



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

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 6 February, 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 . . . Notices of Motion . . . Introduction of Bills . . .

ORAL QUESTIONS

Bilingualism - proposed resolution

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Acting Premier.

In view of the continuing ongoing public meetings with respect to the French language proposal, one that I understand the Premier and his colleagues attended in the River East area on Saturday, another that I understand was held with constituents of the Member for Springfield and other members of the front bench of the government on Friday, in view of these meetings it seemed to reflect a growing opposition to the government's proposal on the French language accord, the French language issue, will the government now reconsider the course in which it's proceeding and not only withdraw the gun at the head of the opposition, the threat of closure, but withdraw the entire proposal?

SOME HONOURABLE MEMBERS: Hear, Hear.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I want to report on this growing situation that the honourable member mentioned re the meeting on Wednesday, a meeting that was scheduled to act as a reception for people in River East, have opportunity for people in River East to attend and to deal with matters of individual concern on an individual basis with the Member for Rossmere, the Member for River East proceeded, when Mr. Herb Schulz with approximately 50, 60 individuals - some I'm sure were from River East, some from other areas - showed up. That is the only meeting I know of in respect to Wednesday.

A MEMBER: Saturday.

HON. H. PAWLEY: Or Saturday.

Mr. Speaker, on Sunday, there was to be a meeting, yes, at 10:30, arising from the meeting on Saturday. One individual showed up. Though many of the people on Saturday had told me that they would be down to the Legislature here Sunday morning, one person showed up, and that person gave his residence, the Rural Municipality of Rosser - who apparently had been

at the River East meeting on Saturday - he showed up and understandably was somewhat disappointed that the others had not shown up to whom the offer had been made on Saturday morning.

But there was one person showed up Sunday pursuant to the invitation to come down here and spend considerable time in which we could discuss this issue together, and that member was not from the River East area, he was from the Rural Municipality of Rosser.

MR. G. FILMON: Mr. Speaker, I am not sure of the point that the Premier is making, whether he is suggesting that by virtue of the location of residence that people have no status in this issue, or by virtue of the fact that there weren't enough of them that their voices shouldn't be listened to.

But, Mr. Speaker, in view of the fact that there is a continuing, growing demand for the government to withdraw this proposal; in view of the fact that the government is unable to achieve consensus on an issue of fundamental importance to this province, namely, an amendment to the Constitution, will the government reconsider its actions and withdraw the proposal until it can achieve consensus?

HON. H. PAWLEY: Mr. Speaker, the point that I'm attempting to make, it might be of assistance to us all in this House if the Leader of the Opposition, with all due respect, would get his facts straight before he asks questions in the Chamber, so that one would not have to undertake appropriate corrections to false assumptions based upon questions that are raised by the Leader of the Opposition.

Mr. Speaker, what we are doing, as I indicated last week, is eminently reasonable. It deals with such matters as dealing with a historic fact. It deals with legal reasonableness. It deals with the question of simple principle, Mr. Speaker. I would say to the honourable member, it's unfortunate that rather than attempting to explain and rather than their attempting to promote a better understanding of this issue and to assist in respect to ensuring that information is forwarded in a proper way, indeed as some Conservatives have been doing in the Province of Manitoba.

Some Conservatives such as the former Leader of the Conservative Party, Mr. Speaker, on radio last week took a principal position and a position which he condemned. He condemned the position that is presently being taken by the present Leader of the Opposition and by members across the way.

Yes, Mr. Speaker, if that was the kind of leadership we had in the Conservative Party today in the Province of Manitoba, there could be a uniting around facts so that we could move on to get on to the very basic and very important issues facing Manitobans.

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

MR. G. FILMON: Mr. Speaker, in view of the fact that amongst those who are opposed to this are former

Premier D.L. Campbell, former NDP Cabinet Minister Sid Green, former prominent executive member of the NDP Party, Herb Schulz; in view of the fact that this government can't even achieve any consensus with these people, these prominent people in terms of public opinion . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

MR. G. FILMON: . . . Mr. Speaker; in view of the fact that the First Minister has difficulty getting his own facts straight and talks about meetings that were held on Wednesday, when he really means that they were held on Saturday, and he doesn't understand what's happening, will this First Minister be attending a meeting tonight in his own constituency to try and get the facts straight for his own constituents who are obviously very concerned about his government's desire to proceed with this French language issue?

A MEMBER: Will the bells be ringing again?

HON. H. PAWLEY: Mr. Speaker, it's my intention to speak to my constituents at a meeting on Wednesday evening.

Alcan aluminum project

MR. G. FILMON: Mr. Speaker, on another matter I'd like to ask the Premier, in view of the recent announcement of a proposal by Alcan to enter into a \$3 billion expansion of smelting capacity in British Columbia, a proposal that will bring about something, as I understand, in the neighbourhood of 2,800 full-time jobs, will this government now reconsider the intransigent position it took with respect to the sale of a portion of a hydro plant in Manitoba and reopen negotiations, without any preconditions, to allow for Alcan to consider Manitoba once again as a place to expand its smelting capacity and to create much needed jobs in our province?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, I welcome the question. I thought, Mr. Speaker, that the opposition was doing its homework on this matter. They haven't been.

This issue has been known and that fact has been known about three months ago, Mr. Speaker. But, Mr. Speaker, the issue was dealt with, I thought, quite well by Alcan President David Culver when he addressed the Canadian Chamber of Commerce in Winnipeg, and he said very clearly at that meeting that the NDP didn't cause smelter loss. That's what the Alcan President said, Mr. Speaker. It's not what the Conservatives say, Mr. Speaker, they want to distort again.

They also, Mr. Speaker, don't recognize that that has been a long-term plan. We are quite prepared to deal - and we have been continuing discussions with Alcan - with other people with respect to aluminum developments. Mr. Speaker, we believe it is possible

to achieve developments on terms that are fair to Manitoba.

Mr. Speaker, that's not the way they want to negotiate. They want to negotiate without trying to protect the resources of Hydro, Mr. Speaker. They want to give them away. They're instructing me, go out, negotiate as a beggar, Mr. Speaker. That is not the way in which Manitoba will negotiate.

We hope that over the course of the next year or two if the economy strengthens that we will be in a position to bring about developments, Mr. Speaker. That depends upon the state of the economic development that takes place within the country.

Mr. Speaker, we will let the people judge as to whether it's possible to develop fairly on terms that are fair and good to Manitoba, or whether in fact one should follow a Conservative approach of giveaways. The people will have the opportunity to judge, Mr. Speaker. They will have the opportunity to judge; we will take on that responsibility. We are taking on that responsibility, Mr. Speaker, and I believe that over the course of the next two-and-a-half years we will achieve accomplishments that will be beneficial to Manitoba, not resource giveaways as the Conservatives want us.

MR. G. FILMON: Mr. Speaker, I can appreciate the sensitivity of the Minister of Energy and Mines when his ineptitude is made public.

Mr. Speaker, we are not instructing him to negotiate in any particular way. We are asking that all preconditions be removed so that proper negotiation can take place, Mr. Speaker.

MR. SPEAKER: Question.

MR. G. FILMON: Mr. Speaker, we are not asking him to put on any restrictions with regard to advertising or selling of a portion of a power plant or anything of that. We are just asking, Mr. Speaker, in view of the fact that they said the reason Alcan wasn't proceeding in Manitoba was because of world markets and world prices, and now that it's obvious they need the smelting capacity, will they negotiate with no preconditions to allow for a smelter to be built here where Manitobans can benefit from the jobs and the economic development? Will they do that?

HON. W. PARASIUK: Mr. Speaker, this government removed the precondition that the Conservatives had established, namely, that the only way in which one could even discuss development with Alcan was to give them a hydro plant. That was the precondition that existed without any clear definition as to what the resale value would be for that plant. We could have been stuck with a \$5 billion bill for a hydro plant when Manitoba needed it. Mr. Speaker, that type of precondition was established by the Conservatives and I'm pleased to inform him that that condition was removed.

We also said, Mr. Speaker, that we would sit down with anyone - and we have sat down with Alcan and with others. — (Interjection) — Pardon me? Mr. Speaker, my integrity on the Alcan deal is a lot cleaner than the Member for Arthur. Let him not, from his seat, call me a liar and tell me to sit down because I'm lying,

Mr. Speaker. I am not lying to this Legislature. I'm trying to give the facts and I'm being interrupted by someone, Mr. Speaker, who doesn't want to hear the facts.

Mr. Speaker, what I . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. W. PARASIUK: Mr. Speaker, I'd be pleased to answer the question if I get the opportunity from the Conservatives to answer it, but they can't ask a question and then prevent the answer from being given.

A MEMBER: That's right. Hear, hear.

HON. W. PARASIUK: Mr. Speaker, they have used that type of obstruction with respect to bell ringing. I certainly hope that they don't use it in question period.

Mr. Speaker, we said that we would negotiate to ensure that the power needs of Alcan were met from the system, the overall Hydro system, and we wanted to do that fairly and we are still prepared to do that fairly, just as we do that with Inco or any other large users of hydro-electricity in Manitoba.

I'm not sure whether the Conservatives say that we should establish one particular rule for Alcan and a whole set of other rules for the rest of Manitoba. We are trying to establish a fair set of rules for all electricity users in Manitoba, Mr. Speaker. We believe that that will be best in the long run. We have had discussions with Alcan. We certainly have had discussions with other companies. I am hoping, Mr. Speaker, that those discussions will prove fruitful in the future.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, amongst all the bafflegab that we get from the Minister of Energy and Mines when asked these kinds of questions, he did indicate that he was carrying on meetings with Alcan. Could he tell me when the last meeting occurred, and what date, last week or the last month, and with whom? With whom, I mean with what official from his department and what appropriate officials from Alcan?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, we've had discussions with Alcan officials recently. Alcan has continued a presence in Manitoba, as the member may know. — (Interjection) — Mr. Speaker, I look at that rather silly comment and a grin on the Member for Turtle Mountain's face. If he predicts as well in that respect, as he did with the deficit when he projected we were going to have an \$800 billion deficit and was completely wrong, Mr. Speaker, 100 percent wrong then, his predictions are just as off now. The only election that's been lost recently was his loss of the leadership election. That's the only loss to be noted, Sir.

But, Mr. Speaker, we've had discussions with Alcan officials. I can't give you the specific dates, Mr. Speaker, but I can assure that we've had discussions and I would expect that we will continue to have them.

MR. H. ENNS: Mr. Speaker, just so that the record is clear, I did not ask for the deficit of some two or three years ago, or for the description of how he would characterize the grin on the Member for Turtle Mountain's face. I simply asked the Minister of Energy and Mines - I'll ask him now again to take it as notice - that I would like to know when the last official meeting took place between senior officers of his department or himself and equivalent officers from the Alcan Company, with respect to bringing a much-needed capital development project - the kind that the Premier likes to speak about - into this province?

HON. W. PARASIUK: Mr. Speaker, I'll certainly take the question as notice. I have not heard the Conservatives - you know he's asking whether in fact we will bring needed capital projects into this province - I've not heard the Conservatives comment once on the Churchill Development; on the Boxcar Building Program in Transcona, which is a good thing for this province; the ManFor Development. Mr. Speaker, we've got the bus transportation development. Mr. Speaker, the Conservatives don't want to have any capital development. All they are is a bunch of knockers, Mr. Speaker. We are quite pleased. They knocked our so-called "Wish List" that we presented to the Federal Government. Mr. Speaker, most of those have been achieved and all they do is knock them. We will be the doers; they can continue to be the knockers.

MR. H. ENNS: Mr. Speaker, a further question to the Minister of Energy and Mines. Perhaps among the most substantial promises made to the people of Manitoba during the last election was the statement that an NDP Government would commence construction of the Limestone power plant immediately - immediately. I ask the Minister of Energy and Mines: what does he now call "immediate"?

HON. W. PARASIUK: Mr. Speaker, again I'm pleased to deal with that question, because we did have a recession, a very deep recession that knocked everyone's forecasts out of whack.

Mr. Speaker, I could quote from the Alcan President, who said that Alcan would have had to shelve its plan for a smelter under any conceivable government in Manitoba. I would assume that they consider themselves to be an inconceivable government, and the people of Manitoba consider themselves to be an inconceivable government as well.

Mr. Speaker, we said that we would proceed with the immediate, orderly development of Hydro. We were hit with a recession; we are pursuing the markets, Mr. Speaker, all over the place. We are considering all the options. The Conservatives only narrowed themselves into one option, no flexibility, Mr. Speaker. Given what happened in Alberta with the collapse of their economy, we would not have had a development of the Grid, very clearly no.

Mr. Speaker, I hope that over the course of the next year that economic circumstances proceed to a point where we may be able to proceed with Limestone. Mr. Speaker, if we proceed with Limestone and if that is the major project that the Conservatives are going to judge us, does that mean that if we proceed with

Limestone they are prepared as a group to resign? Is that the challenge, that economic development in Manitoba hinges totally on one project, namely, the Limestone project? Because if that's the case, Mr. Speaker, we'll do our best, we'll let the people judge.

MR. SPEAKER: Order please, order please. May I remind honourable members again that questions should be short, concise and to the point, and answers should also be short, concise and to the point.

Government election promises

MR. H. ENNS: Mr. Speaker, I direct a further question to the Minister of Energy and Mines. I refer him to that well-known document, "A Clear Choice for Manitobans," signed by the Premier. With respect to energy, "... orderly development of northern generating stations would commence immediately."

MR. G. FILMON: That was in 1981.

MR. H. ENNS: My question, Mr. Speaker, noting that this bears the Premier's signature, this was the policy of the New Democratic Party going into election, will the Minister of Energy and Mines now, without a great deal of baffle-gab, tell me whether that statement was accurate or whether that statement was misleading, and whether or not that statement, in view of the statements that he's now making where he talks of hope and maybe of challenging us as to when we will resign, will he concede that that part of this document was patently misleading the public of Manitoba?

HON. W. PARASIUKE: Mr. Speaker, I am pleased again to deal with that question. That document that they quote from, Mr. Speaker, is a very accurate document. Virtually, all of it is being done. That's unlike the Conservative election platform document of 1977 which was not followed, and the Free Press ran an article showing how many of their promises they had broken. "Broken Promises" was the headline about the Conservative Government.

Mr. Speaker, that is a very accurate statement. We are proceeding immediately with the development of firm markets for hydro sales. Mr. Speaker, they would want us to proceed with hydro development without any firm markets for hydro sales. That would be disorderly, Mr. Speaker. That would be terribly disorderly, Mr. Speaker.

What we are doing, we are trying to firm up the markets. We are trying to ensure that we have a system in place that can produce quickly when we get the opportunity with respect to the firmed-up markets. We want to ensure that there is full northern employment. We want to ensure that where possible and to the fullest extent possible Manitoba firms will benefit more from that development than they have in past hydro developments. We believe that is proceeding in a rational, orderly way, and we began that task immediately upon taking office, Mr. Speaker. I believe that is the way in which one should proceed with hydro development.

If the Conservatives are now saying that we should have proceeded without having firmed-up markets, Mr.

Speaker, I believe that is disorderly. We rejected it, and I believe the people of Manitoba wouldn't want them to do that either.

Bilingualism - proposed resolution

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

MR. G. MERCIER: Thank you, Mr. Speaker.

I have a question for the Government House Leader, Mr. Speaker. I requested from Legislative Counsel a legal opinion in the middle of January. One of the questions I asked was for a brief resume of other Manitoba laws in force that would be included within the terms of Section 23.1, the constitutional resolution proposed by the Government House Leader and the government, Mr. Speaker.

In view of the statement by Mr. Tallin after citing the number of references to French and English in the present Manitoba statutes, he said: "I have not had an opportunity to go through all of the statutes to see where else there may be references to the use of the English or the French language"; in view of the fact that the references to all of these statutes would be entrenched in the Constitution under the terms of the amendment proposed by the Government House Leader, could he inform the House whether he has requested any further legal opinion or advice as to the exact number of references to the use of English or French language that would be entrenched in the Constitution under his proposal?

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker. The assumption in the question asked by the Member for St. Norbert that the word "freedom" in the proposed amendment would be interpreted to include rights, privileges, obligations under the law, is not one which the Legislative Counsel expresses as a statement of fact the way the Member for St. Norbert does.

The Legislative Counsel says that he expects that it could be interpreted in that broad sense and only if it is will - and not necessarily all - because the question of what is viewed as a right under the word "freedom" and what is viewed as a privilege under the word "freedom" could include certain provincial statutes and exclude others. It certainly is dependent totally upon that interpretation, as the legal opinion to which — (Interjection) — If the Member for St. Norbert would like the answer to his question, perhaps he could control some of his colleagues. Mr. Speaker, the full answer to the member's question is the assumption that "freedom" would be interpreted in the expansionary way is just that.

The second part of his question: is there a list? No, Mr. Speaker, I don't have a list. We have discussed with Legislative Counsel and with our constitutional advisors what the implication of that possible interpretation is. Clearly, it has been the feeling of this Legislature in the past that certain rights and privileges will be provided for by the Legislature. They are very minimal. They don't amount to a great deal, such as

the right to which the member refers with regard to The Vital Statistics Act or the right to register a corporation in either language and it's not anticipated, Mr. Speaker, that the Legislature would want to change those rights; that those fit in very nicely with the kind of recognition that has been accorded to French and English languages in this province over time. So it's not anticipated that any rights provided by this Legislature would want to be removed in the future, because they have been the very minimal rights, far below those which many would assume were originally granted under Section 23 of The Manitoba Act.

MR. G. MERCIER: Mr. Speaker, in view of the statement by Mr. Tallin, who I think all members of the House would acknowledge is the Dean of Legislative Counsel in Canada, in view of his statement that in my view the courts would probably give a very broad meaning to the word "freedom," this broad meaning would probably include all rights and privileges bestowed on persons under the law of Manitoba, whether the law was statutory or common law. Mr. Speaker, would the Government House Leader undertake to obtain and table in this Legislature a specific list of what can be included under this interpretation?

HON. A. ANSTETT: Mr. Speaker, I find it remarkable that in one case the word "probably" has some significance for members opposite, and in another case the words "remote possibility" is something on which they want to hang their hats. Mr. Speaker, it's an anomaly that when the argument on the principle appears that it might be possible that it would go their way, they demand the information. But when there's a remote possibility the other way, it becomes the lynch pin of their whole argument.

The short answer to the question is, I don't have such a list. I don't expect that the Legislature would want to take away the rights of Franco-Manitobans. If the honourable member wants a list of the rights he wants to take away, then he can prepare it.

SOME HONOURABLE MEMBERS: Oh, oh!

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

The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, from the debates earlier on, I thought the Government House Leader understood the difference between entrenchment and a statute of the Legislature and how either could be changed. Mr. Speaker, is the Government House Leader telling this Legislature that he wants to impose closure without fully informing the members of this House as to what references to the English and French language will be entrenched in the Constitution, without telling what the specifics of those statutes are, expecting us to proceed under the threat of closure, without that information? Surely that is information that the House and the people of Manitoba are entitled to.

HON. A. ANSTETT: Mr. Speaker, clearly what rights currently exist, which are certainly minimal rights in the Province of Manitoba and the list provided by Legislative

Counsel to the government, orally, during discussions in the development of the alternative proposal and our intention to provide that the freedoms which currently exist would not be removed by future Legislatures, indicated that there were minor provisions in a number of statutes and major provisions in just a couple of statutes - The City of Winnipeg Act, Part III and The Public Schools Act, Section 79.

Now neither of those are necessarily covered by the amendment, because a right as provided by The Public Schools Act - and there's a distinction - because in The City of Winnipeg Act, lawyers and constitutional experts would describe the provisions of Part III of The City of Winnipeg Act as a privilege rather than a right. The honourable member will appreciate the distinction whereas Section 79 of The Public Schools Act confers a right.

There is some question as to whether or not both are covered by the possibility of an expanded interpretation or only one. Clearly there are, other than those two, no significant rights to Francophones or Anglophones in this province under statute. It is the proposal of the government to ensure that the very limited rights, which are accorded to Francophones today, will not be taken away in the future, if the word "freedom" is interpreted that way. We would have no problem with that interpretation.

If honourable members opposite have a problem with the interpretation of the word "freedom" to include rights, which is a distinct possibility, then, Mr. Speaker, I have to again ask them, what rights do they want to take away?

MR. G. MERCIER: Mr. Speaker, surely the members of the Legislature and the members of the public are entitled to know exactly what freedoms and rights and privileges they are speaking about.

In view of this statement by Mr. Tallin, as an opinion that was tabled in this House, I am certain that these are not all the areas which could be found, but merely offer these as illustrations, Mr. Speaker.

Would the Government House Leader not undertake to provide members of this House with full information as to exactly what freedoms, rights and privileges are being referred to and which may become entrenched in the Constitution, so that a fully informed decision can be made?

HON. A. ANSTETT: Mr. Speaker, strictly in accordance with the opinion provided by Legislative Counsel, it is possible. It may even be probable that all the rights and privileges provided under statute to Anglophones and Francophones in this province could be covered by Section 23.1 and it is our intention, if the law is interpreted that way, to provide for those rights.

I only wonder why the members of the opposition would question whether or not Francophones and Anglophones in this province are entitled to have those rights. They have been provided by the Legislature in the past. There has been no suggestion by members on either side that they should be removed. Our statutes are quite clear that those rights are provided. If members opposite believe they're covered by 23.1, and have some concern about that, I still come back to the same question - what rights do they want to take away?

A MEMBER: You don't know what you're asking. You don't know what you're asking us to pass.

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

MR. H. ENNS: Mr. Speaker, in The Workplace Safety and Health Act there is reference to the question that is just being talked about - reference to the French language. What advice does the Government House Leader have to a contractor, working on a construction site, where there's no demand for French services, but a single person suggests that all signs, all constructions signs, all warning signs be made bilingual? That is what is being entrenched, if the Government Services Minister is not listening carefully to the questions being posed by the Member for St. Norbert.

Now my question to the Honourable House Leader is, does the Government House Leader not see problems, unnecessary problems, for a number of Manitobans if that entrenchment proceeds?

HON. A. ANSTETT: Mr. Speaker, I am not aware of, nor would I subscribe to any requirement in The Workplace Safety and Health Act, which would require, as the preposterous suggestion by the member, that all communications be in two languages. Mr. Speaker, there is no such provision.

I would point out though, for the benefit of the honourable member, that the words "danger" and "caution" are spelled the same way in both languages, and for purposes of safety the use of those two words spelled the same way in both languages has never been a problem and I don't expect it will be a problem. I don't expect that the requirement the member suggests should be made, will be made, and it certainly doesn't exist under the present statute.

I suggest if the honourable member has concerns in that regard, that he propose that those kind of requirements be made. We certainly don't propose them from this side.

Senate reform

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the First Minister. Can the First Minister advise the House whether or not his government has made a submission to the Parliamentary Committee dealing with Senate reform?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, I made a submission to the Parliamentary Committee dealing with Senate reform approximately two months ago. My submission, quite frankly, was very short and very brief. It was my view that the Senate did not serve a useful purpose; that I did not see the purpose of attempting to reform the present structure of the Senate. It was my recommendation the Senate be abolished.

A MEMBER: What do the people of Manitoba say about your government?

MR. B. RANSOM: Mr. Speaker, obviously the Senate is in need of reform; that of course is the reason for the committee looking at that issue.

Does the First Minister not see some merit in working to make the Senate an institution that would give better representation to provinces, such as Manitoba, all across this country? Does the First Minister not see some merit in working towards that objective?

HON. H. PAWLEY: Mr. Speaker, I see no merit whatsoever in continuing to work towards ensuring a second Chamber, by which I believe in respect to the latest recommendations, 140 individuals would be paid \$60,000 and more for nine years to participate, I would suggest, basically for the basis of Conservative and Liberal politics in this country.

Mr. Speaker, there may very well be need for reform of parliamentary institutions to ensure greater proportion of representation. That should be done through the House of Commons, Mr. Speaker, just as Manitoba does not need a Senate in my view. Honourable members across the way may like the idea of a Senate so that they could promote some of themselves to high-paying tax-paying positions, Mr. Speaker. It's my view that we need not load the Canadian taxpayers with a further addition by way of Senate to a House of patronage.

Accreditation of ophthalmologists

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, that's an interesting exchange, and to some extent I hate to change the subject.

But I would like to ask the Minister of Health, now that we're down to the eleventh hour with respect to accreditation of ophthalmology and radiology at the Manitoba Medical School, when that review team is reporting, and what action has been taken to ensure that those schools or those components in that school will receive extended accreditation?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I answered that question last week. I have nothing to add to my answer of last week.

MR. L. SHERMAN: Mr. Speaker, the Minister indeed did answer last week that he was working with his Deputy Minister and with the Head of Ophthalmology to pursue the difficulties that had been identified in the school. He got up to I think, Sir, a second meeting that he was referring to that took place early in November, at which time due to the length of his answer he was interrupted. He then decided not to continue.

I am asking him now whether, within a reasonable period of time within the Rules of the House, he can answer a question having to do with what, in effect, is the eleventh hour on this issue? The review team apparently is in the city at the medical school this week. Can the Minister advise the House that the necessary steps have been taken to ensure that the accreditation will be continued?

HON. L. DESJARDINS: Mr. Speaker, I tried on three occasions to answer the question; I tried to answer it as thoroughly as possible; then on three occasions I was prevented from doing so. I might say that the third one, there was very little left to the prepared answer. As I say, I have nothing else to add on this.

MR. F. JOHNSTON: Baby, where's your rattle?

MR. L. SHERMAN: Mr. Speaker, in view of the fact

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

MR. F. JOHNSTON: Don't hurt the little boy.

MR. L. SHERMAN: . . . that I was obviously, Sir, not the one who cut the Minister off in mid-flight, and in view of the fact that in my capacity for my caucus I do have a responsibility, Sir, to ask some of these cogent health questions, can the Minister now respond to me and to my question on behalf of the health care community as to whether he can assure that accreditation will be re-extended?

HON. L. DESJARDINS: Mr. Speaker, maybe in all the time that you have been bell ringing, you should make up your minds. Talk to your colleague and find out if i'm supposed to give you the answers or not. I do recognize that the honourable member that asked the question is not the one that interfered, but it was interfered by his House Leader on a number of occasions.

I just finished mentioning that the question for all intent and purpose was practically complete. There were just a few words. I enumerated the steps that were taken and there are a lot of steps. I haven't anything else to add at this time. Whenever there is anything new, I will gladly inform the House.

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

ORDERS OF THE DAY MATTER OF PRIVILEGE

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, before the Orders of the Day, I rise on a matter of privilege with regard to the operations of the Assembly, and I will be moving a substantive motion, Sir, at the end of the matter I raise.

I should advise the House, as I advised the Opposition House Leader, Sir, that I met briefly with you this morning with regard to the question of unlimited bell ringing in this Chamber, and you, Sir, advised that you did not consider it the function of the Chair to intervene in setting the rules for this Chamber. Sir, I respect that opinion.

I advised the Opposition House Leader of your position and at the same time, Mr. Speaker, asked him

if he would consider placing some form of limit on the debate, which is currently obstructed in this House by the continuous ringing of bells from motion to adjournment hour.

Mr. Speaker, in the context of a matter of privilege I would refer honourable members to Appendix 2, I believe, of our rules, which in the second paragraph provides, "There are privileges of the House as well as of members individually. Wilful disobedience to Orders and Rules of Parliament in the exercise of its constitutional functions; etc., are breaches of the privileges of the House."

Turning more directly to Beauchesne for an expansion of the privileges of the House, Sir, I would draw the attention of honourable members and yourself, Sir, to Beauchesne's Citation 80, which in sub-clause (1), makes specific reference to the rules of procedure being a matter for the Speaker, or in a committee for the Chairman.

But sub-clause (2), Sir, more directly to the point of privilege I raise says, and I quote: "A question of privilege, on the other hand, is a question partly of fact and partly of law - the law of contempt of Parliament - and is a matter for the House to determine. The decision of the House on a question of privilege, like every other matter which the House has to decide, can be elicited only by a question put from the Chair by the Speaker and resolved either in the affirmative or in the negative, and this question is necessarily founded on a motion made by a Member." Mr. Speaker, I have such a motion.

Mr. Speaker, under Citation 84, it is suggested, Sir, that the role of the Speaker is to determine if a prima facie case of privilege can be established. The purpose of establishing that case is, "that privilege appears to be sufficiently involved to justify him in giving such precedence." That means, I believe, Sir, precedence over the Orders of the Day.

Going to 84(2) in Beauchesne's Fifth Edition, Sir: "It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege is limited to deciding the formal question, whether the case conforms with the conditions which alone entitle it to take precedence over notices of motions and Orders of the Day standing on the Order Paper; and does not extend to deciding the question of substance, etc."

Mr. Speaker, those citations are very clear. I would like, Sir, to suggest that in view of the fact that the matter which is the Order of the Day and has been now for in excess of four weeks, well into the fifth week of the House, that the prima facie case of privilege relating to the length of division buzzers in this House is established with respect to its precedence over the Orders of the Day.

I would suggest, Sir, as well, that under Citation 80(2) related to the law of contempt of Parliament, you may wish to consider Speaker Brand's decision at Westminster in 1877 which said as follows: "This House is perfectly well aware that any member wilfully and persistently obstructing public business without just and reasonable cause is guilty of a contempt of this House."

Sir, I have respect for the position of the Speaker and the position in which you find yourself in breaking new ground and your reluctance to do so. It is clear that the House must set its own rules and procedures to deal with obstruction if parliamentary law and parliamentary precedents do not so provide.

It is also clear, Sir, that there has been a refusal by the official opposition to discuss both alternative proposals to deal with the impasse before the House and to discuss anything relating to the length of the debate. As recently as the beginning of Question Period today, the Opposition House Leader again rejected an offer by myself to discuss placing a specific time period for this debate to come to a conclusion. I suggested, Sir, that this side was willing to listen to any counter offers. The response was that there was no interest in discussion.

The purpose of the bells, Sir, is clearly to call in the members. It was never anticipated that the purpose of the bells was to provide that the opposition could make government business a nullity. There was an agreement, Mr. Speaker, last summer that some members will recall in which a maximum on bell ringing of two weeks was placed. I would remind honourable members on both sides that the bells have now rung on the motion for closure, and time allocation under Rule 37 with respect to the amendment to The Manitoba Act for eight days. Two weeks in this Session, in-Session in this House is 10 sitting days. We are only now two days away from that limit, but I would submit, Mr. Speaker, that is a limit not binding on the House anyway. I have submitted all along that it was an agreement between the two House Leaders and if the opposition is now prepared to renege on that agreement, I don't consider it binding, Sir, on you as Speaker or on the House.

I should also point out, Mr. Speaker, that before I met with you this morning to get an indication from you as to your role and function with regard to this very important matter, I did ask the Opposition House Leader if he was willing to attend with me to hear my question to you, Sir, and your answer. He was reluctant to do that, Sir, but I believe that I communicated to him properly and accurately the essence of our conversation.

Mr. Speaker, I should also point out that the Honourable Opposition House Leader has indicated publicly several times both in this House and outside the Chamber, the most recent indication of which I am aware was on CBC television last Saturday night, a direct acknowledgment that the opposition is stalling and obstructing the government business which is currently before the House. I don't think, Mr. Speaker, there is any wish on behalf of members opposite to deny that that is what is occurring.

Mr. Speaker, I think as well, in terms of the question of privilege, there is some urgency in addressing the question of bell ringing. Mr. Speaker, after five weeks of debate on a single issue and after an indication, Sir, from you this morning of which members are now aware, that the only way this matter can be addressed is by the House, Sir.

HON. L. DESJARDINS: What do we need a Speaker for?

HON. A. ANSTETT: I submit, Sir, that government has a mandate to function . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

HON. A. ANSTETT: Mr. Speaker, members opposite have a great deal of difficulty controlling themselves when they haven't heard the whole sentence. Governments, by definition, have a mandate to function, a mandate to propose legislation, see it criticized, see it debated and ultimately see a decision made.

A MEMBER: Not a constitutional change.

HON. A. ANSTETT: Mr. Speaker, there is absolutely no question that this Parliament has been obstructed by bell ringing. In fact, by admission of members opposite, that has been their purpose. Mr. Speaker, the urgency that is attached then relates to the fact that some members had anticipated there were other ways of addressing this problem but, Sir, I submit there may well not be other ways. I suggest to you, Sir, that in *Beauchesne*, Citation No. 10: "Changes in the Standing Orders from time to time also give ample opportunity for the House to adjust the interpretation of its precedents and tradition in the light of changing circumstances." Further on in the same Citation, ". . . the written rules are relative newcomers to the procedural field. Indeed, increasingly, the written rules are being used, not to codify existing practice, but rather to trim and adjust historic traditions to modern needs."

I submit, Sir, that there has not been before a need to address the question of obstruction by bell ringing; that historically, the British parliamentary tradition was not faced with that kind of irresponsible behaviour. Mr. Speaker, clearly that is the case, by admission in this House, over portions of the last eight months, and clearly that, Sir, is something the House must address.

Sir, I submit that the purpose of the bells is to summon members; that having the bells for any other purpose would deny the right of a government to bring forward legislation and see it proceed to enactment. I submit, Sir, that the unlimited possibilities for obstruction by a minority or by the Official Opposition, who are often described as "loyal" to Her Majesty, denies the right of government to see its legislation proceed to enactment.

I would submit, Sir, then that not only is there a *prima facie* case of privilege in the denial of government to proceed to enactment but that, Sir, addressing this serious concern as a precedent and giving it precedence over the Orders of the Day since the only item before us under Orders of the Day is the item being obstructed. I think that's a very important distinction, Sir, because normally giving precedence involves having other important government business take a back seat. In this case giving precedence is, especially, Sir, in view of your decision, the only way the House can address this matter.

I would submit then, Sir, that the right of the government to propose legislation, have it criticized, debated and proceed to enactment is denied; and that then, Sir, is a breach of the privileges of our House constitutionally under parliamentary law, both within our own rules and in regard to *Beauchesne's* Citation 80 and, Sir, if you wish in accordance with numerous other precedents which I am prepared to cite for members of the House, if that is so wished.

Therefore, Mr. Speaker, I would move, seconded by the Deputy Government House Leader, the Minister of Health,

THAT the Standing Committee on the Rules of the House be instructed to examine the question of extended ringing of the division bells, and to report back with recommendations to this House at its next Session; and

THAT until the report of the Standing Committee on the Rules of the House is received and considered, a time limit of two hours on the ringing of the bells during all divisions be established as an interim measure.

Mr. Speaker, I have copies for all members.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. S. LYON: If you can't win the game, change the rules. Call an election.

MR. SPEAKER: Order please, order please.

The Honourable Member for Virden on a point of order.

MR. H. GRAHAM: Mr. Speaker, on a point of order, on the proposal before you, I believe our rules are very clear that in any motion of privilege there has to deal only with one single issue. This resolution has two proposals in it and I suggest to you, Sir, because it has two proposals, it is clearly out of order and should be rejected as such. It is very clear that it must deal with one issue only, and there have been numerous Speaker's rulings . . . — (Interjection) —

MR. SPEAKER: Order please.

MR. H. GRAHAM: . . . that have dealt with that in the past. I would suggest, Mr. Speaker, you may want to refer to previous Speakers' rulings, and may want to take the question under advisement.

MR. SPEAKER: Order please.

HON. A. ANSTETT: Mr. Speaker, to the same point of order.

MR. SPEAKER: The Honourable Government House Leader on the same point of order.

HON. A. ANSTETT: Yes, Mr. Speaker, there is no such condition upon motions of privilege. Citation 8 1(2) states only that and I quote: "A complaint of a breach of privilege must conclude with a motion providing the House with an opportunity to take some action."

Clearly, Sir, even if there were such a rule, the motion clearly addresses one issue and addresses it by the time-honoured method, both in this House and in the House of Commons in Ottawa, and that is by reference to a standing committee and by dealing with the issue in the present context. The motion provides for doing that, Sir.

If the honourable member has some difficulty with the proposal on that basis I would suggest, Sir, he make reference to the House of Commons with regard to the motion respecting the naval blockade in 1913, a motion then moved, Sir, by Robert Borden, the Prime Minister of Canada, and a similar motion affecting the Rules of the House in 1965 by the Right Honourable Lester B. Pearson, which once again affected the Standing Orders of that Legislature.

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

MR. R. DOERN: Mr. Speaker, I would like to know if you are interested in hearing opinions of the members on this motion or debate on the motion at this time.

MR. SPEAKER: Other members have raised points of order as to whether the motion is admissible at this time. If the honourable member wishes to give his opinion on that point, I would be glad to hear it.

Order please.

The Honourable Member for St. Norbert to the same point of order.

MR. G. MERCIER: On the point of order, Mr. Speaker. As the learned Government House Leader, Mr. Speaker, has indicated in Beauchesne's Citation 84, it states: "The Speaker requires to be satisfied, both that privilege appears to be sufficiently involved to justify him in giving such precedence (or as it is sometimes put, that there is a prima facie case that a breach of privilege has been committed); and also that the matter is being raised at the earliest opportunity."

I wish to suggest to you, Mr. Speaker, that there is no evidence before you, Sir, that a breach of privilege has been committed. — (Interjection) —

MR. SPEAKER: Order please.

MR. G. MERCIER: Mr. Speaker, under the rules of this House, specifically Rule 37 which relates to closure, which provides for a certain procedure to go into effect once a motion of closure is adopted, each member may speak for no more than 30 minutes until 2:00 a.m. in the morning when all the questions shall be taken.

Considering this matter, Mr. Speaker, I ask you to submit as one individual member, on the main motion I have not yet spoken. On the amendment, Sir, proposed by the Government House Leader, I have not yet spoken. On the sub-amendment by the Member for Fort Garry, I have not yet spoken, Mr. Speaker.

The contention of the Government House Leader is, there has been a sufficient degree of so-called obstruction that this motion must come into effect, which would in effect impose closure on this House, which would only then allow each member of the House to speak for no more than 30 minutes, Mr. Speaker. I suggest to you that when you consider the number of members who have had an opportunity to speak with respect to this matter that closure, which the Government House Leader is attempting to bring in through this amendment, Mr. Speaker, will affect very seriously the opportunity of every member of this House to speak on these matters.

I suggest to you that there is no evidence that a breach of privilege has been committed and that you are justified in rejecting the motion by the Government House Leader as a matter of order.

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

HON. A. ANSTETT: Yes, Mr. Speaker, I won't deal with the question of closure because I don't believe, Sir, that that's relevant to the point of order.

The matter of this House ordering its business, such that the constitutional parliamentary obligations of a legislative Assembly, not only to see legislation proposed, debated and criticized, but ultimately to make a decision, is what is at issue, Sir. That is what I raised as the matter of privilege.

I point out, Sir, that the member says that obstruction is not a matter of privilege. I would point out to you, Sir, the second paragraph of Appendix No. 2 on Page 59 of our Rules - and, Sir, I left this out, because I didn't want to offend members opposite because it was too obvious but I'll read it: "Wilful disobedience to Orders and Rules of Parliament in the exercise of its constitutional functions; insults and obstructions during debate are breaches of the privileges of the House."

Mr. Speaker, the other question the member raises with regard to Citation 84 . . . — (Interjection) —

MR. SPEAKER: Order please.

HON. A. ANSTETT: . . . and members opposite have some problem, they say that the prima facie case does not exist - well, Sir, I think that's been adequately dealt with - but more importantly, Sir, that it has not been raised at the earliest opportunity.

I was only advised this morning that the one possibility for an end to bell ringing on which many members expected some intervention - and you may recall I raised with the House and with you, Sir, two weeks ago in this Chamber - two weeks ago today - the question of the obligation of Parliament to avoid this type of obstruction and the possibility that you may wish to consider intervention. I respect, Sir, your decision not to do that. I respect also your advice to me that the House must make its rules and you, Sir, will administer them.

Sir, it is on that basis, and this is the earliest opportunity since I got that firm advice from you that you were not prepared to intervene, I have, less than three hours later, raised this matter in the House as a matter of privilege. What earlier opportunity was there?

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, on the point of order as to the admissibility of the motion before you. I ask, Sir, for your ruling on the admissibility so that we can judge for ourselves as to the procedure on debating the question of privilege that has been raised by the Government House Leader.

MR. SPEAKER: Order please.

The Honourable Member for Charleswood to the same point of order.

HON. S. LYON: Yes, just a few words, Mr. Speaker, on the relevance or the appropriateness of this motion, or as to whether or not it is in order, coming as it does under the general umbrella of a question of privilege, my colleague, the Member for St. Norbert, has stated the axiomatic rule from Beauchesne, well-known from Bourinot and from the other sources, that a question of privilege must be one that affects the privileges of the House and is raised at the earliest possible moment. No attempt by the House Leader on the government

side, to say that this was raised at the earliest possible moment can stand, Mr. Speaker, because here we are dealing with a situation of a practice that has grown up in this House with the full concurrence of all members of the House whereby bells are allowed to ring . . .

HON. V. SCHROEDER: That's nonsense. What are you smelling in that flower pot?

HON. S. LYON: . . . in order to — (Interjection) — Mr. Speaker, my honourable friends across the way, I realize, are in straitened circumstances politically and I know that they may not be in total possession of all of their senses, their wits, or indeed their manners.

MR. SPEAKER: The point of order.

HON. S. LYON: But, Sir, may I carry on? The point being, Sir, that there is no question — (Interjection) —

MR. SPEAKER: Order please.

HON. S. LYON: There cannot possibly be any question of privilege arising out of this matter because the question before the House, Sir, asked that the Rules Committee be called, and that before the Rules Committee be called that the House receive and consider a time limit of two hours on the ringing of bells.

Sir, this is a substantive motion that is meant to change the rules of the game in mid-stream and it can't be brought - if I may suggest, Sir - under the umbrella of privilege at all. My honourable friends are free to bring in a substantive motion to call the Committee of Rules together any time they wish. There is a methodology for that. They put it on the Order Paper. It comes up in the ordinary course of discussion, and then they can select that order of business as the first order of business to be discussed and it will be discussed. That is the way.

What they are trying to do by the motion of privilege, Sir, is sneak it in through the back door in order to accommodate their own purposes. All I can suggest to you, Sir, is this: how can there be a matter of privilege arising out of a practice carried on by this House for the last 10 years or more, with respect to . . .

A MEMBER: No way, no way.

MR. SPEAKER: Order please.

HON. S. LYON: . . . the ringing of bells especially, Sir, wherein the government itself was the party to a written agreement testifying first of all to the acceptability of this practice, because it had been carried on and they didn't raise it as any matter of privilege last summer; and secondly, agreeing not only that it should be carried on but that there should be a limit of two weeks on the length of time that the bells could be rung? They, Sir, the ones who complain of that rule are the ones who ask that the two-week limit be put on the bell ringing and ask that the document be signed. We didn't ask for it, Sir; they asked for it. The members of the government asked for it.

A MEMBER: He's debating the motion.

HON. S. LYON: So I suggest to you, Sir, that for the members on the other side, but particularly the House Leader, to stand up now and try to pretend that a point of privilege arises out of a practice carried on of ringing the bells to prevent closure from being imposed on the House, that is an abuse of the privileges of the House, but that there is no substance whatever for you to accept this motion as a legitimate motion of privilege, because there is no foundation for it because of the grounds that I have set forth.

They can't complain about the rules, the track practices and the tradition of this House causing a question of privilege to arise when they were party to them.

MR. SPEAKER: Order please.

The Honourable Government House Leader on a point of order.

HON. A. ANSTETT: Yes, Mr. Speaker, just to the same point raised by the former Leader of the Opposition. — (Interjection) —

MR. SPEAKER: Order please.

HON. A. ANSTETT: Mr. Speaker, without getting into the debate started by the former Leader of the Opposition, I think it should be pointed out, Sir, that a change in our rules does not have to be made solely on a report from a standing committee, that is not the only way it's done. It has been done before by, as he says, this is a substantive motion. It has been done that way and I refer him, as I referred the Member for Virden, to the two incidences in which it happened in terms of my research, and it may have happened in many more instances, in the House of Commons in Ottawa, whereby these changes were made by direct substantive motion without reference to a committee.

But the other thing, Mr. Speaker, the member suggests that somehow the motion fails because it contains a reference to a committee of the question, whereas normally that reference should be by a substantive motion brought by notice, I point out to the honourable member that normally the substantive motion, which must under our rules be attached to a legitimate question of privilege, usually contains reference of the issue that is being raised to a committee.

So, Sir, I would suggest that that argument, too, is fallacious.

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

MR. H. GRAHAM: Thank you very much, Mr. Speaker. On speaking to this motion and whether or not it's in order — (Interjection) — on their point of order, I would like to state, Mr. Speaker, that the motion moved by the Honourable Government House Leader has two distinct questions in it. One is one that suggests that this be sent to the Rules Committee; and the other is one that we impose in this House a two-hour time limit in the inter . . . — (Interjection) —

I refer you, Mr. Speaker, to Citation 411 in Beauchesne, dealing with the matter of Process of Debate and motions, and I quote:

“411(3) Every motion that is duly moved and seconded is placed before the House by the Speaker as a question for the decision of the House. All motions must be presented to the Speaker in writing in either of the two official languages. No motion is regularly before the House . . . — (Interjections) —

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

The Honourable Member for Virden.

MR. H. GRAHAM: . . . “until it has been read from the Chair. Then it may be debated, amended, superseded, adopted, negated or withdrawn, as the House may decide. There can be but one question pending at the same time . . . “Mr. Speaker, we have two questions here. — (Interjection) —

Mr. Speaker, I also refer you, Sir, to Citation 415(1): “A motion which contains two or more distinct propositions may be divided so that the sense of the House may be taken on each separately. The Speaker has a discretionary power to decide whether he should divide a motion.

(2) It is only in exceptional circumstances and when there is little doubt that the Speaker may intervene and, of his own initiative, amend the motion proposed by a Member.”

Mr. Speaker, I submit that there are two distinct questions placed in this motion by the Government House Leader, and according to Beauchesne it is clearly out of order. However, that does not rule out, Mr. Speaker, according to Beauchesne, the right of the member to withdraw the motion, to amend it and bring it forward in another form. But I suggest to you, Sir, that in its present form this motion is clearly out of order.

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

HON. A. ANSTETT: Yes, Mr. Speaker, thank you once again. I'm sorry that this is taking so much time.

Mr. Speaker, the argument presented by the honourable member fails within itself because it is internally contradictory. The member says that there cannot be two interrelated questions in the same motion, but then he goes on to read the provision which allows a Speaker discretion where there are two distinct propositions. In this case, Sir, neither rule applies even though the rules he cited are mutually contradictory.

I would point out, Mr. Speaker, that throughout Private Members' Hour in debate on resolutions virtually all of the Private Members' resolutions, which contain two THEREFORE BE IT RESOLVED, would therefore be out of order. Most of the Private Members' resolutions we consider in this House would be out of order under the argument presented by the honourable member.

But, Sir, what is important about this motion - and I think this is where the argument of the honourable member fails - is that the second clause is distinctly and completely dependent upon the reference to the committee on the first clause. The two are not only

intertwined; one is dependent on the other. They deal with one question and one issue. The rule to which the honourable member refers is a rule which prevents two completely separate issues being raised in one motion. That's the purpose of the rule.

To try and apply that rule to this motion, Sir, would deny private members the ability to formulate the kinds of Private Members' resolutions that have been traditionally formulated in this House. But more importantly, Sir, it would mean that the motion of the Attorney-General of last summer on which debate has been held for the last eight months should have been ruled out of order . . .

SOME HONOURABLE MEMBERS: Oh, oh!

HON. A. ANSTETT: . . . because, Sir, it contains probably 20 or 30 little clauses, all of which are different. So there are many items. That argument, Sir, does not stand up, both in terms of the practices of our House or in terms of Beauchesne.

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

MR. G. FILMON: Thank you, Mr. Speaker. In speaking to the admissibility of this motion, the Government House Leader has suggested that there are two segments within this motion which are, in his view, mutually dependent or mutually interdependent.

I suggest to you, Mr. Speaker, that the motion is out of order, because in fact those two segments are contradictory. The first part of it calls for us to refer the issue of the extended ringing of the division bells to a committee. The second part . . .

SOME HONOURABLE MEMBERS: Oh, oh!

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

MR. G. FILMON: Mr. Speaker, the first part asks for us to refer the extended ringing of the division bells to a committee for consideration of the possibility of changing that rule. The second part pre-empts the consideration and asks us to adopt a new rule without having considered the issue - pre-empts it entirely - so it is contradictory, Mr. Speaker.

It says, having referred it to the committee, let's ignore the committee's consideration and let's ourselves adopt a new rule without any consideration. So I suggest to you, Mr. Speaker, that it is totally contradictory and it cannot be dealt with on an ad hoc basis of this nature.

Mr. Speaker, this is a very serious matter. It has to do with the Rules of the House, and it has to do with a request to change the Rules of the House, not in the manner in which the Government House Leader has referred to previous precedents in the House of Commons, without any agreement, but rather as an initiative of the House Leader to arbitrarily change the rules without having first given any consideration before a committee.

I suggest, Mr. Speaker, that the matter is clearly out of order, because it may well be that the committee, having reviewed the matter, decides not to change the

rules. If that's the case, then why should we pre-empt that decision and adopt our own rules today and then make the job of the committee a perfunctory exercise, because that's indeed what the Government House Leader is suggesting? So on that basis, with the two contradictory segments making no sense whatsoever, Mr. Speaker, I suggest that the motion is out of order.

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

MR. D. ORCHARD: Yes, Mr. Speaker, to the same point of order. The matter before us brought to us by the Government House Leader is a motion which is now a matter of House privilege regarding the extended ringing of division bells. I would submit to you, Mr. Speaker, that this matter should not be considered at this time as a matter of privilege, because it has not indeed been raised at the earliest possible opportunity.

I would refer, Mr. Speaker, to Hansard of Monday, the 23rd of January, 1984, some two weeks ago, in which the Honourable House Leader rose on a point of order before Orders of the Day with regard to our customary mode of proceeding as a parliamentary Assembly. "I raise my point of order in particular with regard to a matter that was touched on briefly in discussion of a point of order last Tuesday, Sir; that being the question of the length of divisions and the ringing of division bells."

That point of order, Sir, took some four pages in Hansard and ended with this conclusion by the Government House Leader: "I submit, Sir, that the purpose of the bells is to summon members; that to have the bells for any other purpose would be to deny the right of government," etc., etc.

Mr. Speaker, this matter of division bells ringing was raised some two weeks ago. The opportunity at the earliest possible time for the Government House Leader to raise his matter of privilege would have been Tuesday, the 24th of January because you, Sir, after considering and listening intently to the Government House Leader on his point of order regarding the length of time that division bells ring concluded by saying: ". . . therefore, there is no point of order."

The Government House Leader had the incumbent duty of bringing his matter of privilege before the House on Tuesday, the 24th of January, not two weeks later, Sir. He has violated the rule necessary for a matter of House privileges by not raising this matter at the earliest possible time.

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

MR. H. ENNS: Mr. Speaker, I remind you, Sir, that although you certainly were not party to it, but in addition to all what has been said and at the insistence of the government members an agreement was arrived at by the then two House Leaders, the Honourable Member for Fort Rouge, the Attorney-General, and the Member for Turtle Mountain, which specifically dealt with this matter.

We, Sir, have not dogmatically held to that agreement, and we do not hold to it today necessarily. We have not used it to the extent that that agreement made

possible. But, Mr. Speaker, it is a long-standing arrangement that when difficulties exist parties do make those kinds of agreements. That agreement resolved the impasse of how to conclude that portion of the Session that brought us well into August. That was an agreement entered into in good faith by honourable members opposite, agreed to by this side of the House, and I suggest to you has a bearing on the motion that is now being prepared before us that all of a sudden begins to, in a very specific way, rule out the agreements that were agreed to last August.

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

MR. G. MERCIER: Thank you, Mr. Speaker. I submit one final argument to you from myself, Mr. Speaker. I think, out of the words of the Government House Leader, the motion itself is out of order. The Government House Leader said that the second part of the motion is dependent on the first paragraph of the motion.

Mr. Speaker, Rule 71(3) says that, "The Rules, Orders and Forms of Proceeding of the Legislative Assembly stand permanently referred to the Standing Committee on the Rules of the House and shall be examined from time to time by that Committee."

Mr. Speaker, there is no necessity. It is not a matter of privilege at all for the Government House Leader to bring into this House as a matter of privilege a motion to refer a matter to the Standing Committee on the Rules of the House. If the Government House Leader wants the matter considered by the Rules Committee, all he has to do is call the Rules Committee, Mr. Speaker. He's a member of the committee and can raise any matter that he wishes, Mr. Speaker.

I suggest to you clearly then that this is not a matter of privilege, and because the Government House Leader has said that the second part is dependent upon approval of the first paragraph, Mr. Speaker, then clearly it's out of order, too.

MR. SPEAKER: Order please.

I thank all those members who have offered their advice on this matter. I will take it under advisement in order to review the remarks of the honourable members in Hansard.

ADJOURNED DEBATE ON RESOLUTION CONSTITUTIONAL AMENDMENT AND SUB-AMENDMENT RE: OFFICIAL LANGUAGES

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, I beg to move, seconded by the Minister of Agriculture, that debate on the motion of the Honourable Attorney-General respecting the proposed amendment to The Manitoba Act and on any amendments proposed thereto shall not be further adjourned.

SOME HONOURABLE MEMBERS: Shame, shame!

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

It is moved by the Honourable Government House Leader, and seconded by the Honourable Minister of Agriculture, that the debate on the motion of the Honourable Attorney-General respecting the proposed amendment to The Manitoba Act concerning Section 23 thereof and on any amendments proposed thereto shall not be further adjourned.

Those in favour, please say Aye. Those opposed, please say Nay. In my opinion the Ayes have it, and I declare the motion carried.

The Honourable Member for Lakeside.

MR. H. ENNS: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

Order please.

I have been advised by the Official Opposition Whip that the opposition will not return before 2:00 p.m. tomorrow. In view of this advice, I have informed Chamber staff that they will not be required to remain on duty outside normal working hours. I have made arrangements to secure the Chamber, and the sounding of the bells will be minimized to the greatest extent possible.

I am accordingly leaving the Chair to return at 10:00 p.m. this evening in order to adjourn the House.

(And the Division Bells having stopped ringing at 10:00 p.m.)

MR. SPEAKER: The time of adjournment having arrived, this House is adjourned and will stand adjourned until tomorrow afternoon at 2:00 p.m. (Tuesday).