



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 Varendrye	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	Burrows	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 & ELECTIONS

Tuesday, 20 September, 1983

TIME — 7:00 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: Mr. W.H. Ryan, Grand Orange Lodge of Manitoba.

Mr. H.H. Young, Private Citizen

Mr. David McConkey, Private Citizen

Mr. Dave Campbell, Private Citizen

Ms. Gail Campos, Private Citizen

Reeve Allan M. Rose, R.M. of Whitewater

Mr. Terry Penton, Private Citizen

Reeve Albert Chapman, R.M. of Daly

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23 of The Manitoba Act

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MR. CHAIRMAN: Committee come to order. We have a quorum. Ladies and gentlemen, unfortunately several of our colleagues will be delayed in joining us, apparently there was some mix-up in the dining room and their orders were just arriving when the rest of us left, so they'll be hurrying through their meal and joining us shortly.

So after extending their regrets for being as few minutes late, I would like to return to where we left off this afternoon. Reeve Norton Cassils, R.M. of Winchester, Reeve Cassils, please. Mr. W. Ryan, Manitoba Orange Lodge, Mr. Ryan, please. Please proceed.

MR. W. RYAN: On behalf of the officers and members of the Provincial Grand Orange Lodge of Manitoba, I wish to present this brief.

Dear Sirs: We are strongly opposed to the French language question on the grounds that only 4 percent of the people of Manitoba speak French.

We, the members of the Grand Orange Lodge of Manitoba, believe and are dedicated to the preservation of the democratic principles of liberty, justice and freedom for all people, regardless of colour, race, or creed. We believe that the Constitution of the country is the instrument of governmental administration, not

capable of fulfilling and guarding the above mentioned principles.

We believe that the most profound and essential purpose of a Constitution is to unite and hold together in one common bond of respect with devoted dedication to all peace-loving people under its jurisdiction.

We, of the Grand Orange Lodge of Manitoba, urge the honourable gentlemen, whom the people of Manitoba have elected, to morally and truthfully keep the monarchy as the first means of uniting Canadians of all persuasions in direct realization of harmony, trust, good will and pride in their country, and keep English as the official language of this province, allowing French as a viable voluntary option to be learned and used as people desire, the same as all other minority languages. Because, if it is not and is put into law, we will then create an elite group of bilingualists who will be able to hold all executive jobs and run the government with no input from other qualified people who are not bilingual, but it will be urged that we can always go back to the old days when university entrance required an entrant to be fluent in both English and French.

I might say, in closing, that the Grand Orange Lodge of Manitoba has always stood for freedom of speech, freedom of rights, freedom of religion, and no special privileges to none.

I thank you.

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

Seeing none, Mr. Ryan, thank you to you and to the Grand Orange Lodge of Manitoba for making this presentation this evening.

MR. W. RYAN: Thank you.

MR. CHAIRMAN: Mr. H.H. Young. Mr. Young, please. Please proceed.

MR. H. YOUNG: Mr. Chairman, I must apologize to the committee for not having any copies of my brief. It started out to be a short one, but I found through attending your meetings that I have had to add and add, so I'm glad I didn't send in the first one.

My name is Horace Young. I must apologize for the poor quality of my voice, but I think my wife tried to choke me for this one. I'm sitting here as a taxpayer-citizen of Manitoba. I represent no group and I would just like to present a few of my own opinions.

It is with the deepest regrets that I find myself embroiled in the controversial subject to be discussed at this meeting. I refer here to the subject of the imposition of the French language upon the people of Canada and over the people of Manitoba. I feel that I, as a Canadian citizen, must take a strong stand in opposition to this matter.

I would like first to make it clear to all persons that I do not take this stand through malicious or

discriminating attitudes toward any person, or through feelings of prejudice or bigotry towards race, religion, colour or political affiliation. I am a staunch supporter of equal rights to all persons, provided these rights are not superimposed upon the rights of others. I have no objection to persons using their own language or culture in their own home, or ethnic groups. I also have no objection to any person having a sense of pride in their racial background, whatever it may be, but I do object to the imposition of bilingualism on the people of this country to satisfy the whims and desires of power-seeking persons or politicians, whereby the unity of this country is placed in jeopardy and regional differences magnified for personal or political gain.

To take this question back to the original position of what language must be recognized on the basis of who first set foot in this country and/or the continent, first we must recognize the position of the Canadian Native, in which we find many different languages; namely, the Mohawk, Iroquois, the Blackfoot, the Cree, Inuits, and many others. I ask you, do they not have a prior claim?

Secondly, upon the arrival of the white man to these shores, would we not be required to recognize the arrival and language of the Vikings and Leif Ericson? Do they not have a previous claim?

Thirdly, comes the day of the arrival of and/or the invasion by the great mercenaries of both England and France, wherein wars were fought for the profit of the fur trade, which finally culminated in the Battle of the Plains of Abraham, and where all history taught when I went to school stated that General Wolfe defeated General Montcalm on the Plains of Abraham, thereby taking over this country, including Quebec and Montreal, for the English.

Now we are told that no such victory occurred and that a stalemate existed from which an agreement was drawn up to co-exist. I ask you, whose pipe dream brought about this change in historical events and records?

During this era the Catholic priests were spreading the so-called truth of the Gospel to the Natives and also teaching the French language to them. Now if the French language is so important now, I ask, why are the services of this church not conducted in French only? Or are they now prepared to preach in all three languages, English, French and Latin on a worldwide basis?

Also, I ask why has not the Federal Government stepped into Quebec, where all English signs have had to be removed, including traffic control signs, and where a tourist who speaks English is either ignored or insulted? Where is the bilingual going to in that province?

Fourthly, we come to move recent history, where through the political aspirations of the late Mackenzie King many favours were granted to Quebec to try to gain the support of the French-speaking people there; one of these being the exemption of Quebec from the laws of conscription during the First World War, even though this war was being fought in defence of the country of France.

Now after 115 years of neglect by the French Government for the people of Quebec, we are suddenly subjected to the invasion or intrusion of General Charles DeGaulle with his "Vive la France, Vive le Québec,

Libéré," causing and encouraging discontent and unrest among the people of Quebec and other parts of Canada, while the great Canadian Liberal Leader, "Lisping Lester," sat on his duff making only minor objections, when he should have thrown him back across the Atlantic Ocean.

Now we have the holiday king, "Roaming Pierre," so busy holidaying and selling Candu reactors to our potential enemies that he does not have time to tell René Levesque to go soak his feet, because his head is soft enough, with his talk of bilingualism and seceding the Province of Quebec from the rest of Canada. It is time someone pointed out to him that this area on our seacoast is vital to our economy, and more so to our defence of this country, and our seacoast and the St. Lawrence Seaway and we, as Canadians, will never tolerate the seceding of this area for one's personal or political gain.

Fifthly, returning to the subject of enforced bilingualism here, let us remember that the English language is recognized throughout the world as an important language for the conducting of business and negotiations. Why must we now inject a third language problem?

Also, this is Canada, the working language here is English and any immigrant must have a working knowledge of it to enter this country. Why add another language problem by the addition of the French language?

The French people of this country are three to four generations removed from the influence of France and should learn to accept the working language of this country. Others coming over should be made to understand this is a regulation and must be conformed to. If we go to any other country, we must learn the language of that country and the same should apply here.

Furthermore, when we are asked for our nationality, why do we have to give a hyphenated answer such as Anglophone, Francophone, French-Canadian, English-Canadian? We do not have Scotch, Italian, Pakistani-Canadians, so why this special category for some? Let our answer be, I am a Canadian first, then I am of English or French descent, and to hell with DeGaulle and his "Vive la France, Vive le Québec, Libéré." Let us proudly proclaim "Vive le Canada, Vive le Canadien."

History has proven that the governments of France have the greatest record for instability for the last hundred years, yet they want to tell us how to run our country. This farce of bilinqualism is just a red herring used to promote the French takeover of this country, and our present leaders are promoting or condoning it.

On the economic front, the double printing of both languages has contributed greatly to the cost of packaging our merchandize and the increase of prices, plus the inconvenience of having the French side prominently displayed, making it difficult to find the article being looked for.

I'm surprised and disappointed to see that the Government of Manitoba, the NDP, are participating in this action when they were originally formed to be the voice of the working people of Canada, to counteract the position of the two larger parties whose sympathies are all to big businesses and corporations. Let us see Mr. Pawley and his party realize and show us that they

understand their duty and responsibility to us by calling for a referendum on this question in Manitoba. Let us make it known to Ottawa, also, that we expect, and demand, a Federal referendum also. Let us unite this country instead of dismembering it into little ethnic groups.

Now, a last minute report I added to this. Just noted the article in the Brandon Sun of September 14, 1983, headed out, "Europeans boycott the Soviets", in which it is stated that Swiss, Belgium, British, Danish, Finnish, Italian, Luxembourg, Netherlands, Norwegian, Portuguese, Swedish and West German Governments have boycotted the Russian airlifts in retaliation for the downing of a passenger plane. While, lo and behold, the Government of France, along with a few others, are still allowing the use of their airfields. This is the country for which we have twice gone to war to protect, and who feel so competent to run our country and force their language down our throats, and who also sold their XL weapons to Argentina in order to bring about the defeat of the British forces in the Falkland Islands. Shades of Hitler and Mussolini are very prominent, I would say.

Now, Mr. Chairman, as this brief was drawn up before having seen any of the proposals for amendment, I am afraid that I have deviated from the main theme somewhat. However, having sat through the previous days of submissions, I am better acquainted with the subject.

I was interested in the remarks of the legal advisor of the Franco-Manitoban committee or association. One statement he made intrigued me, and that was, that in 1870 an agreement was made to allow the use of two languages - that is an agreement, I would like to emphasize that. Now, they try to tell us it was a law which has been ruled invalid by the Supreme Court of Canada. It is my understanding that the judges of this court are predominantly French speaking, and I would ask, would this have any bearing on their decision?

Furthermore, the Federal Government, itself, is made up of many Francophones and these seem to be the ones most interested in pushing the language question; namely, Trudeau, Lalonde, Chrétien, Pepin and others. I submit to you, that these persons were born in Canada and have grown up here and do not appear to have suffered any loss of prestige or position because of their ethnic background, and all are affluent in the English language when the occasion arises and it suits their purpose.

I noted many references to the passage of laws by the Canadian Government in 1870, etc., and as I recollect, that until the granting of the act allowing us to be a country, rather than a Dominion, and the repatriation of the Canadian Constitution, all laws were subject to the approval of the British Government. Since we have received the approval of the government to act as an independent nation, it is my impression that we should be able to modernize our laws under our own Constitution and rescind any previous laws. Thus, we should not be bound by agreements made with other government, such as, the British, and therefore, should be able to amend our Constitution to our liking.

Furthermore, as I recall when the Constitution was being enacted, Mr. Trudeau stated that the Constitution could not be amended for five years on a trial basis. I would question why the Canadian Constitution was

held in Britain and had to receive the consent of the British Parliament to be repatriated, if it was a document that concerned a member of the founding nation of France. Why was this not done before? It would appear that this situation remained dormant until the advent of a majority Francophone Canadian Government in Ottawa. From 1870 to 1983 constitutes 113 years of indifference, and it's only now been processed to satisfy the ego of a few politicians from Quebec, and to hold the vote of those people regardless of the consequences to the rest of the nation.

I agree with the other speakers who have stated, this question of bilingualism has done nothing but invite distrust and, in many cases, real anger between both sides of the question and, though I speak at this time as a private citizen, I have discussed this with many persons of both languages and the general consensus of opinion that it is both unnecessary and unwanted, as well as being a source of higher taxation to pay for it.

I noted the reference to other ethnic groups being deprived of the rights if this legislation is defeated, but I would say, if this legislation is successful, we can, should, and will be swamped with demands from other ethnic groups demanding equal treatment. We will have to face this question many times over in the near future, and I cannot say that I will blame them.

The Canadian Bill of Rights, the Charter of Rights and the Canadian Constitution all guarantee that we shall receive fair and equal treatment, so why do we have to favour the Francophones above all others? I think the Supreme Court has been remiss in their duties when they rule on a minor traffic violation in this manner and superimpose a language rights upon the rest of the country. I will wager a guess that the two participants in this action were well aware of the laws of this country and have lived with it the same as I, and are only using this as an excuse to flaunt the law to their own advantage and to assist the forcing of bilingualism on the rest of us.

I also agree with the speakers who have stated that the forcing of the metric system upon us was unnecessary, and have yet to find where the metric system is equal to the previous system. Everything is quoted just as a little bit more, little bit less than the measurements we are acquainted with, and this was included in the pamphlet from the Federal Government. I might add here that this regulation was forced upon us against our will for the purpose of satisfying the markets of foreign trade, all to our detriment.

In closing, gentlemen, I want to say a couple of words of appreciation to this committee. In the first place, I appreciated the fact this afternoon that we were supplied with a translation service. I had a very bigoted opinion of the action, and the French people, until I heard the Mayor of St. Lazare give his address and it was translated, and I was able to understand his position. I appreciated very much having that service at hand.

I also want to compliment this committee for their indulgence - should I use the word - this afternoon, whereby I believe, Mr. Malinowski, Mr. Uruski, and one of the gentlemen of the cloth who is sitting here, carried on a conversation in their own language and there wasn't a word of objection from either the committee or the people there. This is the type of country that I

want to live in. Tolerance must be the foundation of our whole country.

I would close by saying, "Long Live Canada, The Home of the Free, One Nation, One Language, and One Flag".

Thank you, gentlemen.

MR. CHAIRMAN: Any questions from members of the committee for Mr. Young? Seeing no questions, Mr. Young, thank you very much for being here this evening and making your presentation.

MR. H. YOUNG: Thank you, gentlemen, for your indulgence.

MR. CHAIRMAN: Mr. Jacques Saquet, Mr. Saquet; Albert Chapman, R.M. of Daly; Ross Meggison; Mayor C. Fotheringham, Village of MacGregor, Mayor Fotheringham; Reeve Robert M. Anderson, R.M. of North Norfolk.

I will return to the front of the list and call them in the order in which they appear in terms of those who were absent earlier today. Reeve J.R. Guthrie, R.M. of Pipestone, Reeve Guthrie please; David McConkey, Mr. McConkey please. Please proceed.

MR. D. McCONKEY: Thank you.

Mr. Chairman, members of the committee, my name is David McConkey and I'll read a short statement on behalf of The Marquis Project. I am a member and volunteer with Marquis.

I would like to begin by explaining what our organization is and our interest in this amendment. The Marquis Project is a non-profit, politically non-partisan educational organization. It was incorporated in Manitoba in 1979. Our goal is to inform Western Manitobans about issues of international development and justice. The proposed amendment is important to Manitoba and to Canada. We'd like to comment on its importance for Manitoba's role in the world.

The name of our organization, "Marquis," illustrates Manitoba's links with the rest of the world. In the early part of this century, Sir Charles Saunders successfully developed a new variety of wheat which would thrive in the short-growing season of the Prairies. This wheat, by the way, originated in Asia. This new wheat ensured a solid agricultural economy here and resulted in the settling of rural Manitoba by peoples of many cultural backgrounds. Our province has become a supplier of grain to people all over the world.

Saunders recognized the importance of this new wheat and wanted to give it an impressive sounding name. He chose a French word, "Marquis." The wheat caught on, but not the French pronunciation, and the wheat has always been known "Mark-wis." The word "Marquis" inaptly describes Manitoba's global, biological, cultural, economic, political and even linguistic connections.

Because of these many worldwide relationships we, in Western Manitoba, are keenly aware that we are citizens of what has been referred to as a global village. Part of this awareness is an understanding of the importance of respecting people of different cultural backgrounds and outlooks. Also part of this awareness is an understanding that we are very fortunate citizens

in this global village in our enjoyment of a democracy and our high material standard of living.

We have been very happy that Canada has prospered in the world and we look forward to Manitoba helping Canada play a constructive role in the world of the future. An important way that we can play a positive role in the world is to ensure that our democratic system works. Our democracy should guarantee that, although the will of the majority prevails, the rights of the minority are protected. It is not always easy to safeguard minority rights and the democratic process will involve debate, negotiation and compromise.

We think that the proposed amendment provides for the protection of the minority and embodies the best of compromise. We can be an example to the rest of the world in showing that, although sometimes awkward and time-consuming, a democracy is the best way to arrive at solutions.

Around the world human rights are being flagrantly disregarded. As Manitobans we desire first that human rights are protected in our own province and nation; we can then do what we can to promote the protection of human rights in other countries. When we have safeguarded human rights within Manitoba we have set an example for other places, then we can speak out and hope to inspire a better deal for repressed minorities in other nations, whether, for example, in the Soviet Union, South Africa or Argentina.

Finally, Canada has a special role to play in the world as a culturally diverse country with two official languages. We can keep Canada as a united country only by safeguarding the rights of both the English and French languages. In this way we have set an example of groups cooperating for the common good, which is a valuable example in today's world. This amendment will enable Manitoba to help Canada continue to flourish as a bilingual and multicultural country.

We, therefore, urge the Legislative Assembly to enact the proposed amendment to The Manitoba Act. There will be difficulties in the future, but the result of Canada being multicultural and bilingual has been an enriched nation. By living in such a diverse and democratic province and country, we can be better citizens of Manitoba, of Canada, and of the world.

Thank you.

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

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, through you to Mr. McConkey, you spent some time at the beginning outlining exactly what The Marquis Project is. Could you tell me how many members you have in that organization?

MR. D. McCONKEY: I think about 200.

MR. H. GRAHAM: About 200. And do you have private funding, or are you funded through government programs?

MR. G. McCONKEY: It's a combination, more than half of the funds come from the Canadian International Development Agency.

MR. H. GRAHAM: From CEDA.

MR. G. McCONKEY: Yes.

MR. H. GRAHAM: You mentioned that you were aiming at helping underprivileged people in - I think you mentioned Russia and two or three other areas. To this point in time, what activities have you had outside of Canada, or is this projected activities?

MR. G. McCONKEY: The activities of the organization are educational and they are primarily in Western Manitoba.

MR. H. GRAHAM: So, to this point in time, even though your desires are to work on an international basis, so far you are still in the formative stage, is that correct?

MR. D. McCONKEY: No, our goal is education within Manitoba. That's the goal, to inform Manitobans about issues of international development and justice. We see an opportunity to draw links between what is happening in other parts of the world and what is happening in Manitoba.

MR. H. GRAHAM: That's all I had. Thank you.

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

HON. R. PENNER: Mr. Chairman, through you, just to thank Mr. McConkey for his excellent brief and to wish Marquis, which sounds like an excellent idea, all the success in the world. I use that last word advisedly.

MR. D. McCONKEY: Thank you.

MR. CHAIRMAN: On behalf of the committee then, Mr. McConkey, thank you to you and the Marquis Project for your representation here tonight.

MR. D. McCONKEY: Thank you.

MR. CHAIRMAN: Marianne Isitt. Mr. Dave Campbell, please.

MR. D. CAMPBELL: Mr. Chairman, members of the committee. Before commencing with my brief, I wish to state, firstly, that I am unilingual, I am of non-French ancestry, and the views expressed are my own.

The question of whether or not we, in Manitoba, will entrench certain minority rights and services constitutionally is not, in my judgment, a difficult one. The Supreme Court of Canada has already decreed that most are in law, in existence already, and that the source of such is The Manitoba Act of 1870, which remains unchanged in these areas, despite the imposition of The Official Languages Act of 1890, which act was unilateral, an illegal vehicle chosen to impose the political popular will of the majority upon the minority. That it has succeeded in doing so well for nye on a century ought to give impetus to the efforts being made today at redressing this injustice.

Of course, in 1970, there existed in Manitoba a situation where the province was basically composed

of two equal groupings different in history, culture and language.

The Manitoba Act gave recognition to this and said that, in dealing with their government, the Government of Manitoba, neither group was paramount; thus the use of two languages in the Legislature, in legislation and in the courts.

Today, one group is in a definite minority, but those rights still remain a reality and, as much as there has been a change in population, so has there been change evidenced in the relationship of the government of this province with its people. The laissez-faire government of 1870 is no more, and today our people are faced with a vast array of government services and institutions that would have taxed the imagination of even the most socially advanced and conscious person of 1870. It is arguable, therefore, that The Manitoba Act of 1870, by reference to the services provided by government at that time, intended that both its population groups would have access to that government and its institution and services in the language of each.

To give legal effect to this premise in the manner suggested is, in my view, both necessary and a recognition of the spirit of good will enshrined in The Manitoba Act of 1870.

I have often wondered what really is the issue we are so passionately debating, and it seems to me that it has to be more than the proposals of this government. A storm has been raised over the costs of providing these services but, if they are looked at in the context of the budget of this province, they can only be seen as minimal. Indeed, much of them can be recovered from the Federal Government.

We have argued that the changes go beyond those contemplated in The Manitoba Act and, bearing in mind what I have said before, I cannot but conclude that that argument is excessively legalistic, and unrealistic as well. Simply put, the agreement should be whether or not, having made constitutional guarantees to a segment of our population, and then arbitrarily and illegally snatch them away, we are now prepared, as a matter of simple justice and in good faith, to fully restore those rights and to give meaning and effect to them by making them exercisable with respect to all aspects of the Government of Manitoba - not in the future, but now.

To me, the question of whether or not we do so is not debatable any more than it is one that we can choose to ignore in the hope that it will simply go away. It will not go away, and further delay can only result in an increase, not a diminution of the intense feeling this issue is arousing.

Either we choose to deal with it ourselves in a fair, open and generous way, or we will have it imposed on us by law. With this latter alternative comes the possibility that our present provincial laws, institutions and, indeed, the Government of Manitoba itself could degenerate into chaos. Even were we to risk the alternative of permitting the Supreme Court to decide this issue, in the hope that there would be no sweeping judgment that would do this, we might well find that their treatment is worse than the malady, in that my not making, they might not make a sweeping generalization, but rather decide issues on a case-by-case basis, and thus engender continuous litigation on every conceivable issue dealt with in provincial law.

Since there would be no certain knowledge that ultimately those laws could not stand constitutional scrutiny we would be morassed in a legal quagmire and our salvation would ultimately depend on adoption of a constitutional amendment not very different, I suspect, from the one now proposed.

I might add - I'm deviating from the remarks I wrote out earlier - that I think it takes a great deal of courage for the government to take this politically unpopular stand. In Quebec we have a government that is taking a stand in favour of the majority against the minority. In Manitoba we ought to be proud that we have a government that is standing up for the minority in face of opposition from the majority. I think that ultimately we might find that that exercise of good will by our government has some effect on how people in Quebec view our intentions and, indeed, our spirit towards the foundation and principles behind this country.

So while we are having hearings and debates, all of which I hope will ultimately result in more light than heat, in the end we must stare reality in the face and thus be brought to the realization that in this province French language rights were and are guaranteed; but in being dragged reluctantly to the obvious, we will not have emerged unbesmirched, and Manitoba, and all Manitobans, will emerge just a bit more divided and angry among themselves, and a little more isolated from the mainstream of Canadian life.

It is my view that the arguments we are having today are a culmination of our perceived grievances against the Federal Government in this generation. It has been a popular position that decisions affecting us are made without our consent, and that the makers of these decisions, the Federal Government, is an alien force in the East, out of touch with us and dedicated elsewhere.

We have often become embittered or too infatuated with the anger of dissent to realize in our opportunities and participate nationally. In order to retain some measure of national credibility it has been necessary to embrace, however reluctantly, some elements of our national state, and so the recognition that we are a country with two founding races and languages, but mouthing principles with a wink and a nod is not the same as ascribing to the spirit of them. It is here that I think our problem lies, and the carry-over from this can be seen in many of our attitudes to this issue before us today. We have been led to believe that many of the problems confronting us in this province are the direct result of a federal government too influenced by Quebec, that is, Francophone politicians, and we are afraid.

The measure of our fear is easily discernible, the attempt to specifically bind the legislation proposed into narrowly parameters being one instance. For myself, I would prefer broader, less specific terms in the hope that, should the legislation prove imperfect, it would err on the side of generosity and be interpreted thusly. Too narrow and legalistic in approach, it seems to me, will ultimately lead to alienation, rather than reconciliation between our English-speaking and French-speaking citizens. I prefer to think that if we can infuse into this issue a sense of the tolerance and good will of Manitobans we all stand to gain. But if we are dragged fighting and screaming to the inevitable, all of us, English speaking and French speaking alike,

are the losers. The tragedy of this is that if we cannot do justice to the French-speaking minority of our citizens we do, in a larger sense, demonstrate our opposition to the constitutional concept of Canada. In the words of Abraham Lincoln, "A house divided against itself cannot stand."

In light of the Constitution of this country, and in light of the history of this province, in particular, I fail to see where we either do harm to ourselves or our principles by supporting legitimate rights of our French-speaking citizens of Manitoba. I support, therefore, the legislation that would result in a constitutional amendment that would guarantee these language rights and the services necessary to a proper utilization of those rights.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Campbell. Questions for Mr. Campbell?

Mr. Blake.

MR. D. BLAKE: Thank you, Mr. Chairman. To Mr. Campbell, I know that his political affiliation has no bearing on his strong support of the Federal Government's position on this, but I want to ask him; I take it from his brief, he's supportive of the resolution, as it was proposed, to entrench the French language rights in the Canadian Charter?

MR. CHAIRMAN: Mr. Campbell.

MR. D. CAMPBELL: Yes. Firstly, Mr. Chairman, let me state that my political affiliation sure doesn't have any bearing on what I've said today. If it did, and if I was serious about it, I certainly wouldn't have made the remarks I did, in view of some of the comments that have come from my fellow citizens here.

When you talk about the proposal, are you talking about the original proposal?

MR. D. BLAKE: The original proposal.

MR. D. CAMPBELL: Yes, I support it. I do not believe that we should be winnowing away from the original concepts.

MR. D. BLAKE: My next question was, do you support the amendments to the resolution that have been proposed?

MR. D. CAMPBELL: Yes, I do.

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

MR. CHAIRMAN: Further questions for Mr. Campbell? Mr. Penner.

HON. R. PENNER: I thank Mr. Campbell for his presentation. Again, we have had a contribution from a member of my profession - that I'm still proud of, that is, the profession as a whole - that has helped by looking at the legal context and legal problems, I think, has been of assistance to the committee as a whole.

MR. CHAIRMAN: On behalf of the committee, Mr. Campbell, thank you very much for being here this evening.

Gail Campos, Ms. Campos, please.

MS. G. CAMPOS: I'm Gail Campos. I want to start by saying I'm probably one of the youngest people who will address you in Brandon; I speak three languages, I'm happy to speak three languages. I have a young son at home who hears three languages regularly. My husband and I try to use all three in the house so that he'll grow up to be trilingual, at least. We hope he'll go for five or six languages.

I think most of the arguments and most of the points I wanted to make have already been made by the lawyers, etc., about supporting minority rights in Manitoba, supporting the amendment. I am not a lawyer and it is up to the negotiated settlement, I think, between the government and the Legislature to decide what the final words will be, and what the final intent of the law is. I support the intent of the amendments.

I just want to talk to you a little bit tonight as somebody who's young, who realizes that our lives are no longer centred only in Western Manitoba; that there is a world out there that we have to communicate with or else we're going to destroy it.

I'm happy to say that I can go anywhere in this hemisphere and speak to almost anyone in their own language, and I think that's important. I think it's important that we extend our hand to the Franco-Manitobans. I think by waiting for a Supreme Court settlement, hitting each other over the head isn't a good enough way to say, yes, you have played an important part in the historical settlement of our province and we want to live together.

I have lived in Quebec; I didn't encounter the hostility that so many of us think is there, and I think that's because I made an honest attempt to speak the language. I think that Franco-Manitobans, of course, through the years have made their attempts to speak English, but that shouldn't be the only reason we accept them. If they don't want to speak in English, that doesn't mean we have to be against them. They should have the right to speak their own language, just as we enjoy the right to speak our language - English for most of us.

Those of the other minority groups, I think, are prepared to back that, because they know that they enjoy special rights in this country, perhaps not entrenched because they're not 25 percent of the population, as the French-Canadians are in this country. I think they're prepared to support it and I'm prepared to support it as a way to let people in Canada know, that, yes, we in Manitoba believe that minorities have rights, that we're not all afraid of the French. Mr. Trudeau isn't going to last forever - maybe fortunately for some people, eh - and I think his policies will go the way of the dinosaur, as he will go.

I think it's time for reconciliation in our country. The people of Quebec have begun a long struggle and I think they've begun to oppress, maybe, the English people in their province, and many of them don't like it, but have seen that as the only way to regain a certain dignity that they thought they had lost for so many years. I wouldn't want us to become as arrogant perhaps. I would hope that we, in Manitoba, a small province, there aren't going to be 50 million French people here tomorrow demanding services, as you said

this morning, at Autopac in Brandon. I mean that is not going to happen, we know that. But I feel that if people from Quebec or from any other French-speaking country in the world would like to come to Manitoba and settle here and join us in this wonderful cultural mosaic that we have, then why not have them able to speak the language of their choice, to have rights, to run for the Legislature, to be able to speak their own language in the Legislature?

I don't know what else to say. The last few days I've had my ups and downs. I have been upset with a few members of the committee; I'm not so upset with others. I think it has been important to hear the reeves of the municipalities, to give their perspectives, even if I don't agree with many of them, that's fine, but they're not 30 years old and maybe they're not looking forward to the next 60 or 70 years in this country as I am. Thank you.

MR. CHAIRMAN: Thank you, Mrs. Campos. Questions by members? Seeing none, Mrs. Campos, on behalf of the committee, I would like to thank you for waiting the two full days and making your presentation tonight. Thank you.

MRS. G. CAMPOS: Thank you.

MR. CHAIRMAN: Reeve Allan Rose, R.M. of Whitewater. Reeve Rose, please. Please proceed.

MR. A. ROSE: Thank you, Mr. Chairman, members of the committee. Before I read the brief, I should say that this brief has been prepared by me and my secretary-treasurer at the request of our council.

The Council of the Rural Municipality of Whitewater appreciates this opportunity to present their concerns to this committee.

Before proceeding further, I would like to make it clear - our council has no objection to French Services or another language services where these services are needed or requested. They do, however, oppose those amendments to Section 23 of The Manitoba Act which would guarantee French Language Services from certain government offices and agencies. This guarantee was not deemed necessary in 1870 when a substantial percentage of the population spoke French only, and it seemed scarcely appropriate in 1983 when the number of Francophones who are not fluent in English would be very small indeed. This is not to say that Manitobans should ignore the plight of those who cannot read and understand government documents. A recent article in the Winnipeg Free Press reports that 4,500 Manitobans can barely read or write in any language. These people may well have difficulty functioning day by day, never mind trying to deal with the bureaucracy. This is a much more pressing problem than the right to services in two languages.

Since the matter of French language rights in Manitoba is being re-examined over 100 years after The Manitoba Act was written, it is reasonable to expect that any amendments should reflect the changed society of today and not simply attempt to re-establish what was considered appropriate 100 years ago.

And no consideration of this issue can ignore the cost. The Provincial Government has run short of money

for a number of programs, and government deficit and debt is already uncomfortably high; so any additional expenditure for whatever reason will reflect in a reduction of funds for some programs - would it mean a few less hospital beds? A curtailment of some educational services perhaps? We don't know, but we do know there would have to be an effect somewhere.

The consequences of whatever action is taken may be with Manitobans for a long time. We therefore request the Provincial Government to give this matter very careful consideration.

That's respectfully submitted by the Rural Municipality of Whitewater and read by myself.

MR. CHAIRMAN: Thank you, Reeve Rose. Questions by members of the committee? Seeing none, Reeve Rose, thank you for being here and thank you to your council for making a presentation this evening.

MR. A. ROSE: Thank you.

MR. CHAIRMAN: Reeve R.J. Renwick, R.M. of Arthur. Reeve Renwick, please.

Addison Garbutt. Mr. Addison Garbutt, please.

Mayor Burgess, City of Brandon. Is Mayor Burgess here, please.

Terry Penton. Mr. Penton, please. Please proceed.

MR. T. PENTON: Thank you, Mr. Chairman. At the outset, I would like to say I am not a lawyer, Mr. Penner. I'm sure that you people have sat through two days of highly legalistic discussion - not all of course - but I just want you to know that my brief is for me, I am not representing anybody but myself.

My reason for submitting this brief today is to personally express some of the concerns I have respecting the current debate on language rights in the Province of Manitoba, and indeed spilling over into the federal scene and developing into a national debate.

The recent so-called "intrusion" into the debate by the Federal Government is in my view quite proper, because the issue of bilingualism is indeed a national problem. And while the debate at this time is confined to Manitoba prior to moving to the federal level, the results here will undoubtedly have a profound effect on practically every province of this nation.

I am a Canadian - more specifically, I am a Western Canadian - having been born in this country and have lived here all my life. Regrettably, I am not bilingual. Had the opportunity been available to me as a youngster, I feel my life would have been richer and even more meaningful than it has been. Apparently I am not alone in this feeling. We see throughout this province many people who have learned French and who are demanding the right to enroll their children in French Immersion courses.

The facts, as I understand them, which caused the Government of Manitoba to introduce the proposed legislation are: - and I may say this is only picked up through the media, I have no other way of finding it.

- I. In 1870, when Manitoba was admitted into Confederation, we were made a bilingual province where everyone had the choice of speaking in French or English in the Legislature or the courts; and that the acts of the

Legislature were to be printed in both French and English.

2. A Manitoba statute of 1890 set aside the bilingualism intent of the founders of this nation. However, this provincial statute of 1890 has been found by the Supreme Court of Canada to be unconstitutional, and that the original "Manitoba Act" which made us part of Canada was still legally in force.

It appears to me that all the proposed legislation will do will be to set the record straight. I feel that is very important to every Manitoban in view of the Bilodeau case, and the possibility of countless other cases, in addition to Bilodeau, if the legislation is not passed. The financial cost of not proceeding with the legislation will be in my view substantially greater, when the volume of statutes which would have to be translated, the limited time frame in which this would have to be done, and the inevitable court costs of others who would challenge the existing Manitoba law is considered.

All of the foregoing makes my case for the legislation to proceed. I do not accept the concerns expressed by many of the municipal councils that they will be forced to do the same thing at the municipal level. The bill clearly says this will not happen.

The problem which has developed is in my opinion largely due to poor communication with the public by the Provincial Government. In this area, I feel that they blew it. The public was not given a clear picture of this complicated problem, and it has resulted in many misconceptions on the part of almost everyone. This has paved the way for opponents of the bill to misrepresent the intent, and to propagate half-truths and theories as to what could happen if the bill were allowed to pass.

What the bill is proposing is not new. We now know, by virtue of the 1979 Supreme Court ruling, that we have always had the right which the bill proposes. George Forest proved that by challenging the Manitoba legislation of 1890. Anyone could have done that, and anyone could still do it in the future if it is not changed. The proposed legislation will clean up this situation so that from now on the federal act, entitled "The Manitoba Act," together with the new proposed legislation will be the statutes in force and effect.

These are some of my concerns. However, the greatest concern I have is the divisiveness this debate is causing in our communities. I regret to say, and am saddened by the fact that I have heard more bigoted statements and seen more discriminatory attitudes amongst our own citizens, as well as statements in the press by some very influential people, than ever before.

What is so wrong about allowing a person, whose mother tongue happens to be French, the right to be able to deal with the courts and the Legislature in French? I understand that only about 4-5 percent of our population are French speaking, which could not create much of a hardship for anyone. We, of the majority, are losing nothing. They, of the minority, stand to lose a great deal. What this legislation will do, Mr. Chairman, will be to prove beyond all doubt that we, as Canadians, are prepared to ensure that the minorities in our population - as individuals - have their rights protected on the same basis as those of us in the majority.

In 1867, at Confederation, a deal was made with the French-speaking Canadians that Canada would be

bilingual. In 1870, this was extended specifically to Manitoba, when this province was admitted into Confederation. In 1983, it appears that those opposed to this bill want to renege on the deal that was made 113 or 115 years ago, which has stood the test of time, and which we, as Canadians, accept in order to protect the rights of the minorities.

I would like to say a word about the referenda being proposed by various communities to be held at the same time as the local elections. I see absolutely no purpose in even going through the exercise. In fact, I see them as being an even more divisive element in the debate than we have at present. 95 percent of the people voting will be Anglophone. The referendum will give an expression of opinion on how the other 5 percent of the population should be dealt with. And the wording - the City of Winnipeg wording is almost laughable. You vote "yes" if you don't want it. What will the assortment of wording be in Thompson, or in Brandon, or in any of the other several communities? Anyone who hasn't taken the time to study all the implications will have no idea of what he or she is voting for or against. When they are all done and counted, no one is bound by the results, nor in my opinion should they be. Results obtained from such referenda are meaningless.

The proper place for public opinion to be expressed is in public forums such as this one, where a minority opinion gets the same hearing as one of the majority. Further, it is being presented to the people who ultimately will have a direct say in finally dealing with the legislation.

Mr. Chairman, I want to thank you and the members of your committee for allowing me as an individual the opportunity to express these few thoughts to you. I am certain that the majority of Canadians living in Manitoba and, indeed, the rest of Canada will want to see this proposed legislation passed in our Legislature.

MR. CHAIRMAN: Thank you, Mr. Penton. Questions for Mr. Penton by members of the committee?

Mr. Penner.

HON. R. PENNER: Mr. Penton, first of all, let me congratulate you on an excellent, well-documented and well-presented brief. I'm saying that because I may have created an impression - it now occurs to me earlier that the briefs presented by the lawyers have some higher value than the briefs presented by non-lawyers. That certainly has not been the case in these hearings and it's certainly not my impression. There have been some outstanding briefs and I number yours among them.

Having said that, I have a question to you, Mr. Penton. I understand that at one time I believe you were an alderman in this city?

MR. T. PENTON: Yes, I was.

HON. R. PENNER: Just looking at the question of referendum from the perspective of a councillor, what is your view of the proposal by the Union of Manitoba Municipalities, the wording they're asking municipalities to use - and I don't purport to quote it word for word; we can, if necessary - but makes absolutely no mention

of the whole first part of the proposal that would validate the statutes, give us 10 years to translate them, reduce the number of statutes to be translated from 4,500 to 500 at a saving of \$1.5 million, makes no mention of any part of this? What do you think of the fairness of a referendum wording of that kind?

MR. T. PENTON: Well, I'm not aware of the actual wording and I didn't know there was a wording, but the wording that you describe to me I think would be extremely unfair. I don't think that it would present a proper opportunity for the average person to decide how to vote.

HON. R. PENNER: Thank you.

MR. H. GRAHAM: Mr. Penton, I listened to your brief and quite obviously you spent a great deal of time preparing this, because I'm sure you have looked at all of the legislation that has passed before the Assembly dealing with the language issue and things of that nature. You have made mention of the case in 1979, the Forest case, where the Supreme Court overturned The Official Languages Act of 1890 and reinstated the original Section 23 of The Manitoba Act. Is it your belief - and I haven't had the chance to read your brief - that the present proposal before us is one that would now ratify that?

MR. T. PENTON: Not completely, Mr. Graham. I think, looking back to the original act of 1870 when Section 23 of The Manitoba Act which made us a bilingual province, the 1890 statute of the Manitoba Legislature which has since been declared unconstitutional, it doesn't seem to me that this is going to correct that. What it is going to do is going to make it much easier for us to deal with the fact that we have in fact broken the law all these years. It isn't going to right the wrong, but from here on in, it recognizes the fact that a wrong was perpetrated and that from here on in it won't be wrong any more. I wouldn't like to say that it in fact validates everything that has happened in the last, practically a century. I'm not sure whether that's answering your question, Mr. Graham?

MR. H. GRAHAM: Mr. Chairman, I think it adds something to it, certainly. But when the Supreme Court in 1979 made the ruling in the Forest case and the provincial government of the time ratified that with a bill in the Manitoba Legislature, do you recall at that time that there was any hullabaloo or undue public concern about that happening at that time?

MR. T. PENTON: No. I think mainly because the average, maybe not the average, but the vast majority of Manitobans weren't really fully aware of the implications of what had actually happened. I can tell you for one that I certainly wasn't at that time. I think had we taken the time to study the whole situation, we may well have come up with the conclusion which I think that the Legislature is now coming up with; that we should deal with this thing now so that it won't get out of hand. Had Bilodeau not come along, I'm sure we wouldn't have dealt with it, even then.

MR. H. GRAHAM: Then, through you, Mr. Chairman, to Mr. Penton, is your real concern then about clearing

up, beyond all reasonable doubt, Section 23 of The Manitoba Act and the translation of the statutes and all the other implications of that?

MR. T. PENTON: I'm not sure of that because my background doesn't allow me to get that deep into this thing. But I can say - maybe I can just read you one sentence from what I have just read: What the bill is proposing is not new. We now know by virtue of the Supreme Court ruling that we have always had the right, which the bill proposes. The proposed legislation will clean up this situation so that from now on the federal act, entitled The Manitoba Act, together with this legislation will be the statutes in force and effect. That's a layman's way of putting it, Mr. Graham, but, nevertheless, that's in general terms how I feel.

MR. H. GRAHAM: Did that not occur in 1980?

MR. T. PENTON: I would think not.

MR. H. GRAHAM: Through you, Mr. Chairman, to Mr. Penton. I think your main concern is to clean up and make it absolutely clear to everyone that Section 23 of The Manitoba Act is the one that is in force and the one that should apply in the Province of Manitoba, is that your No. 1 concern?

MR. T. PENTON: Section 23 of The Manitoba Act of 1870?

MR. H. GRAHAM: Yes.

MR. T. PENTON: That's in general terms how I feel, yes.

MR. H. GRAHAM: Then the additions to that, the new proposals that are in this agreement that we're discussing today, are really secondary in your mind, is that . . .

MR. T. PENTON: Well, I wouldn't say that, Mr. Graham. The absence of this proposed legislation I think has far greater implications than we sitting around here may realize. I think that if nothing was done that we would be in a - in fact one of the briefs I heard earlier this evening commented on that, I think it was Mr. Campbell's. He was a little more legalistic about it, but I think he commented on the same thing. In fact it seems to me his words were something that would be utter chaos and the government itself could be in utter chaos. I feel that way. Had this bill come in to point out exactly how we stand, right now we don't know and the only other alternative, of course, is to allow the Supreme Court to deal with Bilodeau's case and take our chances. In other words, the courts or the Legislature. I personally would like to go for the Legislature.

MR. H. GRAHAM: Mr. Chairman, through you to Mr. Penton. If the province and the Federal Government and the lawyers in the Bilodeau case and the Franco-Manitoban Society are basically in agreement that some 400 or 500 statutes are all that should be translated, would you think that a Supreme Court in its ruling, if

the Bilodeau case went to its completion in the Supreme Court, do you think that any Supreme Court judge would rule in excess of those that everybody had already agreed to? Would you think the Supreme Court would order more than what has already been agreed to?

MR. T. PENTON: Mr. Graham, I certainly have no way of knowing any more than any of us what the Supreme Court would do in a case like that. I don't think it's beyond the realm of impossibility though for them to rule on much more than that. I think it is possible that the Supreme Court could in fact say they will all be translated within what may even be considered a pretty constrained time frame. I don't know how long it would take to translate all of the Manitoba statutes. I don't know how much it would cost, but I just know that it would take a long time and the cost would be substantial. I personally feel that if we have a deal whereby we could get away with 500 of them, that that's the deal that we should be taking without taking our chances. Why take our chances when we've got a good deal right now?

MR. H. GRAHAM: Through you, Mr. Chairman, to Mr. Penton. If, inherent in that deal, there are some other conditions and whenever you make a deal everybody has to give and take a little bit, so there are some other conditions that are put into the deal, such as the entrenchment of certain services into a Constitution - does that cause you any concern that if there are only certain ones included that others, by their very omission, may no longer need to be provided?

MR. T. PENTON: No, that doesn't give me concern because the legislation as I read it, again from my point of view, Mr. Graham, seems to cover the situation that I'm concerned about. And again, I'm concerned as an individual layman citizen in Manitoba. I'm not privy to some of the legalistic possibilities that may or may not - perhaps you are, but I am not. I just know that what I see in this bill is, I think, satisfactory. I was going to say ideal. Perhaps that would be a little too nice, but it is satisfactory. I don't see anything having been left out. I think you suggested that there may well have been things left out that are going to be left out for all time. I don't see anything left out that concerns me. Perhaps if I had more information, maybe there would be something, but at this moment I don't see any.

MR. H. GRAHAM: Mr. Chairman, I know it's highly improper for me to state my opinions on this. My concern is to try and find out what Mr. Penton's ideas are on this. So I would again try to put priorities in their proper perspective. Am I correct in assuming then that your No. 1 concern is to get a reasonable deal to legalize the statutes so that we can live up to Section 23 of The Manitoba Act as it is presently in the Constitution? That's your No. 1 concern?

MR. T. PENTON: The first thing the proposed bill does, as far as I'm concerned, is reiterate what Section 23 of The Manitoba Act says. If Bill 23 was left just the way it is, if they just said let us throw out the act of 1890, and we are going to pass legislation now to agree that we will do everything in accordance with Paragraph

23 of The Manitoba Act, that would produce what I would be concerned that the Supreme Court may well say if this bill isn't passed. I think that's a little much in 1983, having regard for the fact that we have not done it since 1890.

MR. H. GRAHAM: Mr. Chairman, maybe the reason I'm asking this is because I believe Mr. Penton has put the emphasis more on the negotiations that Mr. Penner has so often mentioned and most briefs have not mentioned, the concern for the translation of the statutes. That is why I have been asking these questions, because it is bringing another perspective to this committee at this particular time that most of the briefs have not addressed themselves to.

So I thank Mr. Penton for the benefit of his collective thoughts on that particular aspect of the proposal that is before us. Thank you very much.

MR. CHAIRMAN: Further questions for Mr. Penton from members of the committee?

Seeing none, Mr. Penton, thank you very much for appearing here this evening.

Is there someone here from the R.M. of Russell? R.M. of Russell, please? Mr. Gordon Brier from the R.M. of Russell.

Reeve Norton E. Cassils, R.M. of Winchester. Reeve Cassils, please.

Jacques Jaquet.

Albert Chapman, R.M. of Daly. Mr. Chapman, please proceed.

MR. A. CHAPMAN: Mr. Chairperson, members of the committee, I appreciate this opportunity to appear before you.

I apologize because of the fact that I understand my name was called today and I couldn't be here, I was in Winnipeg and got back here just a short while ago.

I appear on behalf of the Municipality of Daly, and as to a question that was called for yesterday, my council did assemble in a special meeting in total and did authorize a resolution for me to appear here on their behalf and to state the things that are on the sheet of paper you have.

In essence, I don't wish to read the brief as it is, but comment on the four paragraphs that are in it. The first one I would do in this way a little later on.

A little history of my own life in public. I don't wish to mention the years. I have served four years as Vice-President and six years as President of the Union of Manitoba Municipalities, plus many as a Director. In those years it was never less that I drove Manitoba twice, complete Manitoba twice, each year, sometimes three times, and quite often four times - not often, but I think twice four times - to bring before the municipal people questions that we wanted answered and to get their advice on. That alone has created something that I'll never regret or forget, because it was really something.

During that time I have met with every nationality there is in Manitoba, including many French people, and I just related to the Honourable Minister last night that I can go into any French area, throw my hat on the doorstep of those people I know, and I know I'll be welcome as an Anglophone and be with them at

all times. We never ever had a disagreement in language or any other way, so I find it hard to speak to this, knowing those things.

However, my council didn't meet and with the material we had - and we didn't have the material you have at the door - we read the Honourable Howard Pawley's statement that he sent out to each of us and from that we went from there. I added a little of my own and the resolution read that I appear here on their behalf.

We decided that we were not opposed to the government giving out French language papers if it was so desired. We didn't see that in our own municipality it was certainly necessary, and I tried to think of the number of people that I could contact that would be of French origin or have that language, and it's very small and I know that we are just one people and we don't look at whether there is French, English, or Ukrainian or what. So the services in my municipality would possibly be never used, and that was a concern whether we would have to provide that or not.

Thirdly, I think I could say my council were very strong on the fact that this should not be entrenched in the Constitution at present. There was a feeling, along with myself, that possibly this was a hurried-up little thing and probably not enough information was out on it. I think most of us here appearing at these meetings would agree that we have not been informed as much as we would like. They did say that they wish it not entrenched at this time. If at a later time, after some consideration, their thoughts on that could change.

The last paragraph of it is - I know the Minister will tackle me on this - to say that there is an amendment to Bill 23 which says that municipalities and school boards will not be involved in this, will not have to provide this. This is the one that caused me the biggest concern of all. As I pointed out, I have sat with both sides of the House on many occasions, on many committees and things, and I have come home very disheartened at times.

I was one of the persons who sat with the committee to revise The Municipal Act. In that act, it was a battle between our present Premier, myself and a few more. If you recall, municipal councils were elected on a two-year term with alternative years in and out. There was a strong opinion in our organization that should be retained. The proposal came forward that that should be disposed of and a straight three-year term be established. And through consultation and through other means, we agreed that, let's put both in there. If my council want two years they can have it; if they want to go three years, the mechanism was there to carry on and they came out of that very happy.

Only about three years later, four years, five years later, we were told at our annual convention: it's past time for this and of such a date, the two-year term was out, here's how you're going to come into organization and that was done away with. I travelled to every meeting but one with the other side of the government when we had our land-use proposals and I can't recall, gentlemen, the times that I heard the Minister say, "Look, these are recommendations, they'll never be engraved in stone." And I went away with that pretty happy and I sold that to the municipal people, I honestly did. I went out after it. I challenge any of you today to try and get by some of those regulations. You'll be told that they are law and I've had many a fight on that one.

So, I say, Mr. Chairman, without prejudice or anything of this nature that, while we would be exempt, it's a matter of a year or two down the road that, should you pass this bill, that any government, I don't say you or whoever is the government could say: we can't have it both ways. That has to go here all under one. That's the challenge, I think, that I'd like to speak on. I wonder if that's the right way we run the democracy.

Speaking for myself, I say you have to go one way or the other. It's either out or you put the whole thing in so we don't get in that confrontation.

I'd like to go back to my term in the union and I heard a statement made yesterday that we did certain things. I'd have loved to have gotten up and corrected that, but I didn't. We didn't instigate the twinning of cities. I want that understood. There are a lot of things we're getting blamed for, we didn't do. We certainly back a lot of policies of government if we think they're right.

I want to go back just a little more. When I was president, we had an executive meeting one time. We sat in the hotel room talking after it and realizing the different nationalities of people, I, myself questioned this. We had, on the executive of Manitoba Municipalities, seven people who talked seven different languages plus we had nine people who could talk seven, could understand two of the others, but couldn't talk it. And by golly, we had a little United Nations. Never once did I hear my French friends, Ukrainian friends, Icelandic friends, ever mention the difference. Everyone said we're Canadians, we'll work it that way and here we are. It was a pleasure to serve them. It disturbs me to think that this has all come up at this time.

I am afraid, Mr. Chairperson, that should we immediately go this route, and I'm not going to argue court cases or any of that type of thing. I can see a division in Manitoba and I would hate very much to see that. I honestly believe that this should be held over a little bit and we should have more consultation with French-speaking people. They are reasonable people, and I think that a great many of them might tell you that they are not all in favour of going ahead at this time. At least some of them have told me that. How many, I don't know.

As to referendums, we are not going to hold a referendum. I think that would be an embarrassing situation in my area. I wonder if it wouldn't be right in some of our French-speaking areas to hold a referendum and hear what they have to say by the people. Whether that's right or not, I don't know.

But, those are my views, Mr. Chairman, and I again appreciate the fact that I couldn't be here before to appear before you other than tonight and I appreciate the fact that I was called tonight.

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

MR. D. BLAKE: Thank you, Mr. Chairman. I just have one question of Mr. Chapman in connection with the last paragraph in his brief, he was a little more delicate. But, I take it from your comments, Mr. Chapman, that you don't trust government?

MR. A. CHAPMAN: I guess, Mr. Blake, that is true. I guess there are a lot of residents in my municipality

that don't trust the Municipality of the Daly council either, and I accept that.

MR. D. BLAKE: Thank you very much.

MR. A. CHAPMAN: I would not deceive them. Before I would have made any changes - if I had promised certain changes - before I offered any change in my legislation in the municipality, I would have been back to them, telling them why, and that's the difference.

MR. D. BLAKE: I happen to share your view. I think this could be changed at some later date if the proposed amendments do go through and the resolution does pass. But, I want to thank you for being back again today. I know you had an appointment in the city and you have obviously driven in there and back again. So, we want to thank you for taking the time and appear and present your brief on behalf of your council.

MR. CHAIRMAN: Further questions for Reeve Chapman. Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. When I look around this committee, I believe I am the senior member of this committee as far as length of service in the Legislature, and I would have to say that in that period that I have served in the Manitoba Legislature, I think it is pales in comparison to the service that Mr. Chapman has given to the municipal field of politics in the Province of Manitoba, his service to his municipality and to the Union of Manitoba Municipalities in the various offices that he has held. I want to say to Mr. Chapman that I appreciate tremendously the advice that you have given to this committee tonight.

Mr. Chairman, I think that we hear many many briefs, some of them written, some of them oral, but when you hear a man who speaks from his heart and speaks from his experience, I think we have to pay particular attention and I would ask Mr. Chapman, in the light of the remarks he has made, would I be correct in taking from his remarks that his basic message to this committee and to the Legislature is to just stop, to go back to Square One, take another look and to talk to people more before you make any move in this particular direction, is that a correct assumption of your feelings in this, Mr. Chapman?

MR. A. CHAPMAN: Mr. Graham, I would imagine that is right. I always like to use the comparison in this and again, I have appeared before a committee on assessment on more than one occasion, both for my own municipality, for the Province of Manitoba and in some seven years, we haven't got it yet. I don't want to criticize government for that because it is a very complex deal and I think this is just as complex. I think that there is an area here yet, let's not go hog wild and do it at once. Let's go back and talk - I'd love to talk to him, this convention will bring a lot of it out that we're having this fall. I'll be in there talking to these people and I think there is a lot to come out yet on the other side of the picture than what we're saying here.

I was always that way, that I wanted conversation with people. Make your decision after, rightly or wrongly,

stand behind it, but I think there's an awful lot of area here and I agree with you that we still could - not say go back to Square One - let's not rush it, but let's have further conversation.

MR. H. GRAHAM: And would I also be correct, Mr. Chapman, that in making those recommendations that they are not weighted in favour of any one segment of society as compared to another or one linguistic group as compared to another, that it is done, that that suggestion is made because you believe it is the right course that we should be following? Or is it because you have a particular preference for one particular point of view to be put forward?

MR. A. CHAPMAN: Mr. Graham, in answering that I would say that I don't have any preference. Again, as I pointed out, I could go up into the Icelandic country and meet with those people under any circumstances; I can talk to the French people under any circumstances, I might not understand their language; I can go up in the Northern area and talk with Ukrainian people and in my own area, and all around. I think it's a common thing that I have practised in my life. I don't make hasty decisions; I really think it out. To further that, I sat at home last night, after I got home, and I wondered where this would end. I happened to be reading the daily newspaper and I looked at it like this and I thought to myself, well, when all this smoke is cleared, will I be reading English on that paper and French on that one? I think of a lot of things that could happen. I am not concerned about that. I am concerned that we treat people properly, respect their views, and I am one that would do that.

MR. H. GRAHAM: Mr. Chapman, I want to thank you for the benefit of your wisdom and your suggestions tonight and I can assure you that I personally will take your recommendations very very seriously. I thank you for them.

MR. CHAIRMAN: Further questions by members of the committee? Seeing none, I would ask committee to grant leave for the Chair to ask several questions of Reeve Chapman. Leave? (Agreed)

Reeve Chapman, Mr. Blake expressed agreement with you on your concern in the last paragraph of your brief and I, too, have some concern on that issue, although I approach it from a different perspective. I am wondering, because you have a wealth of experience in government and have some understanding of the legislative process and since both of us are not lawyers, maybe we're the right people to explore this. My question would be, what's your understanding of the mechanism for amending the Canadian Constitution at the present time? What has to happen; what's the procedure?

MR. A. CHAPMAN: I would like to answer that in the way that I am not fully conversed on that. I'll admit that.

MR. CHAIRMAN: Do you understand that the current resolution has to be passed by the Manitoba Legislature and then by the Parliament of Canada, House of Commons and Senate?

MR. A. CHAPMAN: I understand that part, yes.

MR. CHAIRMAN: Does it not logically follow to you then that if the government were to reverse a commitment it made now to exempt municipalities and school boards, that that commitment would have to go through the same process, to amend that Constitution at a later date, one month, one year, ten years, fifty years down the road?

MR. A. CHAPMAN: I am not up on constitutional reform, Mr. Chairperson. I do know when The Municipal Act was changed, it probably went through the House. We were notified at our Municipal Convention that this was it, there were going to be changes, and as far as we were concerned we were told not to bother with it because it was going to go through. I felt very bad about that. The stroke of the pen did it.

Now, as I say, I drove around the province again with another government, and heard it'll never be engraved in stone, to find out now that when I come to a planning problem, I am told by the Planning Department, that is law. And I question these things. I don't mind questioning them, and this is what I say can be done. We question - I don't like to use the words, as Mr. Blake said - whether we trust government. I trust everybody until I find them wrong. It can be done and it may be the right way to do it, I don't know, but most times, we out in the area never know why it's done.

I think one of the things that I am very disturbed about here at this meeting is that I had to come here yesterday to pick up material. That doesn't give you very much time to digest it. I cannot see why that has not gone out prior to this to the municipalities.

MR. CHAIRMAN: Any further questions by members of the committee? Seeing none, Reeve Chapman, thank you very much for appearing here today on behalf of your council.

MR. A. CHAPMAN: Thank you.

MR. CHAIRMAN: Mr. Ross Meggison, Mr. Meggison. Last call for those who have been absent; Reeve J.R. Guthrie, R.M. of Pipestone; Marriane Isitt; Addison Garbutt; Mayor Burgess of the City of Brandon; Gordon Brier, R.M. of Russell; Reeve Norton Cassils, R.M. of Winchester; Mr. Jacques Saquet.

Is there any one else present in the audience whose name was not on the list who wishes to make a presentation to the committee?

Seeing none, that concludes the list of presentations for these hearings in Brandon. Before you leave, ladies and gentlemen, I would draw to your attention that copies of the transcript of these hearings will be available upon completion of the whole set of hearings at the end of this month or early in October. Anyone wishing to receive by mail a copy of either the Brandon transcripts only or a complete set of all the transcripts of the hearings of this committee should register with the Clerk on my right, immediately after the adjournment.

Our next hearing will be in Morden at 10:00 a.m. on Thursday of this week. Committee stands adjourned until that time.