



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

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**DEBATES  
and  
PROCEEDINGS**

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**31-32 Elizabeth II**

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*Published under the  
authority of  
The Honourable D. James Walding  
Speaker*



MG-8048

**VOL. XXXI No. 105B - 8:00 p.m., TUESDAY, 12 JULY, 1983.**

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

**Members, Constituencies and Political Affiliation**

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

Tuesday, 12 July, 1983.

Time — 8:00 p.m.

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

**MR. SPEAKER, Hon. J. Walding:** Order please. The question before the House is the proposed constitutional amendment resolution by the Honourable Attorney-General.

The Honourable Leader of the Opposition.

**HON. S. LYON:** Thank you, Mr. Speaker.

At the time of the 4:30 adjournment I was completing some comments made by the Honourable Serge Joyal at the annual meeting of the Societe Franco-Manitobaine on March 19, 1983. I had about reached the conclusion of those quotations that I wish to place on the record. As we searched jointly to discover if we could why the Government of Manitoba, the NDP Government of Manitoba is placing before our people an agreement that appears to be almost a fait accompli with respect to Section 23 of The Manitoba Act and I was reading into the record some of the statements made in March last by Mr. Joyal, I think I made an error in, first of all, in the first parts of the quotation when I was referring to his comment about the Franco-Manitoban Society being in negotiation. I neglected to remember that his speech was delivered in 1983 not 1982 and that, indeed, the Attorney-General, as I will mention later on, had notified the Member for St. Norbert and myself in December of 1982 that such negotiations were under way.

I conclude the quotations from Mr. Joyal by mentioning the following quotes from his speech of March, 1983 in Manitoba. "So by attempting to restore the status of the French language in Manitoba's legislation and institutions you are simply reflecting the historical truth and the Canadian Government's responsibility in all this, is to lend you a hand, to give you both financial and political support and I do not hesitate to say this because a minority needs political support, needs a political voice in order to bring pressure to bear on the majority. This is why newspapers, television and radio are so important."

He carries on to say and I quote: "A minority expresses itself through pressure groups and political parties are the basis of a country's political life. This is why a group like the Societe Franco-Manitobaine, while avoiding becoming political in the sense of becoming partisan must understand that its aspirations and goals have to be echoed by one or the other of the political parties."

Then he carries on and says: "It does not bother me that people wail and groan when things as fundamental as this are done or that people write on walls or set fire to things. On the contrary, it is a sign that a profound change is taking place in our society. It is a sign that we are preparing for a new era and

that we must do it as responsible men and women, able to recognize the system's limitations. We are not crazy, we know that 80 years of legislation cannot be translated in two weeks even with machine translation. We know it won't appear like magic at the other end but there are certain things on which we will not compromise because we know we are entitled to them in this country and that is why we stay here. That is what I fought for in the Quebec referendum, to stay in this country and to assume our rightful place. I felt that the future would be better for Francophones outside Quebec if we all had a common link with the Canadian Government rather than to surrender it to a majority which would have been three times stronger than it is right now. You can do the calculations yourselves.

"This is the Canadian situation, this is the world we live in so when we get up in Parliament to debate these issues, you can be sure that we have this in the back of our minds. We've learned it, we've learned it at school, we've learned it on the streets, we see it on the walls, in the newspapers and on television. What I, as Canada's Secretary of State, am asking you to do is to persevere, it's that simple. Do not give up, for you have everything needed to serve as a model for the advancement of French in many other provinces and this is of paramount importance. You need not fail. You did not fail when the question was put three years ago. Keep up the good work. We will be there to support you."

Those, Mr. Speaker, as I mentioned before, are a number of excerpts from the address by the Honourable Serge Joyal of the Trudeau Federal Government to the annual meeting of the Societe Franco-Manitobaine on March 19, 1983. He is currently the Secretary of State of Canada.

Well, Mr. Speaker, these statements, I suggest now as we read them, should have alerted all Manitobans including us as to what was really going on between the Government of Mr. Trudeau and the Government of Howard Pawley because the Prime Minister, of course, mentioned that these negotiations were coming to fruition. He said it in French in Manitoba, and we asked questions based upon his statement, in French in Manitoba, a day or two later as these statements were not widely reported because they were spoken in the French language.

I suggest to you, Sir, that if we were looking for a reason as to why we have an agreement that is really unaccountable in terms of any judicial threat that faced the Province of Manitoba, or indeed, the public interest of Manitoba, that perhaps in those statements that I have read from Mr. Joyal, we find the real reason for this agreement to be here.

We find a kind of coalition between the Trudeaus and the Pawleys of this world with respect to what they are going to do with Manitoba, in terms of negotiations which they have been conducting - negotiations which they have been conducting in secret largely for the better part of a year - and it leaves open the suggestion,

Mr. Speaker, and the real suggestion that the Federal Government played a much greater role in this settlement than the present socialist government of Manitoba is prepared to admit. They're attempting to make the Franco-Manitobaine Societe the black player in this game.

Mr. Speaker, I suggest after reading those quotations to you from the Federal Minister, the Federal Secretary of State, that we can see the guiding hand with respect to the agreement that this Legislature is now being asked to ratify, an agreement that was consummated in a form of political perfidy between the Trudeau Government and the socialist government of this province, which pays very little attention to what the people of this province want to see happen.

Mr. Speaker, if we're now looking for a reason why this government wants to rush through the public hearings, I think we are beginning to see, the mist is beginning to clear, and we're beginning to see that the strong hand of the Federal Government is present in, and was present in these negotiations. All you have to do is to reread those words that I have carefully put onto the record. I have carefully put them onto the record, Mr. Speaker, so that no one in Manitoba would be under any misapprehension that I was doing anything other than quoting the words of the Federal Minister, as to his exaggerated desires for the Francophone community in Manitoba.

So if we're looking for a real reason as to why we have the agreement that is before us, a bad agreement, I suggest that we can't ignore the role of the Federal Government, the intimidatory role of the Federal Government with respect to this weak government in Manitoba which has demonstrated from November 30, 1981 that it is not prepared to stand up for the rights of Manitobans as opposed to those matters that Trudeau would try to impose upon Manitobans. In every action of this government it has indicated that it is - I hate to use the street phrase, Mr. Speaker, - but this NDP socialist government has demonstrated that it is in bed with the Trudeau Liberals on every count, on every negotiation that they have ever had.

Mr. Speaker, while not making that firm indictment in this matter, I suggest after the time that I have taken to read these matters into the record, that there is an onus upon this government, this socialist government to demonstrate what the real reason was for entering into this agreement, the merit of which has failed to impress itself upon this House or upon the people of Manitoba thus far.

Now, Mr. Speaker, we knew nothing of this matter until we received a letter in December of 1982 and I've already acknowledged the courtesy of the Attorney-General in sending this letter to my colleague, the Member for St. Norbert and myself to indicate that they, the Government of Manitoba, were in negotiation with the Franco-Manitoban Society on this matter for reasons that I can't divine.

The Attorney-General continues to make much of the fact that he did us this courtesy which I have already acknowledged. We knew not then whether the agreement was going to be consummated, whether it was something that was just in negotiation, or what the result would be. For our part we had a meeting with the Franco-Manitoban Society after we had had this notification and that was the end, really, of any

information that we had received on it. We had no further communication from the government.

The negotiations were largely conducted in private which is understandable, I suppose, and there was one public meeting with the Franco-Manitoban Society at which a number of people in Manitoba for the first time found out that their future and the future of generations yet unborn was being negotiated by this government with a private society in Manitoba, the Franco-Manitoban Society, an honourable society but nonetheless a society, no greater or no lesser than the St. Andrew's Society, the St. David's Society or any other society representing any other group in Manitoba. The Polish Competence Association would be an equivalent. Any association of any of our Ukrainian National Committee, any of these associations would be the equivalent and yet we were told that the Government of Manitoba was negotiating a fundamental constitutional change which would be (a) entrenched, and (b) literally irreversible, with in effect, an ethnic society in Manitoba whether it be Scottish, Ukrainian, Polish, Francophone or whatever that would affect generations of Manitobans yet unborn.

I must say, Mr. Speaker, that that fact caused some concern among us and we addressed that question when we spoke to the Franco-Manitoban Society, found out that their membership was about 600 or 700 in the Province of Manitoba. They had no legal status to be negotiating any such agreement anymore than would the Interlake Committee of Ukrainian Canadians or would the Selkirk Legion or any other group in Manitoba, none whatsoever. The fact that they had voluntarily made themselves a party to the action of Bilodeau vs. the Attorney-General of Manitoba was of interest but of no greater consequence at all.

So, Mr. Speaker, there was the position we found ourselves in after the Attorney-General sent the letter to my colleague in December of 1982. But as I said for reasons that he only can divine, he continues to make much of it. We awaited some announcement with respect to these negotiations, whether they would fail, whether they would succeed, whether they would succeed in part or whatever. Along came spring and we received a copy - again I acknowledge the courtesy of the Attorney-General - the afternoon before he made the announcement in the House, we received a copy of the final agreement between the Government of Manitoba and the Franco-Manitoban Society. I thank him again for that courtesy, but to suggest as he did in his opening comments on the debate on this resolution, Mr. Speaker, that that agreement was arrived at publicly is at the very least an exaggeration and at the very best I leave it to your own sense of justice to determine what is the proper term for that.

This was an agreement arrived at privately by the Government of Manitoba with the Franco-Manitoban Society under what appears to be the urgent urgings of the Federal Government of Canada to go beyond anything that Section 23 or the Supreme Court of Canada required that this province should do with respect to its real, its moral, and its legal obligations with respect to the use of bilingual services in Manitoba.

Mr. Speaker, I welcome the opportunity to debate in full as we are having the opportunity to do today, and as my colleagues and others from the other side of the House will have during the course of this debate and I suggest, Sir, it is going to be a long debate.

Whether or not my honourable friends adhere to their temporary rule that this will not be allowed to go to the people of Manitoba by way of committee hearings intersessionally, whether they adhere to that or not, this will be a long and, I hope, a thoughtful and I hope a debate that is conducted on the highest level both legally and politically and morally and historically with respect to the traditional positions that have been taken in this province since the time of Confederation with respect to Franco-Manitobans, Anglo-Manitobans and that other great group of Manitobans who quite properly say they don't belong to either of those two groups, the new citizens of Manitoba who have come here and who form as much, a greater part in many ways, of the warp and the woof of this province, as any Anglo-Manitoban or any Franco-Manitoban can ever hope to do. I'm not going to name all of those races that are Manitoban to the core today and who have as great an interest in the outcome of this debate as do any of the original, so-called, founding races in this province.

Mr. Speaker, now we have an opportunity to debate this matter in full and I'm going to take some time tonight, Mr. Speaker, to read the agreement with respect to official languages, French and English, and the interpretation of that agreement into the record and I know it's going to be a bit tiresome but I'm going to do it for the sake of the record.

I'm going to do it principally because while, and I acknowledge this, in introducing the resolution the Attorney-General of Manitoba read the agreement into the record and, I think, it was proper that he did even though we agreed to dispense with that. I think it is important that we do the contrasts between that agreement and The Constitution Act of Canada which Mr. Joyal was recommending to this government, to his friends he said in the Government of Manitoba, that they incorporate in the agreement. Because we heard the other day from the Attorney-General of Manitoba that they had made vast changes between The Constitution Act requirements under Section 16 to Section 20 and what they included as amendments to Section 23 of The Manitoba Act and, I think, Mr. Speaker, that everybody should be able to make their own judgment on that matter without interpolation by the Attorney-General and that's why I'm going to take the opportunity to read some of these sections into the record now because they are important in any consideration, in any proper consideration of this matter.

I point out again, Sir, for the record, that in the publication which the Attorney-General's department and the First Minister approved for distribution, I take it, throughout Manitoba, "Constitutionally Speaking" I think they called it, they were extremely remiss in that they did not publish the terms of the agreement that they would entrench and impose irreversibly upon the people of Manitoba. Instead they tried to give their interpretation of the agreement and I've already indicated in one small paragraph that they put into that propaganda piece, how they are at error in the statements that they are making and in the attempt they are making to misinform the people of Manitoba.

That's why it's necessary tonight, Mr. Speaker, to read on to the record what the Government of Manitoba is proposing in this agreement, and then to read on to the record what Mr. Joyal said should be in the agreement, because it's in The Canada Constitutional

Act, and to let the people of Manitoba make a judgment as to how great a difference the NDP socialist government have made between what they were asked to do by Mr. Joyal and what in fact they have done, even though interpreted differently by the Attorney-General.

Well, Mr. Speaker, it won't take long. The first part of the agreement that the NDP would attempt to amend, Section 23, deals with translation and I make no comment about that because, as I said earlier, translation is the only area in which the government should have been negotiating. Translation is what the Forest case ordered Manitoba to do, translation, and the effecting of court services and the effecting of services relating to this House; not the total bilingualization of Manitoba, so when we come to the first part of the agreement that purports to deal with translation, I find no great fault, nor do my colleagues, because in this respect, the Government of Manitoba negotiated an agreement to validate, first of all, all of the statutes of Manitoba that had been placed into force and effect, even though that validation was, in my humble opinion, largely unnecessary.

In 23.3(2) there was a validation of acts and through the agreement, in the translation portion, they provided various sections which gave dates as to when statutes in Manitoba should be translated. I cite as an example 23.3(1), subject to Section 23.6, "Any act of the Legislature of Manitoba enacted after December 31, 1985, is of no force or effect if it is not printed and published in both official languages." That effectively gives Manitoba two years in which to begin the contemporaneous translation of all statutes in this Legislature in English and in French.

I find no great difficulty with that section. I think that's the kind of thing that a reasonable government should be negotiating with the Federal Government.

Public General Statutes to be in both official languages, 23.4; they made a provision there that any Public General Statute included in the revised statutes of Manitoba, 1970 and any Public General Statute enacted on or after January 1, 1970, of a kind normally included in a general revision is of no force or effect if it is not printed and published in both official languages on or before December 31, 1993.

That, in effect gives us 10 years to bring up to date the translation of statutes from the Revised Statutes of Manitoba which were done in 1970. That's a big job, Mr. Speaker, it's a very big job but I think the 10-year period is not unreasonable and it's something toward which our government was working, something toward which the Pawley Government started to work when they became responsible for this matter; so I make no great criticism of the negotiation that went on with respect to translation because, after the Forest case, the Supreme Court of Canada had said that under Section 23, which was revived in that decision, that Manitoba was under a legal compulsion to translate statutes in English and in French. We all knew that; we all acknowledged that and we were getting on with that job as reasonably as we could having regard to common sense, having regard to those statutes that were really wanted or needed to be translated by the Francophones of Manitoba and considering that the population of our Francophones in Manitoba is something in the area of 6 or 7 percent, there were

not too many statutes. Sir, that in a pragmatic and common sense way had to be translated; but nonetheless we were getting on and so was the Pawley Government with that job, so one can find very little to argue about with respect to the first portion of the agreement.

Whether it needs to be entrenched or not is another question that I won't touch upon tonight; but an agreement with respect to translation, fine and dandy, who's going to argue about that at all, because that doesn't hurt the public interest. The rule of law is there and we have to obey it.

Mr. Speaker, when the Government of Manitoba got into trouble and when they got themselves into serious trouble was when they moved beyond translation, when they moved beyond the requirements laid down by the Supreme Court of Canada as to what had to be done to re-implement Section 23 of The Manitoba Act in Manitoba because, first of all - and I read these sections into the record, Mr. Speaker - first of all, this is what they said, and this we can only take from the Attorney-General, is the quid pro quo, as he put it, for having an agreement to avoid the terrible results, as he put it, of the Bilodeau case; the craven fear that this government expressed with respect to the Bilodeau case which was made apparent to few other people in Manitoba or indeed in Canada.

Here's what they went on to say, after the translation, 23.7(1): "Any member of the public in Manitoba has the right to communicate in English or French with, and to receive available services in English or French from,

(a) the head or central office of any department of the Government of Manitoba,

(b) the head or central office of (i) any court, (ii) any quasi-judicial or administrative body of the Government of Manitoba, (iii) any Crown corporation or (iv) any agency of the Government of Manitoba established by or pursuant to an act of the Legislature of Manitoba;

(c) the office of the Chief Electoral Officer, and

(d) the offices of the Ombudsman for the Province of Manitoba.

Subsection (2), any member of the public in Manitoba has the right to communicate in English or French with and to receive available services in English or French from any office not referred to in Subsection (1) of an institution described in paragraph 1(a) or (b) where, (a) there is a significant demand for communications with and services from that office in that language, or due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French."

Then it goes on to say, Subsection 3, "Nothing in this section abrogates or derogates from any rights guaranteed by Section 23." Then the Enforcement section is 23.8 and I will deal with that, Mr. Speaker, a little bit later.

Now, that's what the agreement says with respect to Part 2 that we are being asked to validate, to entrench, and to make virtually irreversible for all future generations of Manitobans.

Mr. Speaker, I've left out the most important part, purposely, of that agreement that has had no mention from the Attorney-General, at least to the best of my knowledge, or from the First Minister, or any of the others. I go back, Mr. Speaker, to the preamble of this

agreement, as it was presented to us by way of resolution, and the heading which says "Proclamation Amending the Constitution of Canada." It says, and I'm quoting: "(1) The Manitoba Act, 1870, is amended by adding thereto immediately after Section 23 thereof the following sections." You'll remember, Mr. Speaker, and I'm putting my own words in here, I read Section 23 for a purpose into the record some hours ago, so that all Manitobans and the record would be seized of the fact of what is required by Section 23. It doesn't make Manitoba bilingual, we look for any better source than that, we need only the First Minister's statement in his own Estimates, the Attorney-General's confirmation of that doesn't make Manitoba bilingual. What it does is to revitalize Section 23 which, in the original instance, says that French or English may be used in the courts, French or English may be used in the Legislature, and that the statutes and the proceedings of this Legislature shall be printed in French or English. That's all it says.

Now, what does this agreement that we are being asked in 1983 to approve? Here is the first section of the agreement upon which they have made no comment at all. 23(1) The first amendment: "English and French are the official languages of Manitoba." Mr. Speaker, I ask the Attorney-General, I ask the First Minister, I ask any spokesman on behalf of the current NDP Government of Manitoba, why is that section put in, that English and French are the official languages of Manitoba, because they weren't in 1870? They're not under Section 23, and when I come a little later to read The Constitution Act to you, I perhaps will be able to answer my own question, because it's in The Constitution Act as Mr. Joyal said.

Then, they go on to say - and this is largely secretarial - "23.2(1), the English and French versions of the acts of the Legislature of Manitoba enacted in both languages are equally authoritative", and so on.

Mr. Speaker, there's one little fact that I neglected to mention. I bring it to your attention now because I think it's important for the record and for the people of Manitoba to know, that the coming into force of Sections 23.7 and 23.8, and those are the sections that I have already read into the record which deal with with the bilingualization of the Civil Service of Manitoba, do not take place until January 1, 1987. I ask all members, and I ask all who read this debate, to take notice of that date, because those of us who are dealing with this matter four years previous to that date, or three-and-a-half years previous to that date, should remember that the effects of entrenchment, the effects of irreversibility about which the real concerns arise will not have manifested themselves in this province until 1987, until, if I may say in a brief partisan moment, until this government is long gone from the scene and the damage that they have wrought is not apparent until they leave office; 1987 is a very significant date, Mr. Speaker. The damage that is being done in this agreement will not be apparent, and dare one be so cynical as to say that they knew and thought that, and that they didn't want to be around, as indeed they won't be around, when the full fruits of this bad negotiation, and of this entrenchment, and of this irreversible situation, are implanted upon the people of Manitoba in a way which they can then do nothing to change, and do nothing to alter, and to ameliorate.

I mention that, Mr. Speaker, only for the record, to indicate that there is a significance to that date with respect to their entrenchment of linguistic services in Manitoba which should not be lost upon the people of Manitoba when they come to consider the bona fides, and the integrity of this government which already has attempted, through published misinformation, to mislead the people of Manitoba with respect to the seriousness of this matter that they are attempting to impose upon them.

Now, Mr. Speaker, I've taken the time to read the agreement that the Province of Manitoba, that this NDP Government, is asking to be implanted and entrenched and made irreversible in our Constitution. Remember, The Manitoba Act, Mr. Speaker, is part of The Constitution Act; remember the speech of Mr. Joyal when he said, don't worry about casting new words, don't worry about looking for new formulations, we've got them all, said he, in Section 16 to 20 of The Constitution Act; just make sure that you follow those words.

Well now let me read, Mr. Speaker, from The Constitution Act of Canada and ask you whether you can divine such great differences between the words of The Constitution Act, Mr. Trudeau's Act, and the words of Mr. Pawley's amendment, and see whether or not the not so silent hand of Mr. Joyal isn't impressed upon this agreement that we're being asked to approve.

Let's look at Section 20 of The Constitution Act. This is the new act in Canada; this was the act proclaimed by Her Majesty the Queen in April of 1982, and it deals with the official languages of Canada. It starts off by saying, Section 16, "English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and the Government of Canada."

Our act, as I mentioned, Mr. Speaker, said that English and French are the official languages of Manitoba. That's never been in the law of Manitoba, even in 1870 that was never said. No, that was never said even in 1870, that English and French were the official languages of Manitoba. It's being said now by the Pawley Government in 1983. I wonder if it's just a copy out of The Constitution Act as Mr. Joyal said it should be.

Then, we go on, Mr. Speaker, to Section 20 of The Constitution Act, and listen to these words. Section 20(1) "Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or Government of Canada in English or French, and has the same right with respect to any other office of any such institution where (a) there is a significant demand for communications with, and services from, that office in such language; or (b) due to the nature of the office it is reasonable that communications with and services from that office be available in both English and French.

Mr. Speaker, I pause to let honourable members contemplate what I have just read. I've just read the Manitoba Agreement and I've just read the Canada Agreement and Mr. Joyal said that the Manitoba Agreement should be the same as the Canada Agreement and, Mr. Speaker, there are very few words in the Manitoba Agreement that don't match word for word what is in The Canada Constitution Act.

Now, we heard the Attorney-General of Manitoba the other day say, ah, but look what a great job of negotiation we did because we avoided the term institution. Mr. Speaker, I give him credit for pointing that out even though it was apparent to anyone who would read the two sections; and I give him credit because I am sure he has taken proper legal advice from Mr. Twaddle, from Mr. Gibson, from probably Mr. Tallin, the Legislative Counsel, to say you don't want to get yourself into the same kind of problem that the Federal Government has gotten itself into with respect to The Official Languages Act and all of the problems that have flowed from that, so if you want to limit it in a minor way you must use some word other than institution. So, Mr. Speaker, I give full credit to my honourable friends opposite. They've changed one or two words from The Canada Constitution Act and one of the words that they have changed is "institution" and I acknowledge that that change of the word "institution" is probably helpful in any later judicial interpretation that may take place, of the effect of these sections in The Manitoba Act if, God forbid, they go through in the form in which we find them at the present time.

But, Mr. Speaker, why do we find such an all-encompassing silence on behalf of the NDP Government opposite when they say not a word about their inclusion in the agreement that they are asking this Legislature solemnly and in a rushed way to approve, which says that French and English are the official languages of Manitoba?

Mr. Speaker, I do not hold myself out as a refined or an exact interpreter of law; I am not a judge and I have no great ambition ever to become a judge; but, Mr. Speaker, I have read, in the course of my years as a lawyer, I have read enough judgments to know that where a general statement which sets out, as this statement in our Constitution amendment proposed by the NDP when it sets out that English and French are the official languages of Manitoba, that, Sir, becomes the umbrella under which all other interpretations will be made and no matter how much the First Minister, no matter how much the Attorney-General may say that this is a limited form of bilingualism for Manitoba, do they realize what they have done by including that statement which was never in Section 23, which was never in The British North America Act and which has never been part of our Constitution, our heritage, our tradition, our history, our politics, our legal obligation in this province, that English and French would be the official languages of Manitoba.

Mr. Speaker, when the Forest case came down in 1979 and we brought remedial legislation in in 1980 - and I spoke of that this afternoon - in bringing in that remedial legislation which repealed the act of 1890, did our government ever say that English and French were the official languages of Manitoba? No, because they never have been and the weren't as a result of the Forest case. Why is this government, Mr. Speaker, saying that English and French are the official languages of Manitoba? They are not the official languages of Manitoba except in the limited sense that Section 23 provided in 1870; and except, Mr. Speaker, as the Supreme Court ordered the Province of Manitoba to reintroduce in Manitoba.

The Forest case never said that French and English were the official languages of Manitoba but this NDP

Government is attempting to say that; and they are attempting at the same time, Mr. Speaker, to say that they are bringing in a limited form of bilingualism. But do they not understand, Mr. Speaker, that having provided that umbrella under which they give a constitutionally entrenched and irreversible status to English and French in Manitoba, that they are making it difficult if not impossible for any properly instructed court to come to a decision that the so-called limiting sections that they put into the agreement; the so-called limiting sections that they put into the agreement are not limiting sections at all because they opened the floodgates in 23(1) when they said that English and French were the official languages.

**A MEMBER:** Oh, baloney. How do you know?

**HON. S. LYON:** Mr. Speaker, I say to you as humbly as I can, does this government realize what it is doing? I'm afraid they don't. I'm afraid that in their zeal to accommodate Mr. Trudeau, and to accommodate Mr. Joyal, and to accommodate the Franco-Manitoban Society or anybody else, Mr. Speaker, who may come along and say "boo" to them; that they have not, as I said before and I used the expression carefully, they have not sold the farm, they have given the farm away.

There is no need in any constitutional amendment to Section 23 to state what has never been stated before, that English and French are the official languages of Manitoba because they never have been, except as provided in Section 23 for the purposes of the courts and the Legislature and the printing of the Statutes.

The provision of French Services which is another matter altogether, Mr. Speaker, is something that governments, long before this incompetent government was ever heard of, were providing as a matter of policy, as a matter of the honourable course of things to do for Franco-Manitobans in this province. That process has been progressively increased over the years particularly I admit, since the Forest case, the announcements that our government made about enhanced bilingual services in Manitoba. The announcement that the First Minister of this province currently made in March of 1982, of endorsing what we had done and asking for further enhanced services as a matter of government policy. But never was it ever a constitutional imperative of any Government of Manitoba since 1870, to acknowledge that English and French were the official languages of Manitoba. Never, Mr. Speaker.

What is this government doing? Are they trying - and I ask the question I don't lay the indictment, are they so immune to legal reasoning, to legal precedent, to the understanding of legal cases, that they are putting this section into the act without realizing the effect, the import it will have when courts - and if this amendment is passed it will go over to the courts not to the government - that courts will now be able to make the determination as to what the degree of linguistic services will be in Manitoba because this government has solemnly entrenched and made irreversible the fact that English and French are the official languages of Manitoba, something that's never been part of our history, never been part of our political traditions at all in this province.

Mr. Speaker, I leave that as open question. I suggest to the Attorney-General that he should have dealt with that question when he introduced this resolution and that one of the reasons this resolution will fail, Mr. Speaker, is because the Attorney-General and the First Minister have tried to avoid the real questions, and that urged on by unthinking zealots like the Member for Radisson and others on the other side, they are trying, Mr. Speaker, to paint anyone who is in opposition, be it the Member for Elmwood, be it the Member for Brandon West, be it me, be it anybody, be it any of the municipal people. They're trying to paint them all as racists, redneck, anti-French and they're using all of the calumny that they can, from their shallow minds, dredge up. But, Mr. Speaker, that kind of calumny won't work in the face of hard questions, and one of the hard questions I put to this government tonight is, why is that statement about the equality of English and French languages in Manitoba which has no historic tradition in this province except for Section 23; why is that being engrafted irreversibly into the Constitution of Manitoba today by this government? Why indeed?

So, Mr. Speaker, I ask the question again. When Mr. Joyal said, don't worry about new formulations, use the words that are in The Canada Constitution Act, we see that the Government of Manitoba, his minions out here, listen very carefully to what he says. They didn't change too many words at all. They used almost the same formulations that are in The Canada Constitution Act. Mr. Speaker, let's remember that The Canada Constitution Act effectively creates a bilingual situation in Canada insofar as all federal services are concerned. I, Sir, am not one who fights that. The Government of Canada in 1968 made a determination; my party agreed with that determination; the NDP agreed with that determination and the Liberal Party agreed with that determination that the official languages of Canada were to be English and French. I stand by that determination today, insofar as it affects federal services in this country. I deplore, Mr. Speaker, the awkward, the ham-handed, the bull-headed, the stupid, the nonsensical way in which that policy has been carried out in Canada to the disadvantage of Francophones, to the disadvantage of Anglophones, to the great anger of most people in Canada and I ask on the balance scale that we must all look at from time to time. That was Mr. Trudeau trying to say that only if we do this in 1968 are we going to save the Francophones of Quebec from going separatist.

Well, Mr. Speaker, how great has been the success? How great has been the success of that program of federal bilingualization in terms of keeping the Quebecois, our fellow Canadian citizens, keeping them from a separatist turn. They've had a separatist government in Quebec now since 1976. The one bright hope, Mr. Speaker, has been that when the Levesque Government put the vote of separation to the people of Quebec, that vote failed. But how can any thoughtful Canadian say that the policy of Mr. Trudeau, which our party has supported, which I have supported with respect to The Official Languages Act, how has that program been demonstrated to have been a success in terms of Canadian unity? Not at all, Mr. Speaker, not at all. In fact it has done more, most thoughtful observers would say, Mr. Speaker, to cause division within our country than perhaps any policy —



(Interjection) — well, my honourable friend from Radisson puts words into my mouth. He said, since conscription. If he, Mr. Speaker, wants to be the one to raise the question of conscription in this House, let it be on his shoulders. Let it be on his shoulders to raise the question of conscription. So, Mr. Speaker, no point of order at all. Sit down, you zealot fool.

**MR. SPEAKER:** Order please. The Honourable Member for Radisson on a point of order.

**MR. G. LECUYER:** Mr. Speaker, the Leader of the Opposition doesn't have to pick up words that are said across the House, but if he's going to pick them up, he should pick the ones that were said not the ones he wants to hear. I did not say what he interpreted, I said "substantiate."

**MR. SPEAKER:** I thank the Honourable Member for Radisson for that clarification. It was not a point of order.

the Honourable Member for Niakwa.

**MR. A. KOVNATS:** Mr. Speaker, might I just mention that if the Honourable Member for Radisson does not want to have his words misrepresented, tell him to keep his mouth shut.

**A MEMBER:** You do likewise.

**MR. SPEAKER:** Order please, order please, the Honourable Member for Niakwa didn't have a point of order.

The Honourable Member for Inkster on a point of order.

**MR. D. SCOTT:** Yes, I believe it is, Mr. Speaker. The Leader of the Opposition just a couple of minutes ago in his address made comments towards that we on this side were trying to get in and say that their position was based on bigotry. He just finished in his comments when he was sitting down under the point of order raised by the Member for Radisson, called the Member for Radisson a fool, Mr. Speaker, but the word before that was the one he's used - "a zealot fool" - that was the term. A zealot fool. I remember what it was, it was a zealot fool, just a few minutes after he had made his comment accusing members on this side would be using language of any kind to say that their position was based on any form of bigotry. He just blew his whole case, Mr. Speaker.

**MR. SPEAKER:** Order please, order please. The words of which the honourable member complains are not in the list of unparliamentary terms.

The Honourable Leader of the Opposition.

**HON. S. LYON:** Mr. Speaker, I carry on with the comparison that I was making between the Manitoba section of amendments to Section 23 and The Canada Constitution Act and point out to you, Sir, the close similarity. Aside from the word "institution" between those words, and we all know, Sir that the effect given to the Canada Constitution Act was to provide effective, full bilingualization of federal services throughout

Canada to French- and English-speaking Canadians. My honourable friends are at great pains across the way to try to tell the people of Manitoba what they're bringing in is a limited form of bilingualization and yet, Mr. Speaker, the very words that they use are the same words as we find in The Canada Constitution Act, added, aided and abetted by the first statement which is, as I had mentioned before, not part of our Constitution, that English and French are the official languages, thereby giving an open sesame to any court to interpret in a very broad and generous sense, when these court actions start to brought after 1987, after admittedly these people are long gone from the scene, having done their harm, having left their garbage behind them. The people of Manitoba will be left to sort out the mess, the constitutional mess that these people have unthoughtfully left behind them for reasons that we can only conjure about as we participate in this debate tonight.

Mr. Speaker, where is the limitation that they talk of? I reiterate that we made no such amendment in 1980 in the remedial legislation deeming English and French to be the official languages of Manitoba because that had nothing to do with the Forest case, that had nothing to do with any imposition that the Supreme Court was making on the people of Manitoba or for the revivification of Section 23, nothing whatsoever. So where do these words come from, except from The Canada Constitution Act, except from the speech of Mr. Joyal asking his friends, as he described them, in Manitoba to use the words of The Canada Constitution Act and, Mr. Speaker, in using terms from a generation long gone from us, what did the Pawley Government say? They said, ready, I ready. Ready, I ready, and they used the words. They used the words and there we begin to see, Mr. Speaker, part of the formulation for the amendments that are presented to us in Section 23 and part of the reason because there's no reason in Bilodeau there's no reason in their legal judgments, the legal opinions that they've had to make this kind of a capitulation agreement to Mr. Bilodeau or to the Federal Government, none whatsoever.

So we're only left to conjure that my honourable friends opposite in their zeal to co-operate with the Federal Government and to get money from the Federal Government are trading off the birthright of Manitobans. Trading off the constitutional history of this province, trading off, Mr. Speaker, the total history of this province for their own petty, partisan purposes and trying to leave this province with an entrenched irreversible constitutional amendment which is not in sympathy with or in accord with the background or the history or the tradition of this province in anyway whatsoever. — (Interjection) —

Mr. Speaker, the Member for Radisson says I'm wrong. Let him go out and tell the people of Manitoba that I'm wrong and let the First Minister, and let his Attorney-General work this province from one end to the other for the next year, let them delay it that long, let them have their propaganda meetings, let them explain where I've said one word tonight that was false or wrong. Let them tell the people, let them justify to the people of Manitoba why they have made this bad deal which they are now trying to entrench and make irreversible on Manitobans yet unborn.

Well, Mr. Speaker, the extension of linguistic services that all governments have been attempting to work

toward by this government is now going to be entrenched and entrenched for what? For the quid pro quo of withdrawing the Bilodeau case. My heavens, Mr. Speaker, has ever before so much been given away for so little? Has ever before so much been given away for so little because a litigant comes up to the Government of Manitoba, this NDP Government of Manitoba and says, "Boo, I've got you". Then they give away the birthright of Manitobans yet unborn and constitutionally entrench and make irreversible conditions that will affect every man, woman and child in this province for generations to come.

Mr. Speaker, I'm not going to take time to examine the Bilodeau judgment tonight, I've already talked about it. I'm not going to take time to deal with the opinion of Mr. Twaddle which I've already read in extenso or the opinion of Mr. Gibson - there was apparently some objection taken that I didn't read the full paragraph of Mr. Gibson's opinion. Let me read the full paragraph of Mr. Gibson's opinion to put at rest the sort of weaseling concern of the Minister of Finance.

Here's Mr. Gibson, his hand-picked legal appointee, the legal professor, not the counsel of record. Here's what he had to say on Page 2 of his opinion of May 10, 1982. I hope this allows the Minister of Finance to sleep better tonight.

He said: "I share Mr. Twaddle's opinion that if the case proceeds to a final determination by the Supreme Court of Canada the constitutional validity of the statutes in question will probably be upheld." Probably, indeed, I add, Mr. Speaker.

"However," says Mr. Gibson, "I do not regard that as an altogether foregone conclusion. While as a practical matter the court will certainly want to find a way of avoiding the chaos that would attend a ruling that all unilingual Manitoba statutes are nullities, strong arguments can be made from a purely legal point of view in support of Mr. Bilodeau's position. Where a constitutional requirement that is neither ambiguous nor discretionary governs the manner in which certain laws are to be enacted the normal consequences of non-compliance is invalidity."

Well, I read the full paragraph and I say that I am unchanged in my opinion, Mr. Speaker, because I've gone further and I've read carefully the judgment of the Manitoba Court of Appeal and with the greatest of respect to Mr. Gibson I think that the judgments of Chief Justice Freedman, as he then was, the present Chief Justice of Manitoba dissenting only in part would take rather more precedence than the opinion of some well-intentioned academic with respect to Manitoba's intentions.

In any event, Mr. Speaker, the counsel of record in this House, and this House must assume not just the government, this House must assume the responsibility for making a judgment as to whether or not when somebody comes along as apparently they did with the Attorney-General some months ago and said, a statement you made outside of the House is libelous, they said "boo" and he had the taxpayers pay \$5,000.00. Pay \$5,000, Mr. Speaker, to pay off an intended case of libel against him. So we judge from these examples, Mr. Speaker, the kind of legal and moral and political fibre that we see sitting opposite us because there is not much fibre there. There's not much understanding of law. There is very little

understanding, if I may say so, of the traditions and the history and the heritage of this province, Mr. Speaker, or, indeed, of the realities of this province as it exists in 1983. So, Mr. Speaker, I will not take time to digress further with respect to those opinions.

I start again, Mr. Speaker, to move to the speech delivered by the Attorney-General in alleged support of this proposition when he spoke some week or 10 days ago. Mr. Speaker, I make a few points in response to arguments that he made at that time.

First of all, most of the opposition to the proposal is based, if I may say so, Sir, not on bigotry, not on racism, not on a want of understanding or a want of compassion or a want of concern for the position and the role of Franco-Manitobans in Manitoba but on the instinctive knowledge that our people have that the actual result of the Supreme Court case and the amendment proposed is in a sense ludicrous in 1983 in a province where the makeup of the population is what it is today.

All of the Franco-Manitobans in Manitoba today, Mr. Speaker, are perfectly able to function in English, and many of them are able to function in French, as well.

We would hope that the voluntary steps that were being taken by governments from the time of Mr. Bracken, indeed on, to conform with bilingual services would accommodate any citizens of Manitoba who legitimately require, who require in a cultural sense, those services to be given to them in the French language, as well. But entrenching the services in the Constitution can only make adjustment over time extremely difficult, if not impossible; and I say, Sir, as I said from the first day in which this matter was brought before the House, it will lead to a tearing of the social fabric in Manitoba, an embitterment of relations, by the constant court battles which are going to be instigated by precisely this kind of ill-thought-out agreement that this government would now foolishly propose to entrench and to make irreversible for all time.

Mr. Speaker, I'm concerned about the people of Manitoba, all of the people of Manitoba. I'm going to deal with Canada a little bit later on. I'm going to deal with Canada because I think that Manitoba, unlike some of the zealots in this House and outside, I think that Manitoba is an integral part of Canada and I think, Mr. Speaker, that when harm is done to the social fabric of Manitoba that causes harm to Canadian unity. I'll deal, with great pleasure, with that topic a little bit later on.

The Attorney-General tried to say that there was a possibility that all of our laws would be declared invalid, but that kind, as I have attempted to indicate before, from legal opinions, from the Court of Appeal judgment and so on, that kind of expectations was unreasonable in the extreme; and yet the Attorney-General asks all of us to trust these same courts to be reasonable in deciding when services must be provided, and in reviewing departmental plans to meet court-imposed requirements. This is the same Attorney-General who says the court shouldn't be allowed to hear Bilodeau because the court is going to impose some kind of terrible penalty. As the First Minister said, think what we're saving you from; and yet, on the other hand, Mr. Speaker, the Attorney-General, by entrenching and making irreversible the amendments in Section 23 says,

trust the courts because they won't go beyond the realm of reason in enforcing the amendments and the extensions of Section 23.

I find that there is a great incompatibility, to say the least, Mr. Speaker, in this point of view. He wasn't prepared to trust those same courts in the exercise of their power to review the Bilodeau case, which was a marginal case at best, but he now says, entrench, make irreversible the amendments to Section 23. Then you must trust the courts entirely because the government will have given over to the courts all of the power of policy making which government now, and government alone, possesses; and which I make mention, again, Mr. Speaker, since the time of John Bracken, since the time of Stuart Garson and Douglas Campbell and Duff Roblin and Ed Schreyer and Lyon and Pawley, has caused no social disruption in Manitoba by a gradual accretion of bilingual services in this province; not under a constitutional imperative, not under, and yet within days of the announcement of this constitutional entrenchment by this government you have a kind of social turmoil in this province that we haven't seen for years and that, pray God, we will not see for a long time yet to come, unless this government comes to its senses and withdraws this proposal.

Mr. Speaker, the same Attorney-General who's not prepared to trust the courts in the exercise of their power in the Bilodeau case is prepared to trust the court for all time, for all generations, after he entrenches a badly negotiated agreement to the Constitution of this province. I find that unacceptable; I find that completely unacceptable.

The Attorney-General tries to say that the Society Franco-Manitobaine wouldn't give us time because there was no quid pro quo. Well, Mr. Speaker, if there was a real possibility of all of our laws being invalid, then surely the Franco-Manitobans had as much to fear as the rest of us; surely they had as much to fear as the rest of us; surely they drive on our highways the same as we do; surely they make agreements under the same laws that we do; surely they enter into contracts that are governed by Manitoba law the same as we do; surely they share the Manitoba Health Services the same as the rest of us; surely they enjoy the benefit of all of the laws of Manitoba which the Attorney-General now says they're prepared to cast into doubt and to say are invalid. What kind of nonsense is this, Mr. Speaker, what kind of nonsense? I've seen zealotry in my time. My God, Mr. Speaker, I'm old enough to remember Hitler, but I don't remember any kind of zealotry that would be that self-defeating, that would say that all of the laws under which I exist and have a good living in Manitoba are invalid because they weren't passed in French. No fool would ever say that, Mr. Speaker, no fool, and the Franco-Manitobaine Societe is not composed of fools.

Mr. Speaker, the cultural institutions that the Franco-Manitobaine Societe run, the Centre Culturel that is run by them, that was set up by this allegedly invalid legislation. Are they going to throw all of that to the dogs? I hardly think so. We're beginning to see, Mr. Speaker, the kind of vapor in which this argument for an agreement has been concocted, and it is vapor, it's vapor that's been created by a zealot Federal Government, aided and abetted by a few zealots on that side of the House who don't know this province,

who don't understand this province, and who don't even understand what is good in their own interest, let alone the public interest of the Province of Manitoba.

Mr. Speaker, it would have been interesting to consider the fate of all of the institutions of Manitoba that are apparently put in jeopardy by Mr. Bilodeau. I don't think they're put in jeopardy by Bilodeau at all, nor does any other reasonable-thinking lawyer in this province or in this country; but if the Franco-Manitobaine Societe isn't prepared, or Bilodeau isn't prepared to give another adjournment, then I say, to hell with Mr. Bilodeau. Go on and fight your case in the Supreme Court of Canada because you've got nothing to fear. I have more faith in the Supreme Court of Canada than the Attorney-General of Manitoba has on the Bilodeau case, because I know it is not a sound case, because I know, with every fibre of my being. I understand Canadian law and justice and I know, with every fibre of my being, that no Canadian court worthy of the name of being a Canadian court would throw this province into a situation of chaos, such as, that perverse proposition advanced by Bilodeau would attempt to do; nor would the Franco-Manitobaine Societe, if they stopped and thought of it in terms that are reasonable.

Mr. Speaker, I say to you tonight that the Attorney-General - and this is a small matter - the Attorney-General says that the number of statutes that they've negotiated to be translated is very small, just a few pages. He goes on to say that the cost is going to be a little bit less. I don't think, Mr. Speaker, you've ever heard anyone on this side of the House talk about cost; I don't think you heard me talk about cost in 1979, 1980 when the Forest case came down and I said that the rule of law was that we had to obey the Supreme Court of Canada and to engage in those translation services that were necessary to re-implement Section 23. You don't talk about cost unless you're so shallow in your thinking, Mr. Speaker, that you don't understand what the country is made of. You don't talk about cost in a murder case, there's a principle involved; you pursue the case through to the end. One of the jobs of the state, one of the legitimate costs of the state is to pursue justice. One of the legitimate jobs of any Government of Manitoba is to carry out a court-ordered function; and if you want to be as shallow as the Minister of Finance was attempting to be this afternoon and say, what was the cost of this, what was the cost of that? Well let him go and drown in his own shallowness.

Cost is not at issue, but the Attorney-General tried to make a point of this and say that instead of doing 4,000 statutes we're going to do 400. Mr. Speaker, I ask the people of Manitoba to take a look at some of the statutes that they, as he would lead us to believe, negotiated so carefully their way out of translating, one- and two-page statutes that don't amount probably in toto to the equivalent of one of the big statutes of Manitoba. It's no great deal at all that they have negotiated, but it's something. We don't fault them, we don't indict them, but we ask them not to make big cases or exaggerated cases out of small victories, because translation is an obligation that the Supreme Court laid on the province, and the negotiation has to be how much, how pragmatic, how reasonable. What are the statutes that Franco-Manitobans work with and want to have translated today. Do they want to have

the Winnipeg Foundation Statute translated into French when nobody is going to read it? No, of course not, that's what reasonable negotiation is based upon.

So, let not the Attorney-General, or any of those supporting him, try to make a case out of how much money they have saved Manitoba. With respect, Sir, that's not at issue, that's really not at issue in this matter. Translation is there, to negotiate a good deal is fine. If you have to do the whole works, fine; that's what I say. The principle that's involved is more important and you don't give away the farm to avoid a million dollars worth of translation, and thereby encumber, Mr. Speaker, and cripple future generations of Manitobans in a way that you don't even realize. I make those comments.

What is the Attorney-General saying? What does he mean by these words that are in The Canada Constitution Act and are meant to be in our Section 23 amendment: "communicate with and receive available services from." Does that mean only having a French-speaking receptionist who possesses the ability to answer a phone call, when you've already said, in 23(1), that English and French are the official languages of Manitoba? Is any court going to say, hey, I think that is perfectly satisfactory. After 1987 - and remember they've put in the delay period of four years - because they know they're going to be long gone when these decisions start to be made, Mr. Speaker. I think not, because they made a bad agreement; they put in the umbrella that said English and French were the official languages, and these attempts at limitation that they've put in later on are the kinds of things the courts, in a reasonable way, are going to look at and say, well it couldn't have been the intention of the Legislature of Manitoba to say, on the one hand, that English and French are the official languages; and then to say, on the other hand, but it is sufficient to acknowledge that obligation if someone phones up to an office to deal with the Minister, or the Deputy Minister, or the head of the department, and a Clerk III comes on and speaks to them in French. A court is going to say, I don't think that was the intention of the Legislature, because why did they use those all-embracing words, why did they use that umbrella of French and English being the official languages, Mr. Speaker?

Mr. Speaker, this government purports to say that they make the mistake, if I may say so, of having senior civil servants speak on their behalf on this issue. Let me issue a friendly warning to the government and to any senior civil servant who want to speak on this matter. This is a highly volatile political matter, and I would humbly adjure any civil servants in the Government of Manitoba to keep their silence on matters that this government is making so partisan. This is not a fight in which innocent and long-term and respected civil servants should become involved. If this government is doing anything to encourage civil servants to come out and speak on their behalf then they are doing a disservice to the public service of Manitoba. I say that with great feeling, Mr. Speaker, because we have still, notwithstanding the ravages committed upon it by the NDP in the last 18 months, we still have a respectable senior level of career civil servants in this province. We should not be found in the trenches fighting the misguided battles of this partisan government, but who

rather should be providing the advice that civil servants are paid to advise governments on, and making no public opinions upon that advice unless, of course, they, in turn, wish to be considered as partisans of this government.

So, Mr. Speaker, I say that the talk of this government about how much money they are saving is talk without principle. I just throw this thought in that I dare say that the Federal Government, which was already supporting the translation program in Manitoba, by way of federal grants, would continue that support whether or not there was this agreement, this entrenchment, this irreversibility that this government is attempting to commit us to. Who are they to stand forward and say, well we're going to get all the money that we can from Ottawa as long as we sell our birthright. Well, we don't have to sell our birthright. We weren't selling it in our time; they weren't selling it up until they brought this agreement forward. They were getting grants from the Federal Government, as any other Government of Canada will get grants, and let not that be the benchmark of decision making, how much will it cost? Because the cost, in terms of generations unborn, is something that you can't quantify.

The cost, Mr. Speaker, with respect to the grandchildren of the Minister of Agriculture, the grandchildren of the Minister of Transportation, who come 30 years from now to seek a job in the Civil Service of Manitoba and are told that because English and French are the official languages that the court has ordered that people must be bilingual in this position and that position, and it's beyond the control of the government. That's the effect that I worry about tonight. I'm not worrying, Mr. Speaker, about myself or about anybody in this House, particularly, I'm worrying about generations yet unborn.

I see as clearly as anyone in Canada. I see the great harm that has been done to the merit principle, to hiring, to the integrity of the Federal Civil Service by zealots pushing a bilingual act in Manitoba in a way that was never intended by the drafters, and don't anybody in this House try to tell me that they knew what the drafters meant. I talked to all of them; I negotiated the act; I was there; I know what was intended. I don't need any advice on this topic from the likes of the Member for Radisson or any other zealot. I know what was intended, and what happened was not what was intended, and yet it has been allowed to progress. The quota system in the Department of Veterans Affairs in Manitoba, terrible, terrible; never intended under The Official Languages Act at all, but the Languages Commissioners and all of these bureaucrats invested with power by the Trudeauocrats in Ottawa have been allowed to make a mockery out of what was intended to be a unifying factor in our country. This government is embarked on the selfsame policy, Mr. Speaker, and no matter how they try to say that they are limiting the effect. They are turning over the policy making to the courts, they're putting in umbrella expressions that will give the courts every opportunity to make generous, indeed foolish interpretations of 23(1) and there, Mr. Speaker, is the problem. I come back to the point that it's not me that I worry about but I do worry about, I worry about the children and the grandchildren of Members of this House and of Manitobans generally who are going to

find, Mr. Speaker, as surely as I stand here tonight that a form of tyranny will have been made out of these entrenched and irreversible sections just as surely as a form of tyranny has been made out of The Official Languages Act by unthinking bureaucrats, by zealots and by others who don't care about the unity of this country at all.

**A MEMBER:** When you're cornered, change the subject.

**MR. SPEAKER:** Order please.

**HON. S. LYON:** Mr. Speaker, a practical problem I bring to your attention and it was mentioned by the Attorney-General the other day when he talked about the school teachers' case in Quebec. He said the other day that there had been a case in the Supreme Court of Canada dealing with the school teachers because the Government of Quebec had brought in an order ordering the school teachers back to work which was in the French language only.

Mr. Speaker, in a province which is essentially 94 percent Anglophone - and that is a term in which I include all Members of this House because it is an imprecise term - in fact you might say that 100 percent of Manitobans are Anglophone in the sense that we practically all speak English. If we were to bring in emergency legislation or have to wait, Mr. Speaker, for language to be brought in in French as well as English, what kind of mockery are we making of the process of government? I don't care what the Supreme Court of Canada — (Interjection) — well, Mr. Speaker, the Member for Radisson says and I put on the record, that I am ignorant. Well I am willing to take my chances

**MR. SPEAKER:** Order please.

**HON. S. LYON:** I am willing to take my chances, Mr. Speaker, and so was our party with the people of Manitoba in a general election, is he? I'll come to that point perhaps sooner than my honourable friend wishes. But can you see the impracticality of governments of a province that is 100 percent Anglophone being under the constraint of having, even with emergency legislation to bring in legislation in both languages? Mr. Speaker, it just doesn't ring true with common sense. It doesn't bring true with common sense.

One of the reasons, Mr. Speaker, we're sitting here until the 15th of July is because my honourable friends can't order their affairs, never mind the translations, they can't order their own affairs well enough in English let alone French, let alone French, in order, Mr. Speaker, to get on with the business of our province. We live in 1983 in North America. We don't live in 1763 in France and we have to do things, Mr. Speaker, in accordance with the way North Americans do things.

I think it would have been statesmanlike to approach this whole question globally. A separatist point of view that you can't live in French outside of Quebec, is a point of view that a lot of people including the Premier of Quebec have been heard to say.

But the amendment, Mr. Speaker, the amendment that is proposed by this government is not going to

do anything about living in French in Manitoba because the Attorney-General and the Premier say it's so limited.

I've been spending a fair amount of time tonight, Mr. Speaker, telling you how wide open it is, but if their real interest is in national unity, how is this limited amendment going to do anything to dampen the separatists feelings in the Province of Quebec which were there long before the people of Quebec ever heard of a Howard Pawley or the NDP and long before they had ever elected or ever will elect a member of the NDP to a position in the House of Commons from that province. The NDP are persona non grata. They're regarded in Quebec as being fools and they may well be regarded in other parts of the country as being the same after they see this amendment, Mr. Speaker.

So if the Attorney-General really thinks that Canadian unity depends on such a frail reed, on such a frail reed as this government says it is bringing forward, oh it's limited, oh it doesn't bilingualize the country, oh it won't do all of these things that you're talking about, how is Canadian unity going to benefit from that kind of - to use the Attorney-General's expression, milk and water - that they're trying to paint this amendment to be. If they really wanted to strike a blow for Canadian unity, they would do something stronger. The problem is, Mr. Speaker, they don't know what they're doing at all.

A few bilingual clerks in Manitoba, a few bilingual bills before the Legislature isn't going to do anything to quell the separatist feeling in the Province of Quebec so let my honourable friends - and I know something about this - let my honourable friends not try to pretend otherwise to the people of Manitoba or indeed to the people of Quebec.

So, Mr. Speaker, the speech made by the Attorney-General really does not support in any of the substantive ways that it should. The need for this agreement to be brought before the Legislature, first of all in response to the Bilodeau case, and secondly what is really abhorrent the idea that a bad agreement should be (a) entrenched, and, (b) made irreversible, for generations of Manitobans not even yet born.

Well, Mr. Speaker, I don't know if my honourable friends opposite have ever considered this proposition. I spoke of it a week or two ago when the Quebec alliance delegates were here speaking to members of the government, members of our party, because - and I come back to the theme that I mentioned somewhat earlier in my remarks - there is this unfortunate tendency of the members opposite except when they're confronted with it to state that Manitoba was created as a bilingual province. It was, but in certain limited respects only, for the courts, the Legislature, and so on.

Yet there is this persistence when the First Minister or the Attorney-General are speaking other than to an audience where they know they will be countermanded, to try to exaggerate the history of our province. Mr. Speaker, Section 133 of The British North America Act which says largely what Section 23 says but says it in relation to the Province of Quebec and the Federal Institutions of Canada did not make Canada a bilingual nation. Until Mr. Trudeau passed The Official Languages Act in 1968, Canada was not in reality or in practice a bilingually functioning nation. Something more was needed and he passed in 1968, he had Parliament pass

with the support of the NDP and the support of my party, an Official Languages Act which added an extended Section 133, and which said that English and French - I've read it here tonight out of The Canada Constitution Act, the words were repeated - English and French were made the official languages of Canada, and equal in all respects. Mr. Trudeau had to pass a special act to make that happen, and that's when we began to have official, functional, bilingual services in Canada with all of the, some might say, benefits and with all of the tearing of the social fabric of our country that has resulted therefrom, not because the principle was wrong, but because of the way in which it was administered badly in the public interest.

I make that parallel comparison, Mr. Speaker, merely to indicate that when we in 1979 were ordered by the Supreme Court to revalidate Section 23, that did not make Manitoba an officially bilingual province. It said that in the courts and in the Legislature, Manitobans were capable of using both languages. We didn't pass any official languages act in 1979, nor is this government advocating that we passed an official languages act. In fact, they're saying that what we're doing is just really an entrenchment and a constitutionalization of policy services that previous governments had decided should be provided. Mr. Speaker, that is a long way from The Official Languages Act or from The Canada Constitution Act.

I know that it's difficult for my honourable friends opposite to grasp that - in the words of an analogy that perhaps isn't too accurate - you can take a sweet and kind and loving little pussycat, which you may call policy with respect to bilingualization, and the minute you entrench that policy and make it entrenched and irreversible, you can create because you create because of zealots, and because of the utilization of the courts that can be made of it - we're seeing it already today - you can make of that a screaming tiger that will tear this country apart, that will tear this province apart.

I don't plead with anybody, Mr. Speaker, but I ask as deeply and as carefully as I can of the honourable members opposite, do you realize what you are doing? A policy of bilingualizing services in Manitoba which many governments have followed heretofore, which our government speeded up, which your government readopted in March of 1982 without a word of protest in Manitoba, that is a policy that will sit well with the people of this province. Why then would you take that policy that is in accord with the feelings of the people of Manitoba and entrench it, and make it irreversible, and make it instead of something that the people can accept, something that the people will not accept. Why? What kind of perversity would lead any government dedicated to serving the public interest in this province to make that transformation of government policy into a court-ordered kind of tyranny that can occur in the hands of people such as we have heard - thank heaven, only a few in this House - but there are others out there, some who travel into the province who are prepared, as the Minister of State said, to push the case to the point where the people of Manitoba will not accept it.

The test, Mr. Speaker, of a good Government of Manitoba, in my humble estimation, the test is to advance a policy by way of government decision that meets with the approval of the people of Manitoba and

that can be changed and altered and made flexible to suit the requirements of the people of Manitoba, and I mean all of the people, the total community, the Franco-Manitoban community as well.

The test of a bad government, Mr. Speaker, is a government which says, we are going to entrench this and give it to you for all time so that nobody can ever take it away from you, in a way which will inflame 90 percent of the opinion in Manitoba, and deprive the Franco-Manitoban community of that kind of generous understanding and that kind of compatibility, and may I use the word, Sir, "brotherhood," that we all want to enjoy in Manitoba. Why do we have to transform a reasonable policy of government presently being pursued into an entrenched tyranny that will be pursued only by zealots, and will make life in this province disruptive; will make life in this province torn apart; will make brotherhood amongst all of our people more difficult of achievement merely to meet the bad negotiation stance of a temporary government in this province.

Mr. Speaker, I hasten to the end of my remarks. When the English Alliance group were speaking to us - I don't if they heard this from the members opposite - but they said to us, you have to approve the agreement entered into by the Pawley Government because if you don't, that will cause disunity and social disruption in the Province of Quebec. Some of us said to the members of the English Alliance, how much disunity must we bear in the Province of Manitoba in order to create that degree of unity that you see as being desirable in the Province of Quebec? We are an integral part of Canadian unity as well as the people of Quebec. We are being asked by this agreement, by this constitutionalization of bilingual services, to entrench and to make irreversible, conditions that will bear prejudicially upon us and future generations after 1987. Why should the people of Manitoba be asked to accept that kind of sacrifice which no court could impose upon them at all, merely because an improvident government has made a bad deal?

My second question that was asked to the English Alliance people was this. If the Pawley Government had continued with a policy of bilingual services instituted by previous governments, accentuated by our government, retreated by their government in March of 1982, and no agreement had been struck, and the Bilodeau case had gone to court, would you be out here talking to the opposition and to the government? And the answer was no. They were only here, Mr. Speaker, because this government entered into a bad agreement. We're beginning to find out - I hope it isn't true - that they entered into this agreement because of the protestations of the Trudeau Government, and because Mr. Joyal was urging it upon, as he called "his friends" in the Franco-Manitoban Society.

Mr. Speaker, a million people in Manitoba are being held hostage by a bad agreement entered into by this temporary government which doesn't understand the ramifications of what it's doing. We are asked as an opposition to say it's a good agreement when we know it's a bad agreement; when we know intuitively with every fibre of our being that this is going to cause social disruption to the people of Manitoba for years and generations to come. No, Mr. Speaker, we would be doing a disservice to Canadian unity if we were to fall

back and to become doormats to this kind of incompetency being practiced by this government and we will never do that. We believe, Mr. Speaker, that we better serve Canadian unity by telling the facts as they are and not catering to emotionalism as my honourable friends do opposite but rather, Mr. Speaker, setting forth the facts of our history, our tradition, our political background . . .

**MR. SPEAKER:** Order please.

**HON. S. LYON:** . . . our legal obligations, the orders of the Supreme Court and so on. Mr. Speaker, I repeat to you tonight and I've read Mr. Twaddle's opinion from Page 11 and I've read it again, we're being asked to accept entrenched and made irreversible in Manitoba conditions with respect to bilingual services that could never be imposed by any Supreme Court in Canada on this province. — (Interjection) — Now, the Minister of Resources from his great depth of legal knowledge says that's false. Well let him take his own time to read Page 11 of Mr. Twaddle's opinion and that's exactly what he says. If I have to make a choice between Mr. Twaddle or the Minister of Resources I don't even have to take a flicker of a second. One is a lawyer and has an intellect the other, well, I won't even say it, Mr. Speaker.

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

**MR. SPEAKER:** Order please.

**HON. S. LYON:** Mr. Speaker, in conclusion let me say this. The translation process is not in issue. That was decided by the Forest case and if the Government of Manitoba, any Government of Manitoba wants to negotiate on how much should be translated, that's a legitimate area of negotiation. The agreement, as I have said, concerning translation is not unreasonable if an agreement, indeed, was needed at all. The extension of bilingual services is what is at issue. My honourable friends won't even talk about it. They don't even talk about it, Mr. Speaker, they try to pretend that translation is the big thing that they have accomplished. Translation is not even at issue. It's the extension of French services that are at issue and when they become entrenched forever then a severe disservice is being done to this province.

Mr. Speaker, after 1987 when these entrenched services which are no longer in the control of the government are put in the hands of the courts then my honourable friends, who won't even be around, then my honourable friends will have to answer as Chamberlain had to answer in 1938. He said, "Peace in our time", and he offered a false promise. The Pawley Government in 1983 says, it's only translation, the French services don't mean anything. In 1987 and in subsequent years, they like the Chamberlain Government, if there are any of them left here, are going to have to answer to the people of Manitoba and say what kind of a bill of goods did you try to sell us? That is why, Mr. Speaker, this agreement must go to the people of Manitoba that is why this agreement must have more thoughtful consideration by the present Government of Manitoba.

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

**HON. S. LYON:** That is why, Mr. Speaker . . .

**MR. SPEAKER:** Order please.

**HON. S. LYON:** If my honourable friends want to entrench anything, as I've said in a half-jocular way across the house the other day, Mr. Speaker, let them entrench in The Manitoba Act the merit principle . . .

**MR. SPEAKER:** Order please.

**HON. S. LYON:** . . . which is the heart of The Civil Service Act, let them entrench in The Manitoba Act, Mr. Speaker, the numbers of civil servants that will be needed for this because they know not, they can't give any estimate. Mr. Turenne, and I have respect to Mr. Turenne, he can't tell you how many civil servants because the minute this amendment is passed it's in the hands of the courts. The government has lost it and it will be as much out of his control as the bilingualization of the Department of Veterans' Affairs in Manitoba is out of the control of Parliament now.

Let not Manitobans be misled by this kind of easy milk and water statement that the numbers of civil servants are only going to be thus and so. Mr. Twaddle has told you once you've given it over from government policy to the courts you have no control over it at all and I tell you and tell you and tell you again, tonight, Mr. Speaker, that Mr. Twaddle is right and that we are right. If the government makes the fundamental mistake of taking this matter of extension of bilingual services out of the control of government, entrenching it, making it irreversible, putting it into the hands of the court it will have done a disservice to the unity of this country and this province, the likes of which has not been seen before.

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

**HON. S. LYON:** My honourable friends opposite, Mr. Speaker, are so married to the doctrine of entrenchment, let them entrench the number of civil servants, let them entrench the maximum amount that can be spent . . .

**MR. SPEAKER:** Order please.

**HON. S. LYON:** . . . let them entrench the costs of the services. All of these things that they want to hand over to the courts and take out of the control of this Legislature.

Mr. Speaker, the government tells, the government misrepresents to the people of Manitoba when it says that all of these powers are limited. The minute the government entrenches them, makes them irreversible, it makes them unlimited.

Mr. Speaker, given the examples to date and I'm not going to reread, even though my honourable friends opposite need it, Page 11 of Mr. Twaddle's opinion, given the examples to date here and elsewhere of what language zealots can do in the courts of this country and in the courts elsewhere with respect to certain abstract rights that are attempted to be entrenched,

urged on by the likes of Mr. Joyal and others who really don't care, if I may say so, that much about the total unity of the total country. You can ensure that litigation from now on is going to be multifarious if these entrenched parts of the Constitution are agreed to. I guarantee you, Mr. Speaker, that the Franco-Manitoban community won't benefit much but the lawyers of this province for generations to come will. They'll be bringing every frivolous and vexatious case cluttering up the courts of this province and the Supreme Court of Canada with the kind of stupidities that can flow from entrenchment of a policy that need not be and should not be entrenched in our Constitution.

Mr. Speaker, I cannot conceive of a set of circumstances under which we would ever, on this side of the House as a government, be recommending a course of entrenchment to the people of Manitoba. I can't conceive of that at all because it is not in the public interest. I can well understand why such entrenchment would be sought by Francophones in the present conjunction of circumstances in Canada, with Ministers such as Mr. Joyal coming out here and making rhetorical speeches about what they must do to make a French fact out of Canada, and so on. But Mr. Speaker, the Trudeau Government and the Franco-Manitoban Society can't dictate the policy of this province. This Legislature is going to dictate it, not Mr. Trudeau or any of his agents or the Franco-Manitoban Society.

The people of Manitoba as represented by all the members of this Legislature are going to make that policy and there's going to be no hidden hand, whether it be the hand of the Prime Minister on the shoulder of the Premier of this province dictating something that is not in the public interest of the people of this province.

Mr. Speaker, as a matter of negotiation, I am sure the Franco-Manitoban Society asked for the entrenchment of French, the entrenchment of bilingual rights, never expecting that any government would be such a doormat as to give it to them, but they found one. They found one now, under the pressure Mr. Joyal, they found a weak government that would do it; they would never do it with us. The Bilodeau case, Mr. Speaker, was coming on to fruition and to finality when we were in government; did you hear us talking about any craven fear of the outcome of the Bilodeau case? No, no, because there was no fear there. We were not the kind of government that would react to a boo when somebody came along behind us and said, you've got to give away the birthright of the province. Mr. Speaker, to have the government accede to it is what surprises and astounds, I am sure, not only the people of Manitoba, but also those of the people of Manitoba who belong to the Franco-Manitoban Society. I am sure they can't believe their good luck in finding such a bunch of pansies as to agree to the kinds of conditions that they have incorporated into this agreement.

Mr. Speaker, we know from previous experience that the art of negotiation is not one of the longest suits of this particular government. It is a shame; it is a tragedy really for the people of Manitoba that this government is found to be temporarily in office and finds itself in the need, which we never found, of negotiating an agreement with the Franco-Manitoban Society, under the intimidation and pressure of the Federal Government, to which it caves in all the time.

Mr. Speaker, if I needed any better example of the government's insularity to the dangers of entrenchment

I need only call, as evidence, the amendment that this government has placed on the Order Paper to the Constitution Act with respect to property rights. I want to read this amendment into the record because I don't think honourable members opposite understand what they're doing, either with respect to the amendments of Section 23, and I am sure they don't understand what they're doing, in terms of entrenchment that they're asking for with respect to property rights. I read this into the record, Mr. Speaker. 7. "Everyone has the right", and this is how they want to amend the Constitution of Canada, listen to this people of Canada, "everyone has the right to life, liberty, security of the person, enjoyment of property, an adequate income, essential health care, equality of access to education, and free collective bargaining, and the right not to be deprived thereof, except in accordance with the principles of fundamental justice."

Mr. Speaker, if I were a young person considering a career in Manitoba today, and if this kind of foolishness had any chance of ever being entrenched in the Constitution of Canada, I would get into the practice of law so fast, because this would guarantee me a living for the rest of my life bringing frivolous cases to the courts, cluttering up the courts. Can you imagine all the cases that you could bring on behalf of people saying that they don't have essential health care; that they don't have equality of access to education; that they don't have free collective bargaining. Mr. Speaker, the courts in the United States would look like conservative tribunals compared to what this kind of an entrenched piece of nonsense would inflict upon the judicial system and, indeed, the public life of our province.

So, Mr. Speaker, I call that to evidence only because it indicates, in a more fundamental way than anything I could have said, the kind of misunderstanding that the government has with respect to the results of entrenchment and how careful the words have to be. If you're going to entrench anything for all time then be very very careful of those words, otherwise you will end up with a kind of chaos that this amendment, which will never be acceded to by reasonable provinces, would cause.

Mr. Speaker, can you imagine the litigation that this would encourage, undoubtedly with the full enjoyment of the Attorney-General, paid for by the taxpayers under legal aid. He would love that, that would keep the socialist hive buzzing, and that of course is part of their aim in life.

Mr. Speaker, in the strongest terms I can I urge the government not to make a massive and a wounding mistake to our province. What they have in hand in this resolution will, mark my word, create a massive and wounding prejudice to all generations of Manitobans yet to come. If we thought for a moment that this amendment, this entrenchment, the irreversibility of this act that we are being asked to rush through by this government, was in the best interests of our province, Mr. Speaker, we would support it. We have no argument with the Government of Manitoba, to repeat myself; we have no argument with the Franco-Manitoban Society, or with the Francophone community of Canada with respect to Section 23 and its reimplementation which we were engaged on, which this government started to do; we have no problem,



Mr. Speaker, with the expansion of bilingual services in requisite offices in Manitoba. All governments in Manitoba since the turn of the century have been engaged in that process without any disruption to the social fabric of this province.

Mr. Speaker, I ask this government to hear and to listen to the people of Manitoba and to make some judgment as to why they should pass over policymaking from their hands to an entrenched irreversible position in the Constitution of Canada. What kind of harm are they doing to our province, I ask them, Mr. Speaker? I ask them, Mr. Speaker, that they have the forthrightness; that they have the flexibility; that they have the fullness of mind, to consider amendments that may well be suggested from this side of the House, amendments such as were suggested today, and the First Minister acknowledged that the amendments suggested by the Manitoba Government Employees Association were worthy of consideration. Yet, on the other hand, Mr. Speaker, his first response was, no, a deal has been struck and that's it.

**HON. L. DESJARDINS:** That's not true.

**HON. S. LYON:** I know it's not true now because you're falling away from a position which has been demonstrated to you to be a wrong position. You'll fall further away as a result of what I say and what other people will say to you in Manitoba; and as a result of the resolutions that you're receiving by the score from the people of Manitoba represented by their municipalities; as the result of the disintegration of your own caucus on this issue which is made manifest in this House every day.

Yes, Mr. Speaker, I know that my honourable friends will fall away; not for honourable reasons, no, but because the heat of public opinion, which only time can bring to them, will cause them to fall away. That's why they don't want to have unhurried hearings; that's why, Mr. Speaker, they want to rush this through, so that they can't really feel the pangs of public opinion.

You know, Mr. Speaker, one would have to be a cynic, but I'm sure the thought has crossed the minds of more than one Manitoban who has taken the time to read this agreement. This will not come before the courts until 1987, as I've said before, when they're long gone. They think they've got a period now between '83 and '87 when they can say to the people of Manitoba, look, nothing happened. All those Tories told you those terrible things were going to happen, nothing happened at all. And they'll try to pretend that nothing's going to happen and then, Mr. Speaker, the legal portcullis will fall in 1987 and the bill will have to be paid, when they're long gone from office. That, Mr. Speaker, is not good government; that's not serving the public interest; that's narrow, partisan, cheap, short-term advantage that they're trying to take of all of the people of Manitoba and I condemn them for it.

Mr. Speaker, I ask them to have the courage and honour - two qualities not too well known to socialists in any part of the world - but courage and honour, Mr. Speaker, to let this matter go to an intersessional committee. Let the people be heard, not in the holiday months when they know that the people of Manitoba, by and large, are on vacation; not in the holiday months

when it would suit their narrow, partisan, socialist purposes, let these committee meetings be heard in the fullness of time; in the fall of this year, Mr. Speaker, before the Parliament of Canada reconvenes. Let them even consider a joint committee between the House of Commons and the Senate and the Legislature of Manitoba to travel through because this requires the approval of this House and of the Senate and the House of Commons. Let them consider that kind of a thought. Let them hear the people; let them consider thoughtful amendments such as were presented to them today by the Manitoba Government Employees Association which will help to do away with the vexatious parts of this entrenchment.

The Premier talked, Mr. Speaker, about misinformation. He said it was being spread by the opposition. Mr. Speaker, I challenged them then, as I do now, to identify one word of misrepresentation or misinformation that I have passed to the House in the last three-and-a-half hours that I have been speaking. I challenge him, if he has the guts to speak on this debate, which he hasn't exhibited thus far, if he has the guts, let him stand up and talk about any misinformation that I have mentioned to the House tonight. It's a clear and open challenge.

When it comes to misinformation, Mr. Speaker, I ask the First Minister to tell this House openly and frankly what he said to the the Union of Municipalities President the other day, when he tried to pretend, according to press reports, that if they hadn't settled the Bilodeau case, municipal and school by-laws would have been in jeopardy. What nonsense! Has he never read the Blaikie case? He knows that the Supreme Court has already said that municipal and school by-laws are not affected by one 133 or 23, and if he doesn't know it, he should resign and get out.

Mr. Speaker, misinformation is being passed by this government and we won't tolerate it. Let him look at the Blaikie judgment, Pages 9, 13 and 23. Mr. Speaker, let him read what Mr. Penner said the other day to the CBC and let us, Sir, be ever mindful of the finality of what this resolution proposes. It's not something that we can change tomorrow - I'll finish in a moment, Mr. Speaker - The opting-out clause, at first blush at least, does not appear to be applicable to the Constitution. We can't rush this. This government has no mandate to cause an entrenched condition of this sort to be put into the Constitution of Manitoba.

I say, in my final words to them tonight, if the government cannot agree and will not agree to an intersessional committee of this House, there is an alternative that I offer to them. Let them immediately call a provincial general election on this problem, where the government will have every opportunity to put forward its case and the people of Manitoba will have every opportunity to put forward their case. Let the final judgment on this matter be that of the people, not of a disintegrating majority of a socialist government in this House.

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

**MR. H. HARAPIAK:** Mr. Speaker, I move, seconded by the Member for Thompson, that debate be adjourned.

**Tuesday, 12 July, 1983**

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**MOTION presented and carried** and the House adjourned and stands adjourned until 2:00 p.m. tomorrow (Wednesday).