



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

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**DEBATES**  
and  
**PROCEEDINGS**

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31-32 Elizabeth II

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Hon. Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, Hon. John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Hon. Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virden	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupert'sland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Hon. Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, Hon. John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Hon. Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
<b>USKIW, Hon. Samuel</b>	Lac du Bonnet	NDP
<b>WALDING, Hon. D. James</b>	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 9 January, 1984.

Time — 2:00 p.m.

**OPENING PRAYER** by Mr. Speaker.

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

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**HON. B. URUSKI:** Thank you, Mr. Speaker. I wish to, first of all, table the Annual Report of the Milk Prices Review Commission for the year ending March 31, 1983.

I also would like to present a statement to the House. Mr. Speaker, this statement is dealing with an update report on the Interest Rate Relief Program for the farmers of Manitoba. As you know, the Manitoba Interest Rate Relief Program was introduced in April of 1982.

The purpose of the farm component of the program is to assist lower and middle income producers, who are in severe financial difficulty, to sustain their farm operations. Individuals, who met the specified eligibility criteria, are entitled to receive up to \$6,000 per year for a period of two years. In addition, my department offers intensive production and financial management counselling to clients on the program.

In developing the Interest Rate Relief Program for farmers, we have worked in close co-operation with existing financial institutions, including the banks, credit unions and the federal Farm Credit Corporation.

Originally, we estimated that implementation of the program would assist between 500 and 1,000 farmers.

I am pleased to advise, Sir, that to date over 1,000 producers from all major agricultural regions of Manitoba have received program support. Disbursements, to the end of the calendar year 1983, have been \$6.5 million, Mr. Speaker - coming after criticism from members of the opposite side saying that they would not find any producers in their areas who would qualify for this program.

Assistance has been distributed to low and middle income producers and approximately 50 percent of those obtaining support are younger farmers under 40 years of age.

Sir, it is obvious that the program has provided critical support to many farmers, assisting them to avoid loss of their farms through bankruptcy, foreclosure or forced sale. It has provided direct benefits to producers and extended an incentive to existing financial institutions to refrain from repossessing farm assets which have been as security for loans. Furthermore, production and financial management counselling have strengthened the skills of many of those farm operators.

While the program is no panacea, I am convinced that it has played an important role in improving the

financial situation of a significant number of producers in Manitoba. Based on a comparison of financial statements for 1982 and 1983, approximately 60 percent of program clients have experienced a decrease in arrears and almost 70 percent have shown an improvement in their current asset to liability ratio. Mr. Speaker, also, the average net worth of clients has improved.

Sir, I expect that barring any unforeseen crisis many clients on the program will continue to experience progress in working toward financial stability.

Thank you very much.

**MR. SPEAKER:** The Honourable Member for Arthur.

**MR. J. DOWNEY:** Mr. Speaker, I rise to respond to a statement of very little substance today given by the Minister. In fact, I would have expected the Minister to have announced a policy which would have dealt with the real crisis in agriculture and that is the 400 percent increase in farm bankruptcies since this government took office, Mr. Speaker. A 400 percent increase, a record in the country of Canada right here in this province; and what we do have, Mr. Speaker, is the Minister of Agriculture standing to say that he has provided a band aid to some 1,000 farmers who are bleeding to death of financial loss through a payroll tax that the farm community have to pay through increases in sales tax, which the farm community have to pay, an increase of farm fuel that every farmer has to pay, at the same time, Mr. Speaker, when their incomes have not increased substantially to take care of those increases.

Mr. Speaker, the farm community is totally disappointed in this government and their approach. We could go into the land taxation, the increase in land taxation, the loss of roads that should have been provided for the hauling of farm products after the removal of railroads which this government didn't put forward; this government destroying the Cattle Producers Association, which was a member of the Farm Bureau. The loss of one of the best farm organizations in the province can be laid at the doorstep of this Minister of Agriculture because he had nothing to do with the preservation of it; in fact, part of the destruction of it, Mr. Speaker. This Minister stands to be proud of something that helped 1,000 people in a way in which they could have done without to start with, Mr. Speaker.

If, Mr. Speaker, this Minister of Agriculture had of risen in his place to say that he would, in fact, introduce a program that would remove the taxes on farm fuel, or the same amount that the Federal Government have imposed, or give the farmer some kind of relief with that kind of cost, which is the real cost, if he would remove some of the costs that were incurred - and who, Mr. Speaker, in the last increases of Autopac rates got the greatest share of the increase? The farmers had over 5 percent increase on their farm trucks, Mr. Speaker. Yes, Mr. Speaker, this government.

And who is the government that recommended that purple fuel be taken away from farmers, an increase of some several hundred percent in their truck licences, Mr. Speaker? This government.

Those are the kinds of policies that we thought might have been changed, Mr. Speaker, under a government that was responsible.

What is happening, Mr. Speaker? We have this Minister of Agriculture proceeding to go to the Orient, Mr. Speaker - now there's nothing wrong with the Minister going to the Orient to try and sell products, Mr. Speaker, but he did so after the turkey products were sold before he ever left, Mr. Speaker. Was it to carve the first turkey?

**MR. SPEAKER:** Order please.

The Honourable Minister of Business Development on a point of order.

**HON. S. USKIW:** On a point of privilege, Mr. Speaker.

The Member for Arthur had indicated that this government had announced a removal of tax free fuel for farmers in Manitoba. At no time in the life of this government, or any previous government that I've been associated with, has that been the case.

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

Since the Minister did not conclude his remarks with a substantive motion it was not a matter of privilege.

The Honourable Member for Arthur may complete his reply.

**MR. J. DOWNEY:** Mr. Speaker, after the Minister returned from his trip to the Orient, and again I'm not against expanding agriculture sales for the farm community of Manitoba; in fact, I'm very supportive of it. I think it's a very important initiative, Mr. Speaker, that should be carried out, but the very fact that one of the main products that he went to sell, that the main sale had been consummated before he ever left the Province of Manitoba, Mr. Speaker. So the question has to be asked, was he going to carve the first turkey in Japan? Is that really what his mission was?

I would have expected today, Mr. Speaker, after taking that trip that he would have been able to stand in his place and make a policy announcement or an announcement of some sale that he made while he was in that country. I would have thought it would have been the kind of important statement that would have helped the farm community of Manitoba.

Mr. Speaker, we have today a farm community not only in Manitoba, but it's mainly in Manitoba because of the bankruptcies that have been documented, that is not enjoying the recovery of what has been clearly stated as a recession or a depression. I believe they're one of the few groups in society, the only groups in society, that aren't enjoying an increased income in their daily businesses. There are still price receivers on what they sell and price receivers on what they buy and cannot in any way protect themselves.

Mr. Speaker, I would have thought that this Minister would have stood in his place today and said that he had forwarded a request to the Federal Government that they trigger a payout from the Western Grain Stabilization, not taxpayers' money, but farmers' money

that is being held by the Federal Government. I don't know why, Mr. Speaker, the Minister didn't put a request to the Federal Government asking the Federal Government then to remove the federal fuel taxes on farmers. Mr. Speaker, I am surprised that this Minister is trying to get away so lightly with the kind of speech that he has tried to fool the farmers with, and he's not doing it. He is not fooling the farmers with this kind of lightweight deliverance from an office that should produce more.

So, Mr. Speaker, I am disappointed in this Minister of Agriculture. I'm as disappointed in the Minister of Agriculture, as all the people are in the Premier of this province and the rest of his colleagues, who have done nothing but harm to the people of this province and the financial status of which we're in. The farm community is the backbone and if it isn't shored up, Mr. Speaker, then the total province will continue to face the kind of difficult times that it's now facing.

**MR. SPEAKER:** Order please. I will again remind honourable members that our Rule 19(4) says, "A Minister of the Crown may make an announcement or statement of government policy," and further down, it "should not be designed to provoke debate at that time." I would ask all members to reread that section and not to abuse the rules or make statements which, in fact, may provoke debate where none is intended.

The Honourable Minister of Agriculture on a point of order.

**HON. B. URUSKI:** Mr. Speaker, I want to advise the House that the statement was not designed to have the unfortunate result that it did from the honourable members. It was an update for information that they wanted, Mr. Speaker.

**MR. SPEAKER:** The Honourable Opposition House Leader.

**MR. H. ENNS:** Mr. Speaker, you know, we take seriously your admonition with respect to this particular Rule 19(4). I simply ask you to take under advisement what new policy area was announced by the Minister of Agriculture during his Ministerial Statements.

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

**HON. A. ANSTETT:** Yes, Mr. Speaker, members on this side certainly took your admonition of last Friday to heart, and it clearly was demonstrated in the statement of the Minister of Agriculture that the government wish to provide the opposition, the House, and the people of Manitoba with an update. The statement was designed to be strictly a factual presentation, and it is certainly our intent, Sir, to abide by your Ruling in that respect.

It is not our intent, Sir, to in any way make statements that would illicit the kind of response we've just heard from the Member for Arthur, and on this side, Sir, we pledge ourselves to observe Rule 19(4).

**MR. SPEAKER:** I thank the honourable members for that statement.

The Minister of Housing.

**HON. J. BUCKLASCHUK:** Yes, Mr. Speaker, I have a short status report, a statement for the House.

**MR. SPEAKER:** The Honourable Minister.

**HON. J. BUCKLASCHUK:** Thank you, Mr. Speaker. My statement is with respect to the Manitoba Interest Rate Relief Program for homeowners.

April 1982 marked the launching of the Manitoba Interest Rate Relief Program.

The homeowner component of the program was designed to assist homeowners facing serious hardships because of high interest rates. Direct subsidies to a maximum of \$275 per month are provided for 24 months retroactive to January 1, 1982. This applies to mortgage values of up to the first \$40,000 if principal, interest, and taxes exceed 30 percent of household income. To be eligible, homeowners must have renewed mortgages on their principal residences between July 1, 1981 and December 31, 1983.

In developing the Interest Rate Relief Program for homeowners, we worked closely with the Manitoba Lenders' Association as specific financial institutions.

A total of some 1,369 homeowners received benefits totalling \$2.1 million during the period of April 1, 1982 to December 31, 1983.

**MR. SPEAKER:** Order please. The Honourable Opposition House Leader.

**MR. H. ENNS:** Mr. Speaker, I rise on a point of House privilege, and I suggest to you, following your several admonitions with respect to Rule 19(4), that this is precisely the kind of information that is normally inquired for in this House by way of an Address for Papers or an Order for Return with respect to the facts and figures that are being presented to us of an ongoing program that shows absolutely no new policy initiatives, no new initiatives on the part of a government or Minister for which the tradition and the rule obviously applies.

Now, Mr. Speaker, I ask you very seriously whether or not we do not want to settle that issue right about now as to what is admissible with respect to ministerial statements?

**MR. SPEAKER:** The honourable member did not have a point of privilege since he did not conclude his remarks with a substantive statement.

The Honourable Government House Leader on a point of order.

**HON. A. ANSTETT:** Mr. Speaker, on the assumption that the remarks of the Opposition House Leader were more properly directed as a point of order, I would like to comment briefly on our interpretation on this side of Rule 19(4). Mr. Speaker, in my opinion clearly the rule provides for statements with respect to government policy or announcements.

Mr. Speaker, the suggestion that the statement begun by the Minister of Housing did not in any way contain an announcement certainly is belied by the fact that he has just very clearly announced that as of just eight

days ago, and this is perhaps the earliest opportunity he had to announce that fact, the eligibility period for the program to which he refers ended December 31, 1983. It was when he mentioned that date that the Opposition House Leader rose. Sir, that clearly is something of significance and importance to communicate to Manitobans.

Furthermore, Mr. Speaker, a report or progress report on an existing government policy is clearly not disallowed by the Rules. There is nothing here that says it must be a brand new initiative. There is nothing to say that an update or modifications in policy or a briefing to the House on the status of a particular policy with regard to parts of it expiring or whatever would be inappropriate under the rule.

**MR. SPEAKER:** The Honourable Member for Virden to the same point.

**MR. H. GRAHAM:** Speaking to the same point of order, Mr. Speaker, one of the fundamentals of this Assembly is the fact that it conduct its business in an orderly manner and in a method which has followed the time-honoured customs and traditions that have been established over the years in this Assembly. To see a serious breach of that occurring now under ministerial statements, which have traditionally in this House been used for the purpose of announcing a policy of the government, but now to have that being used by government purely for propaganda purposes, to me, Mr. Speaker, is a very serious challenge to the integrity of this Assembly and I wish to suggest, Sir, that you consider that very seriously before you make your ruling on whether or not this is admissible.

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

**HON. A. ANSTETT:** Yes, Mr. Speaker, I did in my earlier remark and would like to reiterate that we, on this side, reject completely any suggestion that Ministerial Statements are inappropriate if they provide progress reports.

I know that in a month or so members opposite would be demanding - assuming we're in Session in a month or so, and hopefully the next Session may well start by then, Mr. Speaker - will be demanding flood forecasts and Ministerial Statements on those conditions on an ongoing basis.

Mr. Speaker, to deny the Minister of Natural Resources the opportunity and the members of the opposition and the people of Manitoba an opportunity to hear those ministerial statements would be a breach of all precedents in this House.

**MR. SPEAKER:** Did the Honourable Minister complete his statement?

**HON. J. BUCKLASCHUK:** Just by way of completing my remarks, Mr. Speaker, I'd like to indicate that it is indeed gratifying to realize that so many Manitobans were able to maintain their homes as a result of the Interest Rate Relief Program for homeowners.

Thank you.

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Mr. Speaker, the only thing that I would like to say, and I'd be very brief about it, is at least the Minister has not told the inaccuracies that the First Minister of this province has told, that nobody would lose their homes because of high interest rates, nobody.

You know, the President of the NDP Party just put out a circular letter in which he said their problem was such and they had a program which nobody would lose their homes, or did lose their homes because of high interest rates, Sir.

Mr. Speaker, at least the Minister has given us the figures that are the facts, which are that many people lost their homes because of high interest rates in this province. Many people lost their homes and were foreclosed on because their program did not take those people into effect. Their program was just one of a limited group of people that would be able to be part of this program.

Mr. Speaker, at least the Minister gets up and he tells us how many people were saved. Maybe he would get up and tell us how many people weren't saved. I give him the credit at least of not misleading the people the way the First Minister does when he stands up and says nobody will lose their homes because of high interest rates in this province. And the President of the NDP Party made the very same statement in his letter, just recently, to the people of Manitoba.

Mr. Speaker, let them get up and say how many people did, instead of misleading the public the way the First Minister is so happy to do most of the time.

**MR. SPEAKER:** The Honourable Minister of Business Development.

**HON. S. USKIW:** Mr. Speaker, I have a statement to make as well.

**MR. SPEAKER:** The Honourable Minister.

**HON. S. USKIW:** Mr. Speaker, the Manitoba Interest Rate Relief Program was introduced in March of 1982, with the objective of providing a measure of financial assistance to offset high interest rates and provide counselling for small business during this difficult economic period.

I am pleased to advise the House that as of December 31, 1983, 551 businesses which demonstrated financial distress, have benefited from this program through loans and grants totalling \$3,554,347 and financial counselling. I can advise members that of the \$3,554,347, \$1,772,173.50, or 50 percent is recoverable.

To date the program has experienced a 94 percent success rate.

In addition, 220 businesses have benefitted from the program by receiving in-depth counselling to improve management skills through the efforts of departmental staff, the University of Manitoba's Masters of Business Administration Program, and the Federal Government's Counselling Assistance for Small Enterprise Program. This service has provision for the department to monitor these businesses for a two-year period.

Sixty-three percent of the approvals of this program were from rural and Northern Manitoba with 37 percent of approvals from Winnipeg, thereby contributing

particularly to the maintenance of essential services to rural and northern communities.

Insofar as the types of businesses assisted by the program, I can advise members that 41 percent of approvals have gone to small businesses in the service sector, 34 percent in the retail sector, 22 in the manufacturing sector, 2 percent in the tourism sector; and 1 percent in the wholesale sector.

Although first year applications to the program have ended as of December 31, 1983, 79 of the original 821 applications are currently under review. There are approximately 240 applications for year two of the program to be processed, the deadline of which is June 30th, 1984.

There's no doubt that the Manitoba Interest Rate Relief Program has played an important part in preventing business closures throughout the province. It is the government's hope that, with an upturn in the national economy, these small businesses will be in a position to take advantage of the recovery and continue to contribute meaningfully to the provincial economy.

Thank you.

**MR. SPEAKER:** The Honourable Member for Sturgeon Creek.

**MR. F. JOHNSTON:** Well, Mr. Speaker, we finally have another Minister who doesn't go around saying that all small businesses would be saved that had interest rate problems.

Mr. Speaker, if I go back to the statement that the First Minister said and signed that said that to ensure that small business stays in business, he would have a program that would save all small business. Let's be reminded, Mr. Speaker, of the fact that the bankruptcies in Manitoba more than doubled in '81 and '82. The First Minister was speaking of how the record of bankruptcies in Manitoba is better than others. Bankruptcies in Manitoba started to go down, Mr. Speaker, when interest rates started to go down and that's the only reason.

Mr. Speaker, on this Interest Rate Relief Program for small business, the qualifications that were laid down by the government, by the Minister at that time, were such that very few small businesses in this province, compared to the number of small businesses in this province, very few small businesses that were really in trouble. Those fellows with a lot of employees, those fellows with low inventories, those fellows that were doing well before this government came to power, Mr. Speaker, are now the ones that were in trouble. Their small business program, Mr. Speaker, was one that did not save all that many jobs. It saved "Mama and Papa" stores. It saved small businesses with very few employees because of their limitations, Mr. Speaker, and what was their greatest contribution to small business in this province? A payroll tax, Mr. Speaker, a payroll was the contribution to business in this province, and what were they going to do about that?

Mr. Speaker, I would like to refer to the Order Paper on Thursday, the 5th, and on the Order Paper on Page 4 it still says: Mr. Johnston, 12. Small Business Interest Rate Relief Program. This is called the 32nd Legislature. In 1982 I made a request for an Order for Return which was accepted by the Attorney-General and we had

lectures from the Attorney-General on all of this government's open government and they had nothing to hide from anybody. My Order for Return, Manitoba Interest Rate Relief Program for small business, has never been answered. Mr. Speaker, and that only goes to prove how really proud they are of this program. They're afraid to say who was helped and who wasn't, yet they'll advertise it in the papers. They'll put into brochures. They'll do all of the things that they want to do with the program, Mr. Speaker, but they have refused to answer my Order for Return on those companies helped on the Interest Rate Relief Program.

**MR. SPEAKER:** Order please. Notices of Motion . . .

### INTRODUCTION OF BILLS

**HON. A. ANSTETT** introduced Bill No. 115, An Act respecting the Operation of Section 23 of The Manitoba Act; Loi concernant la mise en application de l'article 23 de la Loi de 1870 sur le Manitoba. (Recommended by Her Honour the Lieutenant-Governor.)

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** Before Oral Questions we did have a group of students present, 60 of them of Grade 9 standing, from the Acadia Junior High School under the direction of Mrs. Straub. The school is in the constituency of the Honourable Member for St. Norbert.

On behalf of all of the members, I welcome them here this afternoon.

### ORAL QUESTIONS

#### McKenzie Seeds

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** My question is for the First Minister. Since the government is in such a mood for updating the House with respect to events, my question for the First Minister is can he tell us why the government is continuing to gloss over and try and cover up events that relate to A.E. McKenzie Ltd.? Why was the Auditor's Report released on October 26th, the day of the French language referendum in Manitoba and the civic elections? Why was Mr. McDowell's resignation, the announcement of that resignation, made on Sunday, yesterday? Why was the Minister of - whatever it is these days - Employment Services and Economic Security removed from his job, from his responsibility for A.E. McKenzie last Wednesday without announcement, Mr. Speaker? What is this government trying to cover up with respect to McKenzie Seeds?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, unfortunately there appears to be some lack of transmittal of information between the Leader of the Official Opposition and the Member for Turtle Mountain, because the information was conveyed to the Leader of the Opposition on the Thursday of last week, that indeed the responsibility for McKenzie Seeds rested with the Minister of Finance.

**MR. B. RANSOM:** Mr. Speaker, the government is now trying to make the point that filing of an Order-in-Council and advising the opposition of a change amounts to public announcement. There evidently is some effort here to cover up information as it relates to A.E. McKenzie. Following upon that, Mr. Speaker, will the First Minister give his assurance that the present Member for Brandon East and the Minister of Employment Services and Economic Security, along with the former Chairman of McKenzie Seeds, Mr. McDowell, will be called before the Committee on Economic Development to answer questions with respect to their term as Minister responsible in the one case, and as chairman of the board of directors in the other?

**HON. H. PAWLEY:** Mr. Speaker, I reject emphatically any suggestion of a cover-up. In fact I'm amazed that any such suggestion could be made. When the Provincial Auditor's Report was received on October 20th, dated October 20th to the Minister of Finance and was released within several days thereafter, how in the world could that be a cover-up, Mr. Speaker? How in the world could it be a cover-up when the responsibility for McKenzie Seeds, being in the hands of the Minister of Finance, was duly conveyed to the Minister, the Leader of the Opposition, of Thursday of last week in writing, Mr. Speaker? How could that be a cover-up? And No. 3, Mr. Speaker, how could it be a cover-up when, within 24 or 48 hours of the receipt of the information of the resignation of Mr. McDowell, the Minister of Finance released that information to the media as a whole?

Mr. Speaker, insofar as appearances before boards, commissions, that the facts as related in the Provincial Auditor's Report are here and the report of October 20th, there will be ample opportunity to question the Provincial Auditor insofar as the contents of that report, questions pertaining to same. There will be ample opportunity to question the Minister responsible for McKenzie Seeds during his Estimates and through the appropriate committee process.

**MR. B. RANSOM:** Mr. Speaker, my question to the First Minister was will he give his assurance to the House that Mr. McDowell and the present Member for Brandon East, the former Minister responsible for McKenzie Seeds, will appear before the Standing Committee on Economic Development to answer questions with respect to their period of responsibility relating to that Crown corporation? There has been a great deal of public interest in this issue, Mr. Speaker, a great deal of public interest. There are many questions unanswered. Will the First Minister simply give us that assurance that those two people will be asked to appear before the standing committee?

**HON. H. PAWLEY:** It's rather peculiar that question would arise now when the Member for Turtle Mountain and other members in the opposition had opportunity to request the attendance of Mr. McDowell as Chairman of McKenzie Seeds during this present Session of the Legislature. It's rather strange that Mr. McDowell was not requested at that time to be present.

Mr. Speaker, we will follow the appropriate course of action, the normal process of this Legislature to the

extent that the Minister responsible for McKenzie Seeds and the Chairman for McKenzie Seeds will be prepared to respond to any questions from opposition in the normal process of the rules of the Legislature.

**MR. B. RANSOM:** Mr. Speaker, a further question to the First Minister. In an effort to be completely reasonable with the government on this issue, the Standing Committee on Economic Development has not met to consider the annual report or any business relating to McKenzie Seeds since the issue of conflict of interest involving Mr. Moore and others arose last summer. Given that the committee has not had the opportunity to meet, and the committee has not had the opportunity to question the Minister directly in the committee or the chairman of the Board of Governors, and that the Auditor did not deal with issues that members of this Legislature might additionally like to deal with, is it not reasonable in the First Minister's mind that those two gentlemen be asked to appear before the standing committee?

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Thank you, Mr. Speaker, the member indicated in his question that there had been . . .

**MR. SPEAKER:** Order please.

**HON. V. SCHROEDER:** . . . no opportunity to discuss the matter of conflict of interest with the Chairman of McKenzie Seeds because the issue hadn't arisen yet when the matter was before the Committee on Economic Development last spring. I remind the member that it was at that committee where he asked the questions relating to the computer, where he asked the questions relating to the corporations which rent buildings to McKenzie Seeds; he had all of the information at that time. He had the opportunity to ask for the then Chairman of McKenzie Seeds to be there; he chose not to do so. We all know that once a chairman is no longer chairman he is not required or expected to be at meetings or hearings. A logical extension of his request this morning would be that all of us would have to appear at all of the various committee hearings of all of the organizations which we used to have responsibility for, and that is absolute nonsense.

He had the opportunity last spring; he chose not to use it. For him now to ask for a second kick at the cat when that chairman is . . .

**MR. SPEAKER:** Order please.

**HON. V. SCHROEDER:** . . . no longer there is nonsense.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, the Honourable Minister of Finance knows full well that it is the responsibility of any member to have their facts fully substantiated before making an allegation. Of course, he knows that was the process that we were engaged in at the time

that the committee met at the last occasion that we had to review the annual report.

A further question to the First Minister, Mr. Speaker. In view of the fact that the now Minister of Income Security and Employment Services had twice appeared before the Standing Committee on Economic Development, and answered questions with respect to McKenzie Seeds when he was not in fact charged with the responsibility of administering McKenzie Seeds, and since there has been a precedent for the Member for Brandon East to appear before the committee without having that responsibility, will the First Minister not give the assurance that he will be called before the committee once again?

**HON. H. PAWLEY:** The Minister responsible for McKenzie Seeds will deal with questions, but I'm sure that the Minister responsible for Employment and Income Security will not hesitate to be present to engage in any debate or any charges that are likely to be made that are totally unfounded and mischievous by honourable members across the way.

**MR. B. RANSOM:** We're getting somewhere now. We have the First Minister's assurance that the member will be at the committee.

Can we have the First Minister's assurance that we will have the opportunity to direct questions to the Member for Brandon East with respect to his responsibilities concerning McKenzie Seeds, or is this First Minister going to continue in his effort to cover up and muzzle the Member for Brandon East in answering questions now with respect to his former responsibilities?

**HON. H. PAWLEY:** Mr. Speaker, possibly maybe I could sit down and strike a deal with the Member for Turtle Mountain that he appear before a committee to explain his overstating of the projected deficit for the present fiscal year and to respond to questions thereupon, and likewise maybe something could be worked out in exchange.

The Honourable Minister responsible for Employment and Income Security will, I'm sure, not be restrained or held back from being at that committee and dealing with any questions that any member raises at that committee and prepared to take on any unfounded allegations that may be undertaken by any members across the way.

**MR. B. RANSOM:** Mr. Speaker, a question to the Minister of Finance.

Can the Minister of Finance advise the House whether or not any charges will be laid with respect to the alleged conflict-of-interest situation at McKenzie Seeds?

**HON. V. SCHROEDER:** No, I cannot, Mr. Speaker.

**MR. B. RANSOM:** Mr. Speaker, a final question to the First Minister.

Can the First Minister assure this House that before he accepted the requests of the Member for Brandon East to be relieved of his responsibilities with respect to McKenzie Seeds that the First Minister undertook to determine that there were, in fact, no reasons that



would lead the Member for Brandon East to want to be removed from having to testify before the Standing Committee of Economic Development?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** As I have indicated, the Minister will not . . .

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** As I have indicated before, the Minister for Employment and Income Security will not hesitate to appear at that committee and to deal with any questions, and particularly to refute any unfounded allegations that are made by honourable members across the way, will not hesitate for one moment. I'm sure the Minister will be pleased to attend and to deal with any questions, any allegations, that are made by honourable members across the way.

**MR. SPEAKER:** The Honourable Member for Brandon West.

**MR. H. CARROLL:** Mr. Speaker, I'd like to direct a question to the Minister of Finance. As the Member for Brandon West, I am very very concerned about the goings-on at McKenzie Seeds. When the Chairman of the Board retired, resigned this weekend, and says it's no coincidence, and it is a coincidence that his resignation took place at this time, I am prepared to accept that . . .

**MR. SPEAKER:** Question.

**MR. H. CARROLL:** My question, Mr. Speaker, to the the Minister: did McKenzie Seeds suffer a severe financial loss this fiscal year just passed?

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Mr. Speaker, the Annual Report will be coming out in due course and the numbers will then become available to all the members of the Chamber at the time that they are made public.

**MR. H. CARROLL:** Mr. Speaker, does the Minister have the figures now, and is he prepared to share them now with the members of the House?

**HON. V. SCHROEDER:** We will be providing the figures in due course.

**MR. H. CARROLL:** Mr. Speaker, the question was: does he have the figures?

**HON. V. SCHROEDER:** No, I don't have them with me.

**MR. H. CARROLL:** As a final supplementary, does the Minister have a preliminary indication that he can give the House at this time?

**HON. V. SCHROEDER:** Mr. Speaker, based on the objections of the opposition in the last little while to any updated statements on the goings-on in this

province, I hesitate to give any kind of an updating, but as the member is aware, I'm sure - he's probably had some discussions with people in Brandon - it is a fact that the financial situation at McKenzie is not as bright as we would have liked to have seen it for the year. We will be providing an update on this issue to the members as soon as we are ready with it.

**MR. SPEAKER:** The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker. A further question to the Minister in charge of McKenzie Seeds. Could he inform the House when the year-end of McKenzie Seeds is?

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** I believe it is October 31, 1983.

**MR. R. BANMAN:** Could the Minister confirm that he has had the preliminary report on his desk, or has had it transmitted to him, with regard to the loss at McKenzie Seeds?

**HON. V. SCHROEDER:** Mr. Speaker, I was at a meeting of the Board of Directors of McKenzie Seeds on Thursday morning and there was a brief discussion with respect to the year-end statement.

**MR. R. BANMAN:** So, Mr. Speaker, is the Minister confirming that at that meeting the preliminary or the rough amount of money that has been lost was discussed at the board meeting?

**HON. V. SCHROEDER:** Yes, Mr. Speaker. As there has been discussion within the Department of Finance with respect to the quarter of the year ending, as it happens on the very same day of the year, October 31st in the Department of Finance, that doesn't mean that we release the numbers until we know precisely what they are. When we have the precise numbers, I've indicated to the Member for Brandon West, we will be passing them on in the normal course.

I would caution the member to just be a little patient. I've indicated that numbers will come, as they did when he was in charge.

**MR. R. BANMAN:** Mr. Speaker, in light of the circumstances surrounding McKenzie Seeds, in light of the Chairman resigning, in light of the Minister being replaced by this new Minister, in light of the investigations that have gone on, the Minister now in charge has admitted that he knows roughly what the loss is, will he provide the Legislature that information?

**HON. V. SCHROEDER:** Mr. Speaker, when the member was in charge of McKenzie Seeds, there were some incredible losses as a result of the kinds of conflicts of interest. Well, I would suggest to you that when a government refuses to allow a Crown corporation any capital financing and that sort of thing that the very same kind of difficulties can and indeed sometimes do result.

When you're too busy looking for someone to sell the thing to, to be able to operate it properly, you do

wind up with losses, and certainly the Legislature in those days was asking for information and it received information, but I don't believe that it received information before the Minister had an opportunity to study it carefully and know exactly what it was about. I would ask that the member have a little bit of patience.

**MR. D. ORCHARD:** How long are you going to cover it up?

**MR. SPEAKER:** Order please.

**HON. V. SCHROEDER:** Mr. Speaker, I assure the House that those numbers will be available at least as soon as they were when that bunch of incompetents, who couldn't even get the provincial books certified by the auditor when they were in government, sterling business people that they were. I assure the House that we will do better than they did.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. G. FILMON:** Thank you, Mr. Speaker. My question is for the Premier, sometimes known as the President of the Executive Council. I heard earlier that he had made reference to some information that I had requested with respect to the ministerial responsibilities, particularly as they apply to A. E. McKenzie Limited.

My question for the Premier is: in this information, which I was provided with on Thursday by the Clerk of the Executive Council, it is dated November, 1983, a list of the ministerial responsibilities and it shows that the Minister of Finance is responsible for McKenzie Seeds as of November of 1983.

How does he explain that, in view of the fact that the Order-in-Council making that appointment was not passed until January 5th?

**MR. SPEAKER:** Order please. The Honourable First Minister.

**HON. H. PAWLEY:** It obviously is a typographical error. It confirms the fact that the Leader of the Opposition was advised on Thursday who was responsible for the operations of McKenzie Seeds. That is all the Leader is confirming.

**MR. G. FILMON:** Mr. Speaker, I wasn't asking when I was advised. I was advised when I asked a question on January 5th, on Thursday. That's when I was advised, but the list that was sent to me is dated November, 1983. The date of the Order-in-Council is when he was appointed. How could he have been the Minister responsible as of November if he was only appointed on January 5th?

**MR. SPEAKER:** Order please. The Honourable First Minister.

**HON. H. PAWLEY:** In case the Leader of the Opposition didn't hear, clearly it's a typographical error. He received advice on Thursday that the Minister responsible for McKenzie Seeds was indeed the Minister of Finance. That is indicated on the sheet that he has made reference to. I do not have the copy in front of me.

He may also have been advised on that date that the Minister responsible for Employment was also charged with the responsibility for the Manitoba Statistics Bureau.

### Student enrolments - universities

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

**MR. G. MERCIER:** Mr. Speaker, I have a question for the First Minister on another topic. Could the First Minister advise whether or not it is the policy of the NDP Government to approve limiting student enrolments at universities in Manitoba?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I think that's a question that ought to be more appropriately directed to the Minister of Education.

**MR. G. MERCIER:** Mr. Speaker, I would ask the Minister of Education then, is it the policy of the NDP Government to approve limiting student enrolments at universities in Manitoba?

**MR. SPEAKER:** The Honourable Minister of Education.

**HON. M. HEMPHILL:** Mr. Speaker, this is an area that is under the jurisdiction of the universities. I understand that some of the faculties are studying the option and the consequences of limiting enrolment. I have not been provided with any information that indicates they have made a decision to do so.

**MR. G. MERCIER:** Mr. Speaker, in a news article in the Winnipeg Free Press last November 25th, the Dean of Science, a Dr. Bigelow, who I believe is also the President of the NDP Party, said that he was pleased with the outcome of obtaining approval to limit enrolment in first year Science, down some 461 positions from 1,761 to 1,300 students this fall. Does the Minister approve limiting student enrolment in this manner, and if not, what does she propose to do about it?

**HON. M. HEMPHILL:** Mr. Speaker, I did not give formal response to enrolment limitations to the Science Faculty. I was informed that they were considering and they were looking at enrolment limitations because of the large numbers of students enrolling, but I did not, and was not asked for a formal response on that item.

**MR. G. MERCIER:** Mr. Speaker, this article indicates that the administration of the university are concerned with developing a policy to limit enrolment in Science even if there is an abundance of students with high marks. Does the Minister approve that type of limiting of student enrolments in this province - and I would hope she doesn't, Mr. Speaker - and would she undertake to investigate this situation in order to assure students in this province that they will not be limited at enrolling in the University of Manitoba in the forthcoming term?

**HON. M. HEMPHILL:** Mr. Speaker, I know this is a matter that the boards of governors at all the universities will be giving serious consideration to because the matter of limiting enrolment is a very serious issue, to both that faculty, to the students, and the education system. There are areas where enrolment is limited in university faculties and there usually are very very good reasons for this.

One of them would be that we cannot continue to overtrain or train more people than the system can accommodate. The students themselves do not want to spend four, five, six, seven years training in an area where there are no jobs. There is, I think, these days an increasing responsibility on everybody to do an excellent job determining what jobs there are, in what areas, and informing the students and looking at enrolment capacities in that light, so we're not training kids for jobs that do not exist. I expect them to be examining on that basis. I would not expect that there would be any decision to limit enrolment at any faculty without having excellent basis and excellent reason for doing so, that would not arbitrarily keep students who want those programs out of those programs.

**MR. G. MERCIER:** Mr. Speaker, I'm not talking about a professional course like Law, Medicine, Dentistry, Architecture, Engineering. We're talking about general science courses, Mr. Speaker, in which there is an arbitrary limit imposed for the forthcoming term that has been approved - a reduction of nearly 500 spaces for general science students under this NDP Government. Will this Minister, in view of the fact that her Leader will not involve himself in this issue, undertake to assure the students of Manitoba that these arbitrary, artificial limits will not be placed on student enrolment at the university?

### Bilingualism - proposed resolution

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. R. DOERN:** I'd like to direct a question to the First Minister and ask him, in view of a rising tide of opposition to the government's proposals on bilingualism - hundreds of phone calls, letters, petitions being circulated throughout the province, people in the galleries, including today a contingent from the Interlake, and now full-page advertisements, Mr. Speaker, in the Winnipeg dailies - will the First Minister now consider withdrawing his government's proposals on official bilingualism?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I find it rather strange that the honourable member keeps referring to opposition to bilingualism, when April 16, 1980 at Page 2572, on the passage of Bill 2, the Honourable Member for Elmwood said, "From this point on we will become officially bilingual and the task, in the narrow sense, is formidable." Then he went on to say on Page 2575, "And I have to say, Mr. Speaker, that I speak without any reluctance in support of the bill. I have no problem in supporting this measure. It's a step in the right direction and it's a necessity as far as I am concerned."

**MR. R. DOERN:** Mr. Speaker, I wonder whether the First Minister would be prepared to table the letter that he wrote as Attorney-General, in response to a request for a letter to be replied in, in the French language. I wonder if he would table his letter, of which I have a copy somewhere in my office, that he wrote and told this person in no uncertain terms that he did not support the translation of letters or documents in the French language in view of the fact that this was a multicultural and multilingual province. Would he kindly table that letter at the same time?

**HON. H. PAWLEY:** Mr. Speaker, regrettably, the honourable member forgets that while I was Attorney-General was in the period 1973 to 1977, prior to the finding of the Forest case in 1979, when the present Member for Charleswood was Premier in Manitoba, when there was a clear ruling insofar as the responsibility for the translation of statutes.

**MR. R. DOERN:** Mr. Speaker, three strikes and the Premier is out. My third question, not having received an answer yet, is given that thousands of signatures on petitions have been collected in the City of Winnipeg, recently, and in the Interlake, and in the City of Brandon, and in the Swan Lake area, that there are thousands and thousands of petitions being circulated in this province and thousands of signatures collected, has the First Minister received any copies of these petitions to date in his office?

**HON. H. PAWLEY:** The Member for Elmwood did deliver a number of envelopes to my office approximately two months ago when I was in the Legislative Cafeteria. When I finally got up to my office to obtain the letters that he delivered to my office, all expressing opposition, I found that they had been removed within 30 minutes by the Honourable Member for Elmwood so I didn't have a opportunity to peruse the letters containing the coupons of those that were, for various reasons and I suppose, Mr. Speaker, for very understandable reasons, in some instances expressing opposition. Unfortunately they were removed from my office before I had an opportunity to see the coupons.

**MR. R. DOERN:** Mr. Speaker, my final question is this, I was not referring to the 17,500 signatures and coupons that I presented to the First Minister on that occasion. I'm not referring to those. I still have those in my office and I can present those again. I'm talking about another . . . — (Interjection)—

**MR. SPEAKER:** Order please.

**MR. R. DOERN:** Mr. Speaker, he who laughs last laughs best.

I'm talking about an additional, recent, in the last few weeks, number of signatures on petitions, 5,000 or 10,000 in total. Has the Minister yet received any of those petitions in his office?

**HON. H. PAWLEY:** Mr. Speaker, I would have to accept that question as one of notice. I have received letters. I've received letters, I've received some 12,000, 13,000 coupons. Insofar as another petition in the last two or

three weeks, if it was forwarded to my office in the last two or three weeks, then clearly it was prior to the most recent proposal that was submitted to this Legislature by the House Leader.

### Weir Report

**MR. SPEAKER:** The Honourable Member for Virden.

**MR. H. GRAHAM:** Thank you very much, Mr. Speaker. I would like to direct my question to the Honourable Government House Leader. This, in particular, deals with his other activity as Minister of Municipal Affairs. In his great profound urge to provide updates and the latest information to the Assembly I would ask the Minister if he has had any meetings with the Minister of Urban Affairs and the City of Winnipeg with respect to the recent Supreme Court decision on the ability of individuals to appeal their tax assessment in the City of Winnipeg?

**MR. SPEAKER:** The Honourable Minister of Municipal Affairs.

**HON. A. ANSTETT:** Yes, Mr. Speaker. In reply to the Member for Virden, I wish to advise him that the City of Winnipeg delegation met with a number of my colleagues this very morning and on the agenda at that meeting was the topic to which he refers.

**MR. H. GRAHAM:** Could the Honourable Minister of Municipal Affairs inform us whether he was at that meeting himself?

**HON. A. ANSTETT:** Mr. Speaker, I apologize to the House if I did not make it clear that I, yes, was at the meeting and did participate in a discussion on the Supreme Court decision with respect to assessment.

I regret to inform the House that some members still don't appreciate the significance of going to the Supreme Court and getting those kinds of decisions thrust down our throat.

**MR. H. GRAHAM:** A supplementary question then to the Honourable Minister of Municipal Affairs in his role as Government House Leader. In view of his great concern and showing the wisdom of going to the Supreme Court, is he now prepared to withdraw the resolution that is before this House, unless . . .

**MR. SPEAKER:** Order please, order please.  
The Honourable Minister of Municipal Affairs.

**HON. A. ANSTETT:** I'm almost dumbfounded but not quite. I begin to understand when the Member for Virden asked the question originally that he appreciated that there was a problem with respect to assessment in the City of Winnipeg. As the Member for Churchill, the Minister of Co-op Development says, I was too kind. If the Member for Virden has any doubt in his mind about the dramatic and unfortunate impact that that Supreme Court decision with regard to the assessment freeze first introduced by his colleagues will have for the City of Winnipeg, I would recommend very strongly that he consult with members of the City Council and

the Mayor, who were at that meeting this morning, members in whose caucus, many of his present caucus colleagues sat until recent years. Mr. Speaker, I'm sure the lines of communication are still open. If he has any doubt, I would commend that discussion to his attention. If he still has doubts, Mr. Speaker, I am prepared to table a copy of that Supreme Court decision for his review.

**MR. H. GRAHAM:** I appreciate the offer of the Honourable Minister.

Could the Honourable Minister indicate what decisive action his department is taking since the former Minister sat on the question for a year-and-a-half? I realize that your time as Minister has been fairly short, but could he indicate to the House what advice he is offering to the City of Winnipeg and to the Minister of Urban Affairs when they carry on further conversations and meetings with the city?

**HON. A. ANSTETT:** Mr. Speaker, obviously the details of the discussions between my colleagues and representatives of the City of Winnipeg are privy to the meeting that we held. However, I'm certainly free to assure the honourable member that we shared with the city their concern about the ramifications of the decision which he apparently does not share, and we agreed to meet further to look at methods for implementing a system of addressing those concerns.

With regard, Mr. Speaker, to the first half of his question, which relates to the Weir Report, the research group in my department has been working continuously, as they were under the direction of the former Minister, to do a complete implementation analysis and impact study of the implementation of the Weir Report. Some of the information required for that study is still being collected in the field. I'm sure the member appreciates the nature and time restraints associated with that, and I expect to be making recommendations to my colleagues in short order with regard to some further work that will be necessary to smooth the way for assessment reform, which we all agree is required in this province.

Mr. Speaker, one other point that I think should be made is that members opposite I'm sure are aware that a major component of the Weir Recommendations was placed in legislation and passed through this House with virtually no comment from members opposite just this past summer. I refer of course, Mr. Speaker, to Bill 105 at the last Session.

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Yes, on three or four occasions during the summer I undertook to table the study commissioned by my department and conducted by Wordsworth with respect towards attitudes, towards constitutional amendments, French Language Services in Manitoba. I now table that as undertaken.

### Address for Papers and Orders for Returns

**MR. SPEAKER:** The Honourable Opposition House Leader.

**MR. H. ENNS:** Mr. Speaker, just while the former House Leader is in the mood of divulging information that has been requested for some time now in this House, I wonder if I could ask the present Government House Leader, as there are some 14 or 15 Address for Papers and Orders for Returns outstanding from when last this House met, would it be the government's intention to provide them relatively soon?

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, one of the duties I assumed upon appointment as Government House Leader was an immediate review of the status of production of those documents and information, and I hope to be able to report to the House shortly with some of them. Others are taking a little longer to compile.

Members do appreciate that we cannot devote a great deal of staff time and energy to preparing the information, because I'm sure members opposite don't want to see large costs associated with the production of this information. It does take a little bit of time with regard to some of the very detailed requests, but all are proceeding smoothly and will be supplied to the House.

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

**MR. G. MERCIER:** Mr. Speaker, to the Attorney-General. When he had made his undertaking last year, he undertook to provide at the same time the costs of this survey and the analysis. Could he advise us how much that was?

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** I'll take that as notice, and I hope to be able to table that information shortly.

**MR. SPEAKER:** Order please. The time for Oral Questions has expired.

### ORDERS OF THE DAY ADDRESS FOR PAPERS

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Speaker, I move, seconded by the Member for Arthur:

THAT an humble address be voted to Her Honour the Lieutenant Governor of Manitoba praying for copies of all correspondence from Forestry Branch personnel to persons, government agencies, government institutions or private countries concerning Wiesinger Systems Ltd. covering the period of January 1, 1981, until date of acceptance of this Address.

**MR. SPEAKER:** The Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, we're prepared to accept the Order for this Address subject to the normal

reservations which relate to correspondence with particularly other government agencies where that correspondence originates from them. We would need their permission to provide that information. I understand from the Minister involved, however, that he sees no problem related to meeting the request.

**MR. SPEAKER:** The Honourable Member for Turtle Mountain.

**MR. B. RANSOM:** On a point of order, if the Government House Leader will read carefully what I am asking for, it's copies of correspondence from Forestry Branch personnel, I'm not asking for copies of correspondence to personnel in the Forestry Branch.

**MOTION presented and carried.**

### ORDER FOR RETURN - NO. 20

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Mr. Speaker, I'd like to move on behalf of the Honourable Mr. Lyon, seconded by the Member for Assiniboia:

THAT an Order of the House do issue for the return of the following information:

1. Has the government of Manitoba, or any of its boards, agencies, Crown corporations or agents, appointed, contracted with or retained the services of Jack Messer, the former Minister of Mineral Resources in the NDP Government of Saskatchewan, and/or David Dombowski, the former President of the Potash Corporation of Saskatchewan, either in their personal capacities or otherwise?
2. If the answer to question No. 1 is "yes," the date each such person was retained and the total amount paid or payable to each person for salary, expenses, etc.
3. For what purpose have Messrs. Messer and Dombowski been retained?
4. Have either Messrs. Messer or Dombowski travelled to China, Brazil or any other foreign country, or within Canada, pursuant to their retainer?
5. Has a contract of employment been signed between the Government of Manitoba or its boards, commissions or agencies, or any agent of the said government, with Messrs. Messer and Dombowski in any capacity and, if so, what are the terms and conditions of that contract?
6. Have Messrs. Messer and Dombowski submitted any reports to any Minister of the Government of Manitoba or any board, commission or agency, or agent of the Government of Manitoba and, if so, what are the contents of the reports?
7. Is it the intention of the Government of Manitoba to retain Messrs. Messer and Dombowski for any further services and, if so, give details of what those services and travel requirements will be and the total cost thereof?

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, we are prepared to accept this Order for Return with certain reservations; specifically, the reports noted under Item No. 6 in the request may relate specifically to the competitive position of Manitoba corporations or other corporations and that information may be required to be confidential. So we would have reservations about submitting the reports requested under No. 6 and similar reservations under No. 7 because of the expression of future intentions of the government or its consultants that might then be contained by providing that information. So, Mr. Speaker, with the exception of Item 6 or 7, we are prepared to accept the Order.

In fact, Mr. Speaker, we're prepared to go substantially further than what has been requested in the Order. We are prepared to provide from date October 11, 1977, a list of all boards, agencies and Crown Corporations who have appointed or contracted with or retained the services of any consultants with regard to the information requested by the honourable member. So, Mr. Speaker, we will be prepared to provide all of the information requested in Items 1 to 5 with respect to all consultants from 1977 to the present.

**MOTION presented and carried.**

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

**HON. A. ANSTETT:** Mr. Speaker, before you call the resolution and the amendment standing in my name at the top of Page 4, I would like to ask the House for leave to introduce for Second Reading Bill No. 115, which stands in my name, which was moved for First Reading this afternoon, however was distributed to members last Tuesday.

**MR. SPEAKER:** Is leave granted to the honourable member? — (Interjections) — Leave is not granted.  
The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, would you please call the amendment standing in the Leader of the Opposition's name at the top of Page 4 on the Order Paper.

### **ADJOURNED DEBATE ON RESOLUTION CONSTITUTIONAL AMENDMENT RE: OFFICIAL LANGUAGES**

**MR. SPEAKER:** On the resolution moved by the Honourable Attorney-General and the amendment thereto proposed by the Honourable Minister of Municipal Affairs.

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Thank you, Mr. Speaker, it's a privilege to participate in the debate on the resolution and the amendments thereto that have been tabled by the Government House Leader.

I found it interesting on Friday when I rose to request the indulgence of the House to stand the resolution,

or the amendments thereto, that members opposite were indulging in taunting and urging that I participate immediately and issue forth my remarks on the matter. I found it rather contradictory, because, of course, that wasn't their attitude in the past at all.

As a matter of fact, on December 12th, when I met initially with the Premier regarding this particular issue - and I might say that at that time it was presented at a meeting that was attended by the Member for Fort Garry, and the Government House Leader, the Premier, and myself - we were presented with a proposal - I might indicate not in writing - a verbal proposal that was indicated to us was desired to be that way, verbally, not in writing, so that there could be some flexibility to the discussion. I guess it was purposely so because the government at that time appeared to be desperately groping for some solution to the problem in which they'd placed themselves; any way out of the maze that they had created, this self-inflicted conundrum that they'd put themselves in. At that time, I agreed after the meeting that in courtesy I would take the proposal, which was vastly different from the proposal that had originally been put before the House in July of 1983, I had agreed that because of the changes that had been made to the overall proposal that I would in courtesy take that to my caucus. Being a new leader, I wanted to ensure that on issues of such major import that the caucus had an opportunity before the public did to see the matter.

It did involve, of course, the proposal to remove the French Language Services aspect of the resolution and put that in a bill, dropping and amending various other sections and so on. It did involve, however, at that time, what the Government House Leader referred to as the simple declaratory statement, 23.1, that said that English and French are the official languages of Manitoba. He said - and I think I use his words - he referred to it as a simple declaratory statement, which was, I think in retrospect, a terribly shallow and naive interpretation on his part, because as I read the various presentations that were made to the Standing Committee on Privileges and Elections, Mr. Forest, who has had some experience with taking proposals of this nature to the courts, suggested that was all that he needed in order to ensure that he had the kind of flexibility and expansion for ensuring that he got all the rights that he wanted out of French language usage in this province.

However, I think that being naive, the Government House Leader thought that he could solve all of the problems that had been created in the past, that he could achieve consensus where it hadn't been able to be achieved before by the former House Leader, by the Premier, if indeed he was involved at all, that he could show the world, and, I suppose, more particularly his caucus that he was the constitutional expert, that he was the master of the Rules and Procedures of his House, and he would be the hero of the New Democratic Caucus in Manitoba.

Of course, I think we have some appreciation for his command of all the Rules and Procedures and all the knowledge of this House. He takes positions right off the cuff and stands as the authority on everything.

Last Friday morning, when the Member for Elmwood brought a question up about the procedure in referring bills to committee, in responding to the Member for

Elmwood, he said and I quote, "Part of that experience was his support in 1980 for a bill bearing the same title which was not referred" - which I find rather interesting - "to a standing committee at that time."

**HON. A. ANSTETT:** Mr. Speaker, on a point of privilege.

**MR. SPEAKER:** Order please.

The Honourable Minister of Municipal Affairs on a point of order.

**HON. A. ANSTETT:** A point of order, Mr. Speaker, yes.

Mr. Speaker, I had a note to rise during question period and failed to do so, and in view of the remarks of the Leader of the Opposition, I feel that I should clarify that in accordance with the excellent tradition established by the Member for Sturgeon Creek last week, apologize to the House for incorrectly advising them the procedure followed with regard to Bill 2 in 1980. I hope the Leader of the Opposition will accept my apologies. I was in error, and I was referencing another bill in that same Session.

**MR. G. FILMON:** Mr. Speaker, I accept the new information that the Government House Leader has put forward. Indeed I am delighted that he did the research and did, in fact, determine, as he indicated to me later that day that, in fact, the bill was referred to the Standing Committee on Law Amendments and did, in fact, have three representations before it. I'm delighted that he continues to pursue his interests, and he continues to be open to suggestion and amenable to knowing the correct information as required.

In any case, he faced us at that time; he faced me and as I say the Member for Fort Garry during our discussion on the 12th of December with the suggestion that 23.1, stating that English and French are the official languages of Manitoba, was a simple declaratory statement. I believe that he made that same statement to others, perhaps to the media, certainly to other groups that the government was meeting with on a regular basis in December. Of course, he very quickly was told that such was not the case, that English and French are the official languages of Manitoba was not a simple declaratory statement as it was proposed to be; that, in fact, it was a major step beyond what exists today under Section 23 of The Manitoba Act; that his legal counsel and various other lawyers who were asked to comment, and various other learned individuals indicated to him very strongly that particular statement was not merely restoring French rights in Manitoba, but a marked departure over existing rights. So, whatever, that is the sort of process that we've been going through.

In fairness, I took the matter to caucus and on December 14th, having had the proposal in my hands for less than 48 hours, we met for five or six hours, had some thorough discussion and rejected the proposal, and I think with a great deal of justification.

At that time, the Government House Leader criticized the fact that we had not taken long enough to consider the proposal. He said that we had only met for a matter of hours, that we'd only had the proposal for less than 48 hours, and he criticized our rapid decision on the matter. He said that we hadn't taken long enough to

consider it, said it wasn't responsible for us to do that, Mr. Speaker.

So that's why when this past week we were faced with a new proposal on Tuesday; with a legal opinion upon which the decision was to rest, the government's justification was to rest, on Thursday; Friday, members opposite in their typical irresponsible manner were cackling away and suggesting that I ought to be ready to go and fire away on Friday. So I just say to you, Mr. Speaker, that they can't have it both ways. They can't have it both ways. If they prefer to have it considered properly, then let them give us the time to consider it properly. If they prefer to have it dealt with in what they consider a responsible manner, then it requires the time that has been taken at this point in time to arrive at the determination and to arrive at a position to speak on the matter.

Mr. Speaker, I can understand why the government wants to put the new Opposition Leader on the spot. I can understand why they want the new Opposition Leader to be speaking on the amendments very very quickly, to be up on his feet and stating a position, testing his mettle, so to speak, because they have a leader who it appears is not capable of doing precisely that.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. D. SCOTT:** We have a Leader.

**MR. G. FILMON:** Mr. Speaker, the Member for Inkster says they have a Leader. I'd like to know which one of them it is, because we haven't been able to find out at this point in time. There appears, from recent experience, to be various interpretations of just who the Leader is on the other side. Some suggest Karl Marx; some have suggested the Member for Fort Rouge; others have suggested other alternatives. We'd like to know from the Member for Inkster just who the Leader is on the other side.

In any case, Mr. Speaker, to give you some example of just the quandary that I understand members are in, the day of the Leadership Convention of the Progressive Conservative Party of Manitoba, in fact, that evening, after the decision was taken by the convention, the 10th of December, in the midst of a celebration, I was handed, hand-delivered, a letter from the Premier. A letter, in the midst of a gathering at one of the hotels in the city, this man made his way through a crowd and handed me a letter urgently requesting that I meet with the Premier in his office on Monday to discuss the French Language Services issue, and that's what was the referenced point in the letter and that was the only point that was at issue as far as the Premier was concerned, that I meet with him, urgently, on Monday, December 12th, to discuss the French Language Services issue.

So on Monday morning, having responded to the Premier in writing and suggesting to him that there were indeed other serious problems in this province that ought to be dealt with, and that if we were going to have the first meeting between the Premier and the Opposition Leader that it ought to include more topics than just this one, having stated that as the quid pro quo for the meeting, the Premier agreed and he

accepted and said he would indeed meet later that afternoon with me.

Well, he had his principal secretary call me and suggest that he wanted to make the arrangements, and he, at that time, proposed that the Premier wanted to have the Government House Leader with him when he met and, of course, you can well understand that I questioned that. I suggested that if we were going to meet, it ought to be Leader and Leader, that there didn't need to be anybody else present for the meeting, but they pressed the matter. The principal secretary pressed the matter, saying, no, it wasn't possible for the Premier to meet with me by himself, that he had to have the Government House Leader with him. Why? Well, I said, couldn't the Premier explain to me the proposal himself? Could he not tell me what was in the government's mind? Could he not tell me what this new initiative was? No, he wasn't able to do that, they said. He had to have the Government House Leader do that. I said, why? Well, they said that the Government House Leader was expert in the rules and procedures and it was the process that was really complicated. That's what was at stake, Mr. Speaker, that the Government House Leader had to be there because he understood the process.

Well, I said, fine, if it has to be so, and I don't understand that, but if it has to be so, then I would like to have one of our caucus with me and the Member for Fort Garry was available and so he did attend with me on that and it's a good thing he did, because later on - and I'll refer to that - the Government House Leader in speaking to the media about just what was discussed, suggested that he had presented us with the very same proposal that appeared in writing later that week on the 15th of December. That was wrong and I'll explain that a little further later, but you know, just as an aside, I find it very very odd and interesting that the Premier didn't understand the new proposal well enough to be able to explain the process and all the differences and nuances to me.

I later found out, Mr. Speaker, that the reason he didn't understand it was that he hadn't even been at the caucus meeting at which it had been agreed to the previous Friday. He hadn't even been in attendance at that caucus meeting.

I can understand and appreciate why members opposite are so anxious to put me on the spot, to see whether or not I can deal with this proposal, and am prepared to deal with it because . . .

**HON. H. PAWLEY:** Mr. Speaker, on a point of order.

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

**HON. H. PAWLEY:** Maybe I should correct the Leader of the Opposition on a misrepresentation in this House. I was present at the caucus meeting of December 9th. The source of the member's information is incorrect.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. G. FILMON:** Mr. Speaker, I'll accept that. There must be other reasons why the Premier didn't understand the proposal well enough to . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. G. FILMON:** Mr. Speaker, that's the situation we're faced with, is that members opposite have a Leader, and a Premier, who either is unsure of the process or unsure of the content of the proposals that his Government House Leader is making with respect to this very important issue, or just simply doesn't care enough about it to be able to fully understand it and explain it to someone else.

So to look at the issue as we face it today, Mr. Speaker, I think that we have to first understand how we arrived at this point. That takes us back a considerable length of time and I apologize right from the beginning to members for having to go through all the various steps and to take us back to late last spring to the point at which this arrived before us in the House, but I think it's important enough that it has to be done. I see members are becoming uncomfortable right from the beginning, members opposite.

This, Mr. Speaker, is important because we have to know how we got to this point and what were the various steps we followed, and what hoops did we have to jump through, and what are the things that brought us to here.

Let's look firstly at the justification that was used by the Attorney-General in introducing this whole resolution to the Legislature. I'll acknowledge that it was in the words of the new Government House Leader, "a substantially different proposal." But let's look at the main rationale for any proposal to amend Section 23 having been introduced to the House, because this is indeed a proposal to entrench in the Constitution of Canada an amendment to Section 23 of the Manitoba Act, which has serious long-term consequences for our province. It was, Mr. Speaker, to avoid the potentially disastrous effects of the Bilodeau case in the Supreme Court which, in the words of the Attorney-General I think, would have all Manitoba's laws which were not enacted in both English and French be declared invalid. That was the possible disastrous consequence.

I will quote the Attorney-General so I'm not accused of misleading anyone from page 4058, of Hansard, of Monday, July 4th. He said "Dealing with the question of invalidity, that is, what would be the likelihood and the outcome if, indeed, the Supreme Court of Canada found that because of our failure to observe our own constitutions, the laws which had been passed in one language only were invalid, both Professor Gibson and Mr. Twaddle said, well, that's possible; they didn't feel that it was likely, but it was possible.

"Sir, I felt that was not a risk that I as the Attorney-General of this province had the right to take."

So that was what was said in introducing it.

Well, Mr. Speaker, I have to say that as we look at this matter we have to ask the question which I think was asked at that time. Who had given them the right? Was it an elect to enter into such a serious long-term issue on behalf of the people of Manitoba? Was it an election issue in 1981? No it was never heard of. This from a government that said it would listen, consult, that it would have an open-door policy. That's not an open-mind policy but an open-door policy.

Wouldn't you have thought, Mr. Speaker, that in a matter that is so important as one that is the first



constitutional amendment proposed by a province since our Constitution was patriated to Canada, that on a matter that so seriously affected the fundamental rights and responsibilities of all Manitobans in future, that it should have been the subject of broad consultation, that public hearings should have been held to ask Manitobans what they thought was required in the way of expanded French language rights? Because, it isn't an issue of protection of existing French language rights - let's put that on the table immediately - it's an issue of the expansion or extension of French language rights. Wouldn't you think that they would have wanted to arrive at some broad framework or consensus within which to work and then sit down with the people that they had to deal with in order to effect their agreement with the Society Franco-Manitobaine, the Federal Government, and Mr. Bilodeau? Wouldn't you think that they would have sat down with them, knowing what the consensus and framework upon which they were operating was? Wouldn't you think that they would have those parameters in place before they sat down to negotiate? Instead they didn't consult, they didn't let people know what they were thinking, or what they were doing. Instead they sat down with these parties to the action, the SFM, Mr. Bilodeau, and the Federal Government, behind closed doors and they arrived at an agreement, not with respect to the protection of existing French language rights in Manitoba, but with respect to the extension of French language rights in Manitoba.

I suggest to you, Mr. Speaker, that if you're dealing with extension of rights of any minority group in this province beyond what exists today at the expense of, and I don't mean expense in terms of cost . . .

**MR. SPEAKER:** Order please.

The Honourable Attorney-General on a point of order.

**HON. R. PENNER:** Yes, on a point of order.

The Leader of the Opposition, as the Member for Minnedosa did the other day, I have yet to check Hansard, has made a serious allegation which I must point out immediately. That is that I, or anyone else, sat down behind closed doors with representatives for the Federal Government and negotiated some deal.

Mr. Speaker, for a period of how many ever months it was, approximately 18 months, every single meeting was held in the office of the Attorney-General for Manitoba with the Chief Legislative Counsel for the Province of Manitoba, the Deputy Minister, the Assistant Deputy Minister, the French language consultant, Mr. Turenne, appointed by the Conservatives, and sometimes representatives from the SFM. At no single meeting was there ever a representative of the Federal Government. This was from start to beginning a made-in-Manitoba solution.

That kind of statement ought not be made by the Leader of the Opposition, who I take to be a principled and responsible person, and I would ask that he withdraw it, because he hasn't got a single basis for making that statement, and knowing that he doesn't, he ought to withdraw it.

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

I thank the Honourable Attorney-General for that explanation.

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Mr. Speaker, I'll accept the word of the Attorney-General on that. I'll ask him at some point, as I arrive at the quotation that I'll attribute to him from Hansard with respect to the various parties that he refers to the agreement, I'll ask him who represented the Federal Government or how they were involved in the determination of their position on the agreement. Perhaps he'd like to put that on the record, but I'll put on the record what he said about the parties who were party to the agreement.

Mr. Speaker, in any case as I return to the point that I'm making, and I apologize if the repetition of this information is falling on sensitive ears on members of the government side, but in any case, there has been, and I appreciate the effort of the Attorney-General to try and clear up any misinformation because I think that we ought to be dealing with fact, and if any misinformation is coming from members on our side, I have to say that there was a good deal of misinformation throughout the piece, that in presentations to committee government pamphlets were quoted with statements that were not factually correct. Statements of members on the other side were quoted that were proven to be factually incorrect. So I'll go through that and if the Attorney-General wants to assist in the process by correcting anything I say that wasn't quite factually correct, I'll be glad to have his contribution at any time.

Carrying on with the misinformation, and we'll go back just a few days ago - in fact, back to last Thursday and Friday - when in response to statements that were made perhaps by the Member for Minnedosa, perhaps by others, about the fact that the government initially was unwilling to enter into a full scale public hearing on the matter, to refer the matter to a standing committee of the Legislature at which time members would have an opportunity to appear before the committee and members of the public would have an opportunity to make these representations, the members opposite objected to the fact, it was said that they were dragged kicking and screaming into that process. They said that they had always been willing to go to public hearings, to have the matter considered in full public view. They said that was untrue, that the Member for Minnedosa and others who made that statement should not have made it, that they had always been willing to have that full scale of public hearings before a standing committee of the Legislature and so on; that they were not forced by opposition pressure, that they were not dragged kicking and screaming into the process after eight weeks of bitter acrimonious debate, perhaps the most divisive and acrimonious session that this Legislature has ever seen. They said that was not true.

Well, now I would like to quote from various exchanges that occurred in the Legislature in June of this past year, Friday, June 17, 1983, Page 3770. This is in part a question from the then Opposition Leader, the Member for Charleswood, and he is addressing his question to the Premier: "I would commend to him the suggestion that the House meet interessionally with respect to these constitutional matters, so that there may be sufficient time given by all members of

the House to hearing the people of Manitoba, particularly on the matter of bilingualism.”

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

Now, the hearings that were announced by the Attorney-General that day were merely informational meetings and they were described as such, and that there would not be an opportunity for discourse back and forth for unlimited public presentations as should occur in meetings of standing committees of the Legislature or any of those matters. They were just simply informational meetings at which the government position would be explained. Limited questions might be asked depending on the agreement of the Chair at those meetings, but they would be a very limited process. That's in fact what was carried out and members opposite will recall that indeed happening.

Further, did they want to have the matter dealt with at all in a public sense? Did they want to have the matter dealt with in the sense of people being able to make suggestions, recommendations, amendments? Did they want that process to occur at all? Members opposite said, oh, yes, they've always wanted to be open and to consider everybody. Did they want to do that or did they really want us merely to rubber-stamp their agreement?

Well, let's take a look a little further at what is said on the record on Friday, June 17th, Page 3771. And now the question is being asked again by the Member for Charleswood, and I quote, “Is the First Minister indicating that the mind of the government is not made up on this matter and that the government is prepared to be flexible and to listen, or is he saying that the government is going to go out and propagandize its point of view, and to hell with the people of Manitoba, we'll pass it anyway? Is that what he's saying?” That was the question.

Now here's what the response was from the Attorney-General. It was addressed to the Premier, but it's from the Attorney-General. “So what I'm saying is this, that, yes, the hearings will invite comments obviously. That's what they are there for.” Then he goes on further to talk about whether or not it's a public relations exercise. He says: “Because it is open for us to do one thing, but one thing only, that is to reject the agreement completely. It is not possible at this stage because the case in the Supreme Court merely stands adjourned. It is not possible for us to take an agreement that involves four, five parties and unilaterally start playing around textually with the agreement.”

At that time, although they are now saying that they were always willing to change an amendment, at that time it could not be changed. That was the position, that they could not change it.

So, Mr. Speaker, now we know precisely whether or not they intended to have full public hearings on the matter. In fact, I guess another good source of that particular information is because they are fond of

sending me copies of Free Press Editorials, I'll read from a Free Press Editorial that addresses this issue as well. It's dated August 16th. It's title is: “At last they will listen.” It says: “Attorney-General Roland Penner and his caucus and Cabinet colleagues withstood a month of all-out parliamentary warfare from the Conservative opposition, defending Mr. Penner's timetable for ratification of the proposed constitutional amendment. They took a number of casualties, the most serious being the damage to their record as a government that wants to listen to ordinary Manitobans and incorporate their views into provincial policy.

“But the casualties were in vain. The timetable has been torn up. It has become day by day more implausible since the government was unable to get the resolution out of the Legislature, past the Conservative filibuster and into the committee. Now, Mr. Penner has agreed to a recess of the Session which will allow the committee to hold hearings in eight places in the province, perhaps into October.

“The Attorney-General is pleased because the committee will report back, technically, to Part Two of the same Session of the Legislature and not to a new Session.”

That's what they gained. That was the victory.

Finally it says: “The mood of the committee hearings would have been helped if the government had chosen that system of its own accord, going forth cheerfully to meet Manitobans, hear their views and exchange ideas with them. Since Mr. Penner and his colleagues have been bludgeoned into this procedure, people turning up at the hearings may wonder how eager the government is to hear them, how open it is to adopting good ideas that are presented to the committee and whether they are wasting their breath.”

Was the Free Press editorial staff looking into a crystal ball? Because when you look at the page-and-a-quarter report that came out of that committee hearing, you have to wonder whether or not the Free Press predicted exactly what happened.

In any case, Mr. Speaker, the public hearings began in September of 1983. The government introduced certain amendments, one of which stated, Section 23.1, “English and French are the official languages of Manitoba as provided for by in Section 23 and Sections 23.2 to 23.9 inclusive.” Now, this amendment, as I understand it, was unacceptable to certain parties, and so that was never proceeded with and never, in fact, discussed to any length in the committee or later. In fact, most of those September 6th amendments appear to have received short shrift by the government.

Then the public were heard, and my, were they heard! Almost 400 briefs were made to that committee, almost 400. They represented tens of thousands of Manitobans on an official basis. — (Interjection) — Well, the Attorney-General states that 70 percent of the briefs were in favour of the government's position, and he declines to tell you that almost 100 of those briefs were people who just simply stood up and stated that they were in favour of the government's position without — (Interjection) — I happen to have copies of Hansard as well does the Member for Inkster, only I have the advantage of being able to read Hansard. Mr. Speaker, there were many well-reasoned, well-researched, well-presented briefs that came before that committee. They put in a great deal of thought and a great deal of effort.

They were concerned citizens who made presentations to that committee.

As well, of course, we had the plebiscite that occurred during that period of time. Of course, both the presentations before the committee and the plebiscites have been dismissed out of hand by members opposite. They continue to be dismissed as being not relevant and not valid to the case. People instead prefer to — (Interjection) — people instead on the government side prefer to attribute it all to an anti-French sentiment, to the fact that people were painted as bigots, the people were politically motivated, that people were misinformed.

The Attorney-General, as recently as the first week of December in British Columbia on the Jack Webster open-line show, made references to his dismissal of the results of everything that occurred during that period of time, the period of September and October when the committee hearings occurred and when the plebiscites were taken throughout Manitoba. Here's a question that was posed to him by Jack Webster, the host of the open-line talk show: "Many people in the West were, I think, kind of surprised when a massive plebiscite was held in the City of Winnipeg and some surrounding municipalities and the people voted totally and absolutely, 76 percent to 80 percent, against bilingualism in Manitoba." Is that not correct?

Penner: "Yes. They voted against what they thought was being proposed by the government, namely a forced requirement on them to speak French - that was one of the gut issues to which they reacted, but essentially of course was not our program." Well, that's what he says. He dismisses it.

He says further on the same topic: It was a simple, it was a sensible, it was an honourable deal, but it was misunderstood. So the question comes back to him from the host, "And that was why the plebiscite was taken?" "Yes, because your deal was misunderstood?" "It certainly was." So he dismisses it totally as being a misunderstanding of the deal. That's why all of those things happened; that's why people reacted; that's why the plebiscite results were as they were.

He says further, Mr. Speaker, and I quote again Mr. Penner on that particular program: "It's the opposition which has pounced upon this issue like a tiger sensing game and has torn the pieces and thrown them in the public arena in an unconscionable way." That's what he says is the whole rationale behind the public opinion as expressed before the committee and the results of the plebiscites.

Again, here's what he says about why the plebiscites were as they were and why the public response was as it was before the committee.

Question: "What's all the fuss about?"

Penner: "The fuss is about people who lost an election and would like to win it back on any basis in my view."

Simple isn't it? It has nothing to do with this French language proposal, it has to do with winning and losing an election. — (Interjection) —

He goes on in that particular exchange to say "Well, there's a frightening aspect, the ease with which people's gut feelings about minority rights or language rights are being manipulated to be quite blunt, and they sense this about French-Canadians."

Now, that's what he's saying, is that it was a whole manipulation of public opinion, that this was because

the question that was put before people was the wrong question, that people misunderstood it. He says that 200,000 or almost 200,000 Manitobans who voted in the plebiscites, their opinions are invalid because the proposal was misunderstood.

Well, Mr. Speaker, Winston Churchill said, "Trust the people," and we trust the people on all issues, but the Attorney-General does not trust the people. He says that the people were misled, and they misunderstood, and that's why they voted as they did in the plebiscites.

So let's look at the plebiscites and the questions that were asked. Look at the question that was asked in the City of Winnipeg. The question was "Should the Provincial Government withdraw its proposed constitutional amendment and allow the Bilodeau case to proceed to be heard and decided by the Supreme Court of Canada on the validity of the English-only laws passed by the Legislature of Manitoba since 1890?"

Now, is that misleading? Does that provide any misinformation? I don't think so. In fact, I think that was very carefully worded. So much so that it was worded in a way that it wouldn't conjure up any reflex bigoted, anti-French feelings, any racial biases. I think that was put in probably the most careful manner it possible could. There were many who suggested - I think the Member for Elmwood - that it was too charitable, that it gave the advantage to the government in placing the question in those words. Despite that, almost 76 percent of Winnipeggers who voted on that issue said — (Interjection) — 76.5 according to the Member for Elmwood said that they did not agree with the government's proposed course of action on this matter.

Here's a question that was asked by most of the municipalities outside of the City of Winnipeg who had the question on their ballot in October of 1983, and it said: "Do you favour the proposal by the Government of Manitoba to amend our Constitution to make English and French the official languages of Manitoba and to entrench in our Constitution the right to receive services in French as well as in English from designated offices of Provincial Government departments, boards, and agencies?"

I believe at that time that was the proposal that was before the Legislature and the committee.

**HON. R. PENNER:** Validation of statutes. He's completely missing the matter.

**MR. G. FILMON:** Well, the Attorney-General says that the validation of statutes was completely missing and so he says, therefore, that this question was invalid. But I suggest again that that question has no misinformation in it, that it is factually and textually correct, and that the people of Manitoba said - in numbers exceeding 80 percent of those who voted - that they would not like the Government of Manitoba to proceed with the proposal that was currently before the Legislature.

The Attorney-General at that time said that they would not necessarily be moved or influenced by the plebiscites. That they, as a government, were committed to do what they felt was right on the issue and despite — (Interjection) — Yes, this is a government that listens; this is a government of the people; this is a government

that consults - they would still move forward on the proposal to amend the Constitution with respect to Section 23 of The Manitoba Act. — (Interjection) — Well, the Member for Thompson refers to minority rights. Let's then bring this a little further and talk about what people said at the committee and let's find out who these people were. Were they anti-French? Were they prejudiced people? Were they people who appeared before the committee because they had biases against minorities in this province?

Well, let's start with Sid Green. Let's ask the members opposite whether or not they classify Sid Green as a bigot. Would they say that he's an individual who does not want to protect individual rights? He, above all, in my estimation, from having seen him in action in this House, would be classified as a civil libertarian, as one who has always spoken out strongly on behalf of the protection of individual rights and liberties. I would say that that was the cornerstone of his arguments in so many different issues.

Philosophically, he certainly is probably closer to the New Democratic Party than to any other organized political party - if they can be called an organized political party - certainly he's closer to the New Democratic Party in philosophy than other existing political party in this province, but . . .

**MR. H. ENNS:** He even has some recent identification with them.

**MR. G. FILMON:** Some recent identification. I'm trying to think of what it was. Perhaps the fact that he was a member of the Cabinet in the last NDP administration, the fact that he sat as a New Democratic Member of this House for something like a dozen years or more, the fact that he was a leadership candidate, I believe, at one time for the Provincial New Democratic Party, so I think that he could be connected with this New Democratic Party in some way. In fact, I think he even ran as a national vice president of the New Democratic Party, so certainly he could have been connected in the past in many ways, even philosophically, with the New Democratic Party.

Mr. Speaker, what was his principal premise when he appeared before the committee? Was it one of the destruction of minority rights, the destruction of individual rights? Was that what he was after? Was he after the topic that we should destroy any agreements that we have in our province in favour of better agreements? No, the principal premise, as I read his presentation, was that a deal is a deal, and he made the point that French language rights were entrenched in The Manitoba Act of 1870, and consequently in our Constitution. And he made the point that they exist on an entrenched basis for the best interests of all Manitobans, whether they be English or French or of other origins. That's why they exist. That was the point he made and he said that in his view a deal was a deal and that was what we ought to be talking about, not saying that we're going to change deals retroactively.

I'll just give a brief quote with respect to that particular area of discussion that he adopted, and he said, "So if there are people in the Province of Manitoba who are interested in retaining 23 and if there is a 'Retain 23 Group', I wish to associate with all of those who

wish to retain 23. I am very much in favour of it and I adopt the language of the Attorney-General. In 1870 we made a deal and I believe in keeping the deal and the deal was 23 and I don't know why a government is now trying to change that deal and undo what we said at that time." That was his position on it.

He went on to tell what successive governments were doing in a concrete, legitimate and well-intentioned sense to protect the rights of French-speaking Manitobans and to protect the rights of all Manitobans to speak French in this province and to give meaning to not only the letter of the law, but to the spirit and the intent of the law, by providing opportunities for Manitobans of all origins to participate in the use of the French language in Manitoba, where reasoned and where practical and where called for under our Constitution, and beyond that because he, like our government, the government of which I was proud to be a part during the Lyon administration, believed that we not only had a commitment to protection of the rights, as they were laid down in The Manitoba Act of 1870, and as the Supreme Court decision in the Forest case said so, but that we had to give living meaning to the spirit and the intent of it, rather than come forth with some constitutional court-imposed impractical and maybe even unreasonable imperative that this government was now embarked upon at that time, as it appeared before the Standing Committee of the Legislature.

In summary, he gave examples. He gave examples of his own commitment to bilingualism, to having become fluent in the French language - that is, Mr. Green - that of his family, having taken French Immersion programs, of his commitment to the federal bilingualism as a member of the New Democratic Party, at a time when it wasn't popular in that party to be committed to federal bilingualism, he indicated of his commitment at that time.

He indicated about the inclusion of the rights of Franco-Manitobans under The City of Winnipeg Act, Under the development and the successive expansion of French Immersion Programs in the '70's, not only under the Schreyer administration, but under the Lyon administration, and he referred to the fact that this legislation was put in place, not only for the benefit of Franco-Manitobans, but all Manitobans.

He referred to the fact, Mr. Speaker, that in Swan River, French Immersion Programs were put in place because of the initiative of English-speaking Manitobans, who wanted them to be available for their use and for their benefit and for their opportunity, and that is true. He made the point, Mr. Speaker, and I think that it's one that should be repeated - that no constitutional imperative nor any government legislation was of any ultimate value unless it had the good will of the government in power, assuring that it would be protected and would be implemented, both to the letter and the spirit of the law. That's the point that he was making and he referred to the fact that the Attorney-General had taken gleeful delight in this House in pointing out what things were being done by the former government of the Lyon administration. He read memos from our administration that showed that we were doing, not only what the Constitution of 1870 required of us with respect to the translation of Statutes and so on, but that we were putting into effect many programs

beyond that, that we were proceeding to provide additional opportunities - and I want that word to be remembered - opportunities by way of policy decisions, opportunities for people to utilize the French language in a public sense in Manitoba in a variety of different ways.

The thrust of what he was saying was that our government was going beyond that in terms of providing these opportunities without benefit of legislation, without benefit of constitutional amendment; and this government seemed to be apologetic about its intrusion on the French Language issue.

He read a letter from the Premier to various municipalities and the other letters from the Premier to various critics of what was happening, and the letters of the Premier appeared to be almost apologetic, saying that this was not really bilingualism, in contradiction to what was being said, incidentally, by his own members in the House in debate because the Member for Radisson, now the Minister of Environment, Workplace Safety and Health, had said, that we are a bilingual province. He had said so in this Legislature, but the Premier apologetically was saying in his letters to the various critics of his proposal that we were not a bilingual province, that we were not proceeding in the same way as others who had encouraged on this.

It reminded me, Mr. Speaker, as he spoke apologetically, of a discussion that I had with the Clerk of the Executive Council, Mr. Decter, at a social gather of this Assembly, of members of this Assembly. Back in December of 1982, I had a discussion with Mr. Decter and I asked him about the policy that had been put in place by our administration whereby members of the Legislature were given the opportunity, or would be given the opportunity, to learn French if they so desired. That was a policy that one of our members had already been taking advantage of, and that is, the Member for Niakwa. He had, through the graces and the courtesies of the Federal Government, an arrangement made by the Provincial Government, had been taking French Immersion, had been taking some training to become more fluent in the French language. I had asked Mr. Decter back in December of 1982 whether or not the Pawley government would be carrying on with that policy because I had some interest in taking French on an immersion basis. I felt that it was something that would be advantageous; I had felt from my experience as a Minister previously in federal-provincial meetings that it would be advantageous to have some greater understanding and fluency in French in dealing with members of Cabinet in Quebec, in dealing with some of their senior advisers, in discussing policy matters, it would probably be advantageous for me to have that kind of fluency.

I wanted to have that fluency so that when we return to government after the next election that I would have a greater advantage in dealing with perhaps Federal Civil Servants, or Quebec Civil Servants, or senior Ministers in those governments by being able to speak with them in their language. That was one of the thoughts that I had, and that was an opportunity that I was wanting to embark on, saying nothing of the fact that I have two children who, again by choice, have taken advantage of the opportunity that was provided for them by our government and taken French immersion training and are relatively fluent in the

language. I just thought that would be an important thing and an advantage, and I spoke to Mr. Decter at that time.

At that point in time he could not give me any assurance that the government was going to be carrying on with that, that this government was going to be providing for that kind of opportunity for members of the Legislature.

I don't understand it, because here they are talking about constitutional imperatives that will see court-imposed solutions on the limit to which we will provide French Language Services in this province, but they are not willing, by policy, to implement the very things that would give living meaning to their commitment to additional French language services and additional French language opportunities in this province — (Interjection) — a double standard, a contradiction in terms, Mr. Speaker, and I don't understand it. I don't know whether or not the Premier understands that. I hope he does, but instead, Mr. Speaker, here we have a proposal that involves divisiveness and acrimony, convulsion of an entire province, yet they are not even proceeding with what they can do by policy. So it seems to me to be symbolism without any commitment.

I don't know whether the Premier is even interested in this or whether he cares about the significance of that, but I think a good deal should be read into the meaning of that very contradiction in terms. I don't know whether he really wants to do anything more than just read the speeches that are being prepared for him by his French language secretariat — (Interjection) — which we established, and give lip service to a commitment to the various groups who he is dealing with on this particular matter, at the same time writing apologetic letters to municipalities and other critics saying that this isn't really an extension of French language rights and so on. I don't know whether he believes, like the Attorney-General does, that the public response and the public position on this matter is based on simply misinformation, on misunderstanding.

So, let's take a look, as I said earlier, at who's responsible for the misinformation on this matter, because I agree that there has been a good deal of misinformation on all sides and from all quarters and it continues on this issue, and that's why I thank the Attorney-General for having corrected me technically in the statement that I made earlier. But let's take a look at the evidence that was provided about the misinformation, and some of the best evidence of that was presented before the committee by Messrs. Green and Schulz, both I think familiar to members opposite.

Here we have, Mr. Speaker, the position placed on the record by Mr. Green when he came before the committee. The first thing he did, of course, was he referred to the information that was being provided in the material that was being published, and you recall that of course, during the summer, the reams and reams of folders and brochures, full colour, question and answer, all of the advertising material and the PR that was being put out by this government to try and explain what they were doing on this issue. If you look at the material, Mr. Speaker, which it bothers me to look at every time I see it because I paid for it, there is no government that has used a public purse more to pursue its political position than this administration. Of course, he goes on to say, as he has before, that this is the

most inept and incompetent administration that the government has ever seen, and I'm quoting Mr. Green on that matter, not myself.

So, he then refers to the literature specifically and he refers to what he calls the falsehoods in this material. He's talking about a brochure that was published by the government this summer. It says: "This limited agreement applies to only limited, designated areas of the province which have a significant Francophone population," and he says that is false, Mr. Speaker. It has nothing to do with the Francophone population, it has to do with the people demanding services in the French language, they need not be Francophone, they could be Anglophones.

He says next, Mr. Speaker, the program does not involve or affect any individual, any business, or any private institution whatsoever. He goes on to tell you that many people act as agents for the government and therefore they immediately become involved even though they are private individuals or businesses because they are agents for the government with respect to collecting sales tax, or with respect to collecting gasoline tax, and all of those kinds of things.

He goes on and he said, that is a second falsehood that was right in the government's documented literature that was sent out. — (Interjection) — Then he says, the agreement will result in an overall cost-saving to the province and then he says, that is false, Mr. Speaker. Nobody can make that statement because you do not know what the implications of the legislation are, therefore you do not know what the cost will be. He goes on and on to find various other false assertions in the article.

Then, Mr. Speaker, since we're speaking about falsehoods - and the Member for Radisson is chirping away from his seat - so I'll refer to him from this because here's a quote that refers to him. We have Gérard Lecuyer a government MLA telling the Manitoba Legislature that this amendment "simply establishes what was originally intended, no more, no less," and that of course is a falsehood. It was a falsehood as it applied to that proposal that was before us at that time and it's a falsehood today, Mr. Speaker.

We have New Democratic Party literature, Mr. Speaker. Quoting an editorial from the Vancouver Sun which criticizes the opponents of the proposed constitutional amendment because, "They fail to acknowledge the fact that the province has deprived its French-speaking minority for almost a century and is now being offered the chance to redress this wrong." That's false, Mr. Speaker, because that wrong was redressed by the decision of the Supreme Court in the Forest case; and in 1980 under the Lyon administration that wrong began to be redressed and all of those things flowed from it, various things flowed from it, Mr. Speaker.

Mr. Speaker, if we are talking about falsehoods and misinformation we have to understand that those falsehoods and misinformation have been coming from all sides of this issue. As much as can be attributed to the various people who appeared before committees and made presentations, have taken out ads and all of those things, and the misinformation can be pointed to, so can misinformation on the government side be identified very readily. — (Interjection) — Mr. Speaker, is it any wonder that all of this misinformation, all of

these falsehoods, led to the kinds of articles that were written in newspapers, the editorial positions that were taken, even indeed to statements in the House of Commons by leaders of all three parties that were based on false information that was put out by this government, by members of this government.

Mr. Speaker, here we have right out of an editorial, The Winnipeg Free Press of October 4th, 1983, "The constitutional amendment restores the right of English-speaking Manitobans and French-speaking Manitobans equally to read the laws of the province in their own languages." Not so, not so, Mr. Speaker, that was restored in 1980. Mr. Speaker, so all of these people based their arguments and their positions on false assertions made by members opposite.

They said that the Constitutional Resolution represented a restoration of French language rights in this province, Mr. Speaker, and it seems to me that if the premise upon which the assertion or the conclusion is arrived at is false, how can that conclusion, in fact, be truthful? How can that conclusion be able to be relied upon if it's based upon a false premise? That's in fact what we're dealing with in this whole issue, Mr. Speaker, because the Attorney-General, the new House Leader, the Premier - if he was involved in any of this and of course it's open to question whether he has been involved at all in this whole issue other than in writing apologetic letters - whether they simply believe that the public voted on the plebiscites and appeared before the committee because of a lack of understanding of the issue, because of misinformation. And because of that the Legislature received a one-and-a-quarter page report on the committee hearing. A one-and-a-quarter page report from the Committee on Privileges and Elections saying that the committee had sat, had listened, had received some 400 briefs. — (Interjection) —

Well, here's exactly what it says, Mr. Speaker. It says, the committee has now completed its task and has consulted with those Manitobans who expressed a desire to be heard. The committee was impressed with the interest shown and the analysis of the subject matter demonstrated in many of the submissions. Well, you would think that they're going to go on to say that we've changed our mind, we've changed our position and we're going to drop the whole resolution.

But do you know what they say, Mr. Speaker? They say, in fact, your committee recommends that the Legislative Assembly proceed with a resolution to amend The Manitoba Act. That's their conclusion out of their public hearings. Why? Because they say that the public was misinformed and misunderstood the whole thrust of what was being proposed. That's what they say, Mr. Speaker.

So they concluded that the Legislature despite the 75-81 percent rejection in plebiscites, despite the hundreds of well-reasoned well-researched briefs that were presented to it prepared and knowledgeably presented despite their information to the contrary, and their position to the contrary, that the Legislature should adopt an amendment to the proposed resolution to entrench an amended version of Section 23 of The Manitoba Act, in Canada's Constitution. That's their conclusion. What an affront to the public; to the parliamentary process that we all take pride in; that we all seek to preserve and enhance. What an affront

to take that whole set of hearings, days and days and days and days of hearings. Hundreds of hours that were put into the briefs. Hundreds of hours that were put into listening to them, accepting all of those, and we throw it all out the window and turn that set of committee hearings into what, in effect, was a perfunctory exercise in going through the window dressing of receiving public opinion. Well, you can understand why the Free Press editorial had some concerns as to the government's real commitment to that process when you see what the result of that process was.

Mr. Speaker, that brings us to the current proposal that's before us. What of the current proposal which incidentally has a number of different areas of question immediately before us? Has this been agreed to by Bilodeau? Has he agreed to drop his case if this proposal passes the Legislature? Who knows? I don't know, and it certainly hasn't been indicated to us. Has the SFM approved this, the Société franco-manitobaine? Will they agree to go along with this proposal, and not seek to further expand and develop the French languages rights in Manitoba if this proposal is adopted? Have we been told that, Mr. Speaker? I don't believe we have, and so I posed the question, I suppose, rhetorically.

I guess, Mr. Speaker, we have to ask: how was this final proposal arrived at? By what series of meetings? Were they private? Who was there, and so on? Or does it have any greater credibility than did the original proposal? Does this proposal justify the risk of entrenching some new statements in our Constitution to provide for additional French language rights in Manitoba beyond what already exists, because I think we've established that it's not a matter of protection of French language rights or restoration of French language rights of 1870, The Manitoba Act of 1870? Those were already restored by virtue of the decisions and the implementation of things, policies that were being carried out in 1980 by the former administration.

I'm talking in terms, not only of the translation of statutes, but by giving living manifestation to it. That booth that we have to provide for simultaneous translation is a manifestation of a decision that was taken by our government. All of the various other things that were done systematically and conscientiously by our administration were to give effect to the restoration of rights in Manitoba. So we're not talking about that. We're talking now about a proposal to extend French language rights in Manitoba.

Let's look at the recent process of events that has brought us to this final position that we now consider before the Legislature. I don't know whether it is indeed final. I question whether or not it is. There has been a good deal of talk across the way of their desire to be flexible, of their desire to be considerate of other opinions, and so on and so forth. So let's leave that on the table, but let's look at the process of recent events after the report of the committee came out and the whole proposal was now in the hands of the new Government House Leader.

We had some new initiatives. We had the proposal that was presented to me on the 12th of December that had, and I quote the Government House Leader, "The simple declaratory phrase that English and French are the official languages of Manitoba." We've talked

a bit about that. We've talked about what a serious extension that would have been of the French language rights as they existed today in Manitoba, but that was put before us on the 12th of December.

At that time, after the various considerations that were given to it at that time, after the review was given to it by our caucus, the Government House Leader then said that we had acted irresponsibly in rejecting that proposal. He immediately ran into the Cabinet Room in a panic and he said, the opposition has rejected it. He's heard some of the criticisms that I had put forward. One of the criticisms that I had put forward was that it might be applied to municipalities and school boards, just right off the top. That was one. So he immediately ran into the Cabinet Room, and over the Cabinet table they drafted an immediate change to that proposal.

Now here's the point at which we have some difference of opinion, because the Government House Leader said publicly that he had told us that they might consider waiving the municipalities and the school boards on this matter. He didn't say that they would consider it because, mark you, we got no proposal in writing. That's why I had the Member for Fort Garry with me.

**HON. H. PAWLEY:** Just on a point of order, please.

**MR. SPEAKER:** Order please.

The Honourable First Minister on a point of order.

**HON. H. PAWLEY:** Yes, at no time did we indicate that there was any intent of the municipalities or school divisions being included in the provisions.

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**HON. G. FILMON:** You see, Mr. Speaker. You can understand why there is confusion on this issue, and you can understand why I had the Member for Fort Garry with me, because he heard, as I did, that the proposal was to entrench the simple declaratory statement in 23.1, which was that, "English and French are the official languages of Manitoba," and that the matter of municipalities and school boards was raised by us and not by the government . . .

**MR. SPEAKER:** Order please.

The Honourable First Minister on a point of order.

**HON. H. PAWLEY:** Mr. Speaker, the statement by the honourable member is not correct. At all times, we indicated that the municipalities and school divisions would be included. Mr. Speaker, both the House Leader and myself are prepared to debate this at any particular time with the Leader of the Opposition, because the statement that he has made is not true.

**MR. SPEAKER:** I thank the Honourable First Minister for that explanation.

The Honourable Member for Fort Garry.

**MR. L. SHERMAN:** On the same point of order, Mr. Speaker, I'd like the record to show that we raised the question of whether municipalities or school boards

would be interested, and the government responded that they would consider it.

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

There was no point of order. It was an explanation by a member having to do with a point of fact. The Honourable Leader of the Opposition.

The Honourable First Minister on a point of order.

**HON. H. PAWLEY:** Mr. Speaker, obviously it's necessary, it appears, to have everything transcribed and taken down clearly in writing at meetings involving honourable members across the way.

Mr. Speaker, let me just indicate that both the House Leader and myself will be prepared to debate at any time the statements just made by the Leader of the Opposition and by the Member for Fort Garry as to the correctness.

**MR. SPEAKER:** Order please, order please. A difference of opinion as to the fact does not constitute a point of order.

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Mr. Speaker, when the government was going to proceed at that time on the 12th of December without giving us anything in writing and, of course, we understand now why they wouldn't give us anything in writing - so that they could change their story at any given time after - but the government was willing to proceed at that point in time with a simple declaratory statement that could have had disastrous effects.

So rather than, they immediately made a rapid change that split 23.1 into two sections. That was the proposal that I think most people have, of December 15th. That was made public by the Minister of Municipal Affairs, the Government House Leader. He was the expert in constitutions and he split it into two sections, the first of which said, and I quote, "English and French are the official languages in Manitoba . . . "and any right to use either of them as, ". . . enjoyed under the law enforced at the time this section comes into force shall not be extinguished or restricted by or pursuant to any Act of the Legislature of Manitoba." That was 23.1(1); 23.1(2) was, "This section does not apply to municipalities, school divisions or school districts."

Well it was apparent that his intention was to exclude municipalities, school boards, school districts and so on from this, but of course what were the legal opinions as to whether or not they were, by their hastily drafted amendment, going to be able to accomplish that? I am sure they got similar opinions to ones that we did, Mr. Speaker. They were the opinion that the proposed amendment with the 23.1(1) makes French and English an official language. That can mean anything that the courts interpret it to mean, and the consequences would be unforeseen and could be very disruptive.

Further to that, the subsection (2) that they had put in was inconsistent. It was clearly intended to cut down the scope of what they were attempting to do in 23.1(1), but it might not have that effect. In fact, it was unusual according to information we were given by legal counsel. It would be unusual to have that section with its contradictory effect on 23.1(1) and that, in fact, school

boards and municipalities could be included despite their intent.

So there you have it. They drafted it themselves, probably without the help of constitutional advisors, and they had a disaster on their hands. So they went into a further series of meetings, talking with their various advisors, talking with the various groups that they felt were important to be co-opted on this issue and brought outside. They, as I understand it, involved labour groups and all sorts of other special interest groups but, of course, the question becomes: who spoke for Manitobans? Who spoke for the people? Well, Mr. Speaker, that's what we're up against, is that they very narrowly dealt with certain people who they wanted to satisfy, and they ignored the views of the people of Manitoba.

Mr. Speaker, the proposal that was put forth then which was, I think, supposed to be a final proposal on the 15th of December which would have been a disaster because of the way they had split up 23.1 into two sections and tried to, on an ad hoc basis, exclude municipalities and school boards, it also did other things. Let's look at some of the other things that it did.

It agreed to the validation sections for the old statutes and with respect to the amendment to private - and it also had the amendment for private acts, you know, that amendment that was proposed by Mr. Wehrle to the Committee on Privileges and Elections. It was to the effect that many private institutions who were established under private acts might be in jeopardy of being made non-existent. That was his criticism of it, and at the time I believe the Attorney-General did not appear to be very receptive to it. He thought that Mr. Wehrle was taking too exaggerated a position; that his concerns were unfounded. I think one might say that he pooh-pooed it. But at the same time, Mr. Wehrle persisted and he started to write letters not only to the government, but to other interested people, and he began to identify how many of these private institutions might be affected by it.

He wasn't willing to accept the Attorney-General's position that the government knew what it was doing, and the government didn't really intend it so therefore it couldn't happen, because he knew as a lawyer that it wasn't a matter of what the government intended. It was a matter of what the law says, not what was in the mind of the Attorney-General when he proposed the law. So he persisted and he wrote various things to the government such as, and I quote:

"Our concern is with the wording of proposed Section 23.5(1). Its legal result, if the named private organization(s) were not re-enacted by December 31, 1993, would be to extinguish the legal existence of the organization(s), and cause the assets of the organization(s) to pass to Her Majesty the Queen, in Right of the Province of Manitoba.

"The risk, however slight, is an unfair and unacceptable one because the named organizations have no control over the process. It will be the failure of the Legislature to act, and not the failure of the organizations to act, which would cause such a severe penalty.

"The Manitoba Legislature might deliberately select certain organizations for elimination . . . "like maybe the Manitoba Club or something like that, other



organizations that they didn't want or feel were necessary to exist in this province, maybe the St. Boniface Hospital. Who knows? But in any case, I compliment the Attorney-General on listening to Mr. Wehrle, and on bringing forth an amendment to satisfy his concerns on that. I suggest to him that he continue to listen to the very reasonable concerns that are being expressed by the people of Manitoba.

That proposal of December 15th, as had the proposal of December 12th to the Member for Fort Garry and myself, included the removal of all the sections dealing with the French Language Services with the suggestion that they would be dealt with by statute.

It also included a statement intended to protect the rights and privileges accorded to other languages customarily in our province. That is an area, I might indicate and I will indicate further as we go along, that various of the sections that are now in the proposal would not need to be there were it not for the concern that Section 23.1 gives the possibility of an extension of French language rights in this province. Only because of that does the government need to put in a number of clauses that would be meaningless and wouldn't be necessary under Section 23 today but, because they are now tampering with Section 23 and adding 23.1, they have to now reassure many other people in society that their rights are not being affected by this proposal.

That's what we are faced with in the final proposal, the so-called "fine tuned" proposal that conceptually, as the Government House Leader says, satisfies all of the original intentions of the government when they went into this matter. And that's what they've put before us.

It deals again, as I said, with the validation sections. It deals with Mr. Wehrle's concerns. It puts in a phrase that is intended to deal with the exclusion of municipalities from the process, municipalities and school boards.

**A MEMBER:** What are you saying about those again?

**MR. G. FILMON:** I am saying that the proposal before us has in it a section that is intended to exclude municipalities and school boards and local government authorities from the effects of Section 23.1 of the proposal.

**HON. A. ANSTETT:** As committed last August.

**SOME HONOURABLE MEMBERS:** Oh, oh!

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

**MR. G. FILMON:** Mr. Speaker, we have a good deal of information to consider on the matter. We have, in fact, the various opinions that have been tabled. I think it's interesting and it's informative for people to consider the opinion of Mr. Twaddle on it. He says, in part, the section that is intended to exclude municipalities and local government authorities may not do so if Section 23.1 is interpreted, in that remote possibility that he refers to, is intended to give expanded French language rights then, in fact, the exclusion clause may not be valid as well. That's an interesting part of his opinion. So we're resting all of our consideration and all of our

judgment on the opinion of Mr. Twaddle that there is a remote possibility that this could be interpreted to be an extension of French language rights in Manitoba.

Here's the part that I'm referring to. I'll read from Mr. Twaddle's opinion, it's the bottom of Page 2, and he's talking about the proposed Section 23.8, it says that it purports to exclude municipalities, school boards and local governments from the effects of these changes. He says: "If, however, proposed Section 23.1 was to be construed as conferring rights, there is nothing in Section 23.8, as presently worded, to ensure that such rights are inapplicable to dealings with municipalities and school divisions."

Then he says, and I'll read the rest: "subject to the exception expressed in Section 23.8, that is, as required by Section 23, there is in my opinion no constitutional provision which can be construed as requiring municipalities or school divisions to do any of the things from which they are exempted under Section 23.8. Section 23.8 is, therefore, in a strict legal sense superfluous."

Now, that is true of a number of the various things that are contained in the new proposal. --- (Interjections)  
— Well, Mr. Speaker . . .

**MR. SPEAKER:** Order please.

**MR. G. FILMON:** Mr. Speaker, the Government House Leader says: recommend the removal of the exclusion. The fact is that if you remove 23.1, then you don't need any of these superfluous clauses that are in there; that's the point; that's the whole point behind it.

So, Mr. Speaker, we come down essentially to Section 23.1, because really that's where all of the criticism and all of the concern and all of the anxiety funnels down to, 23.1. When all is said and done it still continues to be the crux of the problem. This is the area upon which any expansionary interpretation could rest and could result in a court-imposed extension of French language rights in Manitoba for all time and future.

The statement begins with the phrase: "As English and French are the official languages of Manitoba." Mr. Speaker, English and French are not the official languages of Manitoba as they're stated in Section 23 of The Manitoba Act today, so why are we stating that as a fact when that is not what is said in Section 23.

I hesitate to do it, but I'll read it once more into the record. Section 23 of The Manitoba Act says: "Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective records and journals of those Houses, and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under The British North America Act 1867, or in or from all or any of the courts in the province. The Acts of the Legislature shall be printed and published in both those languages." That's all it says, it doesn't say English and French are the official languages in Manitoba. And, Mr. Speaker, that, I say, is the crux of the problem, that they begin in 23.1 by stating something that isn't factually correct.

So, Mr. Speaker, that then leads to the question, what's the import of official? If it wasn't there before and they want to put it in, what does official mean?

So I looked for a definition and I sought the Oxford Concise Dictionary for a definition, and it says: official - adjective and noun. We're looking, I think, for the adjectival version of it, so that's what you have to look at. It says: "Of an office, the discharge of duties or the tenure of an office employed in public capacity or" and I think this perhaps is the only area that could be pertinent to this use of the word 'official,' "derived from or vouched for by persons in office properly authorized."

What does that mean? That means that someone properly authorized is going to be asked to define what official means under any given set of circumstances. And that probably means — (Interjection) — of course the Attorney-General finds that very amusing, and of course, it's interesting because I don't think it's amusing. It means, Mr. Speaker, that a court or a judge is going to be asked to define what official means. That's the whole crux of the problem, that we don't know what official may mean in some court's view or judgment. It's there because this government wants to give the appearance, or maybe even the effect, of an extension of French language rights to the people who they are dealing with to make an agreement on this matter and they must have official in there to make it fly, to make it wash, and they must state that English and French are the official languages in Manitoba as part of the whole proposition.

Mr. Speaker, if we're going to ask a court to define for us what official languages means, could that court - let's say it's the federally-appointed Supreme Court - could that court say that official languages are the same meaning as is referred to in The Federal Official Languages Act; could they say that? Because they'd be looking for a definition that's appropriate to the circumstances, so they'd be looking for official languages, could they say that? I don't know, and I'm sure that even the Attorney-General doesn't know and can't assure me. I believe that Mr. Twaddle doesn't know because it comes down to, in his view, the fact that he can't give us an assurance or a guarantee, but rather he says, it's a remote possibility.

So, that's what we're dealing with, Mr. Speaker, we're dealing with Section 23.1 as it's here and the concerns that we have for it. I guess people can say to us that we needn't be concerned. That's what I think many people are saying, that we have to take the risk that's being proposed to us.

We, as representatives of Manitobans elected to question, to debate, to defend the best interests of all Manitobans, the rights and liberties of Manitobans, are asked to take the risk; to take the risk that this may not be viewed as an extension of French language rights in any action that flows from this new constitutional proposal; this fine-tuned, watered-down proposal. The last proposal presumably that we're going to deal with.

Mr. Twaddle says and I quote again in his submission that, "It is a remote possibility that a court would likely recognize rights as being created by the first part of Section 23.1." That's what he says and that's what I guess the whole government opinion on this is based on.

I want to remind members of the Legislature that in April of 1982 the same Council of Record advised the Attorney-General that, "In return for waiving their existing right to have all statutes translated the Société Franco-Manitobaine would require a constitutional

extension of their language rights." He goes on further to say, "It will be appreciated that such a constitutional extension cannot be imposed on Manitoba. As there remains an excellent chance of success in Bilodeau before the courts careful consideration should be given as to whether or not it should be agreed to as the price for relief from the obligation to translate all existing statutes." — (Interjection) —

Mr. Speaker, I want to know whether or not there is a difference between the statement that there's a remote possibility that the present proposal could be interpreted as an extension of French language rights, if there's much difference between that and having an excellent chance of succeeding in the Bilodeau case. Well, I don't know, Mr. Speaker, whether or not there is that much of a difference and I guess that the Attorney-General is going to explain it.

Well, it seems to me that another lawyer on the other side Friday gave us the benefit of his wisdom on this same matter when he addressed us and that was the Minister of Natural Resources. He obviously has acquired a great deal of new wisdom over the past eight months in dealing with this matter because he now says and I quote, "There are remote possibilities but we shouldn't be governed by remote possibilities. We have to govern our actions on reasonable likelihood." Well, is an excellent chance of succeeding in Bilodeau not the same as a reasonable likelihood? In fact, I think it's even stronger, you'll find it probably even stronger and yet he was willing to wave the excellent chance of success in the Bilodeau case on the recommendation of his Attorney-General in favour of this remote possibility.

Well, I don't know, Mr. Speaker, whether or not we should fall into the same trap. I don't know whether we should accept that when the lawyer, who is the Minister of Natural Resources, doesn't understand what we're dealing with on this matter. So, Mr. Speaker, here we are.

We're dealing with a case where we're expected to accept the remote possibility. Well where was the wise counsel of the Minister of Natural Resources when the Attorney-General was deciding to ignore the excellent chance? Was that not better than a reasonable likelihood, an excellent chance? Yet he didn't speak at that time or at least he wasn't able to persuade the Attorney-General and so here we are.

This is what the Attorney-General said on July 4th, "Dealing with the question of invalidity, what is it that would be the likelihood and the outcome if indeed the Supreme Court found that the laws passed in one language only were invalid." Both Professor Gibson and Mr. Twaddle said, well that's possible. They didn't feel it was likely but it was possible. They didn't feel it was likely. Isn't that a reasonable likelihood? Isn't that what the Minister of Natural Resources is now advising us? But it was possible. They went on to say both of them, that if the Supreme Court did find that our statutes were invalid there would be - and they both used the term in effect - legal chaos. Sir, I felt that it was not a risk that I, as the Attorney-General of this province had the right to take. But now we, as an opposition are expected to take the risk of the remote possibility that this would extend French language rights in this province.

Well, Mr. Speaker, I ask why we, on behalf of the vast majority of Manitobans, should accept any risk

that their rights have been altered by this proposal? Why is it necessary to entrench even this remote possibility when we have lived amicably with our French-speaking brothers and sisters, when successive governments have moved by policy to provide greater and greater opportunities - and I stress the word opportunities - for the use of the French language in the public sector in Manitoba, why should we take the risk that some court-imposed, impractical and unwarranted interpretation will be the best solution to our problems when we don't need to take the risk at all.

I know that in saying this I'm going to be accused and derided as I have been throughout the speech by some who'll say that there's a risk when you step out of bed in the morning, that you'll break your bones. I think I've heard that somewhere before. But only a fool doesn't seek to minimize or eliminate those risks that we live with in our daily life. That's exactly it. We try and eliminate those risks. We take matches away from children. We put poison and strong medicine into containers that have locking caps so that people can't get in them by accident. We try and eliminate those risks, Mr. Speaker, and only thinking and reasoning people would not try and eliminate those risks and that's what we're doing but the government has not eliminated the risks in this instance. The government has not eliminated the risk, Mr. Speaker. — (Interjection) — Mr. Speaker, I've already said what the risk is, of an extent of a court interpretation of an extension of French language rights in this province to the detriment of the majority of people in this province.

Mr. Speaker, some will say, well you're afraid of the dark and I think I've heard that before recently. Well, you're afraid of the unknown, that's what people will say. Well, Mr. Speaker, I suggest that it's only healthy to have a respect for the unknown. I believe that sound-thinking people ought to have a healthy respect for the unknown. We should not enter into uncharted waters, as is being suggested to us and has been suggested to us, throughout this whole proposal by the New Democratic Government, that we go headlong into uncharted waters and I don't think that that indicates a healthy respect for the unknown.

Mr. Speaker, if the NDP Government had followed that advice we wouldn't be here today. Mr. Speaker, they gave us a carelessly, hastily worded proposal that indicated words, such as, English and French are the official languages of Manitoba and so on; that carried things like significant demand being left open to courts to interpret; reasonable numbers; head or central offices of government departments; and all those things that have been proven to be absolute disasters in their original wording, but they said let's go headlong into this proposal, to heck with the consequences. I wish that they had had some healthy respect for the unknown and uncharted waters they were taking us into eight months, that's what I think.

So, Mr. Speaker, if I am accused of fearing the dark, I accept. I accept that because I think it's better than fearing the light, the light of truth, the light of wisdom, the light of knowledge on this subject because that's what this government was afraid of when it wouldn't go into public hearings. They didn't want that wisdom and knowledge and information on that. Mr. Speaker, they didn't want anybody to shine the light of

understanding on their proposal because they weren't willing to face it. I accept being afraid of the dark, as opposed to being afraid of the light of information and knowledge on this particular subject that the NDP are.

Mr. Speaker, they argued with us for two months in the Legislature that the people needn't have been concerned with their proposal, needn't have been concerned. In fact, they were effective, I guess, that they convinced many editorialists and many media people to go along with them - the Vancouver Sun, the Montreal Gazette, I think even the Winnipeg Free Press at times throughout the peace said that this was merely a restoration of rights. So, they repeated the lie so often that it was accepted by people throughout the argument.

However, they were eventually forced to listen . . .

**MR. SPEAKER:** Order please.

**HON. G. FILMON:** . . . and they heard.

**MR. SPEAKER:** Order please.

The honourable member is aware, I'm sure, that the word lie is not a parliamentary word within this House, and perhaps he'd like to reword his statement.

**HON. G. FILMON:** Mr. Speaker, I accept your admonition on the matter and I will change the word lie to misinformation. They accepted the misinformation that was given on the matter.

Mr. Speaker, they were eventually forced to go to the people and have the light of truth and understanding shone on their proposal, to have learned citizens, the MGEA lawyers - including their own constitutional experts - really have an opportunity to take a look at it, to tell them that their proposal was a disaster, to tell them that they could be entrenching a very loosely worded, ill-considered proposal that was open to all sorts of misinterpretation by the courts, that would very much infringe on rights of the majority of Manitobans in future. They were afraid of the light, but when it was shone on them they scurried for cover, Mr. Speaker, meeting with group after group after group to try and arrive at some acceptable alternative.

Now somehow they've convinced people that the object is to find an honourable compromise, that now all Manitobans must accept some risk, the remote possibility of risk, that this will be an infringement on their future rights by some narrow extension of French language rights constitutionally in this province. They've convinced people that the object should be that we should all be required to arrive at an honourable compromise, not that they ought to change their position and remove the proposal to entrench an expansion, or a potential expansion of French language rights, but it's up to everybody else in the province to compromise with the NDP.

Well, Mr. Speaker, I don't believe that it's our responsibility to be co-opted into a face-saving measure, a face-saving exercise on behalf of a sagging government who have lost all credibility in their dealing with the public. No longer can they tell people that they're a government that listens, they're a government that's concerned; no longer can they tell that to people. The light has been shone on them. It's been said over

and over by others, not only on this side, by others throughout the province that they are the most incompetent government in the history of this province. It's not our responsibility to get co-opted into that. It's our responsibility to protect Manitobans from the consequences of entrenching a false statement that would extend French language rights in Manitoba, Mr. Speaker, beyond those which exist today, when it is not in the public interest to do so.

We have it on the record, Mr. Speaker, from so many different lawyers and constitutional experts, even some who are sitting here have said in the course of the legislative debate, in the course of the committee debates, that you can never be sure of a decision in front of the courts, that's what's been said by many. Even this proposal word "entrenched", would leave open a possibility for an additional constitutional challenge. This, too, appears in the opinion that was given by Mr. Twaddle on April 14, 1982.

He says, and I quote, "The present Legislature was elected pursuant to The Elections Act of 1980, which was enacted in English only, although subsequently printed and published in French and retroactively enacted under the provisions of An Act respecting the Operation of Section 23 of The Manitoba Act in regard to Statutes. The validity of this procedure might itself be questioned as it was designed to effect after the fact compliance with directory requirements. Further attacks may then be launched against statutes passed by the present Legislature even if passed in both official languages. Thus, even though chaos will have been avoided, uncertainty as to the status of the present legislature and the validity of statutes passed by it will remain." And he goes on further to say, "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."

So, even if we were to have passed this and it goes to the Federal Government and it's entrenched, it still leaves open the possibility of somebody challenging on the basis that the Legislature was not properly constituted to do what it did on this matter today. We are not eliminating the risk of going to the Supreme Court on this issue by what they are proposing today, Mr. Speaker, we are not removing that possibility.

And the best example of the uncertainty that still remains under this proposal is the fact that, by virtue of seeking to entrench 23.1, we have, in some form or other, and the form is the one that is before us, we have now thrown into question in the public's mind and in many lawyers' minds the constitutional protection that exist today for school boards, for municipalities, for local governments of all sorts, for the use of languages other than English and French, and we now have to entrench, as part of this package, statements like 23.7, 23.8, 23.9, which deal with all of those matters, trying to assure people that their rights will still be protected.

**MR. H. ENNS:** No assurances were needed before.

**MR. G. FILMON:** No assurance was required before under Section 23 but now, because we are changing it, we are tinkering and we're opening up those remote possibilities to adverse consequences by virtue of a

legal interpretation in the courts, we now have to entrench all sorts of other motherhood statements; like about the protection for languages other than English and French; like about our multicultural heritage and view in dealing with this subject; like about the exclusion of municipalities, school boards and all other things, which would not have been needed at all if we were not amending Section 23 with Section 23.1, Mr. Speaker. So that is the best proof we have, as far as I'm concerned, the best example of the continuing uncertainty with which we are dealing, even with this proposal today.

Finally, Mr. Speaker, I ask and I think it should be asked, whether or not anything of long-term value can be accomplished under the bitter poisonous atmosphere that this government has created through their bungling and mishandling of the whole issue. There continues to be misinformation on all sides as to the real consequences of the proposal that we're being asked to consider. The government misinformation has begotten other misinformation on other sides by various groups who are fighting the proposal. Editorials are being written, speeches are being given based on misinformation on all sides of the issue, and the government's whole mishandling of this matter has resulted in a bitter divisive emotionally-charged atmosphere that has created needless anxieties, prejudices and emotional, rather than rational, responses to this whole thing.

Most of all, I think it's probably damaged the interests and the relationships of French-speaking Manitobans for decades to come. The government is the cause of all these problems, they have poisoned the relations, they have convulsed this province. On their heads must the responsibility for this rest.

Thank you, Mr. Speaker.

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

**HON. R. PENNER:** Mr. Speaker, I rise to address the resolution which is before the House, the amendment to the resolution, and there are several points that I would like to cover. In the main, unlike the Leader of the Opposition, I propose to deal with the resolution which is actually before the House, however I will, during the course of my remarks, be constrained to deal with some of the revisionist history that the Leader of the Opposition has indulged in in order to arrive at his conclusion that there's nothing that they, as an opposition, are prepared to do.

In opening my remarks, I think perhaps I might in a sense do no better than start with the remarks of the Leader of the Opposition federally when he addressed a resolution on this question in the Federal House and said, in speaking to that federal resolution - and I will be returning to that - that this resolution is about fairness, it is about decency, it is an invitation for co-operation and understanding, it speaks to the finest qualities in this nation. I must say, Mr. Speaker, it's with the greatest of regret that I have listened carefully to the remarks of the Leader of the Opposition and found no echo of those sentiments in what he had to say. It was, in the first instance, a spinning of the wheels down the well-worn grooves of recent history, defied

all of those problems which arose in the course of several months, indeed, Mr. Speaker, over two years of discussions, in order to arrive at a solution of a very difficult and a very onerous problem.

Let me say at the outset that I make no apologies whatsoever for having throughout involved leading Counsel. In the first instance, and at all times, Counsel which had been appointed by the former government, the former Attorney-General, Mr. Twaddle, who is at all times Counsel and all times closely consulted by myself and others throughout and to this day. I make no apologies having involved the Chief Legislative Counsel of this province, Mr. Tallin; I make no apologies having involved the leading constitutional lawyer in Canada, Professor Gibson; I make no apologies for having involved persons of that calibre and that kind throughout wrestling with a problem.

And having said that, I would like to make this point that should not be lost sight of, and I appeal to the Leader of the Opposition not to lose sight of it, a constitutional instrument is, above all, a political instrument; it is not like any other bill in which one looks solely at the question of fine tuning of the language in order to take care of a very specific and immediate problem. The Constitution of Canada was forged in a political crucible. The Fathers of Confederation had a vision of the Canada was to be based on the Canada that was; they had a vision with respect to the Founding Nations; they had a vision with respect to the future of Canada as a unique nation in the world with two founding people. Indeed, those who participated constructively in the patriation of that constitution and, in the course of doing so, The Constitution Act 1982, together with this Charter, that was forged essentially in a political crucible.

We should remember that when the parliamentary committee, joint Senate and House Committee, on the Constitution met throughout November of 1981 and on that there were thousands of briefs, letters, telegrams, representatives of various minority groups, aboriginal groups, Native rights groups, women's groups, who appeared to make representations. The Government of the Day had to respond to the will of the people and, in doing so, drafted an instrument, Sir, which is legally imperfect, let there be no doubt about that, but represents the political will of those who thought that there must be a constitutional solution to a problem of an unpatriated constitution, that there must be a political solution to a whole range of problems, equality rights, democratic rights, mobility rights, equalization rights. Those problems had to be solved after 53 years of disputation. They were resolved with the input of people in that way, they were resolved with a political will, and that is what is lacking, that is what is lacking. And, Sir, I am going to, when I resume my remarks after the supper hour adjournment, point out that that political will has been lacking with the opposition, not only as opposition, but when they were government. They have taken pride in the fact that we, they say, have restored the rights of 1870. We were proceeding, they say, to introduce legislation with respect to translation. We, they say, were introducing measures with respect to services. I want to bring home to the attention, particularly of the Leader of the Opposition, certain facts which have to be known in that context and I will do so shortly.

Let me say that when the Leader of the Opposition then says to us that they were meeting, and that was towards the ends of his remarks, they're meeting with group after group to find an acceptable compromise, he says that as if that were a criticism. What better way for a government to function than to attempt to do this; to attempt, Sir, to see what was contained in the various briefs presented to the Standing Committee, not just the simple oral presentations which were referred to and dismissed in such a cavalier fashion when the Leader of the Opposition said, well, there were 100 people who only said that they support it, as if that didn't amount to anything.

I'm talking, as well, about the learned and well-articulated briefs that came before the Standing Committee on Privileges and Elections but also, Sir, one must, of course, pay attention to those constituencies most directly affected as well. For example, the Manitoba Government Employees Association - because we're talking about government services when we talk about the bill as we will be, and which the Leader of the Opposition is afraid might in some way be affected by 23.1 - the Manitoba Government Employees Association with its 16,000, 17,000 members and family is a very large and decisive and effective constituency. Obviously, we should be consulting with them.

We consulted with the Society Franco-Manitoban throughout as the spokes organization for the Francophone population of this province, as the Tories did when they were government, and called in the Society Franco-Manitoban to discuss with them following Forest - following Forest, not before - following Forest in order to discuss with them what was needed in terms of translation; what priority should be given in terms of translation; what was needed in terms of services; what was needed in terms of a secretariat, and then, of course, proceeded to do virtually nothing, other than say, we will be doing something. Both with respect, Sir, to the translation of statutes and with respect to the delivering of services, there were words, but there was very little action.

But you see, Mr. Speaker, the immediate precursor of this situation, the history that went immediately before is that the opposition, then the Government of the Day, fought bitterly right through to the Supreme Court to try and preserve 1890.

What was the Forest case about? The Forest case was about the unilingual, The Official Language Act — (Interjection) — You are the people, Schreyer did not initiate the case.

**MR. F. JOHNSTON:** You were the Attorney-General at the time.

**HON. R. PENNER:** Yes, but on the issue . . . No you don't Frank, because the issue that was before the courts in the early 70s was not the issue which went to the Supreme Court. — (Interjection) — So, Mr. Speaker, there is a history here which has to be spoken to. It's important to put Section 23.1 in context, Mr. Speaker, because the Leader of the Opposition, prior to today, and today asks, why are you doing it? What is it for? Why is it there? I think, Mr. Speaker, there are essentially two basic reasons as to why 23.1 is there and I want to explore both of them.

In the first instance let me just quote what the Leader of the Opposition said in a radio address on the January 5, 1984. Addressing this question he said, "Well, you have to then ask yourself why the government is seeking to entrench anything if it does not represent the potential for expansion." That's what you asked and you're entitled to an answer, and I hope during the course of my remarks to be able to answer that.

I say there are two reasons. One of them is this: Section 23.1, as it is presently worded, starts with a preamble: "As English and French are the official languages of Manitoba," and then it goes on to an operative part, and this is, I think, tremendously important and has been missed by the Leader of the Opposition in his remarks: "As English and French are the official languages of Manitoba," clearly a

preamble, "the freedom to use either official language, enjoyed under the law of Manitoba in force at the time this section comes into force, shall not be extinguished or restricted by or pursuant to any Act of the Legislature of Manitoba."

Well, 1890 casts a long shadow and makes a statement of that kind of tremendous significance to the population which had been adversely affected by the decision of the Legislature of Manitoba in 1890, to make Manitoba a unilingual province.

**MR. SPEAKER:** Order please. The time being 5:30, I am leaving the Chair to return this evening at 8:00 p.m. when the honourable member will have 30 minutes remaining.