



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



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

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Tuesday, 20 September, 1983

TIME — 1:30 p.m.

LOCATION — Brandon, Manitoba

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Adam, Bucklaschuk, Evans,
Penner, and Uruski

Messrs. Anstett, Blake, Graham, Malinowski,
Nordman; Mrs. Oleson

WITNESSES: Ms. Maud LeLond, Private Citizen

Reeve Barry Dixon, R.M. of Morton

Mr. Ross C. Martin, Brandon and District
Labour Council

Mayor G. McKinnon, Town of Virden

Mr. Alfred Rogosin, Private Citizen

Reeve Fred Kolesar, R.M. of Minto

Mayor Omer Chartier, Village of St. Lazare

Mrs. Lucille Chartier, Private Citizen

Mr. Mathieu Deschambault, Private Citizen

Reeve Willard McFarland, R.M. of Oakland

Reeve Jack M. Hanlin, R.M. of Miniota

Mr. Albert Hodson, Village of Elkhorn

Ms. Janet Goertzen, Manitoba Metis
Federation (Southwest Region)

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23
of The Manitoba Act.

* * * *

MR. CHAIRMAN: We have a quorum, ladies and gentlemen.

Ms. Maud LeLond, please.

MS. M. LELOND: Mr. Chairman, gentlemen, I would like to begin by making the fact doubly clear that the hearings presently being held in Manitoba are, in my opinion, basically unnecessary.

In the briefs that I have listened to, from mostly the reeves and so on, I remember one saying, "I am proud to be a Canadian, not a French or a Scottish, but a Canadian." But, ladies and gentlemen, this Canada was founded by two great nations, not one. It was founded by the French and the English. The first farmer was a Mr. Hébert. The English, who snuck up the hill on the Plains of Abraham, they won the battle, but they made a pact. That pact is something that has to be honoured. I believe in honouring such pacts.

We are two founding nations, like a man and a wife. Children who belittle and create animosity in this great home between their parents break up the home and Canadian unity.

I was born and raised in Saskatchewan and, 50 years ago, French language was compulsory in Saskatchewan for anyone wishing to attend university, be it teacher, a nurse and possibly other categories that I'm not aware of. We thought nothing of it. I remind you, I may be Mrs. LeLond, but I am Scottish by birth. I was trained that when I grew up to be a big girl, I didn't marry an Englishman. That was the animosity in my home. Well, what did I do but marry somebody that was half-French and half-English. So now at that time, 50 years ago though, you didn't hear or feel the animosity there is now towards the French element in Canada. By falsification of the facts - I mean, what is going on in Manitoba right now, and those presenting briefs - the animosity is evident.

I attended a Women's Institute meeting last Wednesday. Women's Institute is non-partisan. On our agenda, there was a letter read to us from the Federated Institute representative for Canadian unity. In this letter, our FWIC representative deplored the fact that Canada's ethnic groups are ripped apart and divided. She stated that this has all happened through political action, innuendo and fabrications of the truth and just plain, plain politics, mainly by Liberals and Conservatives through the years, if you wish, to look at historical records and I'm not pointing any fingers.

Now we have before us just such a dilemma. Politics, pure and simple, are being played in Manitoba. Falsification of the facts and that is, I have listened to some of it here today and yesterday. Nowhere, gentlemen, does this resolution on French issue force French down anyone's throat. Nowhere does this resolution belittle or take away any rights or dignity of our ethnic groups. Yet this is the innuendo and falsification being used in Winnipeg and rural areas - to improve the bill itself, no! To defeat the Pawley Government in the polls at the next election.

Why didn't some of these reeves and opposition speak against what Sterling Lyon was doing after the ruling in 1979 that we had to begin printing statutes in French? Why didn't they? Why didn't they complain then about expense? You didn't hear a word, because this whole debate is political, and as such, it is damning to Canadian unity.

And I understand - but this is the only hearing that I have attended, so I don't know whether this statement is correct or not - but I understand that those who attended hearings in different areas, some of the people on the panel take one stand where the French are prominent and another where the English are prominent.

Before we begin discussion on the new resolution, let us ask ourselves this question. Are you in sympathy with the English minority in Quebec being allowed to use their English language freely in Quebec? The major English language organizations in Quebec have thanked

Manitoba for setting an example, which will help them ensure their language service in Quebec.

Because of the founding historical position written into the Constitution of Canada, we, since 1870, ladies and gentlemen, have been a bilingual province. The legislation of 1890, The Official Languages Act, was finally ruled unconstitutional in 1979 and it was at this time, 1979, that the former Conservative Government agreed and I have read - it's printed - that Mr. Lyon, Mr. Mercier and Mrs. Price stated at that time that Manitoba was, by Constitution, a bilingual province. So we have no argument about that politically.

So the former government began a long drawn out and expensive job of translating over 28,000 pages of statutes and regulations from English to French. Note again that it was the Conservatives that felt moved to do this translation, but this did not satisfy every segment of society in Manitoba.

In 1981, we were again faced with the possibility of a Supreme Court ruling of whether or not all statutes not now in the two official languages should be translated - a long and expensive process. Well, to make a long story short, the present government decided to act; not to spend and waste money as some have stated, but to save expense. If we carry out what we started to do in 1979, we would be translating 4,500 Manitoba statutes. Now by the present amendment, if it becomes law - it's not law yet - we translate only 500.

I understand some municipalities, through possibly lack of understanding or political overtones, are saying this French business is going to cost us too much. If we accept the present suggested agreement, the Manitoba taxpayer will save \$1.5 million. This will all happen over the next 10 years, and the Federal Government will put in about 2.5 million.

Again, let me stress that the very people who started all this expensive translation in 1979, the Conservatives, and who accepted for fact that we are a bilingual province are now fighting tooth and nail against what they began themselves. I can only believe that they see in the so-called French or bilingual issue an opportunity to defeat the Pawley Government in the next provincial election. If this happens, and it could - I'm not overlooking the possibility - let us just say that it is better to be strong, honest, dedicated and honourable like Howard Pawley even in defeat than to win by falsification of the facts, and may I again say by turning ethnic groups against one another for cheap political horseplay.

Do not be misled, the present Manitoba Government is not in bed with Trudeau - quite the contrary. The federal model of bilingualism is not being applied in Manitoba. If you are at all worried that your area will be affected by the new bilingual agreement, get a copy of the map of the areas that may apply for French translation and assistance. I can truthfully say that after this bill is passed and becomes entrenched, we who live in the outlying English-dominated areas will not know anything different has happened.

I would like to conclude with a few well-defined statements regarding the proposed amendments. The constitutional amendment is being proposed now because, in a sense, the decision was forced upon us. In 1981, Roger Bilodeau argued that all of Manitoba's English-only laws were invalid. The case was to be heard

in May,'83. This kind of a court case has no remorse. The Supreme Court could decide that all Manitoba laws are invalid, and we heard Mr. Berg, a much more competent man, discuss that this morning - much more competent than I.

I, myself, couldn't put my faith in a Supreme Court ruling, so I feel the present government began a series of negotiations, the first being that the Bilodeau case would be withdrawn. Then the constitutional amendment would ensure the validity of all Manitoba laws, even those just in English.

Secondly, 4,000 statutes will never have to be translated at all. That for the rural municipalities' benefit, I say, is saving money.

Thirdly - and listen carefully - constitutional protection will be given to the French Language Services Program started a few years ago by the Lyon government. Communication in French will be given on request, so different to the suggestion that French is going to be forced on us. The vast majority of Manitobans, as I said before, will not be affected by the amendment. I repeat that again, because we've already heard that a small percentage is Francophone. So there will be a small percentage that ask for French.

Municipalities and school boards will not be affected by the constitutional amendment. However, special consideration is there if you are a Francophone society, but it is entirely voluntary.

Lastly, businesses and other non-governmental bodies will not be affected in any way by this constitutional amendment. I throw that in because I heard of a woman who had a little shop up at Clear Lake, and she said, "Oh my God, when Pawley passes this, I'll have to hire all my staff, clerks and everything, they'll all have to speak French.

Again, I stress, I and others abhor the quagmire that Canada is in today over language rights. Let us not make the City of Winnipeg a little Belfast all for cheap political reasons, not sound sensible, fair, judgmental decisions; and let us show a little more concern for Canadian unity. I find that people by and large do not understand the issues at stake here today so I have tried to enlarge on only those areas of concern to us here in Western Manitoba.

With open and unbigoted minds, ladies and gentlemen, I am sure we can overcome much of the bigotry and misunderstanding displayed by some individuals in discussing this issue.

As far as a referendum and majority rule is concerned, I always remind myself - Mr. Blake, I always remind myself, I don't talk while other people are talking either - that the common man on the street yelled "Crucify him, crucify him." Have they ever proven that they were right? Together let us try to overcome lack of unity in our province and in Canada and not promote disunity.

MR. CHAIRMAN: Thank you, Ms. LeLond. Questions?

MR. D. BLAKE: Just on a point of order to Ms. LeLond's comments on my question to my colleague. We were discussing our provincial leadership that's coming up and I might suggest that maybe her party should take a look at that situation too.

MS. M. LELOND: That's fine. I was just having a little fun.

MR. D. BLAKE: So was I, Ms. LeLond.

MR. CHAIRMAN: Are there any questions for Ms. LeLond? Mrs. Oleson.

MRS. C. OLESON: Thank you, Mr. Chairman, and thank you, Mrs. LeLond for clearly stating your position in this matter. I'm wondering though, from your remarks, are you questioning the right of the opposition party of Manitoba to express their opinion on this matter?

MS. M. LELOND: Not at all, just keep it to the facts. No falsification or innuendos, which we are getting in the country all the time and I know they're not coming from the New Democratic Party.

MR. D. BLAKE: Your position is showing, Ms. LeLond.

MRS. C. OLESON: You kind of threw me with that thought there. Have you read Mr. Lyon's speeches that he gave in the Legislature on this subject?

MS. M. LELOND: No.

MRS. C. OLESON: I wish to commend to your reading, because I think you will find that your questioning of the honesty of the opposition party in this matter, I think you find that if you read his speeches, you will perhaps change your mind. So I take it from your speech, that you are questioning the honesty of the opposition party?

MS. M. LELOND: In remarks, not necessarily the opposition, I was also referring to Mr. Doern and some his statements - they had to be corrected. They were absolutely false.

MRS. C. OLESON: Do you not agree that a difference of opinion is not necessarily right or wrong?

MS. M. LELOND: Absolutely. I enjoy differences of opinion. Nobody enjoys them more, but I always stick to honesty and facts, if I can.

MRS. C. OLESON: Then you will agree that it is a right and not only a privilege, but it behooves the opposition party, when the government brings in any legislation of any kind, to look at it and point out to them, if they see anything that they do not agree with in this. That is a democratic right and it is their duty to do so. Do you not agree with that?

MS. M. LELOND: Absolutely. I just referred to falsifications and innuendo and so on. An innuendo is being able to twist the written word, so that it sounds different to benefit yourself and changes the meaning of the actual bill.

MRS. C. OLESON: Do you think that that capability of twisting the word is capable by only one group?

MS. M. LELOND: Absolutely no, all parties practice it.

MRS. C. OLESON: Thank you.

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

MS. M. LELOND: I've been very grateful, even though I thought somebody would ask me why I said that I wasn't in favour of the hearings and the reason I wasn't in favour was - being as nobody asked me - I didn't think they were necessary.

MR. CHAIRMAN: Ms. LeLond, why were you not in favour of the hearings?

MS. M. LELOND: I didn't think they were necessary.

MR. CHAIRMAN: Thank you very much. Next on our list is Reeve Barry Dixon. Reeve Dixon please.

MR. B. DICKSON: Mr. Chairman, members of the Legislative Committee, ladies and gentlemen, I am Barry Dickson, Reeve of the Rural Municipality of Morton. We appreciate this opportunity to present our concerns regarding the proposed amendments to The Manitoba Act. We are of the opinion that our Manitoba Government was proceeding with the translation of the acts of the Legislature and court proceedings to the French language. As this was a constitutional commitment under Section 23, we commend our present and the previous government for proceeding with this work. However, we question whether it was the intent of The Manitoba Act to create a bilingual province; therefore we question the necessity and the obligation of our Provincial Government to introduce the amendments to Section 23 of The Manitoba Act. We also feel that the Provincial Government should not delegate the authority of administering this act to the courts.

Our main objections to the proposed amendments of The Manitoba Act are as follows:

(1) The French-speaking population of Manitoba has been repeatedly mentioned as being approximately 6 percent, and probably only a small percentage of this group could be considered unilingual. We believe that our government should endeavour to live up to the terms of The Manitoba Act in granting these people their rights as set out in that act. We object to any additional expansion of bilingualism being introduced through amendments of the Constitution. We are suffering severe economic difficulties in Manitoba, and we feel that spending money in excess of our obligations is not in the best interests of the people of Manitoba.

(2) We appear to be having considerable difficulty in interpreting The Manitoba Act with respect to our obligation in providing bilingual services. Might we, by introducing the proposed amendments to our Constitution, be laying the foundation for even more diverse interpretations of The Manitoba Act? We feel that this could very well be the case, and bilingualism might become a condition of employment beyond the positions indicated in Section 23.7(1)(a), which is "the head of any department of the Government of Manitoba." Might Section 23.7(2)(a), which grants any member of the public in Manitoba the right to communicate in English or French, and to receive available services in English or French, where there is

significant demand, take precedence over Section 23.7(1), paragraph (a).

(3) Manitobans would be involved in a very costly program if we proceed with the proposed amendments to The Manitoba Act. We feel that this would be not only a perennial cost, but an ever-accelerating expenditure.

In conclusion, I might add that we do not wish to deny anyone their basic rights, but as a country and a province, are we not guilty at all levels of government of yielding to the pressures of groups and minorities? In so doing we continually fuel the fires of inflation and incur ever greater deficits.

There are many occasions in our personal lives, in municipal business and, no doubt, with our senior governments, when we must learn how to say "No" as we cannot afford to grant every request.

Respectfully submitted by the R.M. of Morton.

MR. CHAIRMAN: Thank you Reeve Dixon. Questions for Reeve Dixon by members of the committee? Mr. Penner.

HON. R. PENNER: Thank you Reeve Dixon for your thoughtful presentation. I've just one or two questions. Reeve Dixon, are you familiar with the exact legal issue which is before the Supreme Court in the Bilodeau case?

MR. B. DIXON: I have a rough approximate understanding of the issue, but I am not a lawyer. I would not be prepared to discuss it in any length at this time.

HON. R. PENNER: I appreciate that, nor would I propose to get into that kind of discussion with you. I'm just wondering if you'd give me an idea of what you understand to be the issue - not in legal terms - but what is the Supreme Court being asked to decide.

MR. B. DIXON: I understand that the contention is that our present laws under The Manitoba Act are invalid.

HON. R. PENNER: Very good - "A" plus, that's a better answer than I've received from a lot of lawyers. If the Supreme Court should hold that because a law was passed in violation of our constitutional obligations, the law was invalid, and that had the effect of invalidating The Municipal Act, would that not be very detrimental to the interests of your municipality and its by-laws?

MR. B. DIXON: Well, it certainly would be of grave concern to us, but I would hope, in their wisdom, that they would never make such a declaration, just from the point of the chaos it would cause in the land.

HON. R. PENNER: The Supreme Court of Canada in the Forest case was invited by counsel for the Province of Manitoba to, in its wisdom, uphold the 1890 Official Language Act and I think you know, in their wisdom, found that, in fact, it was invalid. So we know that they stick to the law or try to.

My other question has to do with your concern and I appreciate your raising it, that's helpful, about whether or not 23.7(2)(a) might override 23.7(1)(a). Do you have a copy of the resolution in front of you Reeve Dixon?

MR. B. DIXON: Yes I do.

HON. R. PENNER: Could I just ask you to note - it's the case, is it not - that 23.7(1) refers to the head office of a department and court and Crown corporations and so on. It refers to head office.

MR. B. DIXON: Yes, I concur to that.

HON. R. PENNER: And Section 2, I might just advise you, refers to any office other than a head office of those institutions, so there is a clear-cut difference between 23.7(1) and 23.7(2) in that respect. Would you not agree?

MR. B. DIXON: That is true, but I'm more concerned with Clause (a) under Subsection (2) referring to significant demand. I wish that were spelled out more clearly, but I understand that there are changes to the amendments or future amendments to be made in that regard.

HON. R. PENNER: Those words are being looked at to see if, in fact, something can be done to tie it down or it may be that some other way of tying it down can be found, but we'll wait until we hear all of the public hearings before deciding that. Thank you very much.

MR. CHAIRMAN: Further questions? Mr. Blake.

MR. D. BLAKE: Just on a point of order, if I could get some clarification just on Mr. Penner's last remarks about head office. The head office of the Manitoba Public Insurance Corporation is here in the City of Brandon. Would that mean that the bilingual services would be available here in the head office, but not in the City of Winnipeg, where they have 800 employees?

MR. CHAIRMAN: Order please. I appreciate Mr. Blake's concern, but the purpose of public hearings is to ask questions of the witness, rather than to have members ask questions of themselves.

MR. D. BLAKE: Well, I felt if I asked that of Mr. Dixon that he wouldn't know the answer, so I thought I might ask Mr. Penner, because he would know.

MR. CHAIRMAN: I think that there is another forum for an exchange between members and I think the questions directed to the delegation might be most appropriate. Perhaps, Mr. Blake, although I don't like to suggest this, you might try placing that question to Mr. Dixon and then finding that he may or may not be able to answer it, you might find that by way of preamble to a subsequent question, you might get your answer from Mr. Penner. But I would certainly rule out a question by you to Mr. Penner.

HON. R. PENNER: Don't bet on it.

MR. CHAIRMAN: Okay, Mr. Blake.

MR. D. BLAKE: I'll just wait until we get back into House and I'll get after Mr. Penner.

HON. R. PENNER: Good.

MR. CHAIRMAN: Fair enough.

HON. R. PENNER: Get in line.

MR. CHAIRMAN: Any further questions? Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. Through you to Reeve Dixon. Reeve Dixon, Mr. Penner raised some questions about the interpretations of Section 23.7(1) and Section 23.7(2)(a) and your concern about significant demand. I believe Mr. Penner left the inference that because it was spelled out in the previous section, any office not referred to in subsection (1), that that would probably relieve most of your concerns. Was that a correct interpretation from the exchange you had with Mr. Penner?

MR. B. DIXON: It seems as though it's not spelled out quite as clearly as I would like. It seems a little vague just there to me. Perhaps it's my inability to understand things written in a legal manner. Let's see now. I'd like to know what is meant by any office not referred to in subsection (1). Does that mean every office that is not a head office, is that's what's meant? — (Interjection) — Okay, then I understand that.

MR. H. GRAHAM: A further question. If you carry that through to the next sentence where it says, of an institution described in Paragraph 1(a) or (b) where there is a significant demand. Does that again fire some of your concerns - the word "or" in there, or does that "or" refer to (a) or (b)? Is it the vagueness of the wording that concerns you more than anything else?

MR. B. DIXON: Mr. Chairman, I think the "or" is of small concern compared to subsection (2), Clause (a). I think the significant demand was our hang-up here.

MR. H. GRAHAM: Mr. Chairman, I wanted to be a little clearer on that and I think Reeve Dixon is quite justifiably concerned. Maybe the wording can be cleaned up and we hope the Attorney-General will, before these hearings are completed as he promised us, give us a further definition of the term "significant demand."

MR. CHAIRMAN: Further questions by members? Seeing none, I would like to ask leave of the committee to ask Reeve Dickson a couple of questions myself as Chairman or request to step down if that's the wish of the committee. Leave? — (Interjection) — Mr. Penner refuses leave. Mr. Blake, would you take . . .

Reeve Dickson, I was very impressed with your brief. It's short, very direct and to the point. My question flows from Point 1, the bottom paragraph on the first page of your brief. When you say, "We believe our government should endeavour to live up to the terms of The Manitoba Act in granting these people their rights as set out in that act," I take it, and I guess this is the nub of my question in terms of understanding what you're really saying here, that from that are you saying you believe that we should live up to the terms of The Manitoba Act as determined by whom, the Supreme Court? How do we measure our commitment,

the commitment you want the government to live up to?

MR. B. DIXON: Well, Mr. Chairman, our council were of the opinion in their limited understanding of the legalities as implied through The Manitoba Act that bilingualism was only required to extend to the courts and to the Legislature and in documents involved in the Legislature and in the courts, and we thought if we lived up to that commitment that that was all that was legally required. It seems that the amendments that we have here in front of us go far beyond that and this is what they were objecting to.

MR. CHAIRMAN: So you have no problems with living up to the terms of The Manitoba Act in terms of the bilingual Legislature, courts, documents? Does that mean then that you and your council believe that as a result of the Forest decision the Manitoba Government should proceed as expeditiously as possible to translate all the documents that are required to be translated over the last 93-odd years, all the statutes, the 4,500 statutes, everything else? Is that your bottom line? That in terms of keeping our commitment, what we should do is proceed immediately to do that translation and make no other amendments to The Manitoba Act? Is that a fair statement of your position?

MR. B. DIXON: I think it was their understanding, Mr. Chairman, that there were only roughly 400 documents that actually needed translation. There was no mention made of 4,500.

MR. CHAIRMAN: Oh, it's your understanding then that there are only 400 statutes passed between 1890 and 1979 that were passed unilingually in English only, is that correct?

MR. B. DIXON: I think there were a great many more passed unilingually, Mr. Chairman, but somewhere along the way we had the understanding that 400 would be all that was necessarily required to be bilingual. That was part of a deal, yes. I think that's where we gained that impression.

MR. CHAIRMAN: Reeve Dixon, is it your belief then that the Manitoba Government should try to negotiate an arrangement whereby something less than 4,500 statutes, in other words, something more like the 400 should have to be translated, rather than do what the Forest case said we'd have to do, translate all of them?

MR. B. DIXON: Mr. Chairman, I appreciate the fact you are trying to negotiate terms that are more suitable to our present day dilemma, but I am, as I have said, not a lawyer and I do not wish to go beyond what I have stated in that regard.

MR. CHAIRMAN: Okay. I'm just trying to clarify the one sentence in the brief because I think you're demonstrating a willingness to keep the covenant and the commitment that we had as a province. Is it a fair question then - and if I'm getting into the legal side of it too much, please stop me, because I'm not a lawyer either and I may be in over my depth as well

as yours - to say that in that sentence that it could be interpreted as saying you are prepared to see your government enter into negotiations with the Federal Government and other parties that would cause us to reduce our obligation from the Forest case as long as that didn't incur much greater obligations in terms of the other things that were requested? In other words, you don't want to translate 4,500, you'd rather translate 400, is that correct?

MR. B. DIXON: Well, it would probably be much more logical. I expect that a lot of these documents are no longer applicable to Manitoba at this time. I don't know how many of them would ever be used; I have no way of knowing, absolutely none.

MR. CHAIRMAN: So would it then be proper in terms of trying to clarify your council's intent here to ask you whether or not you thought it was fair for the government to try and negotiate a way of having to translate less, is that what you're saying we should try?

MR. B. DIXON: I think they should explore every avenue in resolving this present dilemma that we find ourselves in.

MR. CHAIRMAN: Thank you very much. My apologies to Mr. Graham, who suggested in a stage whisper that I was leading you, Mr. Dixon.
Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, just one further question and it stems from the proposition that you are trying to put forward to Reeve Dickson.

Reeve Dickson, if the Supreme Court is called on to rule on how many statutes should be translated and if the Supreme Court knows, the province and the Franco-Manitoban Society and the Federal Government are willing to live with the translation of only 400, would it be reasonable to assume that the Supreme Court would order the translation of more?

MR. B. DICKSON: Mr. Chairman, I would expect the Supreme Court to be knowledgeable and practical and use common sense. That's all I could answer on that.

MR. CHAIRMAN: Further questions? Reeve Dickson, thank you very much, not only for making your presentation, but being available a little earlier than normal.

MR. B. DICKSON: Thank you.

MR. CHAIRMAN: I now return to the list where we left off at 12:30, and thank the two individuals who were able to arrive a little early to allow us to start earlier than planned.

Mr. Ross Martin, Brandon Labour Council, Mr. Martin, please — (Interjection) —

HON. R. PENNER: Mr. Chairman, I sense what's the concern, and I would certainly, for our side, be agreeable. We could do it, perhaps, after Mr. Martin, hearing Mayor McKinnon. We made a special dispensation with respect to Mr. Berg and I would say,

as a quid pro quo because the circumstances are similar, we should hear Mayor McKinnon. We could have him after Martin, and then go from eight down.

MR. CHAIRMAN: The concern expressed is that, since we took two individuals out of order, Ms. Lalond and Reeve Dickson, that we would return to the beginning. My understanding was the beginning is where we left off at 12:30 . . .

HON. R. PENNER: Technically, that might be right.

MR. CHAIRMAN: . . . which would be Mr. Martin. If we are to call again from the top of our list for today, I would call both Reeve Guthrie and Mayor McKinnon under that same understanding. Since Mr. Martin is here now and his brief has been distributed, I believe, I suggest we hear Mr. Martin, then Reeve Guthrie, then Mayor McKinnon and then continue from No. 8 down on our list as distributed. Is that agreed? (Agreed) Please proceed.

MR. R. MARTIN: Mr. Chairperson, members of the committee, thank you for the opportunity to appear here. My name is Ross Martin, I'm representing, as President, the Brandon and District Labour Council which has over 2,700 members in Brandon and area. I am also an Alderman for the City of Brandon, representing the Riverview Ward.

Mr. Chairman, the Brandon and District Labour Council appreciates this opportunity to make its views known on the proposed amendments to The Manitoba Act dealing with translation of certain statutes into French and French Language Services.

We support the intent of the proposed legislation and feel that the Government of Manitoba made the proper decision to seek a settlement whereby the Bilodeau case would be terminated.

We thank the government for its foresight and fortitude in presenting this legislation. We also support the proposed amendments, in particular, the deletion of the term "central office" in 23.7(1), and the addition of "but not including any municipality or school board" in 23.7(1)(b). The first amendment mentioned above will allay the concerns of employees who work in small satellite offices who could possibly be denied promotion because they were not bilingual, even though the community they worked in was predominantly English-speaking.

The second amendment mentioned above, although implied in the original legislation, now clearly spells out that municipalities and school boards are exempted. This should relieve many of the elected officials of municipalities, towns and cities who feared the high costs of translation services when there was obviously no need of such.

Although we congratulate the Government of Manitoba for the amendments that it has brought forward, we hope that they will be receptive to the concerns that we still have with the proposed legislation as amended.

Our first concern deals with Section 23.7(1)(b)(ii) in its reference to "administrative body." We feel that this term is all-encompassing, and could refer to any body set up by the government. We urge you to explicitly

define this term so that no misunderstanding can take place.

Our other area of concern deals with 23.7(2)(a) in its wording "significant demand." We find it incredulous that the government would seek an agreement in the Bilodeau case so that the Supreme Court would not impose a settlement on the province, yet install wording in the proposed legislation that could only be defined by the courts. In addition, according to a report in the Brandon Sun of Thursday, September 8, 1983, Page 2, which is attached, this Legislative Committee has determined that the definition of "significant demand" can mean as few as one person. We feel that it is ludicrous that one person could impose bilingual services on a whole community, and hope that this is not the intent of the proposed legislation. We seriously urge that this Legislative Committee recommend an amendment to this clause such that "significant demand" will be determined by the Legislature and not imposed by the courts.

The Brandon and District Labour Council hopes that this Legislative Committee will support our concerns, and propose to the government the appropriate amendments so that we can wholeheartedly support this important legislation.

MR. CHAIRMAN: Thank you, Mr. Martin. Questions? Mr. Penner.

HON. R. PENNER: I am astonished, Mr. Martin. I am looking at this attached excerpt from the Brandon Sun, and I'm at a loss to understand how you, or your Council, could come to the conclusion that this committee has determined that the definition of "significant demand" can mean as few as one person. To what are you alluding; the fact that Mr. Forest wanted to be translated and we, as a committee, allowed translation? That, in your view, is the Legislative Committee determining what "significant demand" means?

MR. R. MARTIN: Mr. Chairman, when one person came into the hearings and demanded translation services and, according to the report I have, Mr. Penner was the one that said they would be provided, if there was "significant demand." When Mr. Forest insisted on it, it was found that "significant demand" was that one person.

HON. R. PENNER: I wonder, Mr. Chairman, if you could clear that up, I wasn't even there.

MR. CHAIRMAN: I think it might be appropriate for me to make a statement with regard to that question for members of the committee, Mr. Martin and members of the audience. The committee, at an organizational meeting on the 18th of August, entered into a discussion about whether or not simultaneous translation should be provided, as it had been at the Winnipeg-only hearing of the constitutional debate in 1980. The committee agreed to consider the matter, and did so at some length. After a recess, between the various caucuses, it was agreed by the committee unanimously that simultaneous translation would be provided only on the basis of "significant demand" to the committee.

Part of that discussion revolved around the fact that requests from one or two would not be considered "significant demand." In fact, one member of the committee suggested, maybe if it's five or six or seven, we might then call it "significant demand." There was a consensus reached, and it was agreed.

At the hearing on Wednesday, the 7th of September, Mr. Forest appeared, and the article in your brief reflects accurately Mr. Forest's presentation to the committee, and his request for simultaneous translation. At that time, a member of the Legislature, who was not a member of the committee - but as you've noticed members of the Legislature are entitled to appear and speak at committee meetings - a member agreed with Mr. Forest and proposed that the committee should reconsider its decision that simultaneous translation should be provided on the basis of significant demand and instead provided on request. In fact, I believe the member who raised that was the Leader of the Opposition, the Honourable Sterling Lyon.

Members on both sides then debated that at some length and I, as Chairman, was directed to ignore the decision of the August 18th meeting and provide that service where there were requests. It was agreed at that time that that service would be provided in Winnipeg, Ste. Rose and Ste. Anne, where there were indications there would be a large number of Francophone speaking delegations.

Subsequent to that, at a meeting in Thompson, for which I have heard the tape of the transcript, but at which I was not Chair, so I can report only what I heard from the transcript, it was suggested by Mr. Graham, that in view of the fact that a French-speaking delegation appeared in Thompson and we had not had advance notice of that and were unable to prepare for it, what we should do is provide for it at all meetings for the balance of the committee's tour, and at Mr. Graham's suggestion, it is my understanding the committee concurred in that suggestion and that has been done and I've directed that it be done, as Chairman. If members find, in any way, my report of proceedings to be faulty, I would appreciate their correction, so that the record can be straight. Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. I think you might have misinterpreted what occurred at the committee hearing in Winnipeg, when the Honourable Mr. Lyon, quite properly pointed out to the committee and to the public who were in attendance, that significant demand had no bearing whatsoever to do with it, that this committee is an extension of the Legislature and the Legislature, by the act of 1870, provides for the use of French or English at any of its hearings and people are entitled by that very act to use English or French in the Legislature, either language, or since this is a committee of that Legislature, the same rules apply to the committee as apply to the House.

MR. CHAIRMAN: For the benefit of members, I think it's appropriate though for me to add that Mr. Lyon made that argument. That argument was not accepted by the committee. There was some dispute as to whether or not simultaneous translation was being provided as a right or as a courtesy on request, and

that matter wasn't resolved because the committee agreed to provide it. There may be some legal question as to whether or not the rights in the Assembly are, by nature, extendable to committee and that was not resolved at the time. Unless I've stated the case incorrectly, perhaps that's enough of an interjection from me, as Chairman. If there's any further comment required, I'd appreciate hearing from members, but if not, Mr. Martin, that may provide you with the information you need.

MR. R. MARTIN: Thank you, Mr. Chairman. All I have to go by, since I don't sit on the legislative committee, is what we have in the press and I would suggest to you on this report that perhaps it is misleading. Because the distinct impression I have from this report, the way I have related it, is what occurred and I had no reason to disbelieve it.

HON. R. PENNER: Well my difficulty, Mr. Martin, is that I read the report, albeit quite quickly. You probably have read it more at your leisure and I fail to find anything which says that the legislative committee has determined that the definition of significant demand can mean as few as one person. But we've explored that and I don't want to go any further. I had difficulties with other examples of significant demand which, on analysis, did not stand up.

Let me then deal, Mr. Martin, with the major concern that is expressed here and I'll do it very briefly, namely the question of significant demand. Your last sentence on Page 2, "We seriously urge that this legislative committee recommend an amendment to this clause, such that significant demand will be determined by the Legislature and not imposed by the courts." I have great difficulty understanding that. How would that be a constitutional guarantee? How could it be, that if the matter is left solely in the hands of the Legislature, it becomes a constitutional guarantee?

The second part of the question is, are you then really proposing that there be no constitutional guarantee for services outside of the head offices of government departments and the courts and the Crown corporations, etc.? Is that what you're proposing?

MR. R. MARTIN: Mr. Chairman, no, that is not what we're proposing when we mention that it should be determined by the Legislature. I believe agreement must be determined there, so that it's set down that it would be either a percentage of a community or a certain number of people and then that, in turn, would be put into the Constitution, so that it is set down. Significant demand to me means nothing. One person can be significant and that one person would certainly feel that they were significant.

HON. R. PENNER: Well I'm not so sure that there's any precedent for the courts determining something on the basis of how somebody feels about themselves or their demand. Let me give you an example. I agree with you, incidentally, that there are circumstances in which one person can be significant - Napoleon for example.

MR. R. MARTIN: Mr. Bilodeau.

HON. R. MARTIN: Mr. Forest or Mr. Martin. Mr. Doer of the MGEA - you know Mr. Doer of the MGEA . . .

MR. R. MARTIN: Yes, sir.

HON. R. PENNER: . . . provided an example in the brief submitted by the MGEA, where he said, look, two is . . .

MR. CHAIRMAN: Order, order . . .

HON. R. PENNER: Well now this is a premise to my question.

MR. CHAIRMAN: I hope it'll be shorter than it appears to be.

HON. R. PENNER: Well, it would have been, if I hadn't been interrupted. Two is a significant number and it turned out that it was two out of two and the real number was 100 percent. Would you agree that 100 percent is a significant number?

MR. R. MARTIN: Well certainly I believe that 100 percent would be significant. I also believe that one person, as you mentioned, could be fairly significant, such as Napoleon, such as any one of the leaders, they're fairly significant individuals.

HON. R. PENNER: In any event, the concern in your brief, is that significant demand would be interpreted by the court and you're now proposing that it be interpreted by the Legislature? Let me follow up your response to that. Are you saying then that the Legislature should determine what it thinks significant demand means, before we pass this resolution, and then take that and put it into the Constitution?

MR. R. MARTIN: No sir, I don't believe that they should determine the meaning of significant demand. I believe they should come up with some set figure, some number, perhaps a percentage and a number. Something that is very clear and very precise.

HON. R. PENNER: Are you then saying that services from government offices, other than head offices, should be delivered in areas where a certain percentage of the population is French speaking? Is that what you're saying?

MR. R. MARTIN: Yes, Mr. Chairman, that is what I am saying, if it requested in those areas. If they don't want it then I don't believe it has to be provided or forced upon them, but if they are requesting it and they do meet the criteria then yes, I do believe it should be provided.

HON. R. PENNER: Right. So, if we designate the areas, you then determine whether or not services are to be delivered on the basis of a request?

MR. R. MARTIN: That is correct.

HON. R. PENNER: Any request?

MR. R. MARTIN: I'm not too sure, what do you mean by any request? Do you mean one person requests it or does the group as a whole request it?

HON. R. PENNER: Well, I had asked you the question that once you got your designated area you made the statement that once you have that and if there is a request for service, it should be given. Was that not your answer to me?

MR. R. MARTIN: Yes, a request for service, but I still don't believe it should be done by one person, which I pointed out within the brief.

HON. R. PENNER: Right. How do you think we should determine then what level of request is sufficient to warrant the delivery of the service in those designated areas?

MR. R. MARTIN: Well, I'm not too sure how you designate your areas.

HON. R. PENNER: Well, you proposed that a percentage of the population be a designated area. Let's suppose that we've agreed at 10 percent, and we have a designated area. You next said, well it would be more than just a designation of the areas, there would have to be a request for service. You said that, did you not?

MR. R. MARTIN: That's correct, and if you had a majority of those people, then, fine.

HON. R. PENNER: You're saying that now the basis for delivering service would be only if a majority of, let's say there are 400 people in an area and that is the sufficient percentage, you would have to have 201 requiring the service before it should be delivered. Is that what you're proposing?

MR. R. MARTIN: Well, I'm not too sure. That would be something certainly to consider. I'm never really thought about it on that angle.

HON. R. PENNER: You use the term majority, so I . . .

MR. R. MARTIN: Yes, I realized I used the term majority and that's the way things are usually decided, by terms of majority.

HON. R. PENNER: So, in effect then, what you're saying or proposing is that the areas are designated and in only those areas would you even consider the question and even then you would have to have a majority wanting the service before there would be any obligation on government. Is that what you're saying?

MR. R. MARTIN: I believe that would be reasonable.

HON. R. PENNER: And how do we do that? Do we wait until the 201st person has come to the office or do we hold a referendum?

MR. R. MARTIN: Well, I don't want to see government by referendum, but . . . I'm not too sure how you would do it, Mr. Penner.

HON. R. PENNER: Mr. Martin, I want to assure you, I'm not trying to paint you into a corner, I just want you to appreciate the difficulties of dealing with the question of determining in a way which would be precise and such that you could just keep the courts out of the business entirely, what level of demand ought to be met by the obligation to deliver services in two languages.

One other question, you use the term that I was a little taken aback at, I must confess, about imposing bilingual services on a community. I'm not sure what you meant by that. "We find it incredulous that the government would seek an agreement in the Bilodeau case that the Supreme Court could not impose a settlement . . .", etc. Yes, we feel it is ludicrous that one person could impose bilingual services on a whole community. I suppose anybody would. But, are you suggesting that, if, indeed, there is a way of measuring significant demand and that triggers the government providing the service, let's say from an Autopac office in a community that has a fairly large number of French-speaking people and it is determined that there is the demand, the government then puts in one or two people sufficient to answer questions and deal with customers in French, that this imposes something on the whole community. Are you suggesting that?

MR. R. MARTIN: No, sir. I'm not suggesting that. If you have those people in place, I certainly don't suggest that.

HON. R. PENNER: Thank you, Mr. Martin.

MR. CHAIRMAN: Further questions for Mr. Martin from members of the committee? Seeing none, Mr. Martin, on behalf of the committee, I'd like to thank you and the Brandon Labour Council for being here today and being represented.

MR. R. MARTIN: Thank you, Mr. Chairman, and thanks to the committee.

MR. CHAIRMAN: Reeve J.R. Guthrie, R.M. of Pipestone. Reeve Guthrie, please.
Mayor McKinnon from Virden, Mayor McKinnon, please. Please proceed.

MR. G. McKINNON: Mr. Chairman, prefacing my remarks, might I please apologize for my salutation to gentlemen only. Mrs. Oleson, my apologies.

What you have before you is probably Edition No. 5, with the desire to reduce the rhetoric to as simple a form as I was able to muster.

I have been following, through the media, developments that have transpired recently regarding the issue at hand - namely the expansion of the French Services as proposed by the Government of the Day in Manitoba.

At the forefront of my presentation, I submit that I am not a representative of any political or activist group, but wish to present a view representative of a municipal perspective. Municipal people on the whole are practical and pragmatic in approach and are generally fair minded when called upon.

The current position in Manitoba appears to be one in which both major political parties agree that because

of recent Supreme Court decisions that the French language and the English language are equal in a legal sense throughout Canada.

The entire question of French language and linguistic rights is very complex, and one to which all of us only sense some of the subtleties. It is as old as Canada itself.

It is perhaps ironic that of all of the western provinces in which this question could have arisen, Manitoba has paid the most attention to the French language and culture. We have more French taught in schools in Manitoba than most other western provinces. Whether by design or accident it took a \$2.00 parking ticket to bring the matter to a head. Without boring you - again my apologies - ladies and gentlemen, it has taken one court case carried to the Supreme Court of Canada, an impending case which has been temporarily set aside, an election of a new Manitoba Government, an apparent "undisclosed" agreement between the Society Francophone Manitoba and the aforementioned new government, and countless hours of debate, research and belling ringing in the Legislature to bring us to this juncture in Manitoba history.

My mandate to speak to you comes from the Virden Council, which endorsed a negative position on the government's desire to expand French services. Council's reaction was framed by its belief that there is a lack of necessity for it and an overriding concern of cost.

Of overriding concern to most of us in this issue is how we, the people of Manitoba, will be affected by any legislative or entrenchment process?

Also of concern is what does the bilingual status mean for our citizens of Manitoba?

What will be the political fallout and social implications if the entire package of expanded French rights is withdrawn and the second case proceeds to the Supreme Court to rule on the validity of all of our Manitoba statutes?

The impression I have personally is that we as a province have been declared a bilingual province by the Supreme Court of Canada in the case of 1979. To avoid rewriting all of our statutes and to comply with the 1979 alteration in status, we find ourselves in our current position.

My recommended position would be:

- (a) to work towards a political consensus, and
- (b) if no consensus is available, allow the Supreme Court of Canada to rule on the validity of our statutes.

Respectfully submitted, G. McKinnon, Town of Virden.

HON. R. PENNER: Through you, Mr. Chairperson, I simply want to thank Mr. McKinnon for, again, another very thoughtful brief that has attempted to address the issues in an objective and not emotional way; that recognizes the problems that, indeed, have to be faced up to, and inviting us to work towards a political consensus. I think that's a very important suggestion, and one that, I think, we're trying to find. It's not easy, as you appreciate.

I simply want to add one additional comment to assure Mayor McKinnon that there is no undisclosed agreement between the SFM and the government. What you see in the resolution is what the agreement is.

MR. G. MCKINNON: Thank you.

MR. CHAIRMAN: Questions? Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman, through you to Mayor McKinnon. Mayor McKinnon, you said that this was probably the fifth draft; was each one getting progressively shorter, or could we have the benefit of how you progressed to the final fifth draft in this?

MR. G. MCKINNON: To you, Mr. Graham, I have attempted to, with my file of news clippings and with my ear to the electronic media, attempt to find out what had been said here at the hearings, without actually reading or hearing the briefs. I think any other items that I had included in previous drafts was already well and better expressed than what I was about to do.

I share other views that have been presented here that I've heard today, Ms. LeLond's concern about national unity. I think the eyes of the country are on you and, I suppose, the citizens of Manitoba to attempt to work this out. I have a feeling that politicians, in general, are very susceptible to image and image tarnishing. I am concerned that all of us who are in a political position may perhaps be tarnished by fallout over this particular issue.

I can see that it's a very very difficult decision for you in a political process to come up with an answer for. As I've said in my brief, it's as old as Canada itself. I also feel that, having talked to some citizens who live over the border in Saskatchewan, they are just as concerned about this particular point there as we are here.

Have I answered your question, Mr. Graham?

MR. H. GRAHAM: Thank you, Mayor McKinnon. You say that you have listened, as far as it was humanly possible for you to listen to the reports without actually being here. How do you perceive the apparent differences of opinion that are being expressed, both by members of the Legislative Assembly and members of the public at large on this issue? Could you give us the benefit of your perception of that?

MR. G. MCKINNON: Having talked to small numbers of people over coffee, I feel that the handling of our minorities in Canada has had a Canadian tradition. That is to say, to allow the minorities to exist, an attempt to cultivate their existence, has been again a Canadian tradition, as opposed to what I feel I have observed across the line in the United States where there is more of a melting pot situation.

I feel that, as perhaps Ms. LeLond has intimated, and again much more eloquently than I am able to do, there has been an attempt to make some political gains in this issue, but that's what politics are. Politics are civilized conflict, and it is not unfair - excuse me, I'll rephrase that. I don't think it is entirely fair to take that right away from a sitting politician.

On the other hand, I think it's as important an issue as has ever faced our country in my recent memory. I think many other people feel the same way, that unless we are able to work this thing out, that we're all going to have political consequences and social impact consequences.

Mr. Graham, I hope I've answered your question.

MR. H. GRAHAM: Mr. Chairman, through you to Mayor McKinnon. Mayor McKinnon, do you see any difference between entrenching or enshrining in a Constitution a principle, as opposed to the enshrinement of a service?

MR. G. McKINNON: I don't personally feel that there is, in the end result, any difference. That's just a feeling I've got, whether or not enshrinement is the process. I think probably that to go through negotiations that I think are under way, and have been under way by the present Government of the Day, at least you're in control of the degree of French service that's offered. I think you are also running risks of going the Supreme Court route, in that you don't have any control of the ultimate end result.

I find that a very difficult question, Mr. Graham, in that you've said, "in principle." Yes, I guess there is a principle at stake here but, not being versed in the law, I hesitate to formally attempt to answer that particular aspect of the question.

MR. H. GRAHAM: Mr. Chairman, through you to Mayor McKinnon. I believe, Mr. McKinnon, that your own personal employment is in the school - as a school teacher of some reknown in this province, I might say. Have you seen any changes in the services provided in the use of the French language occur in the school system in the last 20 or 30 years?

MR. G. McKINNON: Yes, I have. Do you want any expansion on that into what way it has evolved?

MR. H. GRAHAM: No, go ahead.

MR. G. McKINNON: I think, judging from the time when I was a student and many of you were at one time students, the French language was a very structured study within the schools of Manitoba. Since that time it's been more of an option kind of course in most schools in the last 10 or 15 years, but at one time it was a compulsory course, as Ms. Lelond indicated earlier in Saskatchewan. In the last 10 or 15 years, we have put a lot more stress on to Immersion programming, into Core programming in French. Now, without getting too technical, there are some different long-range goals in the two programs. The use of French is probably better taught today than it ever has and I use that as far as a personal observation. There is better curricula, there are better techniques, some sound phones and sets that can be used within the classroom setting; language labs I guess is what I should be commenting on. So that aspect has occurred, and I think I would stop at that point, Mr. Graham.

MR. H. GRAHAM: Thanks, Mr. Chairman, through you to Mayor McKinnon. Mayor McKinnon, is it not true that all this happened without changing any Constitution? It was a service that was provided through government by statute and those services changed as the years changed and the attitudes of people changed and the needs changed. Was that how it was provided?

MR. G. McKINNON: I'm not too sure government had a heck of a lot to do with it.

MR. H. GRAHAM: Well, that's fine.

MR. G. McKINNON: You know, I think that it was teaching committees and assessing the times. Was it really required for a person who was going into a mechanics trade to really have a good rounding in Grade 12 French? - I think was one of those kinds of questions that had to be addressed by the teaching profession. That was the route, I would say, that has evolved.

MR. H. GRAHAM: Thank you, Mr. Chairman. Mayor McKinnon, what we have before us is a proposal that will be put to the Federal Government and the Senate to change the Manitoba Constitution and it provides where some areas will have French service and some won't and it attempts to spell out those areas. Mayor McKinnon, as time goes on and governments change and needs for service change, would you foresee then that if we spell out those services that are required today, those services may change 10-20 years down and would it then require a further amendment to the Constitution to keep up with the changing times?

MR. G. McKINNON: I think you're correct. The problem of course is that it's much more difficult I think, and again I'm looking at if this procedure had to be followed to amend Constitutions, there is a lot more difficulty involved in doing so with an entrenchment process. There, I guess, we're talking about principle. I'm more concerned about the end result, whether or not it's done with an entrenchment or whether it's done with a Private Member's Bill as an example. But where you're sitting I suppose there is a great deal of difference; but where I'm sitting, as a citizen of the province, I don't feel that my rights would be in any way jeopardized using either procedure.

MR. H. GRAHAM: One final question to Mayor McKinnon, and I want to thank him for taking the time from his school work to appear here today. Would it not in your opinion, if our true aim is to accomplish the use of French and English in our society, would that not best be attained through the educational system rather than trying to change Constitutions, things of that nature?

MR. G. McKINNON: Ideally and fundamentally I cannot disagree with your statement. My impression of Mr. Trudeau's version of bilingualism - how strong should I phrase this? - an abysmal failure, you know, in the main. In terms of the cost and in terms of the effort that was made, the net gain as a nation I think has been minimal, and I'm referring there to attempting to develop a bilingual state.

I might also comment that Mr. Nordman almost had my twin brother in here today - who is having lunch in the restaurant. My apologies for being late this morning and I've already talked to the Clerk. Somehow we were phoning back and forth but we never did get in touch with one another as to what was happening. You may have gotten more out of my twin brother, if he had been here.

MR. CHAIRMAN: Further questions? Mr. Doern.

MR. R. DOERN: To the mayor, Mayor McKinnon, can you tell me how you foresee this problem in terms of Manitoba? Should this be a solely Manitoba solution, or do you see a major or minor role played by the Federal Government in this state of affairs we're in?

MR. G. McKINNON: It isn't always just a question of what we perceive. Mr. Trudeau is also perceiving one aspect, Mr. Doern. This is not an isolated problem to Manitoba. To resolve the problem, we are being asked to make a remedial act retroactive. In the short term it's our problem, but in the long term I would have to answer the question by saying that it is a national problem.

MR. R. DOERN: Are you concerned or distressed by the statements of the Secretary of State recently when he talks about passing resolutions to support the province or providing funding to fight the case?

MR. G. McKINNON: Yes, I'm concerned.

MR. R. DOERN: I read your brief. Do you recognize despite this agreement, despite an agreement that would pass through the Manitoba Legislature and the House of Commons and the Senate, etc., that there still could be court challenges?

MR. G. McKINNON: Yes, I'm aware of that.

MR. R. DOERN: Do you approve of the Federal Government funding these constitutional parking ticket challenges?

MR. G. McKINNON: No, I do not approve of that act.

MR. R. DOERN: Would you care to elaborate on that? Do you think that, for example, Mr. Forest and Mr. Bilodeau should have collected funds or not proceeded? They were certainly fully funded all the way. How would you see their responsibility or their supporter's responsibility in such a challenge?

MR. G. McKINNON: Could I have you rephrase the question? Responsibility on the claimants, namely, Mr. Forest or the government? I'm sorry, I didn't understand it fully.

MR. R. DOERN: I'm just saying should Mr. Forest have proceeded on the basis of raising his own funding as opposed to going to the Federal Government or receiving indirect funding however it was accomplished?

MR. G. McKINNON: Probably it could be best justified with external funding to be representing a particular activist group or a movement; or, if he is independently wealthy, his own fund would be most fair in my view.

MR. R. DOERN: Finally, do you think it is fair for the Federal Government to fund organizations on one side of the issue?

MR. G. McKINNON: I wouldn't feel with my value system that would be entirely fair, no.

MR. R. DOERN: Thank you very much.

MR. CHAIRMAN: Mr. Bucklaschuk.

HON. J. BUCKLASCHUK: Thank you, Mr. Chairman. To Mr. McKinnon, I just have one question, and it follows from the question that was made by Mr. Graham with respect to the intent, or the desired ends, of what this whole exercise is all about, the eventually bringing about the use of both languages and the provision of French Language Services.

Mr. McKinnon, you had indicated that ideally we could accomplish these ends through a fairly lengthy process of education, understanding and so on. From a practical point of view - this is the other side - to accomplish these ends, would you consider the proposal, as presented and subsequently amended on September the 6th, as a fair, sensible and fiscally responsible solution to the problem?

MR. G. McKINNON: Certainly. It certainly addresses the problem, Mr. Bucklaschuk. Again, just going on what I can ascertain in my reading, I have not read the proposed bill in its entirety; I have to make that point clear. The opinion that I would have to put forward is that with total entrenchment - and I think that's what we're referring to here, am I correct? Total entrenchment?

HON. J. BUCKLASCHUK: I'm sorry, I don't quite understand what you mean by "total entrenchment." Perhaps you could define it.

MR. G. McKINNON: Would you rephrase your question, please?

HON. J. BUCKLASCHUK: When I talked about the goal of this exercise is to provide for the usage of both official languages and to provide French Language Services where there is significant demand, and significant demand is something that we have to define.

MR. G. McKINNON: I would have disagreement certainly with the significant demand being one person, as the comments being conducted towards are addressing.

I feel that with the present level of computerized society that I think will be available to the majority of Manitoba, and if you want a wired-in society, that we could probably be into a situation where any of these problems with regionalization of offices could be very quickly administered and very easily and readily available. Now that's the practical level, I think, that we're addressing here, Mr. Bucklaschuk. Is that a fair answer?

HON. J. BUCKLASCHUK: That's good, thank you.

MR. CHAIRMAN: Further questions? Seeing none, Mayor McKinnon, thank you for being here and representing your Council before the committee.

Mr. Al Rogosin. Rogosin? Sorry about that.

MR. A. ROGOSIN: Thank you, Mr. Chairman, and members of the committee. My name is Alfred Rogosin.

I am a resident of Brandon, and I'm representing myself. I don't have a written brief to distribute. I would like to express some of my own opinions on the principles of the proposed legislation, and also a few views, and they'll be rather brief, on some of the comments that I've seen, both in the media and which I have heard here.

First of all, I think that in regard to the legislation, we have a situation where the French minority, French-speaking citizens of Manitoba, have been treated, in my view, illegally and unjustly for over 90 years. I think that the Supreme Court decision in the Forest case makes it quite clear as to what the law of the land is and as to what the Supreme Court considers to be the operating rules for Canada.

I think that this really has been a blot on the good name of Manitobans, and I think that the efforts of the government now to try to redress some of the grievances, to try to set the situation right, I feel is an important and positive move toward restoring our good name. It's the first attempt in over a century to set these issues to right. I would support that, although there may be some quibbling over the details, and I certainly don't pretend to have the answers on all of the practical aspects.

There has been some question, a lot of questions, regarding the cost of carrying out the proposed legislation, proposed act. I think, of course, there is bound to be a cost. One doesn't correct nearly 100 years of what I feel is injustice without some cost. We're obviously all going to pay, all the taxpayers are going to pay. I don't really feel though that the major burden of this is going to fall on the municipalities. I feel reasonably sure that the Federal Government is going to take some responsibility in making provisions for these services. I can't guarantee that, of course, but this is my feeling.

I would like to look at that question from one other point of view, and that is, do we regard those basic rights, which we want to protect, do we consider those worth protecting, only those which are cheap, which don't cost money? I don't think we could adopt that, I think if the cost is there, this is part of the penalty, in a sense, that Canadian society is paying for 100 years of what I consider unfair treatment.

Another point of view has been expressed with respect to the fact, or respect to the using as an instance, that here we are issuing special legislation for a favoured minority; that we are singling out the French-speaking part of the population, when there are also Ukrainians, Germans, many other nationalities represented. Now in regard to this, all I can say is that one has to go back to the history of Canada, and it is a fact that when Canada was being put together there were two main linguistic and cultural elements, the French-speaking and the English-speaking. The agreement that they arrived at reflected these two different cultures. It was natural that each would attempt to protect what it felt were its fundamental interests. These then constituted what we call the "founding nations."

I would agree with some of the previous speakers who have noted that the founders of the nation somehow neglected to observe those people who were already existing here, and had existed here for some thousands of years, before the recent arrivals came

over, and that's a situation. We are not dealing with it here, I think it is one that still remains to be redressed.

The fact is then that the French and the English were the major components in that original agreement, and this is the situation we're facing with respect to the rules under which we're operating. So the French-speaking community, I think, would not regard itself as just another immigrant group. They, or their ancestors, were here right from the beginning of Canada.

Two other points, one is that there has been some comment that one person may be able to overturn the laws or challenge them. The example that has been used has been the George Forest case. I think in this, as has been brought out before, it takes a person to initiate the challenge, to initiate the case and see whether the laws under which we are operating are in fact constitutional, whether they accord with the basic Constitution of the country.

The other thing is that we might remember that Mr. Forest did not come from just any place in Manitoba; he came from a part of Manitoba that does have, I think by whatever measure you use, which has a significant French-speaking population so that in that respect it was quite normal that one could ask for French Language Services in his case.

I don't pretend to have any answer to the troubled question of what constitutes significant demand. I think there will just have to be negotiation on this. Obviously, there is no magic number.

I would like to have just one final observation on a view of what democracy is. We've had some views concerning majority rule and obviously the majority does rule. But I think another aspect of democracy is that of a respect and a protection of the rights of the minorities. It doesn't mean, necessarily, that the majority has the right to ride rough-shod over certain minorities. I see a Constitution, and basically, I see the value of entrenchment in this light as furnishing that fundamental protection for minorities that may be safe from injustices on the part of a majority. I think it's important that if minorities are to be protected, we acknowledge that in some form in the legislation.

In conclusion then, I think that for the redress of what I feel are grievances, some people have suggested that we are rushing into this thing that, in the course of a month or two, we are trying to get some rapidly thought-out legislation through. I would submit that this legislation has been a long time in coming, that 100 years, or almost 100 years, is long delayed recognition and I support, in general, the proposed legislation.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Rogosin. Questions? Seeing none, Mr. Rogosin, thank you very much for your presentation here today.

MR. A. ROGOSIN: Thank you.

MR. CHAIRMAN: Next on our list Mr. David McConkey. Mr. McConkey, please.

Marianne Isitt.

Fred Kolesar. Please proceed.

MR. F. KOLESAR: Thank you, Mr. Chairman. Mr. Chairman, members of the committee, ladies and gentlemen.

My name is Fred Kolesar. I am the Reeve of the R.M. of Minto and District Director of the Midwest Municipal District.

I am going to speak against the amendment to Section 23. I am not too sure about the legalities of this whole problem. In fact, I haven't heard anyone who is, and I have heard arguments by some very good legal minds discussing the pros and cons and getting really nowhere. Nor am I sure of the results of this amendment if it is entrenched, but I can guess, and some of my guesses really frighten me.

So, Mr. Chairman, I'll talk of some of the other reasons why I oppose this amendment. I am most concerned about the cost, and here, I must criticize those who instigated this whole procedure. This is going to cost the taxpayers of Manitoba millions of dollars. Tax dollars, that if indeed had to be collected, would be better spent trying to provide jobs for the unemployed and to ease the burdens of those who must now depend on welfare. These tax dollars are being collected from these same people who are unemployed and on welfare and for many others whose main concern is where their next dollar is coming from and not how many languages their parking tickets are printed in. A lot of them can't even afford cars.

Mr. Chairman, I oppose this amendment for another reason and it's not that I want to put the French down. I think it's great that a group of people be they French, German, Ukrainian or any other try to preserve their language, culture and customs. I, too, would like to preserve my language and customs which, by the way, Mr. Chairman, are not English.

To have a strong community and a strong country, we must be able to talk to each other, to understand each other and not have to use interpreters where much of the thing is lost.

I'm reminded of a Bible story of when the peoples of Noah started to build the Tower of Babel as a means of getting to heaven, and all of a sudden everyone spoke a different language, so the whole project collapsed. Can we not learn something from this? Are we going to pull the plug on our project called Manitoba, simply because we won't be able to understand each other? I know Manitoba isn't heaven but, by talking one language and understanding each other and not taxing the people to death, maybe we can make it a little bit more like the Garden of Eden.

Mr. Chairman, we are also being told that by entrenching this amendment that we will be uniting the people. I don't know who they have been talking to. I have talked to a lot of people and they are all opposed to this amendment. Among those were some people of French origin and they say that already they are beginning to feel some of the barbs of discrimination.

Are we creating another Northern Ireland or even perhaps another Lebanon?

Just a few quick thoughts, Mr. Chairman. Mr. Pawley has said the municipalities and school boards would be excluded, but once this is entrenched, it only takes a small amendment to change one word from "exclude" to "include."

If this amendment is entrenched, will it not open the door for groups of other ethnic origins to pressure the government to include them in the Constitution also?

We are told that this isn't going to cost us very much, that the Federal Government is going to pay a large

part of it. The people of Manitoba are not stupid. They know where the Federal Government is getting their money from. They are reminded every day.

For over 100 years, this province has gotten along very nicely speaking only one language and, for over 100 years, the French of Manitoba have maintained and preserved their language. I applaud them for that, and their culture, without it being entrenched in the Constitution.

Now here we have all this fuss and furor and discrimination and hard feelings, all because some guy wanted to weasel out of paying a parking ticket.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Kolesar. Questions? Mr. Blake.

MR. D. BLAKE: Mr. Kolesar, I thank you for waiting around most of yesterday and today to get on with your brief and for taking the time to present it and appear before the committee. I take it from the gist of your brief that you and the people you represent feel there is no great hurry to put this resolution forward, that possibly more time should be spent in arriving at maybe more of a consensus before it's rushed through. Some of my people have said to me, they appear to be ramming it through in such a hurry. We've heard before in these hearings that this particular time of the year for rural Manitoba is not the best time to have hearings in any event, because the rural councillors and municipal people, their minds are on some things other than maybe an amendment to the Constitution.

MR. F. KOLESAR: Exactly. I didn't have a chance to get together with my council until late last week. However, we have been talking to the people around the district. They feel that a lot more homework has to be done on this before any action should be taken at all; homework in presenting this to the people so that they understand it, so that they know what's going on.

I myself, like I said, am really not all that sure that I do understand the whole thing. I have listened to the Premier and another lawyer by the name of Mr. Scarf argue for two hours the pros and cons of it. At the end of it, neither one of them, in my opinion - I think all they did was made me more baffled. Neither one of them could tell me or anybody else just what would happen if this was entrenched. If these people don't know, then how are we to understand it?

I think more work has to be done. More dialogue has to come from somebody that is pushing this to the people that are supposed to understand it.

MR. D. BLAKE: I couldn't agree with you more, Reeve Kolesar. It was attributed to the Attorney-General this morning, although he denied saying that you nearly had to be a constitutional expert to really understand the proposition before us, but that's been borne out by what you have said, listening to two lawyers discuss it. We listened - the first day of hearings, I believe, we were here for two-and-a-half hours with a constitutional expert and the Attorney-General, I'm sure some 150 people or 200 people that were here that day, I'm sure that not too many of them really understand what the

dialogue between those two was about. So it bears out what you say, that there is more . . .

MR. CHAIRMAN: Question, please.

MR. D. BLAKE: You've agreed that there is more dialogue needed and more time required on this particular issue before it's hammered into a final position and becomes law that could affect your municipality.

You mentioned the cost factor and where the taxes come from.

MR. CHAIRMAN: Question, please.

MR. D. BLAKE: Would you feel and does your council feel that, regardless of the arguments that you've heard, this is going to impose another expense on your municipality if this resolution passes to its fullest extent.

MR. F. KOLESAR: At the start, possibly not, because we are going to be excluded. My concern is that, once this is entrenched, it will be there forever. It is only a matter of a small amendment to change one word from "exclude" to "include." Then, of course, it will cost us more money. We have statutes, we have by-laws that are going to have to be transcribed into another language. Certainly it's going to cost us money.

Under the present conditions, money is pretty hard to come by. I think we all realize that, because we have to set the budget every spring. We have to listen to the people complaining about the high costs. So yes, it is our concern.

MR. D. BLAKE: The area that you represent as a Director of Westman, how many municipalities would that include, Reeve Kolesar?

MR. F. KOLESAR: Approximately 23 that are in the union. However, I must say here that I have only been elected as of the last June, the last district meeting. We have only had one meeting with the executive. Since that time, with haying coming on, I have a bunch of cattle and farming and harvesting, I really haven't had that much time to talk to the people, to the other reeves and councillors in the district. So I feel that I shouldn't speak for them at this time.

MR. D. BLAKE: Thank you very much, Mr. Chairman.

MR. R. DOERN: Mr. Kolesar, based on what you say, is it your view that ethnic and cultural groups should basically fund their own organizations, maybe not entirely, but basically?

MR. F. KOLESAR: Yes, I would think so. I can't see that the taxpayers should be funding small groups or large groups, whichever the case may be. If these people want to preserve their own culture, and I applaud them for that, I think they should do it without taxpayers' money.

MR. R. DOERN: . . . pour some money in here to support the government in a campaign.

MR. F. KOLESAR: I have read one of the Secretary of State's speeches in which he as much as said that

his main purpose in life was to make Canada into a French state. I have had, to some degree, give up one identity already. I would hate to have to do that again.

MR. R. DOERN: Do you feel that it is political interference on the part of the Federal Government to provide funding to organizations or directly to fight plebiscites or referendums or to support the Provincial Government's position?

MR. F. KOLESAR: Yes, I have already said that. I don't think that the taxpayers should put money into one side or the other, in this case, the taxpayers of Canada. This is strictly, I think, a Manitoba problem, and I think that we have elected a Government of Manitoba, and I think they should deal with it. I really don't think that this should go to the Federal Government. I think they should stay out of it until we have settled our own issue here. Yes, that's all I'll say for that.

MR. R. DOERN: If they do, in fact, fund one position, do you think they are morally or legally bound to fund the other position?

MR. F. KOLESAR: Yes. I guess it would be only fair that if one side's getting some money, then of course the other side should also be treated likewise.

MR. R. DOERN: Has your municipality passed a resolution opposing the government position?

MR. F. KOLESAR: Yes, we have.

MR. R. DOERN: Are you considering or are you going to hold a referendum or a plebiscite on this question?

MR. F. KOLESAR: We discussed that at some length at the last meeting we had, like I say, last week. Winnipeg has come up with the idea that they are going to hold a referendum. We understand that's already being challenged. No, we haven't decided yet whether we will or we won't.

MR. R. DOERN: I assume that you wouldn't be intimidated by the threat of a lawsuit which may be only a tactic in preventing you from holding one?

MR. F. KOLESAR: I don't think we would be, no. But then of course there is more to this than possibly I understand. I am not just sure where our position is or what our position is in holding a referendum along with the fall elections. I am not too sure, we've got to discuss that further.

MR. R. DOERN: Are you familiar with the legislation introduced by the Minister of Municipal Affairs to enable municipalities to hold referendums or plebiscites? It was introduced at the last Session of the Legislature.

MR. F. KOLESAR: No, I haven't studied it, I've been too busy this last while.

MR. R. DOERN: Thank you very much.

MR. CHAIRMAN: Further questions? Mr. Adam.

HON. A. ADAM: Yes, thank you, Mr. Chairman. I believe Mr. Doern suggested that - I think it was Mr. Joyal that made a statement that his ambition was to make Canada a French state - and you responded to him, and I am paraphrasing you, but I think it is quite accurate, "I had to give up one identity already, I would hate to give up another one." Could you elaborate?

MR. F. KOLESAR: Yes, I was born and raised a Slovak. As you know, in this country there aren't many Slovaks out in the country, and so my grandfather saw long ago the need to speak the English language. He taught his children and his grandchildren to be well versed in the English language because he said this is the direction we're going to go. So we have given up - although I can still speak the language, and I try whenever possible to broaden my knowledge of the language - I am afraid that I have had to give that up and now, like I say, I would have to give up my second identity as now an English-speaking Canadian.

HON. A. ADAM: Yes, that's quite interesting to hear, quite a revelation. You mention that you had no objection in your previous comments, in your opening comments, to any culture or any ethnic group trying to retain their culture. How is it possible to be able to keep a culture? You have admitted that you have already been assimilated now, you have given up hope of retaining your culture. Do you not see the trend that we are proceeding with that eventually all cultures will disappear? You have already lost yours, and I know that quite a few Frenchmen have as well.

MR. F. KOLESAR: No, I cannot agree with you there. Where numbers warrant, I'm sure that language and that culture will prevail. The Ukrainians - and I was brought up in a partial Ukrainian district north of Neepawa called Mountain Road - they have maintained their culture. The numbers warrant it, but they all talk English. They all work in English, they all understand it, and I think this is the way that we should be going. The French, where the numbers have warranted, have maintained their language, they've maintained their culture and this is good. I have no quarrel with that, but I think the country as a whole, in order to develop and go forward, must all talk one language. Let's all speak the same language; let's all understand each other. This is the only thing that I am pleading with you, begging you, let us not have to, when we go to talk to each other, take along an interpreter with us to be able to understand each other, because we all know that by interpreting a language something is lost.

HON. A. ADAM: Yes, in some suggestions by others, not by yourself, that perhaps we should be going by way of the United States and end up in a melting pot where there is no culture left. It's just one language and you're an American, or you're a Canadian and there is no more Ukrainian, no more French, no more English, no more Scottish. It's all similar to the melting pot.

MR. D. BLAKE: Mr. Chairman, on a point of order.

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

MR. D. BLAKE: I would just like to know what authority that the Minister of Municipal Affairs has for saying that there is no culture left in the United States. I have visited Swedish homes down there that have kept their culture and many other ethnic groups in the United States that have got as much culture as they have anywhere else. I just wonder what authority he had to make that statement.

MR. CHAIRMAN: Order please. A difference of opinion between members about the level of culture in the United States doesn't really seem relevant to this discussion. I would ask the Minister to direct his question to the reeve, and please come specifically to his question without further preamble.

HON. A. ADAM: Well, Mr. Chairman, the fact that Reeve Kolesar has indicated that he has lost his identity or his culture, and I am trying to determine whether he feels that that is a desirable thing.

MR. CHAIRMAN: Is that your question?

HON. A. ADAM: That's the question.

MR. F. KOLESAR: No, I don't think it is desirable, I certainly don't, and I have said before that I applaud those that can maintain their language and their culture. I am all for it, but I think when it comes down to government that everybody should be able to talk one language, and the government should be in one language.

In this I sort of think that in the United States this is good, they all talk English. But I do possibly condemn them if, as you say, they have assimilated all the nationalities into one melting pot because I don't agree with that. I think that we should all maintain our own identity if we can. There are times, and in my own instance we could not because there were only one or two families. It has come on down to the third generation, and I can still talk the language, but I am afraid my children can't. It is unfortunate, but that's the way it is. Some of us are going to lose our identity, there's no way out, but where numbers warrant it, by all means.

MR. CHAIRMAN: Further questions for Reeve Kolesar. Mr. Penner.

HON. R. PENNER: Just one question. Are you aware, Reeve Kolesar, that in the United States there are very substantial Hispanic communities where services are delivered in Spanish as well as English because of provisions in the American Constitution?

MR. F. KOLESAR: No, I am very ignorant of American laws or American customs.

HON. R. PENNER: Thank you.

MR. R. DOERN: Mr. Chairman, I would also ask the reeve, based on that last question, whether he's aware of the fact that a lot of those Spanish-speaking American citizens are Puerto Ricans, who speak no English at all and are automatic citizens of the United

States, and consequently the American Government does in fact provide certain services in Spanish and English.

MR. F. KOLESAR: No, as I said before, I am quite ignorant of American policy in language.

MR. CHAIRMAN: Further questions? Seeing none, Reeve Kolesar, thank you to you for representing your council here today.

MR. F. KOLESAR: I would like to thank you for listening to me.

MR. CHAIRMAN: Mr. Dave Campbell; Gail Campos; Reeve Allan Rose, R.M. of Whitewater, Reeve Rose; Omer Chartier.

Mr. Chartier, I understand your brief will be in French.

MR. O. CHARTIER: Oui M. le président.

MR. CHAIRMAN: I would ask for a 5 minute recess so that members of the audience can approach the technician beside the translation booth to pick up receivers so they can understand the English translation of the French.

Committee come to order. Mr. Chartier, please proceed.

MR. O. CHARTIER: Merci M. le président. Mesdames du comité, Messieurs du comité. Mon nom c'est Omer Chartier et je représente le village de Saint-Lazare en tant que maire. Et voici ma présentation telle que suit. Malheureusement, je m'excuse de ne pas l'avoir circulée plus tôt pour qu'elle soit traduit; peut-être ça aurait été plus facile.

C'est sur la frontière entre la Saskatchewan et le Manitoba dans une vallée au confluent de la rivière Qu'Appelle et de la rivière Assiniboine, que se situe notre petit village de Saint-Lazare.

Deux caractéristiques particulières s'unissent et se confondent pour faire de notre village un véritable joyau du Manitoba. D'abord, l'unique emplacement géographique de l'endroit demeure toujours très cher au souvenir des visiteurs. Comment oublier cette magnifique vallée, ce dynamique petit village embrassé par un pittoresque cirque de colline. Mais cela loin d'être la seule caractéristique remarquable de chez nous, le village édifié de toute fierté une véritable communauté francophone.

Selon le recensement de 1981, 57 pour cent de la population de Saint-Lazare reconnaît le français comme sa langue maternelle. En dépit de son isolement, cette population d'expression française a toujours tenu à faire valoir ailleurs dans la province le cachet francophone de son village.

Notre intervention ici aujourd'hui en est un témoignage manifeste. Mais si aujourd'hui Saint-Lazare peut se flatter de sa qualité francophone, il se doit de reconnaître l'ardent travail des pionniers français et métis qui en ont posé les premiers jalons.

Saint-Lazare fut fondé en 1875 par le père Déculby. Il nomma la mission d'après le village d'où il venait en France. Au début, tous les habitants étaient soit des Métis ou des Indiens. Leur contribution à la fondation

de notre village demeure inestimable. En 1880, éventuellement d'autres familles se joignirent à eux, tels les Okeefe de l'Ontario. Deux ans plus tard, les Tremblay et les Déculby. En 1888, arrivèrent les Simard suivis par les Chartier et les Guay en 89. Ces familles venaient du Québec et de la France. En 1893, arriva la famille Fouillard suivie des Huberdeau en 1903.

Par cette année-là, Saint-Lazare comprenait déjà plus de 50 homesteads, 22 occupés par des Métis, 28 occupés par les Canadiens français. La part des francophones dans l'histoire de notre village n'est donc pas à relire.

Les misères et les difficultés que connurent ces braves ont été longuement documentées dans les innombrables histoires de familles pionnières du Manitoba.

Mais comment parler de l'histoire de Saint-Lazare sans porter mention au Fort Ellice. Sur une des collines donnant sur la vallée qui berce aujourd'hui notre village, fut érigé en 1831, le Fort Ellice. Ce fort, construit par la compagnie de la Baie d'Hudson, devait d'abord favoriser le commerce avec les tribus indiennes. Mais aussi important, pendant plus de 60 ans, il fut un point de chute principale pour les voyageurs qui franchissaient les incalculables distances entre le Fort Garry et les autres forts plus à l'Ouest, tel, non-mentionné ici, mais le Fort Espérance. Ceux qui traversaient la prairie de Cheval-Blanc se promettaient d'arrêter au Fort Ellice, avant de continuer vers le Fort Carlton. Le Fort Ellice et Saint-Lazare peuvent donc s'inscrire dans l'histoire du Manitoba comme ayant constitué une véritable porte ouvrant sur la Saskatchewan et sur l'Ouest entier, rendant davantage praticable la route Carlton vers l'Ouest.

Ayant donc ainsi oeuvré à offrir sa juste part historique dans la création de cette province, le village de Saint-Lazare se voit aujourd'hui en son droit de se prononcer sur une question aussi fondamentale que celle qui fait présentement l'objet de ces discussions. Mais nous hésiterions de venir ici aujourd'hui avec autant de zèle, si notre village ne faisait pas actuellement preuve du dynamisme francophone pour lequel il est connu.

Il est vrai que notre réalité historique raconte les périples et les efforts des colons français et métis qui ont bâti Saint-Lazare. Cette vérité est la base même d'un autre vérité plus contemporaine. Celle de l'existence du français à Saint-Lazare en cette fin du 20e siècle.

Devant toutes ces contestations, ces constatations pardon, le village de Saint-Lazare puise l'entière justification de venir aujourd'hui appuyer le projet d'amendements à l'article 23 de l'Acte du Manitoba, tel qu'il fut négocié entre la Société franco-manitobaine et le gouvernement du Manitoba et conclu au mois de mai.

Et disons bel et bien justification car nous comprenons difficilement ceux qui hésitent à présenter leur appui à un tel projet qui vise à restituer les droits constitutionnels des francophones, d'autant plus que tout cela n'enlève rien à nos amis anglophones . . . , nous sommes plutôt consternés par l'attitude plutôt miope de ces municipalités cousines du Manitoba qui ont réagi de façon négative à cette entente qui les oblige à rien. D'ailleurs, il nous plairait d'apprendre que les municipalités qui prendront la brillante initiative

d'offrir des services en français en auront les coûts défrayés par les gouvernements.

Pourquoi alors tout ce bouleversement qui s'appuie, certes, uniquement des craintes empruntées à une imagination trop fertile.

M. le président, le conseil du village de Saint-Lazare appuie le gouvernement du Manitoba dans son vouloir d'adopter la résolution dont les négociations furent conclues au mois de mai. Nous sommes d'avis, M. le président, que de rendre aux citoyens francophones de notre village ce qui est leur droit, sans enlever quoi qu'il soit à leurs co-citoyens anglophones, est une action leur des dignes d'un gouvernement juste et intègre.

Le français n'est pas mort dans notre village. Et le conseil que je représente en est pleinement conscient. Nous voulons que cette dynamisme francophone demeure pour de nombreuses générations de l'avenir, une de ces caractéristiques uniques du village de chez nous. Les amendements proposés à l'article 23 viendront alimenter ce dynamisme.

Mais ne croyez pas surtout que notre isolement limite nos horizons. Nous voyons tout de même au-delà des collines de chez nous. Nous voyons ce que représente un tel projet d'amendement pour le Manitoba entier. Notre province retrouve les véritables engagements constitutionnels de ces origines. Elle retrouve sa réalité historique qu'elle remet dans une perspective tangible et réelle. Quoi de plus simple pour une province qui veut s'assurer un avenir prometteur, que de réaffirmer l'essentiel de sa réalité constitutionnelle et judiciaire. Car ces nombreux pionniers de l'époque de jadis avaient certes à cœur l'avenir de leur nouvelle province. S'ils ont conféré à certaines populations des droits spécifiques, c'était par respect mutuel, ce même respect qui tissera le fil de l'avenir de notre province.

Cette tolérance accrue et cet éveil heureux donneront lieu à l'épanouissement du mosaïque qui dessine présentement les multiples couleurs culturelles du Manitoba. Quelle meilleure promesse pour l'avenir?

Non, M. le président, le village de Saint-Lazare ne pense pas uniquement à son petit îlot à proximité de la Saskatchewan. Le village de Saint-Lazare est d'abord et avant tout un village manitobain et il en sera davantage fier lorsque l'entente conclue au mois de mai sera adoptée par le gouvernement du Manitoba.

C'est alors que Saint-Lazare pourra citer à nouveau les paroles de l'abbé Maillard, missionnaire pionnier: "Et voilà comment le Saint-Lazare, dont le nom sentait un peu le mort, éveille maintenant l'idée de résurrection."

Ceci termine le texte préparé, M. le président. J'aimerais faire allusion à quelques points qui ont été amenés durant les trois heures que j'ai été ici, soit surtout un fait qui a été mentionné par je crois le maire McKinnon de Virden qui a cité à une question de M. Graham, je crois, que le français avait peut-être changé un peu durant les derniers dix quinze ans. Une chose qui n'a pas été mentionné ici, ça revient à 25 ans passés, c'est que personnellement quand j'allais à l'école chez nous à Saint-Lazare, il fallait que lorsque l'heure du français arrivait, si ça s'adonnait qu'il y avait un inspecteur dans les alentours, un inspecteur de notre province, comme de raison, il fallait cacher nos livres français. Ce n'est plus le cas maintenant et ceci je loue les gouvernements qui ont été depuis que je suis sorti de l'école.

Merci M. le président.

MR. CHAIRMAN: Thank you, Mr. Chartier. Questions for Mr. Chartier from members of the committee?
Mr. Doern.

MR. R. DOERN: Just a couple of questions, Mr. Chartier. You suggested that none of the costs of these services would be at the expense of the municipalities. Where do you think the government gets its money from?

MR. O. CHARTIER: Mr. Doern, I may answer in English, presumably.

MR. CHAIRMAN: English or French, your choice.

MR. R. DOERN: Either way.

MR. O. CHARTIER: Definitely it will be from the taxpayers, there's no two ways about it. As Mayor of the town I guess, like Reeve Kolesar, I believe mentioned, I think it was all definitely grounded out. I'm sure you good people in the hearings that you had in the last - I don't know how many you've had, 10 or so, maybe 15, I'm not too well aware of how many you've had - but definitely it comes from the taxpayers.

But, on the other hand, let us make sure that when we are speaking about people with the last dollars, and what have you, I'm probably one of them with five children and I'm in that position like many of us are. We can't speak here about welfare people because these are not the people that will furnish the tax dollars. It will definitely come from the man that's working, from the farmer who has the bucks, from the guy that's making \$15 an hour, it will come from all of us. But, on the other side of the coin in that respect, there must be - I don't know if it's ever been brought out in the hearings, perhaps it has - that in days gone by, before our school divisions - when we're talking education I should say - there was double taxation on both sides of the fence, as far as English and French are concerned, and I'm sure my great-grandparents, especially the French-speaking ones, have paid double taxes in that respect. And, again, any money that's used by governments, of course, it comes from taxpayers, and there will be a certain amount of cost. But then, on the other hand, it's minimal as far as we, as citizens of Manitoba, are concerned when we think that the federal is going to throw it in. Mind you, that's still some of our bucks, but it's still minimal considering the impasse that we're at in this day and age.

MR. R. DOERN: Mr. Mayor, what is the population of St. Lazare?

MR. O. CHARTIER: I believe the last official population was 437, 434.

MR. R. DOERN: Are there any services provided by the Provincial Government directly in your community, are there any offices there, or are there people who are in frequent contact with . . .

MR. O. CHARTIER: No, there aren't any direct services as far as St. Lazare is concerned, no.

MR. R. DOERN: Have you ever had any problem to date communicating with the Provincial Government, in terms of writing them in French, for example, and receiving a reply in French?

MR. O. CHARTIER: I don't think there is too much of a problem at this time.

MR. R. DOERN: If there was not a single penny of support given by the Provincial Government to the citizens of St. Lazare would they still not be able to carry on their culture and language?

MR. O. CHARTIER: I presume, in view of what has transpired in our school systems and, of course, on a municipal level, probably so. There has been a lot of emphasis put on entrenchment, like we all know it's - I'm no lawyer - from what I gather it's that once this thing has been dealt with, and if it comes to pass that it is entrenched in the Constitution of Canada we, as French-speaking citizens, I presume, are guaranteed that no matter how the Provincial Governments change the thing will still be in order. I think you, Mr. Doern, are probably more in the know on that than I am because, like I say, I'm no lawyer. So this is what I would consider my interpretation of it.

MR. R. DOERN: Could I ask you, just in general, are you a native-born Manitoban, and lived in St. Lazare all your life, for example?

MR. O. CHARTIER: Except for three years, yes.

MR. R. DOERN: Right. And how long have you been in the political business?

MR. O. CHARTIER: Oh, I'd say about nine years.

MR. R. DOERN: Nine years. When the Schreyer administration was in office did you ever have any complaints about their policies, programs, in regard to French services?

MR. O. CHARTIER: In all truthfulness I'd have to say that that is about when I started on the political scene, as far as our local government is concerned, and I'd say that is when it seemed that doors were opening up as far as the French-speaking people, the rapport with the Provincial Government is concerned. I think this is when we found that things were a lot easier to say than they were beforehand.

MR. R. DOERN: And did you feel, say, particularly from either '69-'77, or '74-'77 that there was some progress made, some improvement or enrichment?

MR. O. CHARTIER: I think probably so to a certain extent. I think it was continued from the days of, I presume going back 8 or 9 years, from the days of Mr. Schreyer, I would say so.

MR. R. DOERN: Did you feel there was any progress made in the Lyon years?

MR. O. CHARTIER: I would not specify any progress but, let's put it this way, as far as I'm concerned it hasn't gotten any worse.

MR. R. DOERN: And did you feel there was any improvement or enrichment in the Pawley Government, up and to this point, prior to this debate?

MR. O. CHARTIER: Again I will reiterate the fact that it hasn't been any worse, and I think perhaps we're served quite well.

MR. R. DOERN: And would you say - I seem to be asking a lot of questions, incidentally - that there have been improvements made during the Trudeau years, in regard to French Canadians and Franco-Manitobans, in particular?

MR. O. CHARTIER: Well, I would personally relate, when you're bringing in the Federal Government, to the fact that my personal feeling is that why we've gotten as far as we are is because maybe of the Trudeau regime.

MR. R. DOERN: What do you make of the opinion which some people hold that this present legislation and this present debate is actually hurting Franco-Manitobans rather than helping them, and that Franco-Manitobans would probably have been better served by the government having policies rather than by formally entrenching programs and policies in the Canadian Constitution?

MR. O. CHARTIER: Again, my not being a lawyer, it makes it tough for me to answer that one. But the way I hear it is that statements such as those from what you've just mentioned, it all depends where they're coming from, but the fact remains that the whole thing has to start someplace. If we're going to get anywhere, it has got to be from some form, somebody's got to bring it up some way or another. If nobody moves, then we're at a standstill, we'd never get anywhere. Perhaps this is what our great grandfathers never did back in 1890 or whatever the case might be. Perhaps they should have moved then in the days of when our rights were literally taken away from us in 1890.

MR. R. DOERN: Mr. Mayor, you strike me as a reasonable person and could hardly be described as a militant, or at least aren't exhibiting any of those signs. In your community have any people come to you and said that they wished this whole process had not started, that it was in fact hurting Franco-Manitobans, and that they would be better off if the clock could be turned back, which it can't?

MR. O. CHARTIER: Yes, definitely. There are some people that will come up with those statements, as a matter of fact, some of our own French-speaking people. By and large, there's a heck of a lot more that are saying otherwise, that this is a good process, it's something that nothing but good can come out of it. We realize that it's definitely a hard thing to do, what we're doing today. Let's face it, I don't like coming in front of the tribunal, this is my first time, and I call it a tribunal. I don't know if it's the right word but this is the way I look at it. The thing is I don't feel bad about it, it's probably good experience for me and I am sure when I get back home people that I've spoken to and we've given the opportunity to people to speak

out on this, to give me their opinions. There are, like you say, some people that say why not leave well enough alone without disturbing things as badly as they are? Again, by the same token, you get a lot more people saying this has got to be for the better, and I'm sure that we'll all come out of it, both the French- and the English-speaking, will come out of it with a better understanding of each other.

MR. R. DOERN: How do you see the role of other ethnic minorities or communities in Manitoba, for example, the Ukrainian community, the German Canadians have larger populations? Do you see any connection between the fate of your people and their connection with these other communities, or do you see it as a "you will fight for your position and they can fight for theirs," or is there some direct connection between them?

MR. O. CHARTIER: To a certain extent there is a certain connection, but I think back in 1870 - if I read correctly - we were about 50/50 as far as the French- and the English-speaking in Manitoba. Of course, they tell me today, I heard on the news at noon that the Minister of Cultural Affairs, Mr. Godin from Quebec, who I find out now that he is one of the greater Separatists - I don't know how true that is but that's what I'm told - but he stated on TV and I saw him personally, so I can say this, that there is no chance for Manitoba at all of ever being bilingual because he says there are only 4 percent of the people that speak it and there are no institutions, there is no French TV, there's no French radio, so somewhere along the line he got his wires crossed, so there's something wrong someplace. What he said from then on I didn't even listen to because he hasn't read up on this. I know more about Quebec than he does about Manitoba, if that's the case.

MR. R. DOERN: Were you watching him on CBWFT?

MR. O. CHARTIER: No, this was - pardon me, it was on CBWFT, yes.

MR. R. DOERN: Thank you very much, Mr. Mayor.

MR. CHAIRMAN: Further questions for Mayor Chartier? Mr. Adam.

HON. A. ADAM: Thank you very much, Mr. Chairman. I should be asking you this in French. Most of the people have removed their earphones. There has been some suggestions, even this afternoon or today, to question and discredit the Société Franco-Manitobaine, and in your comments you and others in Ste. Rose and here as well have supported the agreement, as negotiated between the parties, the Société Franco-Manitobaine and the Provincial Government and other parties to that agreement. Since this is an attempt to discredit the membership and it is said that they don't represent the views of the French population, could you elaborate on that or could you give us your views as to how the French community in St. Lazare view the efforts of the Société and how a grass-roots person at the local level, a French person who doesn't have the organization or the spokesman for them, to deal with this kind of a question? Could you elaborate on that for us?

MR. O. CHARTIER: Well, firstly, Mr. Adam, I would just like to say that as far as the Société Franco-Manitobaine is concerned, known as the SFM, it seems to me - I've been a member of the SFM now for I'd say 10 or 12 years, we're 200-210 miles west of Winnipeg, so it makes it kind of difficult for everyone to attend the meetings. I have been lucky enough to have a little bit of time and I've got some relatives out there they can take me in. I don't have to have motels and the like so consequently it makes it a little easier for me to attend. If we talk about the SFM, I'm sure that the population of St. Lazare, as we know it, be it - it says on their 1981, 57 percent of us were French-speaking, our mother tongue was French. I'd say that that's more like 75 in this day and age, but one way or the other I'd say there are about - you could count them on two hands, the people that go to the SFM meetings for the simple reason that it's 200 miles away and usually it's an afternoon thing, or possibly sometimes once a year it's a weekend affair. Usually there's more that come to the weekend affair, once a year.

The thing is you don't learn once a year as to what transpires in an organization as big as the SFM, but if you are asking me if they are working for us there's no doubt that they are extolling the view of the French-speaking people. I'm sure if they're doing it for us in St. Lazare they're doing it for the French-speaking population all across the country. I don't think they are trying to be politically oriented; as far as I'm concerned they're not. As far as pushing anything down anybody's throat, they're not either. I think they are expressing the views of what the French-speaking population of Manitoba would like to see. I don't know if I'm answering your question now, but I . . .

HON. A. ADAM: That's fair enough. Thank you very much.

MR. CHAIRMAN: Further questions for Mayor Chartier? Mr. Malinowski.

MR. D. MALINOWSKI: Mr. Chairman, I would like to ask, did I understand you correctly if you said that the Minister of Cultural Affairs of Quebec said on TV, or on the radio or whatever it was, that we don't have a radio and TV in the French language in the Province of Manitoba?

MR. O. CHARTIER: That is correct.

MR. D. MALINOWSKI: Well, he is misleading those people if he is putting such a question.

MR. O. CHARTIER: But I am sure that by now he has been advised differently.

MR. D. MALINOWSKI: By now. Send him here for a month so he will learn something.

MR. O. CHARTIER: By this time, this was only either at noon today, no it wasn't at noon today, it was on the 11 o'clock news last night, or 6 o'clock, I forget now.

MR. D. MALINOWSKI: And he put such a statement; what a shame.

MR. D. BLAKE: It's not the first time politicians have mislead the people.

MR. O. CHARTIER: It is a shame, but then like I say, I have never seen the guy before, either on TV or otherwise, but I am given to understand now that he's one of the worst Separatists money can buy. With all due respect to my feelings on the French language, I am not a Separatist, I don't want us to be unilingual, but I feel that there is room for both of us in the province and I am sure that we can work both cultures together and make this the best province money can buy and show them what this Canada of ours can really be.

MR. D. MALINOWSKI: Mr. Chairman, if this is the case we don't want to even buy - not talking to buy him, we don't want him for nothing. Let him stay there.

MR. O. CHARTIER: I am in full accord, but then I don't think, by the same token, sir, we have extroverts in all aspects of life and, perhaps, he's one of them. He may have been misguided, but I'm sure, like I said, this thing will be rectified by now, I'm sure.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. Through you to Mayor Chartier, and perhaps as a word of explanation to the committee. I have known Mayor Chartier for many years, and I have lived very close to the St. Lazare area.

Mayor Chartier, in reply to questions from Mr. Doern, I believe, you stated that the people in your village felt that you achieved a great deal when the Schreyer Government was in power. I believe you also stated that things didn't go backwards under the Lyon Government, nor under the Pawley Government up-to-date. Was that a correct interpretation of your remarks?

MR. O. CHARTIER: I would say so.

MR. H. GRAHAM: Mr. Chartier, in order to be fair to all political parties, I realize that St. Lazare did get a great deal of assistance in various ways when the Schreyer Government was in power; can I ask you, was that because of the government, or was it because a person by the name of Mr. René Chartier was a Special Assistant, or Executive Assistant to the Premier?

MR. CHAIRMAN: Order please.

MR. H. GRAHAM: You don't have to answer Omer.

MR. CHAIRMAN: I think the Member for Virden has made his point by asking the question phrased that way. I don't think it's a fair question to the Mayor of St. Lazare though.

MR. O. CHARTIER: I would like to answer it if you don't mind.

MR. CHAIRMAN: You don't have to answer it.

MR. O. CHARTIER: It's your ball game, Mr. Chairman.

HON. R. PENNER: That's right, Mr. Chairman, make up your mind.

MR. D. BLAKE: Are you catching or pitching, Andy?

MR. O. CHARTIER: My answer would be very short and sweet.

MR. CHAIRMAN: My difficulty is, since the Member for Virden chose to introduce the extraneous material in his question, I guess, it is only fair to allow you to answer. I would ask you to keep it very short.

MR. O. CHARTIER: Politics are politics, I wish Harry was my brother.

MR. CHAIRMAN: Mr. Graham, further questions? Brother Graham, further questions?

MR. H. GRAHAM: Mr. Chairman, would the Mayor not agree that in many of the problems that St. Lazare had and brought to the attention of Mr. Chartier, and Mr. Chartier, in turn, came to me as a Member of the Legislative Assembly, that we did what we could to achieve the best for the Village of St. Lazare?

MR. O. CHARTIER: No argument.

MR. H. GRAHAM: Thank you very much.

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

HON. A. ADAM: I have one more question. At the Ste. Rose hearings, I believe it was Mr. Graham - he can correct me if that is not so - he was expressing the idea to the people there, the Francophone people, asking them whether they were not concerned that this agreement would restrict their rights, rather than extend them. I notice that he hasn't put that question here to you today. Do you feel that this agreement restricts your rights, or do they perhaps reinstate the rights that have been abrogated?

MR. O. CHARTIER: Actually it doesn't make sense that it would restrict my rights, Mr. Graham. I would just say that should Article 23, or Bill 23 as we know it, be entrenched in the Constitution, it would make me feel a lot freer to walk into the Victoria Inn and speak in French to anybody around without being looked at like I'm an alien. This is only part of it when you are living in French, and I presume the same thing applies to people that are living in Ukrainian, or German, or Slavic, or otherwise. This, to me, is what the answer would be to that, but it wouldn't restrict in any way at all, for sure not.

MR. CHAIRMAN: Further questions? Mr. Graham.

MR. H. GRAHAM: Since some people have been asking questions on my behalf, may I ask a further question of Mr. Chartier? Mr. Chartier, if we spell out, very specifically in terms that are going to be entrenched in a Constitution, only those services that government will provide, will that, in future years, be interpreted as a limitation of any further implementation of services to the French community?

MR. O. CHARTIER: Definitely would.

MR. CHAIRMAN: Any further questions? Seeing none, Mayor Chartier, thank you very much for being here today and representing your council, and I'd like to commend you for your presentation and tell you that there was no need for you to feel nervous about coming before this tribunal, as you call it.

MR. O. CHARTIER: I'm glad you noticed it. Thank you on behalf of the citizens of St. Lazare for your very good patience and your good will, and I hope we all turn out for the best. Merci beaucoup.

MR. CHAIRMAN: Next on our list is Lucille Chartier, Lucille Chartier please.

MRS. L. CHARTIER: M. le président, Messieurs, Mesdames. Je suis Lucille Chartier et mère de famille qui veut donner ses points de vue.

Si j'ose vous adresser quelques paroles au cours de ses audiences publiques, c'est que je crois que l'enjeu est trop élevé pour me permettre de ne rien dire. L'enjeu va bien au-delà de la survie de la population franco-manitobaine. C'est un enjeu qui touche à la population du Manitoba en entier.

Le sort de la communauté en dépend. Les lois qui ont abolies l'usage du français au Manitoba ont été jugé anti-constitutionnelles. Si on continue à respecter ces lois anti-constitutionnelles, c'est la fin de notre système judiciaire.

Sur le système judiciaire repose le fondement de notre civilisation. Nous ne pouvons donc pas continuer à observer des lois qui menacent ainsi notre société. Il faut banir éternellement les lois répressives dont l'existence n'est pas fondée sur la légalité.

Les Franco-Manitobains subissent les injustices depuis 90 ans. Ils ont patienté tout ce temps. On leur doit d'amender les lois qui les conduisent peu à peu vers une mort certaine.

La Société franco-manitobaine a agi dans l'intérêt du groupe qu'elle représente. L'entente conclue le 17 mai est juste envers les Franco-Manitobains et aussi envers le gouvernement provincial. Il s'agit d'une entente avantageuse pour tous les partis en question.

J'appuie fortement l'entente conclue le 17 mai 1983. J'espère, Messieurs, que vous en ferez autant.

Merci.

MR. CHAIRMAN: Thank you Mrs. Chartier. Are there any questions for Mrs. Chartier from members of the committee? Seeing none, thank you very much for your presentation.

MRS. L. CHARTIER: Merci.

MR. CHAIRMAN: Next on our list if Mathieu Deschambault.

MR. M. DESCHAMBAULT: M. le président, membres du Comité.

La joie que j'ai éprouvée à l'annonce de l'entente conclue le 17 mai fut de très courte durée. Les manifestations de méfiance, de haine, de calomnie se sont succédées et voilà qu'elles ont abouti à ces audiences publiques.

Les Franco-Manitobains se trouvent maintenant à la merci d'une population qui ne peut saisir la signification d'une injustice commise il y a environ 90 ans. L'injustice leur échappe parce qu'elle date de si longtemps que l'on a oublié ce qu'elle est vraiment. La population ne reconnaît plus l'injustice alors elle la nie. La négation est un mécanisme de défense utilisée surtout par ceux qui souffrent d'insécurité. Comment peut-on accepter que l'insécurité des uns détermine l'avenir des autres. C'est une façon assez bizarre de procéder mais qui est acceptée de plusieurs.

Où tout cela nous mènera-t-il? Je n'en sais absolument rien. La seule chose dont je suis très sûr, c'est que l'entente proposée doit, au nom de la justice, être acceptée sans aucun délai.

J'appuie l'entente conclue le 17 mai parce qu'elle est juste et bienfaisante. Ceux qui croient en la justice se doivent d'appuyer l'entente telle que négociée entre la Société franco-manitobaine et les gouvernements fédéral et provincial.

Merci.

MR. CHAIRMAN: Thank you Mr. Deschambault. Any questions by members of the committee.

Mr. Blake.

MR. D. BLAKE: Yes, a question for Mr. Deschambault. You mentioned in your remarks that you support the agreement reached on May 17th. Do you also support the amendments that have been proposed since that agreement was reached?

MR. M. DESCHAMBAULT: No, I do not support the amendments.

MR. D. BLAKE: Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Further questions? I beg the indulgence of the committee, or leave, to ask one question. Mr. Graham expressed some concern last time, so Mr. Blake would you take the Chair please.

MR. DEPUTY CHAIRMAN, D. Blake: Mr. Anstett.

MR. A. ANSTETT: Mr. Deschambault you expressed lack of approval for the amendments proposed on September 6th. I would like to just explore that with you and ask if you have any disagreement with the proposal to exempt municipalities and school boards from the operation of the proposed changes to the Manitoba Act?

MR. M. DESCHAMBAULT: My principal objections lie with the term "head office" from "central office". Being 200 miles away the City of Winnipeg it would be very hard for us to take advantage of any services in French in Winnipeg; it would leave us pretty well where we are now.

MR. A. ANSTETT: Is it fair then to ask you, if that's your principal objection, if you approve of the exemption of municipalities and school boards from the operation of the French Language Services provisions?

MR. M. DESCHAMBAULT: Personally I would object to that amendment, but it's quite a gigantic step to

ask the municipalities, largely Anglophone in the province, to go along with the agreement, however, that's my personal feelings. But I would like to see all the amendments cut out and what was negotiated to begin with go through but, again, that is a big step there's no doubt.

MR. A. ANSTETT: This may be a hypothetical question Mr. Deschambault. If the bottom line, in terms of an agreement that would achieve the kind of political consensus Mayor McKinnon of Virten talked about, was that municipalities and school boards had to be exempted for us to get the kind of constitutional amendment for which you express support, would you be prepared to go along with that exemption?

MR. M. DESCHAMBAULT: Well I'm sure that when it comes to that type of a negotiation things can be changed, possibly that could be one of them.

MR. A. ANSTETT: Okay, thank you.

MR. M. DESCHAMBAULT: Thank you.

MR. DEPUTY CHAIRMAN: Are there any further questions for Mr. Deschambault? Hearing none, Mr. Deschambault thank you very much for your presentation.

MR. CHAIRMAN, A. Anstett: Thank you, Mr. Blake. Next on our list, Reeve Willard McFarland, R.M. of Oakland, Reeve McFarland.

MR. W. McFARLAND: Mr. Chairman, I must first say, before I begin my presentation, that I approach this table with a great deal of trepidation. I have been here since yesterday morning; I have seen witnesses badgered; I have seen leading questions asked; I've seen witnesses made to look like fools, and I have lost a great deal of respect for the members of the Legislature, and for that reason I am very grateful that there is a municipal election soon, and I will no longer have to do these duties. I think that if it had not been that I am instructed by my council to make this presentation I would have done, as several others on the list have done, and I would have disappeared before my name was called. However, I have been instructed and I shall proceed.

I would like at this time to register the opposition of the Council of the R.M. of Oakland to the extension of bilingual services in this province. I would like to give our reasons for opposing these services.

In the first place we believe that the Provincial Government does not have a mandate to entrench changes in the Constitution which may only be changed at a later date with the approval of the Parliament of Canada and the Senate. These changes were not part of this government's election campaign and, therefore, the people of Manitoba have not had a chance to express their opinions through their ballot. We believe the government should not entrench constitutional legislation without a referendum.

In the second place we do not think that provision of services to the approximate one-half of 1 percent of the Manitoba population justifies the cost which will

be incurred. Perhaps I should explain where I got that one-half of 1 percent figure. The percentage of 4 percent to 6 percent has been brought forward several times and on an open-line radio show program the other morning one of the guests on the show said that, in his estimation, and he was a knowledgeable person, probably 75 percent to 80 percent of the French-speaking people in the province, while they speak French can understand the English language, and he said, therefore, possibly half of 1 percent are left who do not understand the English language, and these would mainly be recent immigrants and the very elderly.

Many of those who have spoken to this committee yesterday and today have said that the relationship between the French and English speaking people of our province has been good. This should not be spoiled, therefore, I feel that it is the duty of this government to find a way to retain the status quo without angering the English-speaking population and without withdrawing any rights from the French population.

The method of arriving at this solution is your problem, that's why we elect our most competent citizens to the government positions. We do not believe that the time factor is as urgent as some would lead us to believe. It is incomprehensible that the Supreme Court of Canada would follow a course of action that would leave a province adrift and lawless. This government claims that no one will be hurt by the extension of these services, but we feel that this is not the case. The same thing was said about federal bilingualism, but many people who are not bilingual have been passed over or demoted because of their inability to speak both languages. A member of the RCMP or the Armed Services has very little chance of promotion if he or she is not bilingual.

If you are a member of a school board and you saw this extension of services becoming more obvious, and the parents saw the same thing and were pressuring you for the Core French Program, which is now being brought into the school system, I suggest you would hire teachers more on the basis of their bilingual abilities than on their ability to teach the other academics. These hirings are obviously at the expense of the unilingual teacher, no matter what their qualifications may be.

We therefore believe this extension of services would indeed then adversely effect many who are not bilingual. For these reasons we then urge you, as the Government of Manitoba, to solve this problem without the proposed changes.

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

Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman, through you to Reeve McFarland. Reeve McFarland, I thank you for being very straightforward in the views that you put forward to this committee, and I believe it's quite strongly put in your brief that you do not want the government to proceed with any further changes, but that you are in full agreement with the present requirements of the Constitution, as in Section 23 of The Manitoba Act, as it now stands.

MR. W. McFARLAND: That is correct.

MR. H. GRAHAM: Thank you.

MR. CHAIRMAN: Any further questions? Seeing none, thank you, Reeve McFarland.

MR. W. MCFARLAND: You're welcome.

MR. CHAIRMAN: Reeve Jack Hanlin, R.M. of Miniota. Reeve Hanlin, please.

MR. J. HANLIN: Thank you, Mr. Chairman. My name is Jack Hanlin, I am a Canadian, born in 1920, lived in Miniota all my life but six war years; married, with four children; have been on council since 1960; a reeve for the last three years. This presentation was made by me with no help from any other person, including lawyers. I wish to state that political views are not allowed in my council.

Mr. Chairman, do you wish me to read the resolution?

MR. CHAIRMAN: Certainly, go ahead, you're free to make your presentation as you wish.

MR. J. HANLIN: Moved by Gerald Shier, seconded by Jim Milne:

WHEREAS the Manitoba Government has entered into an agreement with the Federal Government to have Manitoba declared a bilingual province; and

WHEREAS the cost of this program at a time of restraint is a cause of concern to council and also the fact that we are continually having bilingualism forced upon us; and

WHEREAS our municipality has very few French-speaking people and a greater majority of people of other descents;

NOW THEREFORE BE IT RESOLVED THAT we strongly oppose the proposal to force Manitoba residents to become bilingual and pay for the cost of this program.

Now, further to that resolution, Mr. Chairman, which was sent to the Province of Manitoba: "I wish to confirm that the Council of the Rural Municipality of Miniota rejects the proposed amendments to Section 23 of The Manitoba Act. These objections are outlined in our attached resolution.

"The additional cost for translation, at a time of restraint, is something we do not need. Even if part of this cost is paid by the Federal Government, the money comes from the people, it is not free.

"Bowling to a small minority of Francophone Manitobans who all do not appear to be in favour of the changes is ridiculous. We have other minority groups with larger numbers of citizens, so can we continually expect the majority to lose their rights to satisfy the minority groups? In no way do we mean to take away rights to a decent way of life for anyone, and people can continue to use their French language or as many other languages as they wish to speak. It seems ridiculous that the laws say we must speak French to people requesting this service, when these same people understand English as well.

"In these times of unemployment and other serious economic problems, which affect all people of Manitoba, it seems a waste to spend days, months, maybe years, on a proposed change of language rights when more serious issues are neglected.

"The government says that municipal governments and school division offices will not be forced to offer French services. The Franco-Manitoban Society, at their annual meeting, were told that this is the level of government where it is important to develop the French lifestyle, as this is the level they are in contact with everyday.

"When will our government bow to their wishes and enforce French services at this level also?"

Respectfully submitted, Jack Hanlin.

MR. CHAIRMAN: Thank you, Reeve Hanlin. Any questions for Reeve Hanlin from members of the committee? Seeing none, Reeve Hanlin, thank you very much, and thank you to your R.M. Council for making this presentation today.

MR. J. HANLIN: Mr. Chairman, I wish to make one little announcement. I have enjoyed these past two days, and I will take back everything that I have learned, and I do hope that the body that I am speaking to has open ears.

Thank you very much.

MR. CHAIRMAN: Thank you, Reeve Hanlin.

Reeve R.G. Renwick, R.M. of Arthur, Reeve Renwick, please. Addison Garbutt; Mayor Burgess, Mayor of the City of Brandon, Mayor Burgess please. Is Mayor Burgess here? Terry Penton; Albert Hodson, Village of Elkhorn, Mr. Hodson, please.

MR. A. HODSON: Mr. Chairman, I don't belong to the Council of the Village of Elkhorn. I was asked to bring this resolution down. I was not really prepared to speak to it but, if you wish, I could try and answer some questions. Would you like me to read the resolution?

MR. CHAIRMAN: Would you mind reading the resolution into the record while the Clerk distributes it, sir. Then we'll see if there are any questions.

MR. A. HODSON: This resolution is moved by Councillor Raymond Jebb, seconded by Councillor Agnes Bickerton:

WHEREAS French-speaking citizens of Manitoba are very much in the minority, especially compared to other language-speaking citizens (other than English); and

WHEREAS Municipal Governments and School Boards will eventually be adversely affected, this is inevitable; and

WHEREAS the cost to the taxpayers of all of Manitoba will be enormous and unnecessary;

THEREFORE BE IT RESOLVED that the present Government of Manitoba be urged to use reasonable discretion and completely abandon the accord they have made with the Canadian Government and the 7 percent French-speaking (most also speaking English) citizens of Manitoba to make Manitoba a bilingual province; and

THAT should the present Provincial Government persist in this matter that a provincial referendum be taken, thereby having the citizens of Manitoba make this decision.

The above resolution unanimously carried by the Council of the Village of Elkhorn at their regular meeting held Tuesday, June 14, 1983.

MR. CHAIRMAN: Thank you, Mr. Hodson. Are there any questions for Mr. Hodson by members of the committee? Seeing none, Mr. Hodson, thank you very much for representing your council here.

MR. A. HODSON: Thank you.

MR. CHAIRMAN: Next on my list is Jerome Brockman, also of the Village of Elkhorn.

MR. A. HODSON: He is not able to come.

MR. CHAIRMAN: Thank you. Is there someone here from the R.M. of Russell? I don't have a name but the R.M. of Russell had indicated a desire to make a presentation. Anyone here from Russell?

Janet Goertzen, Southwest Region, Manitoba Metis Federation. Ms. Goertzen, please.

MS. J. GOERTZEN: Good afternoon, Mr. Chairman, ladies and gentlemen . . .

MR. CHAIRMAN: Just one moment please, while the briefs are distributed.

Please proceed. Go ahead.

MS. J. GOERTZEN: Good afternoon, Mr. Chairman, ladies and gentlemen. I'd like to thank this committee for giving us the opportunity to make this presentation. I'm Janet Goertzen, the Vice-President of the Manitoba Metis Federation, and I'd just like to read my brief to this committee.

As many people are aware and for those that are not, Manitoba entered the Canadian Confederation under the provisions of The Manitoba Act of 1870 which recognized both the English and the French languages as the official languages, and also recognized the rights of all minorities.

As a descendant of those people which brought about the provincehood of Manitoba I am proud to be able to present my brief on behalf of my people and my ancestors.

As you know, Louis Riel led the rebellion to fight for the rights of both the English- and the French-speaking people of Manitoba. We Manitobans of all minorities and languages should be proud to have had Louis Riel as the founding father of Manitoba. His foresight and concern for people of Manitoba should be a measure on which to measure ourselves and any elected official. We feel that the government of both Manitoba and Canada owe an apology to Louis Riel who wanted nothing more than the rights of all people to be recognized.

We must state our opinion, in that we support the government in its efforts to bring about an amendment to Article 23 of The Manitoba Act. We see it as a step forward, not only in our province, but to our country as a whole. Twenty-seven percent of the people of Canada speak French; this represents 7 million people.

Manitoba, when it entered the Confederation, guaranteed the rights of all minority groups and the two founding languages as the official languages.

Many would say that they do not see French as a founding language, but when you look back at history you will see that a great many of the famous historical

people of our past were French and that they contributed greatly to our country as it is today. Of course, we cannot blame the high inflation and the unemployment figures as their workings, but as of a more recent worldly economic factor.

Are we to deny them their rights to be known as French and that they were one of the two founding nations and languages that our country was built on? Our forefathers may have been a lot wiser than we care to think by ensuring that our two founding languages remain as part of a heritage as Canadians.

French is not being pushed as the language that every citizen must know, but rather as an equal language that every person has the recourse to. We must not deny our forefathers and the rights of people by denying one of the basic rights guaranteed in the Constitution.

You may say that, by denying the French language we are not denying the rights of all ethnic peoples; but even if you should deny the rights of one individual, as guaranteed in the Constitution, you deny the people. If the rights of one language as guaranteed are denied how soon the others?

A significant amount of Manitoba students and people are enrolled in the language training, the greatest percentage being in the French Language Training Programs and also in the other language groups as well. Approximately 95,000 students are enrolled in a variety of French language training programs. Chances are that you know or heard of someone you know, or of their children who are taking French language training. They are doing this because they want to, and not because French is compulsory and everyone must know it, and because of their belief that it plays an important role in our society.

Many officials state that there is a public outcry, but we believe that it is because the public are not fully aware and are confused and uncertain as to what the entrenchment of the French language in our Constitution means. The government should explain fully and clearly to all people what the issues involved are. To hold a plebiscite in conjunction with municipal elections only further increases the confusion faced by the people of Manitoba. It is an item that should be dealt with separately, not as part of an election package. Any official who makes it part of their election campaign should be considered as running on a false platform. The rights guaranteed by the Constitution cannot be made lightly of, as they affect every person, even those under the voting age.

There are officials who would seek to rest from all this confusion an unfair advantage of the people and use it to further their own goals and not the ideals that brought about the proposed amendment.

It is our belief, by working together and understanding one another, we can make the Constitution one of our greatest tools to unifying the nation.

MR. CHAIRMAN: Any questions for Ms. Goertzen from members of the committee?

Mr. Blake.

MR. D. BLAKE: Thank you, Mr. Chairman. Ms. Goertzen, I noticed you are Vice-President of the Manitoba Metis Federation, the southwest region. Is that a full-time position?

MS. J. GOERTZEN: Yes.

MR. D. BLAKE: That's a full-time position with you. In the fourth paragraph, on the second page of your presentation, where you state that you believe the public are not fully aware and there is some confusion on what the entrenchment means; do I take it from that that you feel that there should be more time taken on this resolution and more information provided to the people, in order that they might fully understand what the implications are of entrenching the rights, as suggested in the resolution?

MS. J. GOERTZEN: The part that is confusing the people is that once and for all the Canadian Constitution has recognized the Metis people of Canada and they are working on their rights on different aspects of livelihood. At this point, as they are getting involved in different levels of government, they can handle only a few things at a time. I don't know if I answered your question, Sir.

MR. D. BLAKE: Well, I take it from that you feel by entrenching the French language in the Constitution that this will enable the Metis people to further their cause and their cultural heritage? Is that what I take from you position there?

MS. J. GOERTZEN: Yes, there are a lot of Metis that understand what is happening right now and they don't want to lose their French language. They also know that the amendment has to be made soon; they are aware of that.

MR. D. BLAKE: Well, just a final question. I wonder if Ms. Goertzen might have an opinion or express her feelings on the amendments that have been proposed to the resolution that would not make it necessary for municipalities or school boards to abide by the French language rulings under the resolution.

MS. J. GOERTZEN: I'm not a lawyer like anyone else, but I would like to ask you to repeat that question again, Sir, please.

MR. D. BLAKE: I just wondered if you, in supporting the government's position on the original resolution, do you also support the amendments that the government has brought in, one of which proposes to eliminate municipalities and school boards from being bound by the same requirements of providing French Language Services, such as, the head offices of government agencies. The municipalities and school boards would be exempt from this. I just wondered if you supported that amendment to the resolution.

MS. J. GOERTZEN: Yes, I do.

MR. D. BLAKE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Further questions for Ms. Goertzen from members of the committee? Seeing none, Ms.

Goertzen, thank you and thank you to the Manitoba Manitoba Metis Federation for your presentation here today.

MS. J. GOERTZEN: Thank you.

MR. CHAIRMAN: Gentlemen, the hour being 5:00, our normal hour of adjournment, the committee will adjourn. Mr. Penner.

HON. R. PENNER: I was just wondering, at the risk of upsetting anyone, whether there are one or two people here who are ready to go who would rather if we took another 15 or 20 minutes, at least try, would like to make their presentation, rather than come back this evening. Say, we could go to 5:30.

MR. D. BLAKE: Mr. Chairman, I think some people that have left this afternoon feeling that they weren't going to get on and are probably prepared to come back here at 8 o'clock and we may get into the same position we were in earlier.

MR. CHAIRMAN: I haven't been advised by the Clerk that the second person on the list remaining, Mr. W. Ryan, No. 32, had indicated when he left for a 5 o'clock commitment that he was prepared and would be back at 7 o'clock just on the off chance the committee might decide to meet early as it did this afternoon. I don't know what your will and pleasure is. I take it that it may be the sentiment that a two-and-one-half hour supper adjournment is more than is required and you would like to shorten the adjournment. The question is, whether you want to shorten it now, or come back a little earlier? What is your will and pleasure?

HON. R. PENNER: Could you, so that we might think about that, ascertain if there is anybody here ready to go?

MR. CHAIRMAN: Is Reeve Norton Cassils here, R.M. of Winchester? Mr. Ryan, I understand has left. H. H. Young, would you prefer to go now or at 7:00 or 7:30 this evening?

MR. H. Young: I'll say 7 o'clock.

MR. CHAIRMAN: Thank you. Jacques Saquet; Albert Chapman, R.M. of Daly; Ross Meggison, Mr. Meggison; Mayor C. Fotheringham, Village of MacGregor, Mayor Fotheringham; Reeve Robert M. Anderson, R.M. of North Norfolk; Reeve J. R. Guthrie, R.M. of Pipestone; David McConkey; Marriane Isitt; Dave Campbell; Gail Campos; Allan Rose; Reeve R. J. Renwick; Addison Garbutt; Mayor Burgess; Terry Penton, R.M. of Russell.

It would appear that only Mr. Young is here now of those remaining on the list and Mr. Young has indicated a preference for earlier this evening. Can I take it, then, it's the will of the committee to return at 7:00 p.m. this evening, rather than 7:30 p.m. Is that agreed? (Agreed)

The committee is adjourned and stands adjourned until 7 o'clock this evening.

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