



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

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. Peter Fox
Constituency of Concordia



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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
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	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	Barrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Monday, 12 September, 1983

TIME — 2:00 p.m.

LOCATION — Thompson, Manitoba

CHAIRMAN — Mr. Peter Fox (Concordia)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Mr. Storie; Messrs. Ashton, Brown, Fox, Graham, Harapiak, Johnston, Lecuyer, Nordman, Ms. Phillips, Mrs. Dodick

WITNESSES: Ms. Farideda Dharamshi, Thompson Muslim Association

MATTERS UNDER DISCUSSION:

Proposed resolution to amend Section 23 of The Manitoba Act

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MR. CHAIRMAN: The committee will come to order. We have Farideda Dharamshi from the Thompson Muslim Association for our next presentation.

MS. F. DHARAMSHI: Good afternoon. I'm Farideda Dharamshi representing the Thompson Muslim Association. Our association is open to individuals interested in the Islamic culture and the Arabic language.

The French have been in Manitoba since the early 1700s, but are today having extreme difficulties preserving their language and culture. We understand and fully agree with the Franco-Manitoban community's effort to regain their linguistic rights.

Canada is a multicultural and bilingual country. Manitoba's language and cultural policy should, therefore, reflect this fact. The government should accomplish this by passing the agreement that was negotiated with the Société franco-manitobaine and the Federal Government.

We believe this is necessary for the franco-manitobans and for the sake of all other cultural and linguistic minorities. We hope that the Legislature will recognize the constitutional rights of the French community in Manitoba. This recognition would reassure us that this province also respects the multicultural aspirations of our many minority groups. Thank you.

MR. CHAIRMAN: Thank you, Ms. Dharamshi. Are there any questions?
Mr. Ashton.

MR. S. ASHTON: Ms. Dharamshi, for the information of the committee, Ms. Dharamshi is from Thompson.

I'd like to thank you for your presentation and it's an interesting end to the official presentations in that there seems to be a theme that has run through quite a few, and that is, that what protects the rights of one minority has an impact on the rights of all minorities and I'm wondering if that is, indeed, how you would phrase it, and how you would see, from your own point of view, the situation in regard to French language relating to your own situation here in Manitoba.

MR. CHAIRMAN: Ms. Dharamshi.

MS. F. DHARAMSHI: As I see it, if the French who have been here in this country, Canada, from the 1700s, as I said, if they are not given their rights and if they have to fight for their rights - I don't know whether I'm using the right word "fight" - how can we assure ourselves that other rights will be respected? Right now that is not the issue with us, but in future, how are we to be sure?

MR. CHAIRMAN: Any further questions?

MR. H. GRAHAM: . . . presenting briefs at almost every meeting that we will be having. In the interest of providing translations, is the committee willing to consider providing translation services at the remainder of the meetings that we're going to be holding?

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Mr. Chairman, perhaps I'm not the best one to speak on this issue seeing that, of course, this poses no special problem for me, but I think we had a decision made at the organizational committee whereby we said, for anyone who requested or notified, we could provide this service.

I want all members to remember and realize that even in the Chamber of the Legislature I have frequently spoken in French this year and no simultaneous translation was provided. You recall, then, when this policy was established it was established as a service and many members of the opposition, if they think about this for a moment, will remember that this is what was indicated; that unless I give forewarning or request this - generally speaking what we're asked is 24 hours ahead of time - I am not assured that I will have it. Indeed, very often I did not speak in French because I knew that it wasn't there. On some other occasions, I may have spoken in French in spite of the fact that it wasn't there.

You will recall in numerous arguments that the Leader of the Opposition made during some of the hearings that have taken place already when he was asking some of the witnesses or referring to some - and I am sure I can refresh the memory of all when I say - in a number of instances, he asked a number of witnesses, when we introduced such a service - he went back to Roblin,

Weir, and so forth, Schreyer, and mentioned some of the services that were introduced - and the particular context that he wanted to draw out at the time was: Did that cause anti-French feeling; did that cause chaos? At least on two occasions, among those services that were introduced, he mentioned that service of the Legislature.

Therefore, clearly, when it was done by a decision of one of the standing committees of the House, it was done as a service - by the very rules that are in application in the House, it is seen as a service; and by the very arguments of the Leader of the Opposition, it is a service, and all we have asked, at this point, is that the same rule apply in the functioning of this committee at these hearings.

One of the arguments that one of the presentators made is that everyone should be allowed to present this brief in English or French and, inasmuch as he requests, translation should be provided with that service. I did not hear the presentator this morning state that he had asked for that service, nor that he had the expectation that that service would be provided, I didn't hear any objections to that. I realize it creates a problem for the members who are not bilingual to understand, but I think that what he also said was that he would paraphrase, before he even began, in the answers that he provided to my questions, the content of his presentation.

With having said that, also with the fact that we have already de facto adopted the principle that we would provide, automatically, simultaneous translation in Ste. Rose and Ste. Anne, expecting fully that there will be a number of briefs presented in French there.

Also, I think we have not, at anytime, precluded that if that was requested that we would not provide it. On the other hand, to do so automatically when it has not been, I think, is something that we should not do.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I'm not disputing anything that my honourable friend has said, however, I would point out that in the Legislative Assembly, as such, we are only 57 members and we know who might be using French and who might not be, and we all understand one another. In this particular forum we don't know who is going to be appearing, and I have to say that the provision of translation services is not a service to the Francophone that is presenting the brief, it's for us poor unfortunate people that are not bilingual. We are the disadvantaged people, the French people have the privilege of being able to speak both, and we are the unfortunate ones that are not bilingual, and the service I would think should be provided for those that are not bilingual.

MR. CHAIRMAN: Ms. Phillips.

MS. M. PHILLIPS: Yes, Mr. Chairperson, I think the member of the opposition has given a very good case for the very amendment that we're dealing with. It seems like it's all right if the shoe is on one foot, but its very uncomfortable if it's on the other.

A MEMBER: We understand.

MS. M. PHILLIPS: I think the precedent that my colleague mentioned about the procedure for having translation services in the Chamber is a precedent that, as a legislative committee, this committee should follow. I think perhaps the member of the opposition is seeing how uncomfortable it is when the proceedings are carried on in a language that he doesn't comprehend. So perhaps we'll give a bit more consideration to the import of the justice and principle of this particular amendment in that case.

The procedure is available if the committee is notified in advance that that is a requirement; and if the committee is not notified in advance, then I think the way that we proceeded this morning was quite adequate. Of course, in Hansard the proceedings will come out in both languages, as it does when someone in the Legislature speaks in the French language; it's translated so it will be available for his review before we go back into the House to debate this matter in depth.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: Mr. Chairman, I know the problems involved, but there's one thing that the committee has to seriously take into consideration, as the member mentions, the procedure in the Legislature. But in the Legislature we are masters of our own Legislature and we can make rules and regulations that are agreed upon by both sides and agreed upon by the Speaker of the House, as you well know, Sir, as being a past speaker.

The public of Manitoba may or may not be aware, but they should be aware and, if they are, they must realize that French and English is presently the law of Manitoba in the Legislature, in the courts, and the translation of all the laws and the translation of the legislative proceedings, I believe, it says "may" in that case.

Under those circumstances, we have to seriously take into consideration that it might be an arrangement in the Legislature, but it is the right of the people of Manitoba if they choose to be heard in French or English, that accommodation should be made according to Section 23 as it stands at the present time. This is a committee of the Legislature. I know, Sir, you recognize the rules on that.

MR. CHAIRMAN: I'm in the hands of the committee, and we have agreed that we will have translation services at Ste. Rose and at Ste. Anne and, of course, wherever we have a request. I wonder if we can reach a consensus on the fact that if the staff will make an effort to find out how many more groups are desired in French, or will be presented in French, that we then make the decision in respect to having the translation services available wherever they are going to be requested.

Ms. Phillips first, and then Mr. Graham.

MS. M. PHILLIPS: Thank you, Mr. Chairperson. I would just like to add that this is, in essence, a branch of the legislative procedure, and I don't see where the rules should be any different for a committee of the Legislature than they are in the Legislature itself, in

the Chamber. If someone came to this committee that was sitting in Room 255 or 254 the same process would apply. The Member for Sturgeon Creek implies that this is a public meeting, whereas the Legislature is a nice little, well, previously an old boys' club but we have changed that somewhat, and it's not a public process.

To me, being relatively new to the legislative process, perhaps I am still seeing it through rose-coloured glasses and maybe that's not just a function of my political leanings, but I tend to think that the Legislature itself is a very public process and, for sure, we do not have translation services in the gallery of the Legislature, of the Chamber itself. There have been many times my colleague from Radisson and my colleague from St. Boniface, the Honourable Minister of Health, have spoken in French without translation services being available simply because they did not notify the Speaker's office or the Clerk's office in time. We do contend with that, and we get Hansard with the translation after the fact, and we can go back over their arguments in preparation for further debate.

I think that where that process has been acceptable to the opposition, in the Legislative Chamber itself, and to the public of Manitoba, in that I haven't seen anyone in the gallery of the Legislature standing up and screaming that they don't understand when one of our colleagues speaks publicly for the record, in the French language, then I think those are procedures that we must follow in this committee. I think it is very ironic that the members would raise that because they find themselves in a position of not being able to understand, and yet take a position of being against this very amendment that says the minority, who have the right to be understood in the courts and the Legislature of this province, should not have that right entrenched in the Constitution. I think that is quite ironic and I think should be left on the record to speak for itself.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, in reply to the honourable member, I find it somewhat ironic that she fails to understand that that right is already there. But, be that as it may, I think I should inform the committee that yesterday I received a phone call from a constituent of mine, who is the Mayor of the Village of St. Lazare, and he informed me that he would be appearing at the committee hearings in Swan River on Wednesday. He also informed me that he would be speaking in French, although he promised to provide a text of his comment in English.

MR. CHAIRMAN: Further to what Mr. Graham has said, I am informed that he was specifically spoken to by our staff and he did not request French translation because he was going to have his brief in English, as well.

Mr. Lecuyer.

MR. G. LECUYER: Mr. Chairperson, we make a fundamental mistake in saying that this is a right already in Article 23, and it's an unfortunate thing that it's not been understood so far.

You can guarantee anything you want in the Constitution provided nothing is done to implement

these rights, to set up the mechanisms that whereby these rights are going to be effectively provided; it's like you've enshrined words, that's all, you've entrenched words. And I don't care what's in Article 23 of The Manitoba Act, I don't care that it's there since 1870, all I will argue at length, and I have done so, is something was done to that for a lot of years; but independent of that, if it had never been removed and nothing had been done to implement mechanisms, in other words, provide the services, because when you provide simultaneous translation you provide a service for the right to become effective.

We confuse the two. When you've got the right and you don't have the service there is something very important lacking; you don't have, effectively, rights unless you have the mechanisms or the implementation of these rights. In fact, the rights are meaningless and, in fact, this is the very essence of this amendment, to entrench the services to give meaning to these rights. But even when you say that one has the right to express himself in French in the Legislature, which was there all this time, until we provided a mechanism for the one who did avail himself of his right to express himself of the other official language, until we provided these mechanisms for him to be heard, the service, in other words, there was nothing, even after 1979.

That's why, when someone says we are reinstating rights, or re-establishing rights, although I have not interfered in the discussions so far, I will contend that is the correct wording because, until we provide these services, then we have not re-established the right. That's why I argue Bill 2 as being contrary to the full re-establishment of what Article 23 of The Manitoba Act stands for.

As a member said the other day, even once you've done that, even then you can't be sure you're going to be heard because what you say, and what somebody interprets, or hears, or understands, may be different. Already, when we speak the same language, we're not sure of that. Of course, when you introduce a second language, and one that another member doesn't understand, we make it even that much more difficult. But the important point is that we have the right to express oneself in the other official language and, until the mechanism is provided, the right is not guaranteed; and the procedure that we have, as a committee, adopted is the same, or basically or similar to the one that exists in the Legislature at the moment, and that is, if we were told that one wanted that service, we would provide it; if we were not, then we would not provide it.

MR. H. GRAHAM: Well, Mr. Chairman, I want to ask two questions.

The first question is, has there been a request made for translation services to be provided at Ste. Rose and at Ste. Anne?

The second question is whether or not there has, or has not; are we now establishing one law or one rule in this committee that we provided in some communities but are not going to provide it in others?

MR. CHAIRMAN: I am informed that we had a request at Ste. Rose; and Ste. Anne, we are just checking.

I am informed Ste. Rose was definitely present. Ste. Anne, because of its proximity to Winnipeg, was also included. There have been no other requests.

Monday, 12 September, 1983

Well, can we arrive at the consensus which I suggested earlier, that we canvass the various areas that we are going to see whether there are any requests? Can we proceed on that? Is that agreed to?

MR. H. HARAPIAK: I would so move.

MR. CHAIRMAN: Thank you very much. Is there any further business of the committee?

Mr. Ashton.

MR. S. ASHTON: I just wanted to add a comment that, on behalf of the people of Thompson, we are very pleased to see a legislative committee here in Thompson. We often have boards and commissions visit our city, but very rarely that we have an opportunity for people here in Thompson to see directly the workings of the Legislature, so I appreciate the committee coming here.

MR. CHAIRMAN: Thank you, Mr. Ashton.

The committee is consequently adjourned until September 14th in Swan River.