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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

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ASHTON, Steve	Thompson	NDP
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Thursday, 29 September, 1983

TIME — 2:00 p.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the committee present:

Hon. Messrs. Adam, Bucklaschuk, Lyon and Penner

Messrs. Anstett, Brown, Fox, Graham, Lecuyer, Malinowski, Nordman; Ms. Phillips

WITNESSES: Ms. Paula Fletcher, Communist Party of Manitoba

Mr. Jack Oatway, R.M. of Rosser

Mr. Renald Guay, Association des avocats francophones

Mr. Marc Monnin, Collège de St. Boniface

Mr. K.B. Jakubowicz, Canadian Polish Congress (Manitoba Division)

Ms. Florence Bourgouin, Private Citizen

Ms. Maralyne Donovan, Private Citizen

Ms. Rita Lecuyer, Pluri-elles

Mr. Helmut Albrecht, Private Citizen

Ms. Janick Belleau, Réseau

Mr. B.F. Quennelle and Paul Moist, CUPE, Local 998

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23 of The Manitoba Act.

* * * *

MR. DEPUTY CHAIRMAN, P. Fox: Committee, come to order. We have one resignation, Mr. Eyler, to be replaced by Mr. Penner. Is that agreed? (Agreed)

Our first presentation this afternoon is Paula Fletcher. Please proceed.

MS. P. FLETCHER: Thank you. Mr. Chairperson, members of the committee, the Communist Party in Manitoba welcomes this opportunity to present our views to the proposed amendments to Section 23 of The Manitoba Act to these hearings. These hearings are to be commended as representing an important and consultative step toward redressing a fundamental wrong perpetrated by a Tory Government and an Anglo-Canadian majority in 1890 in this province. Ninety-three years after this injustice, the question of the rights of the French-speaking minority in Manitoba has, once again, come to centre stage and, in our opinion, justifiably so.

Mr. Chairperson, one could not address the language and national rights of French-speaking Canadians in Manitoba in a vacuum. The history and relations between the English and French-speaking peoples in Canada, the founding of Manitoba as a political entity in 1870, the subsequent Official Language Act and Public Schools Act of 1890 and the very essence of Canada and the nature of Confederation in 1867 all come into play and prominence and must be addressed.

In fact, the essence of what is being debated by this committee and the Legislature is the very nature of Canada. For its part, the Communist Party holds that Canada is a bi-national state; that there is a French-Canadian nation in Quebec and an English-speaking nation outside of Quebec. Each of those identifiable groups holds amongst itself a common language, history, culture, territory and economic structure which binds it together as a nation. Neither The British North America Act, nor the new Canadian Constitution has acknowledged this reality of Canadian society.

As such, each of the two nations in our bi-national country should have fundamental rights which must be acknowledged in the body of constitutional law, including the basic and fundamental right to self-determination. While the English-speaking nation has long enjoyed self-determination including full domination over French Canada, the French Canadian nation in Quebec has never been accorded self-determination and herein lies the root of the crisis of Confederation which has gripped and continues to grip our country. This crisis also finds its reflection in the status of the French language in Manitoba in 1983.

While self-determination is called for, the official prescription of the Federal Liberal Government for curing the crisis of Confederation, continues to be a policy of bilingualism. This does not solve the crisis of Confederation, rather it has exacerbated it. For while bilingualism has been in effect, it will not, nor will it ever quell the national aspirations of the French-Canadian nation in Quebec for genuine equality and self-determination. Additionally, the policy of bilingualism has only served to generate hostility and animosity towards the French-Canadians among certain circles in English-speaking Canada.

Let us return briefly to our party's position. Just as self-determination is a principle for each of the two nations, so too is the protection of both the French-Canadian people living in English-speaking Canada and the English Canadians living in French Canada. Minority national rights include, but are not limited to language rights. Protection of minority rights does not mean "enforced bilingualism" or "legislated French," as charged by the bigots in this province, but rather a protection of the inviolable rights of the minority in either English-speaking or French Canada, to the flourishing of language, culture and services in the mother tongue.

Any other approach exacerbates the long-standing conflict in both nations. The support given to the

Manitoba Government's entrenchment of French language rights in the Constitution by the English-speaking minority in Quebec is good evidence that the government is on the right track. That these rights be enshrined and not be subject to the political whim of each successive government is paramount at this time.

Minority rights are, and should be recognized as inviolable rights, not to be tampered with or used as is happening in this case, as a political club by the Tory opposition determined to embarrass the government no matter what the consequences may be for the future well-being and unity of Manitoba.

In our opinion, it is a travesty that this fundamental and central fact of Canadian reality was ignored in the new Constitution. Even more abhorrent is that such changes as those proposed to Section 23 of The Manitoba Act currently before this committee, which at least represent the first steps towards the recognition of the full national rights of French Canadians living in Manitoba, have been both so badly mishandled and mismanaged by the government, and so violently opposed by an increasingly narrow-minded opposition so as to turn the entire process into a political poker game.

To repeat, Canada is a country of two nations and each should have equal rights. Manitoba's entry into Confederation should be viewed in this light that it undertook to give equality of languages.

As the noted Canadian historical Stanley Ryerson writes, Manitoba entered Confederation fully cognizant of French language and other rights.

Here I quote: "Manitoba was thus the product of a complex of forces; the momentum of the Confederation movement combining Canadian, political and economic aims with an imperial strategy of continental unification of the colonial settlements; an Ontario-based western expansionism leading to agricultural settlement on the prairies and a new regional capitalist development; relinquishment by the Bay of its rule in the southern areas, the effort of the Roman Catholic Church to establish its position in the west, and of French Canada to assert its claim to equal rights and recognition as a participant in all-Canadian development; the dispossession and driving further westward of the Indians of the Plains; the national democratic resistance of the Metis winning, through mass action and the creation of a short-lived peoples' power, a larger measure of self-government sooner than was intended by Ottawa and leaving a heritage of militant democracy that became one of the vital components of western radicalism.

"It is noteworthy that in the organization of the Metis Convention and formation of the Provisional government, the principle of French-English binational equality was observed. The people's movement in the northwest not only embodied a first attempt to realize a French-Canadian presence in the new territories, it exemplified the principle of equal rights on which alone a joint partnership of the national communities could be successfully built. The Anglo-Canadian rejection of that approach in the years that followed has left a breach that is part of a the contemporary Confederation crisis." (Italics added) from Stanley Ryerson's book in 1968, Unequal Union.

As Ryerson says, that breach which was caused by the political manipulations of a Tory government in 1890

broke faith with the gains and agreements reached in 1870 and before, between the English-speaking and French-speaking people of this province and was an active betrayal of the French-speaking Canadians in Manitoba.

Thus, the current entrenchment of French Language Rights is not initiating or extending new rights, but rather is a redressing of a fundamental wrong perpetrated in 1890, as has been so declared by the Supreme Court.

The 1890 Manitoba Schools Act, Public Schools' Act, and Official Languages Act are to French-speaking Manitobans what Bill 101 is to English-speaking Canadians in Quebec. At these hearings, during the time that I have spent listening to the briefs, there has been a great deal of emphasis placed by interveners on the situation in Quebec and the situation of the English-speaking minority in Quebec. Who can like the situation of the English-speaking minority in Quebec, but their solutions on how to redress this is to simply deny to the French-speaking Manitobans what is being denied to English-speaking Canadians living in the Quebec nation.

I submit that this is a rather backward and absurd way to go about arguing this question. If we expect that in Quebec, in the French-Canadian nation which has been long dominated by English Canada, in which Bill 101 was only introduced in the last number of years, whereas French Canadians in Manitoba in 1890 had the acts introduced against them, I think the proper tone to set is to assume that Manitoba extend and entrench the national rights of the French-speaking minority in Manitoba as an example to the Government in Quebec, and as a lever for the English-speaking people in Quebec to help them in their struggle.

Because of the fundamental crisis of Confederation, that of failure to recognize the reality of the French in Quebec as a nation, an equal partner in the Canadian state, the language rights of the English-speaking minority in Quebec and the French speaking minority in English Canada stand unresolved.

Our party agrees with the government's intent in amending Section 23 of The Manitoba Act to entrench in a limited way the language rights of the French-speaking people of this province. We do not agree that amendments be made to the original proposal under pressure from reaction and bigots, which would result in cosmetic changes only. Those vehement anti-French elements will be satisfied only with the rejection of any changes.

Those with legitimate concerns on the workability and introduction of the proposal into life in our province, such as the Societe Franco-Manitobaine and the Manitoba Government Employees Association, on the question of significant demand and on other questions, should and are continuing to negotiate with the government in a spirit of good faith to find the best possible method of implementing these amendments.

We are sharply critical, however, of the haphazard and ill-prepared manner in which this whole question was introduced into the body politick of our province. There was a glaring failure on the part of the NDP Government to properly appreciate the character and consequences of the history of the problem in Manitoba.

Had this amendment been introduced with such an appreciation, had the people been fully involved from

the start, fully and properly informed of the issues involved - and I would stress that - and convinced of the propriety of the cause that the limited services in French were not only undeniable historically, but indeed necessary, then instead of bigotry and medieval intolerance, this matter could have been resolved in a principled and dignified manner.

But, while the role of the government is open to criticism, that of the opposition in the Legislature has been nothing less than scandalous. Led by Mr. Lyon, the Manitoba Tories have been and are continuing to use this sensitive and historical question as a political club in a blatantly partisan and opportunistic fashion in its vendetta against the NDP Government.

Their blind adherence to opportunism, their blatant disregard of history, have led the Manitoba Conservatives into a position where they now stand in contradiction to their new national leader they all so humbly pledged allegiance to some short months ago. Mr. Mulroney, admittedly for his own political reasons, is a supporter of the policy of 'bilingualism' and has hinted in the direction of supporting the proposed amendments. In our view, no political party purporting to speak for all of Canada can take such a bigoted position on the equality of French-Canadians as Mr. Lyon has done.

In raising the position of Mr. Mulroney on this question, it is not our intention to indicate support or agreement with his policies, but rather to question how the opposition party in both Manitoba and Ottawa can expect to maintain credibility when it can simultaneously hold two totally contradictory positions on such a fundamental question.

Here I have an insert. It seems from Mr. Lyon's statements and line of questioning in this morning's session that he is of the opinion that French language rights were restored in 1979 under his government. So the obvious question here is, why the hullabaloo from the opposition in entrenching The Manitoba Act, Section 23, with some positive amendments into the new Made-in-Canada Constitution of 1982? If this is the case, it is clear who is wasting time, who is wasting money and who is creating dissension and division.

Since this committee began its hearings, there is a new factor which evidences just how irresponsible, volatile and divisive the role of the opposition has been, and is further evidence of the crass political exploitation of this question by those with a political axe to grind with the government.

We refer, of course, to the holding of civic referenda or plebiscites on this question throughout the province, most significantly in the City of Winnipeg. Those Winnipeg city councillors who voted to hold this referendum on the language rights of French-Canadians have forgotten or ignored what happened at the time of Manitoba's entry into Confederation.

The Tories are using the civic arena as yet another battlefield to carry on their unprincipled attack on this legislation. Even more unfortunate is the pure political opportunism which led two members of the government party, the NDP, to join with the Tory coalition on city council and provide the two decisive votes, forcing the placing of this question on the ballot.

The referendum on minority rights is most absurd, does not represent an expression of democratic thought at the civic level, but rather is an abuse of the

democratic process. It serves as a magnet to bigotry and intolerance and is an historical distortion of fact and reality. Rights of minorities are not subject to the votes of the majority, but must be protected by law.

Instead of protecting these rights, council has chosen to reduce minority rights to a popularity poll, or "rights by statistics." In fact, what we see happening here is the public trial of French-speaking Manitobans at the bar of public opinion.

Yes, the numbers of French-speaking Manitobans is declining as a percentage of the Manitoba population, but does this not smack of yet another "final solution" to the rights of another minority in a different time and different place? Those who voted to put this question on the ballot will have to live with the climate of intolerance and bigotry, the racist hangover that is sure to follow, long after they may have reaped some short-term political advantage from their actions.

This committee should be informed of some of the half-truths, misrepresentations, and total untruths which are already being circulated to voters in the City of Winnipeg.

One leaflet in particular, issued by a candidate for City Council, claims that the amendments are "forced French bilingualism," that it "makes non-French speaking people second class citizens," and describes the government as acting in a "totalitarian and fascist manner."

I would like to read and introduce into the record the first section of this pamphlet. — (Interjection) — If you don't mind, I have the floor. Thank you.

A MEMBER: Can I cough?

MS. P. FLETCHER: You may cough, others I would appreciate if they didn't interrupt. They'll have their chance.

Firstly, this is the leaflet, I will introduce this later. This candidate says that the NDP Government's method in seeking to make Manitoba bilingual is scandalous. This is the most important piece of legislation in the history of the province and yet at every turn the government has attempted to limit public input. That's quite interesting since this committee has been all over the province and is acting in a totalitarian and fascist manner. This candidate does not attempt to persuade people to vote no or yes on the referendum, but rather it is as being said in many cases simply the opening of the door for racialism and bigotry and fanaticism and this, committee members, is what this is. It does not address the referendum; it is simply a statement of bigotry and race hatred. That, under any other circumstances, I think would be questioned by the proper government bodies in this province.

These distortions and misrepresentations of what is a public document being debated in one of the widest ranging series of legislative hearings is irresponsible and dangerous. In our opinion, it is incumbent upon this committee to state so in clear terms. It is called upon to clear up the distortions, the half-truths, the outright lies now, in direct answer to the hate literature being circulated.

No matter how supporters of the civic referendum may cloak their motives, no matter how they hide behind the hollow and unconvincing cry of "let the people have

their say," no matter how convoluted, twisted and confusing the actual question is worded, they know full well on what basis people will mark their ballots - on either a pro or anti-French basis - and this is further underlined by the tenor and thrust of their leaflet that I have here today.

What ethnic or national group will be the next to undergo such a trial? The Ukrainians, Poles, the Jews, the Native people? Intolerance and racial hatred has no place on the civic ballot and this committee must say so immediately.

Finally, there is an historic precedent to the opposition to the amendments to Section 23 of The Manitoba Act, a precedent upon which all of today's opposition rests.

The forerunner to today's Tory opposition to the amendments was one D'Alton McCarthy, MP for North Simcoe in Toronto and founder of the terribly misnamed "Equal Rights Association" in the late 19th Century. The aim of the Equal Rights Association was quite simple, the elimination of rights for Francophones in Manitoba. It stated that it was going to, "take in hand our fellow French-Canadian subjects and make them British in sentiment and teach them the English language."

It attacked what it called "this bastard nationality," Franco-Manitobans, and the Roman Catholic faith which it said "now threatens the dismemberment of Canada."

With time, D'Alton McCarthy had his way and The Official Languages Act and The Public Schools Act of 1890 was passed and the teaching of French made illegal in the schools. Now, when faced with an opportunity to redress that injustice, the ghost of McCarthy and his logic once again rears itself cloaked in paranoia, bigotry, intolerance and finds many vocal proponents in the legislative opposition.

We urge this committee to ignore the ravings of McCarthy's modern followers and show the courage necessary to carry through these changes to Section 23.

Respectfully submitted, Manitoba Provincial Committee, Communist Party of Canada, by myself, Paula Fletcher, the Leader.

MR. DEPUTY CHAIRMAN: Thank you, Ms. Fletcher. Questions of Ms. Fletcher?
Mr. Lyon.

HON. S. LYON: I have only a couple of questions, Mr. Chairman. Could you tell me, Ms. Fletcher, is your party still adhering to the original doctrine of the overthrow of the Government of Canada and all of its institutions by any means, revolutionary or otherwise?

HON. R. PENNER: On a point of order.

MR. DEPUTY CHAIRMAN: Mr. Penner, on your point of order?

HON. R. PENNER: And I've raised this point of order with respect to other submissions of that kind by the Leader of the Opposition, particularly. There was a ruling that has been set as a precedent by this committee that it is improper to put extraneous matters to anyone, purporting to quote, correctly or incorrectly - it doesn't matter - what is alleged by the questioner and asked

for comment on it when it is extraneous to the brief. This committee has been firm in upholding that precedent despite consistent attacks on that precedent by the Leader of the Opposition and I'm calling upon you to uphold that ruling.

MR. H. GRAHAM: And the Attorney-General.

HON. R. PENNER: When I've been called to order, I have followed the ruling of the Chair.

MR. DEPUTY CHAIRMAN: Order please. The point is well taken.

Mr. Lyon, will you ask questions of clarification in respect to the brief?

HON. S. LYON: Yes, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you.

HON. S. LYON: Just on the point though, when a person appears presumably representing a political party, the Communist Party of Canada, I hardly fail to see how it is irrelevant to ask what the motivation of that party is with respect to the parliamentary and democratic institutions of this country.

The Attorney-General may find some sensitivity about this for reasons best known to him, but if the witness is prepared to answer, let the witness answer. I think it's entirely relevant. I think it's entirely relevant both for the committee and for the people of Manitoba in considering a brief by the Communist Party of Canada to consider what part of the philosophical and totalitarian spectrum the Communist Party comes from if we're to give any credence to what they say about this issue.

MR. DEPUTY CHAIRMAN: Ms. Phillips, on the same point.

MS. M. PHILLIPS: On the point of order, Mr. Chairperson. I think you should uphold your ruling. I think that it's been very clear all the way through the hearings that questions are for clarification only on the contents of an individual's brief. I think we should stick very clearly to that. If the member opposite would like to speak to the delegate in the hall and have clarification of what a particular political party stands for in 1983, I'm sure he would be quite welcome to do so, but it's not the place to do it at the committee.

MR. DEPUTY CHAIRMAN: Mr. Doern.

MR. R. DOERN: Mr. Chairman, first of all, I'm sure that Ms. Fletcher can answer the question and has heard it before. Secondly, I think that since a significant section of her brief dealt with her views on voting and a referendum that it might be interesting to know her wider views on the political process.

MR. DEPUTY CHAIRMAN: Ms. Fletcher.

MS. P. FLETCHER: Could you just clarify by what you mean by wider views on the political process?

MR. R. DOERN: Well, I'm referring to Mr. Lyon's question . . .

HON. R. PENNER: On a point of order.

MS. P. FLETCHER: Oh, I'm sorry, I don't think I have to answer such a stupid question, Mr. Chairman.

HON. R. PENNER: On the question of the point of order, I think we should resolve the point of order as a committee. I've stated my views, I don't find it necessary to deal with the irrelevant and snide remarks of the Leader of the Opposition. I think it stands on the question of precedent that this committee has set, which is not in any way different from precedents that other committees of this kind have set.

MR. DEPUTY CHAIRMAN: In view of the committee's consensus that I note, I would suggest, Mr. Lyon, that you limit yourself to questions of clarification on the brief itself.

Mr. Doern.

MR. R. DOERN: Mr. Chairman, just on the point of order, I also point out in passing that questions asked do not have to be answered, so that anyone who puts a question does not have to demand or expect an answer.

MR. DEPUTY CHAIRMAN: I'm sure the witness is aware of that.

Mr. Lyon.

HON. S. LYON: I have no other questions, Mr. Chairman. I know how to judge the merit of the comments we've heard from this witness.

MR. DEPUTY CHAIRMAN: Thank you. Are there any further questions of Ms. Fletcher?

Mr. Doern.

MR. R. DOERN: Ms. Fletcher, you refer in your brief on Page 4 to the fact that some people may have forgotten or ignored the terms of 1870. I think that people who have voted for a referendum very well understood those terms. I'm wondering what they have forgotten, what they have not restored, what they have not supported, what is still left in 1870 to be restored?

MS. P. FLETCHER: Well, I think I made it clear from my comments including the role as was referred earlier today as sleazy propaganda. I don't think anyone could find any sleazier propaganda than what is being put out by some candidates in the civic elections on this referendum question. The point is that in 1870 what was agreed upon in the list of rights that was taken to Ottawa was a fraternal solidarity amongst French- and English-speaking people, which from the number of briefs I have heard from some private individuals and which from the comments and direction and antics of the Leader of the Opposition and other members, is not befitting at all in the spirit and tone of the original 1870 list of rights and the basis in which this province was founded. And that minority rights, Mr. Doern, are not up for a check by the majority.

MR. R. DOERN: Can you name one right that is not now in place, that was in place in 1870?

MS. P. FLETCHER: Give me that again?

MR. R. DOERN: Well, in 1870, there were terms in The Manitoba Act in relation to the French language. Name one right that is not now in place, that was in place in 1870, that was taken away in 1890.

MS. P. FLETCHER: Well, if you feel they're all in place, Mr. Doern, I have no idea why you are so busy spending so much money on ads in the press and carrying on this campaign in Manitoba. That's my answer. If you're telling me that nothing has changed since 1870, then why is all this hullabaloo, why are you spending this money? - X, mark X, no, we don't want French. Obviously then, Mr. Doern, as I have pointed out in my brief, there are other reasons why this is being done.

MR. R. DOERN: Well, are you not aware of the fact that this debate is over the extension and enlargement and entrenchment of French Language Services, not their restoration?

MS. P. FLETCHER: Yes, I am.

MR. R. DOERN: Then why are you talking about rights that are still . . .

MS. P. FLETCHER: You're telling me that the rights . . .

MR. R. DOERN: . . . not being granted in 1870?

MS. P. FLETCHER: Excuse me. There was a basic agreement that was come to in 1870 that was abrogated in 1890. This committee in this Legislature is trying entrench rights of the national minority of French-speaking people in Manitoba, and in this sense there is an extension in certain areas which we certainly agree with. It is not the original act, there is an extension, but from your previous comments if you are to think that everything is the same as 1870 - I know you can't answer questions, but I'm raising it - why are you making such a stink about the whole thing if it's just a simple matter?

MR. R. DOERN: It's obviously a simple matter that you don't understand.

MS. P. FLETCHER: Well, I would have to say that's on both sides then, Mr. Doern.

MR. DEPUTY CHAIRMAN: I think we're getting into a debate. Let us stay at clarifications. Mr. Doern, do you have any further questions of clarification?

MR. R. DOERN: Yes, I thought that the Communist Party believed in the supremacy of the people. I thought that was one of your basic tenets, is it or isn't it?

MS. P. FLETCHER: In the supremacy of the people.

MR. R. DOERN: Yes.

MS. P. FLETCHER: Actually, Mr. Doern, this isn't in the brief. I think our party's position is quite clear in the brief, that we support minority rights. Our party's position on French Canada is over 30 years old. It is the oldest most democratic position on the rights of French-Canadian people and English-speaking people in Canada and on the two nations in this country. That's all I have to say on that. If you would care to speculate at any time, I would suggest you read some of our literature before you start. What you have in front of you is the brief that I am presenting to you. In my understanding, the answers and questions from today are to come out of the brief which you have in front of you. I don't see that anywhere.

MR. R. DOERN: Ms. Fletcher, I'm asking you questions concerning your views on the plebiscite or referendum. Are you telling me that you do not believe that a plebiscite or referendum is a democratic process or is a democratic exercise? Are you going to suggest to me that it's an undemocratic exercise?

MS. P. FLETCHER: Mr. Doern, if you would care to go back to the brief . . .

MR. R. DOERN: I am looking at the brief, I'm quoting the brief.

MS. P. FLETCHER: Oh, good, okay. If we could just look at Page 5, if you are interested. "The referendum on minority rights is most absurd, does not represent an expression of democratic thought at the civic level, but rather is an abuse of the democratic process." "Rights of minorities are not subject to the votes of the majority but must be protected by law." That is, open and shut, the position of my party, Mr. Doern, and I would appreciate it if you would accept that.

MR. R. DOERN: I accept it, but I'm shocked at that statement. Are you telling me that, in principle, the Communist Party is not in favour of referendums or plebiscites?

MS. P. FLETCHER: Mr. Doern, I'm afraid . . .

MR. R. DOERN: Are you in favour of elections?

MS. P. FLETCHER: Mr. Doern, if you would read Page 5, and not try to distort your questions for your own personal political ends, you would notice that it is discussing only on the rights of minorities. It is not talking about plebiscites in general, referenda in general, it is discussing the question of minority rights and that's it.

MR. R. DOERN: Well, I read that.

MS. P. FLETCHER: And that is the last question I'm answering on this because it is quite clear what you are trying to do. I would just like to, at this point, since I'm sure that after I've told you I'm not going to pursue this with you any longer that there will be no more questions . . .

MR. R. DOERN: There weren't any answers, so we're not missing anything.

MS. P. FLETCHER: Well, I'm afraid there were answers, I would have to raise the point that those who resort to cheap redbaiting tricks always resort to them when they're up against a wall, as far as dealing with the real issues in this brief.

MR. DEPUTY CHAIRMAN: Any further questions of clarifications? Mr. Penner.

HON. R. PENNER: Are you saying that you aren't answering any more questions at all?

MS. P. FLETCHER: No, I said to Mr. Doern I would not answer any more along that line because I've made myself quite clear, and he chooses not to understand.

HON. R. PENNER: Just to try and clarify one point that has been raised, it has been raised before, you were asked about the restoration of the 1870 rights, the Forest case did that to some extent. My question is this, there are now, on the statute books of Manitoba, some 4,500 statutes, how many of these statutes have been translated, do you have any knowledge of that?

MS. P. FLETCHER: Very few it's my understanding.

HON. R. PENNER: Would it then be your opinion that without the full translation of the statutes the rights, in fact, actually have not been restored?

MS. P. FLETCHER: Give me that again, sorry?

HON. R. PENNER: Would it be your view that without the translation of the English-only statutes into French the rights, although nominally, have not actually been restored?

MS. P. FLETCHER: That's a real lawyer's question.

HON. R. PENNER: I've always thought that I'm a real lawyer.

MS. P. FLETCHER: I'm afraid I'm still not totally understanding of it. Are you saying . . . can you say it a little plainer please?

HON. R. PENNER: The 1870 statutes, The Manitoba Act, Section 23, which was set aside by The Official Language Act of 1890 was, in effect, restored in 1979, that's what Mr. Doern was discussing with you, that statute, Section 23 of The Manitoba Act, called for statutes to be printed and published in both languages. With some 4,400 still yet to be translated, would you be of the view that, in fact, rights are not yet fully restored?

MS. P. FLETCHER: I would have to say that, technically, they would not be if that was the ruling of the Supreme Court.

HON. R. PENNER: That they which?

MS. P. FLETCHER: That if the agreement, and the understanding was that under Section 23, that this legislation would have to be translated into French, if

it has not been translated into French, and that is technically the agreement on the restoration, then they have not been, in a technical sense.

HON. R. PENNER: I have no further questions.

MR. DEPUTY CHAIRMAN: Thank you. Are there any further questions of clarification? Thank you, Ms. Fletcher, for your . . .

MS. P. FLETCHER: I would like to introduce this leaflet into the official record.

MR. DEPUTY CHAIRMAN: Leave it with the Clerk. Thank you, Ms. Fletcher for your presentation on behalf of the Communist Party of Manitoba.

Our next presentation is Jack Oatway. Proceed, Mr. Oatway.

MR. J. OATWAY: Mr. Chairman, committee members. The R.M. of Rosser has a concern regarding the legislative changes in The Manitoba Act of 1870. We have no argument against Section 23 of The Manitoba Act, as originally written. We acknowledge this section, that both languages, French and English, are recognized in the Legislature, as well as the judicial system. All acts shall be printed and published in both languages, including all records and Journals of the House.

Our concern is, "how can we divorce the municipal level of government from others." We appreciate the suggested amendments to exclude the municipalities and school boards. This will alleviate the situation and the pressures of the opposition to the changes of the act, but we are sure this will not work indefinitely. Ultimately it will be necessary to have services provided in both languages at the municipal level as well. The demand will come, not through necessity, but by the fact that people will set up particular situations where the municipalities will be faced with providing the second language.

The result of this will mean that:

- (a) All administrators of R.M.'s will be required to be bilingual, as well as other municipal personnel.
- (b) All Minutes will be printed in both languages, as well as all municipal by-laws.
- (c) All tax notices and communications will be required in both languages. These are but a few of the end results.

If one speaks out against the use of French today, it appears immediately that you are prejudiced and not acting within the confines of the human rights. It would appear that the situation is somewhat like it was a few years ago when major changes were proposed for the educational system in this province. Those that spoke out at that time voicing their concerns re costs, etc. were criticized. Time has proven that they were not all wrong, and those speaking out on the same issues today will not all be wrong either. We must realize that we all make mistakes, but let us learn from them and not go charging ahead like a blind bull.

We have come today with no prejudice or malice. When we are caught up in discussion that becomes emotional we seem to be touching on the sensitivity of one ethnic group or another. As you all know no

matter where our forefathers came from we are not true North Americans. The Indians of this continent can be the ones to claim this distinction. Nevertheless, all the people in this country came here to a great melting pot of cultures to become Canadians. Yes, we have our ancestral ties throughout the province to keep this alive. Why then can we not have one working language to make this blending together much easier?

The English language does not necessarily relate to Great Britain, by whom some Canadians seem to consider did dominate our country. English is a means of communication. It is one form of communication used in almost every part of the world. The International language for the airlines of the world is an example. Yet, in Manitoba, with a population of approximately one million people, we are being told we require two languages for communication. If, indeed, the proportion of the population justified such action, but the number of Canadian citizens in Manitoba of French origin is less than 7 percent of the population. If the French-speaking population of Manitoba was 50 percent or greater, then there would be no need to enact legislation, it would be taking place, people speaking or conducting business in either language. It would be a necessity and not artificially stimulated by government support.

We contend, and it has been demonstrated in many instances, ethnic groups, Scandinavians, Ukrainians, Polish, Germans, Italians and others do maintain and preserve their own cultures by their own efforts and do not depend upon government for financial assistance to do so. All these groups converse and communicate with one another by way of the English language. It does not appear that they require a second language. We have functioned in this manner as a province for the last 100 years. We do not feel it is going to improve our ability to function by forcing the citizens of Manitoba to have a second language. We do not feel that anyone in our municipality is suffering or has been prejudiced against because of this lack of knowledge of either English or French.

Would it not seem more logical, practical and also more economical to have available to everyone the opportunity to obtain knowledge of the French language through our institutions of learning, and encourage the citizens of Manitoba to learn same along the lines that we're using today? In a reasonable amount of time, if the need is there, no doubt a majority of our population will make use of the second language and be able to use it when the need arises. Having something which is totally unnecessary forced upon them through legislation makes one revolt at the idea.

We believe our municipality has every right to be concerned when we are told that one of our sister provinces has taken a stand and, instead of encouraging the second language, is doing everything possible to prohibit the use of the English language within its jurisdiction. Therefore, why should the citizens of Manitoba be forced into the second language, French?

Also some of the remarks made by the Secretary of State in some of his speeches to various groups throughout the country is indeed a cause of concern. I quote, "You must also actively support bilingual representatives on the municipal councils, because if we wish to develop a French lifestyle, all elected agencies representing us must reflect the concern that

we have as a linguistic community." Is this indeed a quote from a person that should, in our opinion, be representative of all Canada and in that way be developing a Canadian way of life?

Also other quotes from that same person, and you must remember that these remarks are not being made by just any citizen, but by the Secretary of State for Canada, ". . . because everything we undertake and everything we are doing to make Canada a French state is part of a venture that I have shared for many years with a number of people." Quoting again, "You know, the idea, the challenge of making Canada a French country both inside and outside Quebec . . ." - quoting again - ". . . as hard as it was in the seventies for some of our fellow Canadians who speak the other language to accept the fact that Canada is a French state."

Surely, you would not expect such remarks to be uttered by a Canadian citizen, far less a person who holds an honourable position in our country. In our opinion, he is going much further than just the French language. Again in our opinion, Canada as a French state is unacceptable. In fact, the thought of it alone could be revolting to most Canadians of all ethnic origins including French.

The ever-increasing number of brochures and pamphlets circulated by the Province of Manitoba in both languages certainly indicates to us which way the Government of Manitoba is going, "like it or not."

On behalf of the Rural Municipality of Rosser, I would like to take this opportunity to thank you as a committee for taking time to listen to this brief, and to the Government of Manitoba in their wisdom for giving concerned citizens and organizations within the province the opportunity to make their concerns known.

We would encourage most vigorously that this government, if it truly represents the electors of Manitoba, go to the citizens of Manitoba and give them an opportunity to vote on such a major issue. This seems to us as the proper democratic approach, considering that in fact this issue could have a dramatic impact not only for today but for generations to come as far as our Canadian lifestyle. Let us not make a mistake now, that we will regret later.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Oatway. Any questions?
Mr. Penner.

HON. R. PENNER: Just a couple, when you refer to a Canadian lifestyle, what do you mean by that? Do you mean an English-only lifestyle?

MR. J. OATWAY: I said, a Canadian lifestyle, Mr. Penner.

HON. R. PENNER: Yes, but I'm asking you a question.

MR. J. OATWAY: We have a blend of Canadian lifestyle in this country, and I don't think we should be separating it into two types of lifestyle.

I might just remark to you, we say Anglophones and Francophones, and I think those are unnecessary words. I think they create division in our country. There should be no such thing as a Francophone or an Anglophone. We should be Canadians.

HON. R. PENNER: Speaking what language?

MR. J. OATWAY: Our Canadian language.

HON. R. PENNER: What is that?

MR. J. OATWAY: The Canadian language we communicate in. We refer to it as English, as a means of communication.

HON. R. PENNER: Thank you very much.

MR. DEPUTY CHAIRMAN: Any further questions?
Ms. Phillips.

MS. M. PHILLIPS: On Page 3, sir, of your brief, you say that, "It doesn't appear that they require a second language. We have functioned in this manner for the last 100 years. We do not feel that it is going to improve our ability to function by forcing the citizens of Manitoba to have a second language." What do you see in the proposed amendment that leads you to believe that citizens will be forced to use another language?

MR. J. OATWAY: As I stated earlier, you'll be forced due to the fact, referring particularly to the municipalities, that the municipalities as suggested by the present government that indeed they are possibly adding an amendment to that act in relationship to having the language.

Would you rephrase your question please again to me?

MS. M. PHILLIPS: My question is: what do you see in the proposed amendment that leads you to believe that every English-speaking citizen will be forced to have a second language?

MR. J. OATWAY: As I said before, if on the municipal level the need is not there according to the amendments as suggested, but if someone came to the municipal office or the municipal authorities and wanted to communicate in only the one language, I think that municipality would be forced into adopting or bringing in an interpreter in order to communicate.

MS. M. PHILLIPS: But your sentence, sir, says, ". . . forcing the citizens of Manitoba." If I, as an English-speaking citizen, go to get some information from your municipality, I am allowed to get that information in English if I ask for it in English. What is there in this amendment, what clause can you refer to that says as an English-speaking Canadian, I will be forced to have a second language?

MR. J. OATWAY: I guess I have to concede that I can't quote the clause that might refer to that.

MS. M. PHILLIPS: So with that, in the next paragraph where you say, "and a reasonable amount of time if the need is there, no doubt the majority of the population will make use of the second language." If I choose not to have a second language as an English-speaking person, or I choose not to have a second language as a French-speaking person, do you believe

that either way I should be able to get those services, and will not have to be forced to speak one of the other official languages?

MR. J. OATWAY: I imagine, in due course, that would take place.

MS. M. PHILLIPS: In your next paragraph, sir, you are referring, I believe, to the Province of Quebec when you say one of our sister provinces? Is that correct.

MR. J. OATWAY: I believe so.

MS. M. PHILLIPS: Okay. You are implying that what they are doing is certainly wrong in the first sentence. Is that right? You are saying then why should the citizens of Manitoba be forced into a second language, French. Are you saying, so if it's wrong in Quebec for English-speaking Quebecers to be forced into speaking French, therefore it's right if we force French-speaking Manitobans to have to converse with their government in English? In other words, are you saying two wrongs make a right?

MR. J. OATWAY: No, I'm not really saying that.

MS. M. PHILLIPS: Could you explain to me what you are saying in that paragraph?

MR. J. OATWAY: The Province of Quebec certainly hasn't got the percentages the same as Manitoba. We have, off the 7 percent which I quoted - which I believe even the figure is less than 7 percent - off that percent I wouldn't hazard a guess as what percent that can only speak French. In the Province of Quebec that might be somewhat different.

MS. M. PHILLIPS: But with respect, sir, you don't mention percentages here. You're talking about the principle. Am I mistaken?

MR. J. OATWAY: There is a principle involved, yes.

MS. M. PHILLIPS: You're talking about the principle of what is happening to English-speaking in Quebec as being wrong, but you're saying it's okay to have what's happened to French-speaking Manitobans persist, to not correct that? That if it's wrong in Quebec for a minority not to have that right, would you not conclude that it's also wrong for a minority in Manitoba not to be given that right?

MR. J. OATWAY: I don't think there's a need for it at the present time. I think I've indicated that there is a right there within our presentation, but at the present time by forcing it through the Legislative Assembly, as it appears is going to be done, I think that's our concerns, and our concerns of the Federal Government and some of their Ministers and their remarks. I've only quoted one Minister's remarks here, but it's certainly quite obvious in those remarks, if the words can be supported whatsoever. Some people say, well, there are those remarks made, it depends who he's speaking or they're speaking to, but I think that remarks made by a person of that position, anytime, if they have no

value of those remarks, then no remarks have any value that he makes.

MS. M. PHILLIPS: Well, as a member of the Manitoba Legislature, I don't take any credit nor blame for remarks from a federal Minister whether they were quoted in context or translated in context or not. On Page 4 in your third paragraph, I guess, if you can count the one line at the top, you said, "The ever-increasing number of brochures and pamphlets that have been published by this government in both languages indicates which way the Government of Manitoba is going." Have you got pamphlets that you would like to refer to?

MR. J. OATWAY: I haven't got pamphlets on my person, no. We have had pamphlets in a few of the municipal offices that I am referring to. If you want specifics, I can't tell you any.

MS. M. PHILLIPS: Well, I'm wondering about the words "ever increasing number," and I wonder which pamphlets, what subjects they're dealing with.

MR. J. OATWAY: We never used to have them whatsoever, now we do.

MS. M. PHILLIPS: From the Province of Manitoba?

MR. J. OATWAY: From the Province of Manitoba.

MS. M. PHILLIPS: And these indicate to you which way the government is going?

MR. J. OATWAY: Well, it gives you some indication anyhow to which way the government is going - the plans of the future.

MS. M. PHILLIPS: You're saying this gives you indication of our commitment to fulfill the 1980 commitment to restore the French language rights in terms of services.

MR. J. OATWAY: The actions of your government has indicated that, yes.

MS. M. PHILLIPS: I would like to pick up - I know the Attorney-General asked the question, but on the last page you say again "our Canadian lifestyle." I would like to know who you mean by "our"?

MR. J. OATWAY: I'm using that as a general interpretation and I'm not referring to any particular group, just the peoples of Canada.

MS. M. PHILLIPS: With that then, should I conclude that that includes French-Canadian people who feel they have a lifestyle as well and rights to which they have commitments that should be upheld?

MR. J. OATWAY: They certainly do.

MS. M. PHILLIPS: So if you agree that there are commitments that should be upheld, so they can have what they consider a Canadian lifestyle that includes

their rights, now how can you suggest that we should not proceed with fulfilling those rights?

MR. J. OATWAY: I don't believe their lifestyle has been hampered. It's up to them as peoples. I'm sure they have had every advantage of anybody else, any other group in our province, and I don't think their lifestyle has been hampered in any shape or form.

I'd like to point out again, Mr. Chairman, if I may. I don't know how serious this committee refers to names, but when I see Francophone, Anglophone, I think this is most unfortunate for us and for our country. I've heard today, Mr. Chairman, if I may, the word "bigot" used so often, over the radio, today's presentations - "bigot" and "bigotry." I'm sure the committee is aware of the meaning of bigot, but I did take the liberty of copying it out of a dictionary. Bigot meaning "One who holds irrespective of reason, and attaches disproportionate weight, to some creed or view." And gentlemen of the committee, Mr. Chairman, I would be inclined to think that probably what we refer to unfortunately, say, a minority, and a minority of a minority are probably the ones that should fall in that category rather than some of those that are opposing it - the presentation of this type of legislation.

MS. M. PHILLIPS: I'd just like to clarify one thing, sir. You say you are speaking on behalf of the R.M. of Rosser.

MR. J. OATWAY: Those remarks, like the quote, were my own personal dealings, not necessarily the R.M. of Rosser.

MS. M. PHILLIPS: Your brief is from the R.M. of Rosser.

MR. J. OATWAY: My brief is from the R.M. of Rosser.

MS. M. PHILLIPS: Could you tell me what position you hold with the municipality?

MR. J. OATWAY: Deputy Reeve.

MR. DEPUTY CHAIRMAN: Any further questions?
Mr. Doern.

MR. R. DOERN: Mr. Oatway, there have been assurances given by the Attorney-General and the Premier that municipalities are going to be excluded from this legislation, and you mention in your brief, "that people will set up particular situations where the municipality will be faced with providing the second language." Are you talking about agitators or outsiders or what are you thinking of there when you're thinking of . . .

MR. J. OATWAY: That is quite possible, the thinking on that remark, Mr. Doern.

MR. R. DOERN: So even if there is an amendment - and I'm not sure of the status of those amendments - that excludes the municipalities, your view is that within a short period of time, either naturally or artificially or deliberately, the municipalities will be under the gun to become officially bilingual?

MR. J. OATWAY: I guess Mr. Doern, the time factor, we can't speculate on, but it could be anytime from zero up that this might take place.

MR. R. DOERN: You just commented on the word "bigot" and you refer in your brief at the bottom of the first page that if one speaks out against the use of French today, it appears immediately that you are prejudiced and not acting within the confines of the human rights. Is your point that this word is so over used as to become meaningless?

MR. J. OATWAY: I feel it is today, yes.

MR. R. DOERN: Do you regard it as a scare tactic or a smear tactic?

MR. J. OATWAY: I don't know what the intent is. I guess one can only speculate on probably who's making the presentation, because I believe the word has been used on both sides.

MR. R. DOERN: Would you not agree that the intent is to silence opposition?

MR. J. OATWAY: Possibly.

MR. R. DOERN: On Page 3, I think Ms. Phillips referred to this section there towards the bottom about instead of encouraging the second language, a sister province - and by that you mean Quebec - is doing everything possible to prohibit the use of the English language within its jurisdiction; therefore, why should the citizens of Manitoba be forced into a second language? - French. Is your point - Ms. Phillips, talked about two wrongs don't make a right, etc.- that there is a contradiction in place, that while Manitoba is moving towards fuller bilingualism, Quebec is moving towards unilingualism?

MR. J. OATWAY: I would agree with those remarks.

MR. R. DOERN: On Page 4, the small paragraph, again about brochures and pamphlets circulated by the Province of Manitoba in both languages certainly indicates to us which way the Government of Manitoba is going, like it or not. Why are you capitalizing "like it or not"? Are you saying, for example, that there should be a general election prior to such a movement, or a referendum, or what would be a satisfactory basis for the Provincial Government to make a move in that direction? What would you regard as justification?

MR. J. OATWAY: Mr. Chairman, the R.M. of Rosser I think indicates their position on the next paragraph.

MR. R. DOERN: Which is?

MR. J. OATWAY: ". . . the electors of Manitoba go to the citizens of Manitoba and give them an opportunity to vote on such a major issue."

MR. R. DOERN: And are you talking about an election then?

MR. J. OATWAY: Well, it could be an election or whatever way the powers that be see fit.

MR. R. DOERN: Or a plebiscite.

MR. J. OATWAY: Yes, it would have to be in a form of election of one form or another. A plebiscite, election, or whatever you want to call it.

MR. R. DOERN: Right. And you would say that the government should not proceed until or unless one or the other is held?

MR. J. OATWAY: We've lived underneath the democratic system, and I think we should operate within the democratic system and not apply totalitarianism to the operation of our province.

MR. R. DOERN: Has the R.M. of Rosser passed a resolution and forwarded it to the municipal association or the government?

MR. J. OATWAY: I have the wording of the resolution with me, if you care for me to read it.

MR. R. DOERN: And are you holding a plebiscite or referendum on this question?

MR. J. OATWAY: We are not expecting to hold a plebiscite or referendum because the fact is that possibly in our area we will not have a general election in our municipality and we think it wasn't probable.

MR. R. DOERN: Right. Thank you, Mr. Oatway.

MR. DEPUTY CHAIRMAN: Are there any further questions of Mr. Oatway?
Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. Mr. Oatway, could you clarify for me what you are referring to and what specific measures you are referring to in terms of when you are saying that Quebec is doing everything possible to prohibit the use of the English language within its jurisdiction? Could you refer to me which acts . . .

MR. J. OATWAY: Which acts there . . .

MR. G. LECUYER: Yes, which measures they have introduced to do that?

MR. J. OATWAY: I haven't got the specifics. There are various things that have gone on. There is, I understand, a court case just thrown out recently. I don't think I should go into the specifics. I can give that to you at some other time, but I don't think I'm in the position to do that at this moment.

MR. G. LECUYER: I'm not sure whether you are saying you don't know what specific measures, or . . .

MR. J. OATWAY: I can't be specific at this time.

MR. G. LECUYER: Can I ask you, Mr. Oatway, whether you're referring to measures that have been of long-

standing practices or you're talking about recent measures?

MR. J. OATWAY: There have been long-standing practices, but I think there have been recent measures that have come through the media, communication of such over the airways and TV that are sort of contrary to what we think should happen.

MR. G. LECUYER: Could you refer to a single long-standing practice or measure to that effect in Quebec, to one of them that has been of long standing?

MR. J. OATWAY: What is the advantage of me referring to any specific one at this time?

MR. G. LECUYER: I'm asking if you know of one long-standing practice in this regard of prohibiting the use of the English language in Quebec?

MR. J. OATWAY: I suppose we're referring more to the more nearer or recent things that have happened since we've had the Constitution reinstated and the plebiscite they had in Quebec. A plebiscite was good enough to hold in Quebec to see if they're going to stay in Canada, and I think that's a pretty major issue. So I can't see why it isn't possible to have it here in Manitoba. What I'm saying here is not necessarily the support of my council, but it's the support of what I think at that particular point.

MR. G. LECUYER: Well, I probably could give you examples of some of the recent measures that you probably are referring to. But I couldn't give you any of the long standing, because I'm not aware that any exist and that's why I was asking. But might you not also by the same token, seeing that you seem to recognize that these are recent measures adopted in Quebec to which measures you don't approve of, nor do I, that perhaps these recent measures introduced in Quebec for the very fact that prohibitive measures have been long standing in Manitoba against the first language?

MR. DEPUTY CHAIRMAN: Mr. Lecuyer, would you get to the question?

MR. J. OATWAY: That's a matter of opinion.

MR. G. LECUYER: Well, I didn't ask for an opinion, Mr. Chairman, I was asking whether he agreed to that or whether he saw it that way or didn't see it that way.

MR. J. OATWAY: That's a matter of opinion and I'm not stating my opinion at this time.

MR. DEPUTY CHAIRMAN: Are there any further questions?
Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman, through you to Mr. Oatway. Mr. Oatway, the Rural Municipality of Rosser, what's the population of your municipality? It doesn't have to be exact.

MR. J. OATWAY: As far as I know, Mr. Graham, it's 1,362 people.

MR. H. GRAHAM: In the Province of Manitoba, is that a large, small or an average size municipality?

MR. J. OATWAY: I imagine it is not in the large category.

MR. H. GRAHAM: Thank you very much.

MR. DEPUTY CHAIRMAN: Any further questions of Mr. Oatway? Thank you, Mr. Oatway, for presenting a brief on behalf of Rosser.

MR. J. OATWAY: Thank you.

MR. DEPUTY CHAIRMAN: Our next presentation is Renald Guay. Laurent Roy is not here.
Proceed, Mr. Guay.

MR. R. GUAY: Monsieur le président et membres du comité.

Le comité des juristes franco-manitobains fut formé le 21 novembre 1981 à titre de sous-comité de l'Association du barreau canadien, section Manitoba. La raison du comité est de veiller à l'intégration de la langue française à la pratique du droit au Manitoba. De par sa participation aux présents débats, le sous-comité espère jeter à son tour un peu de lumière.

L'utilisation du français dans les débats de l'Assemblée législative, dans les registres, dans les journaux des débats et dans les tribunaux ne fut jamais entendue comme étant un privilège accordé aux Franco-Manitobains mais plutôt un droit fondamental accordé à chaque citoyen et incorporé dans la loi constitutive du Manitoba, l'Acte du Manitoba de 1870. Le droit à l'utilisation de l'anglais et du français à l'Assemblée législative et aux tribunaux est enchâssé à l'article 23 de cette même loi. L'existence d'une telle garantie constitutionnelle n'est nullement surprenante. Lorsque l'on se rend compte qu'en 1870 les francophones formaient plus de la moitié de la population du Manitoba. Les Franco-Manitobains de 1870 ont négocié avec le gouvernement fédéral pour l'insertion d'une clause, l'article 23, à l'Acte du Manitoba qui, modelée entièrement d'après l'article 133 de la loi constitutionnelle de 1867, constitue à tout jamais, et indépendamment du nombre, une garantie à l'utilisation du français à l'Assemblée législative et aux tribunaux.

Sitôt que le parlement canadien adopta l'Acte du Manitoba de 1870, lequel acte fut par conséquent confirmé par le parlement britannique dans la loi constitutionnelle de 1867, le Manitoba devint province avec des droits linguistiques enchâssés dans sa constitution. Mais voilà qu'en 1890, le gouvernement du Manitoba vota unilatéralement une nouvelle loi, la Loi sur la langue officielle qui fit complètement abstraction de ses droits linguistiques apparemment garantis et enchâssés dans la constitution. Cette loi, illégale de par sa nature, a survécu presque 90 ans avant que la cour suprême ne l'abroge en confirmant la décision de la cour d'appel du Manitoba dans la célèbre affaire Forest qui avait déclaré inconstitutionnelle la loi sur la langue officielle. La décision Forest confirma que l'article 23 de l'Acte du

Manitoba garantit les droits linguistiques que l'Assemblée législative du Manitoba, elle, ne peut unilatéralement mettre de côté.

L'affaire Forest gagna de plus en plus de terrain lorsque le même jour une décision analogue fut rendue. Dans l'affaire Blaikie, la Cour suprême confirma la décision rendue par le juge en chef Deschênes de la Cour supérieure du Québec. L'Honorable juge avait déclaré que l'adoption de l'article de la Charte de la langue française qui abolissait l'anglais comme langue officielle dans les tribunaux au Québec, violait l'article 133 de la Loi constitutionnelle de 1867.

Tout comme dans l'affaire Forest, la décision Blaikie déclarait l'inconstitutionnalité des articles en question et a déclaré que l'état ultra vires des pouvoirs de l'Assemblée nationale du Québec. L'importance de la décision de l'affaire Blaikie vis-à-vis l'affaire Forest se trouve dans l'analogie qui existe entre l'article 23 de l'Acte du Manitoba de 1870 et l'article 133 de la Loi constitutionnelle de 1867.

D'après ces affaires Forest et Blaikie, il est évident que le droit d'utiliser l'anglais et le français au Québec et au Manitoba sont et ont toujours été enchâssés dans la Constitution canadienne. Cependant, aucune précision n'a été faite dans l'affaire Forest à ce qui a trait au statut légal des lois adoptées seulement en anglais par l'Assemblée législative manitobaine.

En rejetant l'appel interjeté par le gouvernement du Manitoba dans l'affaire Forest, la cour suprême a confirmé la décision de la cour d'appel du Manitoba qui a fait de la loi sur la langue officielle une loi inopérante. Toujours est-il que la cour suprême a omis de répondre à deux très importantes questions qui découlent directement de l'affaire Forest. La première étant le statut légal des lois adoptées pendant la période où la loi sur la langue officielle de 1890 était opérante. La deuxième traitant des conséquences qui résultent de l'atteinte aux droits enchâssés à l'article 23 de l'Acte du Manitoba.

C'est pour répondre à ces deux questions, aussi bien légitimes qu'épineuses que Monsieur Roger Bilodeau prit position. Son argument se résume ainsi. Toutes les lois manitobaines adoptées en anglais seulement depuis 1890 sont inopérantes. La décision rendue par la cour supérieure et la cour d'appel au Québec dans les affaires, Collier et Asbestos, respectivement représentent des précédents importants dans la cause Bilodeau car ces décisions affirment que les lois adoptées en français seulement au Québec sont d'une nullité totale.

Comment pourrait-on ignorer, Monsieur le président, qu'à la suite du jugement Blaikie, l'Assemblée nationale du Québec a siégé tard dans l'après-midi promulguant à nouveau et dans les deux langues les lois passées à l'encontre de l'article 133. Les difficultés, sinon l'impossibilité, de rectifier cette situation au Manitoba sont uniquement d'ordre pratique. Cela n'excuse pas l'obligation légale. C'est bien ce conflit entre l'impossibilité pratique et l'obligation légale et morale qui mène le gouvernement actuel à cette décision d'interposer une entente et un compromis acceptable à tous les partis.

Il nous semble important ici de faire le compte des avantages d'une telle entente, qu'une telle entente apporte au gouvernement provincial et à la population manitobaine. L'accord donne au gouvernement

provincial un délai de 10 ans pour traduire ces lois d'intérêt public qui ont été adoptées depuis 1890 en anglais seulement. Par ailleurs, le gouvernement est exonéré de la traduction de la grande majorité des lois d'intérêt privé et municipal adoptées depuis 1890.

L'avantage pour le public se trouve donc dans le droit aux services gouvernementaux en français, lequel droit serait garanti dans la constitution en vertu des amendements proposés en mai dernier. Les services bilingues sont offerts aux sièges centraux de chaque ministère du gouvernement du Manitoba, aux tribunaux, aux tribunaux administratifs, aux sociétés de la couronne, aux agences gouvernementales du Manitoba, au bureau du directeur général des élections et au bureau de l'Ombudsman. Comme de coutume, la controverse régnait quand il est question de langue au Manitoba. C'est ainsi que les amendements proposés en mai font l'objet de plusieurs contestations provenant de sources diverses. Il suffirait d'une certaine prise de conscience de la part de ces contestataires pour qu'ils puissent enfin comprendre qu'une décision de la cour pourrait être encore plus grave que les résultats d'une entente qui ne serait pas à la satisfaction de Monsieur Bilodeau et qui assurerait sans doute que ce dernier exige une décision de la Cour suprême du Canada.

Quelles peuvent être les conséquences d'une décision rendue par la Cour suprême du Canada dans l'affaire Bilodeau? Franchement, Monsieur le président, même si nos membres sont tous avocats, nous ne pouvons pas répondre à cette question, pas plus que les membres de votre comité. Cependant, notre expérience professionnelle démontre que les résultats ne seraient pas plaisants pour la province du Manitoba. Une solution imposée par une force extérieure risque de déplaire à tous. Il fut aussi remarqué que la décision dans l'affaire Blaikie, la tendance de la Cour suprême ces dernières années, les jugements en faveur des minorités, Forest et Blaikie, et la récente décision du juge en chef Deschênes de la Cour supérieure du Québec dans l'affaire Collier pourrait collectivement avoir une certaine influence sur la décision de l'affaire Bilodeau. Il est fort possible que si une seule situation se présentait, la Cour suprême pourrait très bien déclarer . . . (Latin spoken) . . . que justice soit faite même si le ciel tombe.

Le sous-comité des juristes franco-manitobains donne donc son appui à cette entente car il croit fermement qu'il représente non seulement une solution honnête, juste et équitable pour tous les Manitobains, mais il croit aussi qu'il s'agit d'une solution pratique à un problème juridique et maintenant aussi politique épineux.

Nous aimerions conclure en lançant un appel à tous les membres du comité législatif. Une telle entente mérite d'être appréciée à sa juste valeur. A l'intérieur et au-delà des frontières de notre province car son importance et sa sagesse sont d'une envergure historique. Profitons de l'occasion et donnons-nous la main pour faire de cette entente un règlement honorable et final. Merci.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Guay. Are there any questions of Mr. Guay?

Mr. Lecuyer.

MR. G. LECUYER: Me Guay. En fonction de la décision de la Cour suprême de 1979. Diriez-vous que l'Acte,

le Bill 2 passé au Manitoba en 1980 pour l'implantation justement de la restauration de l'Acte 23. Cet acte voulant que lorsqu'il y a conflit entre l'interprétation d'une loi en anglais ou d'une loi en français que la version anglaise prime. Diriez-vous que cette loi, voyez-vous cette loi comme étant constitutionnelle?

MR. R. GUAY: Monsieur le président, à ce moment là, nous entrons dans une question qui est très particulière. Je ne me souviens pas et Monsieur Lecuyer pourrait peut-être m'aviser là si cette loi avait adoptée en français et en anglais.

MR. G. LECUYER: En anglais seulement.

MR. R. GUAY: En anglais seulement. Je crois donc que cette loi premièrement serait attaquant comme les autres puisqu'elle est adoptée uniquement en anglais. Sur cette base-là, il est probable que cette loi-là, que la validité de cette loi pourrait être contestée. Mais sur la plus grande, la question de fond là-dedans. A savoir si un texte anglais fut déterminé sur le texte français, j'ai nettement l'impression que les traditions juridiques établies au Canada à l'heure actuelle prédomineraient et qu'effectivement il n'est pas question d'avoir un texte qui est supérieur à l'autre, il s'agit plutôt d'avoir une situation où la cour, chaque cour, se réserve le droit de lire les deux textes afin de bien pouvoir déterminer l'intention de la loi.

MR. G. LECUYER: Merci, Monsieur le président. Me Guay. Puisque toutes les lois depuis la décision de la Cour suprême en 1979, depuis cette décision n'ont pas été adoptées dans les deux langues, diriez-vous que la restauration et là, où la restitution des droits des francophones n'est, est plutôt théorique que pratique ou diriez-vous plutôt donc que, que les droits n'ont, ne sont donc pas totalement restitués dans les faits?

MR. R. GUAY: Je crois que c'est tout à fait exact, Monsieur le président, et d'ailleurs c'est pour cette raison que notre sous-comité a toujours fait pression auprès de la Société franco-manitobaine et même auprès de Monsieur Bilodeau pour tenter de chercher une solution pratique plutôt qu'une restauration si on veut historique ou littérale des droits constitutionnels au Manitoba qui effectivement ne sont pas adoptés au 20^{ième} siècle.

MR. G. LECUYER: Merci.

MR. DEPUTY CHAIRMAN: Are there any further questions of Mr. Guay? Thank you, Mr. Guay, for your presentation on behalf of your group.

Our next presentation is Marc Monnin.

MR. M. MONNIN: Monsieur le président, membres du comité.

MR. DEPUTY CHAIRMAN: Proceed.

MR. M. MONNIN: En tant que vice-président du Collège de St-Boniface, je vous présente le bref au nom du Collège de St-Boniface.

Le Collège de St-Boniface est l'une des plus vieilles institutions d'enseignement de l'Ouest canadien. Le

Collège, fondé en 1818 par Monseigneur Taché, est une corporation laïque autonome composée d'un secteur universitaire et d'un secteur communautaire. En 1877, le Collège de St-Boniface était l'un des collèges fondateurs de l'Université du Manitoba et il demeure encore aujourd'hui affilié à cette université. Depuis 165 ans, le Collège est au service de la communauté canadienne-française du Manitoba. Il était au service de cette communauté en 1890 lorsque le gouvernement du Manitoba a adopté une loi faisant de l'anglais la seule langue officielle de la province. Il était au service de la communauté en 1979 lorsque la Cour suprême du Canada a jugé que la loi de 1890 était ultra vires, que le français et l'anglais avaient statut égal à la législature et dans les tribunaux de la province, conformément à l'article 23 de l'Acte du Manitoba. Et aujourd'hui encore le Collège est au service de cette communauté. Mais, plus encore, il est également au service d'un nombre toujours croissant d'anglophones qui ressentent le besoin d'apprendre le français.

Pour ces raisons, le Collège de St-Boniface appuie sans hésitation l'entente survenue entre la province du Manitoba et la communauté francophone, entente qui confirme le caractère bilingue de notre législature et de nos tribunaux et qui confirme également l'esprit de ce bilinguisme en voulant accorder aux francophones le droit à des services en français.

L'entente permettra à la province de s'acquitter enfin de ses responsabilités constitutionnelles d'une façon pratique et raisonnable. Nous tenons de plus à noter que le Canada est un pays officiellement bilingue et multiculturel. Le Manitoba, en garantissant des droits à sa communauté francophone encouragera le maintien et le développement des autres cultures.

Le Collège de St-Boniface appuie l'adoption de la résolution sur l'amendement de l'article 23 parce qu'il croit que cet amendement aura pour effet de reconnaître la légitimité et la réalité de la francophonie manitobaine. Le Collège considère que l'adoption de cette résolution lui permettra de s'épanouir davantage afin de mieux répondre aux besoins d'une clientèle étudiante croissante dans les domaines universitaire et communautaire. Le conseil d'administration du Collège de St-Boniface réitère donc son appui inconditionnel à l'entente survenue entre la province et la communauté francophone au sujet de l'amendement de l'article 23 de l'Acte du Manitoba.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Monnin. Any questions for Mr. Monnin? Thank you, Mr. Monnin.

MR. M. MONNIN: Merci.

MR. DEPUTY CHAIRMAN: Our next presentation is K.B. Jakubowicz.

MR. K. JAKUBOWICZ: Mr. Chairperson, honourable ladies and gentlemen of the commission, ladies and gentlemen, I am Kristopher Jakubowicz, current President of the Canadian Polish Congress, Manitoba Division. In this capacity, as a representative of said organization, I am making this presentation.

Many learned and more eloquent speakers than myself before me, historians, lawyers, and constitutional experts amply presented and moderated the case for

the institution of bilingualism in Manitoba. Therefore, I will not dwell on legal, historical nor political aspects of the issue on hand, but simply express our opinion on the subject.

There are no questions in our minds that there would be no hearings nor would there be any controversial issue if you want to respect the wrong Constitution. In view of the multicultural composition of our great nation, of which I became a member some 34 years ago, and the aspirations of all ethnic groups within our nation to preserve and retain for posterity their ethnocultural heritage and language is only fitting that we support the establishment, existence and continuity of bilinguals, as guaranteed by the Constitution of Canada, within the context of multicultural society.

I thank you very much for allowing me to express my opinion on the subject.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Jakubowicz. Are there any questions of Mr. Jakubowicz? Mr. Penner.

HON. R. PENNER: I'm not quite clear from your brief, I don't have a copy of it in front me, normally this is a question I would hesitate to ask; are you here to support the proposal of the government?

MR. K. JAKUBOWICZ: I am here, sir, to express our opinion that we are fully in concert with the bilingualism concept in the Canadian Constitution, and as such, we feel that the implementation of the French language in Manitoba is strictly a constitutional issue.

HON. R. PENNER: Then are you saying - you realize that there is a resolution in the Legislature to put into the Manitoba Constitution, which is part of the Canadian Constitution, French Language Services by the government?

MR. K. JAKUBOWICZ: I'm fully aware of this, sir; however, I am not learned enough, nor am I proficient in the jargon of law, not constitutional linguistics, and our expression is simply to indicate that we support the aspiration of the Franco-Canadians, or French-Canadians, if you will, and their endeavours. However, as they say, when it comes to language, when it comes to the institution of same and putting in paragraph and a point of law or constitutional expertise I am not such to be qualified to argue merits of context as presented.

HON. R. PENNER: I understand that and certainly am not going to press that point. You are not going to comment on the legal points in the resolution, but you support the aspirations of the French.

MR. K. JAKUBOWICZ: That is correct, sir.

HON. R. PENNER: Thank you.

MR. DEPUTY CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, through you to the person making the representation. What linguistic privileges or rights does the Polish community now enjoy in Manitoba?

MR. K. JAKUBOWICZ: Any that are given to any other group. We speak freely and this is a free country, therefore, we speak Polish whenever we feel like it, and we endeavour to do so. We also have the schools that propagate the Polish language, which we also continue to have in conjunction with our ethnocultural heritage.

MR. H. ENNS: Mr. Chairman, I agree with the spokesperson for the Polish community here, but the question still remains, what specific linguistic rights under the Constitution does the Polish community have in Manitoba? I believe there are none.

MR. K. JAKUBOWICZ: Specifically speaking, as I said before, I'm not versed in the jargon of the Constitution, nor lawyer's point of view, and I think that we have as much right as anybody else, so far, and enjoying it. I don't see any detriment to usage of our language in here, as a matter of fact, both sides of the House supported our position by granting us certain monetary consideration for the propagation of our language within our community, and this would apply to the present government, as the former government under the Progressive Conservative leadership.

MR. H. ENNS: Mr. Chairman, I am having difficulty making the point. We acknowledge, all members of the committee, and all members of the House acknowledge, that the Francophone rights are laid down constitutionally in this country and, therefore, we are charged in this Legislature to be able to conduct ourselves in the languages of English and French in this Legislature, or at their committees. We are not charged to conduct them in Polish, or in German, or in . . .

MR. K. JAKUBOWICZ: No, you are not.

MR. H. ENNS: So that was the point of my question. We have the rights that we take for granted, we practice them in our homes or in our churches or in our organizations to propagate the language. But, can you tell me what specific rights the Polish community will derive, as a result of the passing of this resolution?

MR. K. JAKUBOWICZ: Mr. Chairperson, I basically am not dwelling on the question, what specific privileges or specific - how shall we say . . .

MR. H. ENNS: The term is "in use as rights".

MR. K. JAKUBOWICZ: Well, if you wish to say it that way, sir. However, I am not dealing in specifics, I am certainly speaking in generalities and, as such, I still retain my position that we would not be here if you were to respect our own constitution which guarantees such a bilingualism across the country. I am not here to say that I would like to have the Polish language being spoken in the Legislature because I'm sure if I were to say that — (Interjection) — I might, next time we are around. However, what I am saying simply that if I were here, and I am sure that this could be afforded, if I would not be able to speak in English, I would find any other language that I could speak and everybody would understand, or try to.

MR. DEPUTY CHAIRMAN: Mr. Malinowski.

MR. D. MALINOWSKI: Thank you. Mr. Jakubowicz would you tell the committee, because more or less I know, what is the population of Polish people in Manitoba?

MR. K. JAKUBOWICZ: Well it's estimated to be approximately 30,000, over 30,000 people of Polish ethnic origin.

MR. D. MALINOWSKI: You mean in Winnipeg, or in Manitoba a whole.

MR. K. JAKUBOWICZ: Well, basically speaking, . . .

MR. DEPUTY CHAIRMAN: I would like to introduce the speakers, and if you will all ear with the Chair it will be much better for those who have to transcribe. Thank you.
Mr. Jakubowicz.

MR. K. JAKUBOWICZ: I apologize, Mr. Chairperson. Well, it is estimated to be in the vicinity of that, over 30,000 in Manitoba and Winnipeg, in particular.

MR. D. MALINOWSKI: Mr. Chairman, through you to Mr. Jakubowicz. According to the statistics which we have it says that close to 50,000 people in Manitoba, and of this 50,000, 35,000 in Winnipeg itself. Do you agree with that?

MR. K. JAKUBOWICZ: That is correct, sir.

MR. D. MALINOWSKI: Okay, thank you. Now, you said that you are not expecting that the Polish language might be used in the Chamber during a debate. I would like to let you know, and through you to our people, Polish people in Manitoba, that the Polish language was used . . .

MR. DEPUTY CHAIRMAN: Mr. Malinowski, questions of clarification please, not information.

MR. D. MALINOWSKI: Thank you, Mr. Chairman. Are you aware that the Polish language was used in the Chamber during a debate in this Farliament of Manitoba?

MR. K. JAKUBOWICZ: Yes, sir, I am aware of it.

MR. D. MALINOWSKI: Do you know who used that language? Who spoke in Polish?

MR. DEPUTY CHAIRMAN: Mr. Malinowski, is that pertinent to the brief. Thank you very much. These are questions of clarification. Are there any further questions of clarification?
Mr. Malinowski.

MR. D. MALINOWSKI: Mr. Chairman, with your permission, because Mr. Yakubowicz represents the Polish community here in Manitoba, will it be possible to say a few words in Polish? Yes, bilingual. . . . (Polish spoken) . . .

MR. DEPUTY CHAIRMAN: Mr. Malinowski, would you kindly translate, as well? As you know the procedure in the House is that when you are going to speak in any language other than the official languages of the House the translation has to be presented.

MR. H. ENNS: Thank you for making my point, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Mr. Malinowski — (Interjection) — but that's not the point.

MR. D. MALINOWSKI: Mr. Chairman, I asked before if I may say a few words in Polish. So we're talking bilingual. Why not three-lingual or whatever. This is the case.

MR. DEPUTY CHAIRMAN: That's very irregular, as you're aware. It is very irregular in a committee. It does happen in the House, I agree, but in the House we also have rules by which we proceed. That is that translation is given of what is to be presented. Here you just made a request and before I could make a decision or before the committee could make a decision, you proceeded.

I am saying again, if you wish to provide the translation as you go along, fine, the committee will probably agree. But in the meantime, it is of no value to the committee if they do not understand what is taking place.

MR. D. MALINOWSKI: Mr. Chairman, I agree with you, and I don't want to argue your set of ruling.

MR. DEPUTY CHAIRMAN: I'm afraid that you have no choice about arguing with the Chair.

MR. D. MALINOWSKI: I'm not arguing. I said, I have to follow it.

MR. DEPUTY CHAIRMAN: There are certain rules that you have to follow if you wish to challenge the Chair.

MR. D. MALINOWSKI: No way.

MR. DEPUTY CHAIRMAN: Mr. Malinowski.

MR. D. MALINOWSKI: Mr. Chairman . . .

MR. DEPUTY CHAIRMAN: We are into a question period of clarification.

MR. D. MALINOWSKI: Yes. May I answer your ruling? No, I can't. How do you like that? That's what we call a democracy.

If this is the case, Sir, I will have no further questions, and I would like to say . . . (Polish) . . . and merci beaucoup, Monsieur Jakubowicz, for your presentation.

MR. DEPUTY CHAIRMAN: Are there any further questions of Mr. Jakubowicz? Thank you very much, Mr. Jakubowicz, on behalf of your association.

MR. K. JAKUBOWICZ: Thank you very much, Mr. Chairperson.

MR. DEPUTY CHAIRMAN: Our next presentation is Dr. Rey Pagtakhan. Dr. Rey Pagtakhan. The next one is Florence Borgouin.

Please proceed.

MS. F. BOURGOUIN: Monsieur le président et membres du comité.

Je me présente aujourd'hui devant votre comité en tant que citoyenne privée. Je me fais un devoir pour mes aïeux francophones de venir donner mon opinion au sujet de l'article 23.

Nous ne cherchons aucunement à enlever à qui que ce soit leurs droits. A mon avis, nous les francophones, nous sommes privés de la reconnaissance égale de notre langue et de notre culture. Cette reconnaissance, nous voulons la recouvrir non seulement pour nous-mêmes mais aussi pour tous les citoyens de cette province qui ne peuvent que bénéficier de l'officialisation des deux langues fondatrices au Manitoba.

N'allons pas si loin. Le conflit, nous l'avons trop longtemps connu au Manitoba pendant toutes les années lorsque nos droits nous étaient refusés. Restons donc unis et ne soyons donc pas si jaloux des biens d'autrui.

J'approuve l'enchâssement d'un amendement à l'article 23 de l'Acte du Manitoba tel que proposé par le gouvernement actuel afin de combler aux faiblesses et aux injustices qui nous furent infligées par les gouvernements précédents. Les lacunes et les injustices passées ont démontré sans contredit le manque de responsabilité de nos dirigeants. Le gouvernement actuel veut remettre cette province dans le droit chemin. On ne peut qu'applaudir de telles démarches afin d'accorder justice aux Franco-Manitobains.

En terminant, j'aimerais vous dire que j'appuie l'entente négociée entre la Société franco-manitobaine et la province en mai dernier car elle me semble juste pour les citoyens de la province et permet aux francophones de retrouver leur place perdue depuis 90 ans.

Merci de m'avoir accordé le privilège de présenter ce bref.

MR. DEPUTY CHAIRMAN: Thank you, Ms. Bourgooin. Are there any questions?

Mr. Enns.

MR. H. ENNS: Mr. Chairman, through you to Ms. Bourgooin, did the Supreme Court decision of 1979, which is commonly referred to as the Forest case, not recognize the legal, constitutional rights that the Franco community has in Manitoba and indeed restore them?

MS. F. BOURGOUIN: Jusqu'à un certain point, mais je crois pas que ça a été respecté.

MR. H. ENNS: Surely the whole purport of the historic decision was to strike down the illegal act that a government in Manitoba had passed in 1890, and to restore the language rights that were agreed to at the time of Manitoba's entry into Confederation.

MS. F. BOURGOUIN: Je ne comprend totalement toute la question mais j'aime répondre à cette question que si ça avait été restauré complètement le cas Bilodeau n'aurait pas été à la Cour.

MR. H. ENNS: Mr. Chairman, I appreciate that it's not the role for committee members to debate with anybody making presentations. Just one further question, when you refer a previous government that inflicted the problems on the Francophone community, you were not referring to the immediate past government?

MS. F. BOURGOUIN: I would prefer not to answer these questions. I think my brief is very clear and short, and I would refrain from . . .

MR. DEPUTY CHAIRMAN: Any further questions? Thank you, Ms. Bourgouin.

Our next presentation is Gordon W. Pollon. Gordon Pollon. Our next one is Maralyne Donovan. Please proceed.

MS. M. DONOVAN: I didn't bring any writing, because I do not see very well but my feelings today are that we should have an election to solve this problem and save a lot of time and money, because I can name a good many places where we can use this money that you're spending on French and Canadian languages that have been in this country a long time.

I am only 46 years old. I'm proud to be a Canadian. I always will. If somebody wants to teach me any other language, I would be honoured to do so. But I'm on provincial welfare through no choice of my own.

Many reasons where the money should be spent to make people happy; build more hospitals; build more homes for the elderly and the handicapped and the blind. There are so many shopping centres in the City of Winnipeg. I know a lot of people want this to come through and I'm not against any other language.

I am very happy to be a Canadian and if anybody wants to answer any of these - I have been a Canadian all my life. I have lived in Ottawa, Ontario. I was born in 1936. I had to quit school at 15, so I have no education, but I love my country, and if it does come true that this is going to be changed to French and Canadian, and other languages, I would like to know how many languages are in Canada today and what they are going to name Manitoba instead of Manitoba? What name are they going to use?

My beef is to have an election and save a lot of time, money and energy, and have it over with. In this way, the people will have a chance to say how they feel and what they want; not what you want, but what we want, what all Canadians want.

My mom and dad, my parents, were born in England. My dad's parents were born in Ireland, so if they want me to speak Ireland, well I cannot help it, I'm sorry. I'm a Canadian and I always will be and I'm very proud to be a Canadian in our beautiful country of Manitoba. It may not be Manitoba much longer.

The metric system - we never had a chance to say what we wanted to say about it. They put it in automatically. So this is what I mean by they want to get it over with. We've heard this on the radio for months and months and months.

I have a strong feeling about this situation. You live next door to a French-Canadian, who will not speak English to you. You cannot help that - they bought the house to live in, so did I.

What I'm trying to say is let be and live, if we have to live by the laws that's okay too, but let's get it settled and over with.

I wonder what you're going to put on the agenda next? Are you going to take "O Canada" away from us? Why do people not like "O Canada."

I have never spoken in a group like this before, and if I said anything out of line, I apologize.

This is my motion, to have an election.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, Ms. Donovan. Any questions?

Thank you again for your presentation.

Our next presentation is Rita Lecuyer, on behalf of Pluri-elles.

MS. R. LECUYER: M. le Président, membres de l'assemblée législative.

Je vous adresse la parole au nom du groupe Pluri-elles, un regroupement de femmes qui vise l'éducation et l'épanouissement des femmes franco-manitobaines. Nous sommes 47 membres et nos programmes de formation et sessions d'information sont ouverts à toutes femmes francophones.

Au nom des membres de Pluri-elles, j'appuie la résolution pour amender l'article 23 de l'Acte du Manitoba, telle qu'elle a été négociée au mois de mai par la Société franco-manitobaine et par les gouvernements provincial et fédéral. Les amendements reconnaissent: le français et l'anglais comme langues officielles au Manitoba; l'adoption des statuts dans la langue française; notre droit de communiquer en français à la législature et dans les tribunaux; notre droit de recevoir des services en français.

Pour nous, Franco-Manitobaines, les amendements à l'article 23 reconnaissent, finalement, notre droit et le droit de nos familles de vivre en français dans cette province que nos ancêtres ont aidé à bâtir.

Présentement, le gouvernement provincial ne répond pas adéquatement à nos besoins en matière de services en français dans bien des domaines qui nous concernent - la santé, les loisirs, les services sociaux, le travail et la main d'oeuvre. Pour trop longtemps, vivre en français a été limité au foyer, à l'école et à l'église. Pour s'assurer d'avoir certains services et programmes communautaires français, des Franco-Manitobaines se sont regroupées à plusieurs reprises pour mettre sur pied des programmes de loisir, des garderies, des pré-maternelles. Pour réaliser ceci, elles ont eu recourt à des agences du gouvernement provincial qui offraient uniquement des services en anglais dont les documents, les formulaires et les règlements sont en anglais. Lorsque nous organisons des sessions d'information, des ateliers de formation pour les Franco-Manitobaines et que nous voulons de la documentation en français, de l'aide organisationnelle ou des personnes ressources de langue française, nous devons faire appel au gouvernement du Québec - un alternatif coûteux, inefficace au point de vue temps, et l'information que nous recevons n'est pas toujours appropriée étant donné les différences provinciales telles notre contexte de groupe minoritaire et les lois tout à fait différentes. Il est inconcevable et inacceptable que dans un pays bilingue et une province bilingue de par sa constitution, qu'on ne puisse pas s'adresser à nos ministères provinciaux en français et obtenir des services adéquats.

Ce que nous voulons c'est pouvoir communiquer et travailler en français avec les ministères et les agences de notre propre gouvernement provincial pour améliorer notre qualité de vie au Manitoba. L'histoire du Manitoba nous a appris qu'il ne faut pas toujours se fier à la bonne volonté des gouvernements pour protéger les droits des minorités. C'est la raison pour laquelle Pluri-elles considère essentiel l'enchéassement des droits et des services en français dans la constitution afin qu'ils soient protégés des débats créés par la politique partisane.

Le Manitoba c'est chez nous et nous voulons y vivre en français!

MR. DEPUTY CHAIRMAN: Thank you Ms. Lecuyer. Are there any questions? Mr. Enns?

MR. H. ENNS: Ms. Lecuyer, could you tell the committee when the association Pluri-elles was formed?

MS. R. LECUYER: Nous sommes une jeune organisation. Nous avons été formée formellement il y a un an passé. Avant ça, nous existions en tant que groupe provisoire et un groupe informel. Alors, ça fait un an que nous existons.

MR. H. ENNS: And you solicit or you attract membership to your group in what manner? Just by voluntary association, or do you have a membership? I assume that I couldn't be part of your group because I'm male, but could my wife or ex-wife become a member if she subscribed to the constitution of your organization and paid the appropriate membership?

MS. R. LECUYER: Notre organisation est ouverte à toute femme franco-manitobaine. Alors si votre femme parle le français, elle serait bienvenue dans notre groupe.

MR. DEPUTY CHAIRMAN: Mr. Enns. Any further questions? Ms. Phillips.

MS. M. PHILLIPS: Thank you, Mr. Chairperson. Ms. Lecuyer, I'm interested in your comments that since 1979 you still have not been able to receive services for your group pertaining to women's issues from the Government of Manitoba. Prior to the '81 election, working at the Women's Bureau and the Department of Labour, I remember having many requests from French women's groups for those kinds of services. Are you saying that they're still not available?

MS. R. LECUYER: Je considère que les services du Women's Bureau sont très excellents en tant que counselling pour les femmes et les programmes d'orientation pour la femme qui désire retourner au travail; mais jusqu'à date, de mon expérience, il n'y a aucun service de counselling en français et les programmes d'orientation sont offerts uniquement en anglais. Et c'est une des choses qu'on désirerait parcequ'on a plusieurs membres qui sont justement à cette étape de leur vie de vouloir retourner au travail et ont besoin de l'aide. Maintenant, c'est à nous d'aller voir - est-ce que ça serait possible que ces services-là soient offerts en français.

MS. M. PHILLIPS: Does your group see itself then as an advocacy group for services for women in French or are you more concerned about the group itself becoming aware of issues? Or do you lobby for the rights of other Francophone women who are not part of your group as an advocacy group?

MS. R. LECUYER: Nous voyons notre rôle comme étant un rôle de catalyseur de identifier les besoins de les femmes franco-manitobaines et parce que nous sommes un groupe, de travailler à voir à ce que ces besoins-là sont rencontrés.

MS. M. PHILLIPS: Thank you very much, Mr. Chairperson.

MR. DEPUTY CHAIRMAN: Any further questions? Thank you very much, Ms. Lecuyer.

I have a committee change to announce. Mr. Penner has resigned and the replacement is Mr. Bucklaschuk. Is that agreed? (Agreed)

Our next presentation is A. Warkentin. Janick Belleau. J.G. Russel. C.J. Wenaas. Helmut Albrecht.

MR. H. ALBRECHT: Honourable Mr. Chairman, honourable members of the Standing Committee on Privileges and Elections, in my presentation I will speak in opposing the proposed resolution to amend Section 23 of The Manitoba Act. I will give today the reason for my opposing of the entrenchment of French as official language in Manitoba.

I am a Canadian through the act of naturalization. I am bilingual too, but not in the official language. From the first moment on as I and my family made application for immigration to Canada, it was clear enough for us all that we came to an English-speaking country and our first task after we found a job was to learn in our spare time, English as means of communication and as working language.

I came to Canada on the assumption to stay in a country where the people can live in peace; work in peace and in harmony; where the people from different ethnic groups live together, work together and stay together. I am entrusted of a good and stable nation, what every citizen can call our Canada.

What I see now is that through the bilingual policy from the Liberals under the leadership of Trudeau, this good and rich country come to more and more in a condition of hate, political unrest, turmoil, because one group of people is entrusted to put down the French language the throat of all other ethnic groups in the whole state of Canada.

Before I put my name on the speaking list for my presentation, I make a little bit political and historical research about the difference between the Francophone and Anglophone ethnic groups in Canada and use the books I will refer to.

(1) Abridged report from the Royal Commission on Bilingualism and Biculturalism, (2) Pierre Trudeau and the Francophone, (3) The October Crisis and Quebec, (4) Nationalism . . . and the Quebec Question, (5) One Country Or Two from R.M. Burns, (6) Portrait of Canada, History of Canada from June Calvert, (7) Oxford History of the USA in three volumes, (8) The History of Great Britain, (9) History of Modern France, (10) The Invasion

of American Indians, Colonization, and . . . Conquest from the Institute of History of Indians from Chicago, Illinois, (11) History of the Hudson's Bay Company, (12) History of the Bank of Montreal, (13) The Pattern of Communist Revolution and History of World Communism from . . . and Watson, (14) Bilingual Today - French Tomorrow, Trudeau's Master Plan of Bilingualism from Lt. Com. Andre and (15) Rene Levesque and the Parti Québécois.

Everytime when we speak about the French rights, or the French Language rights in Canada, we recall the time 1867, the Federation of Canada was when four former colonies created. I know that the Constitution as a whole is not a very good masterpiece of policy and of diplomacy. I think of the time the British Parliament made the third reading for this Constitution and it was not a very important thing. The most important thing on this day was enactment of taxation of docks in Great Britain, not the Francophone interest, and not the colonial interest, what we call now Canada.

Then we see the situation, in 1870, as The Manitoba Act was established and created. I will refer to the census at the time of Confederation. At this time the population in Manitoba was 11,963 people. From these people who live, 1870, in the Province of Manitoba only 1,565 were white. From these white people, 249 were born in Canada, 69 were born in the United States, 125 were born in England, 240 were born in Scotland, 47 in Ireland, 15 in France, 28 in various other countries, 747 were born in the Northwest and 558 were Native Indians; 9,840 Native Metis of which 4,083 were English-Indian speaking and 5,757 were French-Indian speaking. Note this census omits several Indian and Metis tribes who still have a nomadic lifestyle. Around 2,000 Metis and Indians are not included in this census and nobody knows from this 2,000 people, were they English-Indian speaking, or were they French-Indian speaking? Also Metis, at this time of Confederation of the Province of Manitoba, 5,757 were French-Indian speaking.

I will tell you the truth, I really doubt this number because maybe it's the people in the leadership were French speaking, and then I see now what's going on on the Indian Reserve, how much the people have there and knowledge of the official language. I would say this is a shame for the integration system of the whole state of Canada.

I am absolutely not against the French language and the French culture, but when we know that there are only 5.4 percent French-speaking people in Manitoba, why should one group have the right of official language? All this trouble about trial, about the traffic ticket is nonsense, is balderdash. I don't have really understanding when this guy . . . for the ethnic groups, like the people from Vietnam. The people from Vietnam, the people don't have time enough to learn in a couple of months the English language and they have difficulty, they get a traffic ticket, and say, I can't read it, and we provide for these people a translator, and say, "See, you make a violation of the traffic ticket, okay." But these are all people, and the Francophone people are in a very lucky situation in Canada that maybe 90 percent of them are fluently bilingual, because they know they are in the minority, 6 million in Canada, and in . . . we have 270 million people speak English.

I will tell you the truth. When I made the decision to come to Canada, I never would go to the Province of

Quebec, because I would see that it would be a useless time for me to learn French, and I will stay in this nation, and on this continent, where 230 million speak English.

I accept this that we give the Francophone, like other ethnic groups, the right to learn in their schools French. I have nothing against it in the Parliament, in the courts. They have the right because they are the founder of the nation, Canada, but I think when we speak about the founder of Canada and America, we have to think on the Natives first. When I hear from the NDP Government we have moral obligations against the French, I think then we must see the other moral obligation for the Indian, too, or is this non-person, or will we have only these people in servitude and see about this people as people in second-class?

I think it shall be Quebec the minority, as they are French. Sure in this province the people shall have the official language French and the English minority shall have the right to learn here the English language, too.

It's the same in all other provinces; then we have French-speaking people why don't they have the right to preserve their language, why don't they have the right to preserve their culture. Nothing against that, but I think all the money which this government, the Federal Government, put in the last ten or twelve years, in all the bilingual programs, hundreds and hundreds of millions dollars of cost off the taxpayer has to be stopped. It was very good, when we would have in the last 12 years, not from the Liberals, every year a deficit budget which goes into the hundreds of millions and billions, then they have put this money in the economy of Canada, we don't have such a high grade of unemployment.

What shall now be the future? It is very good, then everybody will be bilingual - English and French. Then we can tell the people in the age group of 18 to 24 years, now you are only English-speaking unemployment, but we educate you now so that you are unemployment bilingual. This is the way that the NDP and the Liberals will do it - a waste of money.

I think all ethnic groups, the majority speak English and only one language, English, in nine provinces of Canada. Every other ethnic group can do it when they have the money, but all the money that we put into bilingual and all other language programs are a waste of money. Stop all this spending in government in Canada and in the Province of Manitoba. See that you put this in the economy that we get a strong economic Canada.

Now, I will go over to some things, because every time we speak about we have a bilingual system and everything is fine, enjoyable. The model is here, Switzerland. Switzerland is often taken for granted as a model of long-standing multicultural co-existence and harmony. What is frequently forgotten is that the history of the Swiss country duration, from 1291 to 1847, was that the . . . military struggles from time to time, and that the present Swiss Federal Constitution was adopted following a civil war in 1847.

After the federal troops crushed the rebellion by the Sonderbund, as a protest . . . of seven cantons, the Confederation established a pact of restoration in 1815, It was under considerable strain from 1830 on. In this year following, the vote in the year 1848 a new Constitution. In this Constitution, they cleared the language problem in a sense that the main language

is here Switzer-German, and all the other languages are only spoken in one or two different cantons, but never in the whole country.

I will now come to a little other problem about how the national problems and the language policy is founded in the Communist countries. It was very interesting to hear today the representation from Ms. or Madame Fletcher for the Communist Party of Manitoba. Communist treatment of national problems was entirely opportunist. The ultimate aim was to upgrade Stalin's nationalization policy, to reduce all nationalities to the same level of subjugation to Moscow, to create a cultural nation in form and socialist in content. But here the examination of national conflicts offered Moscow temporary advance. This was preferred to a policy of national reconciliation.

The most obvious example is the German question. The literal hatred of Polish and Czechs for the German oppressor was deliberately magnified by the Communists in order to widen the gulf between the Germans and their eastern neighbours to make Poles and Czechs fear that their only defence against German revenge was Russia, and so to place them at the mercy of Soviet foreign policy. This conviction on the part of the Czechs goes far to explain the unwillingness of Czechs, . . . politicians, to do anything that might antagonize Moscow, and this in turn, limits the future of the opposition to the Communist regime in Moscow.

The Communists, as they make good use of the friction between Czechs and Slovaks. In 1945, the Slovak Communists posed as champions of Slovak autonomy against Prague. In 1947, the Czech Communists ousted the Czech Nationalists in the denunciation of Slovak nationalism, rightly believing that the execution of the . . . ex-President, desired by Czech nationalists and fiercely opposed by the majority of the Slovak people . . . and help themselves to the Russian power in Czechoslovakia.

Moscow was also eager to prevent a reconciliation between Czechoslovakia and Hungary. The two countries, which in 1946 and '47, the democrats were stronger than communists, and Soviet influence was weaker. The Slovak Communists were therefore instructed to outlaw the Slovak nationalists in hostility to Hungary and the Hungary Communists to relieve from Budapest the military. So who nationally didn't . . . to play one linguistic and one national group against the other.

Then we see where in the book, Rene Levesque and the Parti Québécois, we can see very clearly here that in the Parti Québécois are three different groups. The first group are the far right radicals under Levesque; you have left wing that is directed from the Communist Party, Marxist-Leninist and the Communist Party of Trotskyists. They use only the language policy and the language culture to take power in Canada, and to put a split between the Francophone and the Anglophone ethnic groups in Canada, to break one hold in Canada that the Communists will go in power.

The shame about the whole thing is that if you look to the Liberal policy of Trudeau, or you look at the language policy from Rene Levesque, they use only all the language policy to catch hold that they stay in power. Only for this thing, they waste hundreds and hundreds of millions of dollars for propaganda to destroy Canada. This bilingual policy in the whole of Canada, we never

get unity in the nation, we only get political honours. This is the policy what is going on from the Federal Government and from the Parti Québécois.

I know when somebody is forced to learn a language against his will, he never learns the language. I know it out of experience from my own family. I lived in Germany during the period of the Fascist dictatorship; I lived in Germany from 1945 until 1975, under the Communist dictatorship in the east part of Germany, where they will put down the racist language policy. You are taught and I know how successful it was, my son and my daughter were supposed to learn in the schools, from the fourth grade on, the Russian language, because when you don't have a good note in the Russian language class, you never pass your grade, and you never have the chance to learn the other language. But both were interested to learn, from the seventh grade on, English or French . . . You can have always a chance to learn this language when you have a very high note in the Russian language.

My daughter as she came to Canada at the age of 18 years, she has a basic knowledge of English, and she learned the language very fast because she was interested in the language. My daughter is now 24 years old. I think maybe she knows only four or five words from the Russian language, which she was supposed to study seven years against her will. The same is what we will get in Canada.

Otherwise, when we make a bilingual policy in Manitoba, I don't believe that the NDP Government has the money to give the guarantee that every citizen in Manitoba has the chance to be completely bilingual, that he has the chance in his job. Because now we have so many jobs and when you will go only as supported by the government, provincial referendum, you have to be bilingual. When you go to hospitals and you make applications the first question is: do you speak English and French? I am in employment too, I see it every day. It is so far in Canada, please, you can test it for yourselves and when you don't have the time, some people sleep. In the most case it is so, in the Parliament too. It is not only here.

It is so. Open your eyes. Go around, speak with your voter. I live in the constituency of Roland Penner, and I go everyday around in his constituency. I know a lot of people, they vote for him, but a lot of people say, this we . . . , this we are only once; never ever again will we see the performance from this government. And if you don't believe me, he can call only in his constituency a by-election; we will see what's going on.

About the referendum, I have the same experience. I know all the communist and socialist like a referendum. This is a reality. We have in East Germany a referendum, too, but only for peace and against the missile tests or about missiles in one part of Germany. We have very great success by this - 99.4 percent we have for peace, the way against missiles. In the aftermath three months later, until this date, if you go to the army or not, it was voluntary, now they say he has the mind of the people. The people stay behind party and government, now we can make the conscription. The peace is very important for every communist, but the communists have to defend its system.

The whole peace referendum is only the catchall of Moscow, because they like it very much when we make

a referendum here, that we neutralize Canada it is very good. Normally the best thing is if we step out of the NATO and then we break with the United States is the best way, and then we hire some advisor from Moscow or Vancouver and then we go this way. This is how he will make the revolution. Don't be afraid that he will start a nuclear war or so.

First, he will make a wedge between West Germany. There is a peace movement against the Americans; that they there. Then he has all in Europe socialism and as a dictatorship of the polity. Then he'd say the capitalists are very very smart. They make three different forms of war. The military action, he makes an economic war and he makes a propaganda war. The whole economic war is so.

Nikita Khrushchev spoke in a big conference in East Germany. I was to this meeting. He said very clearly, the whole communist head was never so successful from Lenin or of Stalin until now as we make the catch for peaceful co-existence. Peaceful co-existence in rearmament - will it really make a difference here? We make economic and trade agreements. Lenin says very clear in his war, capitalists are so stupid, he will say use . . . But Lenin was not smart enough, Khrushchev was much smarter; Brezhnev and Andropov, too. They say capitalists are already so stupid, they gave him the strength where they will be hung, not of credit and the only complaint that will be when the communists take over: you won't have paid the last rate of interest. But then, they are already on the scaffold and they are hung.

I hope that we don't entrench this and that we put all the money for this policy in the economy that we see that we leave Canada sturdy.

MR. DEPUTY CHAIRMAN: Are there any questions? Thank you very much, Mr. Albrecht. Thank you again. Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, on a point of order.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Albrecht.

Your point of order, Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, it has come to my attention that apparently Ms. Janick Belleau did not hear her name called. She was on the list just before Mr. Albrecht. I was wondering if the committee would consider hearing her?

MR. DEPUTY CHAIRMAN: I'm in the hands of the committee. I did call out the name twice. I've called all names twice, but if the committee wishes to revert back to Janick Belleau, I'm prepared to live with it.

Mr. Lecuyer.

MR. G. LECUYER: I guess my only question, Mr. Chairman, was this person in the room here when the name was called?

MR. H. GRAHAM: She's been here all afternoon, I understand.

MR. G. LECUYER: I have no objection, Mr. Chairman.

MR. DEPUTY CHAIRMAN: All right. Janick Belleau.

MS. J. BELLEAU: Monsieur le Président, membres du comité.

Réseau est un groupe de femmes francophones de St-Boniface et de Winnipeg, intéressé à l'avancement de la femme sur les plans politique, éducatif, professionnel, culturel et personnel. C'est à titre de vice-présidente de cet organisme que je vous adresse, Messieurs, la parole.

Permettez-moi de répondre à la question que vous êtes peut-être en train de vous poser: qu'est-ce que les femmes viennent faire dans les discussions sur l'article 23 de l'Acte du Manitoba? Les femmes, Messieurs, sont intéressées à la question pour la raison suivante: les Franco-Manitobaines (puisqu'il s'agit de l'avenir de la francophonie) ont toujours été associées à l'éducation des enfants. Elles portent depuis des siècles, le titre très lourd de "gardiennes de la langue". Les Franco-Manitobaines sont donc restées à la maison parcequ'elles voulaient garantir à leurs enfants un foyer dans lequel il fait bon vivre en français.

Elles ont assumé le rôle de "gardiennes de la langue" parce que les hommes travaillaient au champs. Le mouvement féministe n'existait pas à l'époque. Mais surtout parce que le gouvernement manitobain a décrété unilatéralement en 1890 que seul l'anglais était reconnu comme langue officielle, un deuxième coup dur les assommait en 1916 avec la disparition des écoles françaises.

Aujourd'hui, 93 ans plus tard, les Franco-Manitobaines sont sorties de leurs foyers et revendiquent le droit, pour elles-mêmes et leurs enfants, de vivre en français au Manitoba.

Je ne vous apprendrai rien, Messieurs, en vous disant que les francophones du Manitoba en ont soupé de vivre dans la clandestinité. Etre francophone au Manitoba, c'est un peu être noir(e) aux Etats-Unis et être femme au Canada. Il y a toujours quelqu'un pour vous rappeler que vous n'êtes qu'un citoyen de 2e classe.

A courber l'échine, Messieurs, un peuple affaiblit sa colonne vertébrale. Il quémande au lieu d'exiger: il perd sa fierté, son identité, sa joie de vivre. Il s'assimile. Il s'anglicise. Perdant ainsi le respect de lui-même et de la majorité qui se comporte ipso facto en reine et maîtresse dans une province qui n'est, après tout, sienne qu'à demie.

L'article 23 amendé, tel que nébocié le 17 mai dernier, redonnera aux francophones du Manitoba la place qui leur revient de droit et permettra enfin à la femme de sortir du rôle traditionnel dans lequel elle a été confinée. Etant libérée de ses fonctions de "gardiennne de la langue", la femme pourra enfin s'occuper d'elle-même et ultimement, jouer un rôle plus actif dans la communauté manitobaine.

Avant de terminer, Messieurs, je me permets d'insister sur la nécessité d'enchâsser l'article 23 tel que proposé en mai dernier car, Lise Payette, célèbre politicienne, nous a bien prévenu(e)s qu'il fallait se méfier des "états d'âme" des politiciens.

Pensez seulement, vous, qui rêvez de passer à l'histoire: l'équité dont le gouvernement manitobain ferait preuve à l'égard de sa minorité de langue officielle ferait mentir l'expression qui soutient que la politique n'est que "l'art du possible".

MR. DEPUTY CHAIRMAN: Thank you, Ms. Belleau. Are there any questions?

Mr. Nordman.

MR. R. NORDMAN: Mr. Chairman, through to the delegation. I was just wondering, you're the second group of ladies that have been here before us this afternoon, if you will accept an Anglophonewoman into your organization?

MS. J. BELLEAU: If she speaks French, yes.

MR. R. NORDMAN: But if she doesn't speak French?

MS. J. BELLEAU: We are a group of Canadian women who speak French. I think women who speak English have a lot of organizations already.

MR. R. NORDMAN: I'm sorry to interrupt, but maybe that woman would want to speak French. Would you be willing to accept her on those terms?

MS. J. BELLEAU: Oh, she could come if she wants to. You know, there's no question about that, but we will not go, let's say, to proceed in English with our discussions and activities when it plans for, let's say, 30 women who are there speaking French. Are we going to speak English because there is one Anglophone who doesn't speak French?

MR. R. NORDMAN: Well, not necessarily, but the point I'm making is that the lady might want to learn to speak French, and she would like to participate in your activities. I mean it's an organization, I gather, for women, and it doesn't matter whether she's an Anglophone or whether she's a Francophone.

MS. J. BELLEAU: No, no. Attention. In our constitution it is said it is for Francophone women only.

MR. R. NORDMAN: In your constitution?

MS. J. BELLEAU: Yes. If she wants to join as a participant, even though she doesn't speak French, she is most welcome, but we are not going to speak English in our . . .

MR. R. NORDMAN: Oh, no, that wasn't what I was asking.

MS. J. BELLEAU: Okay, that's fine.

MR. R. NORDMAN: This lady wanted to participate for her own benefit and become part of your organization. Is she at liberty then to do so?

MS. J. BELLEAU: Yes.

MR. R. NORDMAN: Further on in your brief, you do mention the fact that the Franco women have not taken part, you feel that you have been depressed or smothered. Is that by your own choice?

MS. J. BELLEAU: Not really, I think the choice was not given. At one point, you know, the choice was made

for us, and now I think in 1983 the choice was made for us by . . . society, but also by men. But now I think we have grown up out of this and we are able to make our own decisions, so therefore nobody is going to tell us any more what to do, unless we want to do it.

MR. R. NORDMAN: Mr. Chairman, I can't remember what year it was that the female gender, shall we say, got the vote in Manitoba. What year was that?

MS. J. BELLEAU: The same year the French couldn't be spoken in schools any more.

MR. R. NORDMAN: But that didn't deny them the right. That gave them the right, if I'm not mistaken, to vote? Is that not correct?

MR. DEPUTY CHAIRMAN: Mr. Nordman, we want questions of clarification, we don't want interchange.

MR. R. NORDMAN: Yes, that's what I'm trying to get is clarification.

MR. DEPUTY CHAIRMAN: All right.

MR. R. NORDMAN: I mean the lady feels that she's been depressed. From the way I understood it, Mr. Chairman . . .

MS. J. BELLEAU: Excuse me, depressed . . .

MR. R. NORDMAN: . . . she felt that she didn't have a vote, or didn't have any freedom at all.

MR. DEPUTY CHAIRMAN: Do you have a question?

MR. R. NORDMAN: No, it's all right, that's all. Thank you very much.

MS. J. BELLEAU: Deprived, not depressed.

MR. DEPUTY CHAIRMAN: Thank you, Ms. Belleau.

MS. J. BELLEAU: Thank you.

MR. DEPUTY CHAIRMAN: The next one is Remi Smith, Remi Smith, Société franco-manitobaine; Lucien Loiselle, Lucien Loiselle; Réal Tefaine; Léo Teillet; Guy Savoie.

B.F. Quennelle and Paul Moist. Please proceed.

MR. B. QUENNELLE: On behalf of the Canadian Union of Public Employees, let me take this opportunity to thank the Standing Committee on Privileges and Elections for this opportunity to appear on this most important matter. CUPE, in representing over 1,000 workers in various sectors of the provincial Civil Service, views these public hearings as an opportunity for us, as an affected party to the proposed constitutional amendment, to have a constructive input into this process.

While not wishing to belabour the point, we feel obligated on behalf of our membership to voice our displeasure at being ignored by the government until after the accord had been reached with the Societe

Franco-Manitobaine and the Federal Government. CUPE first learned that the government was in a process of negotiating with the SFM through media coverage and addresses made by the Premier and the Secretary of State to the SFM in March of this year. Despite our frustration at being excluded from the negotiating process, CUPE acknowledges that since mid-July the government has met on numerous occasions with the affected employee groups. These discussions have been productive.

Although there still remains a number of outstanding concerns, since received the proposed amendments on July 14, 1983, we have held numerous meetings with our membership, as well as with our legal counsel. We have also worked closely with other public sector unions in an effort to pool our resources with an eye towards playing a productive role in this process.

Today marks the first public statement CUPE has made on the Constitution amendment proclamation. Despite pressure to the contrary, we have chosen to direct our efforts towards alleviating the concerns of our membership by approaching the problems we perceive in a positive manner with the affected party. We sincerely hope that our efforts will provide the committee with a positive input worthy of consideration.

CUPE supports the reinstatement of the constitutional language rights that existed in The Manitoba Act of 1870. CUPE further supports the concept and the provision of limited practical bilingual government services to the citizens of Manitoba. Our positions on these matters was affirmed at a recent Manitoba Federation of Labour Convention which passed the following resolution:

N-5, submitted by the Manitoba Government Employees Association, Local 507, WHEREAS the MFL supports the reinstatement of constitutional language rights that existed in The Manitoba Act of 1870, and;

WHEREAS unions support the concept of the provision of limited practical bilingual government services to the citizens of Manitoba, and;

WHEREAS the original proposal to the amendment, Section 23 of The Manitoba Act, is wide open to interpretation by the court in future decisions.

BE IT RESOLVED that the Manitoba Federation of Labour affirmed the principle of the provisions of limited practical bilingual government services, and;

BE IT FURTHER RESOLVED that the Manitoba Federation of Labour work with the public sector unions to ensure that language in the final proposal to the Parliament is precise and concise with limited practical bilingual services.

As mentioned earlier, there existed a number of concerns from CUPE's perception when we first examined the proposed amendment with our legal counsel. Some of our concerns have been resolved; others have not, as follows:

First, Section 23.1. CUPE shared the concern of other public employee groups that the original wording of this section, "English and French are the official languages of Manitoba," was a very broad statement, not in keeping with the government's intent to provide limited French Language Services. We propose the additions of the following words, "to the extent set forth in Section 23, in Sections 23.2 to 23.8, both inclusive."

While the government's draft amendment to this section of the resolution released on September 6, 1983,

is different, it addresses our concerns; therefore, the proposed addition of the words, "as provided for in Section 23, in Sections 23.2 to 23.9 inclusive, to Section 23.1," receives CUPE's support.

Second, Section 23.7(1). CUPE supports the government's intention to delete the term "central office." Whenever it appears in Section 23.7(1) our concern is centered around the possibility of either a broad or narrow interpretation of this phrase. A narrow interpretation could determine that central office is equivalent to head office. A broad interpretation might see the phrase applied to district, regional or local offices of various government departments and/or Crown corporations. This type of interpretation might very well lead to the necessity of providing language services from certain areas where there exists no demand, no requirements due to the nature of the office. CUPE therefore once again supports the deletion of the any reference to central office in Section 23.7(1).

CUPE also shares concerns with other employee groups in regard to the term "administrative body." Of all of the various arms of government mentioned in Sections 23.7(1), (a), (b), (c), or (d), it seems that all have a very specific and definable meaning with the exception of the term "administrative body." We have asked the government to identify any such bodies which are established by an act of the legislation but are not administered via a department, Crown corporation, agency or head office.

In the absence of defined intent of the term "administrative body," we conclude it to be an ambiguous phrase open to wider interpretation than what may be intended. A broad interpretation might apply to the term of any branch of any government department of a government agency, commission or board. As in our concern with the phrase "central office," we would submit that a wide interpretation of this phrase might oblige the government to provide language services in various location with little or no regard to the criterias based on need and demand.

We would submit that the provisions of services in both official languages from the head office of agency, quasi-judicial bodies, Crown corporation or any department of government is in keeping with the government's intent of providing limited bilingualism in relatively few areas in the province. The term "administrative body," generic in nature and open to possible wide interpretation, is in our opinion unnecessary and therefore should be deleted.

The government on September 6th tabled the addition of a qualifier position to be added at the end of Section 23.7(1)(b) stating, "But not including any municipality or school board." CUPE, representing some 10,000 school board and municipal employees throughout the province, support the inclusion of this proviso. We have, however, some concerns about the placement of the wording in the Section 23.7(1). The insertion of wording clearly states what is excluded from Section 23.7(1), but in doing this there may exist a potential broadening of what is included especially when Section 23.7(1) includes the term "administrative body." Our belief that the term "administrative body" could be open to wide interpretation seems more relevant considering that the section clearly excludes only school boards and municipalities. CUPE therefore suggests that the exclusion of school boards and

municipality would more properly be placed in a separate section.

Third, Section 23.7(2). This section, in our opinion, presents the most difficulty in terms of potential impact on our membership, job security and promotion ability. The wording of Section 23.7(2) is taken from the Canadian Charter of Rights and Freedom. Through the opinion of our legal counsel, we note a number of problems. The phrase "significant demand" and "nature of the office," presents the greatest difficulty for, in the words of our legal counsel, neither phrase has achieved the status of being legally defined and are open to broad and narrow interpretation by the courts.

CUPE also has concerns that have been expressed by our legal counsel that certain textual differences between the English and French version of Section 23.7(2)(a) and (b) could cause tremendous litigation problems. In translating the French version to English, the wording appears to be broader and thereby cause more concern on our part.

CUPE acknowledges and is pleased that the government has stated their intention to look at Section 23.7(2) in order to define more precisely the term "significant demand." We would suggest the government look as well at the term "nature of the office," in order to more precisely define it. CUPE has looked at both phrases with the assistance of our legal counsel. We cannot define the term, and we are advised that both of them are at this time legally undefined. We have also attempted, without success, to draft better wording of a more definable nature and worthy of the intent of Section 23.7(2)(a) and (b).

CUPE, along with other public sector unions in light of our concerns on Section 23.7(2), cannot agree with the entrenchment of such vague and, from our perspective, potentially adverse wording. We therefore wish to propose an agreement with the Manitoba Government Employees Association the following recommendations regarding Section 23.7(1) and (2):

- (a) The entrenchment of Section 23.7(1) with the deletion of any reference to administrative body;
- (b) Maintain the rights, as stipulated in Section 23.8, to challenge through the courts any violation of the provisions of Section 23.7(1), therefore amending Section 23.8 to stipulate Section 23.7(1) only;
- (c) Amend Section 23.7(2) to read as follows:

23.7(2) Any member of the public in Manitoba has the right to communicate in English or French with and to receive available services in English or French from any office not referred to in Subsection 1 of an institution described in (1)(a) or (b) where the Legislature determines.

Sections (a) and (b) would remain with the same wording.

(d) The Legislature pass an act to empower the Electoral Division Boundaries Commission or a similar constituted body to assess and recommend to the Legislature where bilingual communications and services ought to be made available, based on principles set forth in Section 23.7(2).

CUPE believes the Boundaries Commission proposal is worthy of consideration. The commission operates independent of government, but ultimately reports to government. It has served Manitoba well in determining electoral boundaries, boundary lines in a province with a majority of its population concentrated in one urban centre.

This recommendation, designed to maintain an equitable balance of distribution between urban and rural areas have, to the best of our knowledge, never been defeated in the Legislature.

CUPE fully expects that certain interested parties to the constitutional amendment proclamation will view this two-tiered approach to entrenching the provisions of Section 23.7(1) and not entrenching Section 23.7(2) in an unfavourable light. However, we view our proposal regarding Section 23.7(2) as a realistic alternative to the potentially adverse effect our members may experience should Section 23.7(2) be entrenched in its present form.

For Section 23.8(4), CUPE supports the amendment proposed by the government to Sections 23.8(4) which removes the word "forthwith" and replaces it with the words "within such time as may be reasonably required."

CUPE, as well as other provincial employee groups, have attempted to approach the matter of constitutional amendments to Section 23 of The Manitoba Act in a reasonable manner. We have not adopted an either/or stance. We have not and will not enter into some of the regressive debate we have heard in our community. It is unfortunate that the issue has polarized certain segments of our society, and this process has been fuelled by the irresponsible actions of certain municipal politicians.

CUPE, along with the Manitoba Federation of Labour, in principle, opposes referenda as a tool of elected officials, especially in regard to the minority rights issue.

In conclusion, CUPE supports the Provincial Government's intention not to emulate the federal bilingualism program. We believe a Made-in-Manitoba solution is a reasonable approach. We expect the government to live up to its commitments that no civil servant will ever lose his/her job or be displaced because of this policy. We have articulated that we feel it to be legitimate concerns with certain aspects of the proposed amendment. CUPE is prepared to continue to work towards a common resolve with all interested parties. We believe a negotiated resolve is achievable and will continue to direct our efforts in that regard.

Respectfully submitted, Canadian Union of Public Employees.

I would like to, Mr. Chairman, add a few words in French, if I may.

Monsieur le Président et membres du comité. Je tiens encore une fois à vous remercier pour la chance que vous m'avez accordée de parler de la part du syndicat canadien de la fonction publique. Je vous rappelle que certain de nos membres sont francophones et que tous nos membres, soit anglophone ou francophone, s'attendent à ce que le gouvernement tienne à sa promesse, qu'aucun de nos membres perdent ou soient déplacés de leurs positions. Nous avons confiance qu'ensemble, nous pourrions trouver une solution qui nous apportera un bilinguisme qui sera pratique mais limité à ceux qui le veulent.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Quennelle. Are there any questions?

Mr. Lecuyer.

MR. G. LECUYER: Thank you, Mr. Chairman. I believe that Mr. Quennelle has indicated in his brief that they

represent some 10,000 members. My figure is incorrect, 1,000, sorry. Can you indicate how many of these members have bilingual capacity?

MR. DEPUTY CHAIRMAN: Mr. Moist.

MR. P. MOIST: Through the Chair, we know that at Manitoba Hydro the CUPE employees there in the clerical and technical areas, as a rule, compile lists of linguistic abilities of any of their employees who are other than unilingual English. We don't have specific numbers, but we know that the head office of Manitoba Hydro currently will provide customers of that utility with responses to customer inquiries in French and in other languages if they have that capacity.

We know at the Workers Compensation Board with 120 clerical and support staff members, as well as agents of that board, that we currently have in place in the reception and clerical area a similar situation, whereby the Compensation Board compiles the linguistic abilities of all of its employees and offers to members of the public, wherever possible, linguistic services in any language.

At the Cancer Research Foundation, with 70 members working in clerical and research capacities, there are currently three bilingual people, not front line office staff meeting the public, but when a member of the public comes in requesting information in the French language, those people are retrieved from their other duties and told to, at the best of their abilities, provide that member of the public with service in French. Where that cannot be achieved, the administration of the Cancer Research Foundation will attempt to find further capable people to deal with those members of the public.

Twenty-two Legal Aid lawyers, working in the Province of Manitoba, represented by CUPE at eight locations throughout the Province of Manitoba has of course a Francophone clerical staff, not represented by CUPE in its St. Boniface office. It has Francophone lawyers available in its St. Boniface office and at its head office on Portage Avenue. I'm not quite sure about the Legal Aid lawyers in the outlying regions, but what we have here is, I guess, a loose arrangement that's evolved over time. But in the four locals of the Canadian Union of Public Employees in the public sector, to a certain degree, or one degree or another, there is French Language Services available, although albeit not on immediate request right now.

MR. G. LECUYER: So, although I understand the difficulty in giving precise numbers of that total, seeing that there are a number of various bodies or organizations that you represent, but there is a significant representation or capability in terms of bilingualism within the membership that you represent? That's what I understand from your answer.

MR. P. MOIST: Through the Chair, there is a capability to one degree or another, depending on where you are.

MR. G. LECUYER: I realize in your brief that at one point you deal at certain length with the wording "administrative body," Pages 4 and 5. You describe it as perhaps having too broad an interpretation, or

leading to too broad an interpretation. If legal opinions were to be brought forth which would satisfy your fears in this regard that the word has a very specific application, and more specifically if it were to be changed from this section, which is 23.7(1)(b)(ii) as it currently is, and if it were to be transferred to the last subsection, that is, 23.7(1)(b)(iv) where, if it were to be used, any agency or administrative body of the Government of Manitoba established pursuant to an act of the Legislature, would that relieve your concerns as applicable to that particular item?

MR. P. MOIST: Through the Chair, if I understand the question correctly, it's asking if the phrase "administrative body" was moved to another section, of Section 23.7(1) of the proposed amendments, if that would alleviate our concerns, I'd have to answer no, and with a bit of explanation. Through legal counsel and various other public sector groups, pooling our resources, we can come to the determination that "department of government" is definable; "quasi-judicial boards" by way of the Blaikie case are definable; "Crown corporations" pursuant to legislation are definable; the term "agency" in the way it's used by government is definable; the "Chief Electoral Officer" of the Province of Manitoba is a definable body; "the office of the Ombudsman" of the Province of Manitoba are definable; the term "administrative body" wherever it appears within Section 23.7(1), to the best of our ability, is not definable. Like many other aspects of the proposed amendments to Section 23 of The Manitoba Act, which are taken from charter language, the word "administrative body," we don't have the luxury of viewing that term within the confines of the Canadian Charter language. Not that all Canadian Charter language has to appear in these sections, just by way of comment, "administrative body" to the best of our knowledge seems to be somewhat of a generic term which we can't define and through conversation with many people find it to be the only term in Section 23.7(1) that we're having a bit of trouble with in defining.

Through the Chair, I would perhaps put back to the questioner, if he could provide me with any examples of administrative bodies which are not currently part of departments or Crown corporations, or quasi-judicial bodies, or aren't part of the Chief Electoral Officer's office, or the office of the Ombudsman, we can't identify any. I just wondered, if the term "administrative body" through a challenge to this section of 23.7(1), once it's entrenched, might successfully provide that an administrative body is a part of a department. Because we think that Section 23.7(1) specifically declares which part of a department, which part of the courts, which part of a Crown corporation, will provide French Language Services. We're having some trouble with the phrase "administrative body," I have to say.

MR. G. LECUYER: I'm afraid if I were to comply with the implied question that I would probably be called out of order.

MR. DEPUTY CHAIRMAN: You're right.

MR. G. LECUYER: So I guess I cannot comply and provide any example. I would simply ask whether you

would not agree that it is very difficult to separate an agency from its administrative role. Perhaps I'm not being very clear - that any agency of government has within it an administrative role.

MR. P. MOIST: Through the Chair, I would just maybe try and provide an example of some of the quandary we find ourselves in, in dealing with the term "administrative body." I think we could all agree here that the Workers Compensation Board of this province is a quasi-judicial body, and quasi-judicial is the law of the land, as determined through Mr. Blaikie's successful challenge in 1979 in the Province of Quebec. So there are elements of the Workers Compensation Board that are quasi-judicial. There's no doubt about that. The Workers Compensation Board, with our members working there though, is split into a number of departments. There's no doubt that the Claims Department of the WCB is quasi-judicial; the Assessment Department, no doubt as well. I wonder if the Accounting Department of the Workers Compensation Board, with our members working there, is quasi-judicial or is it an administrative body of the board. It's somewhat examples like that, we wonder the status of the departments of a board in the Province of Manitoba.

MR. G. LECUYER: I have the problem that I stated before, and I guess this will all come out in the ongoing process that will follow. Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Any further questions?
Ms. Phillips.

MS. M. PHILLIPS: Thank you, Mr. Chairperson. I'd like to thank both the gentlemen for their very constructive suggestions, and I think it's suggestions like these that help us with the deliberations that we're going through. I do want to say I appreciate the thought that's gone into helping us solve some of these dilemmas; those kind of phrases of course are the things we've been trying to deal with in terms of sub-amendments. So I want to thank you for your help in trying to help us sort out those problems.

I do have a couple of questions, one on Page 9, where you say in the first paragraph, "a realistic alternative to the potentially adverse effect our membership may experience." How do you see this potentially having an adverse effect?

MR. P. MOIST: Through the Chair, we see Section 23.7(2), as it currently exists in the proposed amendments before you as containing, as we said in our brief, language which, according to our legal counsel at this point in time, hasn't achieved the status of being legally defined. It's open to broad and narrow interpretations. How this would affect our membership if it was entrenched at this point in time is an open question, I suppose. We are worried, to a certain degree, that entrenchment of Section 23.7(1) of this act and entrenchment of these proposed amendments, in fact, might be achieved. Then there will be an implementation procedure which will be very important to the employee groups and the government and the employers to agree upon an implementation formula and, some three years

hence, we'll become a province that delivers French Language Services to the people of Manitoba.

After going through that exercise though, and when it becomes the law of the land, so to speak, we view the probability of challenges through the courts to certain areas which aren't providing French Language Services by way of qualifying under Section 23.7(1), or qualifying through the implementation procedures. These challenges through the courts could create bilingualism far and above the government's stated intention to provide Manitobans with limited bilingualism, unlike and not a carbon copy of the federal program.

MS. M. PHILLIPS: Based, Mr. Chairperson, on Mr. Moist's answer and specifically referring to the answer he gave Mr. Lecuyer, you were discussing earlier how a lot of the members that you represent are already providing, in a relatively voluntary fashion, in that this amendment hasn't been passed, French Language Services. Would you not presume that in areas where it would be required that it could also be provided without any disruption? I presume that there hasn't been disruption at Manitoba Hydro or Legal Aid or the other areas where you now represent members; that there hasn't been adverse effects to this point in provision of the services.

MR. P. MOIST: Through the Chair, the lack of requirement of a second language for positions within the civic service, in Manitoba Hydro, at least, I can agree with the Member for Wolseley that it hasn't had adverse effects because, if Manitoba Hydro has had it available, they've provided it; if it hasn't been available, they have sought other resources. But I think once we entrench a certain language into the Canadian Constitution, there may exist a requirement, and if that requirement's not available, if that required language is not available at any office or any place where government does business, it will have to be made available to the public there. That is different than public employees co-operating right now, which I think they do.

In making it a requirement in an area that doesn't qualify under Section 23.7(1), through a potential challenge through Section 23.7(2), we may be faced with the situation of, we need some positions here that are bilingual; you don't have them, we don't know what will happen.

MS. M. PHILLIPS: Thank you. I appreciate that distinction and the elaboration of that distinction.

I would like to move back to Page 2 of your brief, although I think it's Page 1 - oh no, it's Page 1 on top and the two is on the bottom, right - and your concern about . . .

MR. DEPUTY CHAIRMAN: Order. Mr. Graham has a point of order.

MR. H. GRAHAM: Mr. Chairman, on a point of order, I don't know how many more questions Ms. Phillips has. I know I would like to ask quite a few questions. I was wondering, since we're past the hour of adjournment, could we not leave the remainder of the questions until we reconvene this evening?

MR. DEPUTY CHAIRMAN: I'm in the hands of the committee.

Ms. Phillips, on the same point.

MS. M. PHILLIPS: I would appreciate being able to finish my line of questioning, and then we could certainly come back and carry on with Mr. Graham's after the break if that's agreeable. I only have one or two. I have one that might lead into two.

MR. A. ANSTETT: As long as it's not like Don Scott's which lead to five or six.

MS. M. PHILLIPS: No, you know me better than that.

MR. DEPUTY CHAIRMAN: Proceed.

MS. M. PHILLIPS: Thank you very much for your indulgence. Mr. Chairperson, to Mr. Moist, on Page 1 of your brief, I would like to ask you about your displeasure at being ignored in the negotiating process. I recognize that displeasure is there, it's coming through loud and clear on Page 1. But I wonder if you could compare it to a situation where your union elects a negotiating committee and goes into negotiations with the employer and then, when they have the wording worked out, brings that back to the membership for a discussion or a vote on acceptance or rejection of the contract. I wonder, if you looked at the negotiations, in this case, in that light, would you be a bit more understanding of that process, and whether you would feel quite as frustrated at being ignored.

MR. P. MOIST: Through the Chair, as an employee of a union I can, I think, comment on the negotiation process as I've pursued it. The negotiation process as I've pursued it on behalf of my membership involves as a first and initial stage input from that membership, from all aspects and all corners of that membership, to take to a bargaining table with my employer, and a constant interchange with that membership as I negotiate with my employer, and ultimately a package to take back to that membership that they've had input into.

So, in regard to our opening statement, and I would emphasize we do not wish to belabour this point, there was a certain degree of dissatisfaction on behalf of the membership of the Canadian Union of Public Employees to learn that a matter, such as, the extension of language services, other than English, into the civic sector where our employees work, such discussions were going on without us being involved then. As employees of Crown corporations, at Manitoba Hydro, we do not enjoy, as our brothers do in the MGEA, a joint council with this government where ongoing labour relations discussions happen. Being somewhat of arm's length with government through being employees of a Crown corporation, we have no such ongoing rapport in an official sense with the government. I understand from the President of the MGEA being here on September the 8th and September the 9th, he had knowledge of French Language Services being discussed with the SFM involved and the Federal Government involved some one year in advance of discussions beginning. We weren't afforded the luxury of that knowledge, being somewhat at arm's length with government.

I would emphasize, Mr. Chairman, we don't wish to belabour that point, and I would acknowledge to all members of this committee that, I think, very productive meetings have occurred since mid-July, and the process continues. We want to be a part of the process that is going on right now, as opposed to rehashing past dissatisfactions.

MS. M. PHILLIPS: Thank you very much, Mr. Chairperson.

MR. DEPUTY CHAIRMAN: Mr. Graham, I understand you have some questions. Do you wish to pose them now, or do you wish to pose them after the supper hour?

MR. H. GRAHAM: I would prefer to wait until after the supper hour, if that is agreeable with the committee.

MR. DEPUTY CHAIRMAN: Mr. Adam.

HON. A. ADAM: Along that point, Mr. Chairperson, I was just wondering whether it was agreeable to the people who are presenting the brief to come back here later on this evening.

MR. DEPUTY CHAIRMAN: Mr. Moist and Mr. Quennelle, can you be back at 7:30?

MR. P. MOIST: That's fine, Mr. Chairperson.

MR. B. QUENNELLE: That's no problem.

MR. DEPUTY CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: On a point of order, Mr. Chairman, in view of the fact that, although we have made significant progress in the number of names on the list in the last couple of days, there still are a large number, and I think it may be doubtful, at this point, that we will complete the hearings within the time allotted; and also in view of the fact that the members of the committee at the organizational meeting back on August 18th, members of both sides of the committee, agreed that the committee hearings schedule should be such that everyone from the public who wanted to be heard should be heard. I think it would be reasonable now that the public be advised that we're willing to extend the hearings; and I would suggest, in that vein, that we should set aside two additional days, Monday and Tuesday of next week, at this point, in anticipation of completing the list within that time; hopefully, we can. With the progress we're making, maybe that's too much time, but I think we should, at least, in the spirit of ensuring everyone is heard, set aside those two additional days so those people who are unsure of the process, and know they are still quite a ways down on the list, or maybe were absent when they were called today or yesterday, are ensured of a hearing.

I'd like to make that as a motion, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Discussion on that suggestion? Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I wish to confirm that I agree with Mr. Anstett on this, but I would make one

further suggestion because most of the public has left now, that perhaps that announcement should be made when there seems to be a fair number in the room at some future time.

MR. DEPUTY CHAIRMAN: Is that agreed? (Agreed)
Agreed and so ordered.

Thank you, Mr. Quennelle, we'll see you at 7:30 p.m.
Committee is adjourned.

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