

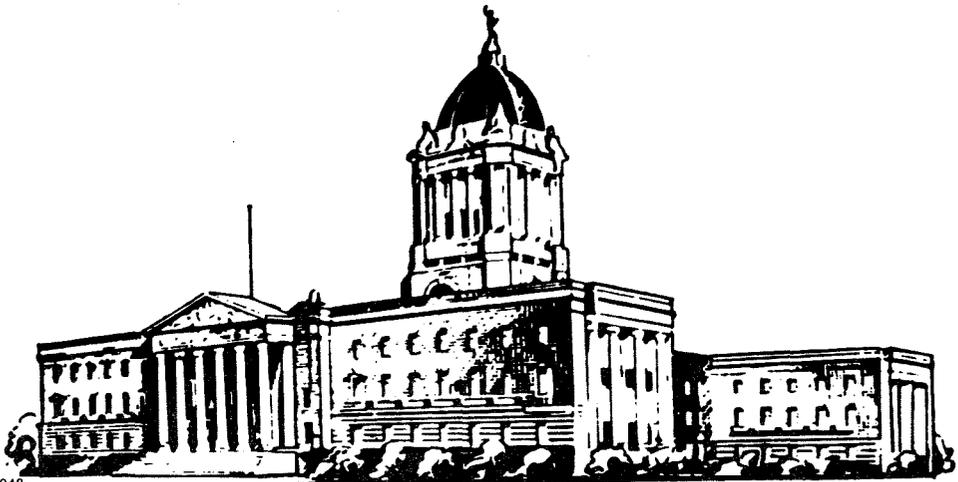


Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS
Wednesday, 14 September, 1983

TIME — 10:00 a.m.

LOCATION — Swan River, Manitoba

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Adam, Cowan and Storie
Messrs. Anstett, Ashton, Brown, Gourlay,
Graham, Harapiak, Nordman and Scott

WITNESSES: Ms. Alice Allen, Private Citizen

Ms. Alice Allen, presented a brief on behalf
of Ms. Olga Wowchuk, Private Citizen

Ms. Madeleine Beaudry, Private Citizen

Mr. Joe Beer, Private Citizen

Reeve Harold L. Ellingson, R.M. of Swan River

Ms. Irène Garand, Société franco-manitobaine

Mr. Leonard Harapiak, Private Citizen

Ms. Gwen Palmer, Swan Valley School
Division

Mr. Jim Robertson, Private Citizen

MATTERS UNDER DISCUSSION:

Proposed resolution to amend Section 23 of
The Manitoba Act

* * * *

MADAM CLERK, Ms. C. DePape: Committee come to order. I have here the resignation of five of our former members of the committee: Mr. Fox, Ms. Phillips, Mrs. Dodick, Mr. Johnston, and our former Chairman, Mr. Fox.

The replacements are Mr. Scott, Mr. Anstett, Honourable Mr. Cowan, Honourable Mr. Adam and also Mr. Gourlay. Is that agreed? (Agreed)

The Chair is now accepting nominations for a Chairman. Do I have any nominations?

MR. S. ASHTON: Mr. Anstett.

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

MR. CHAIRMAN, A. Anstett: Good morning, ladies and gentlemen. The purpose of this committee is to hold hearings in accordance with a resolution passed by the Legislative Assembly of Manitoba in the middle of August of this year; and that resolution reads in part:

“WHEREAS the Government of the Province of Manitoba has proposed a resolution to amend Section 23 of The Manitoba Act, which amendment concerns the translation of the Statutes of Manitoba, or some of them, and the question of Government Services in the French, as well as the English language; and

WHEREAS the Legislative Assembly of Manitoba deems it advisable to hear the views of Manitobans on the subject matter of this resolution.”

As a result of that resolution this committee met and established a series of eight hearing locations throughout the Province of Manitoba and this hearing today in Swan River is the third hearing location at which we will be hearing representations from members of the public.

To date we have received indications from 39 people that they wish to present briefs. Is there anyone whose name has not been provided to the Clerk of Committees at my left? Is there anyone here who's name is not on the list which the Clerk of Committees has distributed?

Seeing none, I would like to advise members of the committee that they have with them translation headsets for those briefs that may be given in French. There are, as well, additional headsets for members of the public who may wish to follow the translation of any briefs that are given in French.

When that occurs we'll take a short recess to allow members of the public to sign out the headsets to, of course, ensure that they are returned.

I received a letter yesterday with respect to the proceedings of the committee and asked the Clerk to prepare copies for distribution to members.

If there are no questions from members - we have a long list in front of us today - we'll proceed to call the first witness before the committee.

Mr. Storie.

HON. J. STORIE: Mr. Chairman, for those members of the public who did not get a copy of this letter, I think the letter eloquently expresses some of the concerns that have been raised by members on both sides with respect to the conducting of the committee proceedings. I think that . . .

MR. CHAIRMAN: Order please, I'm sorry. Are you on a point of order?

HON. J. STORIE: Yes.

MR. CHAIRMAN: Oh, okay.

HON. J. STORIE: Mr. Chairman, I think that, if I may summarize what the letter suggests, in view of the great number of Manitobans who have indicated their desire to come forward and make their feelings felt with respect to this amendment, that it behooves the committee to limit questions, to limit the number of questions they ask so that we can ensure that all

Manitobans get a chance to make their briefs to this committee.

I have heard, and I am sure other members have heard, that there were and are situations where individual members of the public cannot attend meetings ad infinitum. They have other duties and responsibilities. When the committee either intentionally or unintentionally drags on the proceedings, it effectively limits the number of Manitobans that can present their case to this committee.

Therefore, I would suggest that this committee make every effort to ensure that their questions are for clarification of the brief presented only, and not for further elaboration for political or other purposes. So I would hope that this committee would proceed on that understanding so that we can ensure that all of the 39 people, who have indicated a willingness to be here today, in fact get that opportunity to present their case.

MR. CHAIRMAN: Mr. Storie, any further discussion? Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I think the sentiments expressed by the honourable Mr. Storie are admirable sentiments, but I feel somewhat alarmed when a committee is going to make a change in the rules in the middle of the ball game on the strength of one person's letter addressed to the chairman. If we're going to be adopting government policy and government procedures on the basis of a letter from one individual in society, then I think we're going to end up with an awful lot of trouble here in the Province of Manitoba, and Lord knows we're in enough now under the present government.

HON. J. STORIE: On the same point of order, Mr. Chairman. I think Mr. Graham neglects the fact that committees have, by precedent and tradition, asked questions for clarification. In fact, it is only a recent aberration where witnesses have, in fact, interrogated. We are here to ask questions of presentators to obtain their views, not to expound our own.

MR. CHAIRMAN: Mr. Ashton.

MR. S. ASHTON: Yes, Mr. Chairman, I would point out that I did raise a similar concern in Thompson. I felt then, and I raised a matter of order, that we are here to listen to the public, not to debate amongst ourselves. Particularly, when we have 39 members of the general public here, I think we should be listening to them, and not members of the committee who will have ample opportunity in the Legislature to discuss this matter. So I think Mr. Storie raises a very important point.

MR. CHAIRMAN: Mr. Cowan.

HON. J. COWAN: Yes, Mr. Chairman, just to comment briefly on Mr. Graham's remarks. I am certain that Mr. Graham understands that this letter, in our opinion, is symptomatic of the feelings of a large part of those who have come to present briefs to this particular committee, and there is some concern on the part of committee members on both sides.

I am certain that all individuals who wish to make their views known to this committee on this important issue can do so in an expedient fashion. If, by way of long periods of questioning of individual witnesses, we are inadvertently precluding others from making those views known, I think we are doing a disservice not only to those who want to enable the Government of Manitoba to better govern through their advice and their input, but also a disservice to the committee members themselves and to the committee structure itself. So I think it must be stated that this letter, while signed by one individual, I believe is quite indicative and symptomatic of what's been happening.

MR. CHAIRMAN: Mr. Brown.

MR. A. BROWN: Mr. Chairman, rather than getting into a long hassle as to procedure and so on, why don't we proceed with the hearing? I am certain that things are going to sort themselves out. We know that we have a number of briefs that we want to hear over here. So rather than getting into a long hassle about this, why don't we just get started?

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: I would certainly support Mr. Brown's suggestions here to get moving; but at the same time we have 39 briefs to hear today, we have only got scheduled for today, we understand that because of an obstruction that's being built beside the airport - we're even cut off perhaps if we're planning to go on to the evening session - that we'll run into difficulties there. If we're going to move along with this, the last thing we need is harangues by members of the Legislature in delaying the proceedings, because we are here to hear the public.

So I would hope that we would, in moving ahead, move ahead with the general spirit of trying to get through and to hear from the members of the public who have come here in good faith to present their positions to us, and not to get into some kind of an inquisition like we had last week in the hearings in Winnipeg.

MR. CHAIRMAN: Further discussion? I would take it then . . .

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I just want the record to show that the government and members of the government on this committee wish to change the procedures that have been longstanding traditions of committee work, and they want to do it on the basis of the receipt of a letter they received from one individual.

HON. J. STORIE: Mr. Chairman, I don't want that left on the record. Mr. Graham knows perfectly well that the rules that govern the work of committees allow members to ask questions for clarification and that has been the practice, not what we have seen in the last week.

HON. J. COWAN: With all due respect, Mr. Graham was indicating that it is his opinion and his perception

that such a process is happening, but if he wants to be accurate as to what is going to be left on the record, then I think he should be more fair and not as opinionated in his statements. I believe what has been said here, and must be said again, is that the government side, and I would hope the opposition side of this committee, wished firstly to see this committee function in an appropriate fashion.

What is that appropriate fashion? I would suggest to you that appropriate fashion is being accessible to the public. There are many ways in which a committee can be accessible to the public, and there are many ways by which that accessibility can be subverted either by intention or unintentionally.

This letter, while it is a focal point for our discussions today, I think is borne out in actual fact. If one wants to read the record, one need only read the record of the committee hearings that have been held to date to understand that there must be individuals out there who felt hard pressed by the way by which this committee's work was unfolding. They have indicated that both privately and publicly, and they have indicated it by way of this letter; and they have also indicated, I think, by way of a general statement as to their wish to be a part of this process, and their feeling that they were being thwarted in being a part of this process because of presentations and questioning which were, in fact, limiting the amount of time for others to appear. They had to sit through long periods, at which time one individual is being questioned, and they had other activities which they would want to undertake.

I think that it's become fairly clear from an observer - and this is my first time sitting in the committee, but I certainly have taken the opportunity to observe what has been happening in it - that the points outlined in this letter are indeed points which are pertinent and points which are a fair assessment of what's been happening.

I think it might be appropriate, Mr. Chairperson, to read the letter into the record just so those individuals who are here today, and are interested in this discussion, can understand fully what it is that this individual is saying and, at the same time, understand why it is we believe that the criticisms and the suggestions which are outlined in this particular letter are worthy of consideration. So, with your indulgence, I would suggest that perhaps the letter should be read into the record.

MR. H. GRAHAM: On a point of order, Mr. Chairman. Are we here to hear the opinions of people who have stated that they want to appear before us here today, or are we here to hear the opinions of people who have not indicated that they want to appear here today? This is the essence of what we are facing right now.

We want to read letters into the record from people that have given no indication they want to appear here today. That's fine; but let the people that are here, waiting to be heard, understand that we are further preventing them from being heard today by the antics of the Minister of the Environment.

MR. CHAIRMAN: With respect, Mr. Graham, clearly, the committee's right to govern its own procedures and raise points of order and have those points of orders resolved by the committee are in order at any time.

To suggest that what Mr. Cowan is proposing is out of order would be at variance with committee procedure.

Certainly, I accept your admonition that we do have a long list, and I would ask contributions to this point of order to be brief and to the point so we can get on with the purpose of the meeting.

Mr. Cowan.

HON. J. COWAN: Yes, then, in response to Mr. Graham, who is attempting to obviously set a record, or at least accelerate the art of misrepresentation into a high art at this meeting, I would want the record to be very clear as to what is the intention and the motivation behind the government in bringing this matter forward.

We want to hear people, we want those people to be heard in an appropriate fashion, and we want the proceedings of this committee to be undertaken in such a way as to provide access to individuals who come here, who spend some time listening to other presentations, to be able to make their presentation in an orderly fashion. That's all we are saying; that's all we are suggesting, and we think that is in keeping with the best intentions and the best goals and objectives of any legislative committee. So please let the opposition members be more fair in their comments and not quite as opinionated in the voicing of them.

MR. A. BROWN: Mr. Chairman, the fact that we have 39 delegations that are going to speak before us, I think it speaks very well for this community of Swan River, and it shows that there is a great deal of concern on this particular issue. Again, Mr. Chairman, I heard you; let's proceed with the hearing.

MR. CHAIRMAN: Thank you, gentlemen, for your contributions. Obviously, your sentiments, Mr. Brown, are shared. I would suggest that in view of this discussion, in view of the concern that's been expressed, members may want to make a commitment to themselves to attempt to get through the complete list today and do that in as expeditious a fashion as possible.

The first name on the list is Ms. Gwen Palmer, Swan Valley School Division.

Mr. Gourlay.

MR. D. GOURLAY: Mr. Chairman, on a point of clarification, Mr. Chairman. I believe there are some individuals here today that have written submissions they would like to table. They are not prepared to come forward and present it themselves, but they would like to present a written submission. I wonder if you could explain how they can do that.

MR. CHAIRMAN: Ms. Palmer, before you start, if there are any individuals here who wish to deposit written submissions with the committee that they do not wish to present before the committee, they may do so by leaving them with the Clerk of Committees at my left. The Clerk will take them and the committee has agreed that written submissions will be printed in the transcript of the committee as an appendix.

The other thing I should mention is if there is anyone in the audience who plans on making a submission in French, the interpretative staff would appreciate getting

an advance copy, if you have one, so that they can go over the text in advance so that they can more adequately and properly provide interpretation for members of the committee.

So if there are any briefs to be deposited, or any briefs in French, please advise the Clerk.

Ms. Palmer, please proceed.

MS. G. PALMER: The Swan Valley School Division, No. 35, would like to thank the Legislative Standing Committee on Privileges and Elections for this opportunity to present this brief, outlining its concerns regarding the proposed amendments to The Manitoba Act.

The Swan Valley School Division has no quarrel with Section 23 of The Manitoba Act, and respects the rights and privileges it affords to persons wishing to use either the French or English language in areas specified in said section.

The proposed amendments to be entrenched in the Constitution go well beyond the parameters established in Section 23, referred to above. Even with the government's promise to exclude municipalities and school boards, certain sections of the amendments seem to indicate that this exclusion could conceivably be overridden by sections such as 23.7(2) which states:

Any member of the public in Manitoba has the right to communicate in English or French with and to receive available services in English or French from any office not referred to in subsection (1)(a) or (b) where:

- (a) There is sufficient demand for communications with and services from that office in that language or
- (b) Due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

23.7(3) Nothing in this section abrogates or derogates from any rights guaranteed by Section 23.

All of the above provisions, by virtue of the proposed amendments, are enforceable by the courts, as indicated in Section 23.8(1).

The Swan Valley School Division humbly submits that words such as "significant" and "reasonable" cover a wide spectrum of interpretations and, therefore, may impinge on the possible good intentions of the present government to exclude municipalities and school boards.

It is, therefore, the firm opinion of the school division that such amendments should not be entrenched in the Constitution. The school division agrees that these services should be provided where necessary. However, even in our statement of "where necessary," the school division feels that the interpretation should be left in the hands of elected officials and not in the jurisdiction of the courts of tomorrow.

The government suggests that the entrenchment of these amendments will save, in various ways, tremendous costs relative to the translation of the existing statutes. This, at best, seems to be a conjecture. However, should the Supreme Court in its wisdom so rule, the immediate cost may not appear so significant if measured against the possible costs of future requirements in dual language services which conceivably could be imposed by the courts of tomorrow.

The Swan Valley School Division recommends that the Legislative Standing Committee on Privileges and Elections prevail upon the Government of the Day not to proceed with the proposed legislation.

Thank you, once again, for this opportunity to present the views of this school division. As I have not worked on the committee that has prepared this brief, I would not be prepared to answer questions at this time.

Thank you very much.

MR. CHAIRMAN: Thank you, Ms. Palmer. There may be questions not related to the text of the brief, but related to the preparation. Do you have knowledge of the preparation or the membership of the committee or any other questions that may be asked in that regard?

MS. G. PALMER: No, I really don't.

MR. CHAIRMAN: Thank you, Ms. Palmer.

MS. G. PALMER: It was a collaboration between our division administration and the trustees.

MR. CHAIRMAN: Thank you. The next name on our list is Mr. Ron Richards, Camperville Community Council. Mr. Ron Richards, please.

Mr. Norman Chartrand, Camperville, Manitoba Metis Federation; Mr. Orvil Olson; Mr. Len Harapiak.

Mr. Harapiak.

MR. L. HARAPIAK: Mr. Chairman, committee members, I am pleased to have this opportunity to address the Standing Committee on Privileges and Elections of the Manitoba Legislature with respect to the proposed amendment of Section 23 of The Manitoba Act.

I recognize that we are dealing with a very sensitive, emotional and controversial issue. In my opinion, there is a great deal of misunderstanding surrounding the history of this matter and also misunderstanding about the intent of the proposed amendment.

It is unfortunate, also, that certain parties to this debate have chosen to exploit the issue for purely political purposes, having decided to fan the flames of mistrust rather than promoting understanding in a just settlement to a legal challenge to a constitutional issue.

I had expected, being No. 6 on the list, that by this point somebody would have reviewed some of the significant historical dates in this and I hadn't planned to do so, but being that we've proceeded rather quickly, I want to make reference to a few points of history.

The Manitoba Act, when Manitoba entered into Confederation, established French and English both as official languages. Both languages were to be allowed for debates in the Legislature; both languages were to be used for recording proceedings in the House, and all laws were to be enacted in both languages. Also, either language could be used in the court. It's important to note, I think, at that point in history, the majority of the people of this province were French-speaking.

Then in 1980 we had the Legislature of the Province of Manitoba pass The Official Language Act which made Manitoba a unilingual province - unilingual in English. Then, of course, most people who have been following this are aware that the significant dates thereafter are the Supreme Court ruling of 1979, which declared that

the act passed by the Legislature in 1890 was unconstitutional; and then the Bilodeau case, which was to go before the Supreme Court and was set aside by the agreement resulting in the proposed amendment.

It is important to note that Section 23 of The Manitoba Act is in place so that English and French are official languages and that both can be used in the courts and in the Legislature. So the only contentious point would then seem to be the extension of French Language Services to certain provincial departments and agencies where demand warrants it. However, as I read and follow in this issue, that does not seem to be a concern on either side of the House, and the opposition is not opposed to extending French Language Services.

There is a quotation of a letter in which Alliance Quebec quotes Sterling Lyon as being in support of extension of French Language Services; and in the last issue of the Star and Times, our own MLA, Mr. Gourlay, indicates clearly that the opposition is not opposed to the extension of French Language Services. So, if both sides of the House are committed to extending French Language Services, this then must be demonstrated by some tangible and practical way. The proposed amendment, which would provide for French Language Services where demand was significant, is a reasonable and responsible approach; to agree to extension of services in principle, but not in practice, I do not feel is acceptable.

The real crux of the debate must then be over the issue of entrenchment. It is in this area that I see a very glaring inconsistency in the argument of those who say an agreement should not have been reached, the Bilodeau case should have gone to court, and the rights should not be entrenched. I gather those opponents would not have the rights entrenched, but it would be left as a matter of courtesy of the Government of the Day. It is inconsistent to argue that today the matter should be left to the courts, don't entrench so that in the future it can be dealt with by the Legislature and not by the courts. There is an inconsistency for me there, I cannot follow that.

On fundamental issues such as this I have no hesitation in supporting entrenchment. This does not forever preclude the legislators dealing with the issue since there is a procedure for amendments. I have a great deal of respect for our judicial system and I am confident that, if our legislators draft just and workable laws, the court will deliver fair decisions. With all due respect, I would like to suggest that the prospect of an election every four years or so cannot but influence the outlook of the legislators to a much greater degree than that of the courts. I would feel much more secure in this matter having it entrenched, rather than enjoying it tenuously at the pleasure of the Government of the Day.

Frankly, I must admit I have wondered whether those who propose letting the Bilodeau case go to the Supreme Court are not looking for somebody to take the rap - if I can use a current-day expression. It would be easy to say that it wasn't our doing. The Supreme Court handed down the ruling, whatever it might be and this, however, I feel is avoiding responsibility.

If I might be permitted to utilize the comments of other people in support of my position, a Canadian of new prominence, Brian Mulroney, was quoted in the Montreal Gazette as saying, "The position of the

Manitoba Government was laudable." I think most of us who watched the news yesterday evening saw some evidence, however serious, that the three parties in the Federal House might consider sponsoring a joint resolution in support of the Manitoba position but, again, I think we should look carefully at how serious that was being proposed in the House yesterday.

The very action of the legislators in 1890, which removed what was put in place in 1870, is also evidence that rights, as a courtesy of the Government of the Day, can be somewhat fleeting, and I think it also demonstrates that that which is entrenched and is part of the Constitution is not beyond being touched by the legislators.

I sense that there is some opposition, though very limited, on this issue simply on the basis of objecting to French. As a product of an ethnic minority group, I do not have much sympathy for that position - and again I must emphasize - I think it is very much a minority position. I am a third generation Canadian of Ukrainian descent; I am a proud Canadian; I am also proud of my heritage. I think we are richer as Canadians for having a diversity of ethnic groups from which to draw talents and experiences.

The proposed amendment, which would extend French services, demonstrates in a real way a respect for what is now a minority group in Manitoba, but an ethnic group that had a very early and significant role in our history. I do not feel that this amendment discriminates against other minority groups. It does not take away from others, I feel, by providing services in a limited way where demand warrants it.

I think it provides a real opportunity to demonstrate mutual respect and good will. We must keep in mind that Canada, and as part of that, Manitoba, is a cultural mosaic rather than a melting pot which produces a bland cultural hash.

In conclusion, I would like to restate my support for the amendment, indicating only a word of caution that very careful consideration be given to the meaning of significant demand. The proposal is fair, but it must also be workable and practical. I am confident that there is expertise available to draft the amendment in a way which will make its implementation manageable.

We cannot sit by and do nothing. We should exercise the opportunity to play a part in the solution rather than have one imposed. To you and the committee who will be involved in the final debates on this resolution, I would like to offer my opinion that that which is right is not always most popular at a given moment in time.

You in public office must have the courage to act on the basis of what is reasonable and just and not necessarily that which is politically opportune.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Harapiak. Are there any questions from members of the committee?

Mr. Gourlay.

MR. D. GOURLAY: Mr. Chairman, I'd like to thank Mr. Harapiak for his presentation this morning.

However, at the outset of his presentation, he made reference to some of the historical background with respect to the language services of this province. I believe, Mr. Harapiak, you indicated that both French

and English languages were official languages of this province going back to 1870. Did you not say this?

MR. L. HARAPIAK: In some respects.

MR. D. GOURLAY: I think the concern that many of us have is that the proposed amendments, for the first time in the history of this province, will make English and French the official languages of Manitoba and then, this being entrenched, will be dealt with by the courts; and the very problems that you have indicated - what is really significant demand - this will be left up to the courts to determine and to interpret. So it could be conceivable that very few people that could not speak English or French may wish to take the matter to court to insist that the language that they speak be provided to them in a community where maybe that is not the predominant language spoken.

I am wondering how you rectify this. It's out of the hands of elected people in the province to deal with it. It would be in the hands of the courts and once it states that English and French are official languages, how do you really determine what significant demand really is?

MR. L. HARAPIAK: This is why I indicated very careful consideration has to be given in the drafting of it, and I do not claim to have a draft copy of that available, but I want to react to one point. Whoever is dealing with this, there is a possibility that the people will deal with it wisely and there is always the potential for abuse, whether that be in the judicial system or in the Legislature; and the difficulty I have is the suggestion that somehow the courts are not capable of rendering a wise decision on well-drafted legislation, but that somehow the legislators of the day are beyond making a decision that might not be as fair.

MR. D. GOURLAY: I think what many people are saying, that it's easier to deal with elected people in various communities. They are closer to the people; they understand the situation. It's their responsibility to represent those people in situations that come up.

Where we have the situation before us where French and English will be entrenched into the Constitution and will be dealt with through the courts and not by the Legislature, then it becomes further removed from the people that they are serving. You know very well, we all know very well, that the judges, the Supreme Court judges are appointed people. They may have very little reference to any specific part of Canada, particularly, say, Manitoba, where they are appointed to represent the province.

MR. CHAIRMAN: Question please.

MR. D. GOURLAY: The question is: Do you not see this as a problem down the road, where these people are further removed from the local situation and may not be able to interpret the problems as the local people would see them?

MR. L. HARAPIAK: There may be that problem. I can't exclude the possibility of there being a problem. I think it's a question of the confidence that we have in the

judicial system. As I indicated, I have a great deal of confidence, but I must come back to the point that I made earlier, that I think that in administering a decision of this sort, the judicial system is less likely to be influenced by short-term interests such as an upcoming election.

MR. D. GOURLAY: Mr. Harapiak knows the situation. We have had court cases here dealing with a case in a school division, which certainly didn't represent the majority of interests in this area, and yet it was a decision of courts and it has to be upheld.

MR. L. HARAPIAK: I come back to my point that the courts are not beyond making a decision which is to be reviewed; and that is, the whole judicial system takes that into account by making provision for appeal. This very system of our courts recognizes that sometimes a judicial judgment will not be beyond questioning. I must also come back to my point that the decision which is right at a given moment in time is not necessarily the one which is going to be the most popular position; so we should not administer decisions just on the basis of popularity.

MR. D. GOURLAY: Mr. Harapiak, the views in your presentation insinuate that making further amendments to our Constitution could be dealt with and it would be no great problem to make changes or amendments at some further date if we were not happy with the amendments that were presented at this time.

MR. L. HARAPIAK: I did not say that it would not be a great problem. I am saying that it is possible, there's provision for amendments, and that is the very process we are involved with right now.

MR. CHAIRMAN: Mr. Ashton.

MR. S. ASHTON: Thank you, Mr. Chairman. Mr. Harapiak made reference to a point which I found somewhat interesting, which hasn't been raised in the hearings that I've listened to, and that is that those people who are suggesting . . .

MR. CHAIRMAN: Mr. Ashton, would you pull the mike up, please, so you can be recorded.

MR. S. ASHTON: Those people who are suggesting that this matter be left within the purview of the Legislature at some future point in time are also simultaneously suggesting that this matter be referred to the courts, that the Bilodeau case be left before the Supreme Court and that there's something of an inconsistency. Is that exactly what you are saying or . . .

MR. L. HARAPIAK: Yes, it is. It seems to me that it's a question of when some people would perceive the legislators as having the right to deal with it. It seems that some people are concerned about perhaps a particular group of legislators having the right to deal with this.

MR. S. ASHTON: It has been indicated that amendments will be brought forward to further clarify

the term "significant demand." So that concern which was raised by Mr. Harapiak is being addressed by the Attorney-General.

MR. CHAIRMAN: Mr. Graham.

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

Mr. Harapiak, I think you have indicated that you are very much for the entrenchment of these services into the Constitution of Canada, is that correct, and the Constitution of the Province of Manitoba?

MR. L. HARAPIAK: That is correct.

MR. H. GRAHAM: You have also indicated that there is a chance for further amendments by other legislators in the Province of Manitoba who may be holding office at a further point in time. Was that your . . .

MR. L. HARAPIAK: I would guess that amendments are available to any group of legislators, yes.

MR. H. GRAHAM: Mr. Chairman, again, if there are suggested changes to this in the future, is it not a fact that in order for those changes to be implemented, it would require an act of the House of Commons and the Senate for those changes to be enacted? Is that not right?

MR. L. HARAPIAK: The same is true for this particular amendment. Yes, the process that this amendment would be subjected to, unless the process for amendment at the federal level is changed, those would be subjected to the same process as this particular amendment.

MR. H. GRAHAM: Mr. Chairman, I believe, while Mr. Harapiak didn't mention this, and I again rely on the wisdom of the Chair and whether or not it's proper to raise something that has been raised before this committee before, it has been suggested on numerous occasions that the Premier of the province and this government are concerned about having a made-in-Manitoba bilingual program and that this is going to be different than the federal bilingual program. Are you in agreement that that is the direction we should be going, that this should be a made-in-Manitoba bilingual program for the Province of Manitoba?

MR. L. HARAPIAK: I am aware that the Attorney-General has identified this whole process as a made-in-Manitoba policy for French. If having a made-in-Manitoba policy presents something more workable and reasonable than some people have seen happen at the federal level, yes, I would say if it's going to be more workable, we should, from Manitoba, have our part to play in that process.

MR. H. GRAHAM: If we want, in the Province of Manitoba, to have made-in-Manitoba bilingual programs and policies, would it not be then preferable not to have that entrenched in the Constitution where we are then at the whim of the Federal Government to change it where we can only recommend to the

Federal Government that we want a made-in-Manitoba program and we are left then at the mercy of the Federal Government as to whether or not they would change the Constitution to have our so-called made-in-Manitoba programs legitimate and operable?

MR. L. HARAPIAK: I really don't think that we have much choice because the alternative would be, I think, to do nothing, and which could conceivably have a Supreme Court ruling which some people already expressed the concern about our not having any input in. The Supreme Court could impose a decision on us which would really have no opportunity whatever for a Manitoba input. I think the very process we have here provides for a Manitoba input.

MR. H. GRAHAM: Would the Supreme Court in that particular case not be making their ruling based on Section 23 of The Manitoba Act which, at the present time, states that English or French may be used in the Manitoba Legislature and in the courts in the Province of Manitoba and that the statutes and the records of the Legislature shall be in both English and French? That is the extent of Section 23 of the The Manitoba Act at the present time.

MR. L. HARAPIAK: I think you would know better than I with your experience in the Legislature, and indirectly through different proceedings in the province, that there is a process of bargaining that goes on in the judicial system. I think that there is an element of that involved here where people are trying to get a workable agreement. When there is a process of give and take going on, I think some people would suggest that something more is being offered than would be offered simply by Section 23 as it now exists, yes.

MR. H. GRAHAM: Through you, Mr. Chairman, to Mr. Harapiak. The present Bilodeau case which, in the opinion of the Attorney-General, is the main reason why we are proposing these changes at the present time. Could you tell me what the No. 1 concern is in the present Bilodeau case that is possibly going to proceed before the Supreme Court?

MR. L. HARAPIAK: I need clarification; I'm not sure. The No. 1 problem as seen by whom?

MR. H. GRAHAM: What is the purpose of the Bilodeau case? Is it to provide French in the schools, or are you familiar with the purpose of the Bilodeau case? The main purpose of the Bilodeau case is to have the statutes of Manitoba in both English and French; is that not the case?

MR. L. HARAPIAK: It is really a test case. It will test, as I see it, whether or not the statutes of the province being in English only is enforceable or whether they must be in English and French. If the ruling could be brought down that the fact that they were not in English only might result in them all - if it were left to the Supreme Court - having to be translated.

MR. CHAIRMAN: I would caution members that the members did express some concern near the beginning

about questions for clarification of the contents of the brief.

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, the proposal that is being put forward in this resolution is one that does ask for specific exemptions for most of the statutes so that there is only some 400 statutes will be translated. Is that your understanding of the case?

MR. L. HARAPIAK: There is 400 or 500 out of 4,500, that's correct.

MR. H. GRAHAM: Mr. Chairman, through you again. This amendment also has some further implications in that it is suggesting and, in fact, requesting that we now start entrenching in the Constitution of Canada the provision of services above and beyond those that were envisaged in Section 23 of The Manitoba Act. I realize that services to the people of Manitoba are always essential and desirable, but they also change as time changes. This is apparently where there seems to be some difference in the resolution that is before us. You feel, according to what you said, a guarantee of services should be entrenched in the Constitution; that's your position, is it not?

MR. L. HARAPIAK: Provided that it was well-defined, and I don't claim to have a definition for you. But I'm confident that by good will shown on both sides of the House and, drawing on expertise that is available, the legislation could be drafted.

MR. H. GRAHAM: If, in the future, the need for services change, would you envisage then that we would need further changes to the Constitution to provide those services?

MR. L. HARAPIAK: Not knowing exactly how this were to be specified, I couldn't even speculate on that. It would depend on the drafting of this legislation at this time.

MR. H. GRAHAM: Mr. Chairman, then I would maybe ask another question. Is it your opinion that there should never, at any time in the future, be any further services guaranteed to the people of Manitoba in the French language, other than those that are provided in this proposed amendment?

MR. L. HARAPIAK: I did not say that.

MR. H. GRAHAM: No further questions.

MR. CHAIRMAN: Mr. Storie.

HON. J. STORIE: Mr. Chairman, first of all, let me thank Mr. Harapiak for a very enlightening presentation. It's obvious that you have done some review of this matter. I would just ask you this question.

You mentioned in your background statement to us, with respect to the history of French-speaking people in the province, that it is not only a question of the judicial interpretation of The Manitoba Act, but is also now, as a result of an action in 1980, whereby the Lyon

Government, in large because of the Forest case, attempted to put into practical operation the implications of The Manitoba Act, claims in Bill No. 2, enacted in 1980, that in Manitoba English and French are the official languages. Did you mention that in your brief or were you aware of that?

MR. L. HARAPIAK: I have mentioned it and I was aware of that.

HON. J. STORIE: Thank you, Mr. Chairman.

MR. L. HARAPIAK: If I can just clarify, I think it is also mentioned in some of the background material that was provided generously by Mr. Gourlay in his last week's column in the local paper.

MR. CHAIRMAN: Further questions by members of the committee?

Mr. Scott.

MR. D. SCOTT: Just briefly, I'd like to, as well, commend Mr. Harapiak on a very fine presentation. Just one point. When the Constitution was originally drafted, the languages that were used in the Constitution and the thinking of the people at that time, are not necessarily quite the same as one would draft things now in 1983. Time has elapsed but, at that time, I think things were put forward in a much more general presentation than they are right now. The aspect of official languages really was not addressed specifically in The BNA Act, but by putting languages in as languages of Legislatures and courts, it is my opinion that they are, therefore, official languages, and I'm wondering if you're aware of any jurisdictions where languages of the Legislature and of the court, where those languages are not also considered official languages?

MR. L. HARAPIAK: I'm not aware of any cases.

MR. CHAIRMAN: Thank you, Mr. Scott. Any further questions by members of the committee? Seeing none, Mr. Harapiak, thank you very much for appearing here today.

The next name on our list is Mr. Gordon Ferris, Mr. Ferris please; Mr. Neil Brown, Mr. Brown; Mr. Walter Kolisnyk, Mr. Kolisnyk; Mr. Ken Sigurdson, Mr. Sigurdson please; Reeve J.M. McIntosh, R.M. of Minitonas, Reeve McIntosh please; Mayor E.A. Hart, Village of Minitonas, Mayor Hart; Reeve Harold L. Ellingson, R.M. of Swan River, Reeve Ellingson; Alice Allen.

Ms. Allen, please proceed.

MS. A. ALLEN: Mr. Chairman, members of the Legislature. I strongly oppose any amendments to Section 23 of The Manitoba Act, which includes French and English as the official languages of Manitoba; and the entrenchment of Language Services within the department of government, Province of Manitoba.

If the Manitoba Government proceeds to entrench French Language Services in the Canadian Constitution it will be impossible to change it. On May 17th, the Government of Manitoba announced its intention to

amend Section 23 of The Manitoba Act. One question that was asked was will municipalities and school divisions be affected by the change? Answer: Municipalities and school divisions are not affected by the constitutional amendment, however, municipalities with a substantial number of Francophones will be able to apply for financial assistance if they wish to offer their services in both official languages, this is entirely voluntary. That isn't quite right where our Swan River School Board is concerned. The required amount of pupils was to be 23. Only 20 were registered in kindergarten and Grade 1, yet the courts ordered our school boards to put in French Immersion. Our Minister of Education, Hemphill, directed them to start French Immersion. Now our Minister of Education told trustees, by letter, that she believes that once a division has started French Immersion it must continue offering it. This could mean that even if one student is enrolled in Immersion, a board must offer it.

Apparently The School Act reads, it's at the discretion of the Minister. This, to me, is not voluntary. Another added expense is the seven or eight agricultural representatives that were hired to duplicate an English agriculture representative's position.

I believe Ste. Rose said they really didn't need a French-speaking agricultural representative; I stand to be corrected on the name of the community. Can a have-not province like Manitoba afford this?

Serge Joyal, Canada's Secretary of State, when addressing the Franco-Manitoba Society last March said, and I quote, "There are two official languages in Canada and there are two official languages in Manitoba, too." Nowhere in The 1870 Manitoba Act are two official languages mentioned. It says, "Either the English or the French language may be used in the debates of the House of the Legislature, and both those languages shall be used in the respective records and Journals of those Houses, and either of those languages may be used by any person, or in any pleading in or issuing from any court of Canada established under The BNA Act, 1867 or in or from all or any courts of the province. The Acts of the Legislature shall be printed and published in both those languages."

Joyal, Canada's Secretary of State, said his primary objective is to have Canada reflect the French fact as it always reflected the English fact. He said, when he was addressing the SFM, they had a unique opportunity to make French a language equal in Manitoba, not only in law, but in fact as well. He told the SFM, "If there is one group that has built this province here in Manitoba it is Francophones. We want the place which is ours, by right, because we built this country. It was Francophones who were the founders of Manitoba, along with the representatives of the Native people."

I take exceptions to the Francophones alone building this country. You ask any ethnic group, whether they be English, German, Ukrainian, Swedish or whatever, all homesteaded their land which consisted of bush and rock. They all worked by the sweat of their brow; the Chinese, who built our railway across Canada and lost their lives as a result of scurvy.

He told the SFM that if they were successful in lobbying to persuade Manitoba to adopt Sections 16-22 of the Canadian Constitution you may set an example for Ontario. He also said, "I can guarantee you the support of my Cabinet colleagues and the necessary

funding." My version is, after Ontario, pressures will be put on Saskatchewan, Alberta and B.C. Mr. Joyal, with the Franco-Manitobans, does not seem to care by what devious means they obtain their objectives. Isn't it nice to have all that federal money behind you in plotting against one's own province? They're just digging deeper and deeper into our pockets. Are we expected to take this sitting down? Is there no one to defend us? If we are going to give our country to the French, why not give it back to the original owners, the Natives? This is a ludicrous situation.

Serge Joyal goes on to say, "You must also support your bilingual representatives of the municipal councils. Everyone always thinks of the province in terms of the Provincial Government. and there is another level of government which is also extremely important, the municipal government. This is the level with which you come in contact every day, when you leave your home and step on to the sidewalks you are in municipal territory, as you well know. This level of government is very important because, if we wish to develop a French lifestyle, all the elected agencies representing us must reflect the concerns that we have as a linguistic community."

You can now see how far the Franco-Manitoba Society, with federal funding, are prepared to go. The Franco-Manitoba radicals have a membership of approximately 700, I'm not sure; they do not represent the French people of this province.

Last November Joyal told the Federation Acadian that the ambition of making Canada a French country, both inside and outside Quebec, is something a little beyond the ordinary imagination. He said, it was hard in the 1970s for some of our fellow Canadians who speak the other language to accept the fact that Canada is a French State, but reported, the true living France is here.

Now that statement of Joyal's absolutely terrifies me, as it should you. I told a Constitution committee several years ago that the Constitution should remain in England until some degree of sanity returned to Ottawa. This is proof I was right. They are willing to spend any amount of taxpayers' money to achieve their goal, and they have an unlimited amount. I also wonder how much money is going into Manitoba coffers to help them achieve it. We Canadians have been sleeping, and now comes the rude awakening.

I feel we should have one official language in this country; it should be English. As you well know, English is the business language of the world. I have no objection to any ethnic group keeping their own language, they have that freedom now without entrenchment. When my forefathers emigrated to this country they understood they were coming to an English-speaking Canada. Since then, we are an inter-married society; I have two grandsons, I call them a Heinz 57 variety; they have English, Irish, Polish, Ukrainian and a French grandmother. Through a second marriage we have Icelandic relatives; we all get along beautifully. We have a common language, English. Language is merely a means of communication. The papers can call me a racist or a bigot. Our family is no different. This is 1983; it's time we became truly Canadians.

Surely you were aware, a federal civil servant could no longer receive a promotion unless they could speak

French. Opportunities are limited in RCMP if you are not bilingual. The Federal Government gives you a bonus if you can speak French, even if you're a janitor. This is nothing but discrimination. Does our human Charter of Rights not pertain to Ottawa?

I am sure some of you can remember the prejudice that was practiced in this country just back in the '40s. They would limit the amount of our own foreign people to enter the medical profession, law etc. Trudeau, in all his wisdom, is repeating the same with our federal Civil Service today. Trudeau has manipulated people in office to implement his own selfish political ideology, not caring about the people of Canada. Our economy is at a low ebb; our unemployed are suffering. That great white father from Ottawa, from the day he got into power, was bent on bringing us western peasants to our knees. He is succeeding and he must be stopped.

The Queen is head of the commonwealth. Trudeau has insulted her on numerous occasions. He has insulted our Canadian people. Trudeau has removed the dignity of the office as Prime Minister.

Attorney-General Penner was hoping these hearings would help bring solutions to this problem of entrenchment. Yes, I have a solution to recommend. I want the Province of Manitoba to have a referendum on bilingualism. Give our people a chance to voice their opinion and shape their own destiny. It is the only democratic way of making a decision.

Submitted by Alice Allen.

MR. CHAIRMAN: Thank you, Ms. Allen. Questions for Ms. Allen from members of the committee?

Mr. Storie.

HON. J. STORIE: Thank you, Mr. Chairman. Thank you, Ms. Allen, for taking the time out to present your brief to the committee. I'm sure all of us appreciate the fact that you did take the time and that you were concerned enough to take what is an important effort in the democratic process. I have a couple of questions with respect to your brief.

No. 1, the first paragraph, you suggest that there is no recognition of French and English being official languages of this province. I pointed out to an earlier presenter that, in fact, in 1980 the previous government, in giving effect to the results of the Forest case, enacted Bill No. 2 which, in its first section, contains this statement that French and English are the official languages of Manitoba. Are you aware of that?

MS. A. ALLEN: Right. I don't think Bill 23 mentions official; does it? It says those languages may be used.

HON. J. STORIE: Mr. Chairman, Ms. Allen is quite correct when she says that those particular words are not in Section 23. However, because of a court case in 1979, which, in effect, we're all aware of the results of that; but in 1980 the then Conservative Government, in attempting to make operational Section 23, enacted a law, Bill No. 2, which said that French and English are our official languages. Official has a special meaning.

I just wondered if you were aware of that, that it happened in 1980 in this province?

MS. A. ALLEN: In 1980, no, I wasn't.

HON. J. STORIE: In your second paragraph, you state, if the Manitoba Government proceeds to entrench French Language Services in the Canadian Constitution, it will be impossible to change it. Are you aware that that's incorrect?

MS. A. ALLEN: Well, I understand it will be impossible to change it because it will be entrenched.

HON. J. STORIE: Yes, it would be entrenched. Of course, there is a procedure for amending our Constitution; so, therefore, it would not be irrevocable. However, it would make it more difficult to change and that's something that obviously there are many opinions on.

MS. A. ALLEN: Of course, I don't know why we have to change it. That's my opinion.

HON. J. STORIE: Mr. Chairman, through you to Ms. Allen. In your next question, which raises concerns about the application of this amendment to school divisions and municipalities, you are aware that we have proposed a specific amendment which would exclude municipalities and school divisions?

MS. A. ALLEN: I don't see how it would work. I just don't see how it would work. Just look at what Mr. Joyal is planning for us in the background.

HON. J. STORIE: When you deal with that question in your brief, you go on to express your concern about the way that the Immersion Program, which has been discussed in this division and some of the problems that you've had, are you aware of the fact that that particular situation has nothing to do with the amendments that are being presented before us?

MS. A. ALLEN: Yes, except that we were told the municipalities would be exempt, everything would just be voluntary, but that just proves it really wasn't voluntary. It was ordered by the courts. Really, since that Constitution has come home, all we have are court cases after court cases, and I just don't want to see any amendments made to Section 23 of The Manitoba Act.

HON. J. STORIE: By your statement, you are suggesting that the bringing home of the Canadian Constitution, I presume you mean, that this in some way has affected the decision with respect to French Immersion; when, in fact, the court case, to my understanding, comes about as a result of a piece of legislation that was enacted in Manitoba in the 1970s and has nothing to do with either this amendment or, in fact, the Canadian Constitution.

Another question. In your final paragraph on your first page, you suggest that you are concerned about the fact that because of the extension of French Language Services, the Provincial Government may, in fact, be required to hire duplicate services. I am wondering why you see that as necessary when there are thousands of bilingual-speaking Manitobans, thousands of our unilingual English-speaking children in schools right now, who are in the process of acquiring

a second language, why you would see a necessity for providing duplicate positions rather than one position which, in effect, would be bilingual because of the significant demand in an area.

MS. A. ALLEN: Well, I think I explained myself there. This one community admitted they really didn't need a French-speaking Ag rep in their community. I believe it was Ste. Rose. It's just something I read in the paper, but like I said, I stand to be corrected on the name of that community. It was in the Free Press.

HON. J. STORIE: I think I'm still getting the impression that you would have to have a French speaking or an English speaking when, in fact, it could be one person who spoke both languages, in which case there would be no duplication of services provided.

MS. A. ALLEN: In the paper, it came out that they were going to hire seven or eight to put in these different communities.

HON. J. STORIE: Ms. Allen, you did not, in your brief, present us in any great detail with your understanding of the historical basis for either a Canadian or Manitoban society. I wondered, in your statement on the last page, Page 4 of your brief, when you say, "I feel we should have one official language in this country - it should be English," whether you would give us a brief perspective on Canadian history and why you would suggest that this should be an English-speaking country?

MS. A. ALLEN: I think I gave you a reason. We're all inter-married now. I told you what my grandchildren consist of and we get along beautifully and language is merely a means of communication, and English happens to be the business language of the world.

HON. J. STORIE: I'll leave that question, I have another question. On the third paragraph of your brief, on Page 4, you suggest that no Federal Civil Servant can receive a promotion unless he or she can speak French.

MS. A. ALLEN: Yes, right.

HON. J. STORIE: I don't believe that's accurate.

MS. A. ALLEN: Well they do write an exam; they're asked if they can speak French, and why are they asked if they can speak French when they're taking a civil servant exam?

HON. J. STORIE: One final question, Mr. Chairman. On the final page of the brief, Ms. Allen indicates her support for a referendum on bilingualism. I would simply ask Ms. Allen if, in principle, she supports the idea that Manitobans as a whole, or Canadians as a whole, should decide in a vote on an issue which is extremely complex, which is an issue of rights, whether she would want the Canadian society or Manitoban society to be based on a vote on human rights?

MS. A. ALLEN: I think the people of Manitoba should have a vote on it, we're all Canadians.

MR. CHAIRMAN: Order please. Displays from the public gallery are not normally permitted in committee. Ms. Allen complete your answer.

HON. J. STORIE: I'm sorry, I didn't catch the last part of it, Mr. Chairman.

MS. A. ALLEN: No, I think the people of Manitoba should have a vote; we're all good Canadians, why shouldn't we have a vote on an important issue like that?

HON. J. STORIE: I wonder, Ms. Allen, whether you would support a vote on the rights of Icelandic people to speak Gaelic.

MS. A. ALLEN: They have their freedom to speak Icelandic right now. I have them right in my own family.

HON. J. STORIE: My question was, would you support a vote; should the majority decide whether they have that right or not?

MS. A. ALLEN: Would you repeat that please?

HON. J. STORIE: My question is, on a fundamental issue, such as language rights, such as the right to have a fair and open trial, the right to practice your religion, on those important fundamental rights, do you think that the majority, by way of referendum, should impose their will on the minority?

MS. A. ALLEN: Yes, I do, because we've learned to live with it in my own family - minorities - and we get along beautifully, as I told you.

HON. J. STORIE: Thank you, that's my question.

MR. CHAIRMAN: Mr. Brown.

MR. A. BROWN: Thank you, Mr. Chairman. I would like to express my appreciation to Ms. Allen for coming forward. I know that it is not easy to come forward and express yourself before a committee, and even though you may not be right 100 percent of the time in the some of the technicalities, I still wish to thank you for appearing before us.

MS. A. ALLEN: Thank you.

HON. A. ADAM: Thank you, Mr. Chairman. Ms. Allen, in your opening remarks in your brief you indicated that some municipalities with a substantial number of Francophones would be able to apply for financial assistance if they wished to offer services in both official languages. You are, in fact, recognizing that there are two official languages by that statement?

MS. A. ALLEN: No, that was an answer, sir; that wasn't my words.

HON. A. ADAM: My question is, you are aware, of course, that that program of assistance to targeted municipalities where there is a substantial number of Francophone population, has nothing to do and is in

no way connected to the amendments to The Manitoba Act? You are aware of that, are you not?

MS. A. ALLEN: Well I just feel if it is amended, Section 23 is, like you say, you tell us it's going to be voluntary, whether a municipality puts it in or not. If all this is entrenched into Section 23 I don't think we'll have any say in anything, in any municipality, in Swan River, for instance.

HON. A. ADAM: Yes, I'll repeat the question. Are you aware that the program of assistance targeted at certain municipalities that have a substantial number of Francophone citizens, ratepayers, has nothing to do with the amendments that are taking place, it's a separate program and it's not in the amendments at all? Are you aware of that or are you of the opinion that somehow it's attached to?

MS. A. ALLEN: Well after reading Joyal's remarks, yes, it terrifies me, it does, it really does.

HON. A. ADAM: So it is not connected, you understand that?

MS. A. ALLEN: All right.

HON. A. ADAM: Okay. You are aware that there are a number of municipalities at the present time, in predominantly French communities where maybe 80 percent of the population is French, where there is now services being provided in both languages?

MS. A. ALLEN: Yes.

HON. A. ADAM: And the rights of the English people are protected and the services are provided to them, as well as in the French population. Do you object to those communities who wish to improve, or have assistance in translating major by-laws, municipal by-laws that is important to that particular area - a major by-law that maybe a lot of French-speaking people can understand better in their own language - would you object to that?

MS. A. ALLEN: No, not if the population is there, no. Like you say, if the population is there.

HON. A. ADAM: That is the intent of this program, to assist those particular municipalities who wish to do so on a voluntary basis, as you mention in your brief, if they wish to improve the services in French that they are now providing, or they wish to improve them, for whatever reason, that they may do so and there is some financial assistance provided by the Federal Government and cost-shared with the province . . .

MR. CHAIRMAN: Question please.

HON. A. ADAM: . . . that you understand as being a legitimate program for those targeted municipalities?

MS. A. ALLEN: Yes.

HON. A. ADAM: You are aware, following up on Mr. Storie's comments, that after the court case where The

Official Languages Act was struck down, The 1890 Official Languages Act was struck down by the Supreme Court, that the then Government of the Day, the Conservative Government, proceeded to abide by the ruling of that court. Are you aware of that?

MS. A. ALLEN: Yes.

HON. A. ADAM: And that they set up the French Secretariat. Are you aware of that?

MS. A. ALLEN: No.

HON. A. ADAM: Are you aware that they met with the Franco-Manitoban Society, I believe it was in 1980 or '81, to start planning a service that they would require. Are you aware of that?

MS. A. ALLEN: No.

HON. A. ADAM: You're not aware of that? Are you aware that on September 4th, Premier Sterling Lyon, the then Premier of the Day, sent a letter to all his Ministers and Deputy Ministers indicating, and I want to just quote one paragraph: "One of the Secretariat's first task would be to draft out a set of guidelines for Cabinet consideration, creating framework within which departments and agencies, which have not already done so, may implement policies designed to provide at least some of their services to Manitobans in both official languages." Are you aware of that?

MS. A. ALLEN: No, I didn't have occasion to read it, no.

HON. A. ADAM: Thank you very much.

MR. CHAIRMAN: I would caution all members, as I have once before, that questions for the committee, or by the committee, should be for clarification if we are to adhere to the concerns that were expressed by members at the beginning of the hearing today, and questions of awareness of other material don't appear to be questions of clarification of the contents of the brief.

Mr. Gourlay.

MR. D. GOURLAY: Thank you, Mr. Chairman. I'd like to thank Ms. Allen for her presentation here this morning.

On Page 4 of her presentation, she mentions, "When my forefathers emigrated to this country . . . "Mr. Chairman, I wonder if Mrs. Allen could indicate whether she was born in this province or not.

MS. A. ALLEN: Yes, I born in Canada.

MR. D. GOURLAY: Mr. Chairman, does Ms. Allen speak any other language besides English.

MS. A. ALLEN: Yes, I do.

MR. D. GOURLAY: Would you be prepared to tell us what other language?

MS. A. ALLEN: Yes, I speak Ukrainian.

MR. CHAIRMAN: Mr. Gourlay.

MR. D. GOURLAY: That's fine.

MR. CHAIRMAN: Any further questions by members of the committee?

Seeing none, Ms. Allen, thank you very much for coming here today and making your presentation.

Gentlemen, when I was calling out the names earlier, I missed No. 4 because there was no name there and I understand there may be a representative of Manitoba 23 here today. Is there a representative of Manitoba 23 here? Thank you.

No. 16 - Olga Wowchuk. Jim A. Robertson.

MS. A. ALLEN: I'm sorry, Mrs. Wowchuk was called out of town and she asked me to read her brief for her.

MR. CHAIRMAN: Please come forward; please proceed.

MS. A. ALLEN: Mr. Chairman, members of the Standing Committee. I, a Canadian citizen, a resident of Swan River in the Province of Manitoba, oppose the proposed amendment of Section 23 of The Manitoba Act, which includes entrenchment of English and French as the official languages of Manitoba.

I have very strong reservations in entrenching an extrinsic law that further complicates our system, as was demonstrated with the passing of Bill 101 in the Province of Quebec within their own provincial laws. Entrenchment of languages leads to disunity, instead of unity.

On September 8, 1983, our local paper "The Report" carried an article on French Languages Services amendments to be proposed. I will quote a paragraph which was of concern to me as a Canadian citizen:

"The amendments are designed to limit the threat of continued court action against the province concerning the validity of its laws which were passed in one language only."

To my recollection, the statute of 1870 provides for extended services of English and French. Why the need for entrenchment versus enforcement of existing statute?

We in Manitoba are of many cultural and minority groups. To entrench language and language services above others into The Manitoba Act is discriminating and a regressive step in bringing equality for all Canadians.

We have our Canadian Constitution, which we brought home a few years ago to bring harmony to all Canadians, a Constitution that would work to encompass our whole society. Adding more laws at this time only complicates the system. We are so wrapped up in language services that we tend to forget what Canada, Canadians and unification are all about.

In excluding the municipalities and school divisions, in the amendments, of any legal obligations in providing French Language Services are wishful thinking. The future ramifications are not being addressed at this time when The Manitoba Act should be part of our judicial system.

The Honourable Mr. Pawley, Premier of Manitoba, stressed that the constitutional language services' obligation is the Provincial Government's alone, affecting no other institution, individual business or organization. He noted that individual municipalities and school divisions would still be able to decide to offer French Language Services within their jurisdiction.

But it will eventually affect all people of Manitoba in costs of implementing the act, and limit anyone seeking employment within government departments. French and English are one of the requirements requested when seeking employment with federal agencies. Our school division has responded to the future needs and implemented French immersion classes, which was voluntary and not mandatory.

I am not against any language services where needed and required, but I have reservations of entrenching a language service in our democratic society. I feel something of this magnitude, and controversial, should be the decision of the people of Manitoba before it becomes law.

That's respectfully submitted by Olga Wowchuk.

MR. CHAIRMAN: In Mrs. Wowchuk's absence, I don't think it would be appropriate to ask questions of you with respect to her brief.

MS. A. ALLEN: Thank you.

MR. CHAIRMAN: I'll call on the next person, Mr. Jim Robertson. Mr. Robertson please.

MR. J. ROBERTSON: Well I hope that you people will bear with me.

I have a slight speech impediment so I hope you people don't mind too much and will go along with me. We will work it out.

MR. CHAIRMAN: Please proceed.

MR. J. ROBERTSON: Mr. Chairman and members of the Legislature. I do not agree with Premier Pawley in wanting to entrench The Manitoba Act, Section 23, making French permanent, which means that once entrenched it cannot be changed.

I think that would be a step backwards, that we might be giving future generations something that they don't want. The act can be changed in the courts or by referendum. Two leading constitutional lawyers said that it was possible that the Supreme Court could decide that all Manitoba laws were invalid. What is Premier Pawley's motive for entrenching French? It is not just the cost of the courts, there are not enough French people in Manitoba to warrant the change. Or does he just want to gain favour with Quebec? If the Manitoba Government wants to demonstrate constitutional process they should have a referendum.

In 1968, I watched the Premiers and Prime Ministers convention on TV. At one point they were discussing bilingualism in Canada, Walter Weir read the part in The BNA Act concerning the two languages, "French may be spoken in the House of Commons, it may be spoken in the Exchequers Court, and it may be spoken in Quebec." Daniel Johnson, the Premier of Quebec, and the Prime Minister and other Frenchmen were

present, there was no discussion on the subject, that means that French does not have to be spoken in Canada. The government has been fooling the people all these years for Quebec's 87 seats, and the provinces have been going along for political reasons.

I think that is Premier Pawley's reasons for wanting to entrench French in Manitoba. The French situation in Canada is just a political farce from start to finish.

Thank you.

MR. CHAIRMAN: Thank you Mr. Robertson.
Mr. Storie.

HON. J. STORIE: Mr. Chairman, I'd just like to thank Mr. Robertson for making this presentation. I think it's important that people do take the time to consider what the Legislature is doing from time to time and this is a very important issue. Thanks for making a presentation.

MR. CHAIRMAN: Thank you Mr. Storie.
Mr. Ashton.

MR. S. ASHTON: There have been various arguments put forward in this discussion from the government and the opposition in Manitoba. The opposition has said they are in favour of French services, but against entrenchment. Do you agree with that? Are you in favour of having French services in Manitoba, or are you against that?

MR. J. ROBERTSON: Well, where they are needed, but I don't think that there is any need to have them entrenched because you can go any place here in the province and you have a lot of difficulty finding somebody that doesn't speak English, so I don't think that it is necessary.

MR. S. ASHTON: So you would disagree with them saying that we should expand the French services without entrenching them?

MR. J. ROBERTSON: Yes.

MR. S. ASHTON: Thank you.

MR. CHAIRMAN: Further questions for Mr. Robertson? Seeing none, Mr. Robertson, thank you very much for appearing here today.

MR. J. ROBERTSON: Thank you very much for listening to me.

MR. CHAIRMAN: Mr. Joe Beer. Mr. Beer.

MR. J. BEER: Mr. Chairman, members of the committee, ladies and gentlemen. I should like to headline my presentation with compassion common sense and tolerance.

We know what our Prime Minister has done to the nation. Mr. Trudeau gives the nation the finger. Mr. Pawley has not done so, as yet. Mr. Trudeau calls us, including you ladies and gentlemen, obtuse. We all know that in English it means stupid. Mr. Pawley has not

called us obtuse, as yet, but by his actions he assumes that the people of Manitoba are obtuse.

It is frightful, ladies and gentlemen, to see and listen to Mr. Pawley defending his actions with regard to the entrenchment of the French language. Manitoba does not need additional bilingualism to satisfy 578 Francophones. Yesterday I talked to a gentleman, he described these people as zealots and hotheads, nor do I really believe ladies and gentlemen, that the majority of the 5.9 percent of the Manitoba Francophones do. Yes, ladies and gentlemen, 5.9 percent. Do they really want a change in their present status?

So, what do we have here? We have an obvious situation that a very tiny minority, through skillful manipulation, is about to try to force 94.1 percent of the Manitoba population to do as they tell us. Let us ask ourselves a very simple question, ladies and gentlemen, why do we need additional bilingualism? Is it out of sincere desire by the majority of the Manitobans? If so, let Mr. Pawley hold a referendum. I and, permit me to say, the majority of Manitobans do feel slighted with Mr. Pawley's attitude in this very important matter.

We, here in Manitoba, have enjoyed equality since the beginning of our short history. I came here in 1953, I am of German descent, and enjoy all the privileges and responsibilities of any ethnic group in this great province of ours. I feel I was always treated equally as the next guy.

Now, ladies and gentlemen, we should ask our Manitoba Francophone friends if they feel unequally treated, unfairly treated, or even mistreated? Let me give you the answer. The answer is no, and this brings us to a very important point. If we all, as history has proved, lived in peace with each other and associated with each other, appreciated each other, and yes, ladies and gentlemen, even loved each other, are these facts not proof enough to look back with mutual pride and say to each other: "Yes, this has been a good place to live, this has been a good place to raise a family, because we were all equal. We all trusted each other and we all respected each other."

Having said this much, ladies and gentlemen, then why is it that a very tiny minority seems to feel ill-treated in our great province and look for technical ways to circumvent our proud past? Let them come forward to state one plausible and tangible reason why they, all of a sudden, want to be served in their own language. Is it common sense? Does it make sense? The answer is no - emphatically no.

Permit me, Mr. Chairman, to draw a valid comparison - federal bilingualism. Surely we do not want to see Manitoba fractionalized as the federal bilingualism has fractionalized Canada. The last 15 years have destroyed a potentially great country, and why? Federal bilingualism has created a privileged group. These people are not interested in equality. No, Mr. Chairman, they are a tiny fraction of self-serving individuals who have succeeded in imposing on Canada their will of which the country can very well do without. They have, and still do, destroy the social fabric of this country. We all know that, but no one wants to talk about it. We do not trust our elected authorities anymore and feel cheated by this privileged group.

The animosity and distrust that is so visible today in all segments of our Canadian society is frightful, to

say the least. Are we to impose the will of a few onto the many, without concern to the potential damage it would obviously do? What would the consequences be, if (and God forbid) the present government would succeed in imposing its own will on the people of Manitoba, and so on the majority, which are so visibly against this legislation?

Assuming for one minute that this legislation is finally law in Manitoba, what does the ordinary Manitoban experience? Well, ladies and gentlemen, the frivolous possibilities are too numerous to mention. However, let me attempt to state one of them. Assuming that municipality "A" is fully bilingual, serves its citizens satisfactorily and experiences no ill effects in its daily dealings with its taxpayers. Now, municipality "B" is not bilingual, but borders on municipality "A". One day a farmer in municipality "B" decides to sell his land and, as fate may have it, a farmer from municipality "A" buys the land. Is he then not entitled to be served in the language of his choice, in this case, French? This gentleman may be the only person in municipality "B" that might insist on being served by municipal government in French. What is municipality "B" then going to do? Refuse? Would it not be illegal after Manitoba is officially bilingual? Yes, such would be the case. Municipality "B" would have no choice but to employ a bilingual person for this one individual. Now, if the clerk of municipality "B" is the only employee - which in most cases is - would he or she be fired in preference for a bilingual employee?

Ladies and gentlemen, just the thought of an official bilingual Manitoba is frightful. The opportunity for abuse by a very tiny minority is as potential as it is dangerous; dangerous to the extent that it might instigate civil disobedience, and thank the good Lord that has not yet happened in Manitoba. That, in itself, is proof of very fair laws and equal laws for all of us. I ask my Provincial Government to please abandon the pursuit of French entrenchment priorities, for that is all what official bilingualism really means.

Manitoba is a peaceful and enjoyable place to live, work, play and raise a family. Please do not disturb this tranquility we all have been working for, for so long. Please do not create an elite nobody will be able to control in the future. Please listen to the people of Manitoba and not to some transient organizer who is here today, creates the problems and leaves. And you, ladies and gentlemen, we are left with the consequences and problems in the future. We would create a future for our children which would not be conducive with our proud past.

Please do not listen to outsiders. They are immune to our future problems. You and I will have to face them, what and if we create them today. Please let us secure a future for our children, of which we can be proud of, regardless of our ethnical background. Let us not create problems for them. Let us live in peace, understanding and mutual appreciation. We have done it in the past; and with governmental common sense, understanding, and compassion for all and everyone of us on an equal basis, we will thrive as never before.

Please do not create opportunities for privileges of a few, but thrive to create opportunities for all of us in a tranquil climate where we can use our mother tongue any time we so desire, but knowing we have one - and one only - official language, and that we

show the same respect for this language, no matter of our ethnic background. Only if we adhere to these simple but important guidelines, will we all be "Equals," which our Canadian Constitution guarantees us in the form of our Bill of Rights.

Ladies and gentlemen, we all should be thankful we are still living in a free and open society we so proudly call "democracy." Let democracy work, let the people speak.

Mr. Chairman, before I conclude my remarks, please permit me one more, in my opinion, very important point. When Manitoba was declared bilingual, we had a French population of 50 percent. We all know what has happened since. Today we are at 5.9 percent and the trend is not very encouraging for our French brothers and sisters. Should that trend continue and say, in 50 years from now, we would register only 1 percent of Manitoba Francophones, what would bilingualism do to the people of Manitoba at that time? How useful would it be and how expensive?

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Beer. Are there any questions for Mr. Beer by members of the committee? Mr. Ashton.

MR. S. ASHTON: If I understand you correctly, you're saying that there shouldn't be French services in Manitoba because the minority of people speak French; is that correct?

MR. J. BEER: Yes, Mr. Ashton, this is my opinion. I feel - I live as I explained in my letter - I come here and I am of German origin, I was always fairly treated. I expected no privileges, I expected privileges with responsibilities on an equal basis. This I hoped would stay so in this great country of ours.

MR. S. ASHTON: I'm just wondering then, though, in Quebec where a number of English-speaking people are only 17 percent, where they're using the same reasoning, you wouldn't say that French would be the only language there. Would you argue for that or would you disagree with that?

MR. J. BEER: Sir, we are dealing with a Manitoba situation. Now if you drag me into Quebec, I have a question for you, Sir. Now we are obviously here on account of a parking ticket which was not bilingual, but the judge here found it fit to accept the complaints; however, in Quebec, the same situation, possibly worse, it was thrown out, Sir. I'm not here to deal with Anglophone fraction in Quebec, I'm sure those people can take care of their problems. I'm trying to take care of mine, Sir; I am talking about a fractionalized society. This is exactly what bilingualism means, Sir. Surely you people must realize what this has done to us.

MR. S. ASHTON: I'm just saying though Quebec, for example, the Alliance Quebec, which is the English-speaking Quebecers, have taken the case to court which is very similar in constitutional basis with the French community here. I'm just wondering though if you're saying, on the one hand, that there should be, say, a referendum in Manitoba, whether you would agree on

having a referendum on English rights in Quebec. Would you want the 17 percent of English people to have their rights decided on by everybody, including the 83 percent who don't speak English?

MR. J. BEER: If I say equality, I mean equality, as long as those people in Quebec of any other ethnic group, being now what you are referring to as the English-speaking people, as long as they are protected by our Bill of Rights, as long as they are protected that they can enjoy their language, as such, but knowing that French is their official language there. These people should not object, Sir.

MR. S. ASHTON: So you're saying that the English people in Quebec should accept French as the official language.

MR. J. BEER: Because that is the majority of the people, Sir.

MR. S. ASHTON: Well I guess that's where we disagree. I would say that you should be allowed to speak English in Quebec as much as . . .

MR. J. BEER: I didn't say you shouldn't be allowed. I'm talking about an official language, Sir.

MR. S. ASHTON: But you're saying, in other words, in Quebec if you're English you should have to go to court in French.

MR. J. BEER: If the majority of the people, Sir, are French by all means give these people the opportunity to make Quebec a French-speaking province, I'm always for it. But here, since we are the majority of either English or German or - as I referred to and I think my figures are fairly clear and correct and close to be correct - I feel that I am not being treated equally if we give the privileges to this minority group.

Now if, Sir, I can assure you, my attitude would be altogether different if the people, the French factor would still be a 50 or 53 percent as it was when we enacted this law. I would be the first guy to say, let's have both languages official. Sir, I come from a country where we had four languages. We all lived in peace, but there was one language, one official language.

MR. S. ASHTON: Well I guess that's where we disagree, some would argue differently, but thank you for clarifying your point.

MR. CHAIRMAN: Further questions for Mr. Beer from members of the committee. Seeing none, Mr. Beer thank you very much for appearing here today.

MR. J. BEER: Thank you, Sir.

MR. CHAIRMAN: Mayor Fred Sigurdson, Town of Swan River, Mayor Sigurdson please; Madeleine Beaudry, Ms. Beaudry, please.

MS. M. BEAUDRY: Mr. Chairman, and members of the committee. I am here to state only my opinion on

the matter and feel that any interrogation of my views are not warranted.

We entered this meeting place as law-abiding citizens and upholders of the freedoms of democracy - meaning each of us as equals. And yet, we sit here contented to listen to those people who are not bilingual tell us that laws passed in 1870, under The BNA Act, are not applicable to us here in Manitoba.

We believe that the ignorance of past governments, i.e. the government in power in 1890, should be overturned and the rights granted should be upheld.

This meeting is a step backwards in the evolution of our province because we are now negotiating laws that should have been left intact since our joining of Confederation. We cannot ignore history and the law and the Constitution of 1870.

The fact that Manitoba is bilingual will not force anyone to learn French. Let us add further, the social benefits of learning another language or languages, it is vital to the understanding of another race and culture. The earlier children are exposed to a new language the greater the facility of learning it. Canada has prided itself in not being a "melting pot." Each culture has retained some of its flavour; let us not take a step backward now. We can remember when we had to hide our French school books from the inspector if he came in the classroom because teachers were not permitted or allowed to teach it in public schools. What's to stop this from happening again?

Our youth having both parents French-speaking do not speak French anymore because there is a lack of French being taught in schools.

This discussion about the amendment should not be a political issue, it is not just "common courtesy" at stake here. I agree with the amendments.

Thank you.

MR. CHAIRMAN: Thank you Ms. Beaudry. Are there any questions for Ms. Beaudry by members of the committee?

Mr. Storie.

HON. J. STORIE: Ms. Beaudry requested that there be no questions pertaining to her brief, but I would like to thank her for taking the time and having the courage to make her presentation.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: I just missed that last statement. You said you agreed with the amendment?

MS. M. BEAUDRY: I do, yes.

MR. CHAIRMAN: Mr. Scott. Mr. Gourlay.

MR. D. GOURLAY: I would like to also express my gratitude at Ms. Beaudry taking the time and effort to present her case before the committee this morning.

MS. M. BEAUDRY: Thank you.

MR. CHAIRMAN: Thank you very much, Ms. Beaudry, for being here today.

The next name on our list, gentlemen, is Mr. Ken Mikoleynko. Mr. Mikoleynko, please. Mr. Albert

Strilkewski. Maybe they're not coming forward because I can't pronounce their names. Debbie Dilts. Irène Garand. Please come forward.

Ms. Garand, I understand you will be speaking in French. Could we wait one moment so members can adjust their sets. If there is anyone in the public who is not bilingual, who would like a headset to follow the translation, you can get them at the table on the side. We'll take a short recess so that headsets can be handed out and members can place theirs on.

(SHORT RECESS)

MR. CHAIRMAN: Committee come to order. I understand that everyone has copies of the simultaneous translation receivers. I would ask members of the gallery to ensure that the receivers are returned at the adjournment hour. The technicians will provide you with a slip of paper, which you have already signed, to enable you to pick one up much faster this afternoon so that we don't have to recess quite as long if you wish to have translation again.

Ms. Garand, please proceed.

Mr. Gourlay.

MR. D. GOURLAY: If I just might interrupt for a moment, it has been brought to my attention that Reeve Ellingson from the RM of Swan River is in attendance. He was not here when his name was called, but he would be able to wait around until 2:00 p.m., or until after we reconvene after lunch, but with the harvesting on, he doesn't want to wait here all day to be called. He was just wondering if he could get some indication as to when he could be on the program.

MR. CHAIRMAN: Well, I have followed the standard committee practice, Mr. Gourlay, of dropping the names of those absent to the bottom of the list and then we'll be calling them again when the names come up again in rotation. Now, if there is some difficulty with any individual, I am prepared to entertain a motion at any time to hear an individual who has a timetable problem.

Mr. Cowan.

HON. J. COWAN: I would so move in the interests of trying to allow all the public an opportunity to present their briefs in an efficient way.

MR. CHAIRMAN: It has been moved by Mr. Cowan that Mr. Ellingson be heard after Ms. Garand. Is that agreed? (Agreed) Thank you, that will likely be the first brief then after 2:00 p.m., unless we are still continuing with the present ones since we are approaching our hour of adjournment.

Please proceed.

MS. I. GARAND: Monsieur le Président, membres du comité. Je me présente en tant que conseillère et membre du conseil administratif de la Société franco-manitobaine. Ma présentation sera soumise en français parce que c'est une question de principe et c'est la grande question du jour. Je vous fais part d'extraits d'un discours prononcé il y a presque cent ans. Alors, je cite.

"Je viens vous demander de protéger la minorité dans l'une des provinces et dans les territoires contre

une violation de ses droits et privilèges. Tout membre de cette Chambre a le devoir, ce me semble, si l'harmonie vient à manquer dans sa province, de rechercher les causes de cet état de choses et d'y suggérer un remède. Je viens d'une région éloignée, qui est certainement l'une des plus progressives du Canada. Nous avons augmenté en population, en importance et en influence plus je pense que toute autre partie du Canada et la valeur croissante que nous apportons à la Confédération est reconnue par le gouvernement central, à l'occasion. Il est maintenant admis que nous formons l'une des grandes bases sur lesquelles repose tout l'avenir de notre pays. Chacun a donc intérêt à écarter, en tant que la chose peut se faire par une sage législation, tout ce qui serait pour nous une cause d'inquiétude et de malaise. Sans accuser les motifs de personne, je dois dire que le gouvernement actuel du Manitoba en a agi avec dureté à l'égard de la minorité française de la province."

"Quelle raison y a-t-il de prohiber l'usage du français pour les documents officiels? N'est-ce pas là une grande injustice envers la population française du Manitoba? Le privilège dont nous jouissons sous ce rapport fut accordé à la province par la constitution. Il est reconnu par l'Acte de l'Amérique Britannique du Nord, 1867, et par l'acte qui constitue le Manitoba. A un moment où rien ne nécessite une pareille détermination, la législature provinciale déclare que le français cessera d'être langue officielle dans la province."

"Quel sera l'effet de l'agitation causée par la législation provinciale? Elle ne peut qu'entraver le développement de la province. Les étrangers ne viendront pas s'établir dans un pays où règne la dissension, où ils seraient exposés d'un moment à l'autre à des luttes intestines. Dans différentes parties du monde, et particulièrement en Europe, les classes émigrantes se préparent à venir se fixer au milieu de nous; elles nous apportent non seulement leurs richesses, mais ce qui est plus important encore, de nombreuses familles destinées à développer et à partager avec nous la prospérité future de notre grande Nord-Ouest. Nous leur avons dit, à maintes reprises, qu'il y a dans nos vastes territoires de l'espace pour des millions d'hommes. Cela est très vrai; mais les étrangers qui n'ont jamais vu le pays, craignent naturellement d'aller s'établir dans une région où la paix ne semble pas être à l'abri de toute atteinte où des luttes sont en perspective; ils préfèrent naturellement se diriger vers les lieux où une entière sécurité les invite. Je n'ai pas besoin en présence d'un corps qui nous est sympathique comme le Sénat, d'entreprendre de démontrer l'importance de la langue française. Je me borne à dire que nous ne demandons rien que la simple justice, que nous réclamons un droit qui n'aurait jamais dû être contesté. Nous sommes les premiers occupants; la langue française est la première langue civilisée qui a été parlée dans ce pays du Nord-Ouest; et c'est la race française qui, la première, a fait pénétrer la civilisation dans ces vastes régions; cela seul suffirait à justifier nos revendications qui, d'ailleurs, ont été plusieurs fois reconnues. La langue française a été adoptée comme l'une des langues officielles dans ce pays, et néanmoins, sans motif quelconque, sans même une demande de changement de la part de qui que ce soit, la législature du Manitoba a édicté une loi qui déclare que le français ne sera plus reconnu comme

langue officielle dans la province. Dans de pareilles circonstances, nous croyons avoir droit d'invoquer la protection du gouvernement fédéral. Il y a, je pense, moyen de remédier à cela et de mettre un terme à une politique qui trouble l'opinion et nuit au progrès et au développement du pays."

"Il y a des habitants d'origine française, non seulement dans le Manitoba, mais partout au Nord-Ouest, qui attendent qu'on leur rende justice et qui ne comprennent point pourquoi ils ont à attendre si longtemps pour obtenir ce à quoi ils ont si bien droit."

Fin de la citation.

Monsieur le président, les paroles que vous venez d'entendre furent prononcées en 1891 au Parlement du Canada par l'honorable Marc-Amable Girard. La part de cet homme dans l'histoire politique du Manitoba est très grande.

Marc-Amable Girard fut membre de la législature dès la création de cette province et ce jusqu'en 1882. Durant ces années, il fut trésorier provincial de 1870 à 1892, premier ministre en 1874, secrétaire provincial de 1874 à 1875 et de 1879 à 1881. Il devint ministre de l'agriculture en 1888, poste qu'il occupa jusqu'à la fin de sa carrière de membre de la législature manitobaine.

Donc, des paroles prononcées il y a plus d'un siècle sont aujourd'hui toujours très à propos. Il va donc sans dire que la situation n'a pas encore changé.

Mais ces paroles que vous venez d'entendre venaient d'un homme qui était certes touché de compassion pour sa province qu'il avait servi pour plus d'une décennie à la législature. Il avait ressenti dans sa province un manque d'harmonie autour de cette question des langues officielles. Il avait ressenti une menace pour l'avenir de son Manitoba.

Il voulait ouvrir la province aux immigrants de partout, mais dans un climat de paix, de tolérance et de respect mutuel. Marc-Amable Girard avait compris la richesse des multiples cultures qui viendraient s'établir au Manitoba, mais il souhaitait que ces cultures puissent s'établir dans une province où le respect des droits alimenterait la joie des peuples dans une atmosphère de justice exemplaire.

Aujourd'hui, Marc-Amable Girard serait sans doute heureux de passer en revue l'entente conclue le 17 mai 1983 entre la Société franco-manitobaine et le gouvernement du Manitoba. Il serait heureux de constater que cette entente est juste et équitable. Elle vient régler l'injustice qu'il dénonçait déjà en 1891. L'entente est l'expression manifeste de la justice et de l'équité, les deux points de mire de son discours.

Monsieur le président, vous pourriez vous réjouir en constatant que le gouvernement actuel s'apprête à léguer au passé les discours de ce genre. Jamais plus nous aurons à répéter les paroles des grands hommes du passé qui imploraient leurs semblables à respecter les droits de la minorité car dans une province qui aura compris le respect des droits d'autrui ces paroles seraient d'une grande futilité. Merci.

MR. CHAIRMAN: Thank you, Ms. Garand. Are there any questions by members of the committee?

Mr. Adam.

HON. A. ADAM: Monsieur le Président, j'ai pas de questions mais j'aimerais à féliciter et remercier

Madame Garand pour la représentation qu'elle a présentée aujourd'hui.

MR. CHAIRMAN: Thank you, Mr. Adam.
Mr. Brown.

MR. A. BROWN: Ms. Garand, are you from the Swan River area?

MS. I. GARAND: No, I'm from St. Boniface.

MR. A. BROWN: From St. Boniface. A question was raised before by one of the persons speaking over here, what the budget was, or how much the Federal Government was putting into the SFM in order to bring forward their position. Do you have an answer to that question? Do you know what the Federal Government is . . .

MS. I. GARAND: I know we're operating with federal grants, but I have no answer for that, no.

MR. A. BROWN: You mentioned . . .

MS. I. GARAND: I could add, to the other question, that I am sitting on the Administration Committee, but it is a volunteer, I'm not paid for that.

MR. A. BROWN: You mentioned that, if we would not adopt this amendment, it would be very difficult for us to attract foreigners into the province and people from other countries into the province.

I don't know on what you base that particular assumption when at the present time we have about 8 percent French; we have about 10 percent Ukrainians; we have about 11 percent German; we have 37 percent what you would say are English speaking; and all the other countries make up the rest.

How can you say that people from other countries would not be attracted to come to Manitoba when we already have so many minorities?

MS. I. GARAND: I'm sorry, I think you've missed an important point of my speech. I was reading an extract from a speech that was given in 1891 by Marc-Amable Girard.

MR. A. BROWN: Thank you.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Merci pour votre présentation aujourd'hui. Je vais vous demander une ou deux questions, Madame. Premièrement, est-ce que ton organisation et toi-même supportez les droits des anglophones au Québec?

MS. GARAND: Est-ce que tu pourrais répéter ta question, s'il vous plaît?

MR. D. SCOTT: Est-ce que ton organisation et toi-même donnent le support aux anglophones au Québec de garder leur langue anglaise au Québec?

MS. GARAND: Si je suis en accord?

MR. D. SCOTT: Oui.

MS. GARAND: Oui, je suis en accord.

MR. D. SCOTT: Bon.

MS. GARAND: Je suis en accord de tous les droits des minorités.

MR. D. SCOTT: Bon, merci.

MS. I. GARAND: Parce qu'on a parlé dans mon, dans mon bref, j'ai parlé de respect de l'individu.

MR. D. SCOTT: Bon, parfait. Est-ce que tu as . . . les amendements qui sont proposés en la deuxième étape.

MS. I. GARAND: Au mois de septembre? Les amendements de septembre?

MR. D. SCOTT: Pour l'amendement.

MS. I. GARAND: De septembre?

MR. D. SCOTT: Oui, de septembre.

MS. I. GARAND: Oui, je ne suis pas d'accord.

MR. D. SCOTT: Est-ce que vous êtes. tu as pas mentionné ceci dans le bref, je crois, et je veux demander si toi-même et aussi ton organisation donnent le support à le prochain amendement ou est-ce que tu penses que les amendements de septembre sont trop restrictifs aux droits des francophones ici au Manitoba.

MS. I. GARAND: Les amendements de septembre, à mon avis, et à l'avis de mon organisme sont trop restrictifs et trop dilués. Je supporte l'amendement, la proposition du 17 mai 1983.

MR. D. SCOTT: Merci beaucoup.

(Translation will appear in Appendix at end of all committee hearings.)

MR. CHAIRMAN: Further questions by members of the committee?

Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman, through you to Ms. Garand.

Ms. Garand, in 1980, the Franco Manitoban Society supported the "Yes" referendum in Quebec. Were you a part of the Society when they made that decision?

MS. I. GARAND: No, I was not.

MR. CHAIRMAN: Thank you, Mr. Graham. Further questions by members of the committee?

Mr. Gourlay.

MR. D. GOURLAY: Thank you, Mr. Chairman. I'd like to thank Irene for her presentation. Just for information, you represent the Société Franco-Manitobaine.

MS. I. GARAND: Yes.

MR. D. GOURLAY: I wonder if you could tell us just what the membership is in that organization?

MS. I. GARAND: The Société Franco-Manitobaine represents - it's the provincial organization for all Francophones of Manitoba. I'm not saying we represent all the people with a French name, but we are representing all the Francophones that are very active and want their right to speak French or their children to learn French.

MR. D. GOURLAY: Do you have a membership in your organization, or how do you identify exactly who belongs to your organization?

MS. I. GARAND: We are elected; we have annual meetings where everybody is convened, and we meet people locally.

MR. D. GOURLAY: I'm not sure just how you define as to who belongs to your organization, because I've heard it said that you do not represent all of the French-speaking people in the province? I'm just wondering how do you determine who belongs to your group and who doesn't.

MS. I. GARAND: They have membership.

MR. D. GOURLAY: What would be your membership number then?

MS. I. GARAND: I'm sorry, I don't have the exact number.

MR. D. GOURLAY: Thank you.

(Translation will appear in Appendix at end of all committee hearings.)

MR. CHAIRMAN: Any further questions? Hearing none, Ms. Garand, thank you very much for being here today and making your presentation.

Mr. Harapiak, a further question?

MR. H. HARAPIAK: Mr. Chairman, earlier the committee made a decision to hear Reeve Ellingson from the Rural Municipality of Swan River and seeing as we all know how quickly the weather can change, and Mr. Ellingson is here at this time, I wonder if the committee wouldn't stay and listen to him now so he could get back to his harvest.

MR. CHAIRMAN: It wasn't a question for Ms. Garand. Thank you again, Mrs. Garand.

It's been suggested that Reeve Ellingson be heard now. We are past, or you could say at our normal hour of adjournment, what is your will and pleasure? (Agreed)

Reeve Ellingson, please come forward. Please proceed.

MR. H. ELLINGSON: Thank you, Mr. Chairman. I appreciate this, I was not here when my name was first called, but I do want to get back to harvest.

The presentation is very brief but it's the concern of the Council of the Rural Municipality of Swan River and it reads as this:

The French Language Services issue is a very controversial topic which affects all Manitobans. Therefore, this issue, we believe, should be decided by means of a referendum giving all people a voice in the decision.

I wish to raise the question, why the government met and negotiated with a minority group, namely, the Franco-Manitoba Society, with little regard to other nationalities in the province?

The French language should not be entrenched in the Constitution. The future would then remain in the hands of the courts, rather than the Legislature. This decision is before us today as a result of a court decision brought upon us by an action of an individual. Such action has overturned the law which has been in power for 89 years, therefore, this proposed legislation gives no guarantee that municipalities and school boards may be exempt for any definite time. For example, if a taxpayer demands to have services rendered in French, and proceeds to take the issue to court, we then would again be at the mercy of the courts.

I wish to express a concern in the expression; "where numbers warrant it services may be provided." Who is to decide what number warrants such action - the courts?

In the July edition of the paper "Constitutionally Speaking" was the statement that if the decision went to the Supreme Court there was a possibility of all 4,500 English only laws being invalid, but it is the opinion of two leading constitutional lawyers that this was possible, but highly unlikely. Therefore, I strongly feel that the action of the government is premature.

Finances for implementing these amendments, whether it be provincial or federal, could be more wisely used in a program that would be more beneficial to the Province of Manitoba.

MR. CHAIRMAN: Thank you, Reeve Ellingson. Questions?

Mr. Scott.

MR. D. SCOTT: Thank you. Reeve Ellingson, Constitutions - I'll start with a slight preamble - Constitutions are basically the makeup and the basis for the laws which are made in a country and normally, at least, I can't think of very many nations where they are set aside by referendums. Your point about the courts and the issue of the courts being involved in this issue, is it not, and has it not, already been in front of the courts and is there not a case in front of the courts right now which is, in effect, forcing the issue to some extent, as well? So whether this is passed, or not, the courts are still involved, are they not?

MR. CHAIRMAN: Reeve Ellingson.

MR. H. ELLINGSON: This is why the issue is before us today, because of a court decision on a parking ticket, but I don't think it says it has to be entrenched in the Constitution.

MR. D. SCOTT: As a slight bit of correction, it's not because of a parking ticket. The parking ticket

instigated the whole thing but right now there's another one on a summons, I believe, that is before the courts, but the issue was not the parking ticket, itself, it was the validity of laws when a Constitution requires that they be printed in both languages where the laws were only printed in one language. In the Province of Quebec, the day after the Forest case and the Blaikie case came down in the Supreme Court, they passed all the laws that they had passed in French only, they had them all drafted and ready to be passed in French and did so the very next day.

Going back to the basic preamble I had on Constitutions, if a Constitution, and a Constitution requirement, is not upheld, where does that leave the rest of the laws of the land, including your own municipal laws?

MR. H. ELLINGSON: I think those two leading constitutional lawyers answered that; they said there is a possibility, but highly unlikely.

MR. D. SCOTT: If I could just search my notes here for a second. From the presentation that was given by Steven Scott, he's a Professor of Law at McGill, he stated quite clearly that he thought the courts would have no alternative but to declare all the laws unconstitutional, otherwise, a government could, at will, disobey any of the Constitutions and the rights and privileges, whether it be Municipal Governments, Provincial Governments or Federal Governments, and individuals have would be ruled out of order.

MR. CHAIRMAN: Order please. Order please. Mr. Scott, with respect, we're engaging in debate with the witness; I would appreciate questions of clarification only.

MR. D. SCOTT: You mentioned that, due to that court action, a law in Manitoba which had been in power for 89 years was overturned. That law was shown to be illegal, therefore, is it in your opinion, that a provincial law should supersede a constitutional, part of our national or of our provincial Constitution; that a province should be able to, at will, change the rights that are entrenched in our Constitution already, or be they down the road, be they deentrenched, should they be able to just willy-nilly reject those constitutional provisions and make their own laws?

MR. H. ELLINGSON: Well I think I'd go back to, from what I heard today, I think probably in 1870 when it was made two official languages there was about a 50-50 split in the nationalities. This has a big bearing on the laws made at that time, but that situation does not arise today is the point I want to make about a minority group.

MR. D. SCOTT: So once a right is entrenched in the Constitution regarding a group of people, if that group of people becomes more of a minority, or becomes a minority, then you feel that that right should be taken away?

MR. H. ELLINGSON: I think it should be a consideration, yes.

MR. D. SCOTT: Do you, sir, support the aspirations of the English-speaking people of Quebec to be able to maintain their linguistic rights?

MR. H. ELLINGSON: My decision is that this is a Manitoba issue.

MR. D. SCOTT: Thank you.

MR. CHAIRMAN: Further questions by members of the committee?

Mr. Adam.

HON. A. ADAM: Yes, Mr. Ellingson. In your second paragraph you asked the question as to why the government met and negotiated with a minority group, namely, the Franco Society of Manitoba, with little regard for other nationalities in the province? First there are other groups who believe that by preserving the rights, the basic rights that were in the Constitution, that that will help; in other words, they feel that if you can't protect the rights that are fundamental and basic and in the Constitution, how can you protect the rights of other minorities? That's some of the opinions that have been coming forward from some of the other ethnic groups, but my question is really why the government met and negotiated with the Franco-Manitoban Society. My question is, did you raise any objection with the previous government when they met with the Franco-Manitoban Society to negotiate services, over and above the obligations to translate statutes and the regulations? Did you raise any objections with the previous government?

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

MR. H. GRAHAM: I would hope that when Mr. Adam is putting forward something that is a statement, I hope it would be a correct statement.

MR. CHAIRMAN: Order please. Differences of opinion between members as to the facts are the subject matter of debate, not the subject matter of points of order. Reeve Ellingson.

HON. A. ADAM: Mr. Chairman, on the point of order.

MR. CHAIRMAN: I've ruled on the point of order. Reeve Ellingson is prepared to answer your question. Reeve Ellingson.

MR. H. ELLINGSON: No, I did not do that, because that issue did not go as far as the question is today, and has not forced the issue as far.

HON. A. ADAM: Have you any opinions to offer as to why it was not being made public at that time, that is in February of 1981?

MR. H. ELLINGSON: No, I haven't.

HON. A. ADAM: That is during the administration of the previous government. You have no comments to offer as to why they would not try to highlight the fact that they were meeting with the Franco-Manitoban Society and they wanted to negotiate services, above and beyond what was directed by the courts in the Forest case.

MR. CHAIRMAN: Order please. I've asked the questions be for clarification, rather than comments on material and information which is not contained in the brief. Mr. Adam do you have further questions on the brief presented by Reeve Ellingson? No further questions? Mr. Ellingson thank you very much and thank you to your council for having prepared this brief today.

MR. H. ELLINGSON: Thank you very much.

MR. CHAIRMAN: Gentlemen, the hour of adjournment having more than arrived, committee is adjourned and stands adjourned until 2:00 o'clock.

I understand that the Clerk can make this room secure. The room will be secure, members can leave their documents here. I would ask all members of the public to ensure that the receivers are left with the technician by the translation booth. You may pick them up again this afternoon at 2:00 p.m.