported back? If the government has a deadline, the matter reported back to the House some time in the fall or before the end of the year if that be their deadline so that this matter can be dealt with in a reasonable way; so that this matter can be dealt with so as not to deflect the attention of members of this House from legislative enactments which are extremely important that they have to be dealing with at the present time; so that this matter, Mr. Speaker, can be dealt with in a way that the people of Manitoba will come to understand that their Legislature is there representing them? Will the First Minister not give an undertaking this morning that that normal procedure will be followed, rather than the hastened-up, hurried, authoritarian, one-sided propaganda approach which appears now to be what the Attorney-General was announcing this morning?

HON. H. PAWLEY: Mr. Speaker, I point out to you that question has been asked three times, and it has been answered three times in this Chamber.

HON. S. LYON: Mr. Speaker, if the First Minister is saying that his government will not permit normal public hearings of a committee on this matter, will the First Minister then call a provincial general election on this topic in order that the real opinion of the people of Manitoba may be heard now?

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.
The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I sense that this is a last desperate grab by — (Interjection) —

MR. SPEAKER: Order please.

HON. H. PAWLEY: . . . one that is a Leader hoping to run some opportunity for restoration as Premier of the Province of Manitoba, very similar to what happened in Ottawa with the Prime Minister of this country, Mr. Speaker — (Interjection) —

MR. SPEAKER: Order please.

HON. H. PAWLEY: 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. We are not going to have those meetings only in Winnipeg, but other parts of the Province of Manitoba. The Leader of the Opposition may not like this. The Leader of the Opposition obviously wants some other kind of process.

We would not go through the same sort of process the Leader of the Opposition went through when he was Premier which was a complete sham, Mr. Speaker, a process of public hearings after he had already firmly announced and entrenched his position at Constitutional Conferences across this country, and then went to Manitobans pretending that he wanted input that would totally change the announcements that he had made earlier.

HON. S. LYON: Mr. Speaker, contrary to what the First Minister may think, this is no laughing matter. This is no small partisan matter, and if he is saying, Mr. Speaker, that this House will not have a committee, if he is saying that this House . . .

MR. SPEAKER: Order please, order please. The Honourable First Minister on a point of order.

HON. H. PAWLEY: Let the record be very clear. At no point did I say, nor at any point did I indicate this was a laughing matter. Unfortunately, it's the very opposite, in view of the Leader of the Opposition's role this morning.

HON. S. LYON: Mr. Speaker, we saw the usual sickly smile across the visage of the First Minister and that, to him, I suppose, means humour. But, Mr. Speaker, if the First Minister is saying to this House, that he will not permit normal hearings of a sessional committee, if he is trying to treat as a joke - but I ask very seriously about calling immediately a provincial general election on this topic.

If he's saying no that, then, Mr. Speaker, I move, seconded by the Member for Fort Garry, that this House adjourn.

MR. SPEAKER: It is moved . . .

HON. R. PENNER: On a point of order.

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

HON. R. PENNER: I'd ask for your ruling whether that motion is in order during question period.

SOME HONOURABLE MEMBERS: Oh, oh!

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

SPEAKER'S RULING

MR. SPEAKER: I would refer honourable members to our Rule 26(2) which says, "A motion to adjourn the House shall not be made until the Orders of the Day have been entered upon." Since we have not yet completed the routine proceedings, the motion is out of order.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, I move, seconded by the Member for Fort Garry, that the House do now adjourn.

MOTION presented.

MR. SPEAKER: The Honourable Member for Springfield has a point of order?

MR. A. ANSTETT: Yes, Mr. Speaker. In accordance with the statement you just made, regarding the appropriateness of a motion to adjourn the House, Beauchesne's Citation 283 specifically says, "There must be some question before the House before a member may move a motion to adjourn the House."

There are no questions before the House until an Order of the Day, on our Order Paper, has been called and a member has the right to speak to that. The citation also says, "A member may not use a point of order to secure the floor in order to move the adjournment of the House." The Member for Charleswood, the Leader of the Opposition was securing the floor for no purpose related to the Orders of the day, but purely for the purpose of moving the adjournment of the House. There's several provisions of Citation 283 which render that motion out of order.

MR. SPEAKER: Order please. Does any other member wish to advise the Chair on this point?

SPEAKER'S RULING

MR. SPEAKER: On the three points brought up by the Honourable Member for Springfield, I don't believe that the Honourable Leader of the Opposition rose on a point of order to make his motion. The 283(1) having to do with "no second motion may be made to the same effect until some intermediate proceeding has taken place," really does not have any effect, since the first attempt to move that motion was out of order; therefore, it does not apply.

However, 283(4) says indeed that "There must be some question before the House for a member to move a motion to adjourn the House." There was clearly not any motion before the House, and therefore, it would seem that the motion to adjourn is out of order.

The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call the adjourned debate on Bill No. 3, The Farm Lands

Ownership Act standing in the name of the Leader of the Opposition?

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please. On the proposed motion of the Honourable Minister of Agriculture, Bill No. 3, standing in the name of the Honourable Leader of the Opposition.

Does the Honourable Member for St. Norbert have a point of order?

MR. G. MERCIER: No.

MR. SPEAKER: The Honourable Leader of the Opposition.

Are you ready for the question? Does the Honourable Member for St. Norbert have a point of order?

MR. G. MERCIER: I move, seconded by the Honourable Member for Sturgeon Creek, that the House do now adjourn.

HON. L. DESJARDINS: Mr. Speaker, I have a question. Who has the adjournment? The adjournment will be either in the name of the Honourable Leader of the Opposition - if you accept this motion then the Leader of the Opposition will not be able to speak on this. Yes, because you don't have two people adjourning a motion. — (Interjection) — Yes, you sure do.

HON. R. PENNER: Mr. Speaker, I'm now more convinced than ever that they could benefit from the Member for Turtle Mountain. Maybe they would like a short adjournment while they send out for him.

The Member for St. Norbert has spoken on Bill No. 3. He cannot rise now to adjourn debate on it. No, he cannot.

MR. SPEAKER: The Honourable Member for St. Norbert on the same point.

MR. G. MERCIER: Mr. Speaker, on the point of order raised by the Attorney-General. As you have indicated earlier, Beauchesne Citation No. 283 states that a motion that the House do now adjourn is always in order. There is a question before the House. I rose and I moved the motion. I wasn't adjourning debate on the bill, I moved that the House do now adjourn.

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, it is an improper motion. It is already adjourned under the — (Interjection) — will you shut up for a minute?

Mr. Speaker, the point would be that it would stand, not to adjourn when there is already an adjournment and it's adjourned in the name of the Leader of the Opposition. The wish would be to stand.

MR. SPEAKER: The Honourable Member for Springfield to the same point of order.

MR. A. ANSTETT: Yes, Mr. Speaker, to the same point of order. The rules in Citation 283 very clearly provide that no member may use any form of ruse or point of order or other technique to gain the floor. The member must be recognized by the Speaker as eligible to speak in the debate on the question before the House.

Now, had any other member opposite who has not yet spoken in the debate on Bill 3 chosen, and had the Leader of the Opposition chosen to defer to him and allow him or her to speak, that person would legitimately have had the floor to speak on Bill 3 and could then immediately, after commencing one word of remarks on Bill 3, move the adjournment of the House. But for the Member for St. Norbert to rise on the question of Bill 3 on which he has already spoken and his right to recognition on that question has already been exhausted, is an abuse of the rules.

Mr. Speaker, I'm sure there is someone other than the Leader of the Opposition who has not yet spoken on that bill and is perfectly capable of moving the adjournment, since members opposite have tried now three times and failed to do it in accordance with the rules.

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

HON. S. LYON: To the point of order, Mr. Speaker. Under our rules under the practice of this House, a motion to adjourn the House is always in order once the Orders of the Day have been entered upon, Sir. The Orders of the Day have been entered upon, an item of business has been called, a motion has been made to adjourn the House, that motion is clearly in order. The question now, Mr. Speaker, is to put the question.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: The issue that has been defined for you, Sir, is not the question of whether or not the motion was in order, but whether or not the Member for St. Norbert was in order. It's not a question of whether or not the motion can be moved now that we've entered into Orders of the Day, but whether the honourable member could move it. The contention is - and it is for you to rule, Sir - that that particular member could not move the motion. If you find that he can so the — (Interjection) — that will be for the Speaker to decide, and I want to assure you, Sir, that we will abide by your ruling. If you rule that the member could move it . . . — (Interjection) —

MR. SPEAKER: Order please.

HON. R. PENNER: . . . and it's in order, let's have the vote. We are simply asking that the propriety and exactness of the rules be followed in this matter because we do not want to see a precedent set for the gimmicky use of a motion to adjourn the House to be used every time the Leader of the Opposition has a temper tantrum.

SPEAKER'S RULING

MR. SPEAKER: In this particular matter, the debate stood in the name of the Honourable Leader of the Opposition. The Honourable Member for St. Norbert had indeed spoken to the motion. In looking at Beauchesne on the matter, which says that a motion to adjourn the House is always in order, there seems to be nothing to prevent any member who has already spoken to a bill from making that particular motion.

It would then seem that the motion to adjourn is in order and it is moved by the Honourable Member for St. Norbert and seconded by the Honourable Member for Sturgeon Creek that the House do now adjourn.

QUESTION put; Motion defeated.

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

MR. G. MERCIER: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

Order please. The question before the House is that this House do now adjourn.

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

YEAS

Messrs. Banman, Blake, Brown, Downey, Driedger, Enns; Mrs. Hammond; Messrs. Johnston, Kovnats; Hon. Messr. Lyon; Messrs. Manness, McKenzie, Mercier, Nordman; Mrs. Oleson; Messrs. Sherman, Steen.

NAYS

Messrs. Anstett, Ashton; Hon. Messrs. Bucklaschuk, Cowan, Desjardins; Mrs. Dodick; Messr. Doern; Hon. Ms. Dolin; Hon. Messr. Evans; Messrs. Eyer, Harapiak; Hon. Ms. Hemphill; Hon. Messr. Kostyra; Messr. Lecuyer; Hon. Messr. Mackling; Messr. Malinowski; Hon. Messrs. Parasiuk, Pawley, Penner; Ms. Phillips; Hon. Messr. Plohman; Messr. Santos; Hon. Messr. Schroeder; Messr. Scott; Hon. Mrs. Smith; Hon. Messrs. Storie, Uskiw.

MR. CLERK, W. Remnant: Yeas 17; Nays 27.

MR. SPEAKER: The motion is accordingly lost.
Private Members' Hour.

Is it the pleasure of the House to call it 1:30? (Agreed)
The time being 1:30, the House is accordingly adjourned and will stand adjourned until 2:00 p.m. on Monday.