



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
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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
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GRAHAM, Harry	Virden	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
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LECUYER, Hon. Gérard	Radisson	NDP
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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
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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
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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, 9 January, 1984.

Time — 8:00 p.m.

ADJOURNED DEBATE ON RESOLUTION CONSTITUTIONAL AMENDMENT RE: OFFICIAL LANGUAGES

MR. SPEAKER, Hon. J. Walding: Order please. On the proposed resolution of the Honourable Attorney-General and the amendment thereto proposed by the Honourable Minister of Municipal Affairs, the Honourable Attorney-General has 30 minutes remaining.

HON. R. PENNER: Mr. Speaker, near the beginning of his remarks, the Leader of the Opposition acknowledged that the proposal presently before the House in the form of the amendment is - and I use his words - "vastly different" than the proposal which reflected the accord of May 16th or 17th. Indeed, it is a vastly different proposal, Mr. Speaker, but his response was exactly the same as the response of the opposition has been from Day One. So here you have an acknowledged, significantly different proposal, and the identical response in every way.

That central fact, Mr. Speaker, illustrates the point I was making. Simply, loudly and clearly, it is this: the opposition lacks the political will, the political courage to deal with this matter in any way, to deal with a problem which, Mr. Speaker, simply will not go away. It can't be brushed aside; it can't be swept under the carpet; it can't be put into a closet and forgotten about. It must be dealt with and, Mr. Speaker, it will be dealt with.

The question was raised by the Leader of the Opposition, and I was reflecting on that as we adjourned, why do you need 23.1? I would like to here very briefly cite the words of our legal counsel, legal counsel as I point out many times appointed by the opposition when they were government, who, in his opinion of January 5, 1984, tabled in this House, said and I quote in part: "The revised form of Section 23.1 does not declare English and French as official languages. Indeed instead it provides that because they already are the official languages," which can only refer back to Section 23 and that should be obvious, "the freedom to use either such language as enjoyed presently under the law shall not be restricted."

The operative part of the section, and that's the important point, Sir, the operative part of the section is the restraint on restricting existing freedoms. The section does not create official languages. It gives as the reason for the enactment of the restraint the existing fact that the two languages are official, official to the extent their use is permitted or required under Section 23. So the answer to the question - why 23.1? - is the operative words, and there is no gainsaying that, Sir.

Now the question again that I was reflecting on as we adjourned was: well, why do we need those operative words? That's really what should be addressed, and I hope that some of the members

opposite will take the time to think it out and address those words.

I said that 1890, The Official Language Act of Manitoba which said that English and only English is the official language of this province, casts a long shadow. I was referring to the Forest case of 1979. The issue of the validity of 1890 only arose in the Supreme Court in the hearing in 1979. It arose in part, and in part only, in the Court of Appeal in that same year insofar as it dealt with the language of the courts, but insofar as it dealt with the validity of 1890 and hence the validity of the statutes that were subsequently passed, that was only dealt with in the Supreme Court. But, Sir, and here is a point that I think has not been sufficiently discussed or made known and I don't think that the Leader of the Opposition knows, and that is the Blaikie case, the parallel case in 1979. In Blaikie, brought by the former President of the Progressive Conservative Party to attack Bill 101, the Government of Manitoba as instructed by the then Attorney-General and the former Premier stood shoulder to shoulder with the Government of Quebec to defend Bill 101.

A MEMBER: You're kidding.

HON. R. PENNER: No, I'm not. I have the case here. The Government of Manitoba . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. R. PENNER: The Government of Manitoba as an intervener — (Interjection) — listen Howard, I didn't get designated time; just a minute here - stood shoulder to shoulder and defended Bill 101. Bill 101, Sir, we all know now is the bill which attempted to cut down English-speaking rights in the Province of Quebec, and have Quebec become officially and solely unilingual in French. Now why did the Government of Manitoba, the Tory Government of Manitoba, defend Bill 101?

Well obviously let's be fair, and I mean this seriously. It's not that they were madly in love with 101. It's not that they wanted to crush the rights of Anglophones in Quebec, but they were doing it to defend, as I said on adjournment to the last ditch, unilingualism in Manitoba.

So I say again, 1890 cast a long shadow. So they lost in Blaikie. They lost in Forest, and then these people who tell us that out of an abundance of warmth for Franco-Manitobans they were going to restore these rights and that they have restored these rights passed — (Interjection) — Gerard, if you don't mind - an act respecting the operation of Section 23 . . .

MR. SPEAKER: Order please.

HON. R. PENNER: . . . passed an act respecting the operation of Section 23 in 1980 and they say this was the restoration of right but, Sir, Bill 2 — (Interjection)

— Well, do you want me to sit down and you want to make a speech? Bill 2 discriminates against the French language. Bill 2 says in its operative part - this so-called bill that restored Francophone rights - that all statutes passed in one language only insofar as there's any conflict between them and the translation, the language in which they were passed shall prevail, but that meant the English language because all statutes have been passed in the English language only, so this so-called restoration of rights was not a restoration of rights at all and indeed, Sir, that statute is likely invalid; 1890 casts a long shadow.

Then in 1983, during the committee hearings - and this is tremendously important to try to understand where our French-speaking citizens in Manitoba are coming from - in 1983, while undoubtedly there were a lot of reasoned representations that were made to the committee, there were a series, Sir, of representations by important officials, municipal officials, executives of municipal organizations who said, back to 1890, English only, no need for French. They said it again and again and again in 1983; 1890 casts a long shadow. — (Interjection) — So, yes. Well, read the briefs and you'll find out who said it.

So the fear of our French-speaking citizens of Manitoba that they could lose the gains, the undoubted gains of the last 10 or 15 years, are by no means paranoiac. They remember 1890. They remember 1916 when instruction in the French language, and the Ukrainian language, and the German language - because they are linked - was swept aside. They remember 1979. They remember 1979 Forest. They remember 1979 Blaikie. They remember 1983 and, Sir, it's not the dark they are afraid of. It's all too much a living reality of what can happen unless there is a constitutional bulwark to basic rights. So what is the bottom line?

The bottom line is not an expansion of rights but a declaration so that Bill 101, in its Manitoba reincarnation if you will, the equivalent of Bill 101 could not be passed in Manitoba. You may say, well, we're all such nice people it couldn't happen. It's a remote possibility - may I use that term - but given what has actually happened, it is no longer in the realm of speculation. It's in the realm of history, in the realm of reality and in the realm of recent history. Now that's one reason for 23.1, Sir, but there's another reason.

The second reason is - I say this to the Leader of the Opposition, because he did not really touch upon it that it's part of a package and an essential part of that package, and it is a package - is the validation of our statutes which clearly are invalid in my view or could be held to be invalid because of the fact that they were passed in one language only.

MR. G. MERCIER: What about the Court of Appeal?

HON. R. PENNER: Without that validation - the Member for St. Norbert says, what about the Court of Appeal? That's precisely the point. Without the validation which this package brings, the issue will be decided by the Supreme Court of Canada. There will be a "court-imposed solution." I put that in quotes.

That leads me to discuss with the Leader of the Opposition, the members of this House, the legal chaos

question about which I believe, Sir, there is some considerable misunderstanding. I think it's worth noting because I know that many members of the opposition do not know what the actual question before the Supreme Court of Canada is. It was formulated by the Chief Justice of Canada and it's the only question which can be answered because it is the reference question. Namely, are The Summary Convictions Act of Manitoba and The Highway Traffic Act of Manitoba invalid or inoperative by reason of the fact that they were not printed and published in both English and French as required by Section 23?

Now if the Supreme Court says yes, to that question, the only way in which of course they can do so is by saying, they are invalid because they were passed in one language only. Immediately there is the overriding precedent that affects every other statute. But even if it were only those two statutes, every provincial law and every municipal by-law is enforced through The Summary Conviction Act. So all of these municipalities with all of the representations would be without the legal machinery to enforce their laws. But more than that, Sir, the day after the Supreme Court ruled that way if they did - I acknowledge - someone appearing, let's say charged with a murder either before a Provincial Court Judge or a Judge of the Court of Queen's Bench - it doesn't matter because they all sit pursuant to a provincial statute - would say through counsel, "My Lord, you have no jurisdiction." "What, what, how come I have no jurisdiction?" "You have no jurisdiction because The Court of Queen's Bench Act was passed in one language only. The Supreme Court has just decided," etc.

The judge would not, of course, dismiss the charge. The judge would say, well hold it. We've got to — (Interjection) — no, that's what could happen. Read Twaddle's opinion. The judge would have to say, "Well I'm adjourning this case until that issue is decided." Then case-by-case, statute-by-statute, you'd be climbing back to the Supreme Court. Indeed you wouldn't have to because it's clear what would have to be decided.

Now at the time our counsel of record, Mr. Twaddle, talked about legal chaos, yes. He said at that time, April the 14, 1982, "This consequence is unlikely." Subsequently, when there was in Canada for the first time - although there are precedents elsewhere, Australia, for example - the first clear precedent that a court will do that - and this as it happened was in Quebec in the teachers' case towards the end of 1983 when a statute passed in French only when it should have been French and English, part of it, a schedule to it, dealing with the teachers' strike was declared by the Quebec courts, the Quebec Superior Court, to be invalid. When I discussed this with Mr. Twaddle he said, you know I now think that it's more likely that the Supreme Court might decide in favour of Bilodeau. It's more likely that the Supreme Court — (Interjection) — I'd like the Leader of the Opposition to listen to this; it really is not a laughing matter particularly - that it is more likely than it was on April 14th that this could be the outcome of the Bilodeau case.

Now against that there is what the same counsel tells us is the remote possibility of 23.1 being expansionary. Now I heard members opposite before the supper hour saying, well we're right back where we started from.

Mr. Speaker, I say this to members of the opposition - this is a very serious question - it's not a question of a semantic difference between the unlikely consequences in the Bilodeau case, to use that term as it was originally used, and the remote possibility of a rights expansion under 23.1. That's a trivial comparison. It's a question of consequences. Can't you see? It's a question of consequences. It is not so much a question of the odds; it's a question of the stakes.

Let us suppose it's only a 5 percent chance, okay? In Bilodeau, it's the legal infrastructure of the province which is vitiated at one fell swoop. In one decision, the laws of the province are gone. So let's suppose it's only a 5 percent odds. You're telling me - get up and say so - that you would stake the legal infrastructure of the Province of Manitoba on that kind of odds.

If somebody were to tell you, well, if you go on that road there's only a 5 percent chance that you will have a serious injury occasioning loss of limb or loss of life, would you take it? Would you say, well that's trivial; that's only a remote possibility? Of course you wouldn't. Now against that, Sir, namely, gambling with the legal infrastructure of the Province of Manitoba, is this remote possibility of some rights expansion as is supposed by the opposition with respect to the 23.1. But as the Free Press, in a much referred to editorial, said: "There is a risk, Mr. Filmon says, that the proposal might be interpreted to bring about an expansion of French language rights beyond those now established. He wisely does not try to cite the proposed words which will accomplish this, nor describe the expansion he has in mind and the damage it will do to Manitoba." When I interjected during the course of his speech to ask him to answer that question, he still did not do so.

It's not enough, Sir, if you are to hold that spectre out as haunting the people of Manitoba, this remote possibility, simply to say there is another ghost that is lurking in the bedroom, or under the bed, or in the closet, what is it? What is this expansion of rights which you are counterpoising to the possibility of losing the laws of the Province of Manitoba? We are elected to be responsible legislators. We are elected not only to make but to defend laws. I, as the Attorney-General of the province, have a constitutional responsibility not only to defend the laws of the province in the conduct of cases. I cannot and would not and will not take the chance that is supposed, particularly in the context of the resolution as it is now being advanced, of the laws of the Province of Manitoba being vitiated. It is irresponsible, with respect, and I say this to the Leader of the Opposition. Be a leader. It's irresponsible to say let's take the gamble, because that is what it comes down to.

Recently, Mr. Speaker, - and I would like the press to catch this Leader of the Opposition - in a meeting - and there were many many meetings trying to refine the language - the question was put to Mr. Tallin, Mr. Gibson, Mr. Twaddle, first of all, as to the question of 23.1, as you have it before you, being expansionary. All of them said remote, unlikely or impossible. Mr. Twaddle was asked, how would you compare the risk in Bilodeau, that the Supreme Court would find in favour of Bilodeau, with the risk that rights will be expansionary under 23.1? He says the risk in Bilodeau is five times as great and we will not gamble in that kind of situation - I say that to the Leader of the Opposition - nor should you. — (Interjection) —

We have had that opinion from all of our counsel. If you've got a better legal opinion, file it, whether it comes with a tan or not, and you will not have a better legal opinion. We are talking, Sir, about serious consequences. That's what we're talking about, "against the remote possibility of vague uncertainties," not defined by the Leader of the Opposition, nor could they be.

One word about this question of official languages, look what you're doing. You're saying that French and English are official languages, and that never was the case. Well let's see. What is the official language, Sir, of the Province of Manitoba? In 1870 when Manitoba came into existence the Constitution of the province said that, with respect to the then existing institutions of government - and that's really what you're talking about when you talk about official languages, never mind dictionary definitions - you're talking about the legal use of language in official institutions. They said the courts, the statutes and the records. Right? That's what they said. That's all there was. They didn't have these 1,001 administrative tribunals and agencies that we now have or, if you will, are plagued with. They dealt with what they had.

Now in 1890, the Legislature of the Province of Manitoba passed an Official Language Act. Just think about that. So now you had an act of the Legislature which clearly they knew what they were talking about, said, English only is the official language. But in 1979, Mr. Speaker, the Supreme Court of Canada said that statute is invalid. So what language is the official language of the Province of Manitoba? There's only one statute that uses that term. It's their statute, Bill 2, the one they passed. There is only one statute on the books of the Province of Manitoba, and I count here Section 23 of The Manitoba Act that actually uses that term, and that's the bill that they passed. You not only are afraid of the dark, they appear to fear what they themselves have wrought.

Mr. Speaker, in effect, when our proposal says that, "As English and French are the official languages of Manitoba . . ." it's not talking about French only. It's talking about English. It's declaring in the only place other than their bill where it might be declared but now is a constitutional pillar to the English language. In another world holocaust, we're going to have a hell of a lot more Ukrainians and Germans here than anybody else and who knows what their ideas of official languages might be? At least we'll have something as a result of our bill that says that English is an official language of the Constitution. Nowhere else — (Interjection) — it might well be.

Mr. Speaker, there is above all . . .

SOME HONOURABLE MEMBERS: Oh, oh!

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

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. R. PENNER: Mr. Speaker, there is a larger issue which the Leader of the Opposition must address and

has not and that is the issue touched on in the federal resolution with respect to the character of this country and indeed, Sir, it cannot be gainsayed, the character of this province. It's the issue of fairness. It's the issue of decency and for him it's the issue of leadership.

We've struggled long and hard and, Sir, even though I would be the first to admit at times mistakenly, we have fought honourably and we have fought openly. Speaking in this House on the 18th of May, the former Leader of the Opposition, the Honourable Sterling Lyon said, "Well, Mr. Speaker, in view of the fact that these negotiations have been in the public domain now for some several months . . ." I repeat, "Well, Mr. Speaker, . . ." and this is Mr. Lyon, the Member for Charleswood, ". . ." in view of the fact that these negotiations have been in the public domain now for some several months . . ." and that is true. And I read into the record in this House all of the press reports of everything that had taken place and I furnished the Leader of the Opposition and the former Attorney-General with the basic draft in December of 1982 so that it was always in the public domain, including this domain in which we live and struggle and try to arrive at solutions, so that it was there. So as I say, we have struggled long, honourably and openly to arrive at a resolution for a Made-in-Manitoba solution.

The time has arrived, or at least I thought it had arrived, for the Leader of the Opposition to show that he's a leader and not a follower, and he failed. It is sad for Manitoba that he is, in fact, or at least until this point - there's still time for him to reflect - has shown himself to be a mere follower who, in effect, cannot rise above the political opportunism of his caucus; who cannot stand up without being told to sit down. I asked him earnestly and sincerely with as much strength as I can summon on a point about which I feel deeply to reconsider, to take a look at what is being proposed, to take a look at the consequences of failure, to take a look at what he described as the convulsion. What convulsion?

They have said before, when we introduced Bill 2 in 1980 and so on there was none of this rancour. Of course there wasn't because we supported the restoration of rights and we believed that in fact Bill 2 was doing that. It's now clear that it doesn't. Even the Member for Elmwood thought that was happening and supported this restoration of rights and bilingualism at that time. But now when we introduced our resolution, instead of the Member for St. Norbert or the then Leader of the Opposition, let's say in December of 1982, writing me or calling me aside and saying, well look we've got your proposal and it's got some problems. We can't support it in its present form. We propose this, we propose that, absolute silence. Then, as I said, like tigers springing from the bushes, they pounced upon it with political opportunism which, I think, hasn't been seen the length and breadth of this country.

There were legitimate criticisms which might have been made but it's the duty of an opposition to come forward with constructive proposals. They have shown themselves this week when we talked about economic progress in Manitoba to be knockers, knockers, knockers. That's all they're doing. We, by no means, claim all virtue or anything like that. We have made mistakes undoubtedly because we do try, undoubtedly because we have political courage and we go out there

with tough legislation, whether it's seat belts or this legislation, we'll make mistakes; but you're there to help, not to say, no way, no way, no way. That way, Sir, is the death of parliamentary democracy; it is not its triumph. You make a mistake, Leader of the Opposition, in taking that position. You become the captive of the most reactionary caucus in this country. It's a sad day, Sir, not only for parliamentary democracy, it's a sad day for you.

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

MR. D. ORCHARD: Thank you, Mr. Speaker. It's a pleasure indeed to hear the swan song of an ex-Government House Leader, of a man who fungled this issue and had it pulled away from him, to hear a man running out the door right now leaving us with the thoughts that he did. In the last 10 minutes of his speech, Mr. Speaker, is one of the saddest examples of a government in disarray, leaderless, without direction, without any idea of what they have gotten themselves into and how they are going to extract themselves from the situation.

Mr. Speaker, the Attorney-General - and probably in a short while we'll be able to say the ex-Attorney-General the way he is falling by the wayside in this government - he has been so exuberant in his presentation of this recent amendment, Mr. Speaker, that I have a suggestion for his leader who is here; that if this is such a good proposal and if this is so commendable to the people of Manitoba then simply take it to the people of Manitoba in the form of a general election. — (Interjection) — That's all we ask, Mr. Speaker. If this is such a grand solution to a 113 year old problem, take it to the people because the people didn't give you the authority to be in here, in this term of your government, to be ramming this kind of legislation through. No, not at all. If it is so good, take it to the people.

I wonder, Mr. Speaker, how this Attorney-General could stand in his place tonight and criticize our leader for the position and the statements that he has made on this issue. He's challenging my leader to show some leadership in this issue and I suggest, Mr. Speaker, that he has. He has continued to show consistent steadfast leadership of the Progressive Conservative caucus in this issue and indeed of 78 percent of the people of Manitoba, that's who our leader speaks for. But to have the Attorney-General stand up and criticize our leader, the man who has bungled this issue so badly that it's been amended how many times now? He has had the responsibility of it removed from him. He's had Government House Leadership removed from him and he stands up and criticizes our leader at this stage of the game on this issue. That man, the Attorney-General, is the greatest bungler in the government in the current Pawley administration. I tell you, you have to go a long way to be the most competent bungler in that administration because there are 22 of them occupying Cabinet spots to compete with the greatest bungler. Oh, I'm sorry, is it only up to 21? Pardon me. What's the number? 20, 25, who is it?

Mr. Speaker, I have a little message for the new Government House Leader. I just simply want to say

to the new Government House Leader, 'sh. Mr. Speaker, that is spelled "sh" and I know he knows what that means.

Mr. Speaker, this Attorney-General tonight said that we can't sit here as opposition and say no way, this isn't working, this is not good. We have to offer some legitimate alternatives to their solution. Mr. Speaker, he hasn't been listening. We have offered him those solutions. We've told him to drop it, forget about it. Do you know what the Honourable Attorney-General doesn't appreciate is what the role of opposition is in a democratically elected government and that is to represent the wishes of the people in this Chamber when bad laws and bad resolutions are being presented and that, Sir, is what we have been doing consistently since the middle of May on this issue, where this government, the Attorney-General, the Premier and whoever else would like to take some shred of responsibility for this mismanaged and bungled mess, have been trying to do something that the people of Manitoba in full understanding do not want to see happen.

These people in Manitoba, these 78 percent that are against this move by this temporary administration, are not opposing it simply because they are the classic rednecked bigot that the Attorney-General would believe, would have all of us believe, anyone who opposes his plan is. These aren't the rednecked bigots. These are average, understanding, thoughtful and caring Manitobans that say, you cannot do this and my colleague from Sturgeon Creek says, and some of them used to vote NDP and that's absolutely right. They've had it right passed their ears with this government of incompetent people who are doing things without the mandate, without the election platform and without the will of the people.

Well, my leader this afternoon took time to demonstrate and to put in a chronological order, a series of events which brought us here today. It's a series of actions that my leader pointed out, a series of actions of a bungling, fumbling, misguided, faltering, leaderless government. They have been bouncing from pillar to post. They have lost direction on this issue several times. They don't know what they're going to do next. They've got feelings aroused in the Province of Manitoba that never existed before, Mr. Speaker, never existed until this gang of incompetence brought them to the forefront, focused the attention with bad legislation. Well you know, I hope they feel proud, Mr. Speaker, because they have divided this province like it has never been divided before. They have caused anxieties, animosities to be there which were not there. I hope they're proud of their short two-year record. The people of Manitoba would like to end it there and leave at a two-year record. They would like to get rid of this group of totally incompetent people who purport to be government but unfortunately they have to suffer through as much as two more years of this kind of day-to-day incompetence.

A MEMBER: No, a year-and-a-half.

MR. D. ORCHARD: Well, we have high hopes that it's only a year-and-a-half but I believe that the good pastor will hold on for as long as he can. He will cling to power

as long as he can until his fingernails are raw and bleeding clinging to power.

Mr. Speaker, what did this government promise us back two years ago when they won an election? They promised us the usual economic issues, they said that they would make everything better. They promised that they would restore the health care system, they made a number of promises. All of those promises, Mr. Speaker, they have broken. They have broken every single promise they made, but the one thing that is baffling to most people in Manitoba is why they are proceeding with this one which they never mentioned once on the election platform. They never addressed the issue of language rights, pardon me, the Member for Radisson had some contribution to make. Would you mind repeating it please?

HON. G. LECUYER: So be your usual cop-out.

MR. D. ORCHARD: What is a cup-out? Maybe I could ask the Minister of Highways what a cup-out is. Maybe the House Leader would know. Well, we will no doubt have a contribution from the MLA for Radisson in due course, and maybe he can enlighten us on some of the wisdom that this government is presenting because no one to date has done that.

Mr. Speaker, how did the ND Party get to where they are today where they have 78 percent of Manitobans against their only major initiative; they are faltering at their polls; they are disliked from east to west, from north to south in this province like no other government has ever been disliked. How did they get to this stage, Mr. Speaker?

Well, they worked at it fairly hard but more importantly, Mr. Speaker, they believed one individual in my estimation; they believed the last speaker, the Attorney-General. They believed when the Attorney-General told them that, you know, I think we can do something for our political future by passing a constitutional amendment dealing with language rights. We can do this without any fuss, muss or bother because the great unwashed and uneducated people out there don't understand what I'll be doing and what we'll be doing as government and we can slip this by and it will be no problem, and it will be a good thing for us to do. Unfortunately - and I will give credit to some of the intelligentsia that were in the Cabinet with the Attorney-General whilst he made this proposal - and I believe that some of them were intelligent enough to see through this, but I'll give them this kind of an opt-out - that they were busy with their portfolios and they didn't really follow what he was doing. As for the rest in the back bench, well, they just plain got slickered. They got talked into this thing without knowing what the implications were.

As a result, Mr. Speaker, we have gone through a proposal which the Attorney-General, when he introduced it, said we are not going to change this one iota. This cannot be changed one comma, one word, one period, one line, we cannot change anything in this. The Premier even went so far as to say, on June 17th when he was questioned about intersessional hearings on this, the Honourable H. Pawley said, "Mr. Speaker, no. This is a matter that will be dealt with, not on intersessional basis, but as a consequence of

the kinds of meetings that have been outlined by the Attorney-General to deal with 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." That is what the Premier said on June 17th.

As my leader pointed out this afternoon, we have gone from the position where nothing can be changed, where there will be no intersessional hearings, where there will only be information hearings where I, the learned professor, the Attorney-General, the fountain of all wisdom in the Province of Manitoba, shall speak to the people and tell them what we are going to do and they shall listen and they shall fall to their knees and obey and cry, "hail king"!

A MEMBER: You will like it.

MR. D. ORCHARD: You will like it. Mr. Speaker, where have we gone since that position on June 17th of the Premier? We have had hearings, 400 Manitobans took the time to make presentations to these hearings that the government was not even going to have and today, I believe it was the Attorney-General, said 73 percent of them, or 70 percent, were in favour of what they were doing. What a fabrication of the truth. What a distortion; what a twisting of the facts.

MR. H. ENNS: Orwellian language newspeak.

MR. D. ORCHARD: My honourable friend has reminded me that it is now 1984 and George Orwell's year has arrived, and we now have an Attorney-General who does bring in "newspeak" as the current language. He has double-think as his common practice and double-speak today when he said that 70 percent were in favour of what the government was doing.

But what the Attorney-General failed to tell us is that the municipalities represented by Mr. Dave Harms are against the proposal that the government had. They speak for countless councillors elected, countless reeves elected, who represent people and are more in touch with what the people want than the learned professor from Fort Rouge ever is or ever will be. When Mr. Harms spoke, as one individual against, he was as good as half the people of Manitoba, Mr. Speaker, because that is exactly what the referendum showed this government - 78 percent of the people voted against this proposition. The Attorney-General has the nerve to stand up and say, well, we are justified in what we are doing because 70 percent of the briefs were in favour of our action.

I ask the Attorney-General, if this was such overwhelming support, if you had 70 percent of the briefs in favour of it, why did you change it if it was so good and so well-supported by the people of Manitoba? You see, you have backed down not once but twice.

Mr. Speaker, a simple suggestion to my honourable friends over there, if they want to do the job totally correct they could back down all the way, they could leave this; they could drop it; they could forget about it. One thing that the learned professor indicated tonight

- I'll have to find it in my notes here - he said that now Mr. Twaddle has indicated that there is a five times greater likelihood now of a bad decision of the Bilodeau case versus out of their constitutional amendment. Now that's an interesting statement. Five times what? Are we talking five times a hundred-to-one chance; five times a ten-to-one chance? What are we talking about, that really doesn't mean anything? It really doesn't mean an awful lot.

But the point, Mr. Speaker, that is before us today is that with the government bungling of this issue there is probably no question that Bilodeau's case in the Supreme Court has a greater chance of succeeding because this government has gone from pillar to post with a solution and they haven't come up with one. They have negotiated with practically everybody but the people of Manitoba and they still haven't come up with a solution. They have destroyed the people of Manitoba's chances, to a great degree, of success in the Bilodeau case. I'm not saying it still wouldn't be successful but if there's any derogation of the chance of success that lies squarely on the shoulders of the Attorney-General and the Premier through their bungling of the issue, through their attempt to try to boonswoggle the people of Manitoba into a constitutional amendment which no one wanted, which no one believes would solve the problem, and these people have caused it, they've exacerbated the problem.

Mr. Speaker, what is the net upshot of all this? I think right about now a number of the members of the ND Party are looking for a new theme song, and when one gives consideration of the new theme song for the ND Party I think you'd have to refer back about 15 or maybe 20 years ago to a song that was out then and it was a song about Custer's last stand. There was the trooper in this song and he was describing what was happening . . .

A MEMBER: Sing it to us, Orchard.

MR. D. ORCHARD: . . . and one of the lines was, "Please, Mr. Custer, I don't want to go," - remember that song - and as the arrows are whizzing by this fellow as the mighty Sioux were making their final attack on Custer the trooper is heard to say as defeat is imminent, "What am I doing here?" I'm sure, Mr. Speaker, that each and every one of those members over there have to be asking themselves, what am I doing here? Here I am in the House debating an issue that 78 percent of the people are opposed to; here I am in the House, I've caused, over the two years that I have been dillying and dallying with this issue, I've destroyed some of the good opportunity and good chance to have the Bilodeau case resolved by the Supreme Court in favour of the province.

I might remind you, the Attorney-General and others in the government are masters at revisionist history and I heard a couple of times already in this Session which is only three days old, a couple of the people from the back bench - it could be in the neighbourhood of the chap from Inkster - but anyway somewhere in that general area, their comment has been, remember the Forest case. What they are trying to do, and they have tried to do this in the eyes of the public of Manitoba, they've tried to draw an analogy of the

Bilodeau case to the Forest case and leaving the impression with the people of Manitoba who know that we lost the Forest case, that there was a good likelihood we'd lose the Bilodeau case, and that's the way they've been doing some of their fear-mongering among the people of Manitoba. So I think a little history is important at this stage of the game.

In the Forest case he won in both Manitoba courts and it was the province that took the case to the Supreme Court and they lost in the Supreme Court; they lost all three times.

In the Bilodeau case, Bilodeau lost in both Manitoba courts and it's Bilodeau who is appealing to the Supreme Court - exactly the opposite situation and any link-stepping by honourable members of the back bench of the ND Party government, making the analogy on a public platform or anywhere which they have been doing that we lost the Forest case - we couldn't stand the chance of losing the Bilodeau case - is truly attempting to mislead the people of Manitoba, Mr. Speaker, because there is no analogy between the two. There is no analogy and they know it but they are not willing to tell the people the truth, they don't tell them the truth. — (Interjection) — And the Government House Leader may well be one of them who has made that analogy on the platform - I haven't heard him - but he may well be one of them. It wouldn't surprise me, Mr. Speaker, if a number of others have as well. Yet they persist in saying that we are the ones who have thrown up the straw men, tried to mislead the people of Manitoba by giving them incorrect information.

It was not our leader who sent out a letter to the municipalities describing the original Section 23 in terms of those official languages and then later, when it was drawn to his attention by my colleague, the MLA for Swan River, that he misquoted Section 23, it wasn't our leader that did that, it was the Premier of the Province and he said it was a typographical error. We saw another example of these typographical errors.

Now I ask you, Mr. Speaker, does the record of the government lend itself to one in which the people of Manitoba can believe every single word that they utter? The answer, Mr. Speaker, clearly is no you cannot because in all of the advertising that this government has done on the constitutional issue, isn't it passing strange, Mr. Speaker, that not once did they print the constitutional amendment as part of their advertising package to let people see exactly what they were proposing to pass? Not once. Why were they trying to hide it, Mr. Speaker? What did they want to hide from the people of Manitoba? Well they can't answer it. They haven't answered it, but maybe in the course of the debate this time we might get some answers from the government.

We heard this afternoon when my leader was speaking, my leader made reference to an agreement that was drawn behind closed doors between the SFM and the Federal Government - and I believe it was the Attorney-General - did he not get up on a point of order or a matter of privilege or something and he chastised my leader for not knowing the facts of the negotiation. Well, you know, my leader presented the facts as we were lead to believe, by the Attorney-General and others, that indeed the Federal Government, the SFM and Bilodeau were party to this

agreement. Yet when my leader laid that out it was disagreed to by the Attorney-General as being some distortion of the way it really was. Well who, Sir, is telling the truth on this? Were not the SFM party to it? Was not Mr. Bilodeau a party to this agreement? Was not the Federal Government a party to this agreement? If the doors weren't closed, well produce the minutes, produce the agreement, produce the interim agreements that must have been signed. We haven't seen those yet, Mr. Speaker. We don't know whether indeed there ever was one. All we saw was a resolution that was given to the House that could not be changed one iota back in the good old days of May of 1983.

What do we see now? Everything's been changed except the most important clause, 23.1, and once again my leader did a very excellent job of pointing out the twists and turns, the bouncing from pillar to post that the government did in the last three weeks alone on trying to change Section 23.1 to make it acceptable, and every time they tried to change it they made it worse.

Now, Mr. Speaker, the people of Manitoba really don't understand what is going on. Furthermore the people of Manitoba have lost faith and have lost trust in the Premier, the Attorney-General, and they will soon lose trust in this bright-eyed, bushy-tailed new Government House Leader that we have. They'll soon lose faith in him too, because he can't maintain the pace. He cannot do it for all that much longer before he falls into the same kind of disrepute with the people of Manitoba that the Attorney-General fell into, that the Premier has been into for the last year-and-a-half, and this bright new shining star of the New Democrat front bench who replaced my good friend, the Minister of Agriculture, and pushed him into the back row, which I suppose shows this government's thought and priority on agriculture where . . .

A MEMBER: Evan's seat will open up again pretty soon though. Evan's seat will open up again.

MR. D. ORCHARD: Had we known there was a resignation of the MLA for Brandon East as Minister responsible for McKenzie Seeds, maybe he should have been the one that vacated his seat and left agriculture on the front bench. But this government . . .

HON. A. ANSTETT: That's Jim Downey's seat.

MR. D. ORCHARD: Mr. Speaker, I have the same message for the Government House Leader. It's sh, spelled "sh" again to the Government House Leader.

MR. SPEAKER: Order please.

HON. A. ANSTETT: Talk about bright consistency.

MR. D. ORCHARD: Now, Mr. Speaker, there is nothing consistent about what this government does. As much as they'd like to talk about consistency, show me one nit and iota of consistency in this French language resolution. You have gone from one crisis to another in the last eight to 10 months, and you are still suffering under the crisis of what to do on this resolution. You

have lost major components of support for your party, and you will lose the next election. If only you would call it, you will lose it tomorrow.

So, Mr. Speaker, we on this side of the House are really really anxious to see how the government fumbles with the fumbling over the next two weeks to three weeks to four weeks that we're here dealing with this issue. We are indeed very interested in knowing whether this government really will, Sir, live up to the promise of listening to the people of Manitoba, of wanting to reflect the wants and desires of the people of Manitoba. Because, Mr. Speaker, if they are sincere in what they say at every opportunity they have to say it that they are a government that listens to the people of Manitoba; if they are sincere; if they are telling the truth; if they are speaking not with a forked tongue, then within the next several days to weeks on this issue, they will do what 78 percent of the people of Manitoba want them to do, and that is drop this issue.

They have come close. They only have to take one small step for man, and a major leap for the people of Manitoba. That's all they have to do now. They are that close. I give them credit for backing down as much as they have. I will give them even more credit when they back down all the way as they should, as the people of Manitoba wish them to do and as they have to do if they are indeed going to live up to that promise of listening to the people and working with the people.

The question was posed, Mr. Speaker, at the Municipal Affairs Convention to the new Minister of Municipal Affairs, "How can you represent us as Minister of Municipal Affairs in the Cabinet and in the government when you are charged with the responsibility of passage of the constitutional amendment on the French language issue, and when we, as the Union of Manitoba Municipalities, are totally opposed to such passage, to the passage of that amendment?" Do you know what the Minister of Government Services indicated to the questioner, the councillor that posed that question? He said, I don't have to be the spokesman or the lobby person for the municipal elected people. I don't have to represent you people. That's what he said.

Sir, that represented kind of an interesting position because here we have a newly-elected Minister out there trying to leave a good impression with this group of people that he's going to have to work very closely with, namely the elected Reeves and Councillors in the Province of Manitoba, and one of his first major statements is, I don't have to represent you. Well it didn't leave a very good impression, or a very good feeling amongst the councillors who were there.

That is why I say, Mr. Speaker, that as the Attorney-General has had his wings clipped by this issue and has had it removed from him because he, as well as the issue, became the target of disrespect and the wrath of the people of Manitoba, so will the present Government House Leader become that target of wrath and anger that the people of Manitoba will focus on him, because he is the bearer of bad news. He is the bearer of constitutional amendments which do not fit with the will of the people of Manitoba.

So, Mr. Speaker, I find it very interesting that the government is attempting to say now that this final final draft, if it is the final final draft of the amendment, is highly recommended to the people of Manitoba.

HON. A. ANSTETT: We welcome your suggestions. We haven't heard any yet.

MR. D. ORCHARD: Mr. Speaker, sh, sh, sh. Mr. Speaker, the government believes they have the ideal solution to this problem right in this amendment that is currently before us. The government also believes, at least as evidenced by the ministerial statements of the last three days starting with the Premier on Thursday and with the Minister of Finance on Friday, and today we really had a bonanza - we had the Minister of Agriculture, the Minister of Consumer and Corporate Affairs, I guess it was — (Interjection) — well the MLA for Gimli at any rate, and the Minister of Small Business and Tourism — (Interjection) — yeah, okay, in Business Development and Tourism - we had three ministerial statements today. Each and every one of those ministerial statements glowingly pointed out for all to hear and for all to embrace what a wonderful job this government has done in the last two years.

I swear, Mr. Speaker, that if I was to believe what I was told by the Premier, the Finance Minister and three other Ministers today, if I were to believe that, I would have to say sincerely and honestly that this is the best government the Province of Manitoba has ever had. This is a perfect group of people. This is the most fantastic government that has ever reigned in the Province of Manitoba.

I listen. I listen intently to the Government House Leader when he talks about this new proposed amendment which satisfies the Conservatives; it satisfies the SFM; it satisfies Bilodeau. This amendment he has satisfies everyone. At least, that's what he tells us.

A MEMBER: It doesn't even satisfy Gerry.

MR. D. ORCHARD: Mr. Speaker, given that the five ministerial statements, starting out with the Premier, indicate what a wonderful job this group is doing; given that the Government House Leader says this is the amendment which is agreeable to everyone, why are we sitting here, Mr. Speaker? Given all of those pertinent facts, why are we not today out on the election trail seeing whether the Ministers and the Government House Leader are telling us the truth?

If their record is so good in terms of their Jobs Fund performance, the capital investment, the Interest Rate Relief Program for the farmers, the small businessmen, the homeowners, and if this amendment is just perfect for the people of Manitoba, let's get on the election trail and let's find out. Let's have an election. Let's have an election in the middle of winter. Let's do it, fellows and gals. Let's go. What's holding you back? You're the greatest government that ever ruled this province. You're the greatest group. Take it to the people then and let the people tell you how good you are. Take it to the people and I've got support from the MLA for Inkster. Isn't this wonderful?

A MEMBER: That's the first time you've had his support, Don.

MR. D. ORCHARD: Yes, this is a landmark party, the greatest rulers of this province. Yes, they are. They are the greatest rulers.

So all I say to you, ladies and gentlemen, is, if you're so confident in the job you're doing and in the direction you're taking this constitutional amendment, then take it to the people. Let the people decide and, as has been quoted already tonight, trust the people. But let the people decide how good a job you're doing. Do you know that I would venture to say that would be the last time the people of Manitoba would look upon such a gang of incompetents in government, because there would only be five to 10 of you back here. If you're willing to let your record stand for you, go to the people. I ask you, I plead with you, go to the people.

Seventy-eight percent will tell you how much they think of your programs, your policies and your much-lauded new proposal on the constitutional amendment. If you call an election and you win, I'll support any constitutional amendment you bring in. Until you do that, I will not support any constitutional amendment you bring in.

MR. DEPUTY SPEAKER, P. Eyler: Are you ready for the question?

The Member for Arthur.

MR. J. DOWNEY: Mr. Speaker . . .

MR. DEPUTY SPEAKER: Order please, order please.

MR. J. DOWNEY: Mr. Speaker, I move, seconded by the Member for Lakeside, that debate be adjourned.

MR. DEPUTY SPEAKER: Order please. I'm afraid I didn't hear the motion due to the interference from other members.

The Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, I move, seconded by the Member for Lakeside, that debate be adjourned.

MOTION presented and defeated.

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

MR. DEPUTY SPEAKER: Call in the members.

MR. SPEAKER, Hon. J. Walding: Order please. The question before the House, moved by the Honourable Member for Arthur that the debate be adjourned.

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

YEAS

Banman, Blake, Brown, Carroll, Cern, Downey, Enns, Fillion, Gourlay, Graham, Johnston, Kovnats, Manness, McKenzie, Mercier, Nordman, Orchard, Ransom.

NAYS

Adam, Anstett, Ashton, Corrin, Cowan, Dodick, Eyler, Fox, Harapiak, Harper, Hemphill, Kostyra, Lecuyer, Mackling, Parasiuk, Pawley, Penner, Phillips, Plohman, Santos, Schroeder, Scott, Smith, Storie, Uruski, Uskiw.

MR. ASSISTANT CLERK, G. Mackintosh: Yeas, 18; Nays, 26.

MR. SPEAKER: The motion is accordingly lost.
The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, in opening my comments this evening, I want to first of all wish you the best in 1984 as you carry out your responsibilities as the Speaker of the Assembly; as well, to congratulate our new Leader of our party who, this afternoon I think, laid out very properly the party's position and one which we have carried forward as a responsible opposition, and one in which he has in his own right put forward as our new Leader, and one which I feel very comfortable with, and will be speaking in support of him and will continue to represent my constituency in a way in which I believe is responsible on this issue.

Mr. Speaker, the first point I want to deal with and that is that we have a government which is making a major change to The Manitoba Act to include it in the Canadian Constitution. They did not have, under the leadership of Howard Pawley, a speaker to stand to defend what they're doing in this province after my colleague from Pembina spoke.

The tradition of this Chamber, Mr. Speaker, has been to speak one on one, the opposition and the government, but the government do not have a defensible position, Mr. Speaker, on this particular issue. Why would the government who are passing such a major change to our Constitution not have a speaker ready to go on this particular issue? Why, Mr. Speaker, would they not defend their position? They expect the people of Manitoba, they expect each one of their constituents that they represent, Mr. Speaker, they expect them to live under the law that they pass, yet they don't have the intestinal fortitude to rise in their place, and particularly the Minister of Finance, who has been playing a shell game since he has been the Minister of Finance in this province.

Mr. Speaker, the government say, speak to the issue; I will speak to the issue, Mr. Speaker, if they will listen.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please. ORDER PLEASE. May I remind other members they will have the opportunity to enter the debate in due course.

The Honourable Member for Arthur.

MR. J. DOWNEY: Thank you, Mr. Speaker. The unfortunate part of this government . . . The Minister of Finance says speak to the issue. We have been speaking to the issue. The people of Manitoba have been speaking to the issue, but the government haven't been listening, Mr. Speaker. We will speak to the issue day after day after day because the people of Manitoba believe, at this point, that the opposition party is the only thing that is protecting them, whether you are from the Franco-Manitoba community, or whatever ethnic background you're from. The opposition are defending the rights and freedoms of the people of the Province of Manitoba, and are standing up, Mr. Speaker, to protect those.

Yes, Mr. Speaker, who else is doing it? Is it the Member for Dauphin or the Member for Flin Flon, who didn't have the intestinal fortitude to stand this evening and defend their government? No, Mr. Speaker, they didn't

rise in their place, because you know who they're leaving it up to? They are leaving it up to the new House Leader, Mr. Speaker, who now has a responsibility to carry out the responsibilities of the government. He has been given the job of getting this thorny issue past the opposition, past the people of Manitoba so that they look good politically; that's what his mandate is, Mr. Speaker.

Mr. Speaker, why is this Assembly meeting at this particular time? Why have we been called back, Mr. Speaker, to debate . . .

SOME HONOURABLE MEMBERS: Oh, oh!

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

MR. J. DOWNEY: Why have we been called back, Mr. Speaker, to debate this particular issue? Why are we into it in the first place? Why are we debating something which is of such major consequence, or will have such major consequences on the people of Manitoba? Mr. Speaker, the whole language issue is not unlike everything else this present government have done. It has been handled badly; it has been handled in secret, it started out in secret.

In fact, Mr. Speaker, if the question were asked of the Attorney-General if he had ever presented it to Cabinet or to his caucus before he got the agreement finalized to the stage which he originally had done, it would be interesting to hear his answer because I don't believe the Premier or any of his learned colleagues, if we can use that term loosely, knew what he was doing. Mr. Speaker, in fact, the Premier today again displayed the very fact that he doesn't know what's going on. In fact, he said today that the municipalities and school boards were still included in, and didn't correct it, the amendment that was being introduced. Now he didn't correct it, none of his colleagues told him to correct it, but he said that they were still included. He doesn't have a grasp of what his Cabinet Ministers or his caucus are doing, or what the people of Manitoba want.

Let's look at the history of Manitoba. Mr. Speaker, I am a proud Canadian and a proud Manitoban. I am a man who believes in the protection of everyone's rights in this province, and I believe that we have demonstrated, as a party and as a caucus over the last many years that I've had anything to do with it, that we have acted responsibly. We can demonstrate in spades that we have, Mr. Speaker.

Mr. Speaker, when we look at what happened in 1870 when this province was formed we know that the laws were drawn by responsible people. The things were put in those laws that were to carry on for a long time. Yes, Mr. Speaker, in 1890, as we've been made aware, there was an act passed by the Legislature of this province that caused problems for a certain group of people and was not correct. 1979, when I was a member of a Cabinet that had a court decision brought down, we made some changes, Mr. Speaker, we made the changes that had to take place to live up to the laws of the land and we did, and we didn't hear any fuss from the community of Manitoba. How many people opposed what we did? How did we do, Mr. Speaker?

We did very well in the minds of the people. Mr. Speaker, in 1981 when we went to the people, it wasn't because of a language issue that we were defeated, it wasn't the language issue that we were defeated upon.

Mr. Speaker, we would dearly love to see, as my colleague from Pembina pointed out, the Government of the Day go back to the people to see if they have a mandate to do what they're doing. It has been pointed out again and again and again, through the vote that took place at the municipal elections, just how much support the government have for what they're doing. They don't have it, Mr. Speaker; 76.5, I believe the Member for Elmwood said, the City of Winnipeg voted against what the proposal is that the government have tried to pass prior to the changes that they have made, 76.5 percent, almost, in some communities in fact as high as 90 percent, voting against what they are proposing.

Mr. Speaker, if they aren't prepared to listen to the people on such an important issue, what are the other things that they're doing that are not in the interests of the people of Manitoba. I'm sure I could go through many, and will proceed to do so if I have time.

Mr. Speaker, the main issue that we're dealing with is the expansion of French Language Services, the entrenchment of it, to make Manitoba a bilingual province. We've had the debate; we've heard the debate from my colleagues today, from my Leader, the Member for Pembina, again pointing out the possible chance of the courts of this land interpreting as an expansion of services. That is a gamble that we are not prepared to take, and the people of Manitoba are telling us that we shouldn't take.

Mr. Speaker, the whole question of whether or not the expansion of rights has been dealt with by the Union of Municipalities, in fact, I have heard recently, coming from a reeve or certain people who are elected, that because the current Minister who has been given the responsibility, has the dual role of the language issue as well as Minister of Municipal Affairs, that he should be removed as their Minister of Municipal Affairs because he is not representing what the people, particularly the Union of Municipalities, want; that he, in fact, has a conflict of interest; that he cannot deal with an issue that is so controversial and opposed by the municipalities, and then have a working relationship on the other hand in the administration of Municipal Affairs. In fact, I have heard from a good source that the municipalities are planning on circulating a petition asking for his removal as their Minister. Mr. Speaker, that is in fact the case. That is the kind of feeling that is in rural and throughout Manitoba.

Mr. Speaker, again back on the history and as to why did we get into this particular situation, I made reference earlier that I don't believe the Attorney-General when he got them into this had either talked to his Cabinet or his caucus about the direction he was going. In fact, it is quite understandable, because I don't believe the Attorney-General gives a damn for the NDP party. I don't believe he gives a darn for democracy, and I am sure he doesn't give a hoot for the people of Manitoba. I believe, Mr. Speaker, that he proceeded because he thought that he had the given power as the Attorney-General to proceed as he thought was best to represent him and him only and the way he believed.

I believe, Mr. Speaker, they continue to ignore the wishes of the people of Manitoba; that it was the official opposition that forced them into hearings. The present person handling the French language issue indicated that they went to those hearings and made changes. He indicated, when he was first given the responsibility of taking over this issue, that there wasn't any hurry; that why would we hurry? We had to listen to the people of Manitoba. But the Attorney-General kept telling us all summer when we were in here debating this issue that it had to be done by the end of December. That was the deadline that was placed on this Assembly and the people who had to represent their constituents and their constituencies effectively. We were told by the Attorney-General that it had to be done by the end of December. All at once, it changed! We now have the new Minister. . .

MR. H. ENNS: The Minister said, January 15th.

MR. J. DOWNEY: Now it's January 15th. Any government or legislative body that would take a deadline from one person in society has a lot of trouble, Mr. Speaker, because this is the governing body of the Province of Manitoba. We don't take ultimatums, I don't believe, from anyone. We don't take ultimatums from anyone, Mr. Speaker; we act responsibly. We don't take them from the Attorney-General. We don't take them from any other citizen in society. We work and act responsibly, and that's what we are doing as an official opposition, Mr. Speaker.

When we're dealing with elected officials, Mr. Speaker, it has to be brought to the public's attention of just how many supporters and real internal problems this government have over this issue. How politically naive, how almost silly are they to continue on the path that they are on when they have their member who sits by himself now from Elmwood who has tried to get that message through? We have the former Member for Brandon West - certainly it wasn't the issue that he left the government on. He is still the Member for Brandon West, but he is not a member of the New Democratic Party sitting with them, supporting them. There are two people, Mr. Speaker, that were elected as New Democratic people who should be supporting the government.

If a Premier and a Cabinet and a caucus are so foolhardy to continue on the path of losing two so far, the question has to be asked and is asked: how many more are there, Mr. Speaker, in the New Democratic Party? How many more are there sitting on the government side of the bench that are prepared and ready to bolt?

HON. A. ANSTETT: Absolutely none.

MR. J. DOWNEY: Mr. Speaker, the current House Leader, the member responsible for this, says, "absolutely none." Is he now the new dictator taking over from where the Attorney-General was? Is that what his responsibility is? What are the threats, Mr. Speaker, for the rest of the people so that they don't leave the party? What are the threats, because he says "absolutely none"? What is hanging over their heads, Mr. Speaker? Why are they not prepared to represent their constituencies?

I challenge the Member for Dauphin to go through his constituency and show the support that he has. He can't stand in his place, and tell us that he has support. The Member for Flin Flon can't stand and say he's got support or support their government, because why didn't he stand after my colleague from Pembina spoke? The Member for Thompson, who is so busy with trying to bamboozle the people of Thompson so that he gets sent back, Mr. Speaker, hasn't spoken on this issue either. Mr. Speaker, this is their place to do it. If they are so committed to their position, why don't they rise in their places and speak, and tell their constituents and the people as to why not?

Mr. Speaker, my Leader this afternoon made reference to a former New Democratic Party member, one who has certainly been respected for his debating ability in this Chamber, and that's Sid Green. Mr. Speaker, he has to carry some weight with some of the people of that New Democratic Party. He doesn't carry a lot of weight with the labour leader which is now one of the mainstays or one of the main supporters of the New Democratic Party. He was at odds with him because he believed in freedom and operating the way in which he could best represent his constituencies and his own philosophical thoughts.

Mr. Speaker, we have a government who is trying to pass a major resolution in this Chamber that don't have the mandate to do it, nor the courage to stand and protect and defend what they are doing.

When we were at the hearings, Mr. Speaker, in Brandon to listen to the Union of Municipalities, the western region of the province, it was quite interesting at the set-up that took place by the government. They had an individual fly-in from Ottawa, a learned individual, a lawyer, to - what? - for the first three hours of debate or acted upon in that hearing, he spoke and took the time of that hearing and stopped a lot of municipal people who wanted to put their points forward from speaking in their own area. Mr. Speaker, it wasn't very fair for the government to do that. Many people went home. Many councillors went home without speaking against the issue. It was a pretty big set-up job as far as the government was concerned.

A MEMBER: Hoodwinked again, Andy.

MR. J. DOWNEY: Mr. Speaker, I don't think there are many people in western Manitoba happy about the lack of opportunity to speak when, in fact, it was set up by the government to take the time of the committee to have the Attorney-General and a lawyer from Ottawa both speaking in favour of what the government was doing.

I asked a question of the Minister of Municipal Affairs at the time and he got very upset because I had asked him the question as to whether or not it was not his responsibility to stand up and defend the municipalities who were opposed to it. He took exception to it. He really took exception that I shouldn't even be questioning whether he should be representing the municipalities in his Cabinet. He was very upset about it, Mr. Speaker.

Mr. Speaker, I have referred to the numbers of people who have been in opposition to it during the referendums, the numbers of people that have made

opposition to it through the different vehicles. We now hear and see and read in the paper an organization called "Grassroots". I am understanding that there are some, in addition to 10,000, people in the Interlake who are opposed and have signed petitions opposing the current action of the government.

Mr. Speaker, again, how naive can any politicians be that would continue to proceed facing those kinds of numbers in opposition to what they're doing? They are laying everything on the shoulders of the new House Leader, the Minister of Municipal Affairs, and let me tell you, Mr. Speaker, he will fail. He will fail on this issue in two ways. He will fail the government and he will fail in his own personal bid to be re-elected in the Constituency of Springfield. He has been given a hot potato or had an albatross hung around his neck and he wasn't wise enough to realize it, Mr. Speaker. He walked in with his eyes open and let me tell you he will pay the price. I don't think the Attorney-General minds at all having this responsibility taken from him because he bungled it so badly that he thought he would pass it on to a new upstart who I think, Mr. Speaker, will be sorry that he ever took on this particular issue.

Mr. Speaker, could you indicate how much time I have left please? I have a few more points I want to make.

MR. SPEAKER: The honourable member has approximately 20 minutes.

MR. J. DOWNEY: Thank you, Mr. Speaker. We have heard, not only in this Chamber, Mr. Speaker, but we have heard throughout Manitoba what the general public are feeling about this, and we are being told that in principle what we are doing is correct; that they, the people of Manitoba, do not believe that to change our Constitution the way in which it's being proposed is going to benefit anyone in any great way. In fact, what it has done and is doing is causing divisiveness within many groups in society and if the government are proud of doing that, if the Government of the Day are proud of doing that, then let them stand and debate, which they wouldn't do just about 30 minutes ago or so when they were given the opportunity.

Mr. Speaker, the future of our province not only depends on whether or not this resolution is passed; the future of our province depends on a government that can create the kind of economic atmosphere or environment that encourages people to work, that encourage people to look after themselves and to pay the kinds of attention to the issues that put bread and butter on their tables. They have been distracted, they have been distracted from that objective; they have been distracted and it's unfortunate they have been because when people are preoccupied with the kind of concerns that this government has laid before them, then it is very difficult to act and to work in a normal way in society.

I, Mr. Speaker, over the weekend had the opportunity to visit many parts of my constituency. I didn't have to ask the people there what they thought or how I should vote on this particular resolution. People were coming forward saying to me, why is the government continuing to proceed on the language issue as they

are? How are you going to vote? Well I guess they didn't even ask me that, they were telling me how I should be voting and, Mr. Speaker, that's one thing that I do do, I do go to caucus and I do listen and I do speak.

It's unfortunate that your Attorney-General hadn't gone to caucus with the language proposition, and you can't stand in your place and say that you knew about it before anybody else in the province because you didn't hear it in caucus or, if you did hear about it, you should have stopped it. You should have been smarter than that and to have stopped it, but you can't stand in your place and say that you didn't hear. If you did, then admit it to your constituents that you weren't strong enough, that you weren't strong enough, anyone of you, to stop what he was proceeding to do. So don't talk to me about caucus because you are the last person that should speak out on that particular point.

I, again, will go back to the message that I got; it wasn't in one particular part of my constituency, it was all over. They said, we do not want the government to proceed on it and we don't want you to waiver in your position. That is not only coming from southwest Manitoba, that's coming from central Manitoba, it's coming from all parts of it.

The future of our province as I indicated - you may want to make light of it, but you won't be back here after the next election, I can assure you of that too. The future of our province relies on a government who acts responsibly and who can create the environment that is needed, the environment that is needed to reward hard work, to pay the taxes that will restore our medical and our hospital system to where it was when when we left in 1981.

My goodness, what are we dealing with here? We had a government that rejected a motion to deal with the most critical issue in the province and they voted it out, Mr. Speaker, instead wanted to return to the language issue and won't debate it, won't debate it. I, Mr. Speaker, am amazed at what we're dealing with. I believe a government who is acting responsibly should carry out fair and responsible policies which are a true reflection of the people that they represent. I am not getting that message from what I'm hearing today, from what I'm hearing coming in defense of the government's action, it just isn't there. When we start off the House proceedings every day with another Minister after another Minister standing in their place to do what? To give a political speech about the accomplishments of what? Some mickey mouse programs which they were criticized for when they introduced them.

Certainly there were a 1,000 farmers helped and I don't mind saying that it was probably needed, but the real problem, Mr. Speaker, is not the little problems that they're dealing with, it's the overall ability to earn a decent living, and that's what has to be dealt with, should be dealt with by this Legislature, should be dealt with by the people of Manitoba at this point, yet we aren't dealing with it.

We are dealing with a problem that the government created for themselves and don't know enough - this is the ironic part - don't know enough to cut loose from it, don't know enough to say, we have made a mistake; we have made a mistake, we've tried to amend our Constitution, we have failed. We have failed, we've bungled it, we are going to back off and try, in the

next two years that we have left, to make amends with the people of Manitoba.

I'm trying to tell them what they should be doing and yet they refuse to listen. They won't listen; they are an arrogant, irresponsible government and I think arrogance suits them pretty well. Any government that would put their back to the people of the Province of Manitoba, refuse to listen, refuse to act, and refuse to pay attention to the best interests of what's in everyone's interest, then I don't believe will get the support of very many people in the next general election, which again my colleague for Pembina had asked that the Premier screw up his courage and call.

It boils down, Mr. Speaker, to one word. Why are we in this situation and why have the people rejected them? It's because they don't trust what this particular government is doing. How could you trust a government who, first of all, behind closed doors, negotiated with a small group of people who don't even represent the French community in Manitoba, again, of which the Prime Minister of Canada was seen as having a hand in it and a part of it, further adds to the distrust of the people of Manitoba, yet they are insisting on forcing this particular issue past this Legislative Assembly. If the government will do nothing else I would suggest - and I would suggest this wholeheartedly - that they adjourn the debate on this particular issue, that they get on with the development of their Estimates which is the normal process at this time of year, that if they're still bound and bent to pass this issue, after the recall of this Assembly, after they've had more time to go back through their constituencies, talk to the people and if they're still bent on it then proceed at that particular time. To do otherwise is not in the best interests of this province and not in the best interest of the present government's ability to be re-elected.

I'm going to conclude my comments on this particular issue by again suggesting that we have an issue before us that was brought upon us by a government who didn't have a mandate to do it so shouldn't proceed as they are trying to do so.

The process which they have embarked upon has been one which has been less than straightforward, has been one which the people of Manitoba have only been given the opportunity to participate in through the pressure which has been exerted upon them by the opposition, and by the realization that if they were to continue, as the Member for Elmwood has pointed out, the amount of information that he has gathered has been I'm sure helpful in making the point that the government are proceeding in the wrong way, and that the final concern that I have, and comments that I have I hope would be helpful, is that if this government were at all concerned about the unity of our province, about the unity of our country, again they would put this over until the next Session of the Legislature.

If they proceed to move in the direction they are and to force this through the Province of Manitoba, if they proceed in the direction they're going and encourage the Federal Government to proceed to further endorse what is happening here then it won't stop here. The next province will be Alberta, Saskatchewan or Ontario to have the kind of action that's been taken here in the province. We are just the beginning of what could happen throughout the other Western Provinces, and I would hope in the interests of Canadian unity and

Western Canada staying a part of this country, Mr. Speaker, that this government would back off because they are adding fuel to those advocates in our society which would have Canada separate; and if that is the case, then that has to be laid at the doorstep at each one of these members of the government that brought this to this point in this province.

It wasn't necessary to do so. It was only done so because we had an Attorney-General who doesn't give a darn for the New Democratic Party; he doesn't give a darn for democracy and, least of all, he doesn't care for the people of Manitoba. He cares for himself and himself only and the ideology in which he believes. That is one of the main reasons why we're in the difficult situation we are. So I would suggest to each one of the members of the government that they back off and reconsider their position and if they're still bound and bent to do so then let's deal with it again after the next election, or let's deal with it in the next Session, but deal with the hospital crisis, the crisis in the economy and many other things that are the priorities of the people of Manitoba.

Mr. Speaker, I am going to conclude my remarks very shortly.

MR. H. ENNS: They like what you're saying, Jimmy.

MR. J. DOWNEY: Mr. Speaker, the members of the government appear to be able to speak from their seats but are unable to stand to defend their position on this issue. What kind of a responsible government is that that will not rise in their place and defend what they're doing on such a major issue? The Member for Springfield says, say something. I have said more in 40 minutes that has been consistent than I've heard from any one . . .

MR. SPEAKER: Order please.

MR. J. DOWNEY: The members of the government take this very lightly; they're taking it very lightly. They're laughing in their seats about an issue that is upsetting at least 75 percent of the people of Manitoba and they sit in their places and laugh and can't stand to support their position. If they want to laugh at me, that's fine, but I'll be laughing at them after the next general election because there won't be many of them here to be able to stand and do anything, but I can assure you that I will be. I can assure you that I will be because I'm representing the interests of the people of my constituency which I will continue to do and which they want me to do. I am pleased to participate in this debate, Mr. Speaker, and again would plead with this government to withdraw their plans to entrench the expansion of French language service in the Constitution.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Roblin-Russell.

A MEMBER: Gutless bunch.

MR. SPEAKER: Order please. The Honourable Member for Roblin-Russell.

MR. W. McKENZIE: Thank you, Mr. Speaker. Mr. Speaker, I consider it an honour and a privilege to

speaking on this extremely important issue that is facing the people of this province for the last 8, 9, or 10 months.

Mr. Speaker, may I first of all congratulate the Honourable Member for Ellice who gained a Q.C. since we were here last.

A MEMBER: Right.

MR. W. McKENZIE: I'm sure, Mr. Speaker, all the members of this Legislature in this debate are looking forward to his oration because he got the message loud and clear from the people in the city of this province as to where they stood on this issue, but unfortunately he got a Q.C. out of it. Mr. Speaker, may I ask the Pages to bring towels, paper towels for all the members of this House. Mr. Speaker, what we have seen here tonight, the first time in my lifetime in this House, the demise of an Attorney-General. We saw an Attorney-General demoted to the lowest of the low, walk out of this House, couldn't get leave from his own members to speak unlimited on this subject matter which he brought into this Legislature.

A MEMBER: Right on, Wally.

MR. W. McKENZIE: He's long gone. We heard his speech, what a swan song. He walked out of the way and, Mr. Speaker, we should cry for a little while for that honourable member, the Attorney-General, the chief law officer of this province who walked out of here tonight with tears in his eyes. He couldn't get no support, no support. A legal fraternity in this province have been demoted to the level that the Member for Springfield, who used to be the Deputy Clerk of this House, is now the chief law officer of this province on constitutional matters.

Now, Mr. Speaker, could you believe that the New Democratic Party, they've got a Q.C. over there . . .

MR. SPEAKER: Order please.

MR. W. McKENZIE: The Honourable Member for Ellice is a Q.C.; they've got a lot of lawyers over there. But here, Mr. Speaker, they have put the boots, they have legally put the boots to the Attorney-General, the chief law officer of this province who spoke in this Chamber tonight and walked out of this place with egg all over his face, couldn't get leave. And the other thing, Mr. Speaker, who brought this resolution before this House? That man over there, the Attorney-General, he's no longer in charge of this resolution. To further add to the comments of my leader in this House today, when you see a government as shallow as this one, Mr. Speaker, leaderless, gutless, without talent, without skills, without understanding of the Constitution of this country, without understanding of the wills of these people, and they dump the chief law officer of this province on this matter, then I say we should call an election at the early possible date.

When, Mr. Speaker, has any member of this House seen an Attorney-General demoted to the level that he

has been demoted in these debates, such as he was today and it will go on for months. It will go on for six weeks because we are not going to stand up and allow this kind of gutless government, this leaderless gang of people over here, tear the heart out of this province with the author of this resolution that is before the people in this province is no longer responsible for it. He's been let off the hook and who's in charge of it now? Some guy that used to sit over there as a Deputy Clerk of this House. And who is this honourable gentlemen that now has — (Interjection) — No, Mr. Speaker, I was never more serious than I was in all my life.

MR. SPEAKER: Order please.

MR. W. McKENZIE: Who was this guy? He was a backbencher the last time that we were here. He was a backbencher, he wasn't even in the Cabinet when we last met on this issue, he was sitting over there. Now this leader, this Premier, they've changed all the cards. They've added two guys to the Cabinet and they've demoted the Attorney-General, the chief law officer, for what? For what reason? The reason is they're wrong. They're looking for a sucker and they got one, they got a good one over there, the guy that's going to try and pilot this legislation through this House. I tell you, Mr. Speaker, as long as I stand here, and the members in our caucus stand here, were not going to let this guy pass.

MR. SPEAKER: Order please.

MR. W. McKENZIE: Mr. Speaker, that gives you an idea of the intelligence of these people. They laugh, they laugh.

Mr. Speaker, this is the government - I wish the Gallery was full tonight and see the performance of these people. Supposed to be learned, supposed to be educated, supposed to be representing the wishes of the people of this province; which they're not. We see here tonight - and I cry for the Attorney-General - I do, I feel sorry for the guy, he gave it his best - I'll use my own handkerchief. When I saw him walk across there and leave this House when he couldn't get leave to have unlimited time to pursue a resolution that he brought into this place, then it's time that this government woke up and recognize what you're doing, not only to your own government, you're recognizing the chief law officer of this province. What credibility has he got in this resolution, Mr. Speaker? None, whatsoever, it's been taken out of his hands. What legality, what integrity, what honesty has the Attorney-General's department got any longer in this Chamber after this debate is over? None, none, Mr. Speaker.

MR. SPEAKER: Order please. The time of adjournment having arrived, when we next reach this motion, the honourable member will have 35 minutes remaining.

The time being 10 o'clock this House is adjourned and will stand adjourned until 2 p.m. tomorrow afternoon. (Tuesday)