

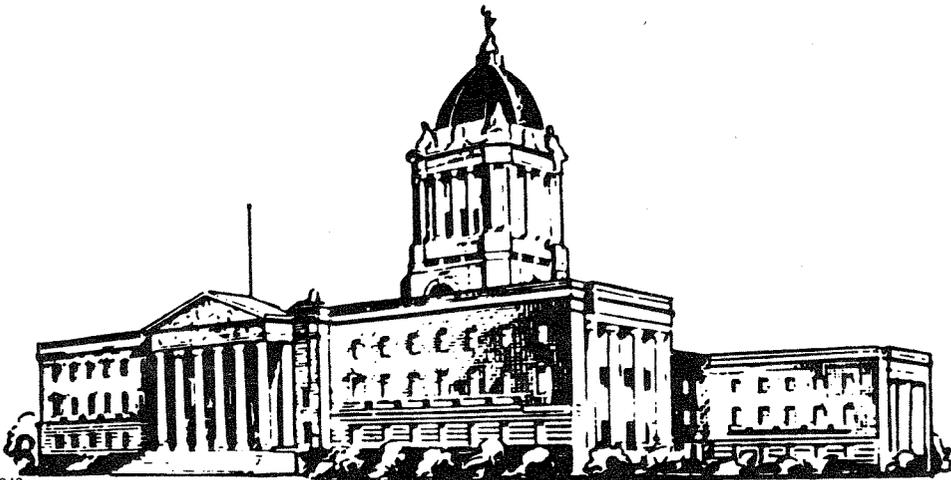


Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

**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

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LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 6 June, 1983.

Time — 8:00 p.m.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY - EXECUTIVE COUNCIL

MR. CHAIRMAN, C. Santos: We are on Item 1.(e)(1) and 1.(e)(2) French Language Services, Salaries and Other Expenditures - the Leader of the Opposition.

HON. S. LYON: Mr. Chairman, at the time we adjourned, I was making a recollection from a judgment of what I thought was Chief Justice Deschenes of Quebec. It turns out it was actually from the Supreme Court decision in the Blaikie case, if I can make that correction. The language was right. The quotation was right, but the attribution was in error. I suppose one shouldn't apologize for having an attribution that is from a higher authority than from a lower one. Let me see, I want to get the right quote here.

HON. H. PAWLEY: Excuse me. I wonder if you would mind, while the Leader of the Opposition is looking up some information, I promised to get back to him with the costs of that Inside Outlook.

HON. S. LYON: Yes, we have it here.

HON. H. PAWLEY: A total of 16,700.00.

HON. S. LYON: Thank you, Mr. Chairman. I have that information showing a total of 16,700 for printing, batching and mailing. That's the total production costs.

So for the sake of the record, I make the correction. It appears on Page 19 of the Supreme Court Judgment of what you would describe, I guess, as Blaikie II under the heading of "Court Rules and Practice." In an historical chronology of the use of French and English, the court said as follows, and I quote: "The use of the French language did not go unchallenged. It was recognized by a four judge court of King's Bench in Rex. vs. Talon, but there are single judge's decisions to the contrary. The use of the English language was taken for granted." - which is the quote that I was mentioning beforehand.

That was the one quote upon which I'd asked for the First Minister's observation.

There was a second one in relation to the proposed agreement that was tabled by the Attorney-General some 10 days ago. It was a news report of May 26, 1983 in the Toronto Globe and Mail purporting to quote Mr. Roberts, the President of the Franco-Manitoban Society. I quote from that news report: "Lawyer, Remi Smith read it out clause-by-clause commenting on each one and then Mr. Roberts went to work giving his sales pitch: 'We got everything that any court could have given us and more,' Mr. Roberts said. 'To be able to live in French in your own Home is something, but to be able to do it on the street every day as this accord will allow us to do, now that's something. This accord

means that it will be all right for us to speak French again outside the home and outside the classroom walls.' The audience cheered. The accord means that as of 1987 French and English will again be the language of the Law Courts and the Legislature of Manitoba as they were when Manitoba joined Confederation in 1870. In the 1981 census more than 52,000 of Manitoba's million residents specified French as their mother tongue." That I should say, in parentheses, is not a quote from Mr. Roberts.

Then carrying on with the news report which is a matter of public record it says, "But the accord goes even farther than the courts could have gone. Manitoba agrees to provide by January 1, 1987 services in French at the head offices of all government departments, Crown Corporations and agencies." Mr. Roberts explained, 'this means that four years from now a farmer in St. Malo who needs information about crop prospects or farm credit will be able to get that in French. A St. Boniface woman who spots mistake in her telephone bill will be able to call in French and will have the right to an explanation in French. Manitoba Hydro, the Ombudsman's office, the Chief Electoral Officer, Legal Aid and all the Human Rights Commission will have to be able to provide services in French. In addition, in some regional offices services in French may also be available if the government judges there is a significant demand. We have to be reasonable,' Mr. Roberts explained, 'the government machinery takes time, we've been alive illegally for 93 years. We can afford to wait another three years or 10 years.'

I draw the First Minister's attention particularly to the first part of that quotation which I repeat, 'we got everything that any court could have given us and more,' Mr. Roberts said. I wonder if the First Minister would like to make any observations on that statement.

HON. H. PAWLEY: Mr. Chairman, as I indicated prior to the supper hour, there were certain services that we agreed to provide such as the services in French from head offices of departments and Crown corporations that undoubtedly would not have been part of any court ruling, but certainly was part of the policy that was announced by our government in March of '82, a policy, which I believe was also supported by the Leader of the Opposition when he established the French Language Services. Those are the kind of services that it is doubtful and I would certainly bow to the opinion of the Attorney-General on this, but these kind of services would probably not have been provided in any court case.

MR. CHAIRMAN: The Attorney-General.

HON. R. PENNER: Just on the point I think the context of Mr. Roberts' statement should be known and that is, of course, that there had been previous meetings of the society where basically a kind of agreement which was being put before the Society had been presented in January of this year, in fact, and some members of

the community were arguing very strenuously that they ought to take their chances in court, and that if they were successful and it was being argued - incorrectly, but being argued - that the Government of Manitoba would not only have to provide services from its head offices, but would have to provide services in every village and hamlet in the Province of Manitoba.

No doubt, Mr. Roberts was putting the best case forward and I don't say that he did it inaccurately and the Premier has responded, indicating that part of that statement is correct; namely, that with respect to the provision of at least some of the French Language Services, that is something that a decision from the Supreme Court of Canada in the particular case could not have provided. But I think the converse has to be put on record; namely, what did Manitoba get?

Now, Manitoba got at least two things - well, a lot more - but two things in particular. One is that we were saved the possibility, and I've never put it higher than that, of having our statutes invalidated and that could have happened in that case. I draw a little strength in terms of our taking a precautionary position from the fact that just in this last week, as the Leader of the Opposition knows, a Quebec Superior Court, in fact, using the language of Section 133, which is the mere image of Section 23, invalidated a very critical piece of legislation passed by the Quebec Legislature in which an annex to that Act was in French only and the Quebec Superior Court said that it was invalid because it was in French only. It's interesting to note, parenthetically, that the situation which some people think is being differently applied in Manitoba and in Quebec in terms of Section 23 and 133 is identical.

More than that, however, in terms of what did Manitoba get, it again was possible - given the case that was before the Supreme Court - that we would have been required, perhaps over time but nevertheless required, not only to translate as we're now constrained to translate, should the agreement be validated, the 375 or 380 statutes appearing in the continuing consolidation, but we would have had to face the question of what to do about approximately 3,800 - that's 10 times as many - other statutes which don't appear in the continuing consolidation and which now we don't by this agreement have to translate in order to guarantee their validity. At least we won't be faced with the potential of 3,800 court actions, statute by statute, or perhaps some blanket kind of action. I estimate - and it's admittedly difficult to estimate - that the Province of Manitoba on this alone, that is, the fact that we will not be required to translate all of these 3,800 statutes; we may have to translate about 40 to 100. There's an annex being drawn up of them, about 1,400,000, 1,500,000 over the long haul that we will be saved.

Finally, in terms of what did Manitoba get, we got all of what will be required, effectively, to translate the continuing consolidation. The continuing consolidation will be revised by 1993. In the process of doing it we will complete the translation of the backlog. The estimate that we have in 1982 dollars for that job is \$3.5 million, and half of that will be paid by the Federal Government, so a balanced view has to be struck.

What did we in a sense give? We gave a constitutional protection to French Language Services which, under the previous government and extended under this

government, we'd begun to provide in any event. So what did we get? We got the insurance of the validity of our statutes. What did we get? We got the insurance that we wouldn't have to translate all of these 4,000 other statutes. What did we get? We got, by the collateral agreements, something in the order of \$2,400,000.00.

MR. CHAIRMAN: The First Minister.

HON. H. PAWLEY: No, the Attorney-General has covered the areas that I wanted to.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

HON. S. LYON: Well, I wondered if, to direct attention back to the comment by Mr. Roberts, "We got everything that any court could have given us and more," if the Premier has any observations on that statement. Is it true, false, exaggerated, restricted, or what?

HON. H. PAWLEY: Mr. Chairman, I think what I indicated earlier was, insofar as certain services were concerned, pertaining to the kind of example, that in St. Malo a farmer obtaining information from the head office of the Manitoba Agricultural Credit Corporation in regard to crop insurance, to obtaining service from other head offices in one's own language, that is an area that probably would not have been granted in any court case.

As the Attorney-General has indicated, that has to be balanced, I guess, against what the province received in return, which we would not have received from a court case. We could very well, through a court case, have been required to have 100 years of statutes translated in total, in their entirety at great cost to the province.

HON. S. LYON: Mr. Chairman, but surely the First Minister as a lawyer doesn't subscribe any more than I'm sure the Attorney-General or I would, to the proposition that the court can order the impossible.

HON. H. PAWLEY: Well, Mr. Chairman, I don't think it would have been the impossible for the court to have ordered, given a certain period of time, for all the statutes of the province to be translated.

MR. CHAIRMAN: The Attorney-General.

HON. R. PENNER: They say that hard cases make good law and I'm never quite sure what that means.

HON. S. LYON: Bad law. When I was in law school, we were taught hard cases make bad law . . .

HON. R. PENNER: Well, we changed the curriculum since you were in law school. But the point is this, that courts in fact have, following the letter of the law, as from time to time they're inclined to do far more in this country perhaps than in the United States - but that's not a value judgment - do make decisions which seem horrendous in their implication. The decision of

the Quebec Superior Court creates for the Government of Quebec - not for the teachers - a horrendous problem. I'm sure that Rene Levesque is saying to Monsieur Godin time and time again in the last couple of weeks, in French of course, but I thought you said that courts can't do the impossible. Sometimes they can.

Just one further observation. When I talked about a balanced approach, I would like everyone really to think of another aspect of this. I don't think I'm exaggerating when I say that by coming to this reasonable agreement, in a sense we struck a blow for Canadian unity, because we were strongly backed in the position that we took by the Anglophones of Quebec. Because the situation is parallel, they realized that any adverse decision in the Supreme Court, that is a decision in the Supreme Court upholding the position that the Manitoba Court of Appeal took in the Bilodeau case, would have meant the end of the rights which they had with respect to the use of the English language in the courts and in the Acts of the Province of Quebec.

That is why a very strong Anglophone group headed by Steven Scott and backed by Frank Scott and leading Anglophones in the province joined in this action. They became parties to this action, to the Bilodeau action. They are going to argue the case in the Supreme Court. The Alliance Quebec, the one that just had its meeting in Quebec, the leading Anglophone united front in Quebec, has applauded us for this step recognizing how it has served the interests of our English speaking colleagues and friends in the Province of Quebec. I think that it's no exaggeration to say that even though it is true that in terms of the provision of some of the services, it's gone further than the court might have ordered in the particular case. It has and will continue to have, over time particularly, a tremendously important unifying effect in Canada.

HON. S. LYON: Well, Mr. Chairman, I've been looking at the statements of the Attorney-General from his Estimates of Monday, May 30th. While I haven't looked at them in such detail as to indicate that he didn't have that thought that he has just expressed about the - for want of a better term - outreach value of Manitoba subscribing to an agreement that would vastly extend the import of Section 23, I refer him to what he said on Page 32-36 of Hansard of that date when he was being questioned by one of his own backbenchers, Mr. Doern. I quote the response in Hansard, "Honourable R. Penner: 'I wish you had been here from the beginning. The whole thing is premised on the assumption that we may have been placed in a position by a decision of the Supreme Court of Canada, that the fact that these statutes were passed in one language only invalidated those statutes. That's primarily where the pressure came from.'"

Well then, I quickly quote from a document that I haven't had the opportunity to study in detail, but it's a document tabled only this afternoon by the Attorney-General, an opinion by one Dale Gibson on Bilodeau vs. the A.G. of Manitoba memorandum and I turn only to Page 2, which says, "I share Mr. Twaddle's opinion that if the case proceeds to a final determination by the Supreme Court of Canada, the constitutional validity of the statutes in question will probably be upheld."

HON. R. PENNER: Probably.

HON. S. LYON: Then quoting again from the opinion that was given by Mr. Twaddle to the Attorney-General, which was tabled again this afternoon - I haven't had the opportunity to study it in detail - but on Page 7, it says, "Even with the settlement and the agreement that the Attorney-General now heralds as being a great unifying action for Canada," which extends Section 23 by his own admission, to incorporate constitutional guarantees for those that were never there before, Mr. Twaddle gives no guarantee that this is the end of litigation whatsoever. Mr. Twaddle, in fact, does quite the opposite. He says on Page 7 of the opinion and I quote, not in extenso, but in order to put it into the context of what he was saying in the opinion, possible amendment to avoid adverse ruling.

Page 6 at the bottom, this is Mr. Twaddle's opinion and I quote, "Amendment before a Supreme Court ruling," this is on the Bilodeau case, "could presumably be made pursuant to Section 43 of The Constitution Act, 1981," and I say in parenthesis, that is presumably what is being recommended by the government. "Although it would be open to someone to challenge the validity of such an amendment on the ground that the Legislative Assembly of Manitoba was not properly constituted, this would reintroduce the issue presently before the Supreme Court in Bilodeau vs. A.G. of Manitoba. If, however, the amendments had the approval of the French-speaking population of Manitoba, perhaps the issue would never be raised. There would remain, however, the right for someone now, or at a future date, to challenge the authority of the Manitoba Legislature to act at all."

Now, the substance of what we are hearing from the opinions given to the Attorney-General by Mr. Gibson and by Mr. Twaddle, the counsel of record on all of the Supreme Court, or all of the constitutional cases, up to November of 1981 - and retained I think, wisely, by the present government - is that the fear expressed by the Attorney-General on Page 3236, that the decision of the Supreme Court, the statutes passed in one language only invalidated the statutes, but that's a hollow fear, his own counsellor telling him that. It would appear to some observers that because this hollow fear has been advanced the Attorney-General and his government appear to be selling off - not selling, giving away the farm. Because somebody came along and uttered a legal boo, they say, "What can we settle for?" And they're settling for an agreement that provides not only for the translation, which has never been, in my mind, seriously in question that some form of translation, going back to 1870 subject to reasonable negotiation with the federal authority, had to be undertaken.

If they had settled for that, fine, I don't think we would be even discussing the case here because that's really what Section 23 was all about. That's what the Forest case was all about and the Bilodeau case merely took a proposition that was an illogical extension, if I may say so, of Forest and said, well, if the laws haven't been translated, then obviously everything since 1870 that hasn't been translated is invalid.

Well, the Manitoba Court of Appeal, and I hate to quote from memory, but I have read the judgments

again recently. The Manitoba Court of Appeal in a two to one judgment, former Chief Justice Freedman giving the main reasons, along with Mr. Justice Hall, said that no Supreme Court, no court, would create chaos in the country by declaring the laws of a province invalid from 1870, that such an interpretation of the court would be wrong. The judge who dissented in part, Mr. Justice Monnin, as he then was, now the Chief Justice of the Court of Appeal, agreed and said that to suggest, as Bilodeau did, that all laws passed since 1870 would be invalid, would create chaos and that would never come about.

But he did suggest, in his partial dissent, that all laws passed since 1979, since the reaffirmation of Section 23 of The Manitoba Act by the Supreme Court should have been translated contemporaneously into French as well as English. It was on that basis that the Bilodeau case was then appealed to the Supreme Court and there was the basis upon which the Attorney-General said, in his opinion, on Page 3236 of Hansard, "We may have been placed in a position by the decision of the Supreme Court that the fact that these statutes were passed in one language only invalidated those statutes." That's primarily where the pressure came from, but when you read as I only have the opportunity to do today very quickly, the initial opinions of Mr. Twaddle and of Mr. Gibson, you find that they don't support that proposition.

Now, my question to the Premier is this: Why was Manitoba so bound and determined in the face of this kind of, if I may say so, hollow threat of litigation, so bound and determined to extend the provisions of Section 23 in the leaps-and-bounds method that they did in the proposed agreement which was tabled in the House the other day? What possibly could have been the motivation? Surely it couldn't have been any motivation brought about the legal opinions of Messrs. Twaddle and Gibson.

MR. CHAIRMAN: The First Minister.

HON. H. PAWLEY: Mr. Chairman, I would like to read from the legal opinion of Mr. Gibson. He's very clear regarding the problems and concerns that would be involved. In fact, I would refer the Leader of the Opposition to Page 7 of Mr. Gibson's legal opinion in which he makes reference to Mr. Twaddle's opinion, and I quote: "Mr. Twaddle says that in that event . . . " Earlier on, "In the first place, there is a small but significant risk that the court would rule in Mr. Bilodeau's favour. The consequences of a ruling that all or most Manitoba statutes and regulations are unconstitutional would be chaotic. Mr. Twaddle says that in that event, it is inconceivable that a way could not be found to validate existing laws; by which I assume he means a retroactive constitutional amendment, but the uncertainty that would prevail until a suitable remedy could be found would be an open invitation to anarchy and the government whose lack of foresight allowed the situation to develop would be severely criticized."

Then I refer to Page 16 of Mr. Gibson's "Summary of Recommendations." I would like to read those to the Leader of the Opposition:

"No. 1 - the Bilodeau case proceeds to final judgment, the validity of pre-1979 statutes is likely to be upheld, but there is significant risk of a ruling to the contrary.

"No. 2 - because the legal consequences of an adverse determination would be chaotic and even a favourable ruling would 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."

This is basically what the Attorney-General has been indicating.

Now, in regard to the further information in respect to the Quebec case, I think that very clearly is indicated with similar wording between the Quebec language and the Manitoba language, Section 133 of the Constitution, that indeed the Quebec court did make a finding, a finding which as the Attorney-General has indicated must indeed at this point be making Rene Levesque say to his Attorney-General, "But you said the courts never made bizarre rulings." Certainly in the case of Mr. Levesque, he is faced now with a very very chaotic type of situation in the Province of Quebec pursuant to that ruling. What will happen in respect to appeal? One does not know, but certainly the wording is near identical except for the exchange of the names of the provinces.

The Leader of the Opposition suggests that the farm was given away. I would like the Leader of the Opposition to be more specific as to what he means by us giving away the farm. What we agreed to were the kinds of services that he established through his Language Services Branch, the intent of providing, I understood, by way of services in head offices of government departments, Crown corporations, certainly not extensive services, but reasonable kinds of services. Now, I would like to know just what the Leader of the Opposition is referring to when he suggests that this government gave away the farm when we agreed to entrench those particular provisions?

HON. S. LYON: Well, Mr. Chairman, for at least the next year or two, or perhaps sooner, I am not in the position of having to answer questions in this committee. I look forward to the opportunity perhaps when I will be in that position again. It may come about sooner than it is anticipated by the First Minister, but I have no hesitation in saying to him that the Bilodeau case, and he will know this from his reading of it, dealt essentially with the proposition of translation and put forward the proposition that because there had not been concurrent French-English translation, or French translation of English statutes since 1870, that ergo the laws of Manitoba since 1870 were invalid. That might be described, I would think, as a reasonable and perhaps even objective of observers as being a rather esoteric proposition, but it was one that was treated seriously at least by the court, even though it was thrown out two to one and then only with the dissent, as I mentioned, in part.

Now, if the agreement that the First Minister and his colleagues negotiated with the Government of Canada, and subsequently had validated by a third party by the Franco-Manitoban Society by, as lawyers might say quo warranto, by what authority one doesn't know yet. If that agreement had presumed to deal only with translation, then I think the First Minister could have expected to come before the House, because that was the proposition that was at issue in the Bilodeau case,

and say, we've made a political settlement with respect to translation.

I think that the opposition might well have looked at it and said, well, you know, you weren't in any great peril going to the Supreme Court. Your own lawyers have told you that, particularly the lawyer of record, Mr. Twaddle. You weren't in any great peril with respect to that, so if you've negotiated a political settlement with respect to translation, fine. But then, to go beyond the proposition of Bilodeau and to say that not only are we going to do the translations in a fixed time, but in addition to that we are in effect, and I haven't seen the First Minister or anyone deny this proposition, we are going to effectively bilingualize Manitoba. We are going to say that the head office of every department and of every quasi-judicial board, and so on, shall have to have a bilingual capacity in it, even though that may have been a goal toward which our government and the present government was working, and I think in a reasonable and a workmanlike, but with this great difference, Mr. Chairman, not under the compulsion of a constitutional imperative.

That may be a nuance that is not great in the minds of the First Minister, or the mind of his Attorney-General, but I tell you that it is a proposition that is great in the minds of others who have, in the course of their careers in law, had to deal with the Constitution of Canada, and had to deal with matters such as a constitutional imperative as opposed to a convention, a practise, or whatever, that is not necessarily sanctioned either by statute, or by a form of quasi-entrenched rule in the constitution of Manitoba.

Make no mistake, the agreement that was presented to the Legislature the other day by the Attorney-General is a constitutional amendment to the Constitution of Canada. The minute that agreement goes beyond the bare bones of translation, which is all that was at issue in Bilodeau, then it works into an extension of Section 23, and graphs on to Section 23 matters such as the head office of departments, Crown corporations, quasi-judicial boards, and so on, that were never in contemplation when Section 23 was drafted, and that were not in contemplation with respect in the Bilodeau case, but were gradually being worked toward in an informal way by governments past and present, and governments that preceded our government in 1977. Let me be clear about that.

I'm not going to get into the whole question of education in Manitoba and of the foundation that was laid for that by statute, sometimes just by practise in Manitoba. An argument that I, and others used to have with the present Prime Minister of Canada, of trying to impress upon him that there are things that can be accomplished with respect to immersion courses and so on in French if they are not under a constitutional imperative, that can't be accomplished with respect if they are under a constitutional imperative. That has to do, Mr. Chairman, with knowing your province; that has to do with knowing your people; that has to do with knowing what they will tolerate and what they will not tolerate.

There is in this province, and there has been for a good many years - I can only speak for some 50 of those years and not even for all of that term - there has been a decided aversion, if I may put it that way, to the concept that something, if ordered, must be done.

Mr. Trudeau tried that in The Official Languages Act and look how far he got with The Official Languages Act and acceptance in this province, or in many parts of Canada, because of the dictatorial nature of the implementation of the Act. Not that the principle was wrong, but the methodology of implementation has been terribly wrong with respect to any person who has an understanding of human nature in this country.

To avoid that kind of calamity, and I use the word advisedly, I would think that any government in Manitoba would want to be very very chary about grafting constitutional extensions onto Section 23 when Manitoba are only now beginning to digest the effect of the Forest case with respect to Section 23 and its implementation - never mind it's extension, the implementation of Section 23.

So I have no hesitation in responding to the First Minister even though it's not my duty or responsibility at this moment in time to respond, and to say to him further that when he quotes with such approval from the opinion of Professor Gibson, I refer him to Page 2, of the opinion of Mr. Twaddle, wherein he makes clear the limitation within which he was giving an opinion to the Attorney-General. "You have asked me to consider and advise: (1) As to the consequences of an adverse finding by the Supreme Court; (2) What remedial action might be taken; and (3) As to what constitutional amendments might avert an adverse finding, and how such amendments might be enacted."

Now you'll note, Mr. Chairman, that Mr. Twaddle is not asked to advise as to whether or not there will be an adverse finding by the Supreme Court, but what would be their consequences of an adverse finding by the Supreme Court.

Later on he goes on to say, and I regret again that I haven't had the opportunity to digest both of these opinions in the way that I would like to. On Page 5, he makes this small statement, at the bottom of Para. 2, "For the purpose of this memorandum, I merely state the existence of the argument and do not consider the merits of it in any detail."

Well, he wasn't asked to consider the merits of arguments, he was given a set proposition, which was if the Supreme Court finds adversely, what do you suppose is going to happen? I would welcome any elucidation that the First Minister or the Attorney-General can give if they can show that later on he gave a fuller opinion and said, well, I don't think that the Supreme Court is going to pay any attention to the Bilodeau proposition because that would create chaos, that's what the Chief Justice of Manitoba said. That's what Mr. Justice Hall said; that's what Mr. Justice Monnin said when he dissented in part in the Bilodeau case.

So to come back to the Attorney-General's words that he used on page 3236, "The whole thing is premised on the assumption that we may have been placed in a position by a decision of the Supreme Court of Canada that the fact that these statutes were passed in one language only invalidated those statutes. That's primarily where the pressure came from." I think we're left to ask the question again. What pressure?

MR. CHAIRMAN: The Honourable Attorney-General.

HON. R. PENNER: First of all, the case was already before the Supreme Court; that is, on the Supreme

Court list, when I came into office. And not unnaturally, when exploring the consequences of an adverse ruling, which one would have to do, one always looks at the worst possible scenario. I asked counsel for an opinion. I would like to remind the Leader of the Opposition of something that he skates over all too lightly, namely the conclusion of Professor Gibson, that if the Bilodeau case proceeds to final judgement, the validity of pre-1979 statutes is likely to be upheld, but there is a significant risk of a ruling to the contrary.

I don't believe in playing macho politics with the future of this province, and indeed the very existence of this province. I could not, in all conscience as the Attorney-General of this province, I could not in all conscience say, let's throw the dice; to hell with them; let's go get them; we're right. You can't do that. I think you can't do it responsibly. So taking the fact that I was advised that there was a significant risk of a ruling to the contrary, we sought to see whether we could effect an honourable solution outside of court, and told time and again as a lawyer, and I'm sure the Leader of the Opposition was told the same, that it's better to make a settlement than to risk the consequences of an adverse ruling in court.

Let me say parenthetically, that since the decision of the Quebec Superior Court in the case to which I have adverted on the challenge launched by 12 junior college teachers who were charged with violating the Quebec Labour Code by striking illegally, that Mr. Twaddle has said to me that he certainly considers that this puts a different light on the matter. He hasn't said that it now is sure that we would lose. Mr. Twaddle's a very careful lawyer. He simply said that this decision, which he would not have expected, put something of a different light on the question of the risk before the Supreme Court.

So that's a point I think that has to be stressed again and again as something which was primary in dealing with an issue which was already there. We did not create the issue. The issue was created in the first instance by the illegal act of an 1890 Legislature in purporting to change the constitution of this province by a statute. The situation was created by virtually 100 years of neglect of a constitutional obligation.

Now the Leader of the Opposition said, well, if it had confined itself - that is what we did - to the question of translation, we could come before the Legislature, he would have understood it, his caucus would have understood it, they would have supported something where we said with respect to translation, we made a political settlement re translation.

But you see, it takes two to tango. You can't just put your conditions for a settlement, and say sign here. It takes two to tango. What resulted was the result of a lot of give-and-take in a situation in which both sides stood to lose enormously, but both sides could gain by a calm, sensible approach to this problem.

To characterize what has been proposed or what is being proposed in this settlement, as to effectively bilingualize this province, is utterly wrong and raises a scare. It is in effect, whether intended or not, scare tactics. — (Interjection) — Well, of course, he's facing an election very shortly and he's out to garner as many votes as he can and he'll say anything I suppose. — (Interjection) — But we know and you know, because you're a lawyer of some experience, and I may say -

I hope you are not offended by this of some merit from time-to-time - that this is not the bilingualization of the Province of Manitoba. Certainly there is no concept, for example, of The Official Languages Act to which the Leader of the Opposition has adverted in this settlement whatsoever. This is as different as night from day to the policy pursued, whether rightly or wrongly - I wouldn't want to debate that now - by the Federal Government with respect to B and B and The Official Languages Act. This is not in any way requiring, for example, as the language of the workplace, that civil servants will have to, in great numbers, learn a language they don't want to learn. There is absolutely no question that it is not the case. The inventory that we have begun, and only begun with respect to our ability to deliver French Language Services, indicates that we already have in place a substantial number of people who are effectively bilingual.

Indeed, given the relatively small numbers in terms of percentage of Francophones in this province and the relatively small number who might - as they have the right do so - ask for services in their language, someone can come into my office and if they want to speak to me in French, whether or not they have an appointment, within one minute or five minutes, I can have someone over from the translation services or from across the hall and we're in business and I will have fulfilled the obligation. Neither I nor any member of my staff in the outer office has to learn any other language than the two which are spoken there now, English and Ukrainian.

Finally, the Leader of the Opposition has twice in his last remark referred to the fact, as he says, that now every quasi-judicial board he says, will have to have a facility with respect to the French Language Services. But I made the point earlier, and we both as sometime lawyers, have referred to authority, I made the point sometime earlier and I want to make it again, that the Supreme Court of Canada in interpreting Section 133 of The Constitution Act - we used to call it The BNA Act - which as I said is word for word the same as Section 23 of The Manitoba Act, has said, and I will read it - this is in the Blaikie case and I'm quoting from Page 1030 of the Judgment in the Supreme Court reports, 1979: "Although there are clear points of distinction between these two cases," referring to earlier cases in its reference to the Courts of Quebec, "they nonetheless lend support to what is to us the proper approach to an entrenched provision; that is, to make it effective through the range of institutions which exercise judicial power, be they called courts or adjudicative agencies, in our opinion therefore, the guarantee and requirements of Section 133, re Section 23 of The Manitoba Act, extend to both. The Supreme Court of Canada said in 1979 that this particular language, already in The Constitution Act of Canada and already in by virtue of Section 23, The Manitoba Act, already demands and is there as a matter of law that French language services be available not only through the courts of the province, but through the adjudicative agencies."

Adjudicative agencies are precisely those referred to by the Leader of the Opposition as quasi-judicial boards. So to say that there's something new here in this proposed agreement, in this proposed amendment in terms of the delivery of services in quasi-judicial boards

is to misstate the case, that was already decided by the Supreme Court in 1979.

HON. S. LYON: Well, without getting into legal arguments about the rather cosmetic and easy transference between Quebec's conventions and traditions and Manitoba's conventions and traditions

HON. R. PENNER: Well, the law's the same.

HON. S. LYON: . . . well, the wording may be the same, but conventions and practice have been radically different and courts pay some considerable attention to conventions and practice, as some academics and others found out, when this province — (Interjection) — amongst others, took the Federal Government to court and said, you can't do unilaterally what you're doing because it's an offence against federalism. Mr. Trudeau and a few others of his supporters in the academic field and so on found that the Supreme Court found for the provinces, so let's not say that anyone's opinion, my opinion, the opinion of the Attorney-General, or that of the First Minister, is all pervasive, but let us agree that - to go back to the words of the Attorney-General in his Estimates - the main reason for embarking upon this negotiation and the subsequent agreement was the fact that we may have placed in a position by a decision of the Supreme Court of Canada that the fact that these statutes were passed in one language only invalidated those statutes.

Now, my simple question to the First Minister, aided and abetted by the Attorney-General - I have no objection to that - is this: What guarantee do the people of Manitoba have, even if this agreement were passed, that there would not be further litigation going up to the Supreme Court of Canada on this same point, because the agreement does not purport to invalidate present or anticipated legislation with respect to this point? Indeed, if one looks with care at the opinions given by Messrs. Gibson and Twaddle, but particularly with respect to the opinion of Mr. Twaddle, one will find that the danger is still extant.

So what do we gain? If the Attorney-General's fear, that the Supreme Court might have made this ruling, is going to be, as he says, wiped out by the agreement, why then, do we have Mr. Twaddle coming along and saying even if you make the agreement, somebody can still come along and question the validity of the agreement itself, and of the Legislature of Manitoba to pass that agreement? Because the question still remains outstanding in the mind of Mr. Twaddle that somebody - even though it's a flimsy case - somebody could come along and go to the Supreme Court and say, heh, we don't care if Bilodeau abandoned his action, we're going to take another action on the same point.

For a better reference, I would refer the First Minister to Page 7 of Mr. Twaddle's opinion, the bottom of para. 1, "There would remain, however, the right for someone now, or at a future date, to challenge the authority of the Manitoba Legislature to act at all." And then if you carry on through to Page 13, he talks about two options that I won't read into the record. This document, perhaps, should become - I think was filed today by the Attorney-General, so it becomes a document of

record in the House. He talks about the further difficulties with this option: "(a) Bilodeau, may still wish to pursue his appeal arguing that the Legislature is not properly constituted to pass the necessary resolution authorizing the amendment; and (b) even if Bilodeau withdraws his appeal, someone else may attack the validity of the Legislature's resolution. A possibility around these difficulties would be for the Federal Government to refer the question of the amendment's validity to the Supreme Court." And then he carries on to talk about, "In my view the two options should not be proceeded with at the same time," and so on.

So the question has to be - getting back to the original premise stated by the Attorney-General and validated, I presume, by the First Minister, if we acted in this, what appears to be more and more a precipitant way, because Mr. Bilodeau or somebody else came along and said, "boo," legally, and we make this grandiose settlement, which extends by a quantum leap the effect of Section 23, what guarantee have we got that having sold, not sold but given away the farm under the agreement, that we still won't be faced with the threat in the Supreme Court of Canada on the very same points, because that's what legal counsel is advising the government?

MR. CHAIRMAN: The First Minister.

HON. H. PAWLEY: Mr. Chairman, all that I would like to comment, of course there's no guarantee at anytime that there will not be a challenge insofar as any legislation is concerned or any statute. But what the Attorney-General has done, by way of this agreement, is certainly moved to the lessening of effective challenging of the legislation with the kind of consequences that Mr. Gibson, for instance, in his report pointed out, could very well occur - the adverse determination which could be indeed chaotic.

I'd like to just add a few comments, because the Leader of the Opposition has interchanged, and I think unwittingly - but it does create concerns - words which would leave the impression that we are equating this approach with the dictatorial implementation by Mr. Trudeau. Of course, what we are doing is absolutely at distance to anything that the Federal Government has done over the last number of years in respect to the bilingual policy which it introduced, that program, a language policy that had three main components: (a) language of service to the public; (b) language of work within the Civil Service itself; and (c) adequate representation of both language groups within the federal administration.

Insofar as what we are doing by way of the provision of French language services is not requiring French to be the working language of the Civil Service, as was the case at the federal level. There will be no one that will be promoted or demoted, solely because of the agreement that the Attorney-General has arrived at, which is again quite at variance with the situation pertaining to the federal legislation.

Insofar as the problems that occur insofar as many obtaining positions within the Civil Services unless they are bilingual at the federal level, that will not be the case at the provincial level. There will be a very very small number of public servants that will be required

to be bilingual in the various offices of the main offices, head offices of the departments and Crown corporations. So I would like to just echo the words and the concern by the Attorney-General, when there is loose reference and a comparison of what is being done here to bilingualism and equating that with the ill-designed and ill-implemented legislation of the Federal Government, nothing could be further from the truth to make any comparison between the two approaches. This approach is a reasonable approach; it's a middle approach. In fact, it is regrettable, Mr. Chairman, that the approach that is being pursued provincially in Manitoba was not the approach that was adopted federally; an approach, if adopted federally, would have been pragmatic, it would have been reasonable, and I suggest, would have created much less backlash insofar as Mr. Trudeau is concerned at the federal level than what has indeed been the case.

So, Mr. Chairman, I don't know just to what extent we can answer the questions of the Leader of the Opposition. Obviously, there's going to be some area of agreement, as to what the legal consequences could be, but I think as the Attorney-General has clearly pointed out, that even insofar as the legal opinions that were obtained, those legal opinions now would have to be updated in view of the Quebec legal decision, and here we're talking in terms of the law and what the courts might find. Certainly the finding in respect to the Quebec decision is one that is going to create considerable chaos in the Province of Quebec. I guess Mr. Levesque rolled those dice and the dice showed up incorrectly. He crapped — (Interjection) — What was it?

HON. R. PENNER: He crapped out.

HON. H. PAWLEY: He crapped out. Mr. Levesque crapped out and fortunately we didn't do the same. We are going to have an opportunity, I'm sure, to have a full debate in the Legislature in respect to this matter, to further pursue the various points of view, Mr. Chairman, I'll look forward to that with the Attorney-General and the Leader of the Opposition.

MR. CHAIRMAN: 1.(e)(1) - the Leader of the Opposition.

HON. S. LYON: Mr. Chairman, just a point of clarification. The Attorney-General made reference a few minutes ago in his remarks, or attributed to me the quote about Manitoba being effectively bilingualized. I said to him across the table that my recollection is, that was the statement made by the Attorney-General of Canada.

Now the statement, that so far as I am aware, was not denied by the First Minister, the Attorney-General or anyone else. Mr. MacGuigan was paying a fulsome compliment to the Government of Manitoba for leading the way as I recall - the clipping is in the files here - for leading the way in bilingualization and congratulated Manitoba for being the third province in Canada to be officially bilingual. I heard no demurs from the First Minister or from the Attorney-General when that statement was being made by the Attorney-General of Canada.

I just wonder, Mr. Chairman, perhaps the Attorney-General of Canada, Mr. MacGuigan, perhaps knows

more whereof he speaks than perhaps those he was praising in terms of the effect, as he can see it, as others have seen it, of such additions to the agreement which would not have been and could not have been grafted on to the Bilodeau case by the Supreme Court. I quote not greater authority on that point than the Attorney-General of Manitoba himself speaking at Page 3233 of Hansard, when he was asked by my colleague, the Member for St. Norbert, and I'm reading only part of the full statement: "Would the Attorney-General not agree that the Supreme Court would not, even if they had gone that far to interpret the wording in a mandatory way, impose a time limit on translations, would he not agree that the Supreme Court would not have carried on further to deal with the right to communicate services in French as is proposed or set out in the proposed amendment? HON. R. PENNER: I would agree with that."

Well, what we're getting to and I agree with the First Minister, there is no point at this stage in arguing about what to me is self-evident, that Section 23, the agreement proposed by the present government does represent a quantum leap beyond anything that the Supreme Court could have or would have, by any reasonable interpretation, have imposed upon the Province of Manitoba as an extension of Section 23. I'm not going to repeat myself or repeat the quotations I have made.

Certainly Mr. Roberts is clear in his understanding of it when he was making his statement to the Franco-Manitoban Society just 10 days or so ago, "We got everything that any court could have given us and more," Mr. Roberts said. I didn't hear the Attorney-General or the First Minister rushing into print the next day to say, no, Mr. Roberts in the flesh of exaggeration, said something that is untrue. I don't think that what Mr. Roberts said is untrue at all. I don't think the First Minister thinks it's untrue. I don't think the Attorney-General thinks it's untrue, because Mr. Roberts spoke the truth. He said, "We got everything that any court could have given us and more."

Mr. Chairman, the problem is, what does the "and more" mean? We don't know that yet. Mr. MacGuigan tells us what he thinks it means. It means effectively, the bilingualization of Manitoba which was not - I repeat - not contemplated in Section 23 of The Manitoba Act.

Mr. Roberts, he's got a very firm idea as to what it means. I quoted earlier from the Globe and Mail report. He explained, this means that four years from now a farmer in St. Malo who needs information about crop prospects or farm credit will be able to get that in French. A St. Boniface woman who spots a mistake in her telephone bill will be able to call in French and will have the right to an explanation in French. Manitoba Hydro, the Ombudsman's office, the Chief Electoral Officer, Legal Aid and all the Human Rights Commission, will all have to be able to provide services in French. Well, Mr. Chairman, that's the "and more." Now that was being worked at in a reasonable way without the constraint of a constitutional amendment.

I merely suggest, with the greatest of respect and may I say with the greatest of humility, to the First Minister and to the Attorney-General for the remaining time that they have in office, that they give very very serious consideration to the results which may accrue from this kind of a quantum leap that they have

negotiated with respect to what was, heretofore, a very simple legal case. I ask them as honestly as I can in these circumstances to give very very serious consideration to the proposition that I have advanced on behalf of our party, and I know because I have seen the correspondence and I have seen some of the correspondence that has been directed to the First Minister and others on this matter - copies have been sent to me - I know something of the depth of the feeling of this matter in the Manitoba community.

I realize that all parties to this debate, opposition, government, all parties to this debate, must at all times, as I believe I have attempted to do today and on previous occasions, keep this debate on a civil level with respect to what is happening. God knows there is enough opinion in the Manitoba community that may not be able to sit as we sit here tonight and argue this proposition as abstractly as we are arguing it tonight because the depth of emotion on a topic of this nature runs very very deep in the blood of Manitoba families. So I say to the First Minister as humbly and as sincerely as I can, give very serious consideration before this agreement is sought to be validated by the Legislature of Manitoba. Take the agreement to the people of Manitoba.

Here, as Mr. Trudeau used to say, is a chance for an educative process as he used to say with respect to the Charter of Rights. Here, I say, in the limited context of our geography and of our one million people in Manitoba, is a rare and a needed opportunity for education, so that there will be an understanding if this agreement must be proceeded with - and I don't know that the validity of that case has yet been made - but if this agreement must be proceeded with then let it be proceeded with after the public of Manitoba, and only after the public of Manitoba, have been able to judge in a dispassionate way, in an objective way, the reasons that this government advances for putting forward such a quantum leap and such a change in the constitution of Manitoba as to cause most people in our province right now to say, why, why is this happening?

So, Mr. Chairman, it's not my intention to argue this matter further tonight. I refer, however, the First Minister to the legal opinions that he has had; I refer him to the words of his own Attorney-General; I refer him to what Mr. Roberts has said; I refer him to what I think he is coming to understand, Mr. Chairman, is a growing and regrettably a negative public perception of what is not - I think has to be fairly said - is not at this stage a well-negotiated agreement on behalf of the people of Manitoba.

HON. H. PAWLEY: Mr. Chairman, I think what we ought to do so that the Leader of the Opposition has received some assistance, obviously he thinks that this is some quantum leap forward. The quantum leap forward that he describes is, in fact, the agreement which includes policy that was announced in March, 1982, and I did not hear the Leader of the Opposition demur at that time from the announcement of the policy in regard to services in the head offices of Crown corporations and departments, or in those areas of the province where numbers warrant it.

It had been my understanding, in fact, that it was a continuation of the policy that the Leader of the

Opposition, when he was First Minister, foresaw, when he established the French Languages Service Division. Just so that we remove any doubt when we talk about quantum leap forward, I would like to distribute to members of the committee a map, coloured pink, insofar as those areas, those parts of the Province of Manitoba where French language services will be provided. You will find that the entire map is not coloured pink, but only some small areas of the province where there's clearly a sizable French population, including St. Malo, where it was my understanding the vast majority of the people in the St. Malo are of francophone extraction. Yes, when they phone the head office of the Manitoba Telephone System, the Manitoba Agricultural Credit Corporation, the Manitoba Hydro, they'll be able to receive a response verbally or in writing in French.

I might add for the advantage of the Leader of the Opposition, when people phone my office at the present time, they can receive a response in French, I think in Low German, in Ukrainian, and some other languages from my particular office, High German - I'm sorry, Mr. Schroeder.

HON. S. LYON: Well, Mr. Chairman, . . .

HON. H. PAWLEY: I wonder if everybody has these maps?

HON. S. LYON: Mr. Chairman, it's not, as I said earlier, my desire to prolong the discussion at this stage, because I presume there will be other opportunities for this debate to continue. I was merely stating that the position that had been advanced by us is one that I hope would be given serious consideration by the government, given the tide of emotions that can run on a topic like this.

I know I need not say to the First Minister that his statement of his government's intentions merely is now being carried out by statute, but that is a gross oversimplification. It is one thing to state a policy or a plan by a government, it is another thing to make it an entrenched constitutional provision. Need I remind the First Minister, Mr. Chairman, that not only does this proposed agreement provide that any member of the public in Manitoba has the right to communicate in English or French with and to receive available services in English or French from any office not referred to in Subsection 1 of an institution described in para. 1(a), etc., etc., where there is a significant demand for communications due to the nature of the office, reasonable communications with and so on, that the enforcement section that is put in is - I don't want to exaggerate - bound, even though the Attorney-General has said otherwise in the course of debate on this topic in his Estimates, it's bound to encourage precisely the kind of litigious nonsense that zealots on either side are bound to engage in, given an entrenched constitutional - I say it in quotation marks - "right". 23.9.1, "Anyone whose rights under Section 23.8 have been infringed or denied, may apply to the court for a declaration to that effect, and where that court finds that those rights have been infringed or denied, it may make a declaration to that effect." On and on it goes for the preparation of the plan with all of the implications of that ill thought out scheme that is now contained

in the agreement. That is what represents, Mr. Chairman, the quantum leap beyond what our government was doing and what this government stated as a goal toward which it was working as a matter of policy.

When you take a matter of policy and entrench it in a constitution and call it "a right", and then give anyone, be he a reasonable citizen of Manitoba, a language zealot or whomever, a right of enforcement, then you have created a form of potential tyranny in the hands of a few people who can cause chaos. Never mind the chaos that might be caused by any Supreme Court in attempting to say that laws of Manitoba are invalid - no Supreme Court worthy of the name would say that in my humble opinion - the chaos that can be caused, the constant litigiousness that is really part and parcel of Section 23.9 is something that people who have been in and out of courts for some of their life, as I have, stand in awe of.

I know very well, Mr. Chairman, how that section can be used. I know very well how that section can be misused and abused. The very existence of that section is what creates the kind of quantum leap between what was put forward as an adequacy policy by our government, by the present government in March of 1982, and this agreement which now attempts to inscribe in stone that this is what is going to happen if a person phones the head office of the Manitoba Telephone System. Let's use the example that used to be used by Mr. Trudeau's Ministers. I'm sure I'm not breaching any private communication when I say this, one of his present Ministers used to say this. What The Official Languages Act will do - Mr. Chairman, let's remember that this has the effect of grafting a Manitoba official language onto Section 23; that's really the effect of it, because Section 23 by itself doesn't talk about head offices of departments or anything of that nature at all. This is a quantum leap beyond. This is a form of official languages act for Manitoba, which unlike The Official Languages Act is now being carved in stone in the Constitution of Manitoba.

Mr. Chairman, let's remember what will happen. Some of the advocates of The Official Languages Act in 1968 - I hesitate to admit that I was negotiating with the Honourable John Turner when he was then the Minister of Justice on that very piece of legislation - at the time they said that what we want to achieve is very simple. It won't affect the people of Canada at all. It isn't going to affect the average citizen. One of them said, all I want to do is to be able to pick up the telephone and talk to the Deputy Minister of this department or that department in French. Under 133, I should be able to do that, but I can't under 133 until we get The Official Languages Act passed. After we get The Official Languages passed, then I can. One would say right away well that's not an unreasonable request in the hands of a reasonable person, but the problem is that unreasonable people have taken that, and these are unreasonable people administratively within the bureaucracy, within the Office of the Commissioner of Official Languages and so on - have taken that provision a quantum leap beyond what reasonable people intended would happen.

I say without any fear of contradiction that if this section on enforcement is left in the agreement as it presently stands, that there will without any question

at all, an attempt by whatever administration is in office, if this agreement remains in force and effect, that there will be an attempt through the courts by language zealots, by unreasonable people, or whatever, to have brought about the very impact on the people of Manitoba that we have seen disastrously on other provinces in Canada as a result of the maladministration of The Official Languages Act. Nothing wrong with the principle of the The Official Languages Act; nothing wrong with the principle, Mr. Chairman, of saying that people should be able to deal with governments in Manitoba in French or English, so long as you don't carve that into stone and put into the hands of zealots and others a tyrannical weapon that can rip apart the social fabric of this province. Nothing wrong with it if you leave it as something that is not carved in stone.

The danger of this agreement is that except for the translation portion, it is not needed; it was not required; it does give away the farm; it creates the possibility of social upheaval and chaos in this province beyond anything that I'm sure the First Minister or his Attorney-General can contemplate at this time. I speak from experience. I speak from experience. I was around at the birth of The Official Languages Act. I heard the same statements made - This will never happen in Canada, whereby a Ukrainian-Canadian in Saskatchewan, a girl, will be denied a job with Air Canada because she's not bilingual. Members of the Trudeau Government said at that time, that won't happen in Canada. Mr. Speaker, it happened two years later in Canada; and we couldn't do anything about it. That's what happened. It did become a tyranny.

Notwithstanding the best of intentions of the First Minister and of his government, that is precisely what will happen in Manitoba if this ill-negotiated agreement proceeds.

I've gone on further and longer than I wanted to do on this matter, but I'm stimulated to do so because the First Minister, I think perhaps unwittingly, has said, well, this doesn't go beyond March of 1982. It does, indeed, go beyond March of 1982. It is a quantum leap beyond March of 1982, and it is something that should be avoided if we want domestic tranquility in this province.

MR. CHAIRMAN: The Attorney-General.

HON. R. PENNER: I don't know why I'm reminded of that line from, I guess it's Hamlet, "Cry havoc and let loose the dogs of war." The alarmist kind of rhetoric that the Leader of the Opposition has indulged in in the last few moments is precisely the kind of thing that can have appeal to the few, thank God few, language zealots that there are in the Province of Manitoba. But let me deal with what I perceive to be now the principal objection of the Leader of the Opposition, because he has stated it three times, so there can be no error about it. The Leader of the Opposition has said, yes, let there be these French language services. So we are agreed. We are agreed. Let it be recorded; let it be in the headlines of tomorrow's paper - "Leader of the Opposition agrees with the Government of Manitoba with respect to the delivery of French language services." Let the people of Manitoba know that there is unity on that question. Let the language zealots know

that they stand isolated because the Leader of the Conservative Party agrees with us in terms of the delivery of French language services.

The difference is that he says it shouldn't be in the Constitution. So we get down to his old concern, the self-same concern that he argued with respect to the Charter of Rights. Yes, let's have these rights, but let's not have a Charter. Well, the majority of Canadians, some 85 percent, from time to time, said no. If we are to have these rights, they don't mean anything as a right unless there's some constitutional guarantee, and you take them out of the political arena once and for all in that sense. And the Charter - you see - the Charter has a remedy section. Because we all, as lawyers, and indeed I think every lay person of common sense knows that a right without a remedy is not a right at all. A right without a remedy is not a right at all. The Chairperson of this committee could give that to me in Latin, I'm sure, in a moment. In law, that is a central principle of the rule of law. Something like *sanctus Dominus*, although I doubt it. Nor is it *quo warranto*.

The point is this, that the rights, the remedy section of the Charter, Section 24, is far more sweeping than anything that we have in this proposed agreement. It says that — (Interjection) — well, no. Anyone whose rights or freedoms, 24.1., “Anyone whose rights or freedoms as guaranteed by this Charter have been infringed or denied, may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.” The court is given the most wide and sweeping power with respect to remedy, far wider and more sweeping than I've ever seen to fashion the remedy it sees fit.

In our proposed amendment to Section 23, the court cannot fashion a remedy. The court can only say, what is your plan should somebody come to court. The plan is produced, and the court can say, well, I think that's not good enough, go and get it better. That's all the court can do, the most limited remedy that one could think of. So to talk about language zealots running to court and to tear apart the social fabric of this nature is mischievous, it is “Cry havoc and let loose the dogs of war,” it is inflaming the language zealots, it is preventing the type of unity that we should fashion around that thing upon which we are agreed. We are agreed, I heard it from the mouth of the Leader of the Opposition that we should provide these French language services. He only says he doesn't want it in the Constitution because he doesn't like constitutions.

So that's what we're down to. We're down to an abstract constitutional debate, but to turn an abstract constitutional debate into something that renders a sound, wise political agreement into an instrument of divisiveness is not to serve the cause of unity in this province, I must say with regret. — (Interjection) — It's only my opinion.

MR. CHAIRMAN: All important issues are controversial issues and all controversial issues are emotional issues. Shall we continue debating this or shall we proceed to some other topic?

1.(e)(1) - The Leader of the Opposition.

HON. S. LYON: Mr. Chairman, I'll merely say to the Attorney-General, without extending the debate at all,

with the concepts that he speaks of in the Charter of Rights, against which this province and seven others fought and put the . . .

HON. R. PENNER: Your government, not this province.

HON. S. LYON: . . . clause successfully, and the concepts that he speaks of in this agreement are largely alien to our system, largely alien to our parliamentary system with the supremacy of Parliament and so on. That's a debate that can go on at another time. My honourable friend favours alien remedies; I don't. I favour the system that we have; it has worked very very successfully for well over a hundred years in this country. It has its defaults; it has its blemishes; it has its warts, the same as any other man-made system; but by and large it works better here with our people than any other system in most other parts of the world. I don't think we need alien importations of European or even, to some extent, United States concepts, grafted on like a third arm, onto our Constitution, which just goes further to cause conundrums and creates jobs for litigious lawyers and so on.

What we need is better understanding among all of our people here, something that will not be used as a form of tyrannical weapon by minorities who are not - I'm not referring to any particular group - but I'm talking about minorities in the sense of one or two people who have no concerns - as I know the Attorney-General has; I know the First Minister and their colleagues have - for the social fabric of this province.

Let us remember - and I know the Chairman will agree with me when I say this, man is born evil and what you work toward is not the perfectability of man, because that never comes about at all, you expect the worst and hope for the best. In constitutional arrangements which respect and understand human nature, as I think ours does, then you have that fundamental, spiritual principle fairly well embedded in the system, and the Chairman knows, and I know that that is the best way in which you can achieve harmony in a nation such as ours.

MR. CHAIRMAN: If the members of the committee are waiting for the Latin: “*Ufi jus, ifi remedium*” - “Where there is a right, there is a remedy.”

Let's pass 1.(e)(1), 1.(e)(2). Are we going to pass this or not?

The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, could I ask the First Minister a question about the procedure the government will use with respect to the proposed resolution? Will it be brought in by way of resolution in the Legislature, debated in the Legislature, and passed in the Legislature at this Session of the Legislature?

MR. CHAIRMAN: The Honourable First Minister.

HON. H. PAWLEY: Mr. Chairman, that is all under consideration at the present time.

MR. G. MERCIER: What alternatives are being considered?

HON. H. PAWLEY: All alternatives are being considered at this time.

MR. G. MERCIER: How many are there?

HON. H. PAWLEY: The Attorney-General says 14.

MR. G. MERCIER: Has the First Minister seen any alternatives?

HON. H. PAWLEY: Well, Mr. Chairman, it's my understanding this must be brought forth by way of a resolution into the Chamber to be debated as a resolution in the Chamber. There indeed will be some other likely constitutional resolutions that will have to be dealt with as well, particularly one referring to the aboriginal and treaty rights. The accord that was agreed to by the First Ministers at that conference, that will have to come forward by way of a resolution as well.

MR. G. MERCIER: Mr. Chairman, there was an indication at the beginning of May I believe . . .

HON. H. PAWLEY: The timing is a question that will depend upon - I would hope that we could proceed with it during this Session. There may be a timing problem but we fully expect that we'll be in a position to proceed with that plus the one dealing with the Treaty Indian Rights Accord, this Session.

MR. G. MERCIER: Mr. Chairman, I believe there was an indication, I'm not sure if it was from the Government House Leader, that the constitutional resolutions would be introduced in the month of May. Obviously we're past that and they haven't been introduced. Could the First Minister indicate when they will be introduced?

HON. H. PAWLEY: Just as soon as the Attorney-General is able to introduce it. Maybe the Attorney-General wants to further elaborate.

MR. CHAIRMAN: Does the Attorney-General want to add to that?

HON. R. PENNER: Yes, with respect to the Section 23 resolution, the form of the resolution must be identical in the Legislature of Manitoba and as presented to the House of Commons and the Senate. Here again there is an annex that has to be attached to it that lists those relatively few of the 3,800 statutes not now forming part of the consolidated statutes, but which are to be translated as part of the amendment - they have to be listed as an annex - and my officials are working on that. Because we're in the middle of the Session they also have their whole legislative program - well not the whole - the remaining bills to draft and translations of those new bills to be effected. So we're fighting for time.

But having said that, it would be very much the government's wish to bring forward all of the constitutional resolutions about the 15th of June. Having said that I wouldn't want it to be understood that this is an undertaking for that date, but that's the aim.

MR. G. MERCIER: Mr. Chairman, is the First Minister the Minister of Dominion Provincial Relations?

HON. R. PENNER: Intergovernmental?

MR. G. MERCIER: Yes.

MR. CHAIRMAN: Does the Member for Virden still want to debate the issue?

The Member for Virden.

MR. H. GRAHAM: Mr. Chairman, I have sat in committee and watched four different Premiers take their Estimates through the examination of the Executive Council and I have to say, Mr. Chairman, I have never seen a performance such as the First Minister has put on here today.

It has been one that is certainly something that is brand new in this Legislative Assembly. Every question that has been put forward that had any substance in it, he's had to rely on the Attorney-General to answer for him. I have to register my disappointment, Mr. Chairman, in the performance that the First Minister has put on here today because I think it's a disgrace to the people of Manitoba to see the performance that this First Minister has put on here today.

MR. CHAIRMAN: The First Minister.

HON. H. PAWLEY: Mr. Chairman, all that I can say is that I'm delighted to have the Attorney-General that I do have. The Honourable Member for Virden may not be pleased to hear from the Attorney-General on this particular issue and as far as the people of Manitoba, we'll leave that to their appropriate judgment.

MR. CHAIRMAN: 1.(e)(1)—pass; 1.(e)(2)—pass.

1.(f)(1); 1.(f)(2), Citizens' Inquiry Service, Salaries, Other Expenditures - the First Minister.

HON. H. PAWLEY: Mr. Chairman, I want to point out insofar as this particular item is concerned, there's been substantial upgrading pertaining to the duties and the responsibilities of the incumbents. There's been a substantial increase in cost.

When the staff members of the Citizen's Inquiry Service were hired some number of years ago they were hired as part of a Student Employment Program and the classification had not been upgraded or updated.

This is a group that does a tremendous service insofar as communicating with the public, answering inquiries, insofar as both the federal and the provincial levels of government, thus the very very substantial increase insofar as dollars in this item due to the upgrading. There's also been equipment improvement.

MR. CHAIRMAN: The Leader of the Opposition.

HON. S. LYON: I take it, Mr. Chairman, that accounts, as the First Minister has said, for the sizable increase then from 96 to 165,000 although there's little increase in numbers.

HON. H. PAWLEY: Yes, there's no increase in staff. The increase is into classification which was upgraded substantially.

It had been for many many years, I think, embarrassingly poor considering the work and the responsibilities that this particular group had done and

we upgraded their classifications in a very very substantial way.

They were reclassified from Clerk II to Clerk III position. The supervisor of the service has been reclassified from a Clerk III to a Research Assistant I.

HON. S. LYON: Mr. Chairman, there wouldn't be any validity to the assumption that since this government came into office that the need for the Citizens' Inquiry Service has increased dramatically and that therefore more money has to be spent on telling the people what isn't being done in accordance with the promises of the government.

HON. H. PAWLEY: Mr. Chairman, let me just advise the Leader of the Opposition, he may not be aware of it. There is so much more being done during the term of this government, that much more information must be fed out to the citizens of Manitoba. It is very very easy if a government is doing nothing, to in fact reduce or to cut down on a Citizens' Inquiry Service. But when a government is activist, and when a government is providing information, and a government's enacting new programs then, yes, I say to the Leader of the Opposition, the pressures do mount insofar as those that are involved in ensuring that information is being properly disseminated to the public at large.

HON. S. LYON: Mr. Chairman, the First Minister should attempt to cultivate a little bit of a sense of humour and not be quite to self-righteous in his socialist doctrinaire moods. One is entitled occasionally to have a little bit of fun on these. I don't mind if he loosens his tie and tries to do that occasionally.

HON. H. PAWLEY: Well, my tie is already loosened, if the Leader of the Opposition would note.

HON. S. LYON: It's figuratively being tightened by other people though, so don't worry.

HON. H. PAWLEY: So I have noticed it.

HON. S. LYON: Has there been any breakdown done, I'm not aware of it certainly in our time, as to the nature of the enquiries that are made through this Inquiry Service? I know that they can cover the gamut of things that government may or may not be responsible for.

HON. H. PAWLEY: There are monthly reports that come across our desk from time to time, and I've asked staff to obtain one of those monthly reports, but they do deal with the full array of Government Services, both federal and provincial, Workers Compensation, all the way through, rent control, etc. We'll get a sampling of the kinds of complaints and the general number pertaining to those complaints.

MR. CHAIRMAN: 1.(f)(1)—pass; 1.(f)(2)—pass.

2.(a) Information Services, Salaries; 2.(b) Other Expenditures - the Leader of the Opposition.

HON. S. LYON: On this item, Mr. Chairman, I wonder if the First Minister could give us a rundown of the status of this vote. I see it's up slightly, marginally,

\$50,000 this year. Does this take into account the secondments that were made from Information Services over to - by way of example - the Department of Education of the personnel, who were formerly in the Information Services Branch, who are now working for the Department of Education, or should their salaries be added to this vote in order that we can get the global picture as to what information is now costing the Government of Manitoba?

HON. H. PAWLEY: No, they don't. The amounts do not reflect the transfers out.

HON. S. LYON: Could we have a breakdown as to what the costs are for those who have been transferred out? I don't mean just salaries, but I'm talking as well about offices, support staff, fringe benefits, the whole thing. What kind of a total vote are we looking at now for Information Services this year as opposed to last year before some of these secondments took place?

HON. H. PAWLEY: There are approximately half the salaries that are left in the Information Services Branch, approximately \$220,000.00.

HON. S. LYON: I'm looking at a salary detail that was provided to us last year for the Information Services. I haven't had an opportunity to determine whether we got the same paper this year or not, as yet.

HON. H. PAWLEY: We can provide this information to the Leader of the Opposition which would list the personnel that's presently in the Information Services Branch.

HON. S. LYON: I'll just be a moment, if I may, Mr. Chairman. Mr. Decter's handed me a piece of paper that may be helpful here. So, as I read it now, using the staff on payroll as at May 27, 1983, the document that Mr. Decter has just handed me, in Information Services there are now eight employees, whereas in 1982-83 there were 16.

HON. H. PAWLEY: That is correct.

HON. S. LYON: How does it come about that with only eight employees in Information Services, we have an increase in expenditure of \$50,000 over what we had for 16 employees last year?

HON. H. PAWLEY: As I mentioned earlier, the Estimates before you showed the full 16 because the transfers out did not take place until subsequent to the printing of the Estimates. So the Estimates that you had before you show the full 16. That includes the five that are in the Photo section. They will be in the Queen's Printer, but they are being shown as out of this vote.

HON. S. LYON: So then the figure that we see on Page 8, \$553,200 is really not now an accurate figure - that amount that is spent?

HON. H. PAWLEY: That is correct. There have been eight that have transferred out and then there has been the transfer of the Photo Branch to the Queen's Printer.

HON. S. LYON: The transfer of the full branch of . . .

HON. H. PAWLEY: The Photo. There are five . . .

HON. S. LYON: Oh, Photo, I'm sorry.

HON. H. PAWLEY: . . . personnel in the Photo section.

HON. S. LYON: Right. They've all gone to the Queen's Printer?

HON. H. PAWLEY: Queen's Printer, under Cultural Affairs.

HON. S. LYON: What is the rationale for separating the photographic group from the Information Services group where they've always - it seemed to me - worked reasonably well in tandem over the years? What was the rationale for that?

HON. H. PAWLEY: The rationale for the transferring of the personnel from the . . .

HON. S. LYON: The Photo section.

HON. H. PAWLEY: . . . Photo section. All the matters pertaining to technical and to other services pertaining to creative activity were transferred to the Queen's Printer Office and the question of rationalizing, ensuring that those performing a technical and a creative responsibility would all rest in the same centre.

HON. S. LYON: Mr. Chairman, I don't wish to worry the point too much, but that really doesn't seem to make too much sense. I'm not trying to offer plaudits to Mr. Donogh because he's within the sound of my voice, but I always rather had the impression that the Information Services people were doing some pretty creative writing. God knows, sometimes they have to be pretty creative to describe or to cover up some of the sins of this government and predecessor governments, as well, so I would suggest that their work has been relatively creative over the years. Why would they not have been transferred to the Queen's Printer, as well, if that is to be the test?

HON. H. PAWLEY: Which personnel did you refer to?

HON. S. LYON: The writing, Information Services people, Messrs. Donogh and Heath and Mrs. Heppner and Mr. Hyman.

HON. H. PAWLEY: It should just go back the change that is taking place. In total, each department now has a communications writer - not the Minister - but the department has an information writer. The information writer is responsible for the drafting of the release, and the Information Services Department is responsible for the editing of the release and the distribution of the release, so that departments initiate and originate the actual release that is eventually distributed to the public.

MR. CHAIRMAN: 2.(a) - the Leader of the Opposition.

HON. S. LYON: I'm afraid that is beyond my ken. Why would it be necessary ever for someone in the

Department of Education, by way of example, to prepare a release which presumably is satisfactory to the Deputy and the Minister and then to have that release, in turn, vetted by Mr. Donogh and his staff, whereas under the previous arrangement, which it obtained for many many years, Mr. Donogh and his people, except in a few larger departments, initiated the release of the request of the Deputy or the Minister, did the drafting of it? The release was presumably seen by somebody in the department and then approved. Why have we set up this rather more complicated business?

HON. H. PAWLEY: Originally there were communicators that were assigned to each Minister in the various departments and the communicators were responsible to the Minister himself during the time when the Leader of the Opposition was Premier.

Insofar as the present arrangement is concerned, each department has a communicator, but the communicator is not responsible to the Minister, but responsible to the department and deals with the preparation of releases, initiation of releases, preparing of department releases, checked by the program manager and the Deputy Minister for accuracy and then the release is handled, insofar as its final editing is concerned, by the Information Services Branch, Mr. Donogh's branch, in order to ensure that the professional standard is maintained. It follows the tradition of the Information Services of being credible, accurate and the objective statement of government policy.

There is no increase insofar as staffing is concerned. It is an arrangement that will give the departments greater responsibility in order to ensure that information to the public initiates at the department level.

HON. S. LYON: We can take it then, Mr. Chairman, because these Estimates were printed sometime in advance of February 24th, that there is not a separate vote for the communicator, to use that example, in the Department of Education. There is not money voted there. Any money that is paid to the communicator in the Department of Education presumably will be transferred out of this vote over to Education by Treasury Board, if it hasn't already been done, it is probably in the course of being done. Is that the case or what?

HON. H. PAWLEY: It would vary from department to department.

HON. S. LYON: But if there are, in fact, only eight communicators who have been seconded out from the Information Services to the various departments and their salaries are all covered, as the First Minister said, Mr. Chairman, in this item of \$468,300, why would there be cause for any variance? Presumably these Estimates speak for . . .

HON. H. PAWLEY: No, there would be no change in that case.

HON. S. LYON: So, there is no separate vote in Education or in any of the other departments, which have been assigned communicators out of Mr. Donogh's office, there is no separate vote in these Estimates?

HON. H. PAWLEY: No, not for these individuals.

HON. S. LYON: Not for these individuals, but there may well be other individuals, is that the point?

HON. H. PAWLEY: Yes, and there have been other individuals housed in different departments for some time, such as Resources, Agriculture and other departments.

HON. S. LYON: I hope it's not unreasonably to ask - I don't expect the First Minister to have this at his fingertips - has the number of those other individuals - I'm speaking of the people other than the eight transferred out of Mr. Donogh's branch - has the number of those people previously hired there or new hirings that have taken place, has that number increased and has the vote increased in the various departments?

HON. H. PAWLEY: It's been frozen since March of 1982, so in fact there has been a decrease.

HON. S. LYON: No change?

HON. H. PAWLEY: There has been a decrease. There has been a change, but it's been a decrease because the positions have been frozen since March of 1982.

HON. S. LYON: Frozen meaning not filled, or frozen meaning not added to?

HON. H. PAWLEY: Not added to. Ten vacant positions and there have been three open competitions.

HON. S. LYON: Just in round figures, what would the vote for these additional communicators or information writers in departments, what would that accumulative vote be in addition to the \$468,000 for salaries that we see here? Would it be another 100, 200, 300?

HON. H. PAWLEY: We would have no idea. I don't think it's ever been added up.

HON. S. LYON: Well, I suppose we could go through . . .

HON. H. PAWLEY: All that I could say, there has been a decrease. One could through it line-by-line if one wanted to, but there has been a decrease.

HON. S. LYON: All I'm trying to get at is a figure that would give us and the public some idea of what the government today is paying for Information Services, whether under this heading or under the various departments whose Estimates have gone through Supply. Are we looking at a cumulative figure of \$600,000, \$700,000, \$800,000 or less?

HON. H. PAWLEY: I'd like to just mention to the Leader of the Opposition when the review was done, both the Department of Finance and the Provincial Auditor were asked if that very information that the Leader of the Opposition is requesting could be obtained and the response was, no, it would not be possible to obtain that.

HON. S. LYON: Things must have changed. It is never impossible.

HON. H. PAWLEY: I can take this question as notice and make some further inquiries, but apparently the information from the Provincial Auditor and the Finance Department is the system or the method by which the information had been provided by the departments to them.

HON. S. LYON: Well, Mr. Chairman, I assure the First Minister I'm looking for that - with no hidden motive - kind of a ballpark figure as to what, in addition to this vote, and I understand by this vote is the way it is from the explanation given by the First Minister \$468,000 for Salaries, eight of whom have now been transferred out, what would the other figure be in general ballpark terms, for how many people and their support staff, so that we have an overall picture of what Information Services are costing the people of Manitoba.

HON. H. PAWLEY: We could attempt to obtain a ballpark figure. I wouldn't want to offer one this evening.

HON. S. LYON: No, no, that's understandable.

MR. CHAIRMAN: 2.(a)—pass; 2.(b)—pass.

Resolution 6: Resolved that there be granted to Her Majesty a sum not exceeding \$553,200 for Executive Council for the fiscal year ending the 31st day of March 1984—pass.

3.(a) Advertising Audit Office - Salaries; 3.(b) Other Expenditures - the Leader of the Opposition.

HON. S. LYON: Mr. Chairman, under this vote I see we have been provided with a document dated May 31, 1983, entitled, Advertising Agencies Awarded Manitoba Government Advertising Accounts in 1982-83. I thank the First Minister for giving us this document. I haven't, quite frankly, had an opportunity to go through it all, but I presume on Salary, we can probably pick that up. If we can get some idea from the First Minister as to timing tonight, when he wants to break off, we could probably, as far as I'm concerned, I can't speak for my colleague . . .

HON. H. PAWLEY: Is it possible to get down to Salary now?

HON. S. LYON: . . . and then pick up on Salary if we put it over until tomorrow.

HON. H. PAWLEY: If we could finish up, I'd suggest . . .

MR. CHAIRMAN: Except Salary, you mean?

HON. H. PAWLEY: Yes, if we could finish all the items up to Salary, if that was acceptable, I don't know just how many more questions . . .

HON. S. LYON: I'd just give notice that once I've had an opportunity to review some of the material that was

provided, there may be questions that I'll raise on Salary, rather than under some of these items.

MR. CHAIRMAN: Shall we pass these items?

A MEMBER: Yes, go ahead.

MR. CHAIRMAN: 3.(a)—pass; 3.(b)—pass; 3.(c)—pass; 3.(d)—pass.

Resolution 7: Resolved that there be granted to Her Majesty a sum not exceeding \$1,079,900 for Executive Council for the fiscal year ending the 31st day of March, 1984—pass.

What's the pleasure of the committee?

A MEMBER: Committee rise.

MR. CHAIRMAN: Committee rise.

SUPPLY - EMERGENCY INTEREST RATE RELIEF

MR. CHAIRMAN, P. EYLER: Committee, come to order. We are considering the Estimates of Emergency Interest Rate Relief, Item 1.- the Member for Arthur.

MR. J. DOWNEY: Mr. Chairman, there's a question that I have of the Minister and that is, at what point does he feel that the government will no longer be receiving new applications for interest rate relief?

MR. CHAIRMAN: The Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, the honourable member should know that within Agriculture particularly, the industry is facing some very difficult times and that is why we have moved on a number of measures, albeit recognizing that we cannot be everything to everyone, or be able to do what one might like to do in terms of the industry. I believe that over the next number of months, applications will still keep coming in.

I went back over the supper hour to check on what our estimates - and they were estimates at the time - as to how many in agriculture and in small business might be assisted. We certainly are within the target and believe that we likely will exceed the target that we had originally intended, and that was 1,500, covering both sectors. In fact we had anticipated assistance to be greater in the small business sector than in the farm sector, but in fact it has reversed itself. We have actually taken on more farmers per the estimates than originally anticipated and somewhat within target in fact on the small business in terms of numbers.

The housing component of course, my colleague has indicated and I believe we said before, with the beginning of the federal program the number of applications under that component did not reach and has not reached our expectations, but certainly very close in terms of estimated numbers and budgeted target for assistance.

MR. J. DOWNEY: Well, Mr. Chairman, I find that strange that the Minister's more concerned about reaching the

target that the government has set than they are about helping the farm community that may be in further need of assistance. I find it strange that he's now answering the question that the government has reached their target but have not taken into consideration the difficulties that may continue to be encountered by the interest rates that farmers are paying.

The question is at what point does he feel that the interest rate program will be brought to an end? Do interest rates have to decline to a certain level before he stops it? There must be a certain amount of money, maybe the Minister could answer how many funds he has now left available for the Department of Agriculture to use in this program? Just to use a criteria of X numbers of farmers seems kind of strange and I would say the government is not really sincere in helping that many people, but is more objective of reaching their departmental targets or their Cabinet targets that they've set before them. There isn't any real sincere feeling of support for the farm community.

HON. B. URUSKI: Mr. Chairman, I appreciate the honourable member's comments but I find it kind of strange coming from him on that side of the House dealing with this program. If I recall correctly it was he and some of his colleagues said that we wouldn't be able to find a farmer who would qualify for this program or someone in small business who would be able to fit the criteria and receive assistance under this program. Now to suggest when we've far exceeded the targets that we had set in small business and farm and known what the details are with respect to the homeowners because of federal programming, I find it indeed very strange to hear the comments from the Member for Arthur now saying that we really have no intention of assisting as many people as we had thought. In fact, we've far exceeded the targets that we had anticipated would receive assistance. We had not - and no one knew what the turn of events would lead to at the time we announced the program that circumstances actually, for many worsened. Although interest rates began dropping, the effects of interest rates were still being felt by those farmers and small business people, and we decided to continue the program. The fact of the matter is a determination can be made during the lifetime of the program, that if circumstances are such that there no longer is a need for the program, because interest rates have fallen to such a low, that they are not a significant portion of one's operating expenses and cannot justifiably be appointed as one of the factors that are causing difficulty in the operations of the continuance of that operation, whether it be small business or a farm. At that point in time, the program can be cut off, but the intent, as it exists now, is to carry the program on for the two-year duration.

MR. J. DOWNEY: So, I take it, Mr. Chairman, then the Minister is saying that it is a two-year program and will be carried on for two years and two years only? That's precisely what I took from his answer that he just gave. It's a two-year program and after two full years that it will be terminated. Is that correct, Mr. Chairman?

HON. B. URUSKI: Mr. Chairman, the honourable member should know, and as I've explained before the

dinner hour, that someone might apply, as I've indicated at the end of the first year, and the program will, in effect, for him last two years but the duration of the assistance will only be two years for any applicant. The program time frame may go beyond the two-year limitation because of the timing of one's application, but on the time frame of the program, as per one individual application, it is two years. There's two years of assistance and that is the extent of the program.

MR. J. DOWNEY: Mr. Chairman, I understood that earlier today. What I'm saying is at what point in time does the government anticipate shutting the program off, so no new applicants can apply? At what point is that going to happen?

HON. B. URUSKI: Mr. Chairman, at what point - I've indicated at a point where we, in terms of the applications coming in, where interest rates are no longer a factor in determining the viability or the difficulty that a farm or a small business has, that they are playing much less of a hardship than has been the case in the last several years. In terms of the cutoff time, it will be - I think the program was announced February 5th — (Interjection) — yes, December 31st, 1983 will be the - yes for new applications - that's right for the last, December 31st, 1983, will be the end of the second year. The end of this year will be the closing-off period for final application under the program.

MR. J. DOWNEY: Mr. Chairman, I finally got the answer from the Minister after some questioning. I asked him when the program was going to end and it's now ending the 1st of January of 1984. — (Interjection) — Well, that's precisely what I took the answer as. The program he said, will end the end of December of this year. I would have thought maybe it would have ended the 1st of March, or at the end of the government year but maybe he can clarify that.

HON. B. URUSKI: Mr. Chairman, that's why I indicated to the honourable member, it depends when an individual applies. An individual can apply any time up till December 31st, 1983 at which time there is a two year time frame for the program.

MR. J. DOWNEY: Mr. Chairman, we found out that the government's Interest Rate Relief Program ends the end of December of this year. No new applicants will be accepted after that. That's the answer that we were after. Whether we agree with the time, or whether we don't, that is not the debatable point. I was asking him at this point, and finally found out for the public of Manitoba that it ends at that point.

Now, I asked him earlier, Mr. Chairman, he is doing that based on what decision? On whether interest rates are 10 percent, 15 percent? Is he prepared to reassess that decision, or is that it? You know, what criteria is he using and I ask him what interest rate is acceptable to small business to the farm community, or to housing? Has the government made a decision, what is an acceptable level of interest?

He is saying that 13 percent is now being charged by the Manitoba Agricultural Credit Corporation. That must be an acceptable level of interest. Does he go

on record, the New Democratic Party go on record as saying that they agree with 13 percent interest as acceptable? That's what he said MACC rates are. He's ending it this year with those kind of rates.

Well I have to tell you, Mr. Chairman, I don't believe that 13 percent interest is acceptable to the farm community. — (Interjection) — He, as the Minister of Agriculture in the Province of Manitoba and the New Democratic Party might accept that, Mr. Chairman, but I don't. But I don't, Mr. Chairman, accept that as an acceptable interest rate for anyone who's trying to produce food or to carry on an agricultural operation.

Small business as well, Mr. Chairman, are as well feeling the pressure of interest rates of that kind of magnitude. So I think again it points out, the program that they've introduced is strictly for politics, not to help the overall interest rates that everyone in Manitoba were facing. Their criteria first of all eliminated a large sector of the economy, the largest numbers of people who probably could have used some interest rate relief, but he's not paying any attention to that. He's not paying any attention to the rate of interest, he's just saying it ends the end of this particular year.

What we've been saying all along, Mr. Chairman, is that his program has really been very meaningless. I will say this that we weren't told this at any place that I can find, Mr. Chairman, that we were not under the impression as an official opposition that anyone in the farm community could get up \$12,000 in total support. He said he would look at the press release and maybe I stand to be corrected. If that's in the brochure that he has there, I'm quite prepared to accept it and back off that statement.

Mr. Chairman, I would ask the other members of the Interest Rate Relief Program if as well, they can get that same kind of support, double the amount that we initially thought that they were going to get? — (Interjection) —

Mr. Chairman, that's why we're going through this process so we can get a clear understanding of the kind of programs that are available.

MR. H. ENNS: (A phrase in German; no translation available.)

MR. J. DOWNEY: Oui, monsieur.

MR. CHAIRMAN: Order please.

MR. J. DOWNEY: Thank you, Mr. Chairman.

Mr. Chairman, I think it's important that the public know the government are ending their interest rate relief program at the end of this year, regardless of what interest rates are; regardless of those numbers of people that are still needing help. Mr. Chairman, I have no difficulty in putting that on the record because that is what I had been told just five minutes ago. Thank you, Mr. Chairman.

MR. CHAIRMAN: The Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, just so that the record is clear, the government will want to examine at any point in time that interest rates reach an acceptable level. — (Interjection) — No, Mr. Chairman, I've

indicated and the honourable member obviously was not listening to me before supper hour, my acceptable rate is 3 percent. I would want to see interest rates go down to 3 percent to be acceptable for anyone borrowing money. But I recognize the limitations, Sir. Certainly an unacceptable rate, 13 percent, is not an acceptable rate to us, but it is the best rate at which the Province of Manitoba can go on the money markets of North America and the world to borrow its lending requirements, and that has to be on the basis of the funds that we require; has to be the rates. It cannot be any lower unless we directly subsidize it as we are doing in this program, in effect subsidizing interest rates for many of those individuals who have been burdened and crippled by the high costs of borrowing in their operations.

Sir, the program has not changed one iota. It is as it was announced in the small business component and the farm component, the assistance available is over a two-year period, having to apply in both years a maximum of \$6,000 in any one year, matching of 50 percent of an earned grant and 50 percent loan, and eligible assistance over two years.

In the homeowners' component, you have the maximum of \$275 per month provided on homeowners' mortgages of values of up to the first \$40,000.00. There are two identical or very similar programs with the criteria on sales and assets differing to some degree and the homeowners' component as being separate programs.

Mr. Chairman, for a program that in fact has far exceeded its original projections in terms of helping people, I find the member's comments very hollow, because I recall in committee when we discussed this program, we wouldn't be able to find a farmer that would qualify in some of their areas under this program. In fact, the bulk of the assistance under the program is provided to farmers whose operations are within the regions which are represented by my honourable friends opposite, and to say that now we're really not helping many people, Mr. Chairman, I find that very strange coming from the honourable member opposite.

The program has done and has gone far beyond what we expected, Mr. Chairman. What we have done within our departments is been able to actually go through and assist many more people than have actually been assisted directly by the financial help. Our staff have been involved in very massive counselling and assistance to many rural farm families during these difficult times, far beyond what is here in terms of actual numbers under this program. So it has given us a lot of training and knowledge as to the seriousness of the situation. It still does not tell us the entire story in terms of the financial situation of many farmers, but it's certainly given us, as a department, a much better grasp and an ability to cope with some of the serious situations that are out there. I'm sure that either of my colleagues, the Minister of Economic Development with their staff as well can certainly share that kind of view as I have in terms of their counselling and assistance to small business.

MR. J. DOWNEY: Mr. Chairman, I know that some of the staff of the Minister of Agriculture don't have any trouble dealing with difficult situations and

understanding it and I'm sure the exercise may have helped the Minister, but I think the majority of his staff have had a pretty good understanding over the years of the farm community. The ability to administer and put programs in place to assist farmers was evidenced in the 1980 drought, when there was an immediate response by the department to administer and handle the program in an emergency situation. At the same time we saw a flood, I believe it was the previous year before, in which a lot of the Department of Agriculture — (Interjection) — and many departments responded with programs dealing with farmers. They understand the problems of the farm community.

I don't accept the fact that I said - if he was referring specifically to me - that I said that there wouldn't be any farmers helped with this program. I would ask him to show that on the record. I don't think I should stand and allow him to say that that was said precisely in the way in which he put it. I think it's easy to say and it should be put on the record, as I did earlier, that we did make recommendations that would allow it to help more people by changing the \$70,000.00.

One of the other questions that I have of the Minister, he has indicated that there have been a few farmers that have gone broke, even with this Assistance Program, that the program did not save everyone from bankruptcy - a pledge which he gave to the electorate in 1981 when they went to the people - that no farmer would lose his farm; no one would lose their home; no one would lose their business due to high interest rates, go bankrupt. Well, I'll ask each one of the Ministers, specifically, if that in fact happened.

The Minister of Agriculture earlier, admitted that there were some farmers had gone broke due to high interest rates, and I would think that where homeowners had lost their homes due to high interest rates - and I know that there were small businesses lost their homes - so I would hope that at some point one of the Ministers of this Emergency Interest Rate Relief Program would have enough backbone to stand up and say that they misled the public of Manitoba; that in fact what they promised, they weren't able to fulfill, because it was a complete impossibility. They promised something they couldn't deliver and now should be man enough, or woman enough to admit it.

The other question is, what security - the government are now putting out some \$6,000 per farmer, per businessman, woman, and homeowner - what security is the government taking on these loans? Or if a farmer packs it up and says I can't make my payments, does all that money go down the drain with that operation? Does that happen with all the provincial funds that are going into those programs? Is it a complete loss if the individual cannot muster his payments?

HON. B. URUSKI: Mr. Chairman, the honourable should be aware that when I answered his questions a number of weeks ago, and I didn't check the figures correctly, there were no farmers that actually declared bankruptcy after receiving assistance under the program. There was, and I took it from memory whether it was one or three - I gave the figure three and I'll stand by it - that three have ceased operations or have either sold out.

In terms of what security, we would be treated as any other creditor in line dealing with the assistance

offered under this program. When the loans are repayable, they will be put on a loan file through MACC.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: My question is to the Minister of Agriculture, Mr. Chairman. Can the Minister of Agriculture advise how many farmers have gone bankrupt in Manitoba since, say, during all of 1982 and up to the present in 1983?

HON. B. URUSKI: Mr. Chairman, I may have those figures here. I believe there was approximately - and I'm going from memory - about 30 farmers that declared bankruptcy in 1982; and in 1983 it was approximately a dozen.

MR. B. RANSOM: Does the Minister of Agriculture have any idea of how many have been forced out of business, but have not had to take the road of going through bankruptcy proceedings?

HON. B. URUSKI: Mr. Chairman, that is very difficult. We do not have any precise figures to that effect. All that I think one can say is that there are some prognostications as to what number there might be, but I have no figures to indicate one way or another.

MR. B. RANSOM: Could the Minister of Economic Development advise how many businesses have gone bankrupt in that period of time that the New Democratic Party's been in government?

MR. CHAIRMAN: The Minister of Economic Development.

HON. M. SMITH: Mr. Chairman, no, I don't have those figures. On the other hand, this program was designed to deal with companies for whom interest rate was the main problem and we do have figures on that. Of the people who entered the program, less than 3 percent have either closed or sold.

MR. B. RANSOM: Can the Minister of Housing advise how many people have lost their homes since the New Democratic Party came into government, as a consequence of high interest rates, not being able to carry their mortgages?

MR. CHAIRMAN: The Minister of Housing,

HON. J. STORIE: No, Mr. Chairman, I can't give him a firm figure. I can indicate that I was checking with staff as he was questioning my colleagues and we are not aware of anyone who has lost their home that has had assistance through the Interest Rate Relief Program from the Department of Housing.

While it is possible that someone has lost their home during the last year, year-and-a-half, I think that we have been rather fortunate in that very few people - despite the high unemployment and other difficulties - have lost their home. I suppose we can attribute that to the fact that interest rates peaked very late in 1981 and dropped very quickly and most homeowners were able to survive that period, at least I have no firm figures

on how many people were in trouble as a result of interest rates, specifically.

MR. B. RANSOM: I'm glad to see that the Minister of Housing at least acknowledges that any saving grace would largen the consequence of the decline in interest rates.

I'd like to ask the Minister of Agriculture then, of these 42 people with bankruptcies that he has knowledge of, or knows took place in 1982 and so far in 1983, did interest rates figure in any of those bankruptcies?

MR. CHAIRMAN: The Honourable Minister of Housing.

HON. J. STORIE: Thank you, Mr. Chairman, if I could just make a comment.

I acknowledged the fact that the decline in interest rates prevented a greater flow from the Interest Rate Relief Program from the Department of Housing. However, I did indicate earlier that approximately 1,300 homeowners had received benefits under the program and clearly a number of those probably, I think, quite clearly would have lost their homes without the assistance, and the assistance in some cases, the maximum amount that they could benefit was \$275 per month. The average that the Benefits Program provided was somewhere in the neighbourhood of \$150 per month, and over a year that's a significant amount of assistance.

There were a couple of other factors that prevented homeowners from being in a more serious position. One was the Federal Government, after initially announcing an Interest Rate Relief Program which provided a loan, in effect, to the homeowner recognized, I suppose, the error of their way and provided a program of interest rate relief, which was essentially similar to the one that Manitoba had initiated some six or more months earlier.

So those two factors, the fact that interest rates did come down somewhat, the unique situation that homeowners are vis-a-vis the farmers and small business people meant that the overall number of applicants that we assisted were somewhat less than originally projected. However, over the next nine months, or six months, I guess, that are left, we anticipate that we'll be assisting in the neighbourhood of 2,000 homeowners, which, you know, I suppose if you talk to those particular homeowners they would be not only grateful, but recognize the benefit of the program.

MR. CHAIRMAN: The Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, we would not have the full details of every operation that went bankrupt in terms of analysis of those farmers who actually declared bankruptcy in the Province of Manitoba. Those declarations would be filed, but I'm not sure whether there is a systematic review made. Some of those may have come in and received assistance in terms of counselling or in terms of staff assistance in trying to provide restructuring of debts; some may have made application, whether it be to FCC or MACC for loan funds and may have been refused for whatever reason

in terms of equity viability or a combination of both; but I would not have details on those.

The numbers that I have provided the honourable member, as I have indicated, are from memory. I didn't have those statistics with me here this evening. We did provide them during the Estimates process and we're just looking through our notes to see whether we had them in there or not, but those numbers that I gave the honourable member are from memory.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: Does the Minister know how many farmers went bankrupt in 1981?

HON. B. URUSKI: Mr. Chairman, I will go from memory, I believe less than 20.

MR. B. RANSOM: So what we have, Mr. Chairman, really, is that there were fewer farmers going bankrupt in 1981 when the program wasn't in place than there were in 1982, and it was the situation that prevailed in 1981 that had this party, when they were in opposition, make the promise that they would prevent every farm from going bankrupt. There would be no farmer would go bankrupt as a consequence of high interest rates and no small business, no business would go out of business because of high interest rates and the same in the area of mortgages.

Now, I want to know from the Minister of Agriculture whether he is now prepared to acknowledge that that promise was not fulfilled to the farmers, or is he going to tell me that interest rates didn't figure in the 30 people who went bankrupt in 1982, let alone the numbers that have been forced out. We all know there have been a great many of people, Mr. Chairman, farmers who have been forced out of business over the last couple of years, partly as a consequence of high interest rates, and we know, of course, that the Minister's program didn't even apply to people that were grossing over \$70,000.00.

When he says that we said no one would qualify for this program, of course he's once again twisting what was being said at the time. The statements were that a great many of the commercial farmers were grossing over \$70,000 and that the government was not going to do anything for those people, they simply turned their back on them. So, I'd like to know now how the Minister assesses the promise he made in 1981 against the facts as they have occurred since?

HON. B. URUSKI: Mr. Chairman, in terms of saying that everyone everywhere was able to be helped, I acknowledge that we — (Interjection) — well, Mr. Chairman, I allowed the Honourable Member for Turtle Mountain to make his remarks and if the honourable member wishes me to also make my remarks, he will have equal opportunity to get up and speak. I've answered it, Mr. Chairman, that we were not able to assist everyone who was in difficulty on the basis of these three programs. It is absolutely correct, we were unable to do that. The numbers speak for themselves and, Mr. Chairman, to say that we abandoned Manitobans in this case, far from from it, we provided far more assistance to far more people than we originally had anticipated.

MR. CHAIRMAN: Order please. The Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, the honourable member should at least recognize that interest rates began climbing and were moving upward during their term in office. Had they not had their blinkers on and had been innovative in terms of trying to provide whatever assistance they could to Manitobans, they may have still been on this side of the House. That would have been one of the factors, Mr. Chairman, but to blatantly close their eyes to the difficulties that were there, I acknowledge, I have to as one Minister, that we were unable to help everyone. There is no doubt about it. I will not stand here and say that, notwithstanding the programs, we were unable to help everyone, we were not. I acknowledge that, and for that, I say that we were unable to provide for the aspirations of many people who got into difficulty as a result of one of the major factors as a result of high interest rates and I acknowledge that. I put that on the record.

But we did, Sir, help far beyond the numbers of Manitobans who were being forced out of their homes, businesses and farms as one of the major factors being interest rates and, of course, the combined factors of operating costs, low prices and the like, which put many people into great difficulty. We did assist many more and are continuing to assist many more Manitobans than we had originally anticipated.

MR. B. RANSOM: Mr. Chairman, that's nonsense, that's really nonsense. The Department of Agriculture's been assisting people with advice in terms of farm business analysis for a long period of time. Is the Minister telling me now that of all the people that his government has helped since coming into power in 1981, that that's more than they had anticipated helping before? The truth of the matter is that this program would have been an absolute disaster if the interest rates hadn't fallen dramatically. The fact of the matter is the prime rate is now half of what it was. Even with that, even with the interest rates dropping to the extent that they have, there's still more farmers went bankrupt in 1982, even with the falling rates and the Minister's program in place.

If interest rates had remained where they were when they promised this kind of program, Mr. Chairman, you wouldn't just have had the Minister standing up here today and acknowledging that, well, maybe we weren't able to do everything that we intended. He would have fallen so far short of helping people with the token program that was promised.

Mr. Chairman, I'm pleased that interest rates have fallen; I'm pleased that there aren't any more people going bankrupt than there have been, but there haven't been very many of them who've been prevented from going bankrupt as a consequence of this program.

I'd like to ask the Minister of Economic Development then whether she knows of whether the promise has been fulfilled in the area of small business, where small businesses were told that no one would go bankrupt as a consequence of high interest rates?

MR. CHAIRMAN: The Minister of Economic Development.

HON. M. SMITH: Mr. Chairman, the program was called from the beginning an Emergency Program, and by any reasonable definition of emergency, we were dealing with the problem of extremely high interest rates. It would have pleased us if not a dollar had to be spent because interest rates have come down very rapidly. That was what we all wanted so that the economy could proceed on a more normal basis and wouldn't require emergency help. The fact that the emergency disappeared at a slower rate, and that the total program didn't have to be quite as strong as was originally feared, it was all to the good, but this program did assist the farms, the small businesses, and the homeowners who were having problems primarily because of the interest rate. That's not to say there weren't other problems that they were encountering, but we never pretended to have the answer to all the range of problems.

The other types of problems; quantity, access that was a problem in housing; with small business, markets, demand in terms of what money people had in their pockets; the productivity or technology. Those were other problems that were being dealt with by other programs.

So I submit, Mr. Chairman, that these particular programs were emergency. They were selective to deal with the most severe problems. They were dealing with the people for whom the high interest rate was a real threat to their viability. That was the design and the intent of the program and by all evidence that we have, that's precisely where it was targeted and they were the groups of people that were assisted.

MR. B. RANSOM: Mr. Chairman, can the Ministers give a summary to this point of how much this program has cost the government - I'm not speaking in terms of including the grant money, but the actual cost to the government, not including the loan money, but including the grants?

MR. CHAIRMAN: The Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, with respect to the numbers that were provided by each of us, if one divides that portion by one-half, that will amount to the grant portion. Where I've indicated to the honourable member and I'll roughly give the figures, on the farm program, there's a possibility on the numbers that I have provided now, if the farmers stay on for two years of the grant portion amounting to over \$5 million, \$5.1 or thereabouts with the existing numbers, that's with no additional applicants on file. My colleagues, can provide the information as to their own departments.

MR. CHAIRMAN: The Minister of Economic Development.

HON. M. SMITH: Yes, Mr. Chairman, this afternoon I gave the May 13 update; I now have the June 3rd. Once again, the numbers I give are the total of loans and grants, so the division is 50-50 and the members can do that division.

The current applications, like the first year in the program, number 4,61, and the total amount offered \$2,353,484.00. The companies that have applied for

the second year of the program, 81 approved for a total of \$395,128.00.

MR. CHAIRMAN: The Minister of Housing.

HON. J. STORIE: Mr. Chairman, I indicated earlier that we had budgeted approximately 1.8 million for 1983-84, and to date, this being some 2.5 months after the start of the fiscal year '83-84, we have expended 1.6 million.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: What would it have been '82?

MR. CHAIRMAN: The Minister of Housing.

HON. J. STORIE: Mr. Chairman, I've got a figure as of May 29 which is 1.6 million, that's in total. We're projecting an additional 1.8 million for '83-84, so there's a little overlap, so the figure may more realistically be 1.4 for '82-83 and 1.8 additional. The total would be 3.2 approximately for the two years.

MR. B. RANSOM: Mr. Chairman, what we appear to have then on the basis of that information is that there's been about \$4.7 million in grant assistance and there would be some additional interest costs foregone on the loan portion, which really could not be expected to have very much impact when one considers that one point on the interest rate in Manitoba of all the loans to business and farms means about \$25 million. So that when the prime rate has fallen over 10 points or more in the last year-and-a-half, a \$4.7 million program of the government to put money into the hands of people who are in difficulty - well it may have helped some people who have received it; I don't wish to indicate that it wouldn't - it really could not be expected to have much of an impact when one takes into consideration the huge impact of a change of one percentage point in the prime rate.

HON. J. STORIE: Mr. Chairman, I think the Member for Turtle Mountain is obfuscating the issue when he puts a global figure of \$25 million per point. I think if we look at the fact that this program was introduced to assist those people who found the interest rate particularly onerous and that was their particular problem. For people that were renewing their mortgages during this period, 1 percent meant \$50 per month.

The current benefits, the average benefits under this program are \$150, so it meant a reduction of 3 points as a consequence in terms of their interest rate. That's only the average.

Clearly the people in most need might have had their interest rates reduced the equivalent of 4 percent or 5 percent. So in terms of the individuals that we're talking about, it had a dramatic impact and certainly did assist individual farmers, businessmen, and homeowners. I think that we don't want to obscure the fact that we had initially targeted that to help individuals, to help the people who are in the most need, and that's been the success of the program.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, just to follow up on what the Minister of Housing indicated. The program went beyond that for the farm sector. The Honourable Member for Turtle Mountain should be aware that with the financial assistance provided in this program and the counselling that went beyond the financial assistance, private lending institutions went along with those individuals where in effect these funds were levered to secure either more operating credit, more operating loans to make sure the existence and the viability of those farm units, they could continue.

So it went beyond the simplistic analysis that the Honourable Member for Turtle Mountain gave, saying, well, 25 million is one point. That is the precise reason why this program, as indicated by my colleague, was targeted at specific groups. It did very much help and will help in terms of numbers of farmers, we believe, far beyond what we expected between 1,000 and 1,200 farms by the time the second year of the program will expire, Sir. To say that we have been able to assist 1,200 farm families in the Province of Manitoba is no small matter, Sir, is really no small matter.

There was one point that the Honourable Member for Turtle Mountain made in saying that our department and people in the field have been counselling farmers for a long time.

Mr. Chairman, the honourable member should be aware that even our learning institutions are now finally recognizing that farm management and counselling in the university courses are just now coming onstream. It took, I believe, the bankruptcy of maybe some of our learned friends from the universities to point out the need of the counselling that is now being taught at the universities and the hiring of professional people to put that into place.

It is in effect a changing attitude even at our universities. While management was taught in a general sense in the course, but certainly not the emphasis that is now being put on at the universities as it has been begun this last year and will continue on into the future.

We were told by university staff who we have asked to give us advice and who assist in committees dealing with farm financing, that they have now recognized and they've put on staff to reemphasize and advance the learning and the thrust of farm management advice to students at the universities, Sir, far beyond what was available. Our staff as well have complemented that aspect of it by utilizing our expertise in farm management specialists combined with the assistance of the ag reps to provide some very intense counselling.

So, Sir, I don't believe, while farm management has been stressed in the past and has always been a component of learning, it has ever been stressed to the degree that it has and the recognition that has been given as it has in the last year.

MR. CHAIRMAN: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Chairman, I have a hard time - I was pretty near through in this debate, but I have to rise, Mr. Chairman, to challenge the Minister of Agriculture who is now standing up saying that the New Democratic Party, in the introduction of his programs, and the way things are going now that he's shown the

university people really how to invent the wheel through farm management, that they haven't been doing anything with farm management, that all at once there was a great light ahead and - well, he's trying to tell us that there's more emphasis on farm management.

Mr. Chairman, I do not know, talking particularly of the Department of Agriculture, when — (Interjection) — well, he's mentioning names. Would he do that on the record? Well, he'll do it on the record. Management is certainly the most important part or one of the most important parts of the overall operation of any business.

I can assure you, Mr. Chairman, that my knowledge of university programs throughout not only Manitoba, but Canada, has been both the practical application of management and the theoretical part of management. I don't think that it has been neglected.

However, Mr. Chairman, what has happened is that we have seen interest rates, we have seen energy costs, and we've seen a whole lot of unknown quantities be brought forward into the business community that everyone had a difficult time accepting. Even the smartest business people in any business had a difficult time, and so it's not a matter of increasing farm management or being better equipped at this particular time, better than it was some three, or four, or five years ago. You can't underestimate the input of management at any point.

One other question, Mr. Chairman, to the other Ministers, to the Minister of Economic Development, and as well the Minister of Housing: Are their Interest Rate Relief Programs ending at the end of December this year, as well as the Department of Agriculture's?

MR. CHAIRMAN: The Minister of Economic Development.

HON. M. SMITH: Mr. Chairman, for new applications, yes, but any new applicant will then be eligible for a two year run on the pay-out.

MR. CHAIRMAN: The Minister of Housing.

HON. J. STORIE: Mr. Chairman, the same is true of the Homeowners' Interest Rate Relief Program.

MR. CHAIRMAN: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: My question is to the Minister of Agriculture.

Prior to the election, and during the election, the New Democratic Party called for a debt moratorium legislation and promised debt moratorium legislation during the election. Has the government now abandoned that promise?

MR. CHAIRMAN: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Chairman, first of all, the honourable member talked about bankruptcy figures and the failure of the program. The honourable member may want to do some calculations as to what might have been the bankruptcy figures in Manitoba in the farm sector had the program not been in place, or in

the small business sector had this program not been in place.

While he goes on and makes some to-do that the program was a failure in terms of assisting those who went bankrupt, one can just roughly calculate and certainly make his own calculations as to what might the figures have been in terms of bankruptcies and forced sales if not for this program.

In terms of debt moratorium, Mr. Chairman, we have not abandoned the idea that there may come a time that some form of debt adjustment, debt review, as we have gone ahead with the review panels at the present time although they are voluntary and deal with some of the situations now, there may, at some point in time - and I don't want to rule that out - that we have totally abandoned that idea, if we feel as a government, that there is greater crisis in Manitoba and it may be that the economy is threatened, that we certainly would have to review our position at that time.

MR. B. RANSOM: How would that work? Does the Minister know how such a program would be implemented, or is that something that would yet be worked out?

HON. B. URUSKI: Mr. Chairman, there is no plan sort of sitting on the shelf waiting for a so-called magical moment.

One would have to examine from week to week, from month to month, the turn of events in the economy in any particular sector, to see whether or not some form of review and/or adjustment, or moratorium might be the appropriate measures.

We certainly would not want to see that occur. We, of course, would far prefer a healthy economy where businesses and farmers are able to make sure that the returns on their investments, that farmers can make a decent living and continue their operations.

However, I daren't close the subject and say, no, it will not be because one doesn't know what will occur six months or a year down the road.

MR. CHAIRMAN: Item 1.—pass. Order please.

Resolution No. 142: Resolved that there be granted to Her Majesty, a sum not exceeding \$6 million, for Emergency Interest Rate Relief for the fiscal year ending the 31st day of March, 1984—pass.

SUPPLY - FLOOD CONTROL AND EMERGENCY EXPENDITURES

MR. CHAIRMAN, P. Eyler: Flood Control and Emergency Expenditures, Item 1 - the Minister of Agriculture.

HON. B. URUSKI: We may want to begin on the enabling vote. If there are any questions we'll try and make sure that the other Minister responsible here in terms of Energy, Northern Affairs, and Urban Affairs be present. Unless there are some debate on the flood control, we can leave that off until the Minister of Natural Resources gets here, but it's the wishes of the honourable members.

There are the two issues. There is the Canada-Manitoba Enabling Vote, Pages 128-129 - that's Resolution 141 or Resolution 143 on Page 131.

MR. CHAIRMAN: The Member for Lakeside.

MR. H. ENNS: There seems to be some indecision but I think it's worthwhile to at least put on the public record in the reasonableness and quiet context that we're having in this committee meeting to say that it is of course this government that is introducing for the first time in the history of Manitoba, the requirement of municipalities in the Red River Valley to contribute directly to the ring dike works.

MR. CHAIRMAN: Order please. Are we discussing the priorities or are you discussing the resolution? The Member for Lakeside.

HON. B. URUSKI: Mr. Chairman, I would ask the honourable members their preference whether they wanted to go through the Flood Control and we'll get the Minister of Natural Resources, or if he wishes to go to the Enabling Vote. All three are up this evening. We can start on the Enabling Vote, Ministers are here if that's agreeable.

MR. H. ENNS: Mr. Chairman, having had the opportunity of discussing the specific issue with the Minister involved during his Estimates which have passed the Committee of Supply, any of my comments are of a general nature. — (Interjection) — I would appreciate the Minister's presence but nonetheless that doesn't stop me from putting on the record what I want to say. That is simply to say that historically in Manitoba, the terrain in the Red River Valley has been subjected to massive floods. Members in this Chamber, there are some that are old enough to recall the floods of 1948 and 1950. The floods that I would say had something to do with the flooding away the last Liberal Government this province has ever seen.

An honourable gentleman that I have a lot of respect for, Mr. D.L. Campbell, and the last Liberal Premier of this province, who was then Premier of this province, and who in fact commissioned a very exhaustive study on what to do about safeguarding Winnipeg and its half million inhabitants from the devastating floods of 1950, but chose not to do anything about it that, gave the person who's now a Senator, Mr. Duff Roblin, the opportunity to usher in a Progressive administration into this province and provide relief. He did provide relief.

We in Winnipeg have not suffered again that kind of a flood. That is something that the Progressive Conservative Party is proud of and that the people of Manitoba can always and should always acknowledge.

Mr. Chairman, in that same context just as we provided, just as we built at that time a \$64 million floodway around the City of Winnipeg, coupled with an \$18-20 million diversion at Portage, an additional \$16-17 million dam on the Shellmouth on the upper reaches of the Assiniboine, all at senior government expense. By senior governments, I mean federal and provincial expense. At that same time, the then Conservative Government accepted as their responsibility the erection of ring dikes around the communities of St. Adolphe, Ste. Agathe, Morris, Letellier, St. Jean, Emerson, because we said these were waters that were by and large not coming from local drainage problems,

but they were indeed international waters, waters coming to us from across the border.

Sir, when I was Minister responsible for Water Resources in '66-67, we built those original ring dikes. Again, Mr. Chairman, in 1978 when we again had a flood of 1950 proportions which would have inundated the City of Winnipeg had it not been for that floodway, we improved those dikes somewhat. But the point that I'm saying is that we accepted and we acknowledged a responsibility of senior government's role in the providing of this kind of protection. It is this NDP government, this people's government, this government for the little man that for the first time in the history of Manitoba has said, hey, you've got to pay for your own dikes - no more helping, or less helping from Manitoba, less helping from Ottawa. That strikes me as being somewhat, you know, ironic.

You know, look, you're supposed to be the government that's there for the little guy; you're supposed to be the government that's always there to help out and be the champion of the little man; but for the first time in the history of Manitoba, you're asking the little man in the Municipality of Macdonald, in Morris, in Letellier, in St. Jean and Franklin to pay part of the cost of the protection that former Conservative Governments accepted and former Liberal Governments accepted as their responsibility. I just want to put that on the record. It's on the record and in this Enabling Vote you are asking them to make that contribution.

Mr. Chairman, when there was a compassionate Conservative Government in office, when there was a government that had genuine understanding and feeling for the farmer and for the little people, this didn't happen. Now that a Conservative Government has built that \$64 million ditch around Winnipeg, for which the City of Winnipeg was not asked to contribute, the Municipality of Winnipeg was not asked to contribute to that one cent, we protected the one-half million residents in the City of Winnipeg, but this New Democratic Government won't protect the residents of Morris, Letellier, St. Jean in the same way.

I'll tell you why - because they vote Conservative. Just that simple. Can you give me another reason?

We built that ditch to protect Point Douglas and the honourable member knows that particular area was fraught to flooding. We built the ditches, we built that floodway to protect Inkster, Scotia Drive and all the rest of it. — (Interjection) — Okay, St. Johns. We built that at provincial and federal expense, but when it comes to provide the same protection for Conservative Macdonald or Franklin, sorry, the deals off. Now, the local people, the municipalities have to - and I see that the Honourable Minister of Municipal Affairs at least knows what I'm speaking about, because he's a thoughtful person and he's right now thinking about what I'm saying and he knows what I'm saying is true. He knows what I am saying is true.

So, Mr. Chairman, yes, we'll pass this Enabling Vote, because, you know, three-quarters of an apple is better than no apple. We want that protection. — (Interjection) — Well, you're asking for a 15 percent or a 5 percent - 5 to 15 percent, I don't know the figures. But what you can't tell me, Sir, and the Minister of Natural Resources, I'm glad he's here, is that up to now, it was 100 percent, up to the event of this people's government it was 100 percent provincial responsibility.

Now, you're asking the municipalities to throw in a portion - of water that is not of their making; this is water that comes to us from Minnesota, from North Dakota. This is water that comes to us from across the International Border. This is the same kind of water - Mr. Clerk, you weren't here in those days - but this is the same kind of water that flooded half of the City of Winnipeg in 1950, and it was a compassionate government at that time that said we're going to do something about it, and we said, it's going to be federal dollars and provincial dollars that'll do something about it.

Now these boys are saying the same thing. They're saying it's going to be federal dollars, it's going to be provincial dollars, but it's also going to be local dollars. That's the only difference. That's the only point that I want to make, Mr. Chairman, is that when the New Democrats get in power, it costs the little people more.

MR. CHAIRMAN: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Chairman, I want to put on the record some facts.

MR. H. ENNS: That will be a welcome relief.

HON. A. MACKLING: The Honourable Member for Lakeside says it'll be a welcome relief. Yes, from what I've just heard. Because, Mr. Clerk . . .

A MEMBER: Mr. Chairman.

HON. A. MACKLING: Mr. Chairman, I'm sorry. I was looking at Binx when I said that.

The Federal Government indicated to us that they were changing their policy; we didn't change our policy, we provided 50 percent of the cost of the dikes to be built to protect communities in the Red River Valley. We did not change. The Federal Government said we want you to change too, and as a matter of accommodating the Federal Government, in order that we get the money because they call the shots, if you don't agree with them, you don't get the money, we said, yes, all right, we don't like to change, but we'll go along. So we invited the communities, in order to get this protection, to go the route that the Federal Government asked us to do and that was that the local communities would have to put up 10 percent of the capital cost.

Now, the communities came to me and they said, that is unreasonable, it is totally unreasonable, because it is international floodwaters that occasion our problems for us. I agreed with them; I went back to my colleagues in Cabinet and we agreed that there should be no change; we will fight Ottawa; We will say it should be 100 percent funding.

I was given a mandate to address Ottawa again and insist that it be 100 percent funding and to demonstrate that we committed ourselves right then to 50 percent of the cost and we asked that the Federal Government do the same, because we were dissatisfied with that proposed formula. The Federal Government, despite my letters, despite my personal talks with Ministers, did not agree and they insisted they were cutting back 5 percent.

I met with representatives from the valley communities, not once, but several times. They could not believe that a Federal Government would take that action. They implored me to write to them again, to contact them again - I did that. I renegotiated with them in respect to their participation in maintenance of the diking system. They said, look, the province controls the dikes, people use them, we have no control over them. I said, for goodness sakes, whatever administrative control you want over the dikes, we will give it to you and we'll work out a formula for administering and protecting those dikes.

I met, not once, but several occasions with those community representatives. I don't say that they're happy and they're not enthusiastic, because they were forced under these fiscal arrangements, the Federal Government insisted upon, that they had to put up 5 percent of the capital costs. But they know that this government fought for them and if the Honourable Member for Morris wants to contact Jack Murray, the Mayor of the Town of Morris, Jack will confirm that in his opinion I worked hard to try and get as much as I could from the Federal Government for those communities. So much so that Jack and a number of other mayors and reeves did indicate their satisfaction, at least their appreciation for my efforts in respect to the negotiations. — (Interjection) — And passed a resolution - the Honourable Member for Emerson says, "Bull." Well, he should talk to the Mayor of Emerson about this so-called bull, because the honourable member would learn that those mayors and reeves passed a resolution commending the Minister of Natural Resources for his efforts on their behalf. Yes.

So, Mr. Chairman, to put on the record the suggestion that our government had cut back and had been mean and niggardly is just not so. Let's leave the responsibility where it is. The Federal Government did cut back and we tried hard to change their viewpoint on that. I am not happy that we did cut back. But to suggest that we were mean and niggardly and painting a picture of misunderstanding or disapproval, because certain people voted Conservative, Mr. Chairman, I resent that very much. — (Interjection) —

I have had meetings in my office - now the Honourable Member for Turtle Mountain is talking - with representatives from all over the province, and as far as I am concerned, Mr. Chairman, I will not deal with the problems of the people of Manitoba on the basis of how they voted in the past. I'm always an optimist, Mr. Chairman. I know that we are going to have their support in the future.

MR. CHAIRMAN: The Member for Lakeside.

MR. H. ENNS: Mr. Chairman, let me firstly put on the record that it is my belief that the Mayor of Emerson, a former New Democratic Party candidate, is an honourable man, and as far as I know has no conflict of interest. But Mr. Chairman, let the echoes of this Chamber just resound a little bit. Can you remember not - well, of course you can't, because you weren't here - but the Honourable Minister of the Environment was here; the Honourable Minister of Community Services was here; the Honourable Minister of Agriculture was here; they can recall that among the

big promises made to the people of Manitoba - and the Honourable Minister of Energy and Mines was here - he helped orchestrate part of this.

Among the big promises - in fact, Mr. Chairman, it's one of the promises that isn't even listed in this favourite document, it's not listed in this big document - but among the big promises made, that once we get rid of Sterling Lyon and that confrontation that he was presenting to Ottawa, we would usher in an era of new co-operation with Ottawa, the kind that we've never seen before. Now we have it from the words of the Minister of Natural Resources that he did his darndest, and I believe him. I believe him. But the truth of the matter is, when I was Minister of Natural Resources, I got 100 percent funding for these dikes. I got 100 percent funding for these dikes, and now he's getting less. — (Interjection) — Well, the obvious answer stands before you. Put me back into office and we'll have 100 percent again for the people of Manitoba.

So, Mr. Chairman, I'm going to leave it at that. But the point of the matter is, his constituents — (Interjection) — well, Mr. Chairman, that's not good enough just saying "and his" - the Honourable Member for Emerson; the Honourable Member for Morris; the Honourable Member for Rhineland's constituents are going to be paying more in taxes for flood protection than the half-million residents of the City of Winnipeg were not called upon to pay.

This New Democratic Party Government is now asking them to pay that no matter over what protestations. But the truth of the matter is that they were not able with all that flowery talk of the new co-operation with the Federal Government, with their sleeping partners the Liberals in Ottawa, — (Interjection) — with their sleeping partners in Ottawa, the net result to a significant number of Manitoba taxpayers is they have to pay more money.

Never mind how many times, but when it counts . . . — (Interjection) —

MR. CHAIRMAN: Order please.

MR. H. ENNS: . . . when it counts. Mr. Chairman, like when it was a question of paying 18 cents more per gallon of gasoline, or 70 cents more for a gallon of gasoline, that's when the New Democrats voted for the Liberals and opted for the 70 cents.

A MEMBER: That's right. How many times did you vote?

MR. H. ENNS: When they had the choice of 18 cents and sustaining 18 cents, they voted against the Conservatives and against Joe Clark. And when it counted on the Constitution, where did they vote? Against Joe Clark and the Conservatives. When it counted for property rights? Where did they vote? Against Joe Clark and the Conservatives. On all the fundamental issues, on the real issues, that's when they pulled the comforter over the bed and said, move over Pierre, we're going to join you in bed a little bit, but just turn your back to me, Pierre, I don't want to have anything untoward happen to me during the night. — (Interjection) —

The truth of the matter is, Mr. Chairman, and that's my final word on this, is that a significant number of

residents of Manitoba, as a result of this government's inability to negotiate with Ottawa, are going to be paying more for flood protection.

MR. CHAIRMAN: The Minister of Natural Resources. Order please.

HON. A. MACKLING: Mr. Chairman, there are ways to negotiate and there are ways to disagree with other governments. We choose to negotiate tough and not negotiate through the press, not fight through the press, but fight and disagree, agree and, if we can, reach a consensus. — (Interjection) — All right, yes, we've had results. We negotiated, for example, my department negotiated with Ottawa in respect to renewal of the Shilo lease, we've extracted commitments from them. — (Interjection) — Well, the honourable member thinks lightly of our concern that we have in writing in respect to a condition that no nuclear weapons will be tested in that facility. I think it's important that this government and the people of Manitoba take a stand in respect to that issue; and we did.

But the honourable member insists that somehow we sold out. We didn't; we negotiated. Sure, we didn't grandstand. We didn't shake our fist and say, look, if you don't give 100 percent, if you don't pay 50 percent, your full 50 percent, we won't take your money. There's a dead-end, Mr. Chairman, after a time.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please.

HON. A. MACKLING: You say, well, we won't take your money. We won't agree. — (Interjection) —

MR. CHAIRMAN: Order please.

HON. A. MACKLING: Mr. Chairman, the honourable member refuses to accept the fact that governments - not just provincial governments - federal governments, municipal governments are faced with tough fiscal decisions.

The Federal Government admits to a horrendous deficit, and I'm sure that the honourable member's colleagues in the House of Commons are pointing at the federal deficit and claiming that it's the end of the country. Some of their colleagues, certainly in the Conservative Party, are saying that they're going to eliminate that, they're going to get a businesslike government in and things are going to be changed. Everyone is going to get a tax break. There are all sorts of promises being made by hopeful leaders of the Conservative Party.

But they still criticize that Federal Government for its spending deficits and they can't continue to do that and insist, for example, that the Federal Government not take a tough line in respect to negotiating with provinces. They want it both ways, Mr. Chairman. The fact is that we faced a negotiation with the Federal Government, and my colleague, the Minister of Northern Affairs is here, a long protracted set of negotiations, to finally obtain agreement. The Honourable Member for Turtle Mountain laughs. Well, you know, they could have said we're not going to give you anything, because

that — (Interjection) — Well, now, the honourable members are saying we could have done it. He could have. Well, Mr. Chairman, he could have, we could have, they could have. There were a lot of things, Mr. Chairman, they could have done. Now, suddenly they have this new-found expertise, now that they're on the side of the opposition. There were a lot of things remained undone and, Mr. Chairman, I won't spend further of your time, and I'm certainly not concerned about spending time with the members opposite in indicating the errors of the ways of members opposite.

But let me make it clear again that our attitude in respect to the Federal Government is that we can honestly disagree; we can negotiate privately, toughly. When we can, we'll arrive at a consensus of opinion. — (Interjection) — Well, honourable members will know that we have ongoing negotiations in respect to other matters, and I think we're reasonably successful in those.

Honourable members are very very unhappy this evening, Mr. Chairman. I don't know what — (Interjection) — Oh, it's a big one. Honourable members are very ancy over there, Mr. Chairman, I don't know what it is. It must be getting close to that fateful hour in Ottawa and they're all getting a little jumpy.

But, Mr. Chairman, let me just indicate that we have a different attitude to negotiations with the Federal Government they had opposite. They postured, they blustered, and the honourable member talks about voting patterns. He talked about voting patterns. The Conservatives voted over 75 times with Pierre and friends on all sorts of issues. When it comes to giveaways to big business, there's no end of agreement between Conservative and Liberals because, Mr. Chairman, they're stamped out of the same piece of political cloth. They're stamped with the same pattern - support big business - that's the overriding concern of members opposite. So when they talk about cozy arrangements, there really is no difference . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please, order. Order please.

A MEMBER: Put him back in his seat, to begin with.

A MEMBER: I thought he was in his seat.

MR. CHAIRMAN: Order please, order please. The Minister of Natural Resources.

HON. A. MACKLING: Mr. Chairman, it was my understanding that during the Estimate's process members of the Treasury Bench were not only authorized, but they were required to sit in the front bench so that they could dialogue, where necessary, with staff. However, out of deference to you, Sir, I am happy to make my remarks from this place. I'm very comfortable here.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. A. MACKLING: Well, Mr. Chairman, I could go on at great length . . .

HON. J. COWAN: We know.

HON. A. MACKLING: . . . about the political voting alliances that exist between Conservatives and Liberals in this country. They are united in their defence of entrenched corporate interest. — (Interjection) — Well, the Honourable Member for Springfield hollers “relevance” from the seat of the Leader of the Opposition. I wish the Leader of the Opposition was more relevant in this Chamber and I wish, Mr. Chairman, that the remarks of the Honourable Member for Lakeside had been challenged by the Honourable Member for Springfield. But because the Honourable Member for Lakeside went on at length about the cozy relationship that existed between Pierre and the New Democratic Party - a complete distortion of fact, Mr. Chairman, and I want to put on the record that there is a continuing alliance of Conservatives and Liberals in Ottawa and elsewhere that are — (Interjection) — Oh, are we kidding? You read Hansard and check the voting record in Ottawa, and when it comes down to the issues that affect real people, Liberals and Conservatives are united.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please, order please. Order. The Member for Springfield on a point of order.

MR. A. ANSTETT: Yes, Mr. Chairman, on a point of order. Although I'm sorry I didn't hear the remarks of the Member for Lakeside, I'm not sure that how under the item under discussion who is sleeping with who in Ottawa is relevant. I suggest that since remarks in Committee of Supply are supposed to be directly relevant to the matter under discussion, it would be appropriate to direct all members - not just the member now speaking - to speak specifically to the matter under discussion.

MR. CHAIRMAN: Order please. Does the Minister of Natural Resources wish to address that point of order?

HON. A. MACKLING: Following that, with respect to shared concern . . .

MR. CHAIRMAN: Order. Does the Minister of Natural Resources wish to address that point of order?

HON. A. MACKLING: Yes, in respect to the point of order, I want to put on record that I did not want to abuse the Rules of the House.

A MEMBER: You did.

HON. A. MACKLING: The Honourable Member for Lakeside was suggesting that in our negotiations with the Federal Government, we were not prepared to be decisive, not prepared to be tough in our negotiations, because we wanted to always be friendly, and we would not be able to negotiate agreements, including the agreement we are talking about, in a decisive deliberate way. He was suggesting that there was a pattern, a relationship that forbade that kind of toughness on our part, and I was merely indicating quite the reverse, that the Conservative Party Governments and the Federal Government have the same allegiances, the same

affinities, and quite the reverse, they are not prepared to be like us, as tough in protection of the rights of little people in society and that's the point I was making, and speaking to that point of order my remarks were very relevant.

MR. CHAIRMAN: I'd like to remind all members of the committee of Rule 64(2) which says and I quote: “Speeches in a Committee of the Whole House must be strictly relevant to the item or clause under discussions.”

I would like to advise members to keep their comments strictly relevant to Flood Control and Emergency Expenditures.

The Member for Rhineland.

MR. A. BROWN: Mr. Chairman, I would like you to rule on that point of order that was suggested by the Member for Springfield.

I suggest to you, Mr. Chairman, that there was no point of order and the Minister spoke at great length on that point of order and I would like to hear your ruling on that point of order.

MR. CHAIRMAN: If the Member for Rhineland missed it, the Member for Springfield does have a point of order. I feel that the comments made by the Minister were straying somewhat from the topic of Flood Control and Emergency Expenditures and I have repeated Rule 64(2) for members of the committee.

The Member for Rhineland.

MR. A. BROWN: Thank you, Mr. Chairman. First of all, I would like to say that just in case some people have the wrong impression about the Mayor of Emerson, one Mr. EisBrenner, who ran against me in the last election, mainly because he didn't know that Emerson was not in the constituency of Rhineland, but anyhow he was a worthy opponent and I respect him. He was a gentleman all the way through and I really do respect him for his efforts and hopefully he's going to be my worthy opponent again next time.

Secondly, I would just like to place this whole thing in its proper perspective. When we saw a change of government, the Federal Government came up and they indicated that they wanted a change in policy as far as flood protection was concerned, in the Red River area. They suggested to the Provincial Government that the municipalities should pay 10 percent of that flood protection; that 5 percent of that was supposed to come up whatever the Federal Government was going to contribute; and 5 percent of that was going to come up whatever the Provincial Government was going to contribute, and it was this government that agreed to that arrangement. Now the Minister, if I'm wrong he can tell me so, but there was many a member in the government at that time that came to me and asked me if this would be acceptable. So I know very well, Mr. Chairman, that was the arrangement that this government agreed to.

When they found out the opposition to that particular proposal then they changed their mind, but it was too late, the Federal Government already had made up their mind. Now the Provincial Government is saying that we're going to pay 50 percent of whatever the

flood costs are going to be, but still the Federal Government is not going to be picking up the other 5 percent which means that the municipalities will have to pick this up.

Mr. Chairman, I would just like to tell you what happens when there's a flood in that particular area. The water does not disappear quickly. It's there for at least two months. That means that for two months every business person in every community does absolutely no business. The farming community cannot get on the land and more than likely they will only be coming up with about one-half of the crop and that community already is suffering enough from water coming from outside of Canada. Now, why would this government want to impose another burden upon them which they can ill afford? They already are paying a high enough price as far as flooding is concerned. — (Interjection) —

Now, the Member for Inkster says, maybe they should not have established there because of the flooding. At the same time I would like to remind the Member for Inkster that there is a lot of tax revenue which the province gains by coming out of that area especially in those years when there is no flood. So whatever the Member for Inkster says about this particular area is not relevant because there is a large resource of money flowing into the government coffers from that particular area. — (Interjection) —

These people experience — (Interjection) — about three out of five years they experience heavy flooding and heavy losses. So it has always been traditional that whatever flooding damage was incurred by the flooding of the Red River, that this was paid for by the Federal Government and by the Provincial Government jointly.

We gave the City of Winnipeg that protection. It's the rural people that paid for it as well as everybody else. Everybody in Manitoba paid in order to give Winnipeg protection and I don't think that the rural areas that are inundated by flooding on the Red River need ask for anything else.

So, Mr. Chairman, I would just like to place that on the record, that these people are not asking for anything that was not coming to anybody else within this province. I daresay that the Minister in charge of Flood Control should insist that Ottawa again pick up that extra 5 percent, because it is a burden to these communities. They already face so many damages when flooding occurs.

So, Mr. Chairman, if the Minister would be doing his job, he never ever would have agreed to that cut in the first place. So it's up to the Minister now to make certain that the Federal Government again is going to be picking up that 50 percent of their share of the costs plus the 50 percent that the Manitoba Government is picking up. — (Interjection) —

MR. CHAIRMAN: The Minister of Natural Resources.

HON. A. MACKLING: Mr. Chairman, I don't think the honourable member could have been present when I spoke because surely if he was present he would have heard me clearly indicate — (Interjection) — the history of the contractual negotiations that occurred.

I know that the department, before we came into government, had been negotiating as the previous

administration had been negotiating with Ottawa. If the honourable members like, I will dig out the files and I'll table all the correspondence, but I know that the Federal Government indicated to the members opposite when they were in government, that they wanted the municipalities, the local communities to pay 10 percent of the cost. That's a matter of public record. If the honourable member wants to doubt the veracity of what I say, I say that the Federal Government indicated that they wanted the municipalities, the communities to pay 10 percent. They indicated that the province should pay 45 percent and the Federal Government was going to pay 45 percent.

Pursuant to those understandings, the department sent out a letter to all of the mayors and reeves of the municipalities, and they quite rightly in my opinion, reacted in anger to that. I met with them and I agreed with them that the historic relationship between those municipalities in the province, was that the province paid its full 50 percent and with their agreement I took up again with Ottawa their concerns. But I admit that I wasn't able to convince Ottawa to change its position.

Ottawa continued to insist that they were not going to pay more than 45 percent, so we agreed to pay 50 percent. We were not happy, I was not happy with the Federal Government that it cut back because I disagree with the argument that Ottawa advanced. The mayors and the reeves pointed out that in all probability and in all certainty, this area of Canada is unique in respect to the problem that it has with flood waters that come from another country.

I pressed those arguments on the Minister, but he did not accept the argument that they had to contribute more. I negotiated very very hard, but rather than face another frustrating period where we wouldn't have agreement I reluctantly agreed to the final arrangements which does involve the communities having to pay 5 percent.

Now, that is a matter of public record and I stand behind it. The honourable member can check with the mayors and reeves about the dialogue I had with them not once but on several occasions, meeting with them about their concerns on this issue.

While none of us are enthusiastic, you know, you get the best deal you can and you try to protect the communities and that's what's involved in this. One of the benefits is that we were able to pick up, as part of the share-funded costs, work that had not been completed in the earlier dike work. We were able to obtain some additional benefit, small as it was.

MR. A. BROWN: Well, I suppose, Mr. Chairman, that we could go on arguing about this all night long and so on. When the Minister says that I should check with the municipalities, I did over and over again, and I was very much up to date with what happened at that particular period of time.

Well, my question now to the Minister is, how many farmyards are there that still have not been protected by flood, and when these farmyards apply, are they still going to be able to get the compensation that was available to them initially?

HON. A. MACKLING: Mr. Chairman, there was a program in existence that provided for raising buildings

and protecting individual farm sites. It was a program that went on for an extensive period of time, but there was a deadline and it lapsed. You know, when people had not applied, and the previous government I'm sure did what it could to bring to the attention of all of those residents the need to take advantage of that program within the time limits. But the program had ended, as I understand it, and I talked to my department about it, the Federal Government was not prepared to continue to reopen programs for which people did not take advantage. The program is no longer there.

MR. A. BROWN: Under that particular program, Mr. Chairman, the individual farmers had to make a substantial contribution themselves. Some farmers did not find themselves in the financial position that they could partake of that program because of the financial position, or because of the financial responsibility that they were supposed to take upon themselves.

However, after a period of three or four years, and there are not very many of these farmers, they now find that they could contribute towards such a program, and they have been asking whether this program could be revitalized so that they could also receive the flood protection that was available to those farmers that can afford it.

I wish that the Minister would intercede with the Federal Government. First of all, I would like the Minister to find out just exactly what the cost would be. I don't think it would be very great because there are really only a dozen or so farmers that have not been able to take advantage of this particular program. I wish that the Minister would find out just exactly how many people are left, what the cost would be, and then approach the Federal Government on that particular basis and say, okay, we helped all these other people, can we now help these people that can now assist towards building these pads or ring dikes or whatever is required.

HON. A. MACKLING: Mr. Chairman, I can tell the honourable member and all members of this House that among the items that the mayors and Reeves brought to my attention, and they pressed upon me in very eloquent terms the concerns they had for some of the residents in the communities that they represented in some of the RMs in respect to the need to try and obtain a continuance of the program that allowed for individual farm site protection. They addressed that problem.

I haven't got my notes on that issue here, but I know that I talked to my department about it and, of course, they have been in negotiation with the Federal Government for some time, and had discussed that with them, the possibility. As I understand it, at that time they said there was no hope, no possibility of doing it. Now the honourable member says, would you do again? Well, certainly I'll make note of it, in light of the Federal Government's intransigence in respect to that 5 percent, which I am was not happy about. I can't be enthusiastic that they would consider reopening it, because the program was available there and honourable members who are opposite opposite, some of them represented communities there, some of them are new to their constituencies, but I know efforts were

made to get people involved. Now the honourable member says their circumstances change for individuals that might have been able to take advantage of those programs. I can understand that, but when a government offers a program, it is not open-ended. There is a time when their rights can be exercised and it is extremely difficult to get them to reactivate a program which has gone on for quite some time and then finally been terminated. I don't recall whether that time period had been extended through representation by the previous administration or not. I would have to check into that, but I know it had been a program that was available for some time and it terminated. My staff indicated that there was really no likelihood of getting it reopened. I think they had addressed the matter with federal official before. Sure, I can have another go at the Federal Ministers, but I say knowing their attitude and their eagerness to cut back where they can in any shared cost program, I'm not very optimistic.

MR. CHAIRMAN: The Member for Morris.

MR. C. MANNESS: Thank you, Mr. Chairman. I'd ask the Minister roughly, in rough percentages what percentage, what total of individual farmyards or homes outside the dike areas within the Valley are vulnerable to the 100-year flood?

HON. A. MACKLING: Mr. Chairman, I was listening to some contribution and I missed the question the honourable member asked.

MR. C. MANNESS: Well again, Mr. Chairman, I'd ask the Minister what percent of the homes, dwellings, or farm yards within the Valley are vulnerable to the 100-year flood?

HON. A. MACKLING: Mr. Chairman, I am completely at a loss to be able to give the honourable member specifics on that. I believe it be a relatively small number that are vulnerable to the flood. There was an extensive number of individuals who took up the program of raising their grain bins, raising various buildings and putting in individual dikes. I have no idea what the percentage would be. I could certainly inquire of that and get that information and give it on another occasion if he likes.

MR. C. MANNESS: Mr. Chairman, I believe that most of the private residences and farms that had dikes built around their acreages and their farmyards had surveys brought that would give them coverage, I believe, to the 1950 flood or maybe beyond that. I'm wondering whether indeed they had the same level of protection as indeed the eight communities, the major communities with ring dikes who, after the improvement will be, I suppose, guaranteed protection against the 100-year flood.

HON. A. MACKLING: Again, Mr. Chairman, I am not in a position to indicate that. I know that dikes in the valley were built to levels less than the 100-year flood and individual protective dikes, I'm sure, reflected the kind of scale that was used elsewhere.

I assume, however, and I may be wrong about that, that when the Federal Government and the Provincial

Government did agree upon that program to provide for individual site protection, it was targetted at the same level as the ring dikes for the 100-year flood, but I'm not qualified to confirm that.

MR. C. MANNES: I would then ask the Minister whether under any provisions of emergency measures funding or agreements between Ottawa and Manitoba, whether any pattern or any type of program has been considered or conceptualized to any degree as to the sharing of any costs once the next flood does arrive?

HON. A. MACKLING: I'm sorry, I didn't understand that question. — (Interjection) —

MR. C. MANNES: Well, Mr. Chairman, the Minister of Municipal Affairs says it's a hypothetical question. Of course, having been a member, or pardon me, a constituent in the valley and seeing floods, four or five, out of the last 15 years, we feel that it's not a hypothetical situation.

So, again I would pose to the Minister, whether any formula has been devised or agreed upon between the two senior levels of government, given that another flood does come as far as sharing the costs to not only villages but individual farm yards and homeowners within the valley.

HON. A. MACKLING: Mr. Chairman, again the honourable member asks a question for which I would have to take notice in the formal sense, that I don't have that kind of information.

I would assume that the costs would be shared on the basis of the formulas that have been used in the past and I believe it was an equal sharing. Now the honourable member may have more personal knowledge of that than I, but we have a tribunal - a flood compensation tribunal - and I believe that the sharing of cost was on a 50-50 basis. I may be mistaken on that, but I believe that was the formula, and I would assume that if that was the formula in the past, the same formula would likely be applied unless the Federal Government again tries to retrench.

MR. C. MANNES: Can the Minister tell us how much money lapsed under the program to allow individuals to protect their own properties by providing for themselves dike protection?

HON. A. MACKLING: I would have to take that as notice. I don't know how much money actually lapsed, and I would assume that we can get figures on that. I don't know whether you call it lapsing or it's just not spent, that's all. It's budgeted for but then not required.

My colleague, the Minister who is responsible for Emergency Services, has had more experience of recent days in looking at the share-costing and he advises me that the first million dollars of any flood compensation, the first \$1 million, is paid out on the basis of \$1 per capita that we have to provide and that's all provincial funds. Beyond that, there is a scale of contribution that's involved up to the next \$5 million and the federal funding can go as high as 90 percent. — (Interjection) — Thanks, Harry.

So, I'm sorry, if I can give you that detail later.

MR. C. MANNES: Will individuals be treated differently as to whether they took part in that program to upgrade their own protection systems or whether they didn't, under that type of formula?

HON. A. MACKLING: Mr. Chairman, I assume there would be different allocations, certainly.

MR. CHAIRMAN: The Member for Rhineland.

MR. A. BROWN: Mr. Chairman, we are told by sources that appear to know that 13 percent of the flood waters that occur in the Red River come from the Cheyenne River in the United States, and we are also told that with a series of dams that could be built very easily along the Cheyenne, that this water could be controlled. We also have been told that the Pembina River contributes 11 percent of the water in the Red River during flood stage and that also this could be controlled with the Pembier Dam and the Pembina Dam.

Can the Minister tell me whether he has made any approach to the North Dakota government to control this source of flooding which has cost Manitoba and Canada hundreds of millions of dollars, in order to give us some flood protection?

Can the Minister tell me whether he has made any approach whatsoever to the North Dakota government to try to resolve some of these problems which occur, because we could very easily eliminate 25 percent of the flood waters during peak stage on the Red River by a series of dams on these two particular tributaries?

Can the Minister also tell me what correspondence he has had with the North Dakota government in trying to control the flooding along the Aux Marais River which floods many acres in my particular constituency whenever we do have high water, or along the South Buffalo?

Can the Minister tell me if he's had any correspondence or any contact with the North Dakota government on these particular problems while he has been in office?

HON. A. MACKLING: Mr. Chairman, there are ongoing concerns on the part of governments across the border, both sides, and I know that Mr. Weber among others in the department, have ongoing reviews with their counterparts on the other side of that imaginary border. We exchange information; we exchange concerns; we endeavour to co-operate with studies that are made in respect to problems in the United States and we reciprocate both ways.

I know that when we were in committee on the Estimates of my department, those questions were asked about the Aux Marais Channel and Aux Marais Drain and the Buffalo Channel and Mr. Weber confirmed then, I believe, that there had been discussions with people from North Dakota, but those things are not easily resolved.

As I indicated earlier, there are programs that are started in the United States and we have to take the route of being vigilant and making intercession, particularly if it's a significant boundary water movement, through our Federal Government, and we are considering one such, in respect to that proposal I talked about earlier, involving the proposed drainage

of a large marsh in North Dakota adding appreciably to the flooding of the Souris River, a condition which we certainly would not welcome.

So the answer is yes. I have not personally, because it's at an official level that this information exchange and advice takes place and it doesn't - I suppose I haven't been asked to participate by my staff, because when it gets to a political level, the tradition is that it should be properly funnelled through Ottawa, but it hasn't been indicated to me that I should be making any representation on any of these things at this stage or at this juncture.

MR. A. BROWN: Mr. Chairman, if the Minister has made no representation in regard to the particular area, which is a very serious concern to my area, would he then table all the correspondence that has gone forward from his particular department during the period of time that he has been in office regarding this particular matter?

MR. CHAIRMAN: The Member for Rhineland.

MR. A. BROWN: Mr. Chairman, I asked the Minister whether he would be prepared to table all the correspondence that have been going back and forth between the North Dakota Government and the Provincial Government, with that particular department that's involved with the Aux Marais, with the South Buffalo and with the Red River, regarding those three projects, since he has come into office.

HON. A. MACKLING: Mr. Chairman, I sign documentation and sign letters and I don't recall having signed letters in connection with those projects. It's not at that kind of level that the process works. The officials — (Interjection) — Well, Mr. Chairman, the honourable member says I'm wrong. If I'm wrong, then I will check and confirm that, but I know Mr. Weber indicates that he sits on various committees. They have information exchanges on a regular basis and it's not frequent that I have any letter to sign in connection with a work project over there. If there is any correspondence, I'll be happy to table it. I don't recall signing any correspondence since I'm Minister.

MR. CHAIRMAN: Item 1—pass.

Resolution No. 143: Resolved that there be granted to Her Majesty a sum not exceeding \$1,000,000 for Flood Control and Emergency Expenditures for the fiscal year ending the 31st day of March, 1984—pass.

MR. B. RANSOM: A point of order, Mr. Chairman.

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

MR. B. RANSOM: I know that it's contrary to the rules to commence a new department after the hour of 10:00 o'clock, but we'd be prepared to grant leave to deal with the item on the Enabling Vote.

SUPPLY - CANADA-MANITOBA ENABLING VOTE

MR. CHAIRMAN, P. Eyler: The next item for the committee to consider would be the Canada-Manitoba Enabling Vote.

The Member for Turtle Mountain.

MR. B. RANSOM: Well, I thought maybe the Deputy Premier was going to explain what this was all about.

MR. CHAIRMAN: The Minister of Economic Development.

HON. M. SMITH: A short explanation is that a portion of all the federal-provincial agreements that are administered by the different departments is allocated for cash flow purposes under a Canada-Manitoba Enabling Vote to enable the Department of Finance to flow the funds in the most efficient way possible.

The agreements covered under this vote are the Agriculture Value-Added Crops Agreement, the Water Development Agreement, and Special ARDA; under the Department of Economic Development and Tourism, the Tourism Agreement and the Industrial Development Agreement; under the Minister of Energy, the Energy Agreement and the National Energy Audit Program; the Minister of Northern Affairs administers the Northern Development Agreement and the Minister of Urban Affairs, the Winnipeg Core Area Agreement.

These agreements, the components of them have all been discussed quite thoroughly during the Estimates procedure, Mr. Chairman, and the amounts are identified in the Estimates Book. I'm sure people will be willing to answer any questions; otherwise, I would urge a speedy passage.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: Can the Minister advise whether or not there have been any developments in areas of these agreements since individual Departmental Estimates have been dealt with?

HON. M. SMITH: Not on these specific agreements, Mr. Chairman, although there will be negotiations proceeding and we are having a visit from the Honourable Donald Johnston on Friday of this week to discuss the question of a General Development Agreement replacement for the old GDA. However, the components of that and the general outline of that are still very much open to negotiation. Of course, it would suit us, and I think the Federal Government, if we had the replacement agreement, the General Agreement and possibly several of the sub-agreements in place in time both for our Estimates and theirs in late July or early August of this year.

MR. B. RANSOM: Just one specific question then: Has there been any development with respect to the situation in the Department of Natural Resources where the Minister of Natural Resources had sort of unilaterally terminated a demonstration project, the Domain Drain area; has there been any further development there with respect to the Federal Government position?

MR. CHAIRMAN: The Minister of Natural Resources.

HON. A. MACKLING: No, Mr. Chairman, not to my knowledge has there been any differences in viewpoint. There's a question because of a cash flow and

requirements not being able to complete all of those works in the Budget or the program time frame of extending the life of that program and in looking at the possibility of additional works. I know that's again kind of an ongoing thing with the department, but the specific answer to him, has that affected anything? - not to my knowledge, Mr. Chairman.

MR. B. RANSOM: Well, has the Federal Government paid or agreed to pay their portion of that demonstration project up until the point where the Minister of Natural Resources terminated it?

HON. A. MACKLING: I'd have to be guessing on the answer to that, Mr. Chairman. I haven't been advised that there has been any difficulty there and if the member likes, I will make inquiry.

MR. CHAIRMAN: 1.(a) through 1.(j) were passed.

Resolution No. 141: Resolved that there be granted to Her Majesty a sum not exceeding \$11,083,100 for the Canada-Manitoba Enabling Vote for the fiscal year ending the 31st Day of March 1984—pass.

That concludes the Estimates.
Committee rise.