

In fact, one province, New Brunswick, availed itself through its premier of that provision. I suggest to the Hon. Member for Ottawa Vanier (Mr. Gauthier) that he misinterpreted my Leader's comments. My Leader said in the House of Commons on October 6, 1983, as recorded at page 27819 of *Hansard*:

In the final analysis, it is up to Manitobans themselves to decide.

In Winnipeg, on March 29, 1984, he said:

So tonight, I am not going to tell Manitobans what to do or how to do it. I have no such right.

This is what the Hon. Member for Ottawa-Vanier is trying to do today, to impose a solution, a constitutional amendment. This is not in the spirit of Confederation. It is an imposition which is not acceptable to us.

Amendments to the Constitution, as we discussed constitutional amendments at the time, was that constitutional amendments were to be legislated from one legislature to another. I recognize that private Members have the opportunity now to bring in constitutional amendments as individuals, but I suggest we should go very carefully on that route because we have not had either precedents or experience because of our previous situation where amendments finally had to be made to the British North America Act in Westminster. We do not have those precedents. I suggest also, in view of the sensitivity of this issue, that this is not the time to establish that precedent.

On the matter of money Bills, no Member of the House other than a Member of the Cabinet can introduce a Bill relative to the royal prerogative. We all understand that approach. Today I would think that common sense would dictate that constitutional amendments should not be introduced through the process the Member is using in the House today.

There are additional reasons why this constitutional amendment is unacceptable. It is interesting to note that when the Member rose in his place to introduce it, he said that when it was introduced in July, 1983, it was exactly the same amending resolution as was introduced by the Attorney General of Manitoba. To that he was correct, but he was wrong in terms of the time frame today. Through that long process of debate, that original amendment was modified by the New Democratic Party Government that introduced the first resolution that is before us today and amended it. Therefore, he is introducing today a resolution which is not supported even by those who proposed it initially, that is, the New Democratic Party of Manitoba. In fact, there were three modifications to the resolution. I will not take the time of the House to go through the various differences between the first resolution which we have before us today and the one that was eventually not approved by the Manitoba Legislature. Simply on the matter of constitutional clarity, I would think that we would not want to consider a resolution which has already been changed by the province on at least three different occasions.

● (1740)

If you look at the schedule, which we did not ask you to read, Mr. Speaker, you will note that a number of corporations

### *Language Rights*

and societies are listed therein. If the relative Bills passed in the Manitoba Legislature were not changed or translated, those societies could in fact cease to exist. I received a letter dated September 19, 1983, from Mr. Ernest A. Wehrle. I spoke to him today and received permission to put his letter on the record of the House. Mr. Wehrle is writing on behalf of the Historical and Scientific Society of Manitoba and the St. Boniface General Hospital. He said:

Our concern is with the wording of proposed Section 23.5(1). Its legal result, if the named private organization(s) were not re-enacted by December 31st, 1993, would be to extinguish the legal existence of the organization(s), and cause the assets of the organization(s) to pass to Her Majesty the Queen, in Right of the Province of Manitoba.

The risk, however slight, is an unfair and unacceptable one because the named organizations have no control over the process. It will be the failure of the Legislature to act, and not the failure of the organizations to act, which would cause such a severe penalty.

The Manitoba Legislature might deliberately select certain organizations for elimination, or it might happen as a result of a constitutional or international crisis. Present assurances from the government, or from political parties, are not binding upon a future legislature.

I spoke to Mr. Wehrle today because the Attorney General rejected that proposal in 1983. Then, after consultation, the Attorney General said that we were right and he in fact brought in an amendment to Section 23.5 which, after looking at today's resolution put forward by the Hon. Member, one could see has not changed. Again, it is after the fact. I would think that the Hon. Member should consider very carefully the effect of his resolution should it be accepted here in the House.

Canada is a federal state. This fact dictates that the propriety of the matter demands the proper etiquette between federal and provincial governments by allowing a provincial government to legislate within its own sphere of authority. It has always been contemplated that a constitutional amendment for and on behalf of a people in a province would be initiated in that province and, following passage of the provincial request, the federal Houses of Parliament would then deal with the matter.

I would ask the Hon. Member if he has consulted with the Province of Manitoba lately regarding the acceptability of the resolution. Did he consult with other members of the legislature? Did he consult with those in Manitoba? Did he consult with Franco-Manitobans? I can give you the answer, Mr. Speaker, because I asked that question today and the answer is no. Yet he has the temerity to enter the House and take this kind of action.

I could put forward other arguments regarding possible decisions of the Supreme Court. However, I do not think that they would help us in our deliberations today because the court will decide that matter. The issue before us all is that there is surely no longer any doubt that there must be one resolution after the next establishing the principles of language rights. I would ask the Hon. Member if he is sincerely trying to find a solution to the problem or if he is trying to create a political opportunity for himself.

**Some Hon. Members:** Hear, hear!