



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

DEBATES
and
PROCEEDINGS

33 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 29 May, 1984.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . . Ministerial Statements and Tabling of Reports . . . Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of honourable members to the gallery.

We have 70 students of Grade 9 standing, including 35 exchange students from Quebec, from the Lavallee School under the direction of Mr. Marion. The school is in the constituency of the Honourable Member for Riel.

There are 11 students of Grade 7 to 12 standing from the Community Bible Fellowship School under the direction of Mr. Enns. The school is in the constituency of the Honourable Member for Swan River.

There are 15 students of the Adult Upgrading Extension Program from the Red River College. These students are under the direction of Mrs. Moss. The school is in the constituency of the Honourable First Minister.

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

ORAL QUESTIONS

Standing Committee on Public Utilities

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, before we proceed further in the question period, I wonder if I could direct a question to the Government House Leader.

Can the Government House Leader indicate when he expects to call the Standing Committee on Public Utilities to conclude their business? I believe we still have Manitoba Telephones before us and, of course, Manitoba Hydro to come.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I realize that we did a great deal of committee work at the beginning of this month and perhaps it escaped the attention of the Honourable Opposition House Leader that we had already passed the Manitoba Telephone System report, I believe. — (Interjection) — Then it escaped my attention that we didn't pass it. I remember we had it scheduled. We must have cancelled it; my apologies.

It would be my intention, Mr. Speaker, to call the Standing Committee on Economic Development for June 14th with respect to the report of Manitoba Mineral

Resources, the report of Manitoba Development Corporation, and that report would include the report of Flyer Industries and William Clare in the MDC report. — (Interjection) — Yes, that one is still around.

Mr. Speaker, I will be quite honest, until the Opposition House Leader had reminded me, I thought since we had originally scheduled MTS that we had finished it. It has been held, I am advised by the Minister responsible, and I will schedule that hopefully for as early as next week, if that's possible.

MR. H. ENNS: Mr. Speaker, just one supplementary question to the Government House Leader. Would he consider advancing those dates should the Session conclude before June 14th?

HON. A. ANSTETT: Mr. Speaker, if that's a promise, I'll certainly do everything I can to expedite the committee hearings. I think it's possible to do Manitoba Telephone System next week. I believe that MDC and Manfor are the only ones outstanding, other than Manitoba Hydro. We'd indicated that report would be done by the committee as soon as the Minister responsible was able to provide the House with the further information he had promised he would table with respect to the NSP power sale.

Mr. Speaker, I'm not sure that it's essential that the House be in Session for some of this committee work to take place. The Member for Turtle Mountain had suggested that Public Accounts could well be held in the fall as soon as the Auditor's Report and Public Accounts were out. So if the House were to prorogue early, or at least finish this Session early, certainly there's no reason that if there were some committee work left to be done that could still not be done before the end of June.

Government sales tax - collection of

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of Finance. I suppose I should, first of all, welcome him back from his globetrotting tour, as my colleague from Charleswood would say, rattling his tin cup around the world.

Mr. Speaker, the Minister has recently placed a cap on the amount of money that vendors, tax collectors, will get for collecting the government's sales tax, can he advise the House approximately how much additional revenue that action will return to the government?

MR. SPEAKER: The Honourable Minister of Finance.

HON. V. SCHROEDER: Thank you, Mr. Speaker, and it is nice to be back.

The estimate my department gives me on the revenue is approximately \$1.7 million annually.

MR. B. RANSOM: Mr. Speaker, a supplementary, was that amount included in the revenue estimates tabled in this Legislature with the Budget?

HON. V. SCHROEDER: Yes, it was, Mr. Speaker.

MR. B. RANSOM: A final supplementary to the Minister. Mr. Speaker, is the Minister satisfied that the corporations, the individuals who will be collecting the sales tax on behalf of the government will still be fully compensated for their costs in collecting the sales tax?

HON. V. SCHROEDER: Yes, Mr. Speaker. The matter was brought forward by my department, I believe, about four months ago. We looked at it and we looked at it from that perspective. With modern methods of accounting, there's really very little work involved in handling these accounts and, indeed, in some some other areas, for instance, in Newfoundland there's no commission allowed at all for this. We believe there are some costs. This cost of maximum \$200 a month is more generous than in most provinces of this country and we do believe that it will very easily meet the costs of those corporations who are collecting more than that. It is only affecting those who collect more than \$17,200 of sales tax per month.

Shoal Lake Environmental Assessment Panel - brief

MR. SPEAKER: The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: I have a question, Mr. Speaker, to the Minister of the Environment.

Will the Provincial Government be submitting a brief to the Shoal Lake Environmental Assessment Panel supporting the City of Winnipeg's stand, opposing the road and cottage development on Shoal Lake?

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker. I notice, Mr. Speaker, that I am next on the list of Ministers whose Estimates are coming up, and I was present there yesterday when the Member for Kirkfield Park was asking the Minister of Urban Affairs questions in that regard yesterday.

I did indicate at the time, and will reiterate now, that the province has in the past, stated its strong commitment to the quality of the water for the City of Winnipeg and reiterates that stand now, that we will continue to do so. Further to that we will answer whatever questions she wants or other members want to raise in Estimates in that regard.

All-terrain vehicles

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, my question is to the Minister of Natural Resources. There seems to be a fair amount of confusion among people in the parks as to the use of all-terrain vehicles and the use thereof. Can the Minister indicate to the people of Manitoba and to this House whether there are any regulations in place right now controlling use of all-terrain vehicles in provincial parks?

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Generally speaking, no, Mr. Speaker. The use of these vehicles, it has been considered on an individual basis on region by region, park by park. I have asked my department to have a very careful appraisal of the concerns that have been made on both sides of the issue. I know there are people that have these vehicles and they are most anxious to be able to use them where they think it's appropriate. There are others who are deeply concerned about the proliferation of these vehicles throughout the countryside. We are going to have a very careful look at it and determine where it would be appropriate for these vehicles to be authorized.

At the present time we have indicated that they are not allowed to be used in parks unless there are designated routes. Now it's been brought to my attention very forcibly that in many instances there are no designated routes for these vehicles in our park system. However, in some areas there may be forest access roads that are available for their use and we will try and evaluate our policy on that as soon as possible.

MR. A. DRIEDGER: To the same Minister, can the Minister indicate how this would affect residents who live within provincial parks and have these vehicles at the present time, what their position would be?

MR. SPEAKER: The second part of the question is hypothetical.

The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, I am not aware of any concerns of people that are living permanently in our parks. I know that we have permanent residents in some of our parks. When we have permanent residents, it does impose further complications to overall park programming and certainly if there are problems, I would want to address those. No one has brought to my attention the particular concerns of anyone that is a resident in a park on a permanent basis having that kind of vehicle and being frustrated in its use. If there are particulars, I would assume the honourable member could bring them to my attention.

MR. A. DRIEDGER: To the same Minister then. Are his field staff or his COs - conservation officers - are they issuing tickets for people who are using all-terrain vehicles in provincial parks at this time?

HON. A. MACKLING: Well, Mr. Speaker, I thought I had made it clear that what we were doing was indicating that the all-terrain vehicles, if in particular the honourable member is referring to, may not be used unless there is a designated route within that particular park or there is an area that is suitable for the use of those vehicles. If there is no area that is suitable, certainly people have been advised not to use them.

MR. A. DRIEDGER: A final supplementary to the same Minister then. How has the Minister made the people

of Manitoba aware that they cannot use these all-terrain vehicles in parks because apparently tickets are being issued now? Has he made a statement to this effect, or will he make a statement indicating where they're at with the all-terrain vehicles?

HON. A. MACKLING: Mr. Speaker, I thought I made it quite clear that we are looking very carefully at the whole question of the use of motorized vehicles in our parks and we will be making further announcements in respect to it. At the present time, we've indicated to people that have these vehicles and want to use them in the parks; they are not at liberty to use them anywhere in the park system, there has to be a designated route for them. Where there is no designated route, but local conditions would permit a use, for example, in a forestry road or in an area that would be considered environmentally acceptable, then that will be decided on a local park basis.

MR. A. DRIEDGER: Mr. Speaker, one more question. More specifically then, can the residents of Falcon Lake and West Hawk Lake use all-terrain vehicles in that area?

HON. A. MACKLING: Well, Mr. Speaker, I appreciate and respect the honourable member's persistence in trying to get a very definitive answer to a very difficult problem. Mr. Speaker, I've indicated to the honourable member — (Interjection) — Well, honourable members over there seem to have an answer for every difficult problem but for years they sat on the problems and they did nothing about them.

Mr. Speaker, all of the very difficult, prickly, Natural Resources problems were ignored by the honourable members opposite and now they think that everything should be answered with a snap answer. I indicate . . .

MR. ORCHARD: You were such a nice boy when you worked for me, Al.

MR. SPEAKER: Order please.

HON. A. MACKLING: Well, there's one admission, Mr. Speaker. It is a difficult problem because there are expectations on the part of park users that they will be able to use any vehicle they bring within the park. That is not so because we want to have that park developed for the use of all. Where a minority use may pose a problem, then we want to look very carefully at it before we make any snap decisions.

MR. A. DRIEDGER: Mr. Speaker, to the Minister. Can the people in Falcon Lake and West Hawk use those vehicles?

HON. A. MACKLING: Well, Mr. Speaker, the answer is that we are looking at Falcon Lake and West Hawk Lake and we will determine, by policy, what will be appropriate in any given area, and in that area, at the present time, I cannot give the honourable member the answer he seeks.

Campgrounds at Bell Lake and Steep Rock Lake

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Mr. Speaker, I have a question to the Minister of Natural Resources. Can the Minister confirm that his park staff at Swan River are discouraging the use of the campground and picnic sites at Bell Lake and Steep Rock Lake by not cutting the grass and providing some services?

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

A MEMBER: Things are lively over at the zoo today, Al.

HON. A. MACKLING: Well, Mr. Speaker, in respect to the specifics of the questions the honourable member asks, I have no particular knowledge. However, when the honourable members reviewed the Estimates of the Department of Natural Resources, they will recall vividly, I'm sure, that I indicated that there were some areas of small park or wayside park operations where we were taking steps to minimize the continuing drain on our funds.

There was insufficient use in some instances and we were looking at ways to minimize the losses. In some cases we are closing some of the wayside parks because it just does not make sense for taxpayers to be funding their operation. We look at alternative ways to operate them, including local community operation or perhaps private operation, but certainly we don't think that the taxpayers of Manitoba should have facilities operated at great loss to them.

Manfor Annual Report

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Mr. Speaker, I have a new question for the Minister responsible for Manfor. The last Annual Report of Manitoba Forest Resources Limited was tabled last March for the period ending September, 1982. Can the Minister indicate when the more updated Annual Report will be tabled in the House?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. STORIE: Yes, Mr. Speaker, I expect that the Annual Report will be available within two weeks.

Demonstration at U.S. Consulate - inquiry

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Yes, in answer to a question raised about two weeks ago and again yesterday by the Member for St. Norbert with respect to the cost of the ongoing inquiry into the demonstration concerning events in Grenada, the best information I have - and I believe it's very close - is that the cost is running at \$1,500 per day.

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

MR. G. MERCIER: Mr. Speaker, could the Attorney-General indicate how long he anticipates the Commission will hold these hearings, how many days?

HON. R. PENNER: No, at this stage, I cannot. The inquiry started out rather slowly but I gather it's picking up some momentum and counsel to the inquiry is confident, that using his powers of persuasion with counsel, he may be able to shorten what otherwise might have been an all too long inquiry; but I won't have a clear indication on that for about a week.

Lotteries - distribution of funds in 6/49

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. I have a question for the Minister in charge of lotteries. The Provincial Auditor in his report has indicated that the government now has in General Reserves some \$859,000 which has not been allocated for any specific purposes, funds which have been made from the 6/49 game and the funds are awaiting a final decision by Cabinet, as far as expenditures.

This \$859,000 was at March 31, 1983. Since another year has passed, I wonder if the Minister could inform what that total amount of money now sitting in this General Reserve is that the Cabinet is waiting to make a decision on.

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: I don't have the exact amount but it's well in excess of \$1 million and a decision will be made fairly soon.

MR. R. BANMAN: In light of the fact that the Recreation Facilities Grant Program which was started, I believe, when the Minister was responsible for Recreation during the Schreyer years, was carried on and somewhat enhanced by the Lyon administration, since that program has now lapsed and many recreation commissions, municipalities and non-profit groups are anxious to have some funds available for upgrading and the establishment of recreation facilities, will the Minister inform the House whether or not a program will be put in place very shortly that municipalities and the recreation commissions can avail themselves of?

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker. I would expect that, within the very near future, we will be able to announce a replacement program for the previous Recreation Facilities Grants Program that would be available to communities outside of the City of Winnipeg for similar purposes that they had in the past. I would also add that it was noteworthy that under last year's Jobs Fund there was some \$3 million that went to recreation and sport and culture facilities throughout the province, and I know that those funds went a long

way to assist the rural communities to keep up-to-date with their facilities and to expand their facilities, but we would expect that within the next while we will be able to announce a replacement program for the previous recreation facilities program.

MR. R. BANMAN: Is the Minister, in announcing a new program, will that be under the Jobs Fund or will it be a continuation of the program which has so successfully served the people of Manitoba over the last 10 years?

HON. E. KOSTYRA: The program, as I indicated, has not been announced, but it will be funded in the same way, in a similar fashion, as the previous programs have been, that is, coming out of the lottery funds under the Department of Culture, Heritage and Recreation.

MR. R. BANMAN: Is the Minister saying that monies will be transferred from lotteries to the Jobs Fund to carry on a program that has been established and that was carried on for 10 years through lotteries funds before even the Jobs Fund was available?

HON. E. KOSTYRA: I will try to say it slowly, Mr. Speaker, so that maybe the member will hear it. There will be a replacement program for the previous Recreation Facilities Grants Program out of lottery funds through the Department of Culture, Heritage and Recreation. I hope I said it slow enough for him to hear and understand.

Manitoba Marathon

MR. R. BANMAN: A final question, Mr. Speaker, to the Minister of Health. I would ask him whether or not he will be participating and running in the Manitoba Marathon like some previous Sports Ministers did to encourage the great fitness event in this province and also to help raise funds for the mentally handicapped?

HON. L. DESJARDINS: I have received many offers of proxy and I might - I am considering seriously granting this, as my sport is sumo wrestling.

Canada-Manitoba Forest Renewal Agreement

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, there were two questions that I had taken as notice.

I had taken one, but recently, from the Honourable Member for Swan River in connection with provisions of the Forest Renewal Agreement with the Federal Government and the province. He asked me whether or not there was provision for the establishment of roads in the forested areas to facilitate reforestation operations and I gave him, I think, a fairly general answer. My advice now is that there is flexibility for existing roads or trails to be upgraded for the purposes of reforestation. The agreement, however, does not specifically provide for any new roads in the forest area.

Fishing regulation

HON. A. MACKLING: I had also taken as notice questions from the Honourable Member for Turtle Mountain in respect to the proposal of a domestic fishing regulation that had been forwarded to Ottawa. I indicated to him that the policy was basically the same in that proposal as that which had been forwarded on a previous occasion by the previous administration. I wish to verify that now, however, the specific changes, refinements of the proposal I think would be more appropriate for me to put in writing to the honourable member and he would have it in full detail.

There are two areas of specific change that I could highlight at this time; one is that while in the previous proposal, under the previous administration, there was a limitation of a certain weight, there was flexibility provided in another portion of the proposed regulation to expand on that weight; the proposal that we submitted to Ottawa was a fixed amount, a fixed weight, larger in initial amount but we think much more workable. There's one other change and, that is, because of the problem that is associated with gill netting and angling, there's a provision in this proposed regulation to allow Treaty Indian people to angle for fish as well. Those are the specific changes. I will sent the honourable member a copy of the entire proposal so that he can pursue it and I would take the time up of the Legislature in answering more fully.

Canada-Manitoba Forest Renewal Agreement

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Yes, Mr. Speaker, I would like to thank the Minister of Resources for his response to my question. I have a further question regarding the upgrading or extension of the Spider Mountain Road in the Porcupine area which is in a very poor state of condition and it's very difficult for the reforestation program to proceed. I wonder if the Minister could indicate what work is contemplated in the Porcupine and the Duck Mountain areas for the coming year, making use of this federal-provincial agreement?

HON. A. MACKLING: I thank the honourable member for the question. I will take it as notice because I don't have the detail, Mr. Speaker, and I will respond another day.

Indian Treaty Land - entitlements

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of Northern Affairs. I directed this question yesterday to the Attorney-General and he suggested that I should get the answer from the Minister of Northern Affairs. The question was, has the government yet adopted a formula for dealing with the outstanding Treaty land entitlements?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. STORIE: Thank you, Mr. Speaker. That question has been the subject of, I think, at least a dozen meetings over the last year or year-and-half, and is still in negotiations as it were. As the member knows it's a very complex issue and I think will be the subject of a number of more meetings before there's an conclusion that I can report to the House fully upon.

MR. B. RANSOM: Mr. Speaker, can the Minister advise the House whether or not the government's position is based upon the Mitchell Report?

HON. J. STORIE: Yes, Mr. Speaker, as the member knows the Mitchell Report consisted of a number of meetings held throughout the province and heard submissions from a tremendous number of interest groups. I would say that Manitoba's position generally, with respect to negotiations, has very closely followed the general intent and wishes expressed by the numerous groups that presented briefs to the Mitchell Commission, and the final recommendations that were made by that individual.

MR. B. RANSOM: A final supplementary to the Minister. Mr. Speaker, specifically does the government accept the recommendation with respect to the specific formula of so many acres per outstanding entitlement per person?

HON. J. STORIE: Mr. Speaker, of course, that is part of negotiations, but I should indicate that the Treaties were signed with a specific number of acres assigned per individual or per family, so obviously there has to be some formula which follows a similar vein in finally resolving the issue about standing entitlement.

FAST Alarm Systems

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker. My question is for the Minister responsible for Manitoba Housing. Mr. Speaker, the Manitoba Housing and Renewal Corporation is currently installing the FAST Alarm System. My question to the Minister is, was the choice of the FAST Alarm System made on the basis of a study undertaken by MHRC into the various alarm services that are available?

MR. SPEAKER: The Honourable Minister of Housing.

HON. J. BUCKLASCHUK: Mr. Speaker, I'll have to get the background on the FAST proposal and report back to the member.

Home Orderly Service

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Speaker. My question is to the Honourable Minister of Health. I would ask him whether he can confirm that clients of the Home Orderly Service are being advised or apprised

and the Home Orderly Service itself is being advised that those clients will not have a choice as to whether they wish to continue taking service from the Home Orderly Service company or not in the future?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, if they are private clients and if it's a service that is not covered by the government, they certainly will have choice. If it's a covered service, well it's obvious that there won't be any duplication.

MR. L. SHERMAN: Mr. Speaker, a supplementary to the Minister. I would ask him whether he has met, as he indicated two or three weeks ago he would be doing, with the operators of the Home Orderly Service to discuss the indecision at the present time in respect to this whole program area and the transition?

HON. L. DESJARDINS: Mr. Speaker, I think that it would be correct to say that there would be meetings. I don't think I ever said that I would meet personally with the gentlemen in question. There has been many meetings. There was a meeting in my office again today with staff to be able to respond to some of the questions that were asked of us and we hope that there'll be some kind of a settlement to satisfy everybody fairly soon.

MR. L. SHERMAN: A final supplementary, Mr. Speaker. Can the Minister offer any assurance to employees of Home Orderly Service who have achieved or accomplished some expertise in the field of delivering that kind of service, some assurance to them as to their job security in the future?

HON. L. DESJARDINS: Yes, Mr. Speaker, the intention is certainly to offer all those people a job, then in many cases there would be further education and they would have to qualify, but the intention is certainly to protect all their jobs if they want them and if they can qualify.

Manfor Financial Report - availability of

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, this is a question to the Government House Leader. I would ask him to undertake to make every effort to have his colleague have available to members of the opposition the last year's financial report or annual statement of Manfor prior to Manfor coming before the Standing Committee?

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I will ascertain from the Minister responsible for Manfor as to the availability of that report and, if it can be made available prior to the committee hearing, we'll ensure that is done.

Careerstart statistics

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Yes, Mr. Speaker, my question is for the Minister of Employment Services. Last week, during the Estimates, he indicated that he would provide in a week's time the comparable statistics last year and this year of Careerstart in my region. Would the Minister have those figures available?

MR. SPEAKER: The Honourable Minister of Employment Services.

HON. L. EVANS: Thank you, Mr. Speaker. I spoke to my staff about that matter this morning; I understand they're still being prepared and, as soon as we have them, I'll be pleased to make them available.

Tuning in to Health Program

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: My question is to the Honourable Minister of Education. I would ask her whether, following the abortive and unsuccessful experiment a few years ago with a preventive alcoholism dependency program for the schools entitled "Building the Pieces Together," which subsequently was scrapped, Sir, to the enthusiastic response I think of most members on this side of the House, an Education Advisory Committee was developed to develop a new, preventive program to go into the schools. I believe that program is called "Tuning in to Health." It has been prepared. It apparently is gathering dust on shelves somewhere. I would ask the Minister whether that program is going into our schools or not, or whether it's going to be on the shelves until it becomes outdated.

MR. SPEAKER: The Honourable Minister of Education.

HON. M. HEMPHILL: Mr. Speaker, in the recently announced new health program, we announced two optional units. One was on family life and the other was on drugs and alcohol education. This unit has been prepared by the Department of Education and the Alcohol Foundation of Manitoba. It does not resemble, nor does it have any of the elements that were contained in the Building the Pieces Program, but it is a unit that deals with very important information for children about the effects of drug and alcohol use.

It is presently being piloted. It has been and has received very good response from the field. There is a lot of interest in it. It is an optional program and school divisions are in the process of reviewing the curriculum and deciding on implementation of it as an optional unit.

MR. L. SHERMAN: I thank the Minister for that information. I would ask her whether it's the department's intention to continue it in an optional category or an optional capacity, or whether there will be a return to the efforts and the initiatives that used to be undertaken under the old Alcohol and Drug Education Service, to take preventive alcoholism training into the schools, not optionally, but as a regular extra-curricular form of instruction?

HON. M. HEMPHILL: As I said, it presently is an optional unit but there is a great deal of interest from school

divisions to implement the program. I think we have to be practical. In terms of mandating the program right now fairly recently after the curriculum has been developed, would cause some problems because school divisions need time to prepare their teachers; they have to have professional development programs for their teachers so they understand the material and they know how to deal with it and it would take time anyway.

I suppose what I'm saying is that the program has a lot of interest in it. There has been some suggestion and perhaps the only criticism in that option has been that it has not been mandated. The reason is that it's going to take a certain amount of time to implement new curriculum anyway. I think that most divisions are going to choose to implement and it's just important that they prepare adequately to put the program in place.

Ice storm - clean-up costs

MR. SPEAKER: The Honourable Minister of Government Services.

HON. A. ADAM: Thank you, Mr. Speaker. Yesterday I took a question as notice from the Member for Arthur, which he requested. He wanted to know what municipalities had been contacted in regard to the storm at the end of April.

I took that question as notice and I can advise the honourable member and the House that the R.M. of Roland, Portage la Prairie, Pembina, Grey, Dufferin, Stanley, Thompson, Town of Morden, Town of Winkler and the Town of Carman have all been contacted - those are the municipalities in the brunt of the storm - and forms were sent out to them on May 3rd, which was just a few days after the storm occurred.

There may be some peripheral municipalities that are not included in my statement today but the forms themselves are not that important. An ordinary letter with specifics on it can be sent to the Minister or to the Manitoba Disaster Assistance Board.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, a question to the Minister of Government Services. Can he just clear up for the people out there, for the electorate, for the farmers, will the government be paying compensation for livestock lost during that storm?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. A. ADAM: Mr. Speaker, I have indicated that anyone who has suffered damages that are not covered by insurance, that they should forward those damages. They will be reviewed and dealt with as they have in the past. I had indicated yesterday, if the member was present, I indicated that we were looking at guidelines to apply to that unique storm that we'd had at the end of April which was different to what we normally have and that those guidelines, once they have been completed, that we will be going to Cabinet for Cabinet review; and once Cabinet has made a decision on

whether it constitutes a disaster - and it appears that it does - once Cabinet has made a decision, announcements will be made in due course.

MR. B. RANSOM: Mr. Speaker, has the Minister personally made a decision? Is he supporting the concept of paying compensation for livestock lost during the storm?

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, I'm sure the Member for Turtle Mountain is aware of the fact that asking for the contents of recommendations that a Minister is making to his colleagues in Cabinet is not appropriate in question period.

MR. B. RANSOM: Mr. Speaker, a question to the Minister of Government Services. Does he think that farmers should be compensated for livestock lost during the storm?

A MEMBER: Good question.

MR. SPEAKER: Order please. The question asks for an opinion. Would the honourable member care to rephrase that to ask for information.

Students - placement of

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of Natural Resources. The Minister may undoubtedly wish to take this as notice.

Can he advise the House whether or not the Parks Branch is employing fewer students and part-time employees this summer than was the case last summer?

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: I'll take the question, the exact detail, as notice. I think it's possible for me to indicate that we have tightened the time frame in which we've had term or student employment, so while the actual numbers of students may be relatively the same, maybe a few more or a few less, in total we have saved considerable money by a shorter working period. That is, we've hired some of the staff - yes, and I reviewed this in my Estimates - hired some of the staff somewhat later or having them terminate somewhat earlier than we have in the past where we thought that the workload would permit those economies of operation.

MR. B. RANSOM: Mr. Speaker, can the Minister indicate whether or not students who were employed last year with Parks Branch and who did satisfactory work and who apply again this year, have their reasonable expectation then that they will be rehired, that the same number of jobs indeed exist, although they may be for a shorter period of time?

HON. A. MACKLING: That would be a reasonable assumption, Mr. Speaker, but the exact details I would have to, as I've indicated, take as notice.

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

INTRODUCTION OF GUESTS

MR. SPEAKER: Orders of the Day. Before proceeding, could I direct the attention of honourable members to the gallery.

We have 15 students of Grade 5 standing from the Cranberry Portage Elementary School. They are under the direction of Mrs. Fidiarchuk. The school is in the constituency of the Honourable Minister of Northern Affairs.

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

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, I would propose our first item of business to be the Report of the Standing Committee on the Rules of the House in Committee of the Whole, Sir. I'm not sure how long it will take to consider this report, Sir, and I would therefore ask for leave to sit if necessary through Private Members' Hour this afternoon in Committee of the Whole. If we have that leave, Sir, I would then move that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the Report of the Standing Committee on the Rules of the House, received by the Assembly on April 30, 1984.

MR. R. DOERN: Nay.

HON. A. ANSTETT: Mr. Speaker, I believe I heard a nay, not clear. I would ask then that the House have leave to sit through Private Members' Hour.

MR. R. DOERN: Nay.

MR. SPEAKER: Will the Page bring up the motion?
Is leave granted to have the House sit in Committee during Private Members' Hour?
Leave has not been granted.

MOTION presented and carried and the House resolved itself into a Committee of the Whole to consider of the Report of the Standing Committee on the Rules of the House received by the Assembly on April 30th with the Honourable Member for River East in the Chair.

COMMITTEE OF THE WHOLE HOUSE

REPORT OF THE STANDING COMMITTEE ON THE RULES OF THE HOUSE

MR. CHAIRMAN, P. EYLER: Committee come to order. We are considering the Report of the Standing

Committee on the Rules of the House. The copy of the report is being circulated to members.

The Member for Virden.

MR. H. GRAHAM: Thank you very much, Mr. Chairman.

Today we are dealing with the recommendations of the Rules Committee and I think before we go any further it's only fair to indicate to the Government House Leader that members on this side have been somewhat reluctant to agree with the proposals that are being put forward. I think it would only be fair to now ask the Government House Leader if the government is considering any changes to the recommendations that are in the report, and if they have any suggested changes they would be prepared to give them to us at this time.

MR. CHAIRMAN: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, thank you, Mr. Chairman.

With reference to the question asked by the Member for Virden, the rules as proposed, under new numbers; 10.(3), 10.(4) and 10.(5) recommended by the Standing Committee on the Rules of the House, we recommend to the Committee of the Whole and believe they should be passed as presented to the House by the Standing Committee on the Rules of the House.

Some concern was raised, however, Mr. Chairman. I believe about two weeks ago during the taking of a division in the House and subsequent to that by members during debate on the Referral Motion, that the rights of the Chairman in a Committee of the Whole to exercise the same powers as the Speaker in the House were in some way limited and I had said at that time that if such a further amendment to clarify that was required, we would be prepared to move such an amendment.

I believe the Opposition House Leader has received a copy of the communication received from the Clerk of the Assembly advising that he was of the opinion that such an amendment was not necessary. I've discussed this with the Opposition House Leader and he concurs with that opinion, so we will not be moving an amendment in that regard. We are of the opinion that Sub-rule 64.(1) . . .

MR. CHAIRMAN: Order please.

The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Chairman. Sub-rule 64.(1) is adequate to designate the Chairman in all Committees of the Whole with the necessary authority vested in the Speaker under proposed new Rule 10.(4).

However, Mr. Chairman, during the consideration of the new rules in the Standing Committee on the Rules of the House, a suggestion was made by myself that provision could be made for an additional rules change which would provide a minimum guaranteed period of debate for constitutional amendments.

There have been some consultations with members opposite on this question and I am prepared to move an amendment which will accomplish this at the conclusion of the Committee's consideration of Rules 10.(3), 10.(4) and 10.(5), to add that and I will speak in more detail on that proposal at that time.

MR. H. GRAHAM: Well, Mr. Chairman, we have to say with regret there seems to be a sort of intransigence on the part of the Government House Leader with respect to the issue of bell ringing here. There doesn't seem to be any change in the government's position at all. We have pointed out to him on numerous occasions what we consider a total lack of concern that should be addressed to this issue. We feel that the issue is not really an issue that the government, in fact, is trying to blow the whole thing out of proportion and make an issue out of bell ringing. Mr. Chairman, it's interesting that they are trying to make it an issue.

In fact, Mr. Chairman, I think the facts that have been recorded point out that any bell ringing that took place in this Assembly in the past year has been done in accordance with the rules, if not the rules, the agreements that were reached and if the members think otherwise, they had better go back and check the records, because the bell ringing that took place that appears to be the issue that the Government House Leader wants to bring forward was in accordance with an agreement that had been signed by both Government House Leader and the Opposition House Leader. So to see the government bringing forward these changes now indicates to me that either the present Government House Leader has no faith in the activities of the former Government House Leader, and if there is any internal differences between the two of them I think it should be settled privately and not be an issue to be raised in the Rules Committee.

The members on this side of the House in the last Session - yes, the bells rang for several days - but at no time did that bell ringing exceed the agreement that had been reached by both government House Leaders, at no time; so for the honourable members to think otherwise is not in accordance with the truth. The Honourable Minister of Government Services, I suggest to him he should check the record. He believes what somebody tells him and, if he says it often enough, he begins to think it's the truth.

It's a strange thing, Mr. Chairman, that we should be dealing with an issue that really arises because of an agreement that had been signed by both sides of the House. So I fail to see the validity of any need at this time to introduce 10.(3) and 10.(4) and 10.(5). I think it would be in the best interests of the parliamentary system, in the best interests of democracy, and in the best interests of both sides of the House if we did not proceed at this time with Sections 10.(3), 10.(4) and 10.(5).

Once again, I would ask the government to consider carefully and probably think again before they proceed in a unilateral manner, trying to leave the impression that somehow bell ringing, even though it was in accordance with the agreement of both sides of the House, is something that requires a change in the rules.

If they think that the agreement was too long, then I suggest, Sir, that 15 minutes is probably too short. I think there could be a ground somewhere between 15 minutes and two weeks; but you have to remember that the original agreement - and it was one that was not asked for from this side of the House, it was one that was offered from the government side - for a two-week time limit on bell ringing that was offered gratuitously by government. It was not asked for from this side of the House.

Mr. Chairman, I can only go on the report from my House Leader at that time, and I believe very strongly in what he told us, that the two-week time limit on bell ringing was not asked for by him. So I have to say, Mr. Chairman, that if the government wants to change an agreement that they themselves had proposed, then there should be some attempt at consensus or there should be a consensus arrived at before any change takes place.

I know there are other members that want to say something on this and I look forward to probably taking part in this later.

MR. CHAIRMAN: Are you ready for the question? Clause-by-clause.

The Member for Elmwood.

MR. R. DOERN: Mr. Chairman, I don't support the proposal that is being put forward by the government, the one that's before us or the one that is being now talked about, that there is an amendment forthcoming, I assume this afternoon, to allow a block of time in the sense of a two-week period of time for debate on constitutional questions.

I am now looking at the House Leader. I assume he is going to make that amendment this afternoon if he gets an opportunity. Is that the case? Perhaps I could just ask a question of the House Leader and then I could make my comments.

Did he indicate that he is going to, assuming passage of this or conclusion of debate this afternoon, is he going to then move an amendment to provide a two-week period on constitutional questions and then that question would also be debated today?

MR. CHAIRMAN: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Chairman, what I advised the House was that I proposed to move at the conclusion of debate, on proposed new Rules 10.(3) to 10.(4), the clause-by-clause provisions in the centre section of the Rules Committee Report, those that must be concurred in, to move a new rule respecting a guaranteed minimum time for discussion on constitutional questions. That rule is not yet before the committee but there will certainly be ample time, if that first question passes today, to then move that and engage in debate on that question.

MR. R. DOERN: Well, Mr. Chairman, we'll have an opportunity to debate that when that arises. But, for the moment, in terms of the proposal of the government to allow a maximum of 15 minutes on bell ringing and then the possibility of additional time as decided by the Speaker, followed by a potential maximum of 24 hours on bell ringing, this matter cannot, of course, be taken in isolation. It's a problem for legislators to make a decision on this question in isolation. It will be more interesting, I think, when we see the matter put in terms of a two-week period and then when I, as a private member, have an opportunity to also discuss the possibility of a new constitutional amending procedure.

But in regard to what is before us this afternoon, it is an error, it is a mistake to consider this section in

isolation and that, of course, has been the tactic of the Government House Leader and of the government to attempt to say to the people of Manitoba and to the media that we are discussing bell ringing and that it is a terrible thing that has occurred in this country, both in the Federal House of Commons and in the Manitoba Legislature; that the Conservative Party, in particular, has resorted to the use of bell ringing to bring parliamentary business to a standstill or to kill or delay or frustrate some legislation that the government was proposing.

Now I don't care, Mr. Chairman, to comment on what went on at the federal level. I say, only in passing, that it's interesting to note that the New Democrats in Saskatchewan found it necessary and desirable to use the same tactic in regard to another problem that was encountered there.

Mr. Chairman, my point is as follows: For years in Manitoba, for decades in Manitoba, we have had a system that works. That is, we have had a system that did not necessitate the placing of a time limit on bell ringing. The bells rang sometimes for a few minutes and sometimes for a few hours, but normally it was for the convenience of the government. All of us who have been here more than one Session know that the moment the bells start to ring, you start getting ready to go to the House, that's the procedure. The first ring of the bells, it means wind up your business and get prepared to go the Chamber for a vote and there has never been a problem with that.

The problem, of course, usually encountered is that the government on occasion had difficulty in mustering a majority. We saw that only about a week ago in this House where the government didn't have enough members handy to carry a vote on the Attorney-General's Estimates, and so it was the government that was stalling and the opposition was co-operating to allow a vote to take place. Mr. Chairman, the system has worked well. There has been no need to change it.

Now, we have reports being prepared and information being circulated to the Rules Committee on bell ringing limitations in Canada. When one focuses in on this, and I'm looking now at material that was handed out a month or so ago about bell ringing limitations and rules and incidents and agreements and statement of the Honourable Jeanne Sauve when she was Speaker of the House of Commons, and it gives a total breakdown of 15 minutes in the House of Commons; 8 minutes in Alberta; 2 minutes in British Columbia - which one of my seat mates suggests is ridiculous, and, of course, that is ridiculous because to get from the farther reaches of this building, assuming one's on the telephone or speaking to somebody and to simply leap up and move towards here does take several minutes at the very least - Newfoundland has 10 minutes; North West Territories 15; Nova Scotia, a reasonable length of time, but in no event longer than an hour; Ontario, not more than 5 minutes on some, 10 on others, not more than 20 on Standing Committees, and so on.

Well, of course, that is a problem. The Minister of Health isn't in this building and the Minister of the Environment, so they have to put on their sneakers and jog over. That is a difficulty.

Prince Edward Island, 5 minutes and Quebec is a decision of the Speaker. So, Mr. Chairman, that is

interesting. Saskatchewan rules are silent; Yukon not less than 2 or more than 5 minutes.

Okay, this is all very interesting information, it's all helpful, and it puts things in perspective, doesn't it? No, it doesn't. What it does is, it talks about bell ringing in isolation from business in the Legislature. It simply takes out one portion of the entire procedure and looks at it in isolation. I suggest to you, Mr. Chairman, that that then provides a distorted picture of what we are discussing, because we are not discussing bell ringing, we're discussing an amendment to the Constitution. That is the broader context, that is what is implied here, and that is what the government doesn't want to talk about.

The government wants to talk about a device used by the opposition and the Conservatives in particular, but supported by the two independents in this House, and more important than that, supported by the people of this province. The Conservatives didn't decide to suddenly start ringing the bells because they liked the sound. They rang the bells because they were being supported by the public, encouraged by the public to carry on.

Mr. Chairman, if you look back over what happened in terms of the last few months, you see just an endless stream of headlines. I'm looking at some examples here; January 19, "Tories seen teady to end bell ringing"; January 17, "Tories walk out on language issue." Oh, here's a bad one; March 14, "Taunts NDP with bungling battle." Then, further on; February 26, "NDP split on when to pull the plug"; January 31, "Tories decide to let division bells ring after negotiations for truce break row"; February 21, "Tories will just let them ring. Farther on January 11 again, "Tories let bells ring over procedure disputes," and a second headline, "NDP faces renewed criticism from Conservatives, Doern, over French language plan." I didn't see Scott in there, but I did see my own name. Finally, a column "Under the Dome" on February 7, "Let the bells ring is the Tories' battle cry."

I don't know how many calls the Conservative caucus room got, I don't know how many letters they got but they had, I would venture to say, thousands of calls from people telling them to let the bells ring. If the government doesn't know what bell ringing is all about, the public did and the public still does understand what it's all about. I have to tell you quite frankly that the public is watching this debate very carefully, and one of the questions in the public mind is, if the government's going to try a 15-minute limitation on bell ringing, what is the opposition going to do about it? The public is worried that if the government gets this through, sooner or later we'll be back to square one where the government will pick up the bilingual ball and run down the field with it in an attempt to get it over the goal line. — (Interjection) — Well, I don't know. One of the Conservatives says surely they're not that stupid. Well, we'll have to see; actions speak louder than words.

But there still are, I'm sure, people on the other side, including the last speaker, whose dream is to create Manitoba as a bilingual province, who wants to be the new Father of Confederation and who had that dream to appear in those photographs, the Attorney-General with the Premier, Serge Joyal, Mark MacGuigan and Prime Minister Trudeau in that famous photograph never

to be taken on the front steps of the Legislature, signing that document, restoring rights that have been restored, and making improvements in language services and language rights and going down in the Manitoba history books as enlightened small "I" liberals unlike the rednecks, the bigots, the fanatics and all the rest of it that they saw behind every bush, under every bed and every time they went outside this building. So that is the context, Mr. Chairman.

What I think is lacking in this debate and lacking in the research is information on what other provinces do in regard to constitutional amendments. I don't want to know about bell ringing limitations in Ontario and Quebec and New Brunswick, I want to know about constitutional procedures in those provinces and then we'll look at them together and then we'll decide whether, if we have such and such a procedure, we can then consider something in regard to bell ringing or other legislative procedures. — (Interjection) — Well, now there's a good suggestion. The Member for Swan River says that it would be a good topic for a First Ministers' Conference. It certainly would be an interesting topic, a topic of debate at a Parliamentary Conference as well. Some of you are going to the Commonwealth Parliamentary Association Conference. That should be a topic of discussion and debate, to find out what is being done across the country and to clear up some of the problems and some of the misinformation that is about, and the misinformation is unlimited, it's absolutely unlimited.

Gordon Fairweather comes rolling in here, a former Conservative, on April 6th and it says, "Rights chief decries Tory tactics." Fairweather says, "Bell ringing halt to language debate abuse the system." Well he was a good Conservative, Gordon Fairweather is a . . .

A MEMBER: Still is.

MR. R. DOERN: . . . Still is. He's now in the human rights field and he felt because I'm sure - I can't read his mind - but I assume that he was in favour of the government's position. Therefore, starting with that, he said why didn't it carry? And he was told the reason it didn't carry was because they were using the bells to frustrate the government.

That's a short-handed answer; it's not the real answer. The real answer is that in a Legislative Assembly the opposition has the right to block debate, filibuster, amend, defeat, government legislation; and the other factor is that the public have a right to be involved in the democratic and the parliamentary process. The public cannot come in here and vote; the public cannot come in here and stand in the galleries, although there were many hundreds who did for a long period of time, and give their particular opinion, but they can tell their elected members what they think, and that is not only their right, but it is the duty of the elected members to listen to the public in general, and their own constituents in particular.

Mr. Chairman, the Gordon Fairweathers of this world, fine spirited people as they may be, are ignorant and uninformed as to what transpired in this province. Now the Attorney-General laughs. Well, of course, he laughs. Laughing at your own jokes?

HON. R. PENNER: No, I'm laughing at what I'm writing.

MR. R. DOERN: Oh, that's fine. Mr. Chairman, the point is this, that if we hadn't had the existing system in place in Manitoba from 1983 to 1984 Manitoba would now be officially bilingual. That is the fact of the matter.

A MEMBER: Heaven forbid.

MR. R. DOERN: You see, I think that would be a tragedy, that would create problems. The Minister of Health thinks that would be great and the House Leader thinks that would be great. They want Manitoba to be officially bilingual . . .

HON. R. PENNER: So did you, that's your position.

MR. R. DOERN: Mr. Chairman, the point is that because they have that as a starting position, they want to set up the rules so that they can achieve that purpose.

The Attorney-General says to me, isn't that my position. No, it's not my position. My position is that the people of Manitoba are very friendly people; they are very enlightened people; they get along with their neighbours and they don't have any problems with people who are French speaking, and that there have been significant changes and improvements made in the province in regard to services for French-speaking citizens, all kinds, going back to the Roblin days when there were big improvements made in education, including the Schreyer era, including the Lyon era, when the legislation was brought in in 1980, and that there could have been, and should have been, similar improvements made in the time of the Pawley administration, but there were people there . . .

MR. CHAIRMAN: Order please. The Honourable Government House Leader on a point of order.

HON. A. ANSTETT: Mr. Chairman, as you're aware, I'm sure, Mr. Speaker has ruled out of order debate on a resolution before this Assembly which would have revived the debate held during the last Session with respect to the question of French language services which was debated here.

Mr. Chairman, the honourable member now speaking appears, again, to be attempting to revive that debate. I would draw your attention, Sir, not only to Mr. Speaker's ruling of some three weeks ago, but also to our Rule 64.(2) which says, "Speeches in Committee of the Whole House must be strictly relevant to the item or clause under discussion."

A MEMBER: Right on.

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

MR. R. DOERN: Mr. Chairman, just on the point of order, I believe my remarks are relevant. If I have strayed at any time it was with the encouragement of the House Leader himself, the Minister of Health and the Attorney-General. They are feeding things into the debate which I think have necessitated a response. Mr. Chairman, I'm making the central point and have been trying to make it, that this whole discussion that's taking place, this whole exercise that's taking place is a smoke screen; it's an absolute smoke screen.

We're debating bell ringing when what we should be debating is Constitutional Amendment in the context of The Manitoba Act.

MR. CHAIRMAN: Order please. Is the Member for Elmwood still speaking to the point of order?

MR. R. DOERN: No, I'm now making my speech, Mr. Chairman.

MR. CHAIRMAN: I would remind all members that the debate in the Committee of the Whole is to be relevant to the clauses under consideration. The degree of relevance may vary according to different members' opinions, however, I would also remind members that certain elements of the constitutional issue are under review by the Supreme Court of Canada and members ought not to refer to those aspects which are before the courts at this particular time.

The Member for Elmwood.

MR. R. DOERN: Thank you, Mr. Chairman, for your encouragement. The point I'm trying to make is — (interjection) — moral support, if not political support.

Mr. Chairman, the point that I'm trying to make is - and I'll make it for the third time - is that bell ringing must be directly attached to constitutional amendment, whether it's in regard to French language services, rights or any other constitutional amendment, because we have to not only set a procedure for current problems, but for future problems and for future Legislatures; and what we decide now will bind and tie those who come after us. We're only a year or so away from a provincial election and we want to make certain that if we're going to make a decision on rules changes that we do so in the proper context, not in isolation, however splendid that may be.

So I'm simply saying, Mr. Chairman, on that first point, and I'll conclude here because there are several other points and there'll probably be several other speakers and I'd like to speak on some of the other portions of the proposal. On the 15-minute proposal, which is in fact the rule, there are certain exceptions that are going to be suggested, but on the 15-minute rule, it is completely deceptive and erroneous and misleading for the House Leader, or the government, to suggest that they are remedying a procedural problem in the Manitoba Legislature, namely, that there is no limit on bell ringing; and, namely, that for a variety of reasons, the opposition recently began to employ that procedure, because that only tells one portion of the story. It's like the tip of an iceberg.

I say that you are confronted with the following problem: either leave the present system alone, and I think that it could be strongly argued that that should be the case and, in fact, that is my position. Leave the present system alone or, if you're going to tamper with the present system, you must do so in the context of constitutional amendments, you cannot separate one from the other. You certainly cannot do so when you start at this end.

If you want to talk about the constitutional procedure amendment, fine, we can do that; but if you're going to just start with this procedure and make changes and then, later on, consider changes to the

constitutional amending procedure which is a very very heavy topic, a very significant topic, then you're making a mistake.

The public I tell you, Mr. Chairman, is nervous about this and I am nervous about this. I believe the Conservatives are also nervous about it. I can see the Conservative House Leader is twitching away right at this very time. He's concerned about what could result from an abuse of this particular system.

Mr. Chairman, it will be interesting to hear other opinions, but I can tell you that if this passes today, in its present form, then the first question that we will be asked as we leave this building and go into our constituency is why didn't you fight it to the bitter end? Because that's a question that we're going to have to answer; why didn't you carry on in terms of the debate, in terms of using bell ringing, in terms of amending this, in terms of fighting it to the nth degree, because the man on the street is far from stupid. The man on the street knows that if the government has this weapon then it's only a simple step to reintroduce the same provisions that were thrown out and to put them through the Legislature and there is only a very very very small number of people in Manitoba who want that to happen.

Mr. Chairman, the way things are structured right now, I think we should continue our present system and I, like others, am willing to look at new constitutional amending procedures, and I have, in fact, proposed one myself.

MR. CHAIRMAN: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Chairman, I don't intend to speak too long but, nevertheless, I think that something should be said after listening to the last two speakers.

I will not follow the example of the last speaker and I'll try to stay on the subject and not discuss the question of the merit of bilingualism or the merit of more French services, but talk about the changes that we have in front of us. I thought during all this discussion that we had a few months ago, I thought that the question of the future of democracy was much more important at the time, I must admit, than the question of French itself. I thought that what was happening was endangering democracy in this country and the situation, Mr. Chairman, is that the members here in this House have been here a number of years, some longer, some for a shorter time, and this was the first time that we had that kind of bell ringing, that a member of a minority opposition successfully paralyzed the work of the House.

Democracy is you are elected and in this country, it's for a number of years. The situation is that the government must accept the responsibility of governing and they will have to pay for their actions if the public does not agree with what they have done.

The situation we've heard an awful lot about in this debate, we've heard an awful lot about the question of closure. Well, all right, closure is legal; closure is something that can be used by a government. It is not something sinister, it is something that is written in the rules, and it is something that can be used by a government, any government, and they in turn, if they do not use this wisely, they will have to pay for because

they are responsible to the public on that. But the most important thing is this government, any government, must be allowed to govern. It's as simple as that. We could bring in all kinds of red herrings; we could talk about everything else.

The question is that, as far as we're concerned, it is something that in all the years that I've been here, that any other members have been here, it was never used. Can you imagine in the days of Roblin if we would have got away with that in those days, or Campbell, or Schreyer or anybody else. All of a sudden, there was a way to paralyze. The House Leader told us that we didn't have the guts to do anything about it, he was very, as is his custom, he's outspoken and he tells it the way he sees it, he said that he would have shut the bells off himself and it wouldn't have taken very long. That is the important thing.

Now, I don't even want to discuss the wisdom of having used closure. The point is, closure is legal, it's there for a purpose to do exactly that. Somebody said, you'll defend it to the bitter end, but there has to be an ending because, if that was the case, can you see the opposition, any time that they want or when the polls are favourable for them, ring the bells and force an election. The people couldn't get paid and you'd have to go to the public; that is not our system.

You're here for so many years, it has some value. People are saying, well that's not what the public wants. Let's not be naive, how many of us have discussed that in our caucus and said, all right bring the tough things in the first years, if you have to bring taxes and so on. We see that all the time, we saw the former government, in the last year, when they told us they turned the corner, all of a sudden, they were throwing money for the programs that they had frozen. That is customary and there is nothing wrong with that. The public are not that naive, they can see between that and that it is the right of any government to go ahead with that.

Now we hear an awful lot about referendum. Well I don't think it's that clever to follow the referendum and to rule by referendum on any case. I do not subscribe to the theory that a referendum is always 100 percent right and that the people are always right. I will quote to you something that happened just lately, a few weeks ago, and you tell me if you approve of this. When this massacre took place in the House of Commons in Quebec, if you remember. Here I'll start quoting from Macleans of May 21st. "Meanwhile in Quebec, the strain on the social fabric of the province in the aftermath of the massacre was clearly evident. In a radio poll conducted shortly after the incident, CFCE, an English language radio station in Montreal, asked listeners if they expressed sympathy with the gunman's desire to destroy the P.Q. 76 percent of 1,268 callers said yes."

That is a referendum, Mr. Chairman. There's our referendum; that is a sample of people call the same way. That is putting the question the way you want to put it. Does that mean that the majority is always right? As I mentioned, and it was mentioned in this House before, we would still have slavery if we had waited for a referendum for a majority of the people at the time to go ahead and say, well, all right is that what we want a civil war. But anyway, the system is that the government will have to answer for its actions, but it is absolutely wrong to think that there should be - and

the last member that spoke said I want things left the way they are, in other words, they can ring the bell anytime that they are not satisfied. Two people could do it. You're talking about the majority, there could be two or three. I guess it's three that have to, or let's go to make sure, five which constitutes a party. One party could say, no we're not going to go for that and they could ring the bells forever and a day.

Now what is this all about? You know you have a debate and then you're calling for the vote. The debate is finished and the bell ringing, when that was started, is just to give a chance for the people to come back and vote. The vote has already taken place, this is a recorded vote so everybody's coming in to show how he voted, not to start another debate. In this instance, how many months had we been debating this? There's another point I want to make because it said, well, this is different, this is the Constitution.

I remember in 1980, and quite a few of you were sitting here in 1980, when there was a different government, there was discussion with the Premier of other provinces and the Federal Government. Did we get a White Paper? Were we consulted in any of the discussion that they took care of the future of the Constitution and made changes? Did we get anything in opposition? Not a single thing. A decision was made; a decision was announced. There were even pamphlets printed. Then, as an afterthought, when we said, what about the public, there was a committee started with the decision already made and it was very clear. That's all it was; that's exactly all it was. The government took the responsibility in many of these discussions with the Premiers on the constitutional thing, and on the B & B discussion a few years ago, and the decision was made by the Government of the Day. That's exactly what happened in 1980, they didn't ring bells forever and a day and they didn't give us a chance, there wasn't a referendum in Manitoba for that.

So the important thing, as I say, I think we can make this very simple. You can talk about the closure all you want, it might be wrong, but it is a legal instrument that can be used and it's up to the government to use it wisely or they'll pay dearly for it.

The referendum, as I said, well, I think that's very clear. I don't think there are too many of us that believe that we should rule by referendum; there are not too many of us that do that. So, in effect, this here is dealing with democracy and protecting the future of democracy because you can't have it any other way. If you leave it the way it is, as the last speaker suggested and encouraged us to do, you can have four people in this House who might decide to paralyze Parliament or the government here . . .

A MEMBER: That's nonsense.

HON. L. DESJARDINS: It is not nonsense. It is not nonsense because my honourable friend said that he would like to see it the way it was, and the way it was you could have rung the bell forever and a day, which you did.

A MEMBER: Did not. Two weeks, I should know.

HON. L. DESJARDINS: That is not correct and you know it. That was not lived up to and we were told

that you would not live to that commitment. We were told by your people, by your front bench that you weren't going to go along with that at all.

As I said, with all the discussion that you had, there was plenty of discussion, it was just a vote and the members of the opposition said we will never let that go. You had a government that was just as adamant in passing this thing, but the majority could not go ahead, the people that were duly elected could not go ahead and legislate because the minority had this thing that was never provided for and it's not in our rules. It is something that was never allowed; in the 25 years that I was here before that it wasn't allowed at all. It is not the purpose, the call, to have the bell ringing. The bell ringing is to call the people that want to come and vote and be on the record because actually they have a vote before that and the discussion is finished and there is no debate after that.

So I think that we've got to go along with this; I think that we have to do that or we're endangering democracy. If we were wrong in bringing legislation, of course, we'll have to face the public; and if we are wrong in bringing closure, as you call it, of course we will have to face the public, but at least we will not destroy democracy as we know it, the way it was going on in the last few months with this — (Interjection) — Eh? Democracy is the opposition paralyzing government. Well, that's a funny kind of democracy from a former Speaker. Of course, the former Speaker, we talked about the Speakers, we remember the Speaker who used to look to get his direction from the Premier at the time. That was supposed to be an independent Speaker also.

MR. CHAIRMAN: The Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Chairman. The Minister of Health has used some selective memory lapses in his address to us just this afternoon. One of the things he said, which is particularly upsetting, is that he said no one in this House wants rule by referendum, but yet there are 32 members on his side of the House last year that passed the referendum ability that allowed a referendum on the language issue to be held in this province.

Now, Mr. Chairman, this group over here allowed the referendum to take place for the first time in the history of the Province of Manitoba at the time of civic elections, and he stands up now, today, and says we don't want rule by referendum, but yet he gave it to the people in Manitoba.

The problem, Mr. Chairman, was that group over there, who purport to be government, were caught by the MLA for Inkster and you, Sir, Mr. Chairman, who wanted a referendum on nuclear disarmament. I posed the question to the Premier when we were debating this amendment to The Municipal Act to allow referendums, I said to the Premier, during question period, I asked him: Will this new ability allow municipalities to put the question of abortion on the Fall ballot as a referendum question to the people, because abortion involves the killing of innocent people just as nuclear war does? The Premier said, well, we'll find that out when it happens.

They were warned by questions on this side of the House of the dangers of putting that kind of ability for

public referendum on The Municipal Act, and now the Minister of Health stands up and says: We don't want government by referendum. He said no one would want rule by referendum. — (Interjection) — That's what you said just a few minutes ago; that's what he said.

Mr. Chairman, he was one of a Cabinet and 32 members of government that allowed legislation to be amended to allow referendums in this province. That's part of the selective memory that I want to talk about this afternoon. The Minister of Health this afternoon said that governments paid for their mistakes and, therefore, when they are elected they should have the ability to carry out their legislative mandate, whatever it may well be.

A MEMBER: You're talking about the mandate, I know why you're doing that.

MR. D. ORCHARD: Mr. Chairman, I will allow the Minister to get up and correct himself if he didn't say that governments pay for their mistakes, the inference being that if they do something wrong at the end of four years they don't receive the confidence of the people and they are booted out of office.

I say that is right, that is the way democracy works, Sir. But when you have a constitutional amendment which no future government can change, or the likelihood of it is about as likely as a snowball surviving in Hades, should any government without the mandate, without the election platform, saying they were going to bring in that constitutional amendment, which is irreversible, should that temporary majority be allowed to foist its will on the people of Manitoba?

This Minister of Health says that governments pay for their mistakes, but he is also asking, Sir, that the people, the citizens of this province, pay forever for an irreversible constitutional amendment passed against the will of the majority of people. He is contradicting himself, Sir.

Now, Mr. Chairman, what has happened, and the Minister has talked about his 25 years in this House - and I respect the fact that he has been here that long - and he has never seen an opportunity where an opposition has taken the time to use the rules as they are written to thwart a government from doing something that is wrong. He has never . . .

HON. L. DESJARDINS: Show me where it's written.

MR. D. ORCHARD: The Minister of Health says: "Show me where it's written." I challenge him to show me where it isn't written, because right now we've got an amendment to change the way the House operates to prevent us from doing what we did should this temporary majority brings in another constitutional amendment which is bad for the people of Manitoba. I just want to point that out, Sir. The rules allowed us to do what we did in the Fall and in January and February of this year on a bad constitutional amendment by a bad and incompetent government. The rules allowed it, Sir. They are changing the rules.

In the 25 years that the Minister of Health has participated in debate in this House he has never seen that happen before, and I grant him he hasn't. This House has seen some extremely emotional and

philosophically bent debates, i.e., Autopac and others, and no opposition has used the rules to thwart a government from passing even Autopac. Do you know why, Sir? Because the Government of the Day was elected to bring it in, No. 1; and No. 2, the people were of mixed opinion on Autopac. There was not a clear majority in opposition to it. So the will of the people would not have been served by bell ringing during the Autopac debate because the majority were probably neutral on the issue. Here, in the last year, and my colleague, the House Leader, points out that the Autopac was, if need be, reversible if it was bad for the province and bad for the people.

This whole debate and this whole rule change stems from an attempt by a government to do something that they weren't elected on, that was irreversible, that could not be changed by future governments even though the people, who we are here to serve to the best of our abilities, we pray to that effect every time we open this House. We were expected to pass something that was irreversible. Mr. Chairman, that is not the way democracy operates. Despite the fact that the Minister of Health likes to believe he's defending democracy, democracy is not defended. It is not represented by any government who irreversibly goes against the will of a majority of people; that's not democracy. That's tyranny; that's dictatorship.

That's what we saw in the '30s in Germany, a government that was going against the will of the people. We see it today in the communist nations. They call themselves elected Parliaments in the Politburo. Are they representing the will of the people? Let's not joke about such things as this rule is necessary to protect democracy. Democracy is more threatened with this rule in place than ever it was before under our normal rules.

Now, Sir, why were people in the opposition able to ring the bells and bring the government to its knees in February of this year? It is because, Sir, that today with the electronic media, the printed media, there is a greater awareness of what legislators are doing. With recent events in the last decade-and-a-half, more and more people are recognizing that in these Chambers, irreversible damage can be done to their lifestyles and to their hopes and aspirations in this country, and more and more people are following very closely what we do in this Chamber and in the Federal Parliament; and when they see that legislators are going to do something that is wrong, they voice their opinion and they are made aware of it by our honourable friends in the media.

There is a greater awareness of the damage and the harm that temporary majorities can do. When that damage through a constitutional amendment cannot be changed by future governments, cannot be remedied, as the Minister of Health has told us this afternoon, that governments pay for their mistakes, in a constitutional amendment this government would not pay for its mistake, the citizens would pay for that mistake forever, because they believed it was wrong. Sir, that is why the citizens, some 80 percent of them who voiced their opinion, said no to this government's proposal. Awareness because of the media and awareness of the damage that governments can do, based on the last 15 years of experience in this nation.

Now, the Minister of Health also said this afternoon that four members in the opposition could use the

present rules to thwart the passage of any legislation. Well, Sir, that may be true, but it is not always true and that is why I say the Minister of Health has selectively chosen what he spoke on this afternoon. If those four people were the official opposition in this Legislature, then yes the possibility exists that they could thwart the government's will. — (Interjection) — My colleagues remind me that will likely be the outcome of the next election and I certainly look forward to that event as quickly as they screw up their courage and call an election.

But, Sir, no four people in this Chamber to date - not the MLA for Elmwood, not the MLA for Brandon West, plus myself and my colleague, the MLA for Arthur - the four people I have just mentioned cannot use the rules and stop the business of this House cold in its tracks. There is no way because the official opposition, represented by the other 18 people in here, will not allow that to happen, Sir.

So the Minister the Health is not correct when he says any four people can stall this House. Those four people have to be the official opposition, and the concurrence on coming in to vote is achieved with the official opposition. Any other group of four, regardless of whether they call themselves the Progressives or any other party or the Liberals in this House, could not so thwart the business of this House without the complicity of the official opposition. Mr. Chairman, I simply point out that the Minister of Health was not giving us the straight goods this afternoon.

I don't want to prolong this debate, but when a Minister of Health has put questionable information on the record, it has to be straightened out, Sir. His argument of defence of democracy simply will not hold true. Democracy somehow survived in this province - let me do a quick calculation - for 114 years, Sir, under the rules that we're working under right now where there were no limits to bell ringing, there was no 15 minute time limit for everyone to gather for a vote. Somehow in some strange way democracy survived in the Province of Manitoba for 113 years and, in it's 114th year, we have a temporary reigning majority that says the rules are wrong, they don't serve democracy.

What this government is saying, Sir, is that, in fact, the rules don't serve the power seeking of the New Democrats; that's what it doesn't serve. They wanted to pass a constitutional amendment which was not reversible by any future elected government. They were thwarted in that by the rules and by the will of the majority of the people. So, therefore, rather than say that they were wrong in attempting that constitutional amendment, they say no, the rules are wrong.

The rules have worked even for a previous New Democratic Government under Schreyer in this Chamber, and they worked for Liberal Progressive coalition and Conservative Governments in this Chamber. Why is it that this temporary majority finds itself in a position where it has to change the rules to government? Has it so lost confidence in its ability to bring forth policy that the people will accept in the Province of Manitoba that it needs to have the rule book changed so that there is no effective opposition to any measure they might want to bring in?

I remind them once again, Sir, of the words of Herb Schulz, a person who used to be near and dear to the New Democrats and to the former New Democratic

Premier of this province, who warned the people that if this government succeeded in passing their language constitutional amendment, they could, if they so chose, through closure and other methods, pass a constitutional amendment that there would be no more elections in Manitoba. That's bizarre, Sir, that's bizarre.

Mr. Chairman, the Government House Leader, our Little Lord Fauntleroy of the House here, is now saying, "Do I believe that?" Yes, I believe that, Herbie Schulz said that, and I told you what he said. I believe that I repeated what Herbie Schulz said correctly. If he wasn't there to hear Herbie Schulz say it, then go ask Herbie Schulz whether I truthfully repeated what he said.

HON. A. ANSTETT: Do you believe it to be true?

MR. D. ORCHARD: I believe that Herbie Schulz said it and that is what we're talking about.

You see, the Government House Leader has this temporary problem where he only listens to half of what is said. So when someone says something he disagrees with, he thinks it's the individual saying it. He doesn't realize that I was pointing out it was the brother-in-law of Premier Schreyer who said it.

Mr. Chairman, now these people who tried closure to pass a constitutional amendment don't need to use closure any more. They can get it through with this rule change because there's only 15 minute bell ringing - bang - it's there, and I point out to you what Herbie Schulz said and warned the people of Manitoba.

So, Mr. Chairman, they couldn't govern with the existing rules because they are incompetent to govern. They couldn't govern with the existing rules because their legislation was out of touch with the majority of Manitobans. They couldn't govern under the existing rules because they didn't listen to the people. So what do we see them do, Mr. Chairman? We see them change the rules. That means, Sir, that their legislation is right, that they listen to the people and that they know what they're doing and that they're competent. Well, if those three things were the case for this temporary majority, they wouldn't need a rule change to govern.

It is because they try to govern against the will of the people with irreversible and unpromised measures that they no longer have the moral authority to govern in this province and they have to try to achieve maintaining government through rule changes.

Mr. Chairman, that is an amoral group that is currently in government. That is an undeserving group that is in government. That is a totally incompetent group that is now in government and they should not remain in office much longer, Sir. You are, of course, excluded in your office as Chairman right now, and only for that reason, Sir.

Why, Sir, are we here debating a rule change? We are doing it, I submit, only because this group of incompetents can find no other avenue by which they can govern. They have to change the rules to put their legislative package through, and if that isn't a sad commentary on how low democracy has slipped in this province, then I don't know what other commentary we need. This rule change is not needed, should not happen and, Sir, I would trust that even some of the followers in the back bench of the government would agree and not support this kind of rule change.

MR. DEPUTY CHAIRMAN, H. Harapiak: The Member for River East.

MR. P. EYLER: Thank you, Mr. Chairman. Having heard the Member for Pembina, I couldn't help but get up and address a couple of the points he made, just briefly.

He seemed to intimate that we were introducing referendum legislation in this province when none had ever existed before. That, of course, isn't the fact at all. When I think back to good old biased Norris - remember him? He's the one that, according to public opinion, decided that we'd no longer teach in the French language or any other language in schools of Manitoba.

In 1916 he passed referendum legislation for the Province of Manitoba, and that legislation was challenged in the courts and it was declared ultra vires by the Privy Council, I believe, in 1919. The reason it was declared ultra vires is because of the way the legislation was drafted. It made the results of the referendum binding on the Government of Manitoba and, by extension, on the Monarch. The Privy Council in London ruled that the Monarch cannot be bound. Therefore, if you agree with the British Parliamentary System, referendums cannot be binding on the government. The referendum legislation which we passed merely allowed for a referendum to be held. It in no way bound anyone to act according to the results of the referendum.

The other point I would like to address is this myth that the opposition seems to be perpetrating that they somehow reflected public opinion.

MR. H. ENNS: That's no myth.

MR. P. EYLER: The Member for Lakeside says that's no myth. Mr. Chairman, let's look at exactly what happened here. We had members on all sides of this House, members on the government side, members on the official opposition side, unofficial opposition side; every one of them said they support Section 23 as it exists.

The problem is not once did the opposition ever go out and ask the people, do you want Section 23 kept? They didn't ask that. I would wager, if they had asked the people of Manitoba if they wanted Section 23 rescinded, 80 percent of the people would have said we don't want Section 23, but that's not what the Conservatives asked. That's not what they asked the people of Manitoba. They said, well, do you want this? Do you want the courts to decide on it? Do you want something else? But never once did they ask the crucial question, the honest question.

Mr. Chairman, can I have some order from the Member for Lakeside? He's interrupting me continually. It's one of his bad habits, I'm afraid, that when he's outmanoeuvred he tends to bluster and bluff instead of reason.

Mr. Chairman, I would ask the Member for Lakeside, did he ever once ask the people in his constituency if they wanted Section 23 repealed? And if they wanted that Section 23 repealed, would he come to this House and advocate that?

MR. DEPUTY CHAIRMAN: The Member for Lakeside on a point of order.

MR. H. ENNS: Mr. Chairman, to the extent that the Honourable Member for River East has contributed to debate thus far, he has been challenging the official opposition with respect to their position on Section 23.

Mr. Chairman, it should be publicly stated it was, in our opinion, fully restored to its original measure, as contemplated at the formation of this province in 1870, by a piece of legislation called Bill 2 in the 1980 Session of this Legislature.

I will not allow the Honourable Member for River East to put on the record any suggestion, any innuendo that the Conservative opposition does not support Section 23 of the Manitoba Constitution.

MR. DEPUTY CHAIRMAN: The Government House Leader to the same point of order.

HON. A. ANSTETT: Mr. Chairman, I rise on a different point of order because I would submit that there was not a point of order but rather a statement of clarification in the point of order raised by the Member for Lakeside.

My point of order, Sir, would be that both the comments of the Member for Lakeside and references by the member presently speaking to Section 23 are not strictly relevant to the purpose of this debate, but I would remind the Member for Lakeside and through you, Mr. Chairman, and the House, that the reference to Section 23 was predicated on a statement made by the Member for Lakeside from his seat, calling out that Section 23 was restored in 1980. It was in response to that that the Member for River Heights veered away from our Rule 64.(2) - River East - I appreciate that members opposite are sensitive that the Member for Tuxedo or the Member for River Heights might not want to be described as taking a principled position on this issue.

Mr. Chairman, I submit that such discussion is out of order, that the rules of relevance should apply but, for the record, I think it should be clearly stated that it is a matter of a difference of opinion, not a matter of fact to which the Member for Lakeside alludes, and the Supreme Court will decide whether or not Bill 2, 1980 is constitutional and is valid, and whether or not rights were restored. That question is before the courts and I think we should avoid that discussion. Any suggestion the rights were restored in an affirmative sense in this House is subject to that question and there is great doubt about that.

MR. DEPUTY CHAIRMAN: The Government House Leader had a point of order briefly when he said that the discussions should be relevant, and from that point on he was expressing a point of opinion, the same as the Member for Lakeside did. So I would ask the Member for River East to keep his remarks relevant to the subjects under discussion at this time.

MR. P. EYLER: Thank you, Mr. Chairman. I apologize for reflecting on anything which may be before the courts. However, I would submit that my statements that the opposition was not reflecting public opinion are quite relevant because they use that argument to justify ringing the bells.

They say that because they reflected public opinion, they had the right to ring the bells. The problem is that

they did not reflect public opinion, and I would like to refer back once again to The Referendum Act of 1916 which was declared ultra vires in 1919. Because referendums are not binding on the government, they cannot use their claim that they represent public opinion as a back door attempt to enforce a referendum on this government.

Therefore, on two counts, Mr. Chairman, this debate and so much of the actions of the opposition over the last several months have been totally out to lunch. Unfortunately, it's been really irresponsible and it's been a sad day for parliamentary democracy that they've flown in the face of Privy Council decisions in London, that they've deferred to the rule of the rabble and made that their goal in life. It's been one of the most destructive approaches to parliamentary democracy in this province which I think we've seen in many many years.

I would just like to conclude my brief address at this particular time by saying that I hope that the members of the opposition will at least give speedy passage to this, now that the Member for Elmwood seems to have left the Chamber.

MR. DEPUTY CHAIRMAN: The Member for Wolseley.

MS. M. PHILLIPS: Thank you, Mr. Chairperson. I'd like to make a few comments as well on the issue of bell ringing. I've been listening with great interest to the arguments that the opposition has put forward and I find some of them rather amazing.

The argument that was put forward by the Member for Sturgeon Creek on May 16th in Hansard on Pages 890 and 891, where he refers several times to the fact that with this bell ringing motion, we would be muzzling the opposition, I wonder whether he thinks that holds true to the governments of other provinces who have a variety of different time limits on their bell ringing, and I wonder whether he would consider those provinces muzzling the opposition.

He also referred to the Honourable House Leader as a dictator at several points because of this particular motion. In fact, on Page 893, he said, "Then we have the situation, if there's a time limiting on the bells . . . because we've got a dictator on the other side or what I believe to be a dictator." I wonder whether he would consider that all the Tory Premiers in the other provinces who have time limits from two to five minutes in B.C., not more than five minutes in New Brunswick, of a reasonable length of time and in no event longer than an hour in Nova Scotia, in Ontario not more than five minutes - is Premier Davis a dictator for allowing that kind of rule to remain on the books in his province?

I also have some questions about the arguments saying that we should not be changing the rules, that because we have not had a limit on bell ringing in Manitoba, therefore we should never have any. I wonder why it is, if the rules in this House are so sanctified, that we have a Rules Committee at all; why we occasionally call the Rules Committee and have a review of the rules if the rules are never to be changed, if they are static and they are not meant to be adaptable to situations.

I would like to refer to a meeting of the Rules Committee that was held on September 21, - my

parent's wedding anniversary - 1982, where the Member for Turtle Mountain, and I quote, said, "I don't believe that we've had anything that one could consider to be an abuse of the rules especially." The suggestion was based on the bell ringing episode in Ottawa that we should look at a limit to our rules. Both sides on that committee decided at the time that there didn't seem to be any need because the House had always operated up until that point without any problem. The Member for Turtle Mountain said, "I don't believe that one would consider we've had any abuse of the rules." I presume that he would consider if there was an abuse, that then a time limit should be considered. Up until that point in time, he felt there had not been any abuse.

Let me refer you to the happenings after that meeting in September, 1982. On August 1, 1983, the bells rang for 20 hours and 16 minutes; on August 5, 1983, the bells rang for 21 hours and 12 minutes; on January 16, 1984, they rang for 7 hours and 5 minutes; on January 17th, 6 hours, etc; the 19th, 7 hours and some; the 26th, 7 hours and some; the 30th, 7 hours and some; and on it goes until February 16th where the bells rang until February 27th, which was 263 hours and 10 minutes.

I wonder when one decides to make a judgment call about what is abuse of the bells, abuse of the rules. I wonder if the Honourable Member for Turtle Mountain would now consider that there has been some evidence, and I'll refer to the quote again, that one would consider to be an abuse of the rules - especially perhaps where I, having lived through that excruciating experience, would have judged those incidents to be a flagrant abuse of the rules - whether the Member for Turtle Mountain would agree with me on that, or whether he would think that was acceptable use of what had always been able to be negotiated to a common consensus so that those kind of things didn't happen.

There's been a lot of discussion this afternoon about how, if there is not a specific method for amending the Constitution, or a provision such as the unlimited use of the bells, that constitutional amendments can be made and can never be changed. In fact, those points were put forward by the Member for Pembina that the danger is having a government elected that puts through constitutional amendments totally unacceptable to the public, of course, by their estimation, and can never be changed. He talked about the fact that they can never be changed many many times as did the Member for Sturgeon Creek again on May 16th where he said, on Page 893, ". . . constitutional changes that cannot be changed by another Legislature, that cannot be changed only unless we go to the Federal Government, that cannot be changed unless we change it through the Canadian Charter." Then he goes on to make a suggestion about a two-thirds majority or something.

My question to the members of the opposition and, in particular, to those members would be if they were so concerned about the procedure for amending the Constitution or proposing constitutional amendments, while they were government, that brought in and negotiated with the other provinces and the Federal Government the amending formula, why they did not at that time foresee that there should be some rule change in our House to deal specifically with constitutional amendments so that there was an extraordinary situation that should be dealt with in our

House before we followed the procedure that they helped develop with the other provinces and the Federal Parliament or the Federal Government to amend the Constitution.

I guess my problem is that here they are now, in 1984, saying we have a situation where a government can bring in a constitutional amendment that can never be changed. Yet they were the ones that negotiated the formula that shows how the Constitution can be changed and what the procedure is that one must go through to make a change in the Constitution. In my opinion, the method that we followed in dealing with a constitutional amendment, the procedure we followed was strictly according to the rules of the game that they negotiated and was under the Rules of the House that they had always found acceptable and had not found cause, either as government or opposition to abuse.

All of a sudden, they not only decide to abuse the rules, but are using some figment of their imagination that a constitutional amendment, once made, is irrevocable and there's no way that another amendment can't be put through that changes that or alters that.

I wonder when they talk about democracy being threatened in this province, if we limit the time the bells can ring, I mean how the Member for Pembina can stand in his place and actually ask the people of Manitoba to believe that by limiting the bells to five minutes is going to threaten democracy.

A MEMBER: Five minutes now?

MS. M. PHILLIPS: I'm sorry. I am getting carried away. How he can suggest that that is threatening democracy when democracy, in the opinion of most Canadians, works quite well in other provinces that have much lower time limits? I wonder whether he is saying to the people of Manitoba, we have democracy in this province because we have no limit on the length of time the bells can ring, but in other provinces, B.C., Ontario, etc., they don't have democracy because there is a time limit on their bells. I think that his argument is so full of inconsistencies and so full of illogical conclusions that he leads one to - it's an apples-and-oranges kind of situation.

I think we should also totally out of hand reject their fears about limiting the bells, damaging the formula to amend the Constitution that was put forward by their former leader. We should reject their arguments that democracy is being threatened. They also brought in an argument that unless something is on one's election platform, the opposition has the right to use whatever obstructive tactics they want to use when some new piece is proposed down the road.

I can only refer them back again to the 1977 election when there was absolutely no mention from any of their candidates, their leader, or on their election brochures that they were going to destroy the new family law in Manitoba, and went ahead and did it against all the opposition that presented the case to them at that time even though they had not mentioned it on their election platform and had not told the people of Manitoba that it was their intent from the time the original legislation was passed.

So in terms of whether an issue has been an election issue or not, I don't think gives the opposition the right

to say that they can use any kind of devious tactics, by any other name that they choose, to find or pull out of their little black hats. I think we should approve this recommendation by the Committee. I would dearly love to see sweet reason from the other side and have them reconsider supporting the recommendations, and I certainly will be giving it my full support.

MR. CHAIRMAN, P. EYLER: It was proposed a minute ago by the Member for Lakeside that we proceed clause-by-clause. I would interpret that as meaning paragraph-by-paragraph. On the first paragraph of the report, is there any discussion?

The Member for Elmwood would like to discuss the first paragraph?

MR. R. DOERN: I thought there was still an opportunity to debate in general, so I thought I would like to make a remark or two in regard to what the Minister of Health said.

Mr. Chairman, the Minister of Health and other speakers, perhaps the last speaker, made references to the procedure of bell ringing as "endangering democracy," and I think that is a good topic for debate as to whether democracy was endangered in this Legislature by the actions of the opposition, or whether it was endangered by the actions of the government.

Mr. Chairman, the reason the opposition has looked so good in this debate is because they have the better position, and the reason that the government has looked so bad for the last year is because of the manner and method which they have employed in attempting to get this legislation through the House. So if we reversed positions, then we would look differently, but because the Attorney-General started off half-cocked and locked in the government to a position, everything flowed from that particular original commitment.

I don't see how any member of the government, starting with the Minister of Health who spoke today, can argue that democracy was endangered by the debate that took place in this Chamber and in this province from 1983 to 1984 because it seems to me that democracy is a system whereby the majority of the people express their opinions, or the majority of the people have the right to govern themselves or govern through their elected representatives. So it's the people who are pre-eminent, not the politicians.

I think I have to say to the Minister of Health, get it straight. You are not telling the people what to do; they are telling you what to do. You can suggest a certain policy and certain programs and so can we; but we are not masters of the people, we are the servants of the people.

What could be more undemocratic, Mr. Chairman, than the actions of the government in the past year, ignoring all the pleadings, ignoring all the opinions, ignoring the letters and the demonstrations and the phone calls and the petitions and the coupons and the statements and the letters to the editor and the briefs and the submissions that were made, and the municipal briefs that were passed, and the torn membership cards that were submitted by members of the New Democratic Party, and all the other things that happened. I mean how else could we describe what happened in the past year as the government, turning a blind eye and a deaf

ear, and turning its backs on the people of Manitoba in regard to this issue?

We would have to judge the governments across-the-board to make a fair assessment of their performance, but I think it's universally accepted by not only the opponents of the government, too numerous to mention, but even their allies in the media and in the editorial department of the Free Press that they badly bungled, mishandled this whole business and the particular reason, Mr. Chairman, is because they refused to listen to the people.

Now the Conservatives made one particular right decision, and that is, they decided that when it came to blocking a legislation they would follow what the opinion of the public was and the opinion of the public was very clear. It wasn't cut the bells and get back to business; it was let the bells ring. Let them ring forever if necessary. Let them ring till hell freezes over. Let them ring until the government withdraws the legislation. And that's what they did and the Conservatives drew strength from the public whereas the government lost strength because of the public.

So I mean how can the Minister of Health . . .

HON. L. DESJARDINS: That's ridiculous.

MR. R. DOERN: Well, the Minister says that's ridiculous. He says it's ridiculous, because the Minister has a particular point of view and the Minister supported the legislation and the Minister wants to explain away all the public feeling and thinking and agitation and involvement on this particular issue. To that extent he perfectly represents the government, because no matter what you said to the government, they could explain it all away and that's what happened from Day One.

No matter what you said, they said, well, that isn't what happened. When you said the public's agitating, they said, well, they're just a bunch of bigots. When you said the public is agitating on this issue or is agitative on this issue, Mr. Chairman, they said, well, they don't understand, you see - that's the other category. And when you said, there are people tearing up their membership cards in the party, they said those people weren't very good members anyway. No matter what happened, the government could explain it all away and they did, let me tell you. I'm not joking when I say this. No matter what objections were raised, it was all explained away and the Minister of Health would be foremost in the explainers because he didn't want to believe that this legislation was harmful to his own cause, rather than helpful. It set back the things that he himself has worked for in the past 25 years, by 25 years.

MR. CHAIRMAN: The hour is 4:30, time for Private Members' Hour. If the Member for Elmwood wishes to grant leave, and assuming there are no other new objections to continuing, perhaps the Member for Elmwood could continue with his statements.

Does the Member for Elmwood grant leave to continue?

MR. R. DOERN: I'm sorry, Mr. Chairman. I was distracted. I assume that it's now 4:30 and I had asked for Private Members' Hour.

MR. CHAIRMAN: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Chairman, I don't believe that the Committee of the Whole can grant leave to itself to continue to sit again, in any event. I believe that leave must be granted by the House; so I would suggest the Committee interrupt its proceedings and resume this debate at 8:00 p.m.

MR. CHAIRMAN: The hour being 4:30, time for Private Members' Hour, then I will leave the Chair and return at 8:00 p.m. tonight.

Call in the Speaker.

IN SESSION

PRIVATE MEMBERS' HOUR

RES. NO. 2 - WESTERN CANADIAN GRAIN PRICES

MR. SPEAKER, J. Walding: Order please. Private Members' Hour, proposed resolutions.

Resolution No. 2. On the proposed resolution of the Honourable Member for Roblin-Russell, the Honourable Member for Lakeside has 20 minutes remaining.

MR. H. ENNS: Thank you, Mr. Speaker. I would assume, having listened to a number of speakers on this resolution, that this resolution should pass with some unanimity in this Chamber. We are, of course, talking about a very deep concern that all of us should have about the situation that faces approximately 150,000 western farmers, but we in this Legislature of course are particularly concerned about those farmers here in Manitoba.

Mr. Speaker, just like the other day that we discussed the other resolution put forward by my colleague, the Member for Rhineland, with respect to some relief of taxation on petroleum products as they apply to farm use, much the same arguments can be advanced for this resolution.

The simple fact of the matter, Mr. Speaker, is that farming as we know it in this country, the sustenance of the family farm is being jeopardized in a way that farmers have been faced with for perhaps several decades. Perhaps it's a little too harsh to say that since the '30s, but certainly those of us who have contacts with members of the farming community in our constituencies can't help but be tremendously concerned about the number of solid, second- and third-generation farm families that are facing extreme difficulties at this time.

I think if members refer back to the speech made on this subject by the Honourable Member for Turtle Mountain when he addressed this same resolution, they would find it worthwhile to re-read that speech and to read those comments because, Mr. Speaker, this is not just an aberration affecting a single commodity group as sometimes happens in agriculture. It doesn't always happen that everything is rosy in the industry.

Hog prices can be down, cattle prices can be up, poultry prices can be at an acceptable level, dairy men can be doing reasonably well but, Mr. Speaker, the crisis that is facing Manitoba farmers, brought about by the

high cost of money, brought about by ever-increasing costs to operate, brought about by our inability today to provide some other mechanisms of support, either in the way of substantial subsidization, which as I indicated the other day on another resolution, is the case with many of the other countries that our Canadian farmers are expected to compete with - European Common Market - perhaps to a degree that is causing those communities in those countries serious problems, subsidizes their agriculture producers at an unheard of level and our farmers have to compete with that kind of subsidized production.

I'm not making a call to match that kind of subsidization, Mr. Speaker. I made a call on another resolution that we should constantly be aware of what's happening with our American farmers because those are the ones that we compete with most directly and our production costs have to be in line with theirs. Mr. Speaker, I would think that is a general expression of concern, coming from a prairie province - and Manitoba is a prairie province. Agriculture is a primary industry in this province and there is no difficulty in acknowledging that, that there then ought to be no difficulty and I encourage all members to support the resolve that the Manitoba Legislature recommends and urge the Government of Canada and the Canadian Wheat Board to at least maintain the existing grain prices and increase the initial domestic price of wheat.

Mr. Speaker, it seems to me that we could and should take advantage of the fact that this is an election year in the nation as a whole. There will be an election called within the next five, six, three, two, seven months. It is an election year and it's in our way of doing things, it's an opportune time for prairie people, for prairie Legislatures to use every mechanism as their disposal to allow the national agencies, the Wheat Board, to allow our National Government, to bring to their attention the deep concerns that we have about the maintenance of the family farm, the maintenance of agriculture as we know it in this province.

Mr. Speaker, I think my colleague, the Honourable Member for Roblin-Russell, puts forward a reasonable resolution. I'm not going to suggest to you, Sir, that we can in any magic way resolve the issues facing farmers these days, but we can at least do what the Member for Roblin-Russell asks us to do collectively, from this Legislature, and that is to send a message, a strong message, to the Wheat Board, to the National Government in Ottawa that says, we have a problem here.

This problem doesn't just affect one or two segments of the agricultural industry. It's a problem that is so pervasive throughout the industry that it does represent proportions that we haven't seen in Canadian agriculture for some time. So, Mr. Speaker, I would hope that partly because of the pressures of time, partly because our national government is in Session in Ottawa that we do not unnecessarily further delay the passage of this resolution.

A number of my spokesmen on this side of the House have addressed their concerns with respect to this resolution. I know that a number of the members opposite have addressed themselves to this resolution. I would, therefore, ask the House to consider speedy passage of this resolution at this time so that message can be heard in Ottawa. I would ask through you, Sir,

to the Clerk to make sure that the resolution once passed is not unduly delayed, that it gets there quickly.

I know that you will see that it happens, Mr. Speaker, because it is important. It's an issue that touches the very economic well-being of all of us in this province and the least we can do in this Chamber is to recognize the importance of it and to pass this resolution.

I would have hoped, Mr. Speaker, that honourable members would not have tinkered with the amendment which is somewhat self-serving with respect to Churchill and other matters. But, Mr. Speaker, the matter is so important that I won't take the time of the House to suggest that the resolution had merit as it stood and should have been passed as it stood. Mr. Speaker, politicians being what they are, and they wish to do a little back-slapping and self-serving with the amendment, it does not detract from the important message that we are wishing to send to Ottawa.

So, Mr. Speaker, with those comments I would genuinely ask members of the House to pass this resolution so that it can be on its way to Ottawa.

QUESTION put on the amendment, MOTION carried.

QUESTION put on the Resolution, as amended, MOTION carried.

RES. NO. 5 - PROCEDURE FOR AMENDING CONSTITUTION

MR. SPEAKER: Resolution No. 5.
The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, whereas a constitution outlines a structure of a government . . .

MR. SPEAKER: Order please.
Would the honourable member move and have seconded the resolution?

MR. R. DOERN: Right. Mr. Speaker, I move, seconded by the Honourable Member for Swan River that

WHEREAS a constitution outlines the structure of a government and details the rights of its citizens, and WHEREAS The Manitoba Act, the constitution of the province is imbedded in the Canadian Constitution and cannot be changed or amended without the consent of the Government of Canada, and

WHEREAS a constitutional amendment differs from a statute which can be changed by a simple majority vote of the Legislature, and

WHEREAS a constitution should not be changed without the clear consent of the people of a jurisdiction, and

WHEREAS the Government of Manitoba has, during the past year, attempted to change our constitution when the majority of the people of Manitoba were clearly and demonstrably opposed to that change, and

WHEREAS it is essential to devise a specific formula with respect to constitutional changes,

THEREFORE BE IT RESOLVED that the Constitution of Manitoba not be changed unless the proposed change is:

- 1) supported by at least two-thirds of the members of the Manitoba Legislature and at

- least two-thirds of those voting in a public referendum called for that purpose, or
- 2) approved by a two-thirds majority of the members of the Manitoba Legislative Assembly in two successive Legislatures, the second being made after an election in which the government has made its intentions clearly known.

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

HON. A. ANSTETT: Yes, Mr. Speaker, I rise on a point of order respecting the admissibility of the proposed resolution.

Mr. Speaker, despite the comments offered briefly by some members opposite just now, a matter of constitutional amending formula is a matter of some considerable significance both to this province and to the nation. For that reason, Sir, I don't treat the matter as lightly as the Member for Pembina.

Mr. Speaker . . .

MR. SPEAKER: The Honourable Member for Pembina on a point of order.

MR. D. ORCHARD: Mr. Speaker, I would ask . . .

MR. SPEAKER: Order please. There is a point of order on the floor. There cannot be a point of order on a point of order.

The Honourable Member for Pembina will take his seat.

MR. D. ORCHARD: Then, Mr. Speaker, I rise on a matter of privilege, please.

MR. SPEAKER: Does the honourable member intend to complete his remarks on a matter of privilege with a written motion?

MR. D. ORCHARD: Indeed, Sir, if you'll allow me two seconds to write it.

Mr. Speaker, on a matter of privilege. The Government House Leader from time to time takes the sleight of tongue much too glibly in the House. There was no one on this side who took lightly the fact that this resolution introduced by the MLA for Elmwood, is a resolution to amend the Constitution. Least of all did I take it lightly.

Mr. Speaker, the Government House Leader indicated that I, in particular, took it lightly and I would ask you, Sir, to have him withdraw that innuendo which is unfounded, untruthful, and is becoming more and more the kind of flippant remark that we hear from the Government House Leader, an Officer of the Government whom, Sir, must enjoy the confidence and co-operation of both sides of the House if he wishes to expedite business through this House.

Sir, I do not appreciate . . .

MR. SPEAKER: Will the honourable member state his point of privilege if he has one.

MR. D. ORCHARD: My point of privilege is that he is being abusive of myself and members of the opposition

and Sir, I move, seconded by the Opposition House Leader, that the Government House Leader withdraw his remarks directed to the Member for Pembina.

MR. SPEAKER: That is not a point of privilege.
The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker, if I have offended the Member for Lakeside, Sir, that was not my intent. My intent was to describe accurately what I believed his position to be. I believe that it has been, historically in this House, a position of flippancy, the position he ascribes to me. But, Sir, if I've inaccurately described that based on my perception of his behaviour, I willingly apologize, even though he did not have a point of privilege, Sir. If I inaccurately described his behaviour, despite my clear perception of it, I apologize to him.

Mr. Speaker, constitutional matters, as I began earlier, are important matters.

A MEMBER: More so to you than the Member for Pembina.,

HON. A. ANSTETT: Sir, I think, with the assistance of the Deputy House Leader, I'd like to raise several objections to this proposed resolution based, not only on the importance of the subject matter, but on the form and substance of the proposed Private Member's Resolution.

Section 10, Sir, of our Legislative Assembly Act, provides as follows: "Questions arising in the Legislative Assembly shall be decided by a majority of votes other than those of the Speaker, and when the votes are equal, but not otherwise, the Speaker has a vote."

Mr. Speaker, the motion, in substance, then is a resolution in its first Resolved proposes, Sir, an amendment to Section 10 of The Legislative Assembly Act in that it proposes to require that Section 10 be changed with respect to certain votes that will be taken in the House, a certain class of votes, but votes nonetheless on motions which are covered in Section 10 of The Legislative Assembly Act.

I would submit then, first of all, Sir, that if this motion were to be adopted by the House, it would be in direct contravention with Section 10 of The Legislative Assembly Act. I submit, Sir, that for that reason alone, the motion is patently and clearly out of order. But, Sir, more importantly, I refer you and honourable members to Section 38 of The Constitution Act 1982 and specifically Part 5, Procedure for amending Constitution of Canada.

Section 38 provides in both subsections (1), (2) and (3) - I'll read Section (2) because it's the shortest of the three, Sir, for reference purposes. That "An amendment made under subsection (1) that derogates from the Legislative powers of proprietary rights, or any other rights or privileges of the Legislature or government of a province, shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the Legislative Assemblies required under subsection (1)." In all three sections, Sir, the reference is "majority of the Legislative Assembly in addition to the House of Commons and the Senate."

The proposed resolution, Sir, seeks to amend Section 38 of The Constitution Act, 1982. I submit, Sir, that the form required for a motion to amend Section 38 is not the form in which the resolution is presented, just as the resolution would have to be presented as a bill to amend Section 10 of The Legislative Assembly Act, Sir, it is required in the form of a constitutional amendment, which form it is not currently presented to amend the Constitution of Canada.

I refer you, Sir, to Beachesne Citation 412(2) which reads as follows. reading, Sir, from Beachesne's Fifth Edition, Page 150. "When a motion is adopted, it becomes the resolution or order of the House. Therefore, its form must consequently be so framed, and its language so expressed that, if it meets the approbation of the House, it may at once become the resolution or order of the House which it purports to be."

Sir, clearly the resolution in its present form cannot become an order of the House because it does not meet the requirements for Section 38 Part 5 of The Constitution Act 1982.

As well, Sir, clearly a third point on which the resolution is, once again, clearly out of order is that it requires an expenditure of public money. That, Sir, is not a requirement that can be placed before the House by a private member. Requirement for the conducting of referenda, Sir, is a requirement for the expenditure of funds and that certainly under our rules, Sir, within our Rule Book, without citing Beachesne, is out of order.

Sir, I would also refer you to Beachesne Citation 117, which although it provides that you, Sir, cannot rule on exclusively constitutional matters, provides the same may be raised on a point of order. Beachesne Citation 117.(6) on Page 38. "The Speaker will not give a decision upon a constitutional question nor decide a question of law, though the same may be raised on a point of order or privilege." I raise, in that context, Sir, not only the legal and constitutional precepts upon which my argument is founded and, Sir, which I suggest this resolution on three counts, so far, is in violation, but suggest, Sir, that there are some basic precepts underpinning our constitutional and parliamentary law which are violated.

I would refer you, Sir, to Erskine May, 20th Edition, Page 557. Citation on that page, Sir, or subsection (10) reads as follows, "in the past amendments to a bill proposing that the provisions of the bill should be subject to a referendum have been ruled out of order as proposing changes in Legislative procedure which would be contrary to constitutional practice. Although an amendment asking for a consultative referendum has been selected." I submit, Sir, that the resolution does not purport to request a consultative referendum but, Sir, purports to amend the Constitution through the approval of a binding referendum. Sir, the very assumption in the resolution is that the referendum proposed would be binding on this Assembly.

Sir, I further refer you to a decision by a fine Speaker of this Legislature, one Speaker Bilton, who ruled in 1969 that an amendment to propose that the provisions of a bill be subjected to a referendum were out of order. Sir, I respect the decision of Mr. Bilton which was founded on May's Citation to which I referred.

I would also, Sir, draw your attention to the decision of the Privy Council of London, England at Westminster

in 1919. That decision, Sir, reflected on a bill to provide referenda in the Province of Manitoba, was passed by the Norris Government in 1916. That bill, Sir, was ruled ultra vires by the Privy Council. It was ruled ultra vires, Sir, on the same grounds and under the same constitutional precepts which underpinned the very premises on which this Legislature operates.

I would submit, Sir, that on at least five grounds the resolution is out of order and seeks, Sir, to revive, in an obtuse way, something on which you had already ruled. It addresses, Sir, the whole constitutional debate which has been referred, in part, to the Supreme Court of this nation by reference and, Sir, I suggest that the debate could not proceed to avoid that whole question which is now before the Supreme Court, and that the debate would form a mechanism for reviving that debate. Regardless of whether or not the intentions of the honourable member are to revive that debate, and I don't speculate on that, Sir, that would admit to a series of difficulties and interpretation for you with regard to impugning and, in some way, being in contempt of the Supreme Court and its jurisdiction.

I submit, Sir, that you should rule the resolution out of order.

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

MR. H. ENNS: Yes, Mr. Speaker, to the same point of order. I rise, just very briefly in support of my colleague, the Member for Elmwood. Sir, what begins to concern me is what would, I'm sure, begin to appear to you, Sir, as a deliberate attempt to prevent the Member for Elmwood in exercising his right, as a private member, to present his views and thoughts with respect to a question that is obviously important to him, to this Chamber.

Mr. Speaker, I do not rise and object at the time that you ruled, Sir, earlier on a resolution presented by the same member. In that resolution, there were specific references made to a subject matter that is now before the Supreme Court, and I believed that your ruling was correct. But, Sir, I simply remind you, without going back to the Magna Carta, or May, and all the editions of Beauchesne and our own rules, that this is Private Members' Hour. This is, after all, Sir, an opportunity where we exercise the opportunity as individual and private members to urge a government to consider the advisability of.

Mr. Speaker, many of the points raised by the Honourable Government House Leader make reference to some of the portions of the resolution as accomplishing a fact, of changing the Constitution, of binding future Legislatures. Mr. Speaker, that is not what a private member's resolution accomplishes. A private member's resolution asks members of this Chamber to consider the advisability of; and, Mr. Speaker, therefore, I would ask you, at least, to consider whether or not the objections being made by the Minister of Government Services isn't bordering on muzzling a fellow private member in this Chamber from having his day in this House.

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

HON. A. ANSTETT: Thank you, Mr. Speaker. To the same point of order, I thank the Honourable Member for Lakeside for raising one point I neglected to make in my initial comments.

The resolution in its resolved portion does not use the phrase "consider the advisability of." When passed, this resolution will become a binding order of the House. The language used is "THEREFORE BE IT RESOLVED that the Constitution of Manitoba not be changed unless the proposed change is." There is no conditionality in the proposed resolution when passed by this Assembly. If admitted to debate, the resolution becomes a binding order of this House, Sir, and is contrary to the Statutes and Constitution Act that I cited.

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

MR. H. GRAHAM: Thank you very much, Mr. Speaker. We have just witnessed probably one of the strangest actions on the part of any Government House Leader, who is effectively asking you, Sir, to stop any possible debate on change. Yet, at the same time, he has brought forward changes in the rules in this Assembly and wants debate on them. Mr. Speaker, you cannot change things unless they are debated.

The proposal put forward by the Honourable Member for Elmwood has one saving clause in it that the Government House Leader has completely ignored. He talks about referenda and the unconstitutionality or contrary to the rules, but he forgets to read one word in there.

It is one proposal or another. If you take the second one, it doesn't make any reference to referenda at all, Sir. It is put forward purely for debate, Mr. Speaker and, as we all know, resolutions very seldom pass in this House without amendment, it can be amended, but it does give the House the opportunity to talk about an issue.

Now, if the Government House Leader doesn't want people in Manitoba to talk about this issue, then he should stand up and tell the people, don't talk about Constitution, don't anybody mention Constitution. We are the only ones that have the right to talk about Constitution. By his action, we are seeing, Sir, one of the most indicative dictatorships that we have ever seen.

Mr. Speaker, I suggest to you, Sir, that we should allow debate to take place at this time because the new ideas that come forward, whether you agree with them or not, as whether you agree or not is not the important thing. The fact is that we should always have an open mind and allow people to bring forward proposals. If they're a little bit out of order, we can always amend them and we can have the debate, we can have the different viewpoints that members heard, and you, Sir, as the protector of the rights of every individual in this Chamber, have to make a decision as to whether or not this should be accepted.

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

MR. D. ORCHARD: Mr. Speaker, this resolution in Private Members' Hour has been brought forward by the Member for Elmwood at a time when we have just

gone through the first debate in a number of Sessions on the subject matter of the constitutional amendment.

What the MLA for Elmwood is attempting to do is to provide a forum for debate in this House where all members can contribute to the rational debate in contribution of how we change the Constitution of the Province of Manitoba.

The Government House Leader's objections to this resolution are nothing, Sir, but a thinly-disguised veil to muzzle the MLA for Elmwood in bringing forward a matter that should be of importance to all members of the House so that we don't run into the kind of problems and tearing of the social fabric that this province went through just six months ago under the misguided activity of this current government, this current temporary majority.

Mr. Speaker, all the Member for Elmwood is doing is providing, in Private Members' Hour, the opportunity to discuss how to change the Constitution. The muzzler, and the Government House Leader over here, wants to thwart that kind of debate not because of the subject matter, but, Sir, I submit because of the source of the subject matter, they want to try to muzzle the MLA for Elmwood.

MR. SPEAKER: Order please. The honourable member should watch his words and not impute motives to other members of the House.

The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, on the point of order, we know that the House Leader and the government is nervous about discussing the whole language question and also discussing now the whole question of constitutional amendment because that is, in fact, the context in which we have spent an entire year. We also know, even though I submitted this a number of weeks ago, that the House Leader has his own pet formula for amending the Constitution, which he presented to the House today and will be introducing tonight or somewhere in the next few days. So the Minister and the government is a little gun shy on the topic. We know that they took pains to point out in the Throne Speech that there shouldn't be any discussion of the constitutional question.

Mr. Speaker, the House Leader makes the point that he's concerned about amendments coming from other provinces and that how it says in the Constitution that there could be references coming and they should only require 50 percent plus one. Mr. Speaker, it's quite clear, when you read this resolution, that I am talking about resolutions that come from Manitoba and concern the Manitoba Legislature.

Mr. Speaker, I know this is painful to the Attorney-General and I know it's painful to the House Leader because it's another point of view which they don't want to hear. My point is that when we're amending our Constitution when it concerns The Manitoba Act . . .

MR. SPEAKER: Order please. Will the honourable member confine his remarks to the orderliness of the proposed resolution?

MR. R. DOERN: Mr. Speaker, did the House Leader make the point, did he not raise the question that when

all the provinces of Canada are confronted with a constitutional amendment that they are required by law to pass it by a simple majority? Did he not make that point because I thought I heard him make that point? And if he did, I wish to point out that this resolution refers to proposals coming from Manitoba that concern Manitoba alone - and do not concern the other nine provinces - and concern this province and the House of Commons and the Senate.

Mr. Speaker, the House Leader who is far from witty but thinks he is, also made the point that this could cost money; it could cost money. I want to point out that it is possible in accordance with my proposals, for this to be held without a cost to the public purse. For example, in election time, if an election is held and political parties — (Interjection) — Mr. Speaker, I'm trying to make a point. The Attorney-General did not listen to his own House Leader. Am I not entitled to rebut and remark on the points made by the House Leader?

MR. SPEAKER: Order please. The point of a point of order is to decide whether or not things are being done in a proper and orderly manner. If the honourable member wishes to speak to that, he should keep his remarks to the point or order and not to debate the issue itself.

The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I just want to ask for a clarification. If points are made in debate, as the House Leader made four or five points, am I not within my rights to be able to remark on those points, or do I have to deal with an entirely new set of proposals? I am trying to answer the House Leader's objections. One of them was cost to the public purse.

Mr. Speaker, I am saying that it cannot be a cost to the public purse because these proposals may be at election time, they may be in the platforms and planks of political parties, or they could be through the municipalities as they were already.

Mr. Speaker, I also believe that even though the constitutional question is before the Supreme Court that it is possible to discuss the question of constitutional amendments without getting involved in and interfering in and reflecting upon and raising all the main questions that we have been debating the past year. I don't believe that this proposal is affected because of the fact that these comments are sub judice.

My contention is that this is perfectly in order. It is clear from the goings on in the last number of days, in line with what the Member for Virden said, that the government doesn't want a Private Members' Hour or Private Members' Resolutions. They have tried every single day to eliminate that.

MR. SPEAKER: Order please, order please. I will take the matter under advisement to review what members have said and their advice and will report back to the House.

The next resolution on the agenda is Resolution No. 6.

The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, on a point of order, I wonder if we could call it 5:30.

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MR. SPEAKER: Is it the will of the House to call it 5:30? (Agreed) That being the case, I am leaving the

Chair and the House will resolve itself into a committee again at 8:00 o'clock this evening (Tuesday).