



Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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The Honourable D. James Walding
Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 12 January, 1984.

Time — 8:00 p.m.

ADJOURNED DEBATE ON RESOLUTION CONSTITUTIONAL AMENDMENT RE: OFFICIAL LANGUAGES

MR. SPEAKER, Hon. J. Walding: Order please. The question before the House is the proposed resolution of the Honourable Attorney-General and the amendment thereto proposed by the Honourable Government House Leader.

The Honourable Member for Gladstone has 17 minutes remaining.

MRS. C. OLESON: Thank you, Mr. Speaker. As I was in the midst of my remarks before the supper hour the Minister of Municipal Affairs, the Government House Leader, rose to dispute some of the statements I had been making and not wishing to have anyone think I was trying to mislead the House, I took the opportunity during the dinner hour to read again some of the words of the Attorney-General which led me to the opinion that he had stated that the resolution could not be changed.

The Minister quoted to the House part of the statement made by the Attorney-General in response to questions by the Member for Charleswood, who was at that time the Leader of the Opposition. However, he quoted only part of the text of that reply.

On Page 3771 of Hansard of June 17, 1983, I quote on the right-hand column, ". . . 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."

HON. R. PENNER: "Unilaterally", that's the word.

MRS. C. OLESON: Right. Now that statement would lead me to believe and I think a great many other people to believe, that it has a different meaning to me than it has to the Minister of Municipal Affairs. Many other people have also stated that opinion. It means, there is no possible change.

SOME HONOURABLE MEMBERS: Oh, oh!

MRS. C. OLESON: Now, make big play of the word "unilateral," but he said it was impossible because it was a unilateral change.

MR. SPEAKER: Order please.

MRS. C. OLESON: Now on Page 3770 of Hansard on June 17th, in reply to questioning by the Member for Charleswood, the following exchange took place between the Premier and the Member for Charleswood.

Now the Member for Charleswood was asking if there could be changes and asking if there could be an intersessional committee, and I will quote: "In light of the announcement just made by the Attorney-General with respect to the amendment of Section 23 of The Manitoba Act and the other two constitutional matters that would 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 a 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."

The Premier said: "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 the information. The meetings are caused as a result of the necessity for resolution of certain matters pertaining to a court case. It is not an instance where we could fairly say that intersessional committee meetings could change the nature of the agreement that has been arrived at."

There again, it would lead us to believe that there could be no changes made. A great many other people in the province believe that also from the words that were spoken on that day. There were quite a few other questions asked that day; it was a very busy day on June 17th. I seem to recall from looking at these notes that I had underlined and marked before, that I have some vague recollection of using that before in the House, and I don't remember it being challenged by the Minister of Municipal Affairs or anyone else at that time.

Now we have a new Minister in charge of the resolution. So here we are with an amendment that wasn't to be as a result of hearings that couldn't be held, which dealt with bilingualism that didn't exist.

Now let's have a look at the amendment which is supposed to be such a new thrust, a new compromise on the part of this loving and caring government, and this government which listens to the people. Remember back in June and July the brochure which stated "Manitoba is not going bilingual?" Now, take a look at the new section 23.1 of the proposed amendment and read exactly what it says, and I quote: "As English and French are the official languages of Manitoba, the freedom to use either official language enjoyed under the law of Manitoba in force at the time this section

comes into force, shall not be extinguished or restricted by or pursuant to any act of the Legislature of Manitoba."

The legal opinion which the government provided concerning this proposed amendment claims that there is a remote possibility of a court interpreting this as official bilingualism - a remote possibility. I submit, Mr. Speaker, that we're not really much better off than we were before and the fact is that the people of Manitoba have lost their faith in this government; they can't believe what they say.

People desperately want to believe what their government tells them. They need to believe that. It is a faith that they must have and be able to cling to that when a government official stands up and says something, it is true; and people should be able to believe that their government has their best interests at heart, that they are working for the interests of Manitobans, and Manitobans only, and that they are sincere in their wish to do what the majority of Manitobans want them to do.

This government is not, and I submit and I suggest that they listen to what the vast majority of people say to them. Negotiate if you will a settlement for translation of statutes but don't give away the ship in order to avoid one rock in an otherwise calm sea. People in vast numbers are telling you that you are on the wrong course and it is not too late to change.

I would like to read to you a few remarks made by people in an answer to a poll put out by the Central Manitoba Shopper which was dated August 11th, and they asked for remarks on the bilingualism issue; they also asked for an indication of whether or not people wanted the resolution, and I quote: "A resounding 96.7 percent of the polls returned indicated the writers were against the resolution based on the information they had read and heard." Only 3 percent said yes to the resolution.

Some of them said: "Considering the small French-speaking population in Manitoba, the resolution to entrench is uncalled for."

I'll quote another one. "Let the people decide on an issue like this. Let us go back to democracy where the people decide, not dictatorship. Why should a small segment of the population get what they want and the rest pay?"

I quote from another one: "It's about time some thinking took over. Since when does the minority govern the majority? Mr. Penner must be playing politics. He may lose more than he gains."

Another very short succinct one that said: "The resolution stinks." This one from Winnipeg, and I quote: "All minorities should have their rights but one should not be put ahead of other minorities. There would be trouble in your family if you favour one of your children." This one from Portage la Prairie: "I am a French background; I am bilingual by freedom of choice. I see only harm in the government resolution." And from MacGregor, I quote: "I would fear that entrenchment would discriminate against people with only one language as it has the Federal Civil Service and the armed forces."

So people in vast numbers have complained to the government; they have signed petitions . . .

MR. SPEAKER: Order please. On a point of order, the Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I would ask the honourable member to table the letters that she quoted from, please.

MRS. C. OLESON: Certainly, I will have a copy made. I haven't got the original with me. These are copies and it was a list that was widely distributed in the Central Manitoba Shopper, as I said, on August 11th, which was available in mail boxes of most people in and around central Manitoba. So I will certainly be glad to table that for the information of the members.

A MEMBER: I think that's a good idea.

MRS. C. OLESON: There are others and I won't read through the whole remarks, but people in vast numbers have sent in answers to questions, to polls. They have signed petitions, they have written letters, and they wonder just what more can they do to convince the government that is not listening to them. They desperately want to be listened to. They want to be heard on this issue and they want a government that understands their real wishes.

I cannot support this present amendment. As I read it, it still leaves that remote possibility that the use of the words "as English and French are the official languages" does not gladden my heart to think that that would settle the matter forever more. I do not think it will.

I think further down the road judges in various courts of the land will one day decide that what the Government of Manitoba meant in 1983 and '84 was official bilingualism, and that is what we will get. I submit that that is the problem, that is the stumbling block with this; the entrenchment of this would only cause us trouble in the future. Thank you very much.

MR. SPEAKER: The Honourable Member for Inkster.

MR. D. SCOTT: Thank you very much, Mr. Speaker. First, may I wish you a successful New Year, Mr. Speaker, and that this House in the year, 1984, perhaps start a new era. Let us start on the era of respecting both the linguistic rights and minority rights in the Province of Manitoba.

Mr. Speaker, our party is very proud of what it is doing in this Legislature today and has been trying to move forward with since last summer. We are proud. It not only has the full support of all members on the government side, and I cannot quite understand why it does not have the support of members opposite when one looks at their party's history.

When one looks at our party in particular, it has been a party that has stood up for civil rights and for human rights in this country. It has gone alone before, Mr. Speaker. We have been alone before. We were alone as a party when we stood to condemn the Federal Government for the deportation and the incarceration of Japanese Canadians in the Second World War. We were alone, we stood to fight, Mr. Speaker, against the famous Padlock Case in Quebec, defended by one of the greatest Canadians that has lived to date, of FR. Scott. We have been together, Mr. Speaker, in defence of civil rights and human rights in this country.

When the armed forces of Canada were sent into Quebec in the year 1971, there was one opposing party

to that move of using the armed forces' intervention to go after a supposed force in this country at that time. We stood against that. We stood against the incarceration of some 500 people in Quebec without charges in 1971. The other parties, although somewhat regretfully when you listen - and Mr. Stanfield says now in retrospect and not too long afterwards - that it was the biggest mistake he ever made in his political career, and the one thing that he feels bad for after having served the public of Canada both as a Premier from Nova Scotia, very distinguishedly, and as a distinguished Leader of the Official Opposition in Ottawa, Mr. Speaker.

Mr. Speaker, there is only one party in this House that has ever been close to the FLQ and the Separatists, and that was the Conservative Party of this province when they went in, and when they went side-by-side with the Separatist Government of Quebec in support of the Government of Quebec reducing English-speaking language rights in the Government of Quebec. That is the party that had any affiliation with the Separatists in Quebec.

Mr. Speaker, I would like to go back to the very start of this issue and cast a little bit of history on the issue and show how we have evolved and the principles with which this great province was founded.

I am quoting from the 2nd of May of 1870 in the House of Commons. The speaker is the Right Honourable Sir John A. Macdonald, the first and one of the finest Prime Ministers this country has ever seen, a man with a vision of the country who worked day and night in evolving his perception of what the country was, and setting the foundations for what this province is today as well.

Sir John A. Macdonald states, "I rise, sir, with the consent of the House, to submit the result of our deliberations for the framing of a constitution for the country heretofore known as Rupert's Land in the North-West Territories. Fortunately the Indian languages of that section of the country give us a choice of euphonious names and it is considered proper that the province which is to be organized, shall be called Manitoba."

He set up and was very conscientious right from the very start of the recognition of the two linguistic groups that were in this province at that time.

"The Province, within the House of Commons, it is proposed shall have four members in this House, . . . "This is Sir John A. Macdonald speaking once again. " . . . the Governor-General having, for that purpose, power to separate and divide the whole Province into four electoral districts, each containing as nearly as possible equal number of the present community of settlers. The Legislative Assembly shall be composed of a body of 24 members - the Lieutenant-Governor dividing the Province for that purpose into 24 Electoral Districts having due regard to the various communities into which that settlement is at present divided."

He confirmed that The BNA Act was to have supreme force over this province, as it does the other provinces of this country. "It is provided in the bill . . . "I am quoting once again, ". . . that all clauses of The British North America Act, excepting as altered by the Bill itself, or excepting those clauses which apply only to one or two Provinces, and not to the whole of the Provinces, shall apply to the new Province."

On Page 1302 of the Hansard, a couple of pages after that and continuation of his introductory speech,

the creation of the Province of Manitoba, Sir John A. continued with, "There are also provisions to satisfy the mixed populations of the country inserted in the Bill for the same reason, although it will be quite in the power of the Local Legislature to deal with them" as we are doing right now.

He also opened the door, and recognized through his opening the door towards an encouragement of people from all over the world to come and to settle this great land.

On the bottom of Page 1303, he stated, "This bill contains very few provisions, but not too few for the object to be gained, which is the quiet and peaceable acceptance of the new state of things by the mass of the people there and a speedy settlement of the country by hardy emigrants from all parts of the civilized world."

Mr. Speaker, that is how this province was created; that is the tone in which this province was created. It is a tone that obviously members opposite today wish to refute.

Mr. Speaker, they are now decrying that some parts of the present Province of Manitoba was not in that original; that is correct. Whenever additional land was added to the initial postage-stamp province, the same constitution applied to those areas as it did to the initial postage-stamp section.

I am reading now, Mr. Speaker, from a book called, The Government of Manitoba by Dr. N.S. Donnelly - it was his Ph.D. thesis, I believe, and it was published back in 1963 - and he stated and it is particularly with the appointment of the first Lieutenant-Governor, a Mr. Archibald, who had previously served as a distinguished parliamentarian, both in Nova Scotia and later in the Parliament of Canada. Mr. Donnelly states: "From the very first, he treated the French and the English as equal partners in a new venture. Examples of Archibald's treating the French as equal partners are legion.

"In reporting to the organizations of first census, he said, 'I was anxious that the enumeration should have taken place in such a way as to ensure fair play between the two sections of the population. I have therefore divided the province into five sections; and to each section I have appointed two enumerators, one an Englishman and the other a Frenchman. The English enumerator will be a check on the Frenchman and the French parishes, and the French enumerator on the Englishman on the English parishes."

Further on, he goes on to state that he is creating 24 electoral divisions; they were created by proclamation and they were based almost exactly on the existing parish lines of when it came into confederation. There were 12 for the English and 12 for the French with the same principles for the council as well.

That is the kind of respect, Mr. Speaker, that both the French and the English started off in this great province. It is very very sad that in 1890 that respect was taken away.

We had, in 1890, a dramatic change in the stream of things in the Province of Manitoba. We are today attempting, once and for all, to correct those, to do away with not only that law which the Supreme Court tossed out, but to do away with the image and the perception of Manitoba that it tried to create.

I believe, in having read the initial speeches in the debates of the House of Commons of 1870, that Sir

John A., above all else, will be very proud of what we are doing in this Legislature today. I am not too sure he would be terribly proud of the present-day opposition which unfortunately follows under part of his original party's name. Unfortunately, it seems when he adopted the newspeak term of "progressive," they went backwards.

If we look, Mr. Speaker, at a publication and a letter by another eminent Canadian constitutional expert, I refer to an article in Saturday Night magazine - and it kind of looks like the Member for Sturgeon Creek out playing golf here on the cover - but he is referring to the historic position of the Conservative Party as regards to minority rights and he states in the conclusion of his article: "Who passed the Manitoba schools legislation in 1890? A Liberal Provincial Government. Who subsidized the Roman Catholics' appeal to the courts? A Conservative Dominion Government. Who passed the remedial order commanding Manitoba to restore the separate schools? A Conservative Dominion Government. When Manitoba refused to obey, who introduced a remedial bill into the Dominion Parliament? A Conservative Dominion Government." Headed, incidentally, by a Grand Master of the Orange Order, which should sit well with some of the members opposite. — (Interjection) —

"Who fought for 30 . . ." — (Interjection) — Just listen, Harry. Just listen for a second.

MR. SPEAKER: Order please.

MR. D. SCOTT: "Who fought for 30 sitting days to get the bill passed? The Conservative Dominion Government. Who killed the bill by a systematic filibustering . . ." - or should I say Filmon-busting more appropriate today - ". . ." in the House of Commons? The Liberal opposition." And yet the Manitoba schools' question has gone on in popular myth that the Conservatives were against it.

Now, Mr. Speaker, when did they change directions? When did they go from a party that stood up for minority rights to a party that goes all the way to the Supreme Court of Canada to back up a challenge to the Supreme Court of Canada by the Province of Quebec, to do the following things to the minority of that province, to say that only one language was the official language of that province, and that is French; that legislative bills were only to be legislated in the one language, the French language; that the only French text of the statutes that was official, and the regulations that were official, was the French language; that the artificial persons addressing themselves to the courts or bodies, the charge in judicial or quasi-judicial functions, shall do so in the official language and shall use the official language in pleading before them unless all other parties to the action agree to their pleading in English.

Mr. Speaker, the government and the party that went to the Supreme Court of Canada to defend the Government of Quebec to take away civil rights of the English-speaking minority of that province was a Conservative administration, and it's a Conservative administration that the remnants of still sit opposite of us here today.

MS. M. PHILLIPS: What have you got to say to that, Harry? You're quiet now, Harry.

MR. D. SCOTT: I really find it something simply incredible as how they could stand today and take the position to continue the Filmon-busting that they are doing until they hope that we may be forced to push this through with closure, which is what they are really going for, because really they're fighting us on an election, as to thinking they are going to push the people, fan the flames for more, to do harm to the governing party.

Mr. Speaker, there is also something that we must consider and something has happened, and I don't know if it's going to and I don't quite frankly feel, against all of my wishes, that it's really going to change and that is, that we are going to have any dramatic alteration in the attitudes of the members opposite, be it on this issue or in the general art of politics itself.

When we see their new leader going in and meeting with the Premier of the province and meeting with the new Government House Leader, and we see him going in and making an agreement in confidence after being told that the general provisions of the changes that the province was considering - and they are substantial changes, it's a new package - it's a new package set by members opposite and many of the things that they were hollering for, we're asking us for, and that is the separation of services outside of the constitutional part of it. That has been done. And what happens?

We get an agreement. We wanted them to get back, I understand, for the Thursday to be able to make a statement of some sort on the Thursday. No, he didn't want the Thursday. He wanted more time. So we said, well let's get back together on the Friday. Wednesday, he goes in and meets his rabid caucus. His rabid caucus hasn't changed their opinion, and he goes running off to blab to the press.

Now where is the art of politics in all this? Where is the art of politics? Where is the confidence that members must have, even if they differ in opinions, to be able to deal and not run outside and blab to the press of what is happening behind and in negotiations with the government? That is a pretty low low blow. Why did they not come back and say, listen, we cannot accept this for this reason or that reason? We would prefer if you amended it; that you didn't go this route; that you went another route. They wouldn't do any of that, Mr. Speaker.

They took the art of politics to the lowest level it has ever been in this province to go running to the press and say, no, nothing's changed. Our position has not changed. Our position, Mr. Speaker, is cast in stone, cast in granite, as the former Leader of the Opposition and often, I think, the present Leader of the Opposition, cast in stone. I think sometimes they're a touch stoned when they are wanting to keep their positions of that nature.

So we have, Mr. Speaker, the proposed changes to the legislation and to the resolution. We have new legislation to deal with the services. They asked for that. They got that.

We had the Member for Morris this afternoon standing up and saying that the problem was the recognition of official languages. Well, Mr. Speaker, I would like to know and to inform the Member for Morris and, in more particular perhaps, the House Leader of all people - and once again I'll read into the record - his response to a question that I gave to a Mayor Peltz or Reeve

Peltz in Arborg when I asked him if he was aware that in 1980, the previous government passed a bill that stated in the very first line that English and French are the official languages of Manitoba. The House Leader, the person who is now supposed to know the Rules of the House, stands up and says, "On a point of order." Now he must be reading the Hansard as well, Mr. Speaker. He must be reading the Hansard as well.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please. The Honourable Opposition House Leader on a point of order.

MR. H. ENNS: Mr. Speaker, on a point of order, several references have now been made to great delight on members opposite, particularly the member now speaking, about the question about me not recognizing the fact that a bill was passed declaring French and English as the official languages of Manitoba. Mr. Speaker, I am well aware of the remark that I made. That, by the way, is part of the problem, certainly part of the concern that was well addressed to by my colleague, the Member for Morris, about the use of the word "official" and how it is used.

The suggestion that the honourable member was making that the Manitoba Government had passed a bill declaring French and English the official languages of Manitoba, which no such bill has ever been passed. A reference to "official" in context with Section 23 was passed. — (Interjection) —

MR. SPEAKER: Order please.

MR. H. ENNS: So, Mr. Speaker, if they want to have fun and games with it, that's fine. It does point out though the difficulty that we had with the word "official."

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

The Honourable Member for Inkster.

MR. D. SCOTT: Thank you, Mr. Speaker. May I continue reading Hansard where on the very next line, he says, "On a point of order, no such law was passed by the previous administration." Well, Mr. Speaker, I ran around and I got a copy of that law to send over to the member at that point in time. Now the law, and the Member for Morris needs it as well, "An Act respecting the operation of Section 23 of The Manitoba Act in regard to the statutes." The very first line of it, their definition of official language: "In this Act, official language means the English language or the French language."

Now, Mr. Speaker, they say that it was not passed. Yet the House Leader, and he still gets up to try and defend himself when, in his ignorance in Arborg, he did not even know that two years ago or three years ago they passed this ruddy legislation.

Now, Mr. Speaker, the legislation does not mention official language only once. It refers to official languages in here 15 times - 15 times. Now I don't know if those were all typos, or if none of them ever came close to reading the thing - it's quite obvious that they haven't

- and perhaps we should ask the Clerk's Office to reprint the bill and circulate it to the members opposite. But it has to be read, what's in this act.

I also note that in this act, and when the act was passed we had a couple of members who voted against it from this House, because of what this act tried to do, and it shows you some of their intent and I don't know how . . . I trust that it was an honourable intent, but at the same time they have that one official language is more official than the other language. How can that be if you have two official languages?

Okay, it states that: "In the named act printed in one official language, the difference in content from the specific line in the named act in the other official language, the reference shall be deemed to be a reference to that specific line in the named act printed in the English language." So that is why they protested it. That is why they voted against it because you had a one language somehow rather more official in the recognition in the courts - you're instructing the courts we have two official languages but one is more official than the other - it doesn't wash. You can't have that and that is why the Francophone members of this side at that time voted against it. — (Interjection) — Quite frankly, I don't want that at this stage in time.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. D. SCOTT: What? I never said I will never take one. Mr. Speaker, if you continue on through the act, one finds a recognition on the very first, "As the English and French are the official languages of Manitoba as was proved and clarified." - it was established in 1870 and perhaps you can tell the Member for Morris when he comes back when he talks about official languages - can you show me - and please, I'd like the opposition to do a little bit of research for a change because they haven't done any research into this thing yet, but can you show me any country or . . .

MR. SPEAKER: Order please, order please. The Honourable Member for Inkster should be aware that it is against the rules to refer to the presence or the absence of another member of the Chamber.

The Honourable Member for Inkster.

MR. D. SCOTT: I apologize to the Member for Morris for that statement. — (Interjection) — Well, Mr. Speaker, that may be the only thing they can give me a hand for, but if they were to do a little bit of research I don't think they could find any other country in the world that has languages, that a language is recognized in the Legislature of that country, to be used in the Legislature of that country, to be used in the courts of that country, to use in both of those systems - in a Legislature and a court - are essential and they go hand-in-hand in any kind of a legislative process; one cannot have one without the other, and when a country has those two languages as recognized languages, or any languages as recognized language of the Legislature and the courts, tell me that they're not official languages. Dig around, call up some of your friends, or whoever. Call Brian Mulroney; call Jake Epp, he was in to see you this week, didn't have any effect obviously, but see if you can find any countries or any jurisdictions where

they have languages of the Legislature, languages of the courts that are recognized as official languages that are not called official languages. Show me that. Please do a little bit of digging.

MR. J. DOWNEY: We'll show you one right here in Manitoba.

MR. D. SCOTT: This is precisely part of the problems. We have the Member for Arthur saying, "Right here in this province." He's already been ruled wrong by the courts once, how often does he want to be ruled wrong?

HON. J. STORIE: He never learns.

MR. D. SCOTT: He never learns, just like the Leader of the Opposition when he got up and he said that it would be foolish. I'm taking his comment out of the press here, "We take the risk when we don't need to take the risk at all, he asked. Only a fool doesn't try to eliminate risks." Who is the fool? If there's anybody that's a fool in here it's the Leader of the Opposition when he has evidence already of going to the courts and the legislation being turned out because it was only in one language. So now he says that he wants us to go the courts when we know, from past experience, that we don't stand a chance of a snowball in Hades of succeeding, but he wants us to go, he thinks it's going to be cheaper. If you look at the Forest case, the bottom line in the Forest case, awards the cost to Mr. Forest, and who paid the cost? - Manitoba, Manitoba pays the cost. So you want us to go to court, to pay the legal cost, and the Member for Elmwood here squawks and hollers if the SFM gets any grant from the Federal Government towards proceeding with things, he wants us to pay the costs by going to court because, when we go to court, we lose the case, we have to pay the legal costs of Monsieur Bilodeau.

So there we go and they want us to run to court again and they say we should not go down an uncharted course, we should go down a course that we already know we'll lose on. That is the fundamental foolishness and near stupidity of their position, Mr. Speaker.

We have brought in, with their demands, and we go back to your former Leader of the Opposition, if he's still the former leader - I have questions about that - he never questioned cost, and I shall read into the record once again because I think it is one of the best quotes certainly that Sterling Lyon ever gave in this House, but it is a tremendous feeling of what this country is all about, and it's obvious that he knows - when he's not in a fit of rage - what this country is about when he says, regarding cost, "Mr. Speaker, you've never heard anyone on this side of the House talk about cost. I don't think you heard me talk about cost in '79, in 1980 when the Forest case came down, and I said that the rule of law was that we had to obey the Supreme Court of Canada and to engage in those translation services that were necessary to implement Section 23. You don't hear about cost unless you're so shallow in your thinking, Mr. Speaker, that you don't understand what this country is made of. You don't talk about cost in a murder case, there's a principle involved," something you guys have forgotten, there's a principle involved and principle is spelled "le", not "al." "You

pursue the case through to the end. One of the jobs of the state, one of the legitimate costs of the state is to pursue justice," and the Member for Sturgeon Creek laughs at that and comments on that. Those are his own leader's words.

Mr. Speaker, those are fine fine spoken words and I certainly couldn't do as good myself on expressing them. That brings us to the issue of an interview that I heard between the present Leader of the Opposition, the Member for River Heights, or Tuxedo - he's moved up in this world - on "As It Happens" last week, on public airways, in an interview, he talked about costs. He said that we can't afford the costs, that we should not be involved and getting involved in translation of statutes, in providing French services, which they say they're not against, but he argued against cost. Obviously the new Leader of the Opposition is a shallow thinker; he doesn't understand what the country's made of and he doesn't understand the principle involved.

A MEMBER: I think you've got it there Don.

MR. D. SCOTT: Mr. Speaker, in our drafted resolution, the proposed resolution, the amendment to the resolution that we're dealing with today, we have specifically exempted school boards and municipalities. This was done, and in another section here we have — (Interjection) — Mr. Speaker, may I have another minute of time for that, as well as his interruption, I hope my time is extended for it. We have, along with the exclusion of school boards and municipalities which the new Leader of the Opposition questioned why we wanted to do it, because the courts have already ruled that that a qualifier doesn't apply but I don't think he'll make a motion to exclude them. But we also had the Section 23.7; 23.7 states very clearly and succinctly nothing in Section 23.1 and 23.2 abrogate or derogate from any rights guaranteed by Section 23. Now why is that in there?

Brian, you should have changed your style two months ago. That, Mr. Speaker, is in there for something that perhaps the Member for Turtle Mountain doesn't understand either, because there were clear concerns that what we were doing could possibly be interpreted as restricting rights beyond what the federal court, the Supreme Court of this country, could interpret under the original Section 23, and we did not want to have anything in here which could possibly take away from the rights of the Franco-Manitobans; so we have that clause in there for that specific reason.

What we are afraid of, Mr. Speaker, with this is not so much adding new rights, but we were afraid of potentially taking away some of the rights that were built in by Sir John A. Macdonald in 1870.

A MEMBER: Who was he?

MR. D. SCOTT: He was a fine Conservative, one of the first and the last fine Conservatives. One of the first and the last of the Progressive Conservatives, to say the least, although he did not even have to use newspeak to say Progressive because at that time the Conservative Party was a very different animal than the party we have today. — (Interjection) — As red as Frank's?

Well, Mr. Speaker, I would like to deal for a moment, if I could, with the present Tory caucus and how they react and how their position has changed so dramatically - so dramatically - from those words that I spoke earlier of Sir John A. Macdonald.

We had the Member for Emerson standing up here the other day, flashing cards that were going around his constituency. Did he ever once in his constituency refute what those cards were saying? Because if he did not and if he brings those cards in here and flashes them around, he is somehow or other trying to use a little bit of what they would call in the newspaper world, "yellow journalism"; what Orwell would call "newspeak," perhaps; but of you trying to imply that maybe there is a word of truth in that. That is one of the most disgusting parts of the whole exercise of bringing that sort of garbage into this House in the first place, to stand up on his feet and to try and say that what these extremists are saying has some validity, and that, Mr. Speaker, is one of the saddest comments that I have heard in this House by the members opposite.

The Member for La Verendrye got up today, and coming from his community I can respect his words once in awhile when he states - well he didn't state this - but his community is one that has never to my knowledge and I think is far above any kind of discrimination to other peoples. They are a community that goes out and helps other people. They don't care about race, creed or anything. Be it in disaster relief or be it in international assistance, that is a community, the Mennonite community, that's out in the fore. He comes in here and he says that he did not write in his columns anything to fan the flames of the fire that is kindling in Manitoba. Well I should hope he wouldn't because I believe if he ever did such a thing to fan those flames that his community would turf him out on his ear.

What I am disappointed in is, as a respected member of the community, that in his columns he did not wish to comment at all on some of the total inaccurate statements that were going along by extremists in this society. That is what I have problems with, and I'm disappointed in, that he did not.

We had the Member for Lakeside up in Arborg with his statements. We had as well in Arborg, Mr. Speaker, the Member for Virden with a rather classic statement. We had a person by the name of Reeve Peltz, who was in before the committee at that time, and here's some of his statements. On Page 666, "I think bilingualism, like the Constitution . . ." - Reeve Peltz is saying this - ". . . and the metric system is a ridiculous waste of time and taxpayers' money." That the Constitution of this country is a waste of time; that to recognize the very fabric in bilingualism of what this country is made up of is a waste of time.

Then he goes on and he picks one word out of tens of thousands of words that we have in the English language - because really the English language is a polyglot language corrupted from all languages of the Western European world - and what does he stand up and say? That "bigot" is of French origin, so they should know what they're talking about."

A MEMBER: Who said that?

MR. D. SCOTT: Who said that? Reeve Peltz said that. We have guys like the Member for Elmwood go along and saying similar things.

Then we have following up on 667, he says: "Our government says there will be a proposal to exclude or limit the use of French in municipal offices and school boards. Within a matter of hours after this becomes law there will be pro-French people . . ." - terrible people, just terrible people, that's my interjection here, not his quote, okay - ". . . at every municipal and school board office to demand services in French. If they are not available, they will take them to the Human Rights Commission, and because that is a federal organization it will take precedence over Manitoba laws." The Member for Pembina says, "He sounds like a pretty sharp guy."

He says: "English and French are the international business languages." Then he finishes up when he's following along when he's talking about speaking "Canadian," whatever that is, he says: "We are all equal in the eyes of God. Then, and only then, will Canada be truly Canadian."

Well, Mr. Speaker, following that up, we have the Member for Virden saying, on that basis, I would like to thank the people of your municipality a great deal and the confidence they have in you. "I happen to think you're right. I happen to think you're right." Now going back to the French word that we have here that is part of our English language shows an awful lot of where the opposition party stands today and the sickness, Mr. Speaker, that they have, the absolute sickness that they have.

We had the Member for Minnedosa the other day saying, he's worried about the 95 percent, not the 5 percent.

MR. D. BLAKE: I didn't say that.

MR. D. SCOTT: He got up and confirmed it last night, for God's sakes, after saying he didn't say it. This afternoon, he says to us, hollers across, "You'll find out in the next election."

The Member for Rhineland when he was making his comment about the 85 percent said, "We're thinking about the next election."

The Member for Morris this afternoon said, he didn't trust the Supreme Court. Now for God's sakes, if you have a politician who stands up in this House and talks about not trusting the Supreme Court and not trusting the political process, where the heck is he? What does he believe in? If he does not believe in the fundamental, political nature of this country and the establishments of the institutions that allow this country to function, what the heck does he believe in? We got some taste of that when he brought his robot into your convention, running around, saying, I'm Clayton Manness or something of that nature. But that is a disgusting statement for a member of this House to stand up and say.

We had the Member for Gladstone tonight, standing and saying, "We're giving away the ship," - or the shop, I'm sorry - (Interjection) - it was the ship?

MRS. C. OLESON: Yes.

MR. D. SCOTT: Maybe it was a ship in a shop. Well, Mr. Speaker, the original Conservative and the basic

founder of what used to be the Conservative philosophy of this country says that we're giving away the ship that Sir John A. Macdonald built; that we're giving it away. What we are doing is to recognize that ship is still afloat, and we don't want to sink that ship. That is what we are doing.

Or the Member for Morris standing up and saying, he doesn't believe in the Supreme Court and he doesn't believe in the political process, but he believes in plebiscites? He is saying that we should run to plebiscites; that we are going to decide civil rights and human rights by plebiscites? Do a little bit more research. Find me one country in the Western World or in the other world where the cause of human dignity, where the cause of civil rights has been advanced by plebiscites. They have been advanced, my good friend, by politicians making decisions, that aren't necessarily always going to be popular decisions, with the guts to stand up.

Mr. Speaker, if I could be allowed an extra minute or so, I would like to close with a quote that was given on the 50th Anniversary, by a former president of a country that is much like ours - I know this because I went there this fall and I was amazed by the similarities between the two countries - and this was by Dr. Urho Kekkonen who is a President of Finland. I would like to quote because that's a country with two official languages as well, one is a very small group in that society. I'd like to close with this quote because I think it is very very appropos today in Canada as it was when he spoke it in Finland in 1967.

He says, "Ours is a free society where there is freedom of opinion on political, economic and religious questions however drastically opposed to each other these opinions may be. This was not always so in our republic, there have been times when we were dominated by an illusion that unanimity on everything, even if it could be reached only through constraint, was the source of strength for our nation. The view that the strength of democracy lies essentially in the acceptance of diversity has gradually gained ground after the wars. A true democracy reflects, not only the power of the majority, but also have respect for the rights of minorities. The essential characteristics of a dynamic society is this diversity of opinions and views.

"We have two national languages in Finland, Finnish and Swedish. The cultural and economic needs of the Finnish- and Swedish-speaking population will have to be met according to equitable principles. The controversy which existed between the Finnish- and the Swedish-speaking before the wars had vanished" - now listen you guys, you could learn something from this a little bit, in your own diversity that you want to fire up - "with the emergence of a feeling of belonging together. I am convinced that the major reason for this has been the victory of a pluralistic concept of society, the acceptance of rights of minorities that has come along with it. The more tolerance gets a foothold in our country, the more secure and the more at home our linguistic minority can feel."

I would like to quote just repeating that last for the members opposite benefit, and please let it sink in a little bit, "The more tolerance gets a foothold in our country," - and relate that to here, our province - "the more secure and the more at home our linguistic minority can feel."

Thank you very much, Mr. Speaker.

MR. SPEAKER: Are you ready for the question?
The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Thank you, Mr. Speaker. I would like to take this opportunity to say Happy New Year to yourself and the other people within the Chamber and wish them all a good year.

Mr. Speaker, I would take the opportunity to congratulate the new Ministers in their positions, except that I find it rather hard to congratulate the new House Leader and Minister of Municipal Affairs because on two occasions that I remember very clearly he emphatically said I don't ever want to be a Minister. He made that very clear the first time that there was appointments; he made it very clear the second time there was appointments; so I can only visualize the First Minister on his hands and knees pleading with him to sincerely take the job, so I have a hesitancy in congratulating him.

Mr. Speaker, the member that spoke previously referred to John A. Macdonald and I would say that John A. Macdonald would be feeling very bad today if he knew that there was a government anywhere — (Interjection) — Well, Mr. Speaker, I guess it's going to start again. I was watching the beginning of the Muppet Show the other night and it opens with a big board of muppets yapping and screaming and pounding their desks and all of these silly things. You know it's absolutely marvellous to come down and watch for free a Muppet Show, they're usually very expensive. I'm hearing at the present time from the Minister of Finance who is just definitely like the chef on the Muppet Show that goes gaboing, gaboing, all the time. He never says much else, but he's basically the chef on the Muppet Show, there's no question about that. So, Mr. Speaker, we know that we have the privilege on this side of the House of watching a very expensive program of nonsense for free every day. We watch a group of childish children continually acting up in their own little way, as they are only famous for doing.

As I've said, Mr. Speaker, that John A. Macdonald would be disturbed - they don't like the other expression - that there is within Canada a government that pays absolutely no attention to the people. They would be very concerned today, Mr. Speaker, if they knew that there was a Premier in the Province of Manitoba - after he went to the trouble of putting it into Confederation - there was a Premier in the Province of Manitoba that does not listen to 76 percent of the people of this province - 78 percent. In my particular constituency it happens to be 82 percent, Mr. Speaker, and did you know that he used to live in it at one time? I would like to walk him down the street of Woodhaven, at the present time, where he used to live and hear the comments of the people, what they would say to him at the present time.

So, now we have a Premier, Mr. Speaker, in this province, this gentleman that lives at 32 Mohawk Bay, Mr. Kelly, he went to a lot of trouble to get the wording of a humble prayer and petition to the Lieutenant-Governor, and do you know what it says in this little note that he's sent around to everybody? "There had not been a petition in living memory." Do you know,

Mr. Speaker, we, in Manitoba today have a Premier that will go down in history having the people sign a petition to send to the Lieutenant-Governor to have him thrown out of office if he continues to go against the people.

Now, Mr. Speaker, that's what it says, "if they persist in the legislation, to assent to the legislation or dismissing the government forthwith." That is being distributed to the people of the Province of Manitoba, Mr. Speaker, and that Premier is the first one in living history that the people are going to sign to have him impeached because he goes against 78 percent of the people.

Now, Mr. Speaker, isn't it a rather disturbing thing, and today the Premier has absolutely no control over his Cabinet or caucus. Today we had an example of the Minister of Safety and Environment make a statement, it was read, his statement was read, and then we had the Minister of Municipal Affairs, the House Leader, who is putting this through the House, or handling this particular resolution in the House at the present time, stand up and say that is not the policy of the government.

We've had a series of Ministers go about this province and go about this country practically making statements that are not the policy of the government, and this Premier is probably the only Premier in Canada, probably the only one in Canada . . .

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

HON. A. ANSTETT: Mr. Speaker, on a point of order. The Member for Sturgeon Creek is certainly not seized of any information about statements made by the Minister of the Environment. He is seized only, as was the House, unfortunately earlier today, by a misinterpretation and poor translation made by the Member for Elmwood. The Minister of the Environment is completely in accord, and I support his interpretation of government policy, there is no suggestion to the contrary. For the Member for Sturgeon Creek to be duped by the Member for Elmwood indicates the way in which he places his trust.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, Hansard will show that the Minister of Municipal Affairs stood up in his seat today and said that what the Deputy Minister of Safety and Environment said was not the government policy. Now, if he wants to stand up and change his mind at the present time he has the right to do so, Sir. You know that and I know that, and he has that privilege, Mr. Speaker.

Mr. Speaker . . .

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

HON. A. ANSTETT: Yes, Mr. Speaker. The Member for Sturgeon Creek knows full well, and I think it will be available to both him and you as our presiding officer in the morning, to determine whether what he is saying

is in any way accurate, but certainly to suggest, based on a translation of a document in another language the Member for Elmwood has ostensibly provided to this House in any way demonstrates a difference between Ministers of this government is irresponsible.

Mr. Speaker, I in no way made the statement that the member suggests, and I would ask, Sir, as a point of order, that you verify that clearly from Hansard tomorrow. This is no longer a question of a difference of opinion, but a blatant misrepresentation of what I said today.

MR. SPEAKER: Order please. I'm sure all of us will be interested to peruse Hansard tomorrow to see exactly the words that were used. Certainly until that time a difference of opinion does not constitute a point of order.

MR. F. JOHNSTON: Mr. Speaker, I clearly remember the Minister using the words that that does not represent the government's policy. I might not be exactly right, but that was the trend of what the Minister said, and that's what he said, and that's what I just finished saying tonight.

Mr. Speaker, I heard the First Minister discuss something about maybe being thick skulled. I don't mind being called names by the First Minister because I don't really mind being called names by a person that is the First Minister of this province that does not represent 78 percent of the people of this province, and he is going to go out of his way to go against them. He is going to go against a plebiscite that was taken in this province.

Mr. Speaker, much has been made about the P.C. policy and the previous member that was speaking, he said there was an agreement on the Monday when my leader met with the First Minister. There was no agreement. I happen to believe my leader and I happen to believe the Member for Fort Garry who was there at the time, there was no agreement with the First Minister, that I assure you. The reason I believe the Member for Fort Garry and my leader is because the First Minister has a habit of misleading the House and the people on this subject. We have a letter in front of us where he changes the wording of Section 23 when he sends it out to the people, so I really have a tendency to agree with my Leader and the Member for Fort Garry there was no agreement, and I happen to know that - maybe the House Leader will stand up again and say I misquoted him - because he said to me across the House, you're right, there was no agreement.

A MEMBER: He never put that on the record, Frank, that's too honest for him.

MR. F. JOHNSON: So, Mr. Speaker, our Leader, he made an agreement on the basis that he would not discuss it publicly until he had discussion with the P.C. caucus and he kept that. He had his meeting on Wednesday, he came out and made a press statement regarding our position. — (Interjection) — Well, we had a long meeting. I hear from the Member for Wolseley, I can tell her sincerely that we had a very long meeting that Wednesday morning and the caucus, after a lot of discussion came out and made a decision and there

was a press conference held by our leader to give our position.

Mr. Speaker, they all think that is very strange that our leader changed his position; he never did change his position. Well now, Mr. Speaker, I happen to have been on a platform, or sitting in an audience, with the three honourable members that ran for the leadership of our party, probably more, certainly more than the members opposite because they weren't at any of the meetings during our leadership campaign, and the question that arose to the three candidates more than any was: What is your position on the resolution regarding bilingualism? And all three continually, all through the leadership and even before we had our leadership convention, when we were in this House said we are opposed to entrenchment. There is absolutely no change in the position of the three gentlemen who ran for the leadership of this party; it's the same as before they ran and now they have the same position after, because what this resolution is asking, Mr. Speaker, is that we entrench, that we officially entrench.

So, Mr. Speaker, you know — (Interjection) — Mr. Speaker, I am hearing from the Member for Wolseley, she is moving around the House like a jack-in-the-box here. I remember being at the meeting in Thompson and we were having a debate, and during the discussion of the committee as to the proper procedures for a legislative committee, and I remember the member saying, after I had spoken, that the Legislature had been run by an old boys' club for a long time and that should be changed. Well, I don't know the member's age, Mr. Speaker, but I know she would qualify for the old boys' club or the old persons' club to help change things if she wants to.

So, Mr. Speaker, I assure you that I don't really care what the Member for Wolseley has to say when I am speaking.

A MEMBER: Isn't that what you said in Transcona?

MR. F. JOHNSTON: Mr. Speaker, I wasn't in Transcona.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. F. JOHNSTON: Mr. Speaker, I heard somebody say was I in Transcona? No, I wasn't in Transcona, but I would like to say something about Transcona now that it's come up. Do you know the Member for Transcona tried to run in Riel, you know . . .

MS. M. PHILLIPS: What about the amendment?

MR. F. JOHNSTON: I am speaking to the amendment. I am speaking as to why the amendment should not be passed, and that's the most important thing that you can talk about. Mr. Speaker . . .

MR. SPEAKER: Order please.

MR. F. JOHNSTON: . . . the reason why it shouldn't be passed, one of the reasons, the Member for Transcona, he ran in Riel and he couldn't make it there.

He then took over the Transcona constituency from the Honourable Mr. Paulley who was a distinguished member of this House for a long time - certainly not that Mr. Pawley, the other Mr. Paulley. Mr. Speaker, he ran in Transcona where he had a safe seat, finally. And did you know, Mr. Speaker, in Transcona they voted in the plebiscite to an effect of 1,649 voted, no; and 7,024 voted, yes?

Mr. Speaker, did you know that in the Transcona Shops, the people that work there had something passed around to them in the last few years that just says: Are you bilingual? You know, it's a national company, it's owned by the Federal Government, the CNR. The promotions in the shops, some of the gentlemen in those shops are saying: Did you know who has been getting the promotions in the last few years? You have to be bilingual. The Honourable Member for Transcona thinks he is going to get away with that. Believe me, he doesn't represent the people of Transcona. He went over there to become a member in a safe seat and then he turns around and he goes against about 83 percent of the people that voted in his constituency.

Mr. Speaker, I don't know how any members opposite can truly look at the people of their constituency. Let me tell you, Mr. Speaker, the Member for St. James is not here at the present time, and I am sorry he isn't, but I have told him this before, he was elected in 1969 when I was elected to this House and he lost the election four years later, 1973. He was turfed out of office because he went against the people on the Unicity issue. He was told by his constituency that we did not want it, the meeting that Mr. Cherniack came out and held in the Civic Centre of St. James, the travelling road show that went all over the province, the Member for St. James . . .

MR. D. SCOTT: Why is he elected now? How did he get back in? How did he get back in? Do you recall?

MR. F. JOHNSTON: I will tell you. The Member for St. James got turfed out because he didn't listen to the people, and the Member for St. James was re-elected again on a bunch of false promises that were given to the people, but, Mr. Speaker, I will tell you . . .

MR. SPEAKER: Order please.

MR. F. JOHNSTON: I will tell you that in St. James, or Deer Lodge area in St. James, Mr. Speaker, Deer Lodge - I believe it's Stevenson ward, well Grant's Mill - Deer Lodge ward, the Member for St. James went against - 4,906 people voted, yes, and only 988, and they will not trust the Member for St. James again.

Mr. Speaker, I heard the Member for Radisson talk about the age of people. Do you want to put through a law that you have to be a specific age to vote on this? Well, Mr. Speaker, I will tell you, I can tell you very sincerely that when I take a look at Henderson - Mr. Speaker, that must be where the Minister of Finance is - I think that Norquay or Miles MacDonnell or Elmwood - well, Henderson, would that be pretty close?

A MEMBER: Pretty close.

MR. F. JOHNSTON: 6,881 people voted, yes, and 1,363 voted, no. Mr. Speaker, I can tell you that the only

reason there was a plebiscite on this is because this government passed the law to allow them. — (Interjection) — I've known this member for . . .

MR. SPEAKER: Order please. The Honourable Minister of the Environment on a point of order.

HON. G. LECUYER: Yes, Mr. Speaker, I am just wondering if the Member for Sturgeon Creek is aware that at the present moment what is in front of the House is a resolution which is not worded according to the plebiscite which he is talking to us about. We are not dealing with the plebiscite here tonight.

MR. SPEAKER: Order please. The honourable member did not have a point of order.

The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, he brings up the point that we are not talking about the same one as there was when the plebiscite was on, but we are talking entrenchment.

The plebiscite said do you want it to go to the Supreme Court or not; that's what it said. It said do you want it to go to the Supreme Court or not; that's what the plebiscite said. Mr. Speaker, now that the member knows what the plebiscite was about, and the Member for St. Boniface, you know, he and I have had our innings in this House through the years but I have never seen him quite so touchy as he is now.

HON. L. DESJARDINS: Because you are so rednecked.

MR. F. JOHNSTON: Well, Mr. Speaker, I am not rednecked.

HON. L. DESJARDINS: You are so rednecked. You are a redneck, you're dividing this issue with that kind of hate business.

MR. F. JOHNSTON: Well, Mr. Speaker, he is now touchy and he is calling names.

Mr. Speaker, in Taché . . .

HON. L. DESJARDINS: You're a hate peddler. That's what you are.

MR. F. JOHNSTON: You see, it's coming out. Mr. Speaker, I can tell you that in Taché where you would have expected that the "yes" position would be very very large versus the "no" position, it was 3,628 that voted yes, and 4,420 that voted no. It was a 60-40 split where we expected it to be overwhelmingly the other way. So, Mr. Speaker, these members opposite don't like these figures, but they're facts — (Interjection) — now, Mr. Speaker, I don't really care if the member yells across at me about abolishing slavery or anything else. I have as many friends as the honourable member has and more.

I can tell you, Mr. Speaker, that the Attorney-General, the other day when he was speaking, referred to the fact that this would be entrenching English as well. Mr. Speaker, I don't want to see English and French entrenched in the Province of Manitoba. He can call me a redneck if he likes, but I don't want to see two

languages entrenched in this province, any two languages for that . . .

Mr. Speaker, I will tell you that the people out there after eight months, the people of the Province of Manitoba after eight months finally learned what the word "entrenchment" meant. All of the ethnic groups and the minority groups that they speak of finally learned what it meant. They stirred them up. They got everybody all concerned; Mr. McDonald running around with his groups, shallow groups, very shallow to say the least, \$108,000 extra dollars sent into the Franco Society to put on their big show with the tents and everything at the hearings and what have you. All of those things, but the people finally learned what the word "entrenchment" meant.

There's no way, Mr. Deputy Speaker, that they didn't realize, all of those wonderful heritage and cultures that we have in the Province of Manitoba finally came to the realization that if you entrench two languages, what happens to the rest? Those are the people that become the second-class citizens.

If we leave it the way it is at the present time in the courts and in the Legislature and in the proceedings of the Legislature, we will be doing what was meant to be done in 1870. That has been restored, Mr. Speaker, and we will be giving the other ethnic groups and all ethnic groups in this province the understanding that the Legislature at any time can do for them what we've done as far as proceeding to expand the French services in the Province of Manitoba as we have been doing, as this government has been doing, and all governments have been doing.

Mr. Speaker, it's the Minister of Municipal Affairs - and I don't think he can say anything to me this time because I'm going to read from his statement. The Member for La Verendrye quoted it today. It says, "It attempts to address some of the concerns that have expressed by Manitobans with respect to the possibility of inflexibility. I think there were some real concerns addressed to that area, that in future an amendment to The Manitoba Act might not have flexibility that a statute would have."

Mr. Speaker, he goes on. He says, "Mr. Speaker, the government wants to address those concerns and deal with them honestly, and find a way of accommodating and providing some flexibility for the future amendments to meet changing conditions." The only way you can meet the changing conditions in the future is: do not entrench the two languages. That's simple. It's factual.

Well, Mr. Speaker, the Attorney-General says, no. He has come up with his lawyers of record with a recommendation that says - it's not official, but it gives the impression that it is. If it gives the impression that it's official, that means it can be challenged. Mr. Bilodeau challenged, and Mr. Bilodeau got the permission, the rights to go to the Supreme Court. What we have before us here even remotely as the lawyers of record say, but the challenge can be made. The only way you can have the flexibility that the Minister of Municipal Affairs, who is guiding this bill through the House, a resolution through the House at the present time, is that you don't entrench and you eliminate Section 23, and we go back to what we had in 1870 which is what we have today.

Mr. Speaker, I would like to just go back a minute when I was talking about our Leader, who didn't have any agreement with the First Minister. When we made

the press statement, all of a sudden they said, oh, he's not prepared to negotiate, you know. Negotiating with the NDP, they'll keep you negotiating forever. They'll just keep having meetings. They won't put anything in writing.

Finally they put something in writing, and what they put in writing - I have trouble understanding how three lawyers or four - I'm not sure which - could sit in a Cabinet - this was the one that was in front of us while the committee was meeting to approve the report, which was a disgusting thing to begin with - the report. In Section 2, 23.1, 23.2, "This section does not apply to municipalities, school divisions, or school districts." Any 10-year-old would know that when you write that in, you leave them out and everybody else in.

Mr. Speaker, they had lawyers, and the Attorney-General must have been at the Cabinet meeting when that was written. Did he tell the members opposite the consequence of that statement or that Section 2? No, he didn't. I don't know whether he knew or he didn't, but he didn't tell them the consequence of that. I'll swear, when their lawyer of record saw that, he must have had a fit because any of the lawyers that we have talked to have said, my God!

So all of a sudden again after the report, we have another solution. Mr. Speaker, they're saying that my Leader changes his mind? My Leader knows that these gentlemen opposite will change it every time they get a chance, because we never know what's coming from one day to the next.

Mr. Speaker, the Premier is a lawyer, and he didn't explain to his caucus what that statement meant. The Minister of Finance is a lawyer and he didn't tell them what that particular statement would have meant, and their people who they were consulting with must have said to them, are you crazy? What are you trying to pull off?

I would even suggest, Mr. Speaker, that their lawyer of record probably got the lawyers of that caucus together and probably reamed them out a little bit on the basis of, how could you possibly do something like that? He probably said to them, "If that's what you're going to do, I quit."

Well, Mr. Speaker, that's the type of changing we have had from this government, and they say that my leader has changed his mind? My leader has been firm since he was the Member for Tuxedo in the opposition. He was firm all through the leadership campaign as the other two candidates were and we're firm now about entrenchment.

I just talked about minorities and I told the Member for Thompson the other day he hasn't grown another year older - I'd hoped he would - he's grown another year younger. But, Mr. Speaker, I can only say the Member for Thompson wasn't listening when we talked about the minorities. I told him the minorities in this province realize what entrenchment means now and the minorities in this province also know that if you entrench two languages and leave them out, you're not doing them any favour.

I'll tell you something else, Mr. Speaker. Who are the minorities in this province? There's about 36 percent Anglo-Saxon; I think it's 11 or 12 Ukrainian and about 10 or 9 German - okay, is it the other way around? Thank you, Mr. Speaker. I was corrected. It's 12 German and 9 percent Ukrainian and then we go down through

the whole rest of the minorities. There isn't 78 percent of the people that are of one group.

Who are the minorities? I'll tell you the majority are the minorities - the Member for Thompson should learn that - 78 percent of the people and there is not one group that has 78 percent of the population of this province; so the minorities are the majority when the people go out and vote. — (Interjection) — That's right. So let's not talk about who are the minorities.

Mr. Speaker, I don't want to dwell on it any more. I will only challenge the Member for Thompson to get up and speak. He sits from his seat and talks about the minorities so I will only challenge him to get up and speak and tell me which ethnic group is 78 percent of the people of the Province of Manitoba. I'd like to know that.

Mr. Speaker, then we have a situation where we no longer have a government in Manitoba, we have rulers. They have decided to rule the people. They have said it in this House, "We were elected to do these things," but the plebiscite was held, whether they like it or whether they don't, it was held - and I notice the Member for St. James is here now and I told him that he won't make it the next time because this is the second time he's gone against the people of the constituency and they won't trust him again - the plebiscite was held and I will tell you sincerely, Sir, whether they like it or whether they don't, that's the results in this province. So the Attorney-General says right after the day of the plebiscite, in so many words, I don't really want to pay any attention to that. It doesn't matter.

Do you know, Mr. Speaker, when somebody makes that statement they're not government any more, they're rulers - they're rulers - and this Premier is going to be the first ruler of this province, the first Premier that has a package going around being signed to have him removed. That's a real distinguishing situation. It will go down in history that Howard Pawley was the first Premier that has had somebody going around signing a petition to the Lieutenant-Governor of this province, the first, to have him removed because he has gone against the people of this province. — (Interjection) —

We can go through the history of the province as the Member for Inkster did, you can do all you like. You know, the history of this province, you can go through it all you like, but the history of this province is democracy, and this government decides to throw democracy to the wind and they turn around and they say, nuts on the people of Manitoba, we're going to rule you. You're going to do what you're told whether you like it or not; and 78 percent of them said, we don't like it.

Mr. Speaker, one interesting person that came before the Committee - I wasn't there but I read it - Paula Fletcher, the head of the Communist Party of the Province of Manitoba comes before our Committee of the Legislature and she's all for what the government is doing and you wonder why there would be that sort of thing.

Mr. Speaker, after I saw that she had come before I remembered that Peter Warren once read - I thought I had it here and I think I have - Peter Warren once read out and it's the first time I heard it. It came over Peter Warren's station about a document that was found in Dusseldorf in 1919 of how the Communist Party gets into a country and overcomes them. They've got a whole

list of, (a) corrupt the young; (b.1) get control by any means possible thereby; but (b.2), you know, divide the people into hostile groups by constantly harping on controversial matters.

Mr. Speaker, it's fairly obvious why Paula Fletcher came before the Committee, isn't it? Fairly obvious. They have taken the province - as the Member for Inkster says, this great province - — (Interjection) — Well, I don't know. I'm only reading what did come from Peter Warren one morning on his program - and they've taken this great province and they have had everybody at one another's throats and the Premier will go down in history for that and he doesn't care. He's just saying, the devil with 86 or 78 percent of the people - 82.5 percent in my constituency and something like 81 percent in the Member for St. James' constituency - he's just saying, go jump in the lake all of you people in Manitoba, I'm going to rule you. I am going to tell you what to do. I don't care if it's causing divisiveness among the people, but that's what I am going to do anyway.

Well, Mr. Speaker, they will find out that everybody that puts their name on a petition, everybody that sends a letter, everybody that casts a vote a specific way does it for a reason, the same as they elected this government. But I will tell you, Mr. Speaker, they will remember how they voted on the plebiscite; they will remember very sincerely their feelings today on entrenchment in this province and, come the next election, there will be a turfing-out of the first Premier in history to go against 78 percent of the people of this province because he's decided to rule them.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Thank you, Mr. Speaker. I must say, Mr. Speaker, that I enter this debate with a certain amount of trepidation, No. 1, because the people who oppose the government's resolutions and amendments are usually labelled as ignorant bigots or rednecks. I can defend myself against that charge in Manitoba and, I guess, as far as the eastern press are concerned, I'll just have to turn the other cheek.

Secondly, I enter the debate with some trepidation because I have a fairly large number of French-speaking people in my constituency; and thirdly, because I believe that an injustice was done in 1890, and that we must seek to give meaning to The Manitoba Act of 1870 amidst all the fire and storm that surrounds this issue today.

Now I intend to review some of the background that has been provided to us, and to debate some of the points that have been made by the Attorney-General and by the Minister charged with the responsibility for this resolution today, and to point out to the government their best way out of the dilemma which they find themselves in today.

Mr. Speaker, as I understand it, the immediate cause of the dilemma is the Bilodeau case. Mr. Bilodeau, it's my understanding, challenged a speeding ticket on the basis that the statute was enacted in English only and, consequently, the case is now before the courts. Now as the A/G pointed out, the question that is before the court is this. The question is are The Summary

Convictions Act of Manitoba and The Highway Traffic Act of Manitoba invalid or inoperative by reason of the fact that they were not printed and published in both English and French, as required by Section 23?

Now according to an opinion by Mr. Twaddle - and this opinion is contained in an exhibit tabled by the Attorney-General earlier in this Session. According to Mr. Twaddle, there are three consequences that might flow from a decision taken with respect to that question. I would like to read those into the record again, Mr. Speaker.

He said: "It is open to the Supreme Court to find:

"(a) that all statutes not enacted in both English and French are invalid, or

"(b) that all statutes passed prior to December 13th, 1979 are, of necessity, valid, but those subsequently enacted in English only are invalid, or

"(c) that all statutes passed prior to its decision in Bilodeau are, of necessity, valid, but those enacted subsequently in English only are invalid."

He goes on to say: "In considering this question it must be remembered that in 'The Attorney-General of Quebec versus Blaikie,' the Supreme Court held that the constitutional requirement was that a statute be enacted in both French and English. Even prior to 1890 there is no evidence that Manitoba statutes were enacted in both languages, although translations exist. Mr. Turenne has stated that the Soci t  Franco-Manitobaine claims to have evidence of enactment in both languages prior to 1890, but I have found no such evidence. In the result all statutes of Manitoba enacted since 1870 are invalid if the Section 23 requirement is mandatory." Now this is situation (a) referred to above.

"Not only are the statutes themselves invalid, but institutions created by them would be non-existent and the abolition of the Legislative Council would have no validity. Thus the present Legislature would be totally incompetent, as would all courts not created prior to or by The Manitoba Act of 1870. A Legislative Assembly would have to be elected under the provisions of the 1870 Act and a Legislative Council appointed. Even if this could be done, the time factor in doing so and in replacing the invalid statutes with statutes printed and published in English and French would result in total chaos."

In Situation (b), Mr. Twaddle says, "If the Supreme Court were to find all Manitoba statutes, passed prior to December, 1979 valid on the basis of necessity, the constitutional problem would be alleviated, but not solved. The present Legislature was elected pursuant to The Elections Act, 1980, which was enacted in English only, although subsequently printed and published in French and retroactively enacted under the provisions of an Act respecting the operation of Section 23 of The Manitoba Act in regard to statutes. The validity of this procedure might itself be questioned as it was designed to effect after the fact compliance with directory requirements. Further attacks may then be launched against statutes passed by the present Legislature even if passed in both official languages. Thus even though chaos will have been avoided uncertainty as to the status of the present Legislature and the validity of statutes passed by it will remain."

Then for Situation (c), he goes on, "If the Supreme Court were to find all Manitoba statutes passed prior to its decision in Bilodeau valid on the basis of necessity,

the constitutional problem would be solved, but the requirement that statutes be enacted in both official languages would be mandatory in the future." That's the end of the quotation.

From that, Mr. Speaker, it is quite evident that the government indeed faced the possibility of legal chaos. One can readily see, from the opinion provided by Mr. Twaddle, that under some circumstances no other term than chaos would indeed be able to describe the situation that might prevail. So the question then, Mr. Speaker, was: what options were open to the government?

In looking at the information tabled by the Attorney-General, there was an opinion provided by Dale Gibson, May 10, 1982. He said, "Because the legal consequences of an adverse determination would be chaotic, and even a favourable ruling could have unfortunate ramifications, it would be wise to seek an appropriate constitutional amendment as either a substitute for or a supplement to a decision by the Supreme Court of Canada.

"It is highly likely that such an amendment could be effected, pursuant to Section 43 of The Constitution Act, 1982, by joint resolutions of the Manitoba Legislature and Parliament of Canada." That was a recommendation, a legal opinion provided by Mr. Gibson.

Mr. Twaddle also provided recommendations as to what might be done. He said, "In my opinion there are two options open to the Manitoba Government at this time:

"1. To proceed to respond to Bilodeau's appeal in the hope that the court will decide that Section 23 is directory only whereupon the obligation to translate will be unenforceable. Even if the court found the requirement mandatory, it might find existing statutes valid out of necessity. In either such event Manitoba would be in substantially the same position as if the constitutional amendment were passed, but without any constitutional guarantee of additional language rights. If the court found all existing legislation invalid (which I consider unlikely) it is inconceivable that a way could not be found to validate existing laws."

Then his second recommendation, his second legal opinion was:

"2. To seek the constitutional amendment now to ensure (as far as possible) that chaos would not result from an adverse decision. This would mean conceding that the requirement of enactment in both languages would be mandatory in future and agreeing to a guarantee of extended language rights. Such amendment would have to have the approval of the Federal Government and likely that of the Soci t  Franco-Manitobaine."

Mr. Speaker, there evidently then were two eminent lawyers providing options to the government. Mr. Gibson said, seek a constitutional amendment to validate the laws. Mr. Twaddle said, seek an amendment to validate the laws, but he also gave the opinion that there would have to be some concession granted, some agreement with respect to guaranteeing language rights or an extension of language rights.

That's where I begin to have some difficulty, Mr. Speaker, as to why the government should find themselves placed in the situation where they should make that sort of an agreement to extend rights faced

with legal chaos, as it has been described. I think the government found themselves in a similar position here to a foolish person who was offered a raffle ticket at 25 cents a ticket or three for a dollar, and they jumped at three for a dollar.

They had two options:

1. Go to the Legislature here and to Parliament and say, if we're faced with legal chaos, then let's pass a constitutional amendment that validates all the laws.

Now that's the kind of thing that a non-lawyer like myself and a great many of the public would find to be imminently reasonable. If we are to be faced with the kind of things that Mr. Twaddle outlines in here in his opinion, then surely the thing to do was to head that off and say, let's not go through all this nonsense then of fighting these cases through the court. Let's pass an amendment and see that we don't have legal chaos created in Manitoba, and then we'll get on with giving the act of 1870 some meaning in terms of today. That is what, I think, the government should have done under the circumstances, Mr. Speaker, but they chose another option. The option that they chose, to negotiate, was wrong . . .

HON. H. PAWLEY: Would Canada, the federal Parliament have agreed with that?

MR. B. RANSOM: Mr. Speaker, the First Minister raises an obvious question. Would Parliament have gone along with that. Well, Mr. Speaker, again . . .

SOME HONOURABLE MEMBERS: Oh, oh!

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

MR. B. RANSOM: . . . again, Mr. Speaker, speaking from the perspective of a non-lawyer and from the perspective of a layman in this matter, it seems to me totally inconceivable that the Federal Government, that any government, provincial or federal, would stand by and see legal chaos created. It is inconceivable to me that they would do that, or that they would attempt to blackmail the Provincial Government into doing something they didn't wish to do and that was not necessary to do. This Legislature and the Parliament of Canada have the right to pass a constitutional amendment which could have validated all of the laws up to whatever date . . .

MR. SPEAKER: Order please.

MR. B. RANSOM: . . . was desired by both those bodies. They then could have proceeded to provide some modern meaning to The Manitoba Act of 1870. That, I believe, is what they should have done.

Nevertheless, Mr. Speaker, they didn't choose that route, and their negotiations led to the main resolution which is before us now. That resolution was apparently intended to do three different things, according to what the Attorney-General had to say on the 4th of July in 1983. I'm paraphrasing to some extent that:

No. 1 What the amendment would do was validate the laws. It would protect the laws;

No. 2 It would deal with the question of French language services; and

No. 3 It would deal with the question of remedies in order that, the services that would be entrenched, there would be some means by which people could be assured of getting those services.

Now that's what the Attorney-General said in July when the resolution was being debated then. What that resolution did, of course, was to cause a storm of public protest, Mr. Speaker. That protest, of course, led to a protest in political action, forced the government through a sequence of actions and positions.

Just to go through them briefly, we can recall that the initial position taken by the government was: here's the resolution. There aren't going to be any changes; there aren't going to be any hearings. Then we went from that to where there were going to be staged hearings, and the Attorney-General would go out and basically explain the amendment to people in the country. Then the government took the position that there might possibly be amendments to the resolution. Then they agreed that there would indeed be hearings. Then the hearings were held, and then there was dead silence for quite awhile. Then the A/G was replaced as the Minister responsible for the resolution. Then we had the non-report coming from the standing committee. Then we had the government indicating a substantial backing-off from the initial positions that they held. There was the attempt by the government to entrap the new Leader of our party into some kind of negotiations.

HON. A. ANSTETT: We gave him a chance to be a statesman, and he turned it down.

MR. SPEAKER: Order please.

MR. B. RANSOM: There was then a further backing-off evidently by the government. Now, Mr. Speaker, we have the amendments before us, and these are amendments to which the public are opposed. The public is dead set against the amendments the government has proposed, despite the fact that the government has made substantial changes in the motion, in the resolution. In fact, the changes that they've made have been huge but, Mr. Speaker, if you look at the original resolution and you look at the amended version that is being provided now the only common ground is the validation section. That's the only common ground between the original resolution that was put before the House and the amendments the Government House Leader has brought in at the moment.

I believe, Mr. Speaker, if we look carefully at the amendments and the Minister's reasons given for the amendments, and the legal opinions, they'll show that the validation sections are really all that this Legislature should be passing with respect to this resolution, and that follows, Mr. Speaker, from looking at some of the statements that have been made by the Government House Leader and by the Attorney-General.

If I could go back to statements made by the present Government House Leader where he made reference to the position that the government held in May - and these I find rather interesting. He said, "Mr. Speaker, the government set out with essentially three simple objectives last May," and this isn't a total continuous quotation but it's an accurate paraphrasing of what the House Leader said. The first objective was to provide for a Made-in-Manitoba solution. The second objective, "The government, in making this proposal was to reflect by means of a legislative and political solution the political consensus in reality of Manitoba in the 1980's, rather than a consensus reflected in Section 23 which was over 100 years old." The third objective of the government was to provide for the translation and validation of the statutes of Manitoba; and fourth, to provide French Language Services at a reduced cost to Manitobans."

You can see that the three objectives given by the present House Leader are somewhat different than the three objectives that were given by the Attorney-General at the time, but the fact that they were dealing with validation and with the extension of services, of course, is common to both.

Under the amendments that are being proposed and that are before us now there seems to be really only one feature in those amendments that is new or is different from what was in the resolution when one takes away those parts of the resolution that, indeed, are proposed to be eliminated; and the Government House Leader said, with respect to that, Mr. Speaker, "The purpose of the amendment that I will be proposing to Section 23.1 of the resolution will provide a guarantee that the freedom to use either English or French enjoyed under the law of Manitoba at the present time will not be restricted by this or future Legislatures."

Mr. Speaker, that then seems to be the issue that is causing a lot of concern at the moment and it is a new provision. This provision was not in the original resolution as I read it; it's in the resolution today.

What the amendments do then, according to the description provided by the Government House Leader, is to guarantee the existing rights, to remove the services and the remedies and, other than that, to go to great lengths in this amendment to say that nothing has changed. Mr. Speaker, that is the issue to which we'll return when the House meets again and I would hope to be able to convince the honourable members opposite to some extent that, based upon their own reasons, that they should in fact be dropping all of this resolution, except those sections that deal with the validation of the laws.

MR. SPEAKER: Order please. When we next reach this amendment the honourable member will have 19 minutes remaining.

The time being 10:00 o'clock, the House is adjourned and will stand adjourned until 10:00 a.m. tomorrow morning. (Friday)