

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS
Tuesday, 28 October, 1980

Time — 10:00 a.m.

CHAIRMAN — Mr. Warren Steen (Crescentwood)

MR. CHAIRMAN: To the members of the committee, can we come to order now? We do have a quorum for this committee meeting of the Statutory Regulations and Orders. Could I recognize, Mr. Mercier, first?

HON. GERALD W. J. MERCIER (Osborne): Mr. Chairman, the meeting is an organizational meeting. Mr. Einarson is on the committee but I understand he is out of the city today. Perhaps I could just explain briefly the material that's before each member of the committee. There is, in the material for each member of the committee: The Province of British Columbia Constitutional Proposals of 1978; the proposal of the Province of Alberta in 1979; the federal government's most recent proposals on the Constitution; the Western Premiers' Task Force on Constitutional Trends, Reports No. 2 and 3; three articles by three law professors, Mr. Schmeiser, Mr. Smiley, and Mr. Browne. There's the Canadian Bar Report.

We have requested the province of Newfoundland's booklet which was published just before the September constitutional meeting. We have requested the Ontario Select Committee on the Constitution Reports Nos. 1 and 2, which they made through the 1970's. We've requested the Saskatchewan small pamphlet that the province of Saskatchewan put out some time this summer. We have requested a comprehensive document put out by the Secretariat of the federal government on constitutional proposals from 1970 to 1978. There may also be other material that we will be able to obtain that has been produced by other committees in other provinces during the next month.

I can indicate to members of the committee, because this has been raised in the past, that I will be making available in the next few weeks to members of the committee some information, as we see it, from the province of Manitoba which would explain the 12 issues that were discussed during the summer months by the Continuing Committee of Ministers on the Constitution and which were discussed at the September First Ministers' Constitutional Conference.

Having said that, Mr. Chairman, I did have an opportunity to speak with Mr. Parasiuk during the past few days about generally the places and dates and organization of the committee and I think we appear to be generally in agreement but I offer to the committee a schedule which I think is the first item that we should agree upon in order that the meetings of the committee can be advertised. I am suggesting for the committee's consideration that we first meet in Winnipeg on Monday and Tuesday, November 17 and 18 from 10 o'clock to 12:30 and either 2:00 to 5:00 or 2:30 to 5:30; that the following

week we meet in Brandon on Monday, November 24, and in view of the time that will be required for members to drive to Brandon that we might consider meeting from 11:00 to 1:00 and 2:30 to 5:30; that we could also meet in Brandon the following morning and then perhaps adjourn at 12:30 and drive to Swan River and meet in Swan River on Wednesday, November 26, in the morning and afternoon and possibly the evening; and that the following week we consider meeting in Thompson on Monday, December 1. I believe there is a flight from Winnipeg early in the morning, so we could probably meet during the morning and afternoon, and possibly the evening, in Thompson. Having completed that meeting, perhaps we might have to meet in Winnipeg following that.

The difficulty is that we have to advertise for submissions and no one knows how many interested persons there will be in making submissions to the committee. It makes it difficult to, I think, go further than that, but I expect that we'll probably have to continue meetings in Winnipeg after that to receive all the submissions. It may be necessary, as a result of an advertisement, to meet in other locations in Manitoba, other than, say, in Brandon, Swan River and Thompson, but we could make that determination following the advertising. I think, in the past, individuals or organizations have been asked to phone the Clerk's office to indicate an interest in making a submission, and on the basis of the interest expressed to the Clerk's office we could make a determination as to whether there is perhaps sufficient interest in another locality that would make it more convenient to meet in another area to accommodate people who wished to make presentations, or whether it's necessary, in view of the interest expressed, to meet longer or again in the locations I've already referred to.

But I offer to the committee those suggestions with respect to those dates and times to begin the hearings in Winnipeg, Brandon, Swan River and Thompson, Mr. Chairman.

MR. CHAIRMAN: Mr. Parasiuk, you wish to comment?

MR. WILSON PARASIUK (Transcona): Yes, I think that, with respect to the dates, we're flexible. We're prepared to meet at any place, at any time. I think in order to ensure flexibility, because we're setting dates up some time in advance, I think it would be useful to have one rule clarified. We have, I think, one or two alternates and it may turn out, for example that on one of these days it may not be possible for one of our members to attend. It would be useful if we could have it understood that if the day that we have the meeting we can bring in our alternate, rather than having to have the alternate named the meeting before.

MR. CHAIRMAN: Mr. Parasiuk, perhaps I could suggest that what you should do, and I would suggest it to my own colleagues, that each of us

have a letter of resignation from the committee; then on a given day if you aren't able to be present that letter is turned in and then your replacement turns in one at the end of the meeting and then you're back on the committee. You are appointed back on the committee at the following meeting. This is the usual route that we follow in most committees is that a letter — about a two-line letter of resignation.

Mr. Uskiw.

MR. SAMUEL USKIW (Lac du Bonnet): Mr. Chairman, I don't know that we have to make it terribly cumbersome. It seems to me that the logical thing to do would be to agree that those that appeared at a meeting are recorded as being the members of the committee representing the government or the opposition. Now maybe that is not legally possible.

MR. CHAIRMAN: To Mr. Parasiuk, I would agree that having a bank of letters is a very cumbersome operation but unless the rules would permit us to follow your suggestion, I think that's the only way we can handle it. As the Clerk says, how is going to know whether you are telling him that one member is not there and he is being replaced by someone else; how is he going to know officially?

Mr. Reeves.

MR. USKIW: . . . to facilitate the mechanics . . .

MR. CLERK: . . . to keep things straight.

MR. CHAIRMAN: Are you finished, Mr. Parasiuk?
Mr. Desjardins.

MR. LAURENT L. DESJARDINS (St. Boniface): Mr. Chairman, I also can be very flexible in this, about the meetings, but before we do that I think the important thing is to know why, and I ask, Mr. Chairman, through you, I ask the Attorney-General, why are we here? What is our role? What are we supposed to do, and what will this accomplish? I think that is the first question that should be answered today. I wonder if the Attorney-General can tell me what we are doing here today and what is to be expected and what kind of a form of a recommendation will be to government and what effect will this have on the government. I think that's the first priority right now.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, today the notice of the meeting indicated that we were simply going to discuss and organize future meetings in keeping with the resolution adopted by the Legislature on July 29th. That resolution, which I believe was adopted unanimously, set up the committee to inquire into matters relating to proposals for the amendment of the Constitution and to hold such public hearings as the committee may deem advisable.

I would think that the committee would want, firstly, to give interested individuals and organizations in Manitoba the opportunity to make presentations to the committee that the committee can consider in making any recommendations which may come forward later in the committee's

deliberations. Possibly, obviously what Mr. Desjardins is referring to is the fact that there are ongoing constitutional proposals now in effect in Parliament; but certainly even considering what is in Parliament at the present time doesn't deal with the whole range of items that have been brought up with respect to the Constitution in the past and constitutional discussions, no matter what happens in Parliament at the present time, will be ongoing for some time and I think the committee will be dealing with the whole broad issue of amendments to the Constitution.

MR. DESJARDINS: Mr. Chairman, I think there should be something much more obvious to the Attorney-General in my question, and the question is, and I'll refer the Attorney-General to the proposed motion and it says, "Whereas it is desirable in the public interest to obtain the opinions of the people of Manitoba on proposal for constitutional reform." It's obvious to me that the Government of Manitoba has taken a position and I'm sure of the answer that the Attorney-General would give me if I was to ask what if it's unanimous all over the place that the people say that we shouldn't go to the courts and we should have a Bill of Rights, is that going to change anything. I submit, Mr. Chairman, that this is going to be just a joke, because we asked repeatedly for meetings months ago, when the opinion was being formed and it is obvious now that some of us — many of us, and many Canadians — are caught in between the federal government and some provinces, and it's obvious that none of them will change, that if one says "white" the other will say "black". It is strictly a political thing now, a partisan political thing which is too important for the future of Canada.

We have received documents here. Is it just a coincidence that we have all those that are against entrenchment of the Canadian Bill of Rights, that we have nothing else? Is it a coincidence that we have nothing from Manitoba, a position, that the Attorney-General told us that he was too busy doing work? You know, what is this? It seems obvious to me that the government is trying to set up something so he can say that there's going to be, you know, probably a bill for a mandate to fight Trudeau to take away the weakness of this government here and we're going to be part of that, and it's going to cost this government who's talking about restraint. And we've had what? What is this going to cost? And for what? Is the government going to be flexible? It's going to be too late. What are we going to achieve? What is the position of Manitoba? You know, we're leaguings with the separatists. We have a Premier who's in bed with the two separatist Premiers, Levesque and Lougheed, instead of building a strong Canada.

A MEMBER: And Ryan, too

MR. DESJARDINS: Well all right, maybe he's a separatist too. So we're in bed with Levesque, after all we've said, and he wants the same thing. He wants the same thing that this government here wants. Now what is this? I submit, what is this exercise and this cost and this money that we're going to spend? What is that going to achieve? What is that going to achieve? I can tell you exactly what's

going to happen. We're probably going to be called for a bunch of good things in the Throne Speech and then the first chance "bang", there's going to be an election. Let's have the election now. Let's have a mandate now. This government hasn't a mandate for what it's doing and it's making a joke and farce of having a committee that's going to look . . . We're repeatedly asked to meet with the people to hear the point of view. You haven't done that at all. You've been busy and you know we've got one Minister who has to be here because he's the Attorney-General. What interest is there? This is a joke and I want to serve notice that we're not going to just sit here — I'm not anyway — to set up an election issue for you people and spend the money of the people of Manitoba for nothing.

It's very clear it says "Whereas it is desirable in the public interest to obtain the opinions of the people of Manitoba on the proposal for constitutional reform." What public interest is that, if your mind is made up? You're already going to court. You haven't had one meeting. You're feeding us all this propaganda on one side only. You haven't got the position of Manitoba yet or the proposal of Manitoba; where is it? You're requesting from Ontario, you're requesting from other places, but where have you requested from Manitoba? We've requested from Manitoba and what are we told.

Mr. Chairman, it is about time that we stopped this. This is why the people have no confidence in politicians when we play these kinds of games, but this is a joke. This has to be done. It's routine, but look at the money that's involved in this.

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, I perhaps would allow the Minister to respond and hopefully clarify the government's position before I would like to make my contribution.

MR. CHAIRMAN: I think, to all members of the committee, Mr. Mercier did say that he was supplying material to all members at the outset and he had additional material that he would be supplying the members as soon as it was available.

Mr. Mercier.

MR. MERCIER: Mr. Chairman, with respect to Manitoba's position, first of all, I ask the Member for St. Boniface to recall the week of the Constitutional Conference, which was on television for five or six days, in which the Premier of this province expressed the position of the government on a number of those issues. I indicated earlier on that I would be bringing forward to the committee more information from other provinces, as well as the province of Manitoba's position. I will attempt to be bringing it forward in a manner which attempts to explain to people the ramifications of each issue. There were twelve issues that were discussed in September and unfortunately I think not many people, not only in Manitoba but across Canada, appreciate the complexity of those issues. It seems to me that there are a number of people that are very much interested in receiving a document that attempts to explain what entrenchment of the Supreme Court means, or any of these particular issues, and what

the ramifications are. So I see producing a document that is educational, mostly.

The Member for St. Boniface says I haven't . . . I have brought forward one or two or three articles relating to the case against the entrenchment of human rights. Well, I have also brought forward the Canadian Bar Association Report which is in favour of an entrenched charter of rights. We have attempted to obtain from each province, where possible — and some don't have any material — any booklets that have been produced either by themselves or by organizations within individual provinces, position papers that have been developed for consideration by the committee.

Mr. Chairman, the Member for St. Boniface can make this meeting as political as he likes.

MR. DESJARDINS: Political, you're making it political. You've got a hell of a lot of nerve talking about somebody making it political.

MR. CHAIRMAN: Mr. Mercier has the floor. He didn't interrupt you. Mr. Mercier, carry on.

MR. MERCIER: Mr. Chairman, I repeat, the Member for St. Boniface can make the meeting as political as he likes. We are here as a result of a resolution passed by the Legislature. It's true that we are caught in some difficult circumstances in that the federal government is elected to proceed unilaterally with their proposals, has brought in closure in Parliament, supported by members opposite and their party. They are cutting off public discussion in Canada in their proposals. We have found in Manitoba that we have had . . .

MR. PARASIUK: On a point of order, Mr. Chairman.

MR. CHAIRMAN: Mr. Parasiuk, what's your point of order?

MR. PARASIUK: The New Democratic Party in Ottawa did not support closure, as the Minister is saying. I think that should be retracted. I think we should have the factual statements in the committee, not . . . —(Interjection)—

MR. CHAIRMAN: Mr. Mercier, please carry on.

MR. MERCIER: The point, Mr. Chairman, is that we are caught in a situation where action is taking place at the federal level in which the government has had to respond. We are not in favour of unilateral action taking place or without there being full discussion of the issues. The Premier of this province requested the Prime Minister to call another constitutional conference next year to attempt to develop a consensus on these issues. Now that's going on. This committee has no control over what happens at the federal level. We have a definite mandate to hold hearings across this province.

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

MR. VIC SCHROEDER (Rossmere): Mr. Chairman, Mr. Mercier had indicated a little while ago that the NDP had supported the federal government on its closure motion and I would ask that that statement

be withdrawn because it is not in accordance with the facts.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I'd be happy to withdraw that suggestion. They supported the original proposal and the following day closure was brought in by the federal government. But we are caught in these difficult circumstances. Hopefully, the federal government will make a decision later on this year not to proceed with the time schedule that they have so far indicated that they would. But we have this mandate. We have a mandate to deal with the whole Constitution, not just the items contained in the federal proposal. They are going to be continuing constitutional discussions, I'm sure, over and above what is contained in the federal proposal and we have a mandate to consider the whole matter of the Constitution. So it would appear to me we have a large scope for study and review and for receiving comment from interested Manitobans.

MR. CHAIRMAN: I might point out to all members of the committee that on Tuesday, July 29th, of this past summer, when this motion that Mr. Mercier refers to was passed, Mr. Mercier had already spent, I believe, about three weeks meeting with various Ministers of other provinces that were assigned to this question at that time . . .

MR. DESJARDINS: Mr. Chairman, on a point of order. If you want to participate in this, I think that you should leave the Chair.

MR. CHAIRMAN: . . . so perhaps at that time the members of the opposition should have opposed the passing . . .

MR. DESJARDINS: Mr. Chairman, on a point of order. On a point of order, Mr. Chairman. This is not information.

MR. CHAIRMAN: I think, to Mr. Desjardins, that I am giving you some information.

The next person who has indicated a desire to speak is Mr. Uskiw.

MR. USKIW: Mr. Chairman, I would like to reinforce what has already been stated by the Member for St. Boniface and that is mainly that this committee was set up to provide an opportunity for public involvement on the question of constitutional amendment.

MR. CHAIRMAN: Mr. Uskiw, would you pause for a moment? Perhaps I could ask Mr. Desjardins and Mr. Blake if they would discontinue their conversation or, if they desire to talk to one another, please leave the table.

Mr. Uskiw.

MR. USKIW: Mr. Chairman, I simply want to reinforce what has already been stated by the Member for St. Boniface and that is that the Legislature did indicate that there was a desire to have full public discussion and debate on the constitutional question. At the same time, we recognize that the Attorney-General was involved

and continues to be involved in discussions at the Ministerial level on the question. But apart from that, I don't believe that it was proper, in light of the fact that this committee has not yet met and has not heard public opinion and has not reported back, I don't believe it was proper for the Premier of our province to participate in legal action with respect to the proposals of the Prime Minister of this country. I think if that were to take place it should take place, if it is indeed in the public interest, after this committee has its hearings and makes its report known to the members of the Assembly and to the people of Manitoba. So that, in essence, we find ourselves in a position where the government has a position, notwithstanding the fact that it has appointed a committee that would endeavour to help it determine its position, and the wishes of the people of Manitoba, on the whole question of rights, entrenchment of rights, and all other matters related to constitutional reform in Canada.

It seems to me that at least the evidence seems to indicate that the government is trying to build up a case for a position that it has already determined and that this committee is merely going to go through the exercise of meeting with the public and that nothing will come of the information or from the input of Manitobans to the hearings that are to be held. And I think, Mr. Chairman, if that is the case, then I have to agree with the Member for St. Boniface, we shouldn't be wasting public funds. If the Province of Manitoba has a position, let it say that it has a position and let it rest on that position and not involve the Members of the Opposition in a charade and not involve the expenditure of money in this exercise which is futile, to say the least.

MR. CHAIRMAN: Mr. Brown, did you wish to speak?

MR. ARNOLD BROWN (Rhineland): Mr. Chairman, we know that there was a resolution passed in the Legislature asking this committee to hold hearings in various locations in Manitoba, and I would like to ask the Attorney-General whether he knows of any other provinces who intend to hold similar meetings as to what we are proposing.

MR. CHAIRMAN: Mr. Mercier, are you in a position to answer the question?

MR. MERCIER: Mr. Chairman, as I recall from discussions during the past few weeks, I know there is at least one other province who has formulated a committee to hold public hearings on the Constitution.

Mr. Uskiw says the government of Manitoba should not have initiated the court action that we did last week. That court action merely asks the Court of Appeal to determine — if the members don't have the specific questions, I'll certainly provide them with a copy — but merely in general asks whether the federal government has the right to proceed without the consent of the provinces to amend the Constitution to effect federal/provincial relations or effect the powers, rights and privileges of a province. That is, do they have the power to proceed unilaterally without the consent of the provinces. We, ourselves, and five other provinces are proceeding in

that manner. Two other provinces, I suggest, still may be a part of those court challenges, or court actions. The province of Saskatchewan and the province of Nova Scotia will have to make decisions on that and that may very well depend on what happens tonight at the federal level.

But I say to the members opposite, I ask them to declare right now; if they don't want to be a part of this committee, indicate right now. If they don't want to proceed with this committee, this committee can report to the Legislature, when the House convenes, that the New Democratic Party members of this committee did not want to participate in a process of public hearings, and this committee will not proceed any further. But I tell you, our party and the members of this committee will hold the very same hearings that I've suggested that the committee will hold, and we'll do it on our own as the Progressive Conservative Party in Manitoba. So, declare right now. If you don't want to be a part of this process; if you think it is a waste of money; if you think it is a waste of time; if you don't want to give the people of Manitoba an opportunity to comment on the whole range of matters in the Constitution, indicate right now. If you don't want to be a part of it, we'll simply report to the Legislature that you didn't want to be a part of it and the Progressive Conservative Party will go out and hold public hearings on our own.

MR. CHAIRMAN: Mr. Parasiuk, Mr. Desjardins, Mr. Schroeder and Mr. Uskiw, in that order.

MR. PARASIUK: Obviously, quite clearly, the New Democratic Party was the party that first proposed that a legislative committee go meet the public and hear them. That was proposed by Howard Pawley in the spring of this year. And the government which has the majority in the Legislature controls when the resolution would have been debated, and it was debated on the last day of the Legislature. Yet at the same time it was introduced some time before that by the government finally, in response to comments and to suggestions made specifically and directly by my leader, Howard Pawley. So the New Democratic Party was the group that initiated this idea of the Legislature going out and hearing from the people. However, we were in fact thwarted, very much so, from having the committee meet over the summer, which is what we wanted to do, because the issue is not whether we should meet the public. Obviously, the issue . . . Everybody wants to meet the public; certainly we, on this side.

The question that our people have said is, will this government be flexible? We want to listen to the public and we're prepared; on this side, the New Democrats are prepared to be flexible. We are prepared to listen to the reasoned arguments of those people who will come forward with their ideas about the country, their ideas about constitutional reform, and we want to listen to them. And my colleagues have been asking whether, in fact, the government's position is so rigid and so inflexible that it really is trying to use this as a device to, in a sense, change public opinion, propagandize public opinion, if you want, or rather is it a device to listen to the public, so that public opinion will influence government policy? That's the key thing. Is this government prepared to listen to public opinion in a

flexible manner so that it might change its positions, or at least be flexible with respect to its positions? Because, so far, the positions taken by this government, publicly at least, have been very very rigid and put ourselves in a camp with those Premiers right now, formally, who really want to Balkanize the country. And we have a concern about that rigidity.

To illustrate that, we did not meet over the summer, supposedly because the Attorney-general and his staff — not the other members of this committee, by the way — were so busy meeting with other provincial and federal politicians and officials. There was something called the Continuing Committee of Officials, which met in the spring before this resolution even was passed in the Legislature, and supposedly, from what I gather, met in a very intensive set of meetings all through the summer. The Attorney-General was completely bogged down with that type of activity.

Well, given that, I'd like to ask, out of all this pile of documents we have, why don't we have the background documents of the Continuing Committee of Officials? To me, that is quite critical to the way in which this committee will operate. Because I think it's rather unfair to the people of Manitoba, and it's unfair to the people of Canada to have officials, federal and provincial officials, lock themselves up in secrecy for four or five months, supposedly to do a very in-depth study of particular points on the Constitution, and then governments, apparently — I don't know whether it's the provincial governments or federal governments — refuse to make that type of detailed information public, after the negotiations supposedly are passed. If the provinces and the federal government wanted to keep this material secret up to the First Ministers' Conference, which took place between September 8th and 13th, I'd have some questions about that because they might be misleading the public.

But now that that First Ministers' Conference has been over for some time now, surely it's reasonable to say, let's make that material public. Let's know what the provinces have said when they got down to the nitty gritty of particular Constitutional aspects. What did they say about it? Were they in favour of certain aspects or weren't they? We don't have any of that. We have, sort of, what I call posturing positions. I've looked at some of the documents that exist and that have been put out by different provinces, and they're PR documents. They're not working documents. They don't go into the specifics. I would think, if this committee is going to undertake its task with some diligence, that what it needs are those background documents. So, first, we should get a copy of the background documents and the material prepared by the Continuing Committee of Officials which would co-chaired by Roy Romanow, the Attorney-General from Saskatchewan, and Jean Chretien, the federal Minister of Justice. To me, that's a very vital piece of background information for this committee.

Secondly, I think we should get a transcript of the First Ministers' Conference that took place between September 8th and 13th. There have been some comments attributed in the press that I don't think Manitobans would agree with and there are a couple of comments attributed to, say, Angus McLean, the

Premier of Prince Edward Island, who supposedly said that he's an Islander first, a Maritimer second and a Canadian third. And then there were the comments by Premier Lyon at that conference, where he spoke directly after Peter Lougheed when it came to resources, where the federal government have said, we're prepared to provide indirect taxation over resources to the provinces and some jurisdiction in interprovincial trade, but we want to have federal dominance.

At that stage, Premier Lougheed said that this is completely unacceptable, it's cosmetic, and he wanted a lot more control of resources, really implying that what you needed was to have the province be able to set a unilateral price for oil, which really would be set by Sheikh Yamani and the OPEC countries. That was the Premier of Alberta's statement and perhaps from his perspective it makes some sense, although from a Canadian perspective and certainly from a Manitoban perspective it would be horrendous.

The next speaker was Premier Lyon, who was asked by the Prime Minister to comment and he then said well I don't have to comment, everything has already been said. I would like to get those transcripts to look specifically at what in fact was said and what was said in the exchanges. I think that, given the fact that we have transcripts of our proceedings here, surely it shouldn't be too difficult for the government to get transcripts of that meeting. They had civil servants and people all over the place. I don't like speaking only from memory; I'd like to have the transcripts.

The third issue is the following. The Minister has said that we are going to prepare "an educational paper" for the committee. That's fair enough. Again, if we are going to have the proper education for the committee and for the public at large, we need the background documents; we need the transcripts, as well. Then I'd ask, who is going to be the one preparing the background documents? In the past, when documents are prepared "by the committee or for the committee" for the public, what we want to know — because we do have time between now and the committee meetings — I'd like to know who is going to do the preparation. Is it going to be a government paper or are there going to be a couple of civil servants or consultants assigned or seconded to the committee who will then act as servants of the committee as opposed to acting as servants for the government? There is a vital distinction between the two. When the Legislative Counsel acts, when he sits in on committee meetings, he acts for the committee. He doesn't act for the government; he acts for the committee. I'd like to know whether in fact this committee will have such a person, if that's the person who is going to be preparing the documents.

There are three particular points there that I think are important and I would like to have the Minister respond to those because if this is going to be a genuine approach that will be flexible, sure, we want that. We've wanted that since May or April of this year and what we are saying is that we've not had the opportunity to do that and the people of Manitoba have not had the opportunity to make their feelings felt about how they view this country and this province. I'd like to know if Manitobans agree

with Angus McLean that they are first Manitobans and secondly Canadians.

I have a different perception. I see myself first and foremost as a Canadian and secondly as a Manitoba and yet maybe I'm out of touch with the public of Manitoba on that. I don't think so, but I would like to hear them and they've not had that opportunity to speak. That is what we have been complaining about. We are obviously prepared. We want to proceed with a very honest attempt to hear from the public and so far we find that we don't have that in some respects. I think we need the background documents of the Continuing Committee of Officials and we certainly need the transcript, but the background documents of the Continuing Committee of Officials to me is very important because it puts forward the various views about the country and the Constitution over a broad range of topics. When Peckford says I don't like the Prime Minister's proposal, it doesn't go far enough, we want a new deal for Canada, we want . . . Well, what does he want? It doesn't say specifically what he wants. Now, in the background documents in the Continuing Committee of Officials, I think we'd get a lot of information as to what he wants. Because if he wants a confederacy rather than a federal state, we don't buy that on this side, not at all. But that's what we want to do. I know what Levesque wants, to a degree, but I don't know what he's said in the Continuing Committee of Officials. Levesque says he wants to separate. Lougheed says he wants the ability to set unilateral prices for oil, which would change our energy requirements tremendously and really hurt Manitoba significantly. Then it says he doesn't believe in certain types of equalization payments. Manitoba gets 320 million, at least, from equalization payments from the federal government, yet we are aligned, in a sense, with Bennett. I'd like to know what the repercussions of that are for Manitoba both today and into the future and that's why the Continuing Committee of Officials' documents, to me, are very very vital.

I would like to ask the Minister specifically if we can get the Continuing Committee of Officials' documents, can we get a transcript of the First Ministers' Conference and who will be the person preparing the educational paper for the committee, and will that person be a servant of the government or a servant of the committee?

MR. CHAIRMAN: I have Mr. Desjardins next on my list.

MR. DESJARDINS: Mr. Chairman, the Attorney-General issued a challenge and I guess it's his training as a lawyer to try to mix things up and to try to push people to the wall and say yes or no, echoed by the members on this side, yes or no, no discussion, nothing else. Well, this is not going to wash. There's not going to be a dictatorship, at least while we're here.

Mr. Chairman, it is kind of ridiculous . . . — (Interjection)— All right, I'll give you the answer. It is kind of ridiculous for the Attorney-General to suggest that we are not interested in hearing the people talk, when our concern is exactly that, that it would meaningful discussion. It was practically, what, the day of, practically, the Throne Speech or shortly after

the Throne Speech that we started requesting that there be a committee set up immediately, and this wasn't done.

Now our concern, Mr. Chairman, is that the Attorney-General, for the government, hasn't answered that. What if the people feel that fine, this is right, there should be a bill of rights, is the government going to change its mind? It's obvious that it's not and that is our concern.

Mr. Chairman, we have had other experiences in the past with this government. There was a committee, I think last year, on education and what did that recommend; what did that do? Now this is our concern. We are asking for information and not officially but there's been an aside here that you allowed, Mr. Chairman, that one of the members said, well, we haven't got time to read it. We've been waiting all summer. We've been waiting since July to have this committee called. It's going to be called now. When they are going to start, November, just before Christmas and in the winter. The winter will be on us any time now and we are going to have this committee now. In advance, we know pretty well what the report will be, that you've heard people and some wishy-washy thing but what, what concrete?

I wasn't talking about the legality of this. Somebody has been arguing and I don't know why . . . Mr. Brown asked to know what is going on in other provinces. That doesn't concern me. We represent the people of Manitoba. What they do in Saskatchewan or Alberta doesn't concern me. I think that we want something meaningful, and it's obvious that we're not going to get it.

Now the government has a right. We're not taking the government to task and saying they haven't got a right to act. The government has a right to say, all right, this is what we want. What they're doing now — and their programs after their restraint policy has been a complete fiasco — now they're throwing money at problems, like we were accused of doing. They've got all kinds of advertising. They criticized Trudeau for advertising but they're doing the same thing. They have a right to do that and show their position, which they're doing every chance they have, in issuing these communiques and these press releases. They have a right to do that. They don't need to hear us at all. But the point is that what we're trying to say is that we want you to know that we're going to do everything in our power not to have this just a political exercise, and the Attorney-General has the nerve to suggest who is political. If this is not a political exercise or partisan political exercise, I don't know what is. I can assure you that we're not going to just very calmly and very easily be led like sheep to the slaughterhouse and go ahead with a report that doesn't mean anything, and if we have to bring another report we will. We suggest that the Attorney-General could put at end to all that, if he can tell us all right, we will go and if there is a consensus on certain areas, we will withdraw, because we want to know. We are having this exercise to let the people of Manitoba know.

Mr. Chairman, I don't think that the government has a mandate to do that, and watch my word — and you probably know now — in a few months, all of a sudden, there will be an election for a mandate to fight Trudeau, away from the provincial problems, a mandate which you don't think you need — you

think you have the mandate now — and that is my concern, Mr. Chairman.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, back in July when the decision was made by the Legislature to call this committee, the Premier stated, and I quote from page 6203 of Hansard, "This is the appropriate time to have the committee and that is why the resolution is being moved at this time." He was being criticized at that time for not having called it earlier, and I think that criticism was valid at that time, but even then he agreed that that was the time, back in July of 1980, to have the committee. Now we're here, we're talking about the middle of November. He also said at that time, "The province of Manitoba, from time to time, will be making public and before the committee its proposals with respect to various matters, etc."

We are here at our organizational meeting. The Attorney-General has indicated that the government will be presenting some papers to us. We don't know what those papers will be, and I am making a plea to him that those papers include all of the background documents with respect to the various conferences that have gone on in the past year. I believe that it is totally unfair to proposed or prospective participants to be standing at the head of the table and talking to a group of people, at least half of whom are government people who have all kinds of background knowledge which these participants do not have, and attempt to make arguments, where they are in the dark as to what has been happening, what the background to the whole situation is. I think it's totally unfair to ask people to come before a committee and you people are sitting there and holding all of the cards and the people outside are holding — what? — public documents. When I came in here this morning, I thought, my goodness, the Attorney-General is using his head, he has finally coughed up all of these materials that we've been asking for, and we will be able to send them out to people who are interested in participating. And when they come before us, they will know what they're talking about, because they will have been prepared. There will be nobody in the dark. But what he has given us is a bunch of public documents that any one of us could get. And if we're going to get public documents, I would suggest that he add to the list the materials from the debates of the House of Lords, which approved a Bill of Rights for Great Britain by something like a 2-1 majority. There are some excellent arguments there in favour of a Bill of Rights and opposed to a Bill of Rights, and there are different concepts with respect to prioritization of that bill over legislation at a later time.

But I think it is important for the government to tell us what the rights of participants in this affair will be. Because if they come in here not knowing what is going on, we are really orchestrating a farce here. I think the Premier recognized that back in July, when he said that the government would be making public its proposals, its positions with respect to these matters. So I would hope that would be done and I would also just, remembering back to the last session, which was my first in the House, the Attorney-General frequently indicated that questions

of mine were unanswerable because they were matters before the courts and, of course, when things are before the courts we are not supposed to discuss things.

Now what is the Attorney-General's opinion of holding public hearings with respect to the Constitution, when his government is taking this whole matter before the courts?

MR. CHAIRMAN: Mr. Uskiw.

MR. USKIW: Mr. Chairman, yesterday our caucus met with the Manitoba Chamber, and it is interesting to note that the Manitoba Chamber's position on constitutional questions is one of a degree of anxiety and impatience about the slowness of the progress towards constitutional reform. As I recall their submission yesterday, they indicated very strongly that they wanted an expeditious approach to resolving the constitutional question because they felt that, as long as that issue is not resolved, it impinges very much on the performance of the Canadian economy and, indeed, the Manitoba economy. They also appeared to take a very strong pro-Canadian position, as far as the Constitution is concerned, as opposed to the parochial position that has been taken by some of our Premiers, including the Premier of this province.

So it illustrated to me fully, Mr. Chairman, that obviously the government perhaps wanted to delay the hearings because of a fear that this kind of presentation might be made to them, and which would put them rather in a awkward position, in presuming to represent the viewpoint of Manitobans, after they have received submissions from various organizations, like the Chamber, and so on. So that, in order not to be in conflict with submissions already in place, they are proceeding unilaterally — something which they are criticizing the Government of Canada of doing — and disregarding the fact that we have the committee set up as a vehicle in order to ascertain the viewpoint of Manitobans. That's why I feel very uneasy and extremely suspicious about the true value of this particular exercise, unless the Attorney-General can give us some commitment on the questions that have been put by my colleague, the Member for Transcona, as to information that would be made available to the committee and what we might be able to do with the information, and indeed during the course of the hearings.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I presume before the committee adjourns members opposite will let us know whether they are going to participate in the committee, or . . .

MR. DESJARDINS: Will it be a farce to direct ourselves to the committee? You know damn well we're going to be part of the committee.

A MEMBER: I don't know why in hell you're grandstanding for then . . .

MR. DESJARDINS: You know damn well, we're not going —(Interjection)— Mr. Chairman, on a point of order here.

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

MR. DESJARDINS: This is the third time that I've been told that we're grandstanding. There are some members on the other side who are tired members, who don't give a damn. There are some very weak members and it shows the importance of the government —(Interjections)

MR. CHAIRMAN: The Member for St. Boniface, on a point of order.

MR. DESJARDINS: I am speaking on a point of order . . . —(Interjections)

MR. CHAIRMAN: Order, order please. Mr. Desjardins, you're on a point of order . . .

MR. MERCIER: What's your point of order?

MR. DESJARDINS: The Attorney-General should know that I'm speaking on a point of order and he can't interrupt me on a point of order.

MR. CHAIRMAN: Okay, would you carry on please. —(Interjections)— Order please.

MR. DESJARDINS: My point of order is this: That we're accused because we're participating in this; we are being accused by some members of grandstanding. If he feels that we're going to come here and rubber-stamp everything that this government is saying, he's crazy. In a democratic society this is the place. This is why this committee is here and we're certainly going to say what we have in our minds.

MR. CHAIRMAN: Mr. Blake, on a point of order?

MR. DAVID BLAKE (Minnedosa): No, put me down on your list. I'll take it in turn.

MR. CHAIRMAN: Mr. Mercier would you carry on, please.

MR. MERCIER: Mr. Chairman, if I can attempt to answer some of the questions that have been raised. The Member for Transcona raised the point about the request for the committee. I believe the Premier indicated some time ago that a committee of the Legislature would be appointed at some point in time, to consider this particular aspect. He asks is the government prepared to listen? I point out to him that the resolution, introduced by the Premier and approved by the Legislature unanimously, indicated in the preamble, "Whereas it is desirable and in the public interest to obtain the opinions of the people of Manitoba on proposals for constitutional reform." I think we're obviously bound by that part of the resolution to listen to the people of Manitoba and to obtain their views, and to take them into consideration in making recommendations of this committee.

The Member for Transcona said the government was rigid, so far, in its position. Well there is rigidity, I admit, on one point, as a matter of principle, and that is the question of the entrenchment of the Charter of Rights. I think the Premier has clearly

indicated the government's position on that aspect. But I point out to the members that on the other eleven subjects that were discussed, that we approached those subjects with a great deal of flexibility. Again on the Charter of Rights, I point out to the Member for Transcona that when the Premier had his estimates of the Executive Council considered in Committee of Supply at the last session, I believe there were three members of the opposition present at that time, who indicated they supported his position against entrenchment of a Charter of Rights. The Member for St. Vital, I recall specifically, was one.

Now we approached subjects like Senate reform with a very flexible approach. We felt, generally speaking, the existing Senate does not live up to its original purpose of reflecting regional interest. At the same time, the federal government also must be represented to play the important part of a strong federal government which we believe in, in Manitoba.

Our position on family law is well known. Extensive papers have been distributed right across the country on our position on that subject.

The Member for Transcona referred to a transcript of the First Ministers' Conference. I can tell him we've been trying to get that document from the Secretariat. Secretariat have advised that they cannot release it until they get the consent of all eleven governments who participated in that. We have consented and, as soon as they can get the consent of the other governments, we will obtain that and provide that to members of the committee.

There is one difficulty, as I explained previously to the Member for Transcona, with respect to some of the documents that were used during the Ministerial discussions, because a number of positions were made by Ministers, without the concurrence of their government. An attempt was made during the summer to arrive at as much consensus as possible on a number of issues and, when a consensus was not arrived at, there were some provinces who took the position that their compromise suggestion should not be made public because they did not have the approval of their government when they made that position known. I think members opposite will agree, we have to respect that position. But we will attempt to provide as much information as possible.

A reference was made to equalization. I can tell the Member for Transcona that Manitoba and Saskatchewan put together a compromise which received support, not unanimously, but from a significant number of provinces, more than a majority, as the strongest statement on equalization. Federal government in its proposal has brought forward the weakest possible wording with respect to entrenching the principle of equalization in the Constitution. But we'll bring forward that Manitoba/Saskatchewan position that we drafted.

I can appreciate the concern about some of these documents because I felt it during the First Ministers' Conference. It was on television. A Premier from a province would say something like, I can't support the best efforts draft on a certain subject. Now everybody at the table knew what was meant but the news media didn't and the public didn't know what was meant. Frankly, I was amazed that the media and the public didn't demand that some of those documents that were being referred to be produced

and identified so that the TV commentators could inform the public, through the televised proceedings, what was being discussed. I indicated to a number of people at that time, although it was a decision . . . There were objections by some governments there that they couldn't be released because they were compromised positions, but I think we have to make every attempt during the meetings of this committee to produce as much of that documentation as we can, without offending the confidentiality of some of the compromised positions that were offered in the provinces who will not consent to releasing some of that information.

Mr. Chairman, I think we hopefully have covered this subject long enough. When we get right down to it, I think members want to participate. We want to participate. We want to get as many views as possible from citizens and organizations. There are a large number of subjects to be discussed, even over and above the 12 subjects that were on the agenda of the Premiers' Conference, because the province of Quebec have a second list that they wanted to see discussed, on a number of issues. The federal government in February of 1979 had a second list of subjects that they eventually want to see discussed. There are a number of organizations, I know, who want to make presentations and hopefully we can agree this morning, in general, on these dates and places for hearings of the committee and get on with the job.

MR. CHAIRMAN: Mr. Blake, Mr. Parasiuk, Mr. Uskiw and Mr. Schroeder, in that order.

MR. BLAKE: Mr. Chairman, I just wanted to make one or two comments, through you, on some of the remarks, rather than acting on a point of order. The Member for St. Boniface has been around the political arena long enough to know when he is grandstanding and when he isn't. He started off this morning slamming his books around, saying it was a farce, there was no point in holding the meetings and he wasn't going to waste his time, so what are we to deduct from that? That he wasn't interested in participating in the hearings. And that's what prompted my comments. The cameras were here and he hasn't had a camera on him for three or four months, I suppose, so that was a good opportunity to do a little of staging that he's excellent at. As I say, he's been around a long time, and he knows very well when he's doing it and when he's not.

He indicated that the restraint program of the government was a waste of time, well that will remain to be seen, Mr. Chairman. I don't happen to agree with those remarks, and I don't think it's a waste of funds putting this committee together to go and hear some of the views of people in Manitoba. I know that a great number of them, particularly in my area, feel there are far more serious things affecting their everyday life than the Constitution but, nevertheless, that is the purpose of this committee.

The Member for Transcona mentioned the Chamber of Commerce position —(Interjection)— Or somebody over there did, the Member for Lac du Bonnet. I think they overlook, maybe, that everyone agreed. All of the Premiers agreed that the Constitution should be brought back to Canada, and then amended when it's back here, and some of the

other methods that the objections are being raised for. I don't think the Chamber's position differed very much from that taken by the 10 or 11 Premiers when they met.

The business is not going to be solved by this committee. There's no question about it. But I would ask the members on the other side, in some of their criticisms, to remember the number of First Ministers' Conferences, the number of meetings that the Attorney-General has had to attend, that wasn't planned. The Member for St. Boniface has been in the Cabinet and the Member for Lac du Bonnet, they know very well what the demands of those offices are, and then when you are thrown into a situation where you attend another 5 or 6 or 8 or 10 — I don't know how many meetings they've had, but they've been numerous — it's extremely difficult to get all of the things put together and maybe have held the meetings on the 5th of July or August, whenever the House broke up, such as they suggest. I think the Attorney-General has done an excellent job with the amount of paperwork and the amount of material that has been thrown at him, in the space of time that they've had to act, and the number of meetings that they've had with the other first officers and with the Attorneys-General across the country.

I would just ask the members opposite to maybe stick with the constitutional amendments, some of their objections to the position that Manitoba has taken, rather than the time span that we're now faced with. Our purpose at this meeting is to set up some dates, to hold some hearings across the country. They'll have ample opportunity when the House sits to flail away at the government's position on the Constitution. I'm sure there'll be all kinds of bills brought in that will allow great, lengthy debate on this particular subject. But what it may accomplish, I have my reservations.

But, Mr. Chairman, I didn't want to act on a point of order, but as I say, the Member for St. Boniface has been around the political arena a long time, and he knows when he's grandstanding and when he isn't.

MR. CHAIRMAN: Mr. Parasiuk, Mr. Uskiw, Mr. Schroder.

MR. PARASIUKE: Mr. Chairman, my concern is primarily with the fact that we really don't, in my estimation, have a lot of the key material that we need. I think it's a reflection of what's happening with respect to this whole discussion in Canada on constitutional reform. From what the Attorney-General says, we have a preposterous situation developing in the country. We have a First Ministers' Conference, which is on television, so everyone can watch it on television, it is a public event, and yet after that public event certain provinces say that they will not release the transcripts. We have to go by the unanimity rule, and therefore the public can't get transcripts of something that they saw. I mean it's like us saying, you know, one member out of 57 won't release Hansard so we don't get Hansard from the Legislature, even though we were all there. But, you know, why do we want Hansard? We want to know specifically what was said. So when a province says, unanimity, you can't get it; we won't let the transcript out. That's what's happening with the

whole debate on constitutional reform. Everyone wants unanimity. And to me it's just completely illogical that we wouldn't get the transcripts of something that was public.

I was there and the Attorney-General was there, and I'm quite certain that he would not be able to say what was said on Tuesday at 3:00 p.m. Our memories just aren't that good. We don't have photographic memories of that type. And yet we know something was said at 3:00 p.m. that was public. And I think the general public, for example, never had an opportunity to watch every minute of that thrilling First Ministers' Conference. They watched highlights of it and they'd like to get an idea of what was said, or at least some of them would. You know, there are some people who are interested in this. So it seems to me preposterous that the way the country is run today, that a province can veto the issuance of those transcripts. I mean we are running into a very dangerous situation with respect to the way in which the country is run.

Secondly, we have all this time spent. We have people taking positions supposedly to illuminate a situation. The Minister is representing government's took positions to illuminate the discussion. This is really, in a sense, what the Attorney-General is saying, but they didn't have the concurrence of their governments. Well, I'm not sure. If they are the formal representative of the government, it would strike me that they have the designation, they have the authority to speak on behalf of that government. When the Attorney-General goes to a meeting of the Ministers on Justice, I assume that he is speaking on behalf of the government of Manitoba and I assume, when he wasn't able to meet with this committee, that when he was doing that he was doing that as the official representative of the government of Manitoba.

It strikes me that if you have the qualifier that not all of these positions are inscribed in stone that were put forward by different Ministers and officials through this whole set of summer meetings, that if you put that qualifier on the document surely it should be public information. It should be made public, unless of course governments were treating that whole exercise as a sham as well, that they don't really want any type of change unless it's their way. Again, we go back to the unanimity principle of how this country is run; any province can veto anything, or it might be the federal government that is vetoing the release of these documents. If that's the case, fine. I'd like that known because you see the difficulty with that is that the Attorney-General says, well look, when it came to equalization, Manitoba and Saskatchewan put forward a very good proposal. I believe that's true. I have no reason to disbelieve the Attorney-General, but it's just on heresy. Now what the Attorney-General can do is show us his proposal. Well fine, but I'd also like to know which provinces were against it and why they are against it. To me that's a reasonable thing, as well, because if Bill Bennett is the one that's so much against it — I'm just speculating that it might be him — then I have some concerns about that because he has certain attitudes about the country which I don't share. But those are things that I think should be made public.

I don't want to feel that the Attorney-General will bring forward those things that in a sense undercut some of our concerns that we have and in a sense bring forward the pluses of the Manitoba government's position and activities over the course of the last five months, but using the veil of secrecy, not bring forward all the other "minuses" about the Manitoba position that might have occurred over the course of the summer's hectic set of meetings. And how are we to tell? We only have one window on what took place, the Attorney-General. He's our only window. Well, you know, without trying to be cruel, I don't think it's a good enough window.

It comes back to another unanimous resolution of the Legislature which was passed a year before, namely that we should set up a legislative committee to look into the whole matter of freedom of information and public access to information. Well, to me, here's a concrete example of that. The public is asked to deal with a very critical issue regarding our long-term future. I think it is a critical issue regarding our long-term future. The balance that exists between a central government and the provinces is a terribly critical issue and a lot of the posturing that's taken place regarding particular aspects of resolutions, really I think tries to mask that particular issue.

This is a fight about power between provinces, especially some provinces, and a central government. I think that's why I'd like to see these background documents to see who are the ones who want to Balkanize the country and who are the ones who want to keep our country strong. I think we'd get a lot of that information if we saw those background documents, but now certain provinces say, gee, that might put us in a bad light, we'll just veto it. We'll veto anything with constitutional reform; we'll veto anything unless it's in our own way. Well, then I think what you have is paralysis and that's what we, in this committee, seem to have paralysis. I'm not blaming the Attorney-General directly, but it's incredible that we, as a committee, can't get an official transcript of the First Ministers' Conference. It is incredible that we, as members of this committee, can't get and that Manitoba can't release the documents. And if it released the documents . . . I don't agree with Attorney-General. He says that we should respect other provinces wishes on this. I think that there is a leaked document, for example, which I think shows the federal government in a very bad light in terms of how they are going to treat the whole constitutional reform process. I think it's the product of Machiavellian people within the Prime Minister's office and it throws them in a bad light, and it should throw them in a bad light.

At the same time, I'd like to see the other documents. I'd like to know really what Brian Peckford's hidden agenda is, or Rene Levesque's hidden agenda, or Bill Bennett's hidden agenda, or Peter Lougheed's hidden agenda, and what do they have to —(Interjection)— And Allen Blakeney's, sure, and Sterling Lyon's. I'd like to see all of those, and what are they afraid of? I don't respect other provinces when they say well, you know, we spent a lot of our time and we spent a lot of public money with the First Minister's conference. We spent a lot of public money. I think Manitoba's involvement in that Continuing Committee of Officials over the

summer was probably very very expensive; probably expensive in terms of money and expensive in terms of time. I can appreciate the difficulty under which the Attorney-General operated but I can't agree with him when he says we can't release those documents because I know that the government of Manitoba or the Attorney-General's office has those documents. Because when they attend all those meetings, all of his officials would have all those documents. So he has them; his staff have them; maybe other Cabinet Ministers have them. Maybe caucus members of the Conservative Party have access to them, but caucus members of the New Democratic Party don't have access to them. The one Liberal member of the Legislature doesn't have access to them. Maybe the President of the Progressive Conservative Party, provincially, has access to them but the general public doesn't have access to them.

I think we should say sorry, other provinces, we think this is a critical thing. We believe in freedom of information. That stage is passed. We think it serves the public interest more to make them all public and so some provinces may be angry. I think we are passed that stage. We have to do something to get over the paralysis that we have and that's what we have. In order to bring the matter to a head from our position and in a sense to be able to show that we believe in the public freely participating with as much information as possible on this issue, I will move that the government release to this committee and the general public all the documentation of the Continuing Committee of Officials. Do I have a seconder?

MR. CHAIRMAN: You don't need a seconder, Mr. Parasiuk, to put motion before committee.

Mr. Mercier.

MR. MERCIER: Mr. Chairman, the Member for Transcona has referred to freedom of information legislation. I point out to him in the federal government's bill that they have brought in a specifically exempt federal/provincial intergovernmental matters, that I indicated quite clearly, Manitoba has agreed to release the transcript. We have requested the secretariate to release the transcript and my understanding is the basic objection or preliminary concern was that it was unedited. I don't see why it can't be edited, if that's necessary, and release it. So we will continue to request from them that particular document. As for documentation that took place through the summer, again we will attempt to do what we can but the decision is not ours. The decisions is not ours.

The kind of resolution that the Member for Transcona is talking about is analogous to a situation where a client has a lawyer. Mr. Schroeder will appreciate this. Mr. Schroeder acts for a client. A client gives him certain documentation. There's a privilege attached to that documentation. He can't release it without the permission of the other party. The decision is not solely ours. If it were, there would be no question as to what we would do. I personally would make all of the information available. But I don't think Mr. Parasiuk is suggesting that we can ignore objections of other governments to the release of documentation that they don't want

released. What we can do is contact each provincial Minister involved in the discussions during the summer, indicate in general the kind of information we would like to release, and attempt to obtain their consent. And if we obtain their consent then we can do it.

A lot of documentation was released during the summer and public statements issued on positions of certain provinces, and we can make all of that documentation available. I would suggest, Mr. Chairman, that the committee table the motion and allow us a full opportunity to continue to seek the consent of the necessary parties to release information that came forward from them so that as much as information as possible can be put before the committee. My suggestion is, Mr. Chairman, that the motion be tabled.

MR. CHAIRMAN: Mr. Parasiuk, hearing Mr. Mercier's suggestion that he would continue to try and get the authority to give the information out, has asked that your motion be tabled, giving him an opportunity to continue to get the permission. Are you willing to accept his suggestion or do you want your motion to proceed?

MR. PARASIUK: No, I would like the motion to proceed on the basis of the following. We've been talking about repatriating the economy for 53 years if we could get agreement from all the provinces. That doesn't take place and we are not going to get agreement from all the provinces and the federal government with respect to releasing these documents. The transcripts of the First Ministers' Conference are held up by the Secretariate and I appreciate the Minister saying that he will endeavour to get them to release the information. I didn't include that in the motion, but what I have said is that all the documentation divulged by the Continuing Committee of Officials is known by the Minister. It's held by the government of Manitoba. They have full access to it and I believe that there is no matter of privilege with respect to other governments. The clients in the matter of constitutional reform are not the provinces. The clients in the matter of constitutional reform are the people of Canada. The clients in Manitoba are the people of Manitoba and I do not respect any province or federal government that says we will not make this available to the taxpayers, to the citizens of Canada, or to the citizens of Manitoba. On that basis, I want the question put.

MR. CHAIRMAN: Mr. Desjardins on the question.

MR. DESJARDINS: Mr. Chairman, before you call a vote on this, I'd like to ask the Attorney-General a question. I can understand his concern. I don't necessarily agree with him but I can understand his concern. I know that he might find it very difficult to just go unilaterally and here give us the documents. I think the subject is important enough. I think that it warrants this, but may I ask the Attorney-General if he is ready? He tells us that they have tried and tried and tried to get the Secretariate to release this document. Could the Attorney-General then assure us that Manitoba will order or request the Secretariate to release the part that Manitoba

played? Surely the other provinces cannot prevent anybody from giving us the information on our province. It might be difficult to say, well we're going to release what Ontario said, and somebody else, although I agree with my colleague it should be done in this case. But could the Attorney-General then assure us that whatever the outcome of this motion, that he will request the Secretariate to release publicly the part that Manitoba played in this and everything that was said, the transcript of Manitoba's participation?

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Well, Mr. Chairman, I think that's a good suggestion. We would certainly take that up. As he said, I can't see any difficulty in getting that sort of transcript of just what was said by the Premier or myself, or other Ministers who spoke at the constitutional conference. At the same time . . .

MR. DESJARDINS: Excuse me, please. For information, for clarification, it would be the Secretariate that would release that?

MR. MERCIER: Yes.

MR. DESJARDINS: So we'd have the full package?

MR. MERCIER: Yes.

MR. CHAIRMAN: Mr. Mercier, any further . . . ?

MR. MERCIER: Mr. Chairman, if it's necessary, following upon my earlier comments, I would move that the consideration of the motion of . . .

MR. CHAIRMAN: The Clerk informs me that we have a motion on the floor. (Interjection)—No, Mr. Desjardins asked if he could speak to the motion. I had Messrs. Uskiw, Schroder and Desjardins on the list for general discussion. Are there other persons who wish to speak to Mr. Parasiuk's motion?
Mr. Schroeder.

MR. SCHROEDER: Thank you, Mr. Chairman. Just to respond to Mr. Mercier's analogy on solicitor/client relationships, I would suggest that he's been away from the practice of law a bit too long, and hopefully after the next election he will get back to that. But solicitor/client relationships only come into effect between solicitors and clients. And when you have negotiating parties and you're talking to another party, there is no privilege attaching to that kind of communication. What we have here is a number of negotiating parties. None of the documentation involved is privileged or secret, unless there's an agreement to the contrary.

Now if there is such an agreement, I would like to get a copy of that agreement. I would like to see exactly what it is that the provinces and the federal government have worked out to allow themselves to work in such a secret atmosphere, where no matter what has happened, no matter whether there's ongoing negotiations or everything has been concluded, nobody is going to wind up having to stand up in public and be accountable for the statements made in all of these negotiations. I think if that is the kind of an agreement entered into

between the provinces and the federal government before these negotiations started, that that is a sad commentary on the good faith that these people entered into these negotiations with in the first place. I would ask the Attorney-General to provide us with a copy of the agreement that states that we are not entitled to release documents from the other provinces and from the federal government, and I would like to know specifically from that agreement whether there is a period in time after which we will be able to see those documents.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, in the interest of attempting to achieve a consensus during the Ministerial discussions wherever possible and in view of the time schedule that the Ministers had — which was in the beginning of July meeting three weeks in a row during the summer months — which made it difficult, if not impossible, for some of the Ministers to obtain the approval of their respective governments for positions that they were taking, it was agreed between the Ministers, in this attempt to achieve as much agreement as possible for consideration by the First Ministers, that there would be positions brought forward by . . . It was assumed there would be positions brought forward by various Ministers during the course of these discussions, where they didn't have the authority of the government to back away from one of these public positions that their government had approved and published. And that's why it's necessary, in order to get documentation from those meetings with respect to some of the matters that were discussed, to obtain the consent of the provinces. We will attempt to obtain that consent from other provinces wherever we can, and produce what we can. But that's the background which was found to be necessary in view of the very tight schedule that the Ministers found themselves in, in a sincere attempt to achieve consensus for the First Ministers to consider.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Further to that, is Mr. Mercier then saying that even once the Constitution is back in the country, whether we like the manner in which it is done or not, but once all of the negotiations are finished, once the dust has settled, even at that time we will not be entitled to see what the situation was, what the negotiating stances of the various parties involved were? Is that what he's saying?

MR. MERCIER: No, I assume that at some particular point in time those documents become public. I, frankly, can't answer that question.

MR. CHAIRMAN: Mr. Parasiuk, you are still discussing your motion?

MR. PARASIUK: That's right. During the First Ministers' Conference, the Premier of Manitoba quoted quite extensively from a document that was leaked from the federal Privy Council. He did not say, well look, since its release has not been officially authorized by the Government of Canada, I will therefore respect them and not quote from it. He

didn't take that position. He quoted from it, and he attacked the federal government. I think he was right in attacking the government on the process and the cynical way in which the federal government proceeded. But, at the same time, what we had apparently was a man in a very thin glass house attacking the federal government because we now have a situation where the government of Manitoba says, well, you know, we're going to respect confidentiality. We have to protect each other when it comes to discussions.

Let's face it, the document that was prepared in the Privy Council was internal to the government. The documents that we're asking for are not internal to any one government. They are not the property of any one government. They were made public, in a sense. They were made and given to other provinces, all ten provinces, the federal government. I don't know what happened with the Northwest Territories or the Yukon, but I do know that there are a number of people in this country who have access to those documents and that the people of Canada don't have access to them, even though they're not internal anymore.

We're caught up with this funny type of situation. The Minister says, well, you know, three NDPers aren't in favour of the Bill of Rights, and so he's used that. He's afraid I guess, that we will in fact, turn around say, yes, but there are many provinces that don't agree with Manitoba's position. Or Manitoba doesn't agree with Lougheed's position, even though we're both taking them to court, or that type of thing. That's going to happen, in part, but surely all of that should be made public. I'm glad we have a Hansard of our meeting here in the Legislature. That's why I called the question on this. There is Hansard. There's federal Hansard.

John Diefenbaker, a great monarchist, also said that probably his highest priority was to entrench in the Constitution a Charter of Rights. So when John D. Diefenbaker, a great Monarchist, wanted to proceed with that, no one accused him of leading us down the slippery slope of Republicanism when he did that. But we know that because it is in Hansard.

My point is that there's been so much posturing with respect to the Constitution by the First Ministers that it's important to know what they were really talking about. Because I attended the First Ministers' Conference as an observer and I know that the officials themselves and the people who spent all that time in the summer wanted a different agenda, wanted things handled somewhat differently for the First Ministers' Conference. They had spent a lot of time on it. They were actually involved in, I think, what they thought was constitutional reform and changes. What took place between September 8th and 13th was a power play. The power play conflicted with all the work that took place over the summer.

I think that's fundamentally what this committee has to address itself to when it talks about Canada. We have to talk about power; we're politicians. It comes down to that. If Bennett, for example, is the one against equalization — I come back to that — I want to know. And if Peckford wants unilateral setting of oil prices, and if Lougheed wants unilateral setting of oil prices, and if Blakeney wants unilateral setting of oil prices, I want to know that, because

that will hurt us. That will really destroy this economy, and so that's why we have to know some of those things. We have that within our power. We have it within our power to release the documents. They are public, in my estimation. They are the property of the people of Canada and the people of Manitoba, and that's why it's important to have the question put.

I call for the question to be put.

MR. CHAIRMAN: Mr. Uskiw, on this question.

MR. USKIW: Mr. Chairman, we know that the Premier of Manitoba has aligned himself with five or six other Premiers on basic constitutional questions. We don't know the position of the Premier of Manitoba because we don't have the documentation that the Member for Transcona is requesting of the Attorney-General. But it seems to me that that is a minimal request that the Attorney-General should accede to and that is that we're entitled to know the position of the Manitoba government. But because of the alignment of our Premier with five or six other Premiers, we are also entitled to know what he is aligning himself with. Because we know that Rene Levesque wants to set up a separate state, but somewhere along the way he has found common ground with our Premier. We know that Lougheed wants to set oil prices on the basis of his judgment, rather than a national consensus, and therefore, where is the alignment between Lougheed and Premier Lyon? On what issues are they together and what issues are they not together? But we have the appearance that they are approaching the question of the Constitution as a unified force, determined to break down the will of the government of Canada.

So I believe, Mr. Chairman, that is unfair to ask Manitobans to participate in these discussions unless they are informed, unless they are supplied with the documentation that has been provided at the conference on the part of the province of Manitoba, along with those provinces, at least, that we are in concert with on those issues. I think that's a minimum, Mr. Chairman. Otherwise, it doesn't make a hell of a lot of sense.

MR. CHAIRMAN: Are we ready for Mr. Parasiuk's motion to be voted.

Mr. Mercier.

MR. MERCIER: Specifically on the motion, I had suggested that we table it or defer consideration until we've had an opportunity to obtain the information that has been referred to. Because I, like members opposite, would like to provide that information to the committee, but there's a bit of a problem there and we want to attempt to overcome it. But in view of the fact that that apparently is not available to the committee to defer it or table it, I think we have no alternative, at this time, but to vote against it and we will continue to seek to obtain that information for the committee as soon as possible.

MR. CHAIRMAN: Do you want the motion to proceed, Mr. Parasiuk? Do members want the motion read, or are they aware of it?

MOTION presented and defeated.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, the committee then has received assurance from the Attorney-General that he will instruct the Secretariate to release the documents pertaining to Manitoba's position, as enunciated by Manitoba spokesmen.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I indicated that was a good suggestion. We will do everything we can to obtain that information. I don't know of any reason why they can or should object to that.

MR. DESJARDINS: My question, Mr. Chairman, through you to the Attorney-General, was this: If I understand right, the Attorney-General will instruct the Secretariate to provide this information and if not, well, we'll be informed if the Secretariate refused. But as far as Manitoba, the Attorney-General will instruct the Secretariate to release this information.

MR. MERCIER: I'm not sure. We may have a transcript, I'm not sure. We apparently have an unedited transcript and we will discuss that with the Secretariate. I see no valid objection that could be raised to releasing Manitoba's part in that.

MR. DESJARDINS: Mr. Chairman, through you, let me call a spade a spade and without any disrespect to the Attorney-General, but without being naive either, I suggest that this form be raised by the Secretariate because I want a non-edited version of this. I think it should come from the people that have it, from the Secretariate. If it's an edited version, it's no good to me.

MR. MERCIER: Mr. Chairman, as I understand it, we would be releasing photocopies of every statement on behalf of Manitoba at that conference.

MR. DESJARDINS: And discussion, not just resolution or a statement. I am talking about any representation by Manitoba at this thing on every issue. —(Interjection)— Right, with a non-edited version, fine.

MR. MERCIER: An unedited version. It is an unedited version.

MR. DESJARDINS: Yes, just like Hansard.

A MEMBER: A verbatim transcript, yes.

MR. DESJARDINS: In other words, the Attorney-General won't say, well, you know, this could put us in a spot, let's cross this out. I shouldn't have to say that. You know exactly what I mean.

MR. MERCIER: The Member for St. Boniface can go to hell.

MR. DESJARDINS: Mr. Chairman, let the record show that the Attorney-General said that a member of this committee should go to hell because . . . (Interjections)— Mr. Chairman, that's absolutely ridiculous. Mr. Chairman, the Attorney-General . . .

MR. CHAIRMAN: Order please, order please. Mr. Desjardins, I believe you have an answer from Mr. Mercier that he will provide you with, have you not?

MR. DESJARDINS: I have the floor, and I . . . All I said, I want an unedited version. All I said is that I want an unedited version. You can stand and you can just be, oh, shocked by certain statements but as Mr. Blake said, I've been around long enough and I know the "P" in politics, that you will not necessarily give documents that are going to get you in trouble. Let's call a spade a spade, and all I'm asking . . . I'm not suggesting that this will be done, I'm just suggesting that we get the assurance, because it could still be done; I'm asking that we get the assurance that we'll have an unedited version. That's all I'm asking and I've been told to go to hell. Well that's fine if that's . . .

MR. MERCIER: Mr. Chairman, the Member for St. Boniface may have been around a long time, and I take it from that that he knows how they operated in government.

MR. DESJARDINS: I know how you operate, and I know how governments can operate.

MR. CHAIRMAN: Mr. Mercier has the floor. He was quiet when you were speaking, Mr. Desjardins.

MR. DESJARDINS: No, he wasn't; no, he wasn't.

MR. CHAIRMAN: Mr. Mercier has the floor.

MR. MERCIER: Mr. Chairman, I said clearly, and I took the Member for St. Boniface to agree, what we're talking about are copies of the transcript relating to Manitoba's position; copies. Now I reject any suggestion and the Member for St. Boniface has absolutely no basis for suggesting that we would somehow doctor a transcript before it was produced for him. That was a clear implication, and I ask him to withdraw that.

MR. DESJARDINS: Mr. Chairman, the Attorney-General can read in it what he wants. Of course, I'm suspicious. Every party in these times is suspicious of each other and there are a lot of partisan politics being played. All I'm asking, and I want it clear here, that it is the verbatim report. That's all I'm asking, and he can say yes or no. If not, well all right. People can condense it; it's been done. It's been done, condensed in a certain way. The people condensing it could be prejudiced, or they can make a mistake. Something could be left out, not intentionally. All I'm asking is that it be clear that it be the verbatim report, that's all. I don't think that I'm out of order when I'm suggesting that or when I'm asking for that.

MR. CHAIRMAN: Prior to Mr. Parasiuk's motion, I had three names on the list, Messrs. Uskiw, Schroeder and Desjardins, to speak in general terms and then we still have to agree upon the proposed dates and places for meetings.

Mr. Uskiw, you're next on the list.

MR. USKIW: Mr. Chairman, we have covered the subject matter that I intended to talk about.

MR. CHAIRMAN: All right. Mr. Schroeder, you are next.

MR. SCHROEDER: I had wanted to speak. This was before Mr. Parasiuk put his motion, and that was in response to Mr. Mercier's indication that he was prepared to provide the committee with information with respect to the Manitoba government position. I would just ask him to confirm that this would include all Government of Manitoba documents, including background papers and all other government documents of the Government of Manitoba and other governments which this government has the legal right to give to us. That is that it's not holding back any documentation from the committee and from the participants of the committee.

MR. CHAIRMAN: Mr. Mercier, have you any comment?

MR. MERCIER: Mr. Chairman, I indicated we would attempt to get the consent of the other provinces to release as much information as we can.

MR. SCHROEDER: Mr. Chairman, and what I'm asking for is an undertaking from the Attorney-General that all of the documents that the Attorney-General does have the right to give us will be given to us, including Government of Manitoba background documents.

MR. MERCIER: Mr. Chairman, we will attempt to produce for members of the committee, with respect to other provinces, those which they agree that we can release for the information of the committee. It goes without saying that all public statements, etc., that have already been released will come forward. We will also release, for the committee, as much information as we can about our own positions.

MR. SCHROEDER: Could the Attorney-General tell us in what areas it is that he is not prepared to release background information from Manitoba to this committee? What is it that he does not want to provide to us?

MR. MERCIER: Mr. Chairman, I only made that general statement because there are piles and piles of documents. We will attempt to give the clear position of Manitoba, without overburdening the committee with unnecessary documentation.

MR. SCHROEDER: So what the Attorney-General is saying is that we will be receiving at least precis of all the basic positions of the government of Manitoba.

MR. CHAIRMAN: Mr. Desjardins is next on the list, unless you, Mr. Uskiw, can get him to — (Interjection)— Mr. Uskiw.

MR. USKIW: Perhaps the Attorney-General would consider supplying our group with one set of documents. We're not asking that we duplicate them five times or four times, but that we have one set of documents that are complete.

MR. CHAIRMAN: Mr. Desjardins.

MR. DESJARDINS: Mr. Chairman, I certainly don't intend to prolong this meeting. It's getting close to 12 o'clock and we have to approve the dates. But in answer to what was said earlier by Mr. Blake, who made the accusation that I was grandstanding, now I say that —(Interjection)— All right, the suggestion. I say, Mr. Chairman, that under our democratic form of government people certainly have the right to choose their priorities, and it's something that they really think very seriously. Certain things are very important to certain members and not to others. Now, Mr. Blake made it quite clear that this is not the biggest priority to the people that he represents. He made that quite clear. He said there will be a lot of other times to talk, and I guess he must consider, by suggesting, that in the House there will be all kinds of amendments and all that, where you can attack the government. He said that as far as he's concerned it won't mean anything either. All right, this is fine. Now, I want to read —(Interjection)— Well, you doubt.

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

MR. BLAKE: I never suggested that debate in the House would not mean anything. I said there would be ample opportunity, because there were likely to be one or two resolutions and there would be ample opportunity to debate.

MR. DESJARDINS: Mr. Blake, let me continue. The suggestion was that probably it wouldn't change anything, and we'll see when the transcript of this comes out. This was the way I understood him to say. But that's not the main point I want to make. The main point that I want to make, that to me, Mr. Blake, through Mr. Chairman to you, Mr. Blake, it is a very important subject. It is a subject that led me to enter politics about 22 years ago, to try to rectify some of the injustices that were done to many of the people that I represent, to safeguard the protection of both official languages, and something that was finally done by the highest court in Canada not too long ago. Even then, Mr. Chairman, through the last session, it was quite frustrating to me to find out that I had the right to speak in a certain language but did not have the right to be understood. And it was quite frustrating to me, Mr. Chairman, that we were assured that certain things would be done and I found out in the debate, and then in requesting in a motion that I presented to the Minister of Education, that these things didn't happen.

So I can assure you, Mr. Chairman, and Mr. Blake, that to me it is very important. It is not just a routine thing. I resent and I'm very hurt that some of these things are, in this case, we are . . . The point — maybe there are other points, but the point that is so important to me — that we're placing the cart before the horse and we're saying, all right, this is what the government of Manitoba has decided. We're taking the stance, I think without . . . Well, I guess legally they always have a mandate, but I suggest that not too long from now, in a few short months, probably before we even report, and this is why I'm suggesting we're going to go. Time will prove me right or wrong, that all of a sudden we'll be told that this government needs a mandate to try to get on the Constitution, instead of on . . . I was talking about

the restraint, about the programs of Manitoba, fighting it on the the work of Manitoba, and that is what I resent, Mr. Chairman. I think I have the right, and if Mr. Blake feels that it's grandstanding because I dare say that I'm shocked that the government acted and decided that certain rights that I hold very dear to me, very important to me, should not be protected in the Constitution, well then that's his prerogative but I felt that I had to explain my position.

MR. CHAIRMAN: Mr. Parasiuk, then Mr. Blake.

MR. PARASIUK: Thank you. I didn't have one question answered, or maybe I did and I didn't quite understand it. I asked who would be preparing the educational document for the committee and for the public, and whether that would be a civil servant to the government or to the legislative committee. And will that person, if there is such a person, or group of people, will they act as servants of the government or do they act as servants of the committee? Because we've had other instances in the past where I know that in the '70s there was a task force that was an all-party committee that toured northern Manitoba. It was a northern task force, and there was a person seconded who did act on behalf of the entire committee. The committee members had access to that person in the way that we have access to Ray Tallin, the Legal Counsel to the Legislature. And I just want to get clarification of that from the Minister.

MR. MERCIER: Mr. Chairman, I will have to assume responsibility for producing the documentation that we have discussed for the committee, and also assume responsibility for the drafting of more general material. I think we will have to take under advisement the necessity for the committee to have resources available to them later on, after we've had an opportunity to receive and hear public submissions and when we consider getting into the work of drafting a report.

MR. PARASIUK: Well, again, I object to that very strongly. This is a committee, and the committee is not the government. The Minister is saying that I will have my staff prepare material for the committee and then for the public. Well I don't want the committee to be a front for the government. I want the committee to be a committee — and it's composed primarily of backbenchers — to go out with an open mind and listen to the public, and to prepare material on that basis. When we have the Legal Counsel to the Legislature, I can go and ask that person to get information for me on behalf of certain legal questions, and he can give me the pros and cons of various types of freedom of information legislation. He can do that, and he does so. He gives you technical, professional advice in the way that he would give the government technical, professional advice when he acts as the draftsman for the government bills.

Right now we're dealing with a very complicated area and I know that there's a person sitting there — I don't know the person's name — but he's not here as a servant of the committee, he's there as a servant of one particular member of the committee

who happens to be a member of the government. I just don't think that's the right way in which the committee should operate. —(Interjection)— It's just a matter of how we, as a committee operate, and it strikes me as being . . . When we have the Clerk of the Legislature handle the administrative arrangements, and I know that the Clerk will do all of that impartially and will be open to any suggestions by the Minister, and will be open to suggestions by myself, as a member of the Opposition party, who is a member of this committee. So I know that I have a relationship which is established with respect to the Clerk of the Legislature. But I don't have it with respect to other things.

I would suggest that if the government has someone acting as a staff person to them for the purposes of this of this committee and its hearings and preparing documents, that that person should be identified and that person should be made accessible to committee members. It's been done in the past and if any of these members were on the northern task force, they can remember that there was a person who acted completely for the committee. I don't know if you remember that task force, Dave? But that's the way it worked. I remember Gordon Beard, and George Johnson or Gordon Johnston at the time. They had full access to her. They asked her to get certain materials. She got the material. She was housed in with other civil servants but, you know, it was quite clear that she was not acting as a civil servant answerable to the government, that she was acting —(Interjection)— That's right, as a resource person to the committee. And that's what I think we should have, rather than having the person act as a resource person to the government. Because, again, we don't want the committee to be a front for the government; we want the committee to act objectively and impartially on its own. Because we have to report to the Legislature and then its out of that process that the government will ascertain, supposedly, its position.

MR. CHAIRMAN: Mr. Blake, you're next on my list.

MR. BLAKE: Mr. Chairman, I just wanted the record to show quite clearly that the Member for St. Boniface the remarks that I made to him were in no way a reflection on his convictions or on his personal feelings. They were mainly made in relation or in reference to the theatrics that he used in getting his point across. We all have different reasons for entering for politics, and the Member for St. Boniface stated his, and one of the objects of mine was to stop the drift towards socialism in Manitoba. I have been reasonably successful in mine, and I know that he has in many of his. But I want it shown that my feelings towards my country are, I'm sure, as strong and as deep-rooted as the Member for St. Boniface. I think that was proven by both of us back in 1939-1945. So we won't have to go any further on what the feelings for our country are.

But, Mr. Chairman, I hope that the member has not taken my remarks as a reflection on the feelings towards his thoughts on the Constitution or his convictions on what should be in the Constitution. It was merely on the method that he got his point across to the Attorney-General this morning.

MR. CHAIRMAN: Mr. Schroeder, you're the last person on the list.

MR. SCHROEDER: Yes, Mr. Chairman, possibly Mr. Blake can do something about the drift to Alberta? I had asked the Attorney-General earlier about the member of this committee holding hearings at a time when it may well have representations dealing with the legality or illegality of the federal government's move to patriate the Constitution unilaterally. This is being done at a time when the province of Manitoba is heading for the courts, and I'm asking the Attorney-General whether the advertisements will indicate that people are not supposed to discuss that area, or what is his position? Has he obtained a legal opinion on whether that matter is, in fact, sub judice and is not to be spoken of?

MR. MERCIER: Mr. Chairman, I don't anticipate that people will be directing comments towards the committee on the issues that are going to the courts; that they will be more concerned with the issue, for example, of an amending formula. What sort of amending formula would they support or what problems do they see in ones that have been discussed, or do they favour entrenchment of a Charter of Rights, and if so, why, etc. And that the issues that the people will be speaking to this committee about will be those general types of issues. I don't really anticipate representations being made before this committee on the legal questions that have been put to the courts as to whether or not the agreement of the provinces is required.

A MEMBER: Will that be allowed or what?

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: The point is, Mr. Chairman, that it may well be that we can expect to hear from delegations or who will be standing up and saying, we want the federal government to patriate the Constitution tomorrow. We don't care; we've had enough time spent. It's been 53 years; we don't care whether it's unilateral or not. I am asking Mr. Mercier whether that type of presentation will be allowed, and if not, how are you going to prevent it? I think that the government, by going to court at this time, has chosen an extremely inappropriate time to go. I don't think they should have gone in the first place. But certainly this will have to be a factor.

MR. MERCIER: On the issue of the specific example that Mr. Schroeder raises, I don't see anything wrong with someone coming to the committee and saying that. It's their basic position. I don't think it affects the legal argument that will be made in court.

MR. SCHROEDER: Could the Attorney-General then indicate to us what his position with respect to matters which are sub judice is in the Legislature and in committees of the Legislature? Will we, in the future then, be entitled to state our opinion on the very facts that are being discussed in the courts?

MR. MERCIER: Mr. Chairman, that question doesn't follow from his previous question, because his previous question was, what if somebody comes

forward and says, I believe the Constitution should be patriated immediately. (Interjection)— Unilaterally. Well that's their basic, perhaps emotional, patriotic feeling. That has no influence on the legal question as to whether the federal government can act unilaterally or whether the consent of the provinces is required. I think someone, if they want to make that kind of a presentation, can go ahead and make it.

MR. CHAIRMAN: Can I run through those hours and meeting dates with the committee?

Monday and Tuesday, November 17 and 18, Winnipeg, and the hours of sitting would be 10 a.m. to 12:30 p.m. and 2:30 p.m. to 5:30 p.m. (Interjection)— Would the committee prefer 2 p.m. to 5 p.m.? Okay, we'll make it 10 a.m. to 12:30 p.m. and 2 p.m. to 5 p.m., if necessary. —(Interjection)— In the Legislative building. I would think right here, isn't that agreeable? (Agreed)

November 24 and 25, in Brandon, at a place to be named later, I guess. The hours will differ a bit. Brandon, November 24, 11 a.m. to 1 p.m., because you need the morning to get there. Then 2:30 p.m. to 5:30 p.m. The reason for 2:30 p.m. is the later stopping at 1 p.m.

Following morning, November 25, Brandon, 10 a.m. to 12:30 p.m.

MR. USKIW: Mr. Chairman, just on that point, let's assume for a moment that we conclude on November 24. Does that mean, then, we terminate our hearings? We have a one day recess, is that it?

MR. MERCIER: You've got a four-hour drive to Swan River.

MR. USKIW: No, we're assuming we're in Brandon November 24 and 25. Assuming we complete on November 24, what do we do? We have to come back to Winnipeg?

A MEMBER: Drive to Swan River.

MR. CHAIRMAN: The reason for sitting in Brandon in the morning only, on November 25, is that the afternoon would be travel time.

November 26, Swan River, 10 a.m. to 12:30 p.m. and 2 p.m. to 5 p.m.

December 1 and 2, Thompson, and it's my understanding that the regular air service leaves fairly early in the morning and we could start — is this right, Mr. Mercier? — by 10 a.m. or 10:30 a.m.?

MR. MERCIER: Yes. I think the plane leaves pretty early.

MR. BLAKE: Mr. Chairman, on the travel time from Brandon to Swan River, I would like to take this opportunity to invite the committee to stop in the constituency of Minnedosa and enjoy coffee, en route to Swan River. A nice little break on the member.

MR. CHAIRMAN: December 1, Thompson, 10 a.m. to 12:30 p.m., 2 p.m. to 5 p.m. If there are sufficient submissions, we would sit a second day up there. If not, December 2 would be a travel home day, the same hours, if needed.

MR. USKIW: On that point, Mr. Chairman, I don't know what the flights are out of Thompson. (Interjection)— I was going to suggest that if we know we have a lot of work to do on the second day, that we should start earlier if we're pressed for flight time. That's the only suggestion I make there, that we leave it flexible to determine the time the day before.

MR. MERCIER: Mr. Uskiw, the flight time is around 7:00 and if we went the second day in Thompson, the regular hours till 5:00, that gives us sufficient time. We may have to go back again in January or later in December to some of these places. But we have to start somewhere, and advertise some dates and some times.

MR. DESJARDINS: Mr. Chairman, could you give some information how is that going to work, the arrangements and so on? For instance, the transportation when we're on our own; if we have to provide our own transportation or if we have to purchase tickets for air fare and also hotel reservations and all that? Will that be done and, if it is done by staff, will it have to be done in certain peoples' names or for instance, let's say that Mr. Parasiuk can't go to Thompson and somebody else is going for them, can they take his ticket, and so on? That will be done and we will be informed of that in due course?

MR. CHAIRMAN: Mr. Reeves.

MR. REEVES: I would suggest that perhaps we would handle the Thompson deal, transportation and hotel reservations. The rest of it, because it's so loose, I would be reluctant to take on that kind — (Interjection)— Well, unless I was advised in advance as to who was going to be there and so on . . .

MR. DESJARDINS: But you would book so many rooms, anyway, for the committee.

MR. REEVES: The trouble with that, Mr. Desjardins, is that a lot of the hotels are now requiring confirmation. If you're not there by a certain time, we've got to pay for it, whether . . .

MR. DESJARDINS: That is my concern, too. If they are that strict, we might get there and not have a room.

MR. REEVES: I agree.

MR. DESJARDINS: Maybe the Speaker could just reserve so many rooms and then we'd have to let you know, also. I don't know; as long as we know there's no —(Interjection)— If we have to do it, we have to do it.

MR. CHAIRMAN: We'll do our best, between the Clerk and . . .

MR. DESJARDINS: And you will let us know whatever you decide.

MR. CHAIRMAN: Yes. Mr. Parasiuk.

MR. PARASIUK: You indicated that the committee will be putting out ads. What will they be? Just an ad quoting the terms of reference, and does the Clerk have one drawn up?

MR. CHAIRMAN: To Mr. Parasiuk and members of the committee, Mr. Reeves, the Clerk, has handed me a sample of an advertisement which would read:

The Standing Committee on Statutory Regulations and Orders will hold public meetings to obtain opinions of the people of Manitoba on proposals for the constitutional reform. These meetings will be held at certain places, dates, etc. Meetings will commence at 10 a.m. and will continue until all presentations have been heard.

Since no time limit — although we have agreed on hours of sitting on those given dates, so those hours will be included.

Individuals or organizations wishing to appear may register with the undersigned by telephoning the Clerk's Office, or writing to the Clerk. Briefs may be forwarded to the Clerk at his address, etc.

The advertisement has got the Clerk's name on it and lists his official title.

Any other questions?

It is moved that we adjourn, till the next sitting of the committee.

MOTION presented and carried.