



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

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. Phil Eyer
Constituency of River East



MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Hon. Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Q.C., Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Viriden	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
THE STANDING COMMITTEE ON PRIVILEGES & ELECTIONS

Friday, 27 January, 1984

TIME — 2:00 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Phil Eyer (River East)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

*Hon. Messrs. Anstett, Bucklaschuk, Lecuyer,
Mackling*

*Messrs. Enns, Eyer, Filmon, Harapiak,
Kovnats, Nordman, Scott*

WITNESSES: Mr. Sidney Green, Manitoba
Progressive Party

Mr. Gary Doer, Manitoba Government
Employees Association

Mr. Herb Schulz, Private Citizen

Mr. Walter Kucharczyk, Private Citizen

MATTERS UNDER DISCUSSION:

Bill No. 115 - An Act respecting the Operation
of Section 23 of The Manitoba Act; Loi
concernant la mise en application de l'article 23
de la loi de 1870 sur le Manitoba.

* * * *

MADAM CLERK, C. DePape: Before the committee
proceeds with consideration of Bill 115, it must elect
a new Chairman since the former Chairman is no longer
a member of the committee. Are there any nominations?
Mr. Harapiak.

MR. H. HARAPIAK: I would nominate Phil Eyer to be
Chairman of the committee.

MADAM CLERK: Any further nominations? Seeing
none, Mr. Eyer, would you please take the Chair?

MR. CHAIRMAN: Committee, come to order. Can you
hear me in the back of the room? What is the will of
the committee on how to proceed?
Mr. Mackling.

HON. A. MACKLING: Mr. Chairman, I note that there
are now 49 persons on a list wishing to make
representation to the committee - and I know that we've
had representations to this committee in the past and
there were some concerns that people waited a long
time and then weren't given the opportunity to address
the committee and some of them didn't stay - obviously
the concern is that we want to provide a reasonable
opportunity for everyone to be heard. I think out of
consideration for that, we have to have some reasonable
limitations on briefs and questions on those briefs, and

therefore I move that for the purpose of facilitating the
work of this committee and ensuring that those wishing
to present briefs may do so during a reasonable period
of time, this committee set 40 minutes as the maximum
time for the presentation of briefs inclusive of any
questions thereof.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, committee members and
members of the public ought to be aware that the kind
of committee hearings we have enjoyed in Manitoba
are a special privilege and a unique feature of our
legislative process that isn't there in many Legislatures,
as I understand, and I raise that question because I
know my colleague would be pointing that out to me.
That, Sir, is all the more reason for us to safeguard
this opportunity for expression on the part of the general
citizenry.

Mr. Chairman, while 40 minutes may be acceptable
in terms of presentations, the further encroachment on
our privileges to properly examine, to properly question
as committee members - and that is our purpose here
is to listen to the presentations and to then ask the
questions and all the questions that committee
members may wish to ask for full clarification of the
person who is presenting a position to this committee
- to have that included in the 40 minutes, Mr. Chairman,
leads me to suggest that this government, getting into
the habit of invoking closure upon us in the House, it
has devised a measure of closure in this committee,
and this committee I remind you is the only opportunity
for the people of Manitoba, either representative of
organizations, groups or as individual citizens, to make
their positions, to make their concerns known to us.
I simply can't except the limitations placed by the
Minister of Natural Resources. I think it would be far
more appropriate to proceed, and then if we find that
we are running into extensive time on some of the
representations to make that decision at that time.

I think that anticipating in this instance is of no
particular value to the committee, and I think again on
this particular issue, this of all issues, is not the one
for this government to be restricting representation on.
The process is a lengthy one; we know that, this
government knows that. It's been the history and
tradition of this Legislature and these committees to
hear out what our people have to say to us and to
allow individual members to question them without
restriction. Mr. Chairman, I certainly appeal to members
opposite. I appeal to the Government House Leader
who is aware of the traditions that this committee has
established. I note with some regret that some of the
other members haven't got the kind of tradition other
than you, Mr. Minister of Natural Resources, who sat
through and who indeed was part of the questioning
team when there was another government in charge,
with the responsibility of conducting these hearings and
who did not impose these kinds of restrictions on those
who wish to make presentations to them.

So I reject, out of hand, Mr. Chairman, the motion, the suggestion, being put before us by Mr. Mackling.

MR. CHAIRMAN: Mr. Doern.

MR. R. DOERN: Mr. Chairman, I have to regard this as another instance of closure. I think that the government is afraid of public opinion. I want to say to the House Leader that he is the one who has made the statement in public and in the Legislature that this is an entirely new proposal, entirely new package, very different and unlike the one introduced by the Attorney-General, and therefore if there were hearings before and if there was public discussion and debate before, according to him it's a brand new ball game. Mr. Chairman, I don't have to emphasize that Bill 115 is part of a significant package. It's not just an isolated bill; it's part of a package of a constitutional amendment and a bill to provide French Language Services, and it cannot be seen in isolation from the proposed constitutional amendment.

The other points I make are these: that not one person on this list was told that there would be a time limitation. So people, I assume, have come here, some have spent time working on briefs, some have spent time on preparing themselves verbally and now they're confronted with the decision either to go 40 minutes and have no questions at all or to limit their comments to 10, 20 or 30 minutes in the event that they may receive some questions from members of the committee.

Mr. Chairman, I think that if the government wants to limit briefs as a general principle, as a general approach or policy, then that is something that should be referred to the Rules Committee. That could be discussed as a general procedure of legislative committees, but to come in here with the proposal that each brief should be limited to 40 minutes, questions and answers included, I regard as a form of closure. I think the government should think very carefully about invoking closure every time it runs into some public resistance.

MR. CHAIRMAN: I might note in passing that I am informed by the Clerk that when people phoned in and asked if there were time limitations, they were told by the Clerk's Office that time limits would be set, if there were any, by the committee.

Mr. Mackling.

HON. A. MACKLING: Mr. Chairman, I hear the words of the Opposition House Leader with some degree of sympathy, because certainly it is true that we want to hear the views of Manitobans on matters that are presented to this committee. It is out of deference to hear those views that we have to set a reasonable format for hearing people. You recall, the members of this committee recall that there were complaints that in earlier sittings of this committee, members of the public, who had waited long long hours to be given the opportunity to address the committee, out of frustration left and did not make presentations to the committee because some presentations went on at great length.

I am of the view that surely members of the public should have the same equivalent rights as members

in the Legislature. Members in the Legislature have 40 minutes according to the rules, except the Leaders of the parties or a designated person, to present the case. Surely members of the public can work within those same general guidelines.

In addition, Mr. Chairman, I would point out that it's not a precedent. Previous governments, previous committees have set time limitations, and they're not far distant in the past. Honourable members of the opposition will recall that in 1977 time limitations were set by the Leader of the government caucus as it then was, a Conservative Government Caucus, in respect to presentations of briefs in respect to Family Law. That was acceded to by the opposition, a New Democratic Party Opposition at that time.

There were 23 people who were on a list to speak. Out of concern to have given all of those people an opportunity to speak, there were time limitations set. That's all we are suggesting now.

You know, when I look at the list and I see the name, Mr. Sidney Green, Manitoba Progressive Party, I'm sure that I could very gracefully listen to Mr. Green for much longer than 40 minutes and not feel that the time of the committee was being abused. So I have some sympathy for the position that the honourable member takes that, well, maybe later on in the sittings we could look at the time limitations again. But that's not fair to the people who have to wait, and wait an inordinate length of time, and then find out of frustration that they can wait no longer. They have a job; they have duties elsewhere; they have other priorities. They have to leave.

That is why the suggestion is made; I think it's a reasonable suggestion. There is no attempt to foreclose the opportunity for people to speak, rather that more can be heard by the committee because surely a person that's making a presentation can get the essence of their views made known, as members have to in the House, in 40 minutes.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, just very briefly, because I think Mr. Mackling has made the major points that hearings have been limited in the past, that we want to hear from the public and we want to hear from all of those who want to present briefs and to not place limits in the initial stages and consider them later would be unfair.

I recall in the House that the Member for Pembina, Mr. Orchard, did allude to the fact that particularly at the Brandon hearings last September many people left out of frustration because of the lengthy period of time.

MR. D. ORCHARD: I never made that reference.

HON. A. ANSTETT: Mr. Chairman, Mr. Orchard said it wasn't he, someone on the opposition side.

MR. D. ORCHARD: Well, get it right.

HON. A. ANSTETT: Mr. Chairman, my apologies to Mr. Orchard. It has been suggested by members in the opposition that many people left the Brandon hearings because the question and answer of several individuals

at those hearings went on for two or three hours and that prevented a lot of people from being heard in the two days the committee was sitting in Brandon. It turned out the committee finished its hearings in Brandon, the second evening, before the time allotted because other people had gone home.

We want to hear the people of Manitoba, Mr. Chairman. We want to ensure that they're all heard in an orderly fashion and that we do not, at the beginning, take up three or four hours with some people and prevent others from being heard. That's the reason for the proposal and I support it because under those grounds I think it's eminently reasonable and fair.

MR. CHAIRMAN: Mr. Filmon.

MR. G. FILMON: Thank you, Mr. Chairman. Frankly I'm amazed that the government representatives on the committee are proposing to limit the length of presentations before the committee, and using as a rationale the fact that more can be heard, that everyone will be heard.

Under questioning in the House, as recently as yesterday, their Leader, the Premier, assured Manitobans that everyone who wanted to be, would be heard. Now it's being suggested to us that some would not be heard because we are going to let the presentations go beyond 40 minutes. I don't accept that at all, and I suggest, Mr. Chairman, that we ought to hear anyone who wants to be heard and we ought to not place limits on the knowledge that by experience there are not going to be many people who go beyond the 40 minutes.

The Minister of Natural Resources indicated that even in the Legislature the leaders have unlimited time so there are occasions in which people go beyond the normal 40 minutes. I would suggest that the same thing happens before committees where 19 out of 20 people will not go beyond the 40-minute limit, and those who do go beyond the 40-minute limit will have valuable contributions to make. They will have researched, they will have a great deal of experience and knowledge to bring to this topic and that's why they will go beyond 40 minutes and those, above all, are the people who should not be limited.

So, I suggest, Mr. Chairman, that this committee ought to think and think very seriously before it imposes any such limits on the lengths of presentation; that the purpose of our committee is to give Manitobans an opportunity to be heard. We are unique in the parliamentary system of the world that we allow for public representations before bills are finally approved in the House and we should not place limits on that very very valuable democratic service that we provide, that commitment that we have to democracy to allow people's views to be heard.

I say, Mr. Chairman, that the government has shown contempt for the opposition by the imposition of closure in arriving at this point. The government has shown contempt for the institution of Parliament in imposing closure on second reading to get us to this point. Surely, they can show some courtesy and consideration and bend over backwards to ensure that the people of Manitoba will be heard and will be heard fully.

MR. CHAIRMAN: Order please, order please. The Rules of the Committee and of the Legislature state that there

can be no participation in debate or signs of approval or disapproval from members of the audience. I would therefore ask you not to show any signs of approval or disapproval, whether it be by clapping, speaking, cheering or whatever.

Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. I'll be brief, but I want to suggest to the committee that there's a fundamental repugnance, Sir, to the suggestion that presenters and delegations be limited in the time available to them to make their presentations, but that aspect of the suggestion by the Minister of Natural Resources has already been, I think, effectively dealt with by my Leader and my House Leader, and I just want to make the point I think there's a fundamental unfairness about any suggestion that includes a finite limitation on the time for questions, and that, of course, was part of the Minister of Natural Resource's original suggestion.

If you place a limitation on the time permitted for questions, whether in an all inclusive way within a specific overall time limit such as he has suggested or individually, just as a question period component, who then gets the opportunity to ask the questions? How do you limit members of this committee, the members indeed of this Legislature, in terms of their opportunity to ask questions? Are we going to limit each member of the Legislature to one question or half a question, so that it fits a certain time frame? It's fundamentally unfair, Sir, and I think has to be rejected out of hand.

MR. CHAIRMAN: Mr. Mackling.

HON. A. MACKLING: Well, Mr. Chairman, first of all I want to respond to the intemperate statement of the Leader of the Opposition, suggesting that time limitation in accordance with the rules of the House, adopted by the House, those reasonable guidelines to be followed by this committee are abusive or obstructive. When we look at obstruction and contempt for rules, this committee could have been dealing with this bill one week ago, if it weren't for the obstruction of the Leader of the Opposition in guiding his caucus to walk out of the House and let the bells ring for four days. Now that is obstruction. Mr. Chairman, that is obstruction of the use of the House, the time of the House that members could not have been here hearing citizens about this bill, and in order to get this bill before the citizens, so citizens could make their views known to the bill, we had to use closure so that people could be here and tell us their views on the bill. That, Mr. Chairman, is the fact. Now, Mr. Chairman, that is in response to that misleading statement by the Leader of the Opposition and that is truth.

Now, Mr. Chairman, in respect to the concerns of the Honourable Member for Fort Garry. He has a point that, you know, how are we going to deal with the questions? Well, surely those presenters can, in all probability, provide that their presentation lasts about 30-35 minutes, allowing for some time. If they need more time, surely this is the guideline, this is rule we adopt, but we can agree - if there is some concerns that we want to hear - we can agree to extend the time. But this is a rule or guideline that I think is

reasonable, so that everyone will have an opportunity to speak, so that we won't have people waiting for four or five or six hours there and then feel they can't speak, they've got to go home. Mr. Chairman, this is not to frustrate debate, but to ensure that people get a fair opportunity.

MR. CHAIRMAN: Order please. I would like to remind the audience once more that expressions, whether verbal or physical, of approval or disapproval are not allowed in committee or in the Legislature.

Mr. Enns.

MR. H. ENNS: Mr. Chairman, let me say in a kindly and a temperate way that I think we've got an agreement here. It's hard to come to any agreement with members opposite, but I think we've got one.

You, Mr. Minister, just said a moment ago that we can agree to extend. I said in my initial comments that we could perhaps agree to limit if the committee felt that was the need and that was the wish on a particular presentation. So then what is the argument about? You say we can agree to extend; we are saying we can agree to limit. You said we'll let the presentation be the judge of when that limitation or that extension should take place.

Mr. Chairman, I appeal to this government. For goodness sakes, just once get your heavy hands off this subject, and let it just flow easily and naturally without getting us all excited about it!

MR. CHAIRMAN: Mr. Orchard.

MR. D. ORCHARD: Mr. Chairman, since the Minister of Natural Resources is so concerned about the truth, his proposal is not simply to limit the time of a person's presentation, but also to limit the time in which this committee can ask legitimate questions of people who have spent a lot of time and effort researching Bill 115. I might add, Mr. Chairman, when this bill has only been before the people of Manitoba for three weeks, hardly ample opportunity for anyone, including MLA's, to become fully familiar with this bill.

Now, Mr. Chairman, the Minister of Natural Resources indicated that we had placed limits on briefs before. He is partially correct but not totally correct. There have been limits established in other committees where the presentations are limited to 30 or 40 minutes, but there has never been a limitation of both questions and presentations by any committee that I have been part of in this House. To say that is what has happened in the past is not being truthful with this committee or the people of Manitoba.

If there is any limitation, it should be only to the presentation. Questions should flow naturally from the brief and to and from the committee to the individual who presents that brief, and no limit should be placed on the ability of this committee to question the point of view brought to this committee by people of Manitoba.

This is to hear the people of Manitoba on this subject, not to conform to a very tight, narrow and - I will not use the next term. But as this committee is not designed to set the timetable of this government, who promised the constitutional resolution would be in Ottawa this

afternoon, no Manitoban is going to be dictated to by the New Democratic Government in terms of how much time they should take to answer questions on this very important matter that has only been before the people of Manitoba for less than three weeks.

MR. CHAIRMAN: Mr. Harapiak.

MR. H. HARAPIAK: Mr. Chairman, in order to hear the people who want to make presentations to this committee, I would move that the question be put.

MR. CHAIRMAN: The motion before this committee is that for the purposes of facilitating the work of this committee and ensuring that those wishing to present briefs may do so during a reasonable period of time, this committee sets 40 minutes as a maximum time for the presentation of briefs, inclusive of any questions thereon.

All those in favour, please say aye. All those opposed, say nay. In my opinion, the ayes have it.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please, order please. Order please.

MR. D. ORCHARD: They are fools.

A MEMBER: You'll rue the day that you stopped the people from talking. You'll rue the day.

MR. CHAIRMAN: Order please, order please. Order please.

Mr. Lyon, please.

HON. A. MACKLING: Your face is just as red as their necks are - some of them.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. S. LYON: On a point of order, Mr. Chairman.

MR. CHAIRMAN: Order please, order please.

HON. S. LYON: On a point of order, Mr. Chairman. You will hear a point of order when it is raised.

MR. CHAIRMAN: Order please, order please. Mr. Lyon, order please.

HON. S. LYON: On a point of order, Mr. Chairman. When the Minister of Natural Resources . . .

MR. CHAIRMAN: Mr. Lyon, order, order please. Mr. Lyon, you have not been recognized.

HON. S. LYON: . . . said that my face was red as the necks of the people here, he has offended the people of Manitoba, the people in this room, and I ask him to apologize or get out of the . . .

MR. D. ORCHARD: Apologize.

MR. CHAIRMAN: Order please. I once again would like to remind the audience that I must insist that there

be no interference from the audience in the debate of this committee, there will be no expressions of approval or disapproval.

If I am given no choice, I will have to ask the Sergeant-at-Arms to clear the hall.

HON. S. LYON: You Marxists would do it too, wouldn't you?

Mr. Chairman, I raised a point of order and I want it dealt with.

I have raised a point of order, Sir, and I want it dealt with.

MR. CHAIRMAN: Mr. Lyon, on a point of order.

HON. S. LYON: Is this going to become some kind of a Star Chamber of the NDP or what?

MR. CHAIRMAN: Do you wish to respond to the point of order? Mr. Lyon, speak.

HON. S. LYON: My point of order, Sir, was that the Minister of Natural Resources said that the people in this room were a bunch of rednecks. I think he owes the people in this room and the people of Manitoba an apology.

HON. A. MACKLING: On a point of order, Mr. Chairman. You know, I regret that I rise sometimes to the abusive language of the former Leader of the Opposition, who has used some terrible demagoguery, some terrible words in the House and outside the House. He did that off the record today . . .

HON. S. LYON: Just apologize.

HON. A. MACKLING: . . . and I rose to his bait and I apologize for doing it. I apologized for rising to his bait.

HON. S. LYON: Apologize to the people.

MR. CHAIRMAN: Order please.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please, order please.

HON. S. LYON: Mr. Chairman, I ask that the member in question apologize to the citizens of Manitoba who are here.

MR. CHAIRMAN: It has been decided by the committee that there will be 40-minute limits on presentation inclusive of question periods. The general purpose of this meeting is, of course, I'm sure you are all aware . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: Order please, order please. Order please. Order please.

The purpose of this committee hearing is to hear representations from the public on the specific clauses

relating to Bill 115. Copies of this bill are available from the Clerk if anyone wishes to peruse the bill in detail.

I am also informed that some members of the public would like to make presentations in French. Units for the translation into either language are available behind the translation booth. If members wish to come up and sign them out, they may do so and I will wait a few minutes until that is done.

The first person on my list of people wishing to make presentations is Mr. Sidney Green of the Manitoba Progressive Party. Mr. Green.

MR. S. GREEN: Monsieur le Président, je ne comprends pas bien la règle. Donnant le fait que je suis un chef de parti, est-ce que j'ai le temps de parler plus que quarante minutes?

MR. CHAIRMAN: Excuse me. I didn't have my translation machine on in time for the question.

MR. S. GREEN: I'll repeat it in English to those people who are not bilingual. Given the fact that I am a member, a leader of a political party in the Province of Manitoba, am I entitled to speak for more than 40 minutes?

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, Mr. Green is being facetious. Mr. Green is fully aware that the rules with regard to leaders of parties under Rule 34 in our House apply to parties recognized in the Legislature. Those parties are parties with four or more members in the House and fortunately or unfortunately, Mr. Green does not have four seats in the House.

MR. CHAIRMAN: Does that answer your question, Mr. Green?

MR. S. GREEN: Yes, it does answer my question.

MR. CHAIRMAN: Thank you.

MR. S. GREEN: I indicate to the Chair that I was not being facetious. I heard it said that a leader of a party has more than 40 minutes. This I know. That was not said. We're now in committee. The people who are speaking now are members of the public and therefore I wanted to know whether that applied to members of the public, and you've answered that it doesn't, and I will therefore try to make my remarks within the time which is allotted and any extension which committee seeks to give if I take forty minutes.

MR. CHAIRMAN: I will be generous and start counting from now rather than from the beginning.

MR. S. GREEN: Thank you, Mr. Chairman. I appreciate that indulgence.

MR. CHAIRMAN: Has your microphone not been connected up? Mr. Green, is yours connected. — (Interjection) — Who can't be heard? Is it Mr. Green?

MR. S. GREEN: Is it on now?

Mr. Chairman, I appear here on behalf of the Manitoba Progressive Party. — (Interjection) — I would ask that the volume be put up. Can you hear me now? Okay, I will try to speak at that pitch. Usually it comes up halfway through the speech, I'll start at the beginning.

Mr. Chairman, I appear here as a citizen of the Province of Manitoba whose maternal language is neither English nor French. I grew up in this province and went to school and when I attended school, I was taught the English language. That is the only basis upon which English is my official language. Had I been taught French when I walked into the same schoolroom, I would be speaking the French language and that would be my official language.

Throughout my career in politics, I don't think that it can be questioned that it was my view that one of the most valuable features of our Canadian society was the fact that we were not founded on any one ethnic or cultural basis and that was an accident; it wasn't something that we were clever about. It just happened to us. This was a valuable feature of our society and throughout the years that I was in politics, active politics in the Legislature, the citizens of Manitoba in a healthy atmosphere and with great good will, extended the use of the French language in the Province of Manitoba in a far more important way than is suggested by this bill on several occasions.

The most important extension, Mr. Chairman, was the right given to any citizen of the Province of Manitoba to have his language of instruction in the educational system in either French or in English, and that is a clause which did not provoke yells of rednecks, did not call on a great offence by the opposition, didn't result in hostility in this province. It's still a law in this province and is one which, if this constitutional package goes through, will be entrenched, something that was never intended, never desired and not really needed. As a matter of fact, Mr. Speaker, resulting in a negative situation rather than in a positive one.

We now have a situation in the Province of Manitoba which is the greatest tragedy that this province has experienced in all of my adult life. It is a greater tragedy than CFI. It is a greater tragedy than any of the economic misfortunes that were experienced under the MDC. It's a greater tragedy than the Conservatives tried to make out the Hydro Project was. It is a tragedy, Mr. Speaker, of proportions which cannot be exaggerated and the extent to which it will hurt our province in the future cannot be minimized. And that is that we have a population, Mr. Speaker, divided into so-called Francophones and Anglophones and the suggestion that these two groups are hostile to one another.

Mr. Chairman, I am for the extended use of the French language in the Province of Manitoba. I am not with those, who I respect and whose ideas I accept, although don't agree with - I accept them as being ideas of decent people, thinking people. I don't agree that Manitoba should be an English province. I believe that we should be a province which reflects our Canadian character and that the use of the French language should be encouraged.

I say, Mr. Chairman, and I charge this government with having set back bilingualism in the Province of Manitoba by at least 100 years. The last time I appeared before a committee it was 50 years, now it's 100 years, Mr. Chairman, now it's a hundred years. They, Mr. Chairman, are the ones who have done it.

Little did I know, Mr. Chairman, when I pleaded and worked for the right for people to have an education in the French language, little did I realize that there was a group out there who didn't want French to be the official language of the Province of Manitoba - that's not what they want. They want a preferred position for a French ethnic background group in this province.

I speak the English language. I am accepted as an Anglophone. I speak the French language, not quite as well but on the same basis, but no one within the Société Franco-Manitobaine will accept me as a Francophone, because it's they, Mr. Chairman, and this government and the Federal Government who have conspired not to make French an official language in this province, but have conspired to provide a special ethnic status for certain people within the Province of Manitoba.

Little did I realize that the Metis schools that give language of instruction in French would mean that the people running those schools said we don't want students who are other than of French origin. They don't use that term. They say other than people who already speak French, which means the same thing.

Little did I realize, Mr. Chairman, that there would be within our society an enclave, a setup of a group who is supposed to own and be able to bargain with the French language. La Société Franco-Manitobaine is represented as being the owner and proprietor of what you can do with the French language in the Province of Manitoba.

Is there some English group that you bargain with on the English language? Who represents the English-speaking people in this province? Is it some Anglo-Saxon group that can trace their origin to the British Isles, as having always spoken English, or is it - as this government is doing - ethnic French and everybody else? Because, Mr. Chairman, that is not making French an official language in this province. That's taking our so-called cultural mosaic, taking out one of the tiles and putting it in a separate place and saying that tile has got its own status apart from the citizens of the Province of Manitoba.

Mr. Chairman, when I heard that this bill was being enacted in order to have a statute, rather than a constitutional change with regard to the provision of French services, I said to myself, although I think it's unnecessary and although I don't really like statutes, I can't really oppose that. Then I looked at the bill, Mr. Chairman, and I say that nobody in his right mind, who wants bilingualism in this province, who wants to maintain the kind of harmony that existed in this province before it was undone by this government to support this bill, because this bill is not a mere statute for the purpose of providing a service in the French language.

When the Minister says - and he won't let me talk about it yet, but I will because it will be relevant - this bill says that it's an Act respecting the operation of Section 23 in The Manitoba Act. Mr. Chairman, that is an outright lie. This bill doesn't refer to The Manitoba Act, unless what you are doing is saying that The Manitoba Act now provides for these services, which is what they've been saying all along and are now putting them into a statute.

So you are saying this bill merely provides for what's already in 23. If it already provides for what's in 23,

you don't need it. If it doesn't provide for what's in 23, this is a lie and, Mr. Chairman, 23 has already been interpreted by the Court of Appeal, it has never been interpreted as providing these services - I'm not going to say it's been interpreted as not providing them because that's not correct - but this name is an affront to the Court of Appeal. This name is an affront to the Supreme Court of Canada. This is a legislative attempt to retroactively say what 23 did and, Mr. Chairman, I've been in the courts a lot and a long time, and I think that members will recognize that. I have never seen a statute - and you can correct me if I'm wrong - which attempts to interpret a constitutional provision, but that's what this is, An Act Respecting the Operation of Section 23.

Does this now mean, Mr. Chairman, that the courts will have to interpret this act as if 23 already contained these provisions, and if it doesn't, the act is null and void? That is this act, the one that I'm speaking to you on, is null and void because 23 doesn't provide for these things. Or is a court going to say that this is a provision which intends to give a legislative interpretation to 23, and, if so, have we changed the meaning of 23?

The reason I can't and no lawyer will answer that question, Mr. Chairman, is that it's unprecedented. This act can't be referred to as a dog's breakfast. This act is a laughing hyena's dinner, that's what it is. It can't be referred to - nobody can tell you what the effect of this act will be. What I can tell you is that this act and 23 as they now stand - and that's what I'm apparently supposed to speak to - means that everything in 115 is entrenched, everything in 115 is entrenched.

You're in a hurry to get this act passed, you're not going to let us speak very long on it. If you have your way, this act will be passed within the next two weeks, three weeks, four weeks. I don't know when, but your idea is that it will be passed within the next four weeks. Under 23 which you've amended, it says, "As English and French are the official languages of Manitoba, the freedom to use either official language enjoyed under the law of Manitoba enforced at the time this section comes into force shall not be extinguished or restricted."

If this act is passed within four weeks, the constitutional amendment can't be passed until at least the spring and not by then. Everything that's in here becomes entrenched in 23 and no lawyer will tell you differently, and my remarks are going in Hansard. No lawyer will tell you differently and I already understand that the government has had to backtrack again and say that they will make sure that this is not entrenched by the constitutional amendment, although they didn't say that when they introduced it. Therefore when I said, Mr. Chairman, I challenge the Minister to produce a lawyer who says that this new proposal 23 will not entrench far more than was entrenched in the previous proposal, he can't find one, because this section entrenches everything and rather than this being a watered-down version, it's a beefed-up version and the government is going to have to change it in order to come to their own position, what the Minister said, this is declaratory and symbolic.

Well, Mr. Chairman, let me advise the Minister without any hesitation that no lawyer - and you get it in writing

if he's going to say otherwise - will tell you that if this goes to court, the court will interpret it and I'm talking now about 23, which I can incorporate with this bill. No lawyer will tell you that a court is going to say that this act is symbolic and declaratory and doesn't do anything. And they will say, if the Legislature didn't want to do anything, they shouldn't have passed anything.

Because you've heard, Mr. Chairman, that the Legislature can do miracles, that they can turn a man into a woman, by law they can. I'll tell you something, the Legislature can do even bigger miracles, they can attribute intelligence to the majority party in this Legislature. That's what they can do and they will. They will attribute intelligence to this Legislature. They will say, there must have been something, even though it appears that the Minister said it's symbolic and declaratory and the general law, although it's changing in the United States, is that they can't hear what the Minister said when he introduced the bill. It may be admissible now, but it doesn't carry any weight if they attribute intelligence to that Legislature and the way the things are now, it is there.

Now, Mr. Chairman, I had high hopes for the enhancement of the use of more than one language in this province and particularly the French language and the English language. I worked very hard in that respect, and I say that those hopes were based on the fact and can still be based on the fact that the people of the Province of Manitoba wanted to improve their lot by the advent of this new dimension and where there is a will, Mr. Speaker, you do not need a legislation. Where there is no will, the legislation won't do you a bit of good.

There was no will in 1890 and the existence of the legislation did not do a bit of good. As I indicated to many trade unions that I represented who were applying for certification, if you have the strength of the employees the certificate is unnecessary, if you don't have the strength of the employees, the certificate will not do you any good.

So what you are looking for is the good will of the Province of Manitoba, not legislation. What you've got is a creation by this government and it didn't exist prior to two years ago - bad will on the part of the Province of Manitoba towards this end. I say, Mr. Speaker, that is a bigger tragedy created by this government than any previous tragedy, economic, social or otherwise, that I can remember having experienced in the Province of Manitoba and they continue with it. They continue with it, Mr. Speaker, and we get a call from the Minister of the Crown, in public, and somebody says something, he says, "You're as silly as their necks are red." He can apologize, Mr. Speaker, but there it is. There it is. It's like somebody saying to me you're a dirty Jew and then saying I'm sorry I told you that I thought you were a dirty Jew. The necks are still red in the eyes of the Attorney-General, Mr. Speaker, and we know it. We know the hostility that's been created in this province and it's the government who has attempted to capitalize on that hostility.

We now have the Premier looking for sympathy by talking about phone calls that he received. Do you know that these phone calls are received everywhere right across this country and they're kept quiet because they just inspire more phone calls and you stoop to the

lowest depths when you start seeking public sympathy by talking about phone calls that you receive. Shall I tell you the calls that I have received? Shall I tell you because my name appears as being opposed to this program, although not being opposed to the use of the French language? Is that the way I will attract sympathy to myself and talk about the racism in those calls.

The big objection to this bill, Mr. Speaker, other than the fact that there are many parts of it which I'd like to deal with you if I had more time, to show you how silly it is legally. The big objection to this bill is that rather than permitting the province to advance as they were advancing in a healthy manner with good will, nothing but good will recognized, that this bill arises in the following way, that there is a conspiracy between the Province of Manitoba, La Société Franco-Manitobaine and the Federal Government based on the fact that La Société Franco-Manitobaine says that it has the power to invalidate all the laws in the Province of Manitoba and that it will do it unless the Province of Manitoba recognizes certain Francophone rights, and that's what they called them, not rights of people who speak the French language, but Francophone rights as distinct from Anglophone rights, that they will invalidate all of the laws of the Province of Manitoba.

I say, Mr. Speaker, that condemns the bill to start with, that nothing in this bill requires legislation in terms of extending the use of the French language. Most of the kinds of things that were done - I won't refer to every office - have been done by simple governmental policy which has gone into effect and has happened, and the one part of the bill that can't be done without legislation is so useless that I'm surprised, except for the fact that La Société Franco-Manitobaine and the government are so much on the ropes that they want to pass anything to say they have passed something, but I'm surprised that anybody would go along with it. Look what it says, look at the remedy.

You can go to court if you feel you haven't got services under the act and then the remedy is, after hearing an application for a declaration under Section 28.1, and such evidence as may be adduced, the court may declare that a right provided to the complainant by this Act has or has not been denied. Listen, that's the limit of the court's jurisdiction, so if I, as a Francophone - and by the way you're going to find these things happening - I, as a French speaking person, go to the Labour Board representing a group of disaffected employees - we've got some of our labour people around here - and I say, this application for certification cannot proceed parce que je demande que le procès soit en français.

Now they have to take the papers back, start sending out papers in French and in English and have the whole certification procedure thwarted by the fact that here is this gentlemen, who speaks French, he says, "je t'assure que le procès ici . . . soit en français," and it stops the process. But if they don't do it, this is what's supposed to happen and I'll prove it to you. If they don't do it, I go to court. I go to court and I say, they didn't do it in French. The court hears all the evidence and they say, yes, we declare that your right has been denied. Thank you very much.

That's what the act provides. Say no, that's what the act provides; that you will get a declaration that the

right has been denied or that it has not been denied. That is the only feature of the bill that you need legislation for, because the rest of it, such as providing services in French, we don't need the legislation. You didn't need the legislation in 1970 when Joe Borowski, who was the Minister in charge of the House, said that the sign on my door which said, "Ministre des Affaires et des Ressources Naturel et de l'Environnement," Joe Borowski asked that be crossed out because it was in French. The civil servants crossed it out, because they listened to what the Minister told them, but it was back on the wall next day and stayed there for eight years. That wasn't long enough, but it stayed there for eight years. No legislation was necessary. The people who attended at that office would be served in French if they wanted to be. That does not require legislation.

What requires legislation is the position that La Société Franco-Manitobaine has the right to dictate the language policy of the Province of Manitoba. That requires legislation.

Does anybody doubt that is the intention here? Mr. Speaker, if there was any doubt, it was dismissed last week when I received a letter from Joseph Elliott Magnet, addressed to Messrs. Léo Robert, Rémi Smith, Raymond Thiberge and Renald Guay, Société Franco-Manitobaine; 25 pages, Mr. Speaker, and not a word in French, addressed to those people, Léo Robert, Rémi Smith, Raymond Thiberge, etc., in which he says that Section 23 now provides - listen to what 23 now provides for. Look at the court cases that are awaiting you, because this whole thing is done to avoid court cases.

This is what Mr. Magnet says is now available under 23: "Simultaneous translation in the Legislature and in all committees." We could always speak French in the Legislature. Those people who say we couldn't speak French in the Legislature are liars. I spoke French in the Legislature on numerous occasions, and it was translated into English.

Those people who say that the people who are against this are ignorant and are bigots are liars. Two former presidents of the NDP, both of whom fluently bilingual, are against this legislation, Bill Hutton and myself. The president of the Progressive Party is by birth of French origin. He is against this legislation.

It says that "English is for the Order Paper, for the Votes and Proceedings, for Hansard." After this is over, who says you won't get somebody asking for Hansard totally transcribed in French, and who says he won't go to court? Can La Société Franco-Manitobaine stop him from going to court? Could they stop Georges Forest from going to court? After all, when Georges Forest started in court, he did not have their support. It was only when he started winning that he got their support.

"The Sessional Papers have to be in French. There has to be bilingual archives of the Legislature. There has to be French-speaking personnel in the court. The rules of practice in all the courts and all government tribunals, including the Labour Board and every other board, have to be in French."

Then he said the SFM, "If the court were to enjoin . . . - if you didn't have simultaneous translation - "If the court rules 23 is mandatory and requires translation on a timetable, the SFM is in position to enforce other aspects of 23 relating to Legislature and

quasi-judicial tribunals." Enforcement would be by an application for an injunction to restrain the legislator from operating with illegal documents.

When you fellows do it by ringing the bells, which you could never ring on me - I'll tell you - but on them you can ring them, but they're going to get an injunction against the Legislature from proceeding. This is the lawyer that you and I are paying hundreds and thousands of dollars. As long as they're paying lawyers, I'll tell you, they'll find lawyers. This kind of thing is made for those lawyers.

Then he says, "If the court were to enjoin the Legislature from operating without a suspension of time, a constitutional amendment would be necessary . . . "- another one. "The SFM would be in a strong position to dictate the terms of that amendment." That's the game that is being played.

I'll tell you, if the SFM, which ultimately has to say, this is unreasonable; we won't do it, but when it's a constitutional amendment, you don't need the SFM. All you need is one person who can get one lawyer and the lawyer, hoping that he'll be financed by the Federal Government, who has intervened in political affairs in this province to undermine the political process in this province by the donation of funds and the use of other materials, the kind of fascism in terms of using public funds, my money to support political opinions that I don't believe in which is being carried on and which will be furthered by the NDP when they start giving funds to political parties because they're broke.

"If the court rules that all laws which violate Section 23 are invalid, the problem can only be solved by constitutional amendment. If the Federal Government adheres to its promise . . . "- here's the promise - ". . . not to consent . . . "- here's the Federal Government's promise. Listen to this! "If the Federal Government adheres to its promise not to consent to such an amendment without the agreement of the SFM, the SFM is in a position to dictate the terms of that amendment."

Now, Mr. Chairman, when we talk about opposing this process that we are involved in, is it really true that any tolerant, decent, intelligent person could approve of this? Will they stand up, will the CBC-niks of this world and the Frances Russell's of this world and the NDP of this world stand up and say, I agree that the SFM should be able to dictate the terms of the Canadian Constitution? Because that's what we are involved in. I say, Mr. Speaker, that nobody intended, and official bilingualism is not intended, to act as a particular, special privilege for an ethnic group.

Are the people who speak the English language an ethnic group or are they Manitobans? Is there an ethnic group that has similar control over the use of the English language as the SFM has over the French language, because it's not my view, Mr. Speaker, that French should be a language of this province for the benefit of the Franco-Manitoban. Si nous avons besoin d'avoir une langue officielle plus que la langue anglaise, c'est pas pour le benefit des Franco-Manitobains. La langue française comme la langue anglaise n'est la propriété d'un groupe. C'est la propriété de tout le monde. And that is what is happening in this province and to the extent that it is not happening, Mr. Speaker, it is my view that it has to be totally opposed.

I say, Mr. Chairman, that this legislation is being enacted, not because it is necessary or desirable, but

because the government and the SFM wish to avoid being made to appear the fools that they are and that they have to pass something because they have held themselves up as superior tolerant people by doing it and if they don't pass it, they become ordinary guys like the rest of us. So they have to pass something and they decided on this bill, which my friend, the Minister, now says is symbolic and declaratory and doesn't do anything. Symbolic and declaratory does not do anything, does not enhance the use of the French language.

Well, six weeks ago, many of us were saying that there shouldn't be any entrenchment to enhance the use of the French language in the Province of Manitoba. That should be done by the process of democracy, not by the process of a constitutional amendment. We were called bigots and ignoramuses. Are the government sides now joining the bigots and ignoramuses, by saying we're not doing anything?

Because if we're not doing anything, what are we doing here? Merely stirring up the phone calls, the hate, the hostility, the screams of "rednecks", the division of our population into Anglophone, which includes everybody who is not French regardless of the fact that I am Jewish, and there are Ukrainians, and I grew up with Poles and Germans and we all considered ourselves Manitobans.

I can say this to you, Mr. Chairman, that if I ever again have an important role to play in politics in this province, one of the major things that I will do is stop talking about minority groups in the Province of Manitoba. We are all part of Manitoba, one grand majority with people of different backgrounds but there is no status, in my view, for the Francophones or the Jews or the Indians or anybody else. We are all of equal status, equal Manitobans, not people part of ethnic minorities.

I say that, Mr. Chairman, and I don't change my position, you can go back to 1966. I say that the character of our country which is not based on a homogeneous group, which by accident of history, was founded officially - I'm talking legally because it'll go back before the founding of the country, there were people here before then - but as a legal country we were founded by people of English background and French background and that has made us a better country in my view.

I know that there are many people in this room who don't agree with that, who say that one language was better and I respect them, although I don't agree with them, I won't call them rednecks. They are less rednecks than the people who say we want schools with language of instruction in French but nobody else can go to those schools except people who already speak French, because they are French-speaking people et nous voulons préserver l'ambiance d'une école francophone. They are worse rednecks than anybody in this room.

The legislation, as it now stands, does far more than that legislation than the previous legislation for entrenching legal rights, even without the accident of the dates, which I don't entirely accept as an accident, because we are dealing with devious people. The legislation, as presented, had a bill and had a constitutional amendment. If the bill was passed before the constitutional amendment, everything in the bill was entrenched. It's there. You don't have to hire a lawyer

to tell you that, although if you want to, to see if he'll contradict me, you go ahead and try - so that entrenched everything. Not only did it entrench everything here but it entrenched things that nobody dreamed of entrenching. Right now that bill will likely entrench The City of Winnipeg Act statute insofar as French is concerned, a statute by the way that I proposed but never as an entrenched position.

The right of French and English vis-a-vis the 23 students at a school will be entrenched if you pass this constitutional amendment. That was never intended to be entrenched. I think it's a great thing but you know I have a little difference with my honourable members. When I think something is good I'm willing to pass a law, but I don't think that I'm so goddamned smart that I can pass a law that not only I pass it but nobody else can undo it in the future - that's how smart you are - you guys are so smart that when you pass this law nobody can undo it and the entrenched provision. And 23, even if you don't, if you change those dates, I still say that there are things that you are doing with 23 that you do not know the effect of.

Mr. Magnet insists that 23 now requires the Labour Board to conduct its proceedings in French. So he's wrong, let's say he's wrong. You know I prefer to say he's wrong than he's right, but it doesn't stop - if it's not going to be George Forest, it can be George Valley or George Mountain who can go to court and say I want this service in French and the Provincial Government will say, oh please don't. Please don't go to court. We'll sit down with you Mr. Mountain or Mr. Valley and we'll negotiate a settlement with this case. We'll have a constitutional amendment to prevent you from going to court.

This legislation is being established by dictate and by a federally financed intrusion into a provincial matter. Mr. Chairman, as long as there is someone who will pay the bills, there is room for all kinds of constitutional pushes. You've got one right here. Hansard is now printed in French and in English. When you speak English, it's printed in English; when you speak French, it's printed in French. I've always felt that complied with the legislation. Maybe my learned friend feels that it does too, but Mr. Mountain or Mr. Valley or Mr. Bush or Mr. Tree can come along and say no, we want a copy of Hansard and it has to have everything in French and in English, otherwise I can't be served in the French language. Can you tell me now he won't be right? You can't tell me he won't be right.

You can't tell me that your case will settle that issue, that when you deal with La Société franco-manitobaine and the Federal Government, you have now got a deal. You have no deal because another person can come along unless which, by the way, I wouldn't put it past them - I wouldn't put it past the Federal Government and the province to agree to a constitutional amendment that the SFM, the Société franco-manitobaine speaks for the French people in the Province of Manitoba.

Well my learned friend is shaking his head. If you are shaking your head, why have you permitted them to do it thus far? - and don't tell me you have not permitted it because Mr. Pawley in his letter, when he said it on June 22nd, - well excuse me, the Federal Government says, according to Mr. Magnet, the Federal Government adheres to its promise not to consent to

such an amendment without the agreement of La Société franco-manitobaine. They don't speak for me, Mr. Chairman. Am I entitled to the use of the official language in this province, as a person who uses the official language, English or French, Canadian, not Manitoban because under Manitoba it's a little different. Am I entitled to be represented on those people who speak for the Francophones? Well I'm not, Mr. Chairman, but I wouldn't put it past him. I wouldn't put it past him because the Provincial Government says that this deal comes as a result of that agreement.

Mr. Pawley, in his letter of June 27th, he made it quite certain that he's not doing this because he wants to do it. It's not because he's tolerant as against others being bigoted; that he is intelligent as against others being ignorant; that's not what he said. He said: most importantly all our laws which were passed in one language only will now be valid and we will not be faced with the possibility of legal chaos. So he was running away from the SFM.

My friend, the Minister, I heard him in the House say that there is no way of validating Manitoba's laws except by this legislation. You tell all these people that there are no laws in the Province of Manitoba, that we need this legislation to validate the laws. Those were his words, Mr. Chairman, they're in Hansard. I was here.

MR. CHAIRMAN: Excuse me, Mr. Green, could you sum up your presentation?

MR. S. GREEN: All right, I'll do that Mr. Chairman.

The legislation, Mr. Chairman, is not aimed at making French an official language. There are people in the room, Mr. Chairman, who are far more generous than you, and I know that I can't accede to it, but Mr. Mackling is worried about somebody else wishing to speak. I have a note here saying - ask if I can donate my 40 minutes to you. Mr. Chairman, unlike my friends who say that they're not out for votes, I've always been out for votes. The way he can do it is vote from me - that's right. Then I'll have an opportunity.

MR. CHAIRMAN: Mr. Enns on a point of order.

MR. H. ENNS: I would have made this appeal if Mr. Green would have been fifth or sixth on the list. I make this appeal for the suggestion that we made when we reluctantly were voted down with respect to time limitation but I certainly did get the feeling from the Minister of Natural Resources that if the presentation was of such calibre, or presented itself to the committee, that the committee felt that an extension of time be allowed and that would be considered. I'm asking for that consideration to be made in this instance.

Mr. Chairman, I particularly ask it because this bill that's been before us, a bill that has been a relatively new piece of legislation in its form, a bill that the opposition has had some difficulty in getting appropriate constitutional legal assistance with because in many cases constitutional lawyers that we have available to us in our province, are either working for the government, or working for other organizations like the MGEA, and we've had some difficulty in getting the necessary legal research required on this bill.

Mr. Green specifically referred that he would be prepared to go through some further sections, some

further details of the bill that would be of interest to all of us, Mr. Chairman. I say this, and I also would give you my commitment that I would not be raising this necessarily with every presentation, but I think the presenter makes a case for extended time, and I think the support of the listening audience also makes that case and I appeal to you, Mr. Chairman, for some fairness and some understanding in this matter.

MR. CHAIRMAN: Mr. Mackling to the same point.

HON. A. MACKLING: Yes, Mr. Chairman, I think that in all probability if Mr. Green were given about another five minutes that should do it.

While I have the mike I would like to formally apologize to Mr. Green, or anyone else, for the intemperance of my remark because I wasn't cited by the Honourable Leader of the Opposition who's done that before.

MR. CHAIRMAN: Is it agreed then that Mr. Green will have an extra five minutes?

Mr. Doern to the same point of order.

MR. R. DOERN: Well, Mr. Chairman, I think that it would be in order for somebody to make a motion.

I believe that Mr. Green is making a superb presentation, one that's of interest not only to the opposition but to the government, and to the public, and that some member of the committee would be in order to propose an extension of an additional 40 minutes for both presentation purposes and for questions. There are some people around this table I'm sure, who would like to challenge Mr. Green, or question Mr. Green, and I think it would be in order to make a motion. Five minutes is hardly adequate.

MR. CHAIRMAN: Is there any further discussion on the point of order?

No further discussion? Does the member have leave to proceed?

Mr. Mackling.

HON. A. MACKLING: . . . Mr. Chairman . . .

MR. S. GREEN: . . . there are other people who have contributions to make and . . . I do think that there are some remarks that are very important to be made. One from the bill, and one from Mr. Magnet's letter because Mr. Mackling - I sympathize and I tell him it's not easy for me to sympathize with him but I really do now.

What has happened from him is a small portion of what's taking place in this province. We're getting people making that kind of involuntary remark that never would have made it two years ago. Don't you understand that you've done that? Don't you understand it? It didn't exist. You've done it, yes. You've created racism in the Province of Manitoba. Yes, Mr. Chairman, and if you don't understand it - Mr. Chairman, the SFM building was burned down. That's the next remark that comes out. The SFM building was burned down. Mr. Chairman, does that now make it appear that there's any less racism in the Province of Manitoba?

MR. CHAIRMAN: Order please.

Mr. Harapiak on a point or order.

MR. H. HARAPIAK: Mr. Chairman, we gave Mr. Green some additional time. He was going to bring us some legal points pertaining to the bill. This time is passing on and I'm hearing no further information which is going to help us make many decisions.

MR. S. GREEN: Mr. Chairman, the Member for Inkster was the one who interrupted my comment.

Mr. Chairman, there were two areas I wanted to deal with. One with Mr. Magnet's remarks which I say, I want you to know what the Federal Government is financing because they are paying for this. It'll just take me a minute to find it.

Mr. Chairman, is the lawyer paid for by the Federal Government advising on law, Page 13. In the past six months the Provincial Conservatives profited greatly by provoking animosity against the Franco-Manitoban community. The Federal Government is paying for that. Do you agree with that? Do you agree with that? The Federal Government should be paying for that because some day they'll finance people to say that the NDP is an organization which has to be destroyed if you permit them to finance this type of thing. That's what they're finding. Political parties do not profitable issues. The SFM may expect recurring pressure from Conservative politicians or a future Conservative Government to dilute services provided by the act.

Well, Mr. Chairman, I'm not a Conservative politician and I want political support for my party, and I'm doing it not because I wish to create racial animosity but to stop the racial animosity that has been created by this government. That's why I'm doing it and I want the Federal Government to supply me with equal funds to print this kind of tripe because that's democracy as opposed to fascism, and what we're getting is fascism. As far as the bill is concerned, Mr. Speaker, and I'll be a couple of minutes, it says here - and I'll ask you to take it to your lawyers to see if I'm wrong - that you are entitled to: Clause 16, "Every person has the right to communicate in English or French with and to receive available service in English or French from the principal administrative office of any department, the principal administrative office of any Manitoba court, agency of the government." And then 18, "In addition to the rights under Sections 16 & 17, every person has the right to communicate in English or French with and to receive available services in English and French from any office or institution where (a) a language services area.

So you can get services in English or French in a language services area. Am I right? Look at 18 - the Minister of Resources is a lawyer - look at 18, you can get it in a language services area, English or French, right? Go to Language Services Area and it says, and there's a definition, "language services area means a municipality in which the English language is the language first learned in childhood and still understood by at least 800 residents" - let's assume you can ascertain all these things - "or at least 8 percent of the residents or the French language is the language first learned in childhood and still understood."

So a language services area is an area where the English language is used or the French language is used and you can get French or English in either of

these two areas. Well those are areas are the entire Province of Manitoba except, to my knowledge - and I don't say this derogatorily at all - Pine River where the language of the street as I understood it to be, was Ukrainian. But otherwise if you can get it in a language services area - and language services area includes where English is spoken and where French is spoken - you can get it everywhere.

The drafter is shaking his head but that's what the bill said. Well then let your lawyer tell you that you don't have to amend this. Let your lawyer tell you that you don't have to amend it, Mr. Chairman, because that's what it says.

MR. CHAIRMAN: Thank you, Mr. Green. Your time extension has expired.

MR. S. GREEN: Just one more minute. This one is important, Mr. Chairman, one more minute. 8(4), and it says: "At any time the Legislature is not in Session the Lieutenant-Governor-in-Council may suspend the ombudsman for disability, neglect of duty, or misconduct proved to the satisfaction of the Lieutenant-Governor-in-Council . . . "In this one, they can suspend the Ombudsman. They can't do it when the Session is sitting. ". . . but the suspension shall not continue in force beyond the end of the next ensuing Session of the Legislature." Mr. Chairman, that may never come, ". . . the end of the next ensuing Session." When will this one end? It's been over a year.

So I say, Mr. Chairman, and there are other features of it which I would be happy to deal with, but I know I would be trespassing on my time.

I'm asking, Mr. Chairman, as a believer in bilingualism that this bill be rejected by the Legislature, as well as the constitutional amendment, and get back to the situation where the people of Manitoba with good will were extending the use of both the English and the French languages in this province.

MR. CHAIRMAN: Thank you, Mr. Green. Order please, order please.

Mr. Harapiak on a point of order.

MR. H. HARAPIAK: Mr. Chairman, Mr. Green referred to the Attorney-General as having made some remarks about the people who are making presentations here. I would like to put it on the record that the Attorney-General is not present, and did not make any remarks.

MR. CHAIRMAN: Mr. Orchard, to the same point.

MR. D. ORCHARD: Mr. Chairman . . .

MR. S. GREEN: I was living in the past, Mr. Chairman, when Mr. Mackling and I were colleagues and he was the Attorney-General. It was a long time ago. I regret the mistake, and I'm glad it's corrected, because it should be known who said it, the Minister of Mines. The Attorney-General has said other silly things.

MR. CHAIRMAN: Mr. Doern, on a point of order.

MR. H. ENNS: You want to raise another point of order, Harry?

MR. R. DOERN: Mr. Chairman, I would like to know whether there are going to be questions permitted of Mr. Green, or whether the extension that was referred to by the Minister of Mines means that if there is a speaker of some note and interest that they may be given a five-minute extension. Is that the extent of the Minister of Mines' suggestion, that you're going to get 40 minutes and, if you're lucky, you might get another five? Can he clarify that for us?

MR. CHAIRMAN: My understanding of the resolution which was passed, and it says, "The committee set 40 minutes as the maximum time for presentation of briefs, inclusive of any questions thereon." The five-minute extension which was granted to Mr. Green was out of deference to his desire to offer a few more specific points related directly to the bill.

MR. R. DOERN: On a point of order then.

MR. CHAIRMAN: Mr. Doern, to the same point.

MR. R. DOERN: I would then suggest, since I'm not an official member of the committee, that some committee member propose a further extension so that questions may be asked of Mr. Green.

MR. CHAIRMAN: Mr. Harapiak.

MR. H. HARAPIAK: Mr. Chairman, I would suggest we move on to the next presenter.

MR. CHAIRMAN: Order please. The next person on my list is Mary Abrams. Is Miss Mary Abrams present?

The next person on my list is Mrs. Jean Hiebert. Is Mrs. Jean Hiebert present.

Mr. Gary Doer.

MR. H. ENNS: Mr. Chairman, on a point of order.

MR. CHAIRMAN: Mr. Enns on a point of order.

MR. H. ENNS: A point of order, as far as Mr. Doer's presentation, can we establish, Mr. Chairman, that those names that are called and who, for one reason or another, might not at that particular moment be in the room be nonetheless granted an opportunity to be called as is custom at the end of the listings of presentations to be made?

MR. CHAIRMAN: It is my understanding that the practice is that people who have not been present when called be retained at the bottom of the list.

MR. H. ENNS: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Gary Doer.

MR. G. DOER: Mr. Chairman, there are copies of the brief that will be presented to the committee. I will start reading the brief, and it will be handed out. It's in three sections. One is the brief itself dealing with 115. The second section is some logistical appendices we've attached to our brief. Part Three is, of course, the brief we presented to the hearings in September.

The MGEA appreciates the opportunity to present this submission on Bill 115, An Act Respecting the Operation of Section 23 of The Manitoba Act, to the Law Amendments Committee. Throughout the current debate on language services, the position of the MGEA has been one of consistent support for the concept of a limited, precise and practical provision of French language services in government. The MGEA's approach has been to offer constructive comments on the government's proposals in furtherance of this concept. The Manitoba Government Employees' Association's comments on Bill 115 are offered in the same spirit, and are based on its desire to have the provision of language services in certain government institutions implemented in a realistic and workable manner.

We believe the government's decision to deal with the provision of French language services by means of provincial legislation rather than by means of constitutional entrenchment is the correct approach. It has been our position from the outset that the Legislature should retain jurisdiction over such matters, as it will allow the Government of the Day to retain the necessary flexibility to make legitimate changes or amendments to address the changing circumstances in society.

While the MGEA understands this committee is considering "An Act Respecting the Operation of Section 23 of The Manitoba Act," it is important to recognize that the proposed constitutional amendment to Section 23 may impact on the provisions of Bill 115. In terms of the proposed amendment to Section 23, the MGEA supports the concept of a preamble in 23.1 rather than a declaratory statement. We feel the concept of a preamble is consistent with the government's intent on this matter. We further support the fact that the word "freedom" is used in Section 23 rather than the word "right," which was proposed by the government in mid-December. However, the Manitoba Government Employees' Association submits that the wording in this section could be improved by the government in a manner consistent with their stated intent, by the following: 23.1 "Whereas" English and French are the official languages of Manitoba as provided for in Section 23 and 23.2 to 23.9 inclusive, the freedom . . . and going on with the proposed wording of the government.

To the extent that there must be an "exemption" for municipalities, school divisions, and other local governmental authorities, the MGEA prefers the more positive January 5, 1984 wording rather than the December 15, 1983 wording, which I should say, Mr. Chairman, causes a great deal of concern.

Although there is a great deal of misunderstanding among many of our members with respect to the meaning and intent of the government's fourth and latest proposal on this whole issue, a large number of the MGEA's concerns relating not only to the wording used in the original May 17, 1983 proposal but also to later government proposals on expanded and entrenched French language services have been satisfied in two ways; namely,

(a) by the decision to limit those provisions which ought to be entrenched in the Constitution; and

(b) by dealing with practical issues by provincial legislation.

Moreover, ambiguous terminology such as "head or central office," "administrative body," and "significant

demand" have been deleted in accordance with MGEA's earlier comments. Bill 115 is more specific than its predecessor proposals.

It is the MGEA's intent in this submission to raise some questions for clarification, and to address some aspects of Bill 115 which are ambiguous and which may present problems in implementation. This will be done by keeping in proper focus the MGEA's primary objective; namely, a reasonable, practical provision of language services. This focus is consistent with the decision of our Annual Convention of October, 1983, where delegates representing the membership at large directed that the MGEA attempt to negotiate wording with the government to minimize the risk of permanent damage to the merit principle in the Province of Manitoba.

II. SPECIFIC ISSUES

(1) DEFINITIONS - Section I

By and large, the Definitions section of Bill 115 is satisfactory as presently drafted. For example, the definitions of "agency of the government," and "crown corporation" are similar to definitions found in other provincial acts and, therefore, are terms of familiarity and greater precision. The definitions of "institution" and "head of an institution" appear to be sufficiently clear.

However, the MGEA's members have raised some questions with respect to the following definitions:

"Language Services Area"

Our comments on this definition are largely in the form of questions which we would respectfully request the government answer during the course of this committee's hearings. Prior to our listing our concerns, the MGEA would like to indicate its support for incorporating in Bill 115 more precise criteria in the place instead of the ambiguous concept of "significant demand" that had been originally contemplated and to which the MGEA raised serious concerns. Therefore, our questions seeking clarification ought not to be construed as opposition to the principle of defining precise geographical areas where services must be provided, based upon a well-defined and easily understood percentage.

I, of course, list the section of the bill that we are discussing. The MGEA questions on this definition are threefold:

(i) What was the reason for using the expressions "first learned in childhood" and "still understood" in the definition, and what criteria have been or will be established to give a precise statistical foundation to these concepts? We recognize that it is out of Stats Canada at present.

In particular, what does the expression "still understood" mean? Does the government intend that these criteria differ from the concept of "mother tongue," the latter expression being the principle used in The Official Languages Act?

(ii) Why are the figures "800 residents or 8 percent" used and how were they derived? We pause to note that The Official Languages Act uses the figure of 10 percent in a "federal bilingual district." Our reference to the federal legislation is not to suggest that it ought, of necessity, be a reference point because the MGEA, and indeed the government in its pronouncements, have

stated that federal bilingualism "is not a desirable objective and ought to be avoided. Nevertheless, why is the figure "8 percent" used?

(iii) Using the criteria in the definition and the answers to questions (i) and (ii) above, how many language services areas are there and where are they located? Our research using Statistics Canada census data indicates that there would be at least 25 municipalities, including local government districts, that would be designated as language service areas under the present definition. This is out of a total of approximately 122 municipalities in the entire province.

Our investigation indicates several anomalies. For example, Stats Canada data indicates that the municipalities of Lac du Bonnet, Piney, Cameron and Lawrence meet the criteria of 800 residents or 8 percent.

Yet these are not designated as language services areas on the map provided to us by the government. In addition, there are situations where the population within a language services area would receive services from a regional office located outside that area such as Dauphin, Beausejour and Steinbach. Would all such offices be required to provide services in both languages pursuant to Section 18 of this Act? Does the fact that Somerset is located in the language services area mean, for example, that the Health Unit in Morden and the MPIC Office in Winkler have to have the capacity to provide services in both English and French?

It is the anomalies and practical applications such as these, which in our view require that the government proceed with extreme caution in this area. We submit that there must be a thorough review of the criteria for defining "language services areas" prior to passage of this legislation.

For the interest of the committee we have attached an appendix in Section 2 of this brief - a number of communities, 14 communities, which have 36 work locations in the Province of Manitoba that are by definition covered by the proposed act. We have included those work locations in the City of Winnipeg, St. Vital and St. Norbert area which are proposed to be covered in the act. We have a number of examples, not of which is exhaustive, dealing with communities that are in municipalities covered by the act but receive their services from regional offices. These issues concern us greatly in terms of the proposed criteria of the government.

"Municipality"

The definition of "a language services area" is dependent upon the term "municipality." However, the definition of "municipality" is inclusive only - i.e., includes a local government district. Would it not be useful to define this term with more precision? If the government is using or intends to use a definition of "municipality" which exists in other legislation, i.e., The Municipal Act, then the MGEA respectfully submits the definition ought to so indicate.

"Principal Administrative Office"

The definition of this term is better and more precise than previous references to "head of central office." The specific exclusion of regional offices from the definition is a very positive change from our point of view and meets the concerns the MGEA previously raised.

However, our only question for clarification regarding this definition is to ask what office constitutes the

"principal administrative office" of a department, as referred to in Section 16 (a) of Bill 115? The MGEA is proceeding on a realistic assumption that, as regards a department, the "principal administrative office" is the office of the Minister or the Deputy Minister located in the Legislative Buildings.

If our assumption is not correct, then some clarification is required. In fact, a listing of government departments and the principal administrative office for each, including location, would be useful to all concerned, including the public.

The MGEA also believes that greater precision in the definitions will make the task of the Language Services Ombudsman easier.

(2) Sections 2(1) through 5(2) The Advisory Council

The MGEA supports the creation of the Advisory Council and its intended role which is, as stated, advisory in nature.

(3) Ombudsman

The concept of a Language Services Ombudsman is acceptable to the MGEA. The title of Ombudsman is preferable to that of Commissioner as the title "Ombudsman" implies neutrality and objectivity. The complaint process through an Ombudsman is a more practical way of dealing with problems than the direct court action previously proposed in May 17, 1983 agreement. While the process may be more acceptable to the public, the Ombudsman's power to dismiss frivolous complaints is supported by the MGEA.

The MGEA respectfully submits that the government must endeavour to ensure that the function of the Ombudsman is conciliatory in nature, and not that of a language "advocate." We see this as a major problem in the federal system. It remains to be seen whether a person vested with the powers to investigate complaints, to initiate complaints, to mediate complaints and to adjudicate such matters can effectively fill all these roles. The role of Ombudsman should therefore be monitored by all concerned, including the Advisory Council, as experience is gained through practical situations.

The MGEA questions the rationale behind Section 13(2) regarding the potential exclusion of employees of the Ombudsman from the provisions of The Civil Service Act.

The MGEA does not understand why this subsection was included. Is it designed to circumvent the provisions of The Civil Service Act pertaining to the selection based on merit? We see no reason why employees of the Ombudsman should not have all the rights and privileges of other civil servants. It is our position that Section 13(2) should be deleted from the Bill.

(4) "Nature of the Office"

The MGEA submits that the proposed Section 17(2) lists all other offices of institutions referred to in Sections 16(a) and 16(b) where, by virtue of their nature, it is reasonable that communications and services are available in both French and English.

Therefore, the MGEA sees little or no need for the broad statement in Section 17(1) which could lead to the addition, through adjudication, of further offices which were never intended. The list in Section 17(2) can always be augmented by way of amending legislation, as the need arises, on recommendation of the Ombudsman to the Advisory Council. The elimination of the generalized 17(1) and the provision

of a specific list of bilingual offices will enhance the precision of the act and avoid unnecessary ambiguity, given that all "offices" of certain institutions in a language services area will be covered in any event.

(5) "Right to Communicate with" . . . "And Receive Available Services from . . . "Sections 16, 17(1) and 18.

It is the understanding of the MGEA that the right to communicate with and receive available services in English or French from specific work locations means that those offices must have the capacity to provide those services, and does not mean that every staff position in those locations must at all times have the facility to communicate or provide services in either language. The MGEA is operating on the assumption that the capacity to provide those services means that there must be at least one person who is functional in both languages available at the location specified. This assumption is largely based upon and is consistent with the Government's public pronouncements that less than 3 percent of the Civil Service will require a knowledge of French, and that no civil servant will ever lose his or her job or be displaced because of the language policy, and further that the mobility within the Civil Service will not be affected. If the MGEA's interpretation of the right to "communicate with" and to "receive available services" is incorrect, then the MGEA should be so advised immediately. For example; the MGEA is assuming:

1. that every equipment operator working out of the St. Norbert Highways Yard does not have to be able to speak in English and French;
2. that every liquor commission store clerk or cashier in stores located in St. Boniface or St. Vital community, does not have to speak both languages. Rather, it is the intent that somebody has the capacity to do so if the need arises during normal working hours.
3. that all counter clerks, adjustors and estimators of the St. Mary's Road Claim Centre of Manitoba Public Insurance Corporation do not have to be conversant in both English and French. There are already seven employees of various classifications at that location who are functional in both English and French and in the MGEA's view, no further changes in staffing are or will be required if both the Constitutional Amendment and Bill 115 are passed into law. In other words, that location already has the capacity to deliver services in both languages and does so in a realistic and practical manner.

Implementation - Section 35

The MGEA submits that it is desirable to review and address foreseeable problems arising out of the implementation of language services prior to the commencement of the Act. Therefore, the MGEA submits that the Act should not come into force no sooner than January 1, 1987. The MGEA further suggests that the Advisory Council be set up immediately on passage of the Bill in order that we can receive input from all interested parties who have membership on the council. This would enhance a

smooth period of transition. This could be done by setting up the Council through administrative action or alternatively, by proclaiming into force only those sections of the Bill relating to the Advisory Council. But, of course, and I must emphasize after the entrenchment of the constitutional provisions, with the rest of the Bill taking effect in January 1987. In any event, the MGEA is prepared to work with the Government and all parties, through the Advisory Council, towards achieving a practical and workable implementation of language services.

In summary, the MGEA respectfully submits that the government give serious consideration to the issues raised in this submission. In fact, clear and precise answers to the questions raised in this submission would provide all concerned with a better understanding of the government's consistent pronouncements that it only intends to extend French language services in a limited manner, while at the same time, recognizing the realistic and practical needs of the Franco-Manitoban Community in its dealings with certain institutions of Government.

As the MGEA stated in our submission to the Standing Committee on Privileges and Election in September of 1983, we have been a willing participant for some 20 years in a policy designed to deliver French Language Services in those institutions of government where it is reasonable and practical to do so, without at any time jeopardizing job security for any civil servant, and I should add, jeopardizing the merit principle in the public service. This submission is made in furtherance of that objective.

The MGEA reserves the right to respond to further amendments to Bill 115, which may be introduced, or to comment upon the answers provided by the government to the questions raised in this submission.

I have rushed through it quickly because of the time limitation, Mr. Chairman, skipping over a lot of words. I'm available if we have any time left for questions the committee has.

MR. CHAIRMAN: Thank you, Mr. Doer. Are there any questions for Mr. Doer?

Mr. Lyon.

HON. S. LYON: Mr. Chairman, I wonder if Mr. Doer and/or his council have satisfied themselves on the points that he raised in the penultimate paragraphs, Pages 11 and 12 particularly, that while it has been apparently the stated purpose of the government that not all employees would have to be bilingual, is the MGEA satisfied that the right to communicate with a department agency, etc., does not start with the Deputy Minister or perhaps even the Minister and move right down through the full ranks of the Civil Service? Have you had that assurance that the wording is not susceptible to that kind of an interpretation.

MR. G. DOER: Dealing with the bill or . . . ?

HON. S. LYON: Yes.

MR. G. DOER: Well, the bill is open to both interpretations. That's why we have stated in our submission that it's our assumption that the bill will

deal with the capacity to provide those services in a limited and practical way. We have also stated that we find the advantage of the bill is that if, in fact, later on, there is decisions of the Ombudsman that is inconsistent with that assumption, that the Government of the Day can change the bill and amend the bill to state exactly what we assume it means today. That's why we wanted to put our position on the record. We find that, of course, superior to the May 17th proposal, in fact, even the December 15th proposal, where the resolution was going to be entrenched in the Constitution, and if our interpretation of available services was incorrect, based on Supreme Court decisions, we, in the public service and the public of Manitoba, would be out of luck on that issue. So that's why we wanted it as an assumption, as the capacity to provide it at those work locations, albeit we have stated that the way it is presently worded with the 8 percent or 800 is a massive number of work locations in the Province of Manitoba, and we feel the government must review the practical implications which we have listed in Appendix 1, in Section 2, of this brief, the numbers of places just alone that are in towns and in those municipalities that would be affected by the act.

HON. S. LYON: Well operating from the premise, Mr. Chairman, that in legislation one should never deal with what was in the back of the mind of the government or of the particular Minister, and that it's always preferable to place any such caveats or further interpretations in the Act, can I ask Mr. Doer, if he or his organization or their council have any amendment that would put flesh onto the bare bones undertaking that he presumes has been given by the government, that this is only what is intended? If there is such a suggested amendment, would he be prepared to provide the committee with it so that we would have it as something that we could move to be included in this bill, if indeed the government can't be persuaded to drop the whole bill before this process is through.

MR. G. DOER: Well, the amendments in concept, without going into the wording, that it should be based on research with the 8 percent or 800 figure first of all, and secondly, work locations located in - if I could recall the language - and available services from, we could look at language that deals, to make it more precise, with work locations actually in those municipalities subject to a criteria for purposes of tightening that up, yes.

HON. S. LYON: A further point, Mr. Chairman, where Mr. Doer was talking about, I think, what everyone is concerned about - I think he says it well on the top of Page 11, "the intent is that someone has the capacity to do so if the need arises during normal working hours." Do you not feel it would be better if that concept could be worked into the legislation so as to avoid any court or any zealot in the future trying to misinterpret the intent of the Act. Would it not be better to have that explicitly in the Act, if indeed we must have an Act at all?

MR. G. DOER: Well, again, the MGEA does believe that the Act is superior to the constitutional amendment.

HON. S. LYON: Oh, indeed, sure.

MR. G. DOER: Therefore, the capacity is certainly our assumption. If it can be written in more precise terms, yes. The more precise any part of this bill is, the less opportunity the Ombudsman can misinterpret the intent of the Legislature, however, we do recognize that this does allow us some flexibility that we didn't feel we had in the proposed May 17th amendment.

HON. S. LYON: While you don't have that specific wording expressed in the thought on the top of Page 11, you would not be adverse to having that kind of a caveat legislated into the act?

MR. G. DOER: I think that all parties are assuming - at least we are and I had discussions with the government - the capacity to provide it. We didn't develop exact wording; we could bring that forward if the government so desired, but the first part has to be looked at. We think the 8 percent and 800 - and we've just completed our research as late as this morning - causes some real problems to us in an operational end in many of those work locations with single incumbents.

The second problem is, of course, those operations that do not have any government operations located in their municipality but receive their services from the regional office. The third problem is the intent of areas such as St. Boniface, St. Norbert and St. Vital. We believe that the intent and the interpretation should be the capacity, not everyone being designated as bilingual, in all three instances.

HON. S. LYON: Just a final question, not to take time of other members from Mr. Doer. Have you, Mr. Doer, or your organization or your counsel given any consideration to the point that has been raised by a number of speakers in the House - Mr. Green raised it again here today - about the impact of the constitutional amendment which is currently before the House at the present time having, in effect, an entrenchment effect upon ordinary statutes of Manitoba? Have you given consideration to that, and are you content with that, or do you feel uneasy about it, or what is your attitude about it?

MR. G. DOER: Our position - we have reviewed the pieces of legislation that may be entrenched, given the fact that the legislation is in existence prior to the constitutional amendment passing Parliament. We have reviewed that, and we do not see implications beyond the existing interpretations of the Blaikie case and the Forest case, etc., Blaikie One and Two.

Our major concern, and we have stated it at all times, is that the amendment must pass first before the provincial act 115, because, as we heard this morning or earlier today, if Bill 115 passes first it's entrenched and we're in big trouble in the public service of Manitoba. Then we will have 10,000 people on the steps of the Legislative Building.

HON. S. LYON: Right, thank you.

MR. G. FILMON: Mr. Chairman, I have a number of questions relating to the concern expressed by Mr. Doer

regarding the capacity to provide service. Do you envision that, Mr. Doer, as having available at the office one individual who could provide translation of any communication or any information being imparted by anyone in that office?

MR. G. DOER: Mr. Chairman, that's correct. That is why we have delineated three examples just to bring it down to the working person's level in the public service. We don't see all the grader operators in St. Norbert being bilingual. We don't see every liquor clerk in the stores we've indicated, nor do we see increasing - we see one adjuster, one estimator in these Autopac centres. We don't see every person in those work locations as having to be bilingual under this act.

We want that for the record, because if that's the interpretation later on we will be the first ones before the Government of the Day asking for that to be changed consistent with this intent.

MR. G. FILMON: Mr. Chairman, of course more to the point, since this represents in every case the senior offices of government departments, that is, head offices of the government departments, Crown corps and the courts, if it is not that, do you not agree that would mean that everybody in that office who is a specialized individual right up to and including the Deputy Minister would then have to be able to provide service in both languages?

MR. G. DOER: We see the office of the Deputy Minister being covered under the principal administrative office. That's why we have asked for, again, precision in that area.

Secondly, "the available services from" - we have discussed that: (a) with the first constitutional amendment, and we discussed that at the committee hearings in September; and (b) since then with our legal advisors and in fact with other public sector unions. They do not feel that interpretation that everybody in the department therefore has to be bilingual because it's providing an available service is necessary in the wording.

The problem we do have is, yes, the single incumbents that provide a single professional service in the Government of Manitoba. That problem becomes much more serious when you look at the one public health nurse in Winkler servicing an area of Manitoba that is covered, as we've used as an example, pursuant to a municipality with 8 percent or 800 people. That's where we have operational difficulties today and in three years from now with that one person having to be bilingual for purposes of meeting the requirements of Bill 115.

That's why we want a very very in-depth look at that 800 and 8 percent figure as it practically applies to departments of government. We were originally told that the map was the areas which we had to cover, but we found a lot of areas outside of that map when we went to Stats Canada in the last couple of days - in fact, some of this material just came to our attention as late as this morning, pouring over all the facts and figures. So, yes, there is some concern in the whole area of capacity and, yes, that still ties in. It's exacerbated by the situation dealing with the 8 percent or 800.

MR. G. FILMON: Mr. Chairman, I wonder if Mr. Doer could answer whether or not he or his association have any difficulty with the concept of the Ombudsman being able to initiate complaints where none exist. Both under Section 21 and under Section 25.2, it is indicated that - for instance, "Notwithstanding that no complaint has been filed, the ombudsman may investigate any matter relating to the proper administration or enforcement of this Act," and "Where the ombudsman has reasonable grounds to suspect that any person has been denied a right . . . the ombudsman may initiate a complaint," does that have any difficulty for you?

MR. G. DOER: Mr. Chairman, yes. It depends what type of initiation that Ombudsman does. If it's more of an advocacy, extreme advocacy consistent with what we perceive and the public sector unions perceive to be that of the Language Commissioner, albeit it's called by a different name, we would have very serious reservations about that power to initiate. If it's a legitimate complaint that people have some trepidation bringing forward, then we would see that as a fair type of role for that person.

So the proof is really going to be in the pudding, we think. We think there are a lot of roles, and we've stated that it remains to be seen whether one person can investigate, initiate, mediate and adjudicate. These are serious numbers of roles for a person.

The way that person carries it out is very key to us. If the person becomes what we consider to be a language advocate, what we perceive to be, on one particular language, the MGEA is prepared to monitor that as a public sector union and to bring that forward to the Government of the Day for appropriate amendment. If that person remains as an objective person in the process, and is a very fair person, and helps all of us prevent frivolous complaints going to court, then I think it will provide a useful function to the public service. So really there are two ways for that individual to go, and two ways for that person to fill the role. We are prepared to monitor it with the concerns we have stated.

MR. G. FILMON: Do you have any recommendations as to how that might be tightened up to avoid those pitfalls?

MR. G. DOER: In concept, we possibly could move to the Ombudsman being defined in role in the Definition section as similar to a mediating function in the public service.

MR. G. FILMON: Just one final area, the area that you've raised about services not being confined merely to the language services area. We'll leave aside the argument that Mr. Green has proposed, that every municipality is defined as a language services area, but let's assume that it is confined to the 25 or 30 that you have suggested and that the Minister has indicated in the House out of some 200 municipalities. What in the bill gives rise to your concern that offices that are located outside the language services area but serve people who live within language services area are going to be able to demand services such as, as you have indicated, in Winkler, in the MPIC office, or the health

unit in Morden or the various government offices in Dauphin that service Ste. Rose for instance, or in Beausejour and Steinbach? What in the bill has given rise to your concern about that?

MR. G. DOER: The extent and the actual operational realization of what 8 percent and 800 really means in terms of the numbers of municipalities that would be affected and the regions under which they would be affected, and the other part, the "available services from."

MR. G. FILMON: Okay, so you're referring to Section 18 where it says, "Extension in specified areas." And it says, ". . . where the office is located in or provides services to a language services area." So indeed that goes well beyond the language services area then.

MR. G. DOER: Yes, in terms of Mr. Lyon's question of how that could be more precise, one of the ways to deal with that is not "from," but "in."

MR. G. FILMON: "In," so "providing services to" is removed?

MR. G. DOER: As I say, there are many of the regional offices in health, in community services. Well we have different types of regional structures with various departments. When we looked at it this morning, and we have been trying to get some of the data together for the last two weeks, many of the regional offices in various sections of the province with the 8 percent, 800 criteria and the "available from" would impact on regional offices throughout the province: Interlake, eastern, central, Westman and Parklands.

In fact, it looks like only the Norman in terms of outside of Winnipeg, because it's covered specifically, it looks like only Norman and The Pas and Thompson, the two northern areas wouldn't be.

MR. G. FILMON: Thank you, Mr. Chairman, no further questions.

HON. A. ANSTETT: Just a couple of short question, Mr. Chairman. In Section 1(i), the definition of "language services area," there were two questions there. The first one is: Mr. Doer, would you interpret the use of the word "and" after the reference to the English language followed by Part (ii) - sorry - "language services areas," in the first part, "the English language" and then the use of the word "and," and then in (ii) "the French language" as meaning that both had to occur in an area before it was designated as a language services area; that it had to meet the 8 percent criteria or 800 criteria both with regard to English and French? Or do you read that "and" as an "or" as Mr. Green did?

MR. G. DOER: The English criteria hasn't concerned us. We have gone through all the statistics across the province. There would be a couple of municipalities that under Stats Canada would not be considered to be English under that definition, I think maybe three municipalities. That, quite frankly, we haven't spent a lot of time on the "and" and "or." We've spent more

time on the 800 and 8 percent as it affects the 26 municipalities and the three that have been specified in Winnipeg.

So in answer to your question, we went through all the districts in Manitoba, all the 122 that we had, and that wasn't a concern of ours either way, based on the numbers. They're ever-ever changing in this provinces.

HON. A. ANSTETT: So you interpreted it as applying then to somewhere between 25 and 30 municipalities and only those areas?

MR. G. DOER: Out of the 122 we reviewed, it looked like 26 to us. The concern we had is the map that we received from the government and the figures we had, we were told that the 8 percent and 800 was really the map that was handed out last summer. We looked at the map, and there were a number of areas in the municipality section that weren't covered. For example, Lac du Bonnet was 8.05 percent based on the Stats Canada 1981 figures, and there were others that we found in all areas of the province that concerned us as well. So we tried to find out what, in fact, we were talking about, the map or Stats Canada in terms of the impact on the public service.

HON. A. ANSTETT: The second question on that relates exactly to the 8 percent or 800. If you were assured that ". . . the language first learned in childhood and still understood . . ." "was specifically the Statistics Canada question that is asked and that that language is used to conform to the question so that the data can be used, would that address the concern you have about the way that is phrased?

MR. G. DOER: We recognize that the wording presently, albeit different from The Official Languages Act, is in fact a criteria that Stats Canada used to calculate the statistics. We know that Stats Canada changes things around quite a bit and is controlled by their federal masters. If you've ever studied the Consumer Price Index, every time it's too high, they try to change it. The unemployment statistics, the way they calculate it, they've changed it.

So we have not the same faith you may have in Stats Canada, although we use it all the time. We just thought we should point that out, and if, for example, Stats Canada changes the way in which they gather those statistics and we use the definition here, it will require an amendment unless you want to put something else in it today.

HON. A. ANSTETT: Mr. Chairman, the other question on that for Mr. Doer is then: with regard to the other centres you mentioned that did not appear in the original list which was done on school division boundaries, not municipal boundaries so there would be some impact there, is it his understanding that the Statistics Canada produces four or five different measures of linguistic ability? Is it his understanding that the figures he used which would include Lac du Bonnet as being just in at over 8 percent was under the definition that's in the act.

MR. G. DOER: It's our interpretation that the statistics Stats Canada provides and the definition of the act arrive at the 8.05 percent, yes.

HON. A. ANSTETT: Okay, I'll check that then, Mr. Chairman. I wasn't aware of that, and I will certainly look into that because that's not our intention.

The last question is, under the reference to the ombudsman, I was intrigued by your suggestion that the ombudsman had powers of adjudication, rather than simply powers of mediation. Could you tell me where in the act you get the suggestion that the ombudsman has powers of adjudication?

MR. G. DOER: We reviewed that with our lawyer. It's going to take me awhile to pull out the exact wording, but it was our interpretation and his interpretation as well that there were the four powers vested in the ombudsman, although we recognize that the issue still would go to court for final adjudication. I think Mr. Green has pointed out the remedy in the courts which we also recognized, and obviously we didn't comment on it.

MR. CHAIRMAN: Any further questions, Mr. Anstett?

HON. A. ANSTETT: I believe Mr. Doer may still be looking for the citation. I'm looking at Section 25.1 in which the specific mediation power is provided. Beyond that, we go to reports to the Legislature, offences and the court proceedings. I don't see an adjudication power, and I'm just wondering if Mr. Doer does see it or, if he doesn't have an opportunity now, if he would be willing to get back to me if he sees it somewhere else in the act.

MR. CHAIRMAN: Perhaps Mr. Doer could check that and get back to you. Mr. Doer's running out of time, and Mr. Sherman would like a question.
Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. Just a couple of questions to Mr. Doer. Following on a couple of your earlier answers, Mr. Doer, particularly in respect to the application of the proposed legislation in the delivery of health services, are you saying, in effect, that the definition of principle administrative office really doesn't offer much solution or much solace in terms of the difficulty of applying this legislation in the health field because the application of Section 18 calls for a much broader delivery of health services in French, than would be the case if we were just going by the definition of principle administrative office?

MR. CHAIRMAN: Mr. Doer.

MR. G. DOER: Well, again, we feel that the term "principle administrative office" in a provincial bill is far superior to the head or central office, which was proposed in the May 17th proposal. Secondly, we know what the word "head office" means - well we know somewhat what the word "head office" means based on interpretations we have received - we still don't know what the term "principle administrative office" means, and that's why we have assumed it to be the Minister or Deputy Minister's office in government because those are in fact the principle administrative offices.

Our concern then moves to the application of the 800/8 percent and available services from, and that

concerns us in the Department of Health. It concerns us less than the head or central office which we interpret it to be in the Constitution's potential for all the regional offices in Health. However, there are areas in Health that we just can't see meeting the criteria, the operational criteria that are presently proposed in the Act and would be inconsistent with the government's stated intent of 3 percent, no one would be moved, etc.

MR. CHAIRMAN: Is this a quick question, Mr. Sherman?

MR. L. SHERMAN: Yes. Thank you, Mr. Chairman. While you're saying that, although the definition of principle administrative office specially states that it does not include any regional office of the institution, that that would not hold in the area of delivery of health services, that in many cases we would have to be dealing with regional offices and perhaps all, but one or two of the regional offices delivering health services throughout the province?

MR. G. DOER: Yes, I think the principle administrative office doesn't concern us, because it says, "the principle administrative office of a department." We're assuming that's (1), and if it is changed, we will be interpreting it differently. We will again reserve the right to come back to government for a proposed amendment.

Two, the regional offices are covered under the criteria, the 800/8 percent in municipalities, and a number of municipalities do not have government work locations in them, 14 towns in those municipalities have 36 work locations. The City of Winnipeg, St. Boniface, St. Norbert, St. Vital have 14 work locations right now, that's 50. Then there are those municipalities that do not have government offices in them now but are served by government regional offices and subregional offices. We use the example of Winkler in the case that we cited in our brief, and that is our worry, that the 8 percent or 800 with the available services from is operationally, in our estimation, we're not able to implement it as such and we want the government to review it. We looked at the maps, etc., but when we looked at Stats Canada the last couple of days, we just don't feel there is the facility right now in the public service, nor do we think there will be in three years to meet that 8 percent/800 criteria and the available services from.

MR. CHAIRMAN: Thank you, Mr. Doer. I see Mr. Sherman still has a few questions. The time is slightly overexpired already. I believe that . . . Leave? (Agreed)
Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman, and through you to members of the committee, I'll conclude with just one final question, if I may.

I note on Page 5 of the section of your brief, Mr. Doer, that deals with work locations potentially affected by Section 18, you deal with examples of language service areas which would receive health services from offices outside their boundaries. You cite eight of them and then make the note, "The above is not an exhaustive list for the Department of Health." My

question, Mr. Chairman, to Mr. Doer is: what, in his view, is an exhaustive list for the Department of Health? Is it virtually the entire spectrum of delivery of community health services for the province? I ask that question because that would be my view of what a full list for the Department of Health would constitute. Would you, from the benefit of your knowledge as President of MGEA, concur that a really thoroughgoing list for the Department of Health would virtually cover the entire spectrum of community health service delivery throughout the province?

MR. G. DOER: It would not cover those areas in Winnipeg outside of St. Boniface, St. Vital and St. Norbert and it would not cover the Norman region or the The Pas region. It would cover certain parts of the Interlake, not all of them, certain parts of Westman South, not all of them, certain parts of subregional offices in Central Manitoba and certainly a great number of offices in Eastern Manitoba, but based again on Stats Can report in the number of work locations we have. So, it wouldn't cover all of them, but it would cover a lot more than we, the MGEA and the members of the public sector union with the present criteria had the capacity to deliver.

Again we see this as better than getting a court decision in an entrenchment three years from now with the significant demand being defined as 8 percent or 800 and that's why we think it's a better way to go, but we still think that there can be more precision based on operational realities in the Bill 115 before the Legislature today before it is proclaimed or passed. I think there are more facilities than may be appreciated by the Language Services Division of the Province of Manitoba. Certainly more than the map we received from them dealing with the alleged areas that would be covered based on our check of Stats Canada.

MR. L. SHERMAN: Thank you.

MR. CHAIRMAN: Thank you, Mr. Doer.

MR. CHAIRMAN: The next person on my list is Mr. Herb Schulz.

MR. H. SCHULZ: Mr. Chairman, and members of the committee, before I begin my brief, I want to comment on the earlier discussion here about whether or not the presentations in question period for the presenters should be limited. I was here for a considerable amount of time . . .

MR. CHAIRMAN: Mr. Anstett, on a point or order.

HON. A. ANSTETT: Mr. Chairman, the matter Mr. Schulz proposes to comment on is a decision by the committee. I don't think it's appropriate to have reflections on decisions taken by the committee.

MR. R. NORDMAN: How do you know what he is going to say?

HON. A. ANSTETT: The purpose of the hearing is to hear comments on Bill 115. With respect to Mr. Nordman's point, no, I don't know what Mr. Schulz is

going to say, but he has just announced that he wants to comment on a decision taken by the committee and we know that's not in order. The purpose of the hearing is to hear representations on Bill 115.

MR. CHAIRMAN: Mr. Schulz.

MR. H. SCHULZ: I thought I was going to remark on Bill 115, but obviously the Minister does not want that, so I'll drop that one, but I am going to say something about a comment that was made by someone sitting around this table about the people back there being rednecks.

Now, I'm sure that everyone around this table, including the person who said it, already knows that it was a stupid remark. What bothers me is not that's what was said, but that a lot of people sitting around this table actually believe that. What you have done is to insult 78 percent of the people of this province and I want you to know that I am one of them.

When I observe what this government is doing to the people of this province I get the distinct impression that I will never be able to eat quite as much as I would like to bring up.

The government justifies closure on the grounds that the legislative opposition was deliberately delaying the business of the province. The simple fact is that the legislative opposition would never have dared this delay had they not known that the vast majority of the people of Manitoba were opposed to what this government is doing. Closure to enact legislation is not unusual, however, it is used when the government believes it has the general support of the populous. But this government that listens has taken the unprecedented step of invoking closure because it knows its legislation is not acceptable to the people of Manitoba.

But then, as though that were not bad enough, this government has committed the obscenity of invoking closure to change the Constitution. We have always believed that could happen only in the banana republics of Central America, and in the banana republics of Central America those people who have been violated have now resorted to arms. We will, of course, not do that here, we are much too law abiding, we're political innocence. We have basked too long in the safety of the British parliamentary and constitutional system to believe that we can arbitrarily be robbed of it. We will be like the good and decent people of Germany half a century ago who just did not believe that the arbitrary destruction of their system could happen to them; but it did and yesterday it happened to us.

We have a government here that is fighting its people. It's of no value for the AI Macklings of the world to scream into Hansard that the government has watered down its proposals so that they should now be acceptable. The simple fact is that the people of Manitoba want no part of this package.

But you know something good is going to come of this obscenity? When this is all over we will have lost our political innocence; we will have learned that we have had it too easy; that we can no longer rely on the sacrifice of others to save us. This obscenity committed by this government that listens will awaken the people of Manitoba to the realization of how swiftly and easily we can be robbed of everything that we

have taken for granted. Most of all, the people of Manitoba will learn, once again, not to trust the mealy-mouth politicians who make a promise a day believing that they can carve up the province into special interest groups and then buy the votes of each from the money from the other. In order to do that this government appears to be prepared to split this province into racial ghettos.

Members of the committee, what we have in this bill before us, which has already been forced through the Legislature by closure, is a blueprint for apartheid.

I remember not long ago in this province when Ukrainians were Bohunks; and Germans were square heads, or Huns, or Krauts; and Poles were Galicians; and Italians were spics; and Jews were kikes; and Latin Americans were greasers; and Orientals were Chinks or slant-eyes. Racial intermarriage was frowned upon and overlay in the racial discrimination was religious intolerance where often intermarriage was forbidden. When a Lutheran father asserted his patriarchal authority to prevent the marriage of a son or daughter to a black he was not referring to a Negro, he was referring to a Catholic. Most of that has disappeared now.

About once a year I return to the community in which I grew up and which I left 20 years ago. It has almost become embarrassing to criticize anyone anymore because one does not know what family that person has married into. The same racial stock English, and Scottish, and Irish, and Welsh, and Ukrainians, and Poles, and Czechs, and Russians, and Germans, and Mennonites is still there, but they have completely integrated through intermarriage.

Fourth generation Anglo-Saxons are married to Orthodox Mennonites new to the community. Third generation Ukrainians are married to first generation Germans. With the disappearance of the racial barriers so have the religious differences been sublimated.

The same old churches remain - eight of them. Eight different denominations in one small town of less than 1,000 persons but the suspicions and the intolerance, the vestiges of Europe are no more.

Compare that, if you will, with the tragedy being enacted in the Seine River School Division. The little town of Lorette has one school building but it houses two schools; Lagimodiere for the Francophone children, and Dawson Trail for the non-Francophones. The children share the library and gym, but not at the same time. The children take recesses, but at different times.

The children interviewed on television stated that if they went to the wrong racial end of the school they were reported to the principal. Apparently either the parents, or the school administrators, believe that apartheid must be imposed, that the children from French and non-French families must not be allowed to contaminate each other. The children interviewed thought the whole thing was rather silly. Those children are more right than they know.

How easy it is for this government that listens to recognize apartheid in South Africa and express their resentment by controlling the sale of South African wines here; but then the same people show a veritable gift for being unable to recognize apartheid when it was being imposed here as a matter of deliberate and conscious government policy. The legislation before us proclaims a reversal of a century old trend toward the

obliteration of racial distinction and boundaries and, instead, the pursuit of a conscious policy of racial ghettoization.

This is not only an exercise in fanaticism with the parents victimizing their children and using them as hostages. It is worse, it is just plain stupid. There appears to be an attitude here that French must be legislated because English is legislated, and there appears to be an attitude here that English is a racial language. In this country English is not a racial language; in this country English is a lingua franca, a common language, which keeps us together as a people.

The way in which this sinister doctrine of apartheid is being insinuated in our society and, consciously or by delegation, promoted by this government became clear the day before yesterday, I believe, in the Legislature. Russ Doern asked the Minister of Education if the charges of racial segregation at Lorette were true and, if so, would she act to stop it. The Minister replied that she would leave such mundane matters as racial segregation of school children in the hands of the local school boards.

What is at issue here is, not just that the Minister of Education did not have the grace to be ashamed of her answer, but that the government benches applauded wildly to show their support for a policy of deliberate racial segregation promoted by the SFM, paid for by the Secretary of State with the taxpayers' money, and supported by this government which then, like Pilate, washes its hands of the virulent consequences.

These children, currently innocent of racial or religious prejudices, will be consciously taught to hate each other, but ultimately they will come to hate their parents who have injected them with the sinister virus of suspicion and intolerance. Why is this being done? Certainly not because the Francophones of Lorette do not have available to them whatever services they want in French, but because their so-called development agency, a euphemism for racial agitators of the SFM, paid for by the taxes of the people of Canada, have convinced the parents this should be done. Ultimately the children raised in this environment will come to hate their parents, and the most hated will be the parents of those children who will one day awaken to the realization that they are inarticulate outside their own communities because the real world, not the fairy tale world of the paid agitators but the real world, speaks English.

But something worse will occur. How can parents teach their children to segregate themselves when the parents continue to associate with each other? Therefore, gradually to sustain the segregation promoted by the agitators of the SFM, paid for by the Secretary of State with the Canadian taxpayers' money, these parents will begin to segregate themselves on a racial basis. Soon there will be a divided community, adversarial, racial groupings mutually suspicious of each other, and a return to the atavistic racial impulses of 100 years ago which so many Canadians left Europe and Asia to escape, and from which we were gradually but certainly escaping until this irresponsible government decided to give a newly-aroused and deliberately-fomented racial hatred constitutional sanction.

If this irresponsible government, the captive of the fanatics of the SFM who are deliberately promoting a

policy of racial segregation, is allowed to continue, then the history of Lorette will be like this. I am now making a prediction on record.

I have lived through this. After a few beer parlour and dance hall fistfights and perhaps one or two pit street battles, families will begin to relocate and eventually entire communities will become racially segregated. This trend will be accelerated by the clause in this bill which provides that services in either language will be provided by where either French or non-French have 800 persons or 8 percent of the population. In simple English, members of the committee, what we have here in this bill is legislated racism.

It is time that we, the people of Manitoba who have been called bigots and racists and rednecks and French-haters and Ku Klux Klanners and the rabble - oh yes, the lawyer for the SFM. I don't know if he got all that \$108,421 from the Secretary of State's office or not, but he's the one that referred to me as part of the rabble. I will remember that.

It is time that we realized the fact that the real bigots and racists are on the other side of this issue, the protagonists of the SFM who have allowed themselves to believe their own silly rhetoric, the media types who have abused their small "I" liberal credentials to almost criminally assault as bigot and racist anyone who dares utter the belief that this government is doing something stupid. The SFM will see to it that one community after another relocates until they have 8 percent of the population. They will do this just as they rushed out one of their members to the committee hearing at Thompson which, eight years ago, had a population of 22,000 and was a thriving city and today has about 14,000, and what they really need in Thompson today is French.

Fourteen briefs were presented at Ste. Rose. Now let me give you a little example of what is happening right under your nose, and some of you apparently are too stupid to see it. The Free Press sent a reporter up to the little village of Ste. Rose which I know very well, and this is dated July 8th. Here's the report: "Dateline Ste. Rose. The library in this village of 1,200 had a full row of French books when it opened in 1962. Today, French books make up about 5 percent of the collection, taking up less than one-third of a row of books. But it has been designated as a racial village by this government. 'We have a lot of old French stock that wasn't being read,' said the librarian, 'so we went to the board and got agreement to get rid of it.' She said, 'The library gets very few requests for French books. We have about 10 patrons who will take out one French book and two or three English books at a time.'"

We must put a stop to this. People are getting together. They're beginning to understand each other. They are reading a common language, and we just can't stand it.

"A man by the name of Maillard, distinctly a French name, who is the Mayor of Ste. Rose, agreed with the council's consensus. 'There will be little need to translate, as they have never received any complaints or requests for the material in French since the village was incorporated in 1920. We have a bilingual secretary-treasurer, and she can help anyone who wants something explained.' Maillard said, 'With elected officials in the village having to see their ratepayers every day, any decision about expanding French

services would be based on common sense.'" Well, that's something that appears to be lacking. That was on the 11th of July.

In September, this committee with its simultaneous translation services visited Ste. Rose and, if I recall correctly, there were 14 briefs presented, most of them in French, demanding French services. Now after 80 years, where did this sudden desire for French erupt? Let me suggest to you, from the SFM, the paid agitators of the SFM, paid for by the Secretary of State's Department with the money from the tax-paying people of Canada.

Now, if you don't think that families will move, then you just don't know anything because that has been the history of Europe, the gradual ghettoization. Hey, let's come back closer to home. In the five years, 1976-81, in the first five years following the election of Rene Levesque in Quebec, 131,000 English-speaking people left Quebec to relocate in other provinces. Only 25,000 from other provinces settled in Quebec.

You know, Rene Levesque and these people around this table, some of them, keep telling us that we have to make French services available so the French-speaking people in Quebec can move out and get services anywhere they want to go. Well, people are moving out of Quebec; they don't need your help.

Incidentally - I'll toss this in here - there has been so much complaint, you know, starting with Georges Forest's traffic ticket that you just can't get legal services, you just can't get court services in French. I didn't know that, but apparently that's the case. I remember when I was still with the government when Georges Forest picked his traffic ticket off his windshield and he came to us and said, I would like to plead my case in French. We said great, we think that's a wonderful idea. We'll see that you get a French judge, and we will see to it that you get a French court reporter. Any services you want will be provided. I thought he had gone away happy, but then he came back and said, no, I want to take it to the Supreme Court.

You know, I had a lot of respect for that man. I have some admiration for people who are prepared to stand on principle even if I may disagree with it. Furthermore, Georges Forest had a principle. Considering what happened in 1890, there was absolutely nothing wrong with what Georges Forest did. I had a lot of respect for the man, until I was informed, of course, that the case was supported by the Secretary of State's office to the extent of something like \$76,000 of taxpayers' money. Then I began to wonder if it was done for principle or for money.

Let me read you a piece here about these people who say that they cannot get court services in French. "As I indicated to you on the phone, court services in French have been provided for many years now . . . '- the date of this is September 19, 1983 - '. . . in accordance with Section 23 of The Manitoba Act, which I have enclosed for your information. In any court action, a party may request to have their hearing in French. When this occurs, a bilingual judge, court reporter and clerk are provided as a service of the court and at no extra cost to anyone." This was written to a municipal councillor by Ginnie Devine, special assistant to the Honourable Roland Penner.

Probably of all the misdeeds of this government, they pale into insignificance compared with the proposal to

appoint a language ombudsman and a committee of 13, of which at least four shall be unionized labour. I should think that if the union leaders had any self-respect they would scorn the government for making them the policeman of their own members, but I guess that's become a little too much to expect in this province.

Who is going to be this language ombudsman? Another one of these types who, the other day, ordered that the newspaper boxes at the airport had to be labelled in French despite the fact that the papers in them were in English? Who are we going to get as this new language ombudsman? Another Dale Gibson who is wasting his time and our tax money determining the sex of hot dogs?

A MEMBER: What is the sex of hot dogs?

MR. H. SCHULZ: Ask Dale Gibson. I haven't time to look that up. I happen to have a living to make.

Now where are these French services going to be provided? Well, according to the bill before us, they're going to be provided to institutions and institutions are departments, courts, quasi judicial bodies, Crown corporations, agencies of government, the office of the electoral officer and the office of the ombudsman. Well I suppose you'll find a million other places to put them but let's take a look at a few.

Where are we going to have French? Crown Corporations, Agricultural Credit Corporations, Liquor Control Commission, Manitoba Centennial Centre Corporation, Manitoba Crop Insurance Corporation, Manitoba Development Corporation, Manitoba Housing Renewal Corporation, Manitoba Hydro, Manitoba Public Insurance Corporation, Manitoba Telephone System, Manitoba Trading Corporation. You know I just can't understand how these people like Gerard Lecuyer here, who have lived through 93 years of illegality, made it. I just can't understand how they made it that far when there were no French-speaking people on these boards.

All right. Here are the quasi judicial bodies where we must now have French: Agricultural Land Protection Board, the Farm Machinery Board, the Manitoba Beef Commission - I'm sure that's what the farmers are really worrying about there when 65 of them have just gone bankrupt, what they really need in the Beef Commission is French - the Manitoba Milk Prices Review Commission, Manitoba Water Services Board, Manitoba Natural Products Marketing Council, Manitoba Feed Grain Marketing Commission, Criminal Injuries Compensation Board - we'll have to get our compensation in French - Human Rights Commission, Manitoba Police Commission, the Public Utilities Board, the Manitoba Securities Commission, the Manitoba Rent Review Board, Rent Regulation Bureau, Co-operative Loans Guarantee Board, Co-operative Promotion Board, Credit Union Stabilization Fund Board, Board of Reference, Public Schools Finance Board, Universities Grants Commission, Lotteries and Gaming Licences Board, Manitoba Lotteries and Gaming Control Commission, Manitoba Boxing and Wrestling Commission, Health Services Commission, Sanatorium Board of Manitoba, Driver's Licence Suspension Appeal Board, Highway Traffic Board, Motor Transport Board, Labour Relations Board, the Elevator

Board, Pension Commission of Manitoba, Workers Compensation Board, Apprenticeship and Tradesmens Qualification Board, the Civil Service Commission, the Clean Environment Commission, Oil and Natural Gas Conservation Board, the Municipal Board, the Land Value Appraisal Commission, the Film Classification Board, the Film Classification Appeal Board yet, the Horse Racing Commission, the Alcoholism Foundation of Manitoba, the Manitoba Energy Authority, the Manitoba Arts Council, the Office of the Rentalsman, the Manitoba Cancer Treatment and Research Centre, the Law Reform Commission, Legal Aid Services Society of Manitoba and the Health Sciences Centre Board.

I just don't know how people like Gerry Lecuyer managed to survive all these years. Where did I get this information incidentally? From Kerr Twaddle, the officer, the lawyer of record for the government.

Then of course there is the little matter of cost. The crime that is being committed here is not just that the SFM has received an annual grant of \$627,000 last year, courtesy of the Canadian taxpayer. The crime is not just that the SFM failed to reveal that they received an additional \$108,000, courtesy of the taxpayer, just in time to fight the plebiscite which registered the opinion of the people of Manitoba on this issue which, of course, they do not want to believe. The crime is not even that SFM President Leo Robert stated publicly, his only obligation to explain was to the members of the SFM.

The real crime here is that most of those Canadians who paid these contributions are members of other ethnic groups. Here are first and second generation Canadians who came here unable to speak either French or English and who are long looked upon as second-class citizens because of that, and who are now having their pockets filched in order to pay the SFM to reduce them - not just to second-class status - but to third-class status. It's only been about a quarter of a century ago that we shed ourselves of the label of being hyphenated Canadians and now you are fixing that label on us again, not because it happened, but because as a result of deliberate government policy.

We are, of course, told that this is being spent for the purpose of bilingualizing Canada. Is anyone here really stupid enough to believe that Canada can be bilingualized by government fiat? We are told that Manitoba must be bilingual because it was, once upon a time, bilingual, and of course our friend, like Gerry Lecuyer, has suffered 93 years of illegality because it isn't bilingual anymore. Let me suggest to you that Manitoba has not been bilingual since 1871. Manitoba is not now bilingual and Manitoba will never be bilingual, no matter what laws you pass. Manitoba is multilingual. Bilingualism is not something that is imposed. Anyone who knows anything of history knows that. The historical tendency has always been to move toward a common language, not away from it.

I have sat here on previous occasions and listened to submission after submission like the one that Donald Bailey presented, which took a whole bloody day, and just because it agreed with the government and he told you about how he knew all about 2,500 years of European history but nothing about today, everybody was prepared to listen. Then of course there was the presentation from MARL which took two-and-one-half hours and they finally admitted, under questioning, that

they didn't realize that the government legislation was not restoring French rights - that had been done by the Lyon Government four years ago.

The tendency has been to move toward a common language, not away from it. Now I keep hearing Belgium used as a shining example of how bilingualism really works. Belgium is that way, not because it is wanted that way, but because that's the way it was historically. We keep being told about this wonderful fairyland called Belgium where there's true bilingualism, so why not here? Well ask the people who come from there how well it is working. Why not here? Because anyone who knows anything, knows Belgium - that there has since 1830 when the country was established, because they needed a buffer between Prussia and France and because Britain wanted a neutral state across the channel from the Dover shores, it was established and it happened to be that there were two linguistic groups that were put together in one nation - half of them speaking French and the other half speaking German - that's the way it is historically. They've been trying desperately to change that but that's the way it is - it is historically - and so the result is that national elections consist not of looking at economic problems, but of fighting to see whether it's going to be the Flemings or the Walloons that control the next government.

I believe that this government is - whether they are capable of comprehending that or not is something else - but to me they are committing a social crime. It is a social crime against those people who have for 100 years come from 100 different countries to be Canadians. For 100 years we have lived here in this freest country in the world and most important to those people who came here, it's been a country until about a year ago, that has been largely free of racism. The social crime of this government is that it is now legislating official racism. The government, of course, claims it is doing it because it is good for us. Well, I think even the government by now knows that whether it is good for us or not, we don't want any part of it. In order to do that they tell us that it's good for us and all we need to do is understand it and we will accept it.

Well let me suggest something to you. Despite the game of smoken mirrors that has been played by this government for the past eight months, the fact is that the people of Manitoba understand it all too well and it simply is not acceptable to them. This government knows that, and for that reason, because you know it is not acceptable, you have been forced to invoke closure.

Now I suppose that when anyone gets up here and criticizes something like this lovely government bill, one should also make recommendations and I am now going to make mine. Please, either withdraw this legislation or resign. That's the only honourable thing you can do. Resign. You have been here too long for the good that you have done. Resign and get out of here before you destroy everything that has taken us 100 years to build. What are you grunting about? Why don't you put your name on the speaker's list? I'm finished.

MR. CHAIRMAN: Order please. Mr. Schulz. Have you completed your presentations? Are there any questions?

Mr. Enns.

MR. H. ENNS: Mr. Schulz, for the purpose of discussing one of the items you brought up, one must assume - and I'm not assuming and I'm hoping that it doesn't happen - that perhaps some such bill as is under discussion should come to pass.

You made special reference to the role of the language ombudsman that's contained in the provisions of this bill. I ask you this question, Mr. Schulz, because I'm of course aware that you were a government advisor to a Government of the Day and to a Premier of a Day that established in Manitoba the first office of and established the ombudsman that we now have in this province. Why are we assuming in this legislation that that ombudsman would not treat fairly with this bill as he is charged to treat with any other Manitoba statute that is passed. Why do we assume in this bill that the ombudsman that we now have would not deal with this bill or any transgressions against this bill or any failures on the part of any government administrators in carrying out the proposed sections of this bill in a fair and expeditious manner?

MR. H. SCHULZ: I would say for two reasons: Number one, because we have 50,000 unemployed in this province and we need jobs for more bureaucrats and there's a wonderful opportunity. Secondly, because the ombudsman we have probably is not bilingual, and since we can't fire him we have to find another one to parallel him.

Incidentally, speaking of the ombudsman, yes, I was one of those, with the Government of Manitoba, that brought in the act to establish the office of ombudsman and let me tell you that I have regretted it for the last number of years, and I'll tell you why, because all that has happened is that now when some citizen comes to a Cabinet Minister and says, "Look, your employee in the Civil Service has damaged me." Instead of the Minister saying, "Fine, bring me the particulars, I will look into it." He says, "Go to the ombudsman." The ombudsman has become nothing more than a way of allowing the Cabinet Ministers to shirk their duties as Ministers.

MR. H. ENNS: Coming back to my original question, and assuming and recognizing that the ombudsman in the Province of Manitoba is not appointed by the government only, he's a servant of the Legislature, and not being willing to assume that he would not be able to carry out his responsibilities, is it just my exaggerated imagination that leads me to believe that really what we are talking about here is a language policeman or perhaps a language zealot that would make sure that enough books of a certain language are on the book shelves in Ste. Rose or elsewhere?

MR. H. SCHULZ: Who else would take a job like that except a zealot? What you have is the parallel of the tongue troopers in Quebec.

Now, surely you people know something of what is happening in Quebec. There was a case, not long ago, in which the tongue troopers, the language policemen walked into a drugstore, I think, and the young ladies in the drugstore had a calorie chart up behind the

counter, in a back room; it happened to be in English and that isn't allowed. You see, fellows, once you have civil servant, he's got to find himself to do in order to justify his position, and the tongue troopers are out there, they're in the back rooms and they found the calorie chart. It wasn't in French and they told them to take it down. As one of the fellows working in that place, who was French, remarked, "The next thing they'll be pulling down my shorts to see if Fruit of the Loom has been translated into French."

MR. CHAIRMAN: Are there any further questions for Mr. Schulz?

MR. H. SCHULZ: Thank you.

MR. CHAIRMAN: Seeing none, then I would like to thank you, Mr. Schulz for coming here today.

MR. H. SCHULZ: Thank you.

MR. CHAIRMAN: Mr. Doern.

MR. R. DOERN: Mr. Chairman, I wonder, for the benefit of the people present, if we could clarify the intended hours of the committee, both tonight and tomorrow. There is an extremely heavy snowfall; I understand the highways are closed. There have been queries at the Clerk's office about how are things progressing. Could the Minister, or can you, or can somebody give an indication of what the hours will be, or probably will be, both this evening and tomorrow?

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I was going to propose at 5:30, but I'm willing to do so now, since we do have a break that the normal sitting times that we normally use for committees when we're holding hearings on bills apply, so that would mean we would sit at 8:00 p.m. tonight, and at 10:00 a.m., and again at 2:00 p.m. tomorrow. I don't know if that will be sufficient time, we do have a large number. We may also want to sit at 10:00 a.m. on Monday. We don't, and I had suggested to the Opposition House Leader, that we did not want to ask for leave of the House unless other members suggest it, I certainly don't recommend it, to sit while the House is sitting. So if we haven't finished by then we would go into the normal time slots, other than when the House is sitting. The possibility would then be to continue on to Tuesday morning.

But I would suggest at this point that 8:00 p.m. tonight, 10:00 a.m. and 2:00 p.m. tomorrow, and 10:00 a.m. Monday would be the schedule at present. Each of those would end at the normal time; 10 o'clock tomorrow normally ends at 12:30; 2 o'clock normally ends at 5:30. But usually if we are hearing somebody at that time, we sometimes adjourn a little early if we're finished at 20 after 12, or we go a little later if we want to allow a witness to complete. That's been the standard procedure and I propose to follow that with these hearings.

MR. CHAIRMAN: Is it agreed then that we recess now for the supper hour?

HON. A. ANSTETT: Oh I would suggest we hear another person before 5:30, yes.

MR. CHAIRMAN: Another person? The next person on my list is Mr. Walter Kucharczyk. Order please.

Mr. Kucharczyk. Perhaps we could wait until the people who are in transit have left.

Order please. The committee has not recessed for the dinner hour yet. There is quite a bit of conversation in the back of the room which makes it hard to hear up here.

Mr. Kucharczyk.

MR. W. KUCHARCZYK: Greetings to one and all. In the first place, I would like to extend my apologies to the Honourable Mr. Filmon. Can you hear me? I'll start from beginning if I don't forget. Since you have my name already, Walter Kucharczyk, I add to it, PhD (profound hater of deadbeats).

I wish to correct my crystal ball predictions while the PC's were in power under Mr. Lyon, when I have had an opportunity to congratulate a young man who just became a Cabinet Minister, today's Leader of the Opposition, Mr. Filmon. I made a slight mistake at the time. I said he is the future Prime Minister of Canada.

MR. G. FILMON: One step at a time, Walter.

MR. W. KUCHARCZYK: Well, perhaps next time I can use that.

I also wish to express regret that the First Minister is not here, the Honourable Mr. Pawley. — (Interjection) — Would you be good enough to let me finish? This is the only time that I ever appear before the committee that I was listened to very carefully and I say, well, he took my advice. Of course, he took advice, I guess, of somebody else; that was on the question of Autopac. The rest, I've been ignored by you all the way and I mean it and it's kind of painful to a degree.

When I came here over 100 miles just to speak to you on Bill No. 2, I suggested to you to have the inquiry pertaining to the police force. So what do you do? You don't listen to me, but you listen to the lobbyists. So you have a bandaid operation, and they are having hearings today.

Now, take me seriously! I am twice as old as you are age-wise, and 10 times as much experience-wise, and I don't wish you hell to go through that I went in my life to learn certain things.

Now sure, I didn't know enough about Canada initially when I was discharged from the Armed Forces, and the Armed Forces were Eighth British Army, Second Polish Corps, discharged Fort Osborne Barracks, City of Winnipeg, Province of Manitoba, Dominion of Canada on May 25, 1947. God save the King at the time, Queen today.

Now, the only time I really figured out that I might as well let them have it for a lot of these things they promised and they didn't do. They told me Canada was a democracy. Well in my schooling, my Jesuit teachers taught me that the principle of democracy had been not being overgoverned. Let people adjust themselves to the normal course. Let people come forward with their suggestions. Let them elect the politicians who are going to listen to the people. Let

them evaluate. Well, of course, sometimes a politician figures out that he or she knows better what's good for the people than people themselves. Well, that's unfortunate, however.

My turning point in life in Canada occurred - actually the beginning of the turning point - when I came across the copy of a very brief statement, and I will be very slow so that maybe some of you will realize what the heck it's all about. "I'm a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my country. This heritage of freedom, I pledge to uphold for myself and all mankind." (John Diefenbaker, the Right Honourable John G. Diefenbaker, Prime Minister of Canada, House of Commons Debates, July 1, 1960.) Thanks for not interrupting.

Now ladies and gentlemen - you are going to find ladies here too, and I like them - I don't go to Art Gallery. I come to Legislative Building. Why should I stare at some painting?

I appeal to you, take under consideration one bitter experience that Canada is going through right now and that is to say, experimenting, really experimenting, because there is not enough precedent of the past, not enough mistakes made in the past to hammer them out, eh? And I'm referring to bilingualism. Let them do their job. You and I will pay for it, as we know a number of the mistakes that they made already. They are apologetic. Well of course, it's easy to push on civil servants when some politician makes a mistake or responsible for, but that is human relations.

I say to you bluntly, and I will attempt to justify my point, do not overgovern this country, no more than you already have done - and by you, I don't mean you personally - I mean the elected bodies. Some of you, the communication with the public is excellent. I have had all kinds of problems in, say, our Falcon Lake area. I have no favours to ask because I am speaking here without fear or favour. Some of you may not understand what that means but, by God, when an elected Cabinet Minister or his deputy listens to Walter so-and-so and something is being done, that's a good sign.

Now I will not comment on the closure, because I tell you, you did not invent the wheel - I read through some encyclopedia - but in Poland prior to the 15th Century there already were closures as well and the same, which is a lower level like the House of Commons, the same as the Senate here. I will set that aside. Let the public judge. I have my own opinion which I won't share with you in detail because you're going for supper and some of you might have an awful indigestion. As far as Bill 115 is concerned, the gentleman who spoke in detail, Mr. Garry Doer, D-O-E-R.

MR. H. ENNS: A fine man.

MR. W. KUCHARCZYK: Am I speaking or you, sir? Thank you.

He explained to you in every detail and you know I felt darned proud because the first thing struck me that bill of yours, that ombudsman, I revolt against the unnecessary law enforcement. In my days mostly I came across police officers who shot first, asked questions after and mostly with the bullets, sometimes with

excessive power that they got. So think for a second what you will be doing if you will give that excess of power through the Constitution?

I say again leave it to the evolution and I will just show you in a minute or so, if the Government of Canada prior to this bilingual issue, save details - let's say over 10 years ago, let's say '72, okay, forget a year - if the Government of Canada would take the stand that provinces have no right to go to foreign country, we have our embassy, we have our external affairs, we have the Dominion of Canada which speaks on behalf of the provinces; then you have to bow, submit to them what you have in mind.

I regret that the Honourable Minister, whatever his portfolio is he changed so damn many times, the Member for Brandon East who is not here. Since there is open season on him right now and yet yesterday and today - yesterday particularly - internationally the air was saturated by the Prime Minister of Canada making love to Czechoslovakia, East Germany, Romania and I believe now resting in Switzerland. Ladies and gentlemen, your friend and to some, "friend" in quotation marks, 12 years ago, he was received just about by the same level of people in Czechoslovakia and Poland - and Poland did not invite the Prime Minister of Canada - despite the fact that his news people or PR's tried for him to be invited. Now you see you're very unjust, you have a very short memory. When there's open season you give the gears. You know what that amounts to? Overgoverned in early steps by Ottawa but it wasn't implemented so the Minister could go as the provincial Minister to foreign countries and discuss the trade and I guarantee that very few of you realize today . . .

HON. A. ANSTETT: Mr. Chairman, on a point of order.

MR. CHAIRMAN: Mr. Anstett on a point of order.

HON. A. ANSTETT: Mr. Chairman, Walter is an old friend and I in no way want to limit his ability to appear before this committee and I certainly appreciate hearing from him, but I'm wondering though, Sir, if it would be appropriate for you to ask him to make his remarks to Bill 115 unless, of course, Mr. Trudeau's gallivanting off to the Eastern bloc countries is somehow related to Bill 115 and if he can tie that together I'd be interested. But I think otherwise the committee is most concerned about Bill 115, which is what is before us today.

MR. CHAIRMAN: I'm sure that Mr. Kucharczyk is building up to a discussion of Bill 115.

Mr. Kucharczyk.

MR. W. KUCHARCZYK: If you would only be patient young man, you will get your answer, okay? May I? Thank you.

Now then, my main objection is being overgoverned. As I said before, maybe that will register. Now then, with Bill 115, obviously it's a . . . going ahead to entrench the language in the constitution. I am saying to you because Ottawa did not follow the rules up to the letter, that Honourable Mr. Evans was able to break the ice in the relationship. As a matter of fact Kipp

Kelly benefited till the day they went broke for over 12 years, I just mention in passing from history.

What I am saying again, give people the freedom but don't tell them what colour of toilet paper to use Monday, Tuesday, Wednesday and double on Sunday, or whatever number of days you want to use it. Why should you? Why should you tell me that this is the official language? On what grounds?

Now I heard in the Legislative Assembly that the grounds were to correct the mistake and, ladies and gentlemen, France tried to correct the mistake after the Second World War. They're still trying, leave them alone, that's their business. You never settle neighbour's arguments.

The Province of Quebec is still having trouble with what Mr. Duplessis left and even at that time again, there will be slightly less overgoverning with your Bill 115, that's what overgoverns the people. Then the world today would be much greater if Mr. Duplessis wouldn't have so much power and I'm only privy to a very small fragment of information. It just happened that people in Ottawa at the time asked Walter's opinion - how to solve in your opinion the problem of return of the Polish art treasures. Johnny McAuley of the Bank of Montreal gave them in no time, from votes in Ottawa, but Mr. Duplessis says, as long as there will be a common estate in Poland, I shall not give them back the Polish historical treasures. No price was set on it.

Now and till the last day of my life I never will forget the Honourable Howard Green, Secretary of State for External Affairs - I see they're showing 115 - you try to throw at the people all kinds of regulations that I will not go in detail of them because their union representative mentioned them, all of them, what you should do and what you shouldn't do and I think he's wrong. I think he shouldn't take the stand as he did because he took for granted that the bill already had proclamation. Well I say, no. I still believe that you are not going to go through with it.

I was a privy one time to be asked advice by Mr. Schreyer, I have documented that in writing. Even though I didn't agree with him on a number of the issues, Heaven forbid, no, and there is no friendship there either, we were just question, answer, etc., but he was a big enough man to listen even to a person like Walter, because at certain meetings when the ladies and gentlemen introduced themselves with their various titles behind the name, I usually say, Walter Nobody, and that's true, I'm only a taxpayer. But, if for a minute you are going to put the boundaries with 115, then I tell you, you should have your eyes examined.

I have in front of me Canada Update from the 1981 Census, April 26, 1983, brought up-to-date. That's, of course, Statistics Canada. Don't get panicky, I won't read all the ethnic origins here. On Page 3, it says: "British" here in Manitoba - not in Canada - in Manitoba - "373,995; French - 74,050; German - 108,140; Native peoples - 59,925; and Ukrainian - 99,795." When you are going to present that Bill 115, where is the horse sense at all, you are even insulting the French people, people of French origin, or so-called Francophones. You are telling them to have a superiority complex just because you want them to do so; why? I have nothing against the French people whatsoever.

Poland, the country of my birth have had Mr. de Gaulle in a military college, that's where he learned

quite a bit. The only trouble they had, they had to make an extra bed for him, he was too long - he was too tall and the beds were too short - that was one of the problems. Poland has historical ties with France. I'm not prejudiced whatsoever toward people of French origin. The only tough luck I have had in my life, I never met a lady that would like to go with me of the French origin, but that's just beyond my control. I never learned French, I had no necessity to learn French. I think they would be very uncomfortable, the people of French origin here in Manitoba, if you already implement that Bill 115, but I still have a hope that you will put that - using the expression of Mr. Silverman on rent control to Mr. Green - put it in the deep-freeze for a while.

Why not to get a further public opinion; everybody is entitled to mistakes. I give you, Mr. Chairman, ladies and gentlemen, a very unpleasant example how a beautiful Constitution, but could be wrongly interpreted and implemented by the people.

In the Fifth Century, the Christian Church broke more or less in half. The Bishop of Rome, which became a Pope, split one side Roman Catholic, another Russian Orthodox. Of course, Russian Orthodox Easter services, etc., were conducted in the Russian language. We will jump from the Fifth Century to my days that I was a witness myself prior to the Second World War, 1945. Since there was over 90 percent Roman Catholics in Poland the church holidays have become state holidays; interpretation of the document, it takes a good will to interpret properly. Unfortunately, it was a military dictatorship and subsequently, they even started to translate the orthodox service, teachings, into the Polish language. Subsequently, they were apologetic.

What I'm trying to say bluntly to you is this, you are history-making today, but you are not having as good a crystal ball as I had way back, to say what government will be in power and who is going to administer, and how. Immaterial to me what letters there will be; PCs, NDPs, I don't believe in political parties because I notice Mr. Schreyer's NDP was entirely different than today's. PC's way back under Mr. Roblin were entirely different than today.

MR. H. ENNS: No, no. We're always the same Walter, we're consistent.

MR. W. KUCHARZYK: I'd better get another pair of glasses. Now on the serious side, don't make a mark in history, and don't give people a reason to hate you, or at least to belittle you in using certain words in about 34, I think, different ethnic groups right here, or 43 - I'd have to count from the whole sheet, I don't want to waste much more of your time.

Before you go to bed - I won't quote to you, I'll only tell you correct English title because I know it in Polish. If you don't have a handy one get out prayer of St. Francis of Assisi. Forget about the Constitution, it doesn't matter what church you belong to, just read it, but with feeling. I think that even people of Jewish origin sometimes practise more than so-called Christians. Then ask yourself why are you sitting in this House? Is it just to win an argument? Gracious no. You could be right on the highway, but you could be dead right, too.

Thank you for paying attention. In conclusion, I say to you young man, and I'm pretty sure your good wife

Kathy will agree with me, that before you make the decision, count to three and count it backwards afterwards. The people who elected you will say, we didn't make a mistake, a little bit hot-headed, but just give him time.

I only say to one and all, leave the good name behind, good history behind, that your relatives won't regret that your name ever was on a list of some archive, or in archives that you made a mess of that somebody else has to clean it up in the coming days.

I guess I can't take any more time. How much more time do I have?

MR. CHAIRMAN: You have 14 minutes.

MR. W. KUCHARCZYK: Okay, 14 minutes, then I will trade you this way. If you have any questions ask, if not, then I will carry on. I want to use my 14 minutes.

MR. CHAIRMAN: Are there any questions for Mr. Kucharczyk?

MR. W. KUCHARCZYK: This is something never never before quoted publicly and the only reason I will quote it publicly is because it does not say personal and confidential. I wish I could bring some correspondence from Ottawa. Some of you ladies and gentlemen would say, "Those bloody peasants. You never know what's next," because the correspondence has been marked and it's privileged and I would have to ask people for permission, but this one is not marked personal and confidential and therefore I shall read it into the record - if I find it.

On the stationery of the office of the Premier, Winnipeg, dated October 27, 1976, addressed to Walter Kucharczyk, etc.

"Dear Mr. Kucharczyk: I take this opportunity to let you know that the many discussions we have had in recent years have been very useful. I'm thinking in particular of your reference to certain anomalies in taxation treatment and royalties pertaining to mineral resources particularly.

"At the time when the Federal Government made certain drastic changes that affected availability of expenses resulting from royalty payments, as you know some of the modifications made since then have been along the lines of some of your suggestions. Yours sincerely, Edward Schreyer."

Now, the great privilege to me was that the . . .

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Point of order, Mr. Chairman.

MR. CHAIRMAN: Mr. Anstett, on a point of order.

MR. W. KUCHARCZYK: Mr. Chairman, that's wasting my time. I say to you I'm only trying to prove credibility so that you will pay more attention to what I'm saying because in the final analysis, it comes to Bill 115, if you'll be kind enough?

HON. A. ANSTETT: Mr. Chairman, I do have a concern that we're setting a precedent of covering a lot of extraneous material. I have no doubt - and I'm sure

no members on this committee have any doubt about Mr. Kucharczyk's credibility - but if the Chair allows Mr. Kucharczyk this wide latitude of discussion, then we'll have to allow that to everyone else and we won't be hearing presentations on Bill 115, which is the purpose of the committee; and I am concerned that the mineral taxation regime of some previous government or the question of Polish art treasures, with respect, do nothing to contribute to our discussion of Bill 115.

I don't believe that my point of order should be subtracted from Mr. Kucharczyk's time but I do believe that we should ask Mr. Kucharczyk to make his comments on Bill 115. Otherwise the committee will have 40 minute presentations on everything from killing seals off Newfoundland to the price of tea in China and I'm not sure that's our purpose.

MR. W. KUCHARCZYK: I thought that all roads conduct to Rome. There is no one NDP road; there is no one PC road; there is no one Communist Party of Canada, or Walter's party anarchist, so we can go to one point, whatever way we choose, but we finally come to the City of Rome to see the Pope which you don't have to go to Rome, you will see him here in Manitoba.

Ladies and gentlemen, that's my own time but I still respect you all. I still respect you until the proclamation, if ever it will come. On the serious side. One thing that hits me immediately when I look at your bill, again repeating myself, is that ombudsman. Why in the name of God, you already foresee the problems. Well, if you foresee the problems, throw the damn thing through the window to start with, in simple language.

MR. CHAIRMAN: Order please. Mr. Enns on a point of order.

MR. H. ENNS: No, I just wanted to put in one question before his time ran out.

MR. CHAIRMAN: Mr. Kucharczyk.

MR. W. KUCHARCZYK: Mr. Chairman, I don't want to insult the gentleman but maybe somebody would pull out his earplugs or maybe he will learn my English.

Of course I'm against. I'm against everything, anything that tells me how I'm supposed to do the things until psychiatrists will lock me up. Not this time anyway because I don't drink anymore. To put it straight, I've been sober for the last 11 years, never touched one; again, that amounts to freedom. Oh my God, Mr. Chairman, and again I'm referring to Bill 115, a privilege of personal choice.

I used to get up in the morning and "God grant me the serenity to accept the things I cannot change; the courage to change the things I can; and the wisdom to know the difference;" and then I reached for a twenty-six. Ah, ah! Then one day I said, I don't give a damn what the AA's say, I am going to do it my own way. I gave it to a friend of mine and watched how he made a fool out of himself and I said, never again will I make a fool out of myself. That was awhile back and, again, the honourable gentleman will say, what has it to do with Bill 115? It has to do that horse sense prevails.

I brought the horses many times in the old country. My mother - may she rest in peace - 400 family tree

going back, noble family, father peasant and I love peasantry. I brought the horses many times to the water and he will blow at that water and sort of will say, you can drink yourself you so and so. I won't say exactly how I felt. The horse knew even that water was no good because it was stale. People today are their own judgment. I wish the Honourable Minister of Energy and Mines would be here, but then again you would tell me to correct myself to Bill 115.

Now, in conclusion, and no hard feelings, sir, as to your remarks, because the Member for River Heights one day, also in the Law Amendments Committee, when I suggested to Honourable Mr. Lyon at the time to have a bonfire in front of the Legislative Building to burn all them bloody old laws and don't put in too many new ones, he also asked me to stick to the bill. I am used to it, that's not the first time.

I hope I didn't waste your time but I was told way back in the armed forces in military college that the people have to be relaxed to absorb; they have to remember you somehow.

In conclusion, in the most serious way, I shall not apologize for hurting you because you will remember me longer. Now that's a fact. But on the most serious side, in my training during the Second World War, part in military college - it was just a course, psychological warfare - without hurting your feelings, Manitoba today would be an ideal area to work, to steer the hell amount of people if I would need them during the Second World War.

I would throw religion into it yet, besides the languages. And before we would know, well, but I won't go into the rest because somebody might say that I am calling for a revolution though. I am calling for evolution, and evolution is based on the horse sense.

Off the record, I regret that I was wrong by asking the Honourable Minister of Natural Resources to go and make a phone call to his wife when I will be speaking. I expect that he will give me gears, but thank you for being gentlemen. On that note, I wish you all good health. Whatever you do, you will be sleeping with it and people of the province. Thanks for being patient.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, before we adjourn, because we have gone a little past 5:30, unless there are questions for Mr. Kurcharczyk from any members, I did want to discuss our agenda for this evening.

Mr. Chairman, there are some individuals who have come from out of town and whose names are on the list, and I understand from the Member for Gladstone that the weather outside the city prohibits travel unless with great difficulty, and it might be worthwhile ordering our agenda for this evening at 8 o'clock so as to call anyone who is here this evening from out of town first; that we hear those so they don't have to come back tomorrow. If we finish those, we would then go on with the regular list.

I make that as a suggestion to members of the committee, if that's agreeable.

MR. CHAIRMAN: Is that agreed? (Agreed)

In that case, the hour being past 5:30, the committee will recess until 8:00 p.m.