



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

**STANDING COMMITTEE**  
on  
**PRIVILEGES**  
and  
**ELECTIONS**

31-32 Elizabeth II

*Chairman*  
*Mr. Peter Fox*  
*Constituency of Concordia*



MG-8048

**VOL. XXXI No. 47 - 7:30 p.m., THURSDAY, 29 SEPTEMBER, 1983.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

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

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**

**Thursday, 29 September, 1983**

**TIME — 7:30 p.m.**

**LOCATION — Winnipeg**

**CHAIRMAN — Mr. Peter Fox (Concordia)**

**ATTENDANCE — QUORUM - 6**

*Members of the committee present:*

Hon. Messrs. Adam, Bucklaschuk and Lyon  
Messrs. Anstett, Brown, Fox, Graham,  
Lecuyer, Malinowski and Ms. Phillips

**WITNESSES:** Presentation by Messrs. B.F. Quennelle and Paul Moist of CUPE, Local 998, was continued

Mr. Charles Gagné, Private Citizen  
Ms. Emile Clune, President, Local 5 of the Communications Workers of Canada  
Mrs. B. MacKenzie, Private Citizen  
Dr. E. Sabbadini and Mr. Dino Longhi, Danté Alighieri Italian Cultural Society

**MATTERS UNDER DISCUSSION:**

Proposed Resolution to amend Section 23 of The Manitoba Act

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**MR. CHAIRMAN:** Committee will come to order. We have the representative from the Canadian Union of Public Employees to finish questioning.  
Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. I'll address my remarks to either Mr. Quennelle or Mr. Moist, they're pretty well general questions and I'm sure any one of you can answer them.

I notice in your brief that you voice your displeasure at being ignored by the government until after an accord had been reached on this particular issue - this is on your first page - and I believe in answers to questions from Mr. Lecuyer, I believe you replied that the Manitoba Government Employees Association had been involved a year previously. Do I detect a little bit of jealousy or envy or animosity between the two unions in that type of statements?

**MR. B. QUENNELLE:** Through the Chair, I would say there is no animosity between the Manitoba Government Employees Association and the Canadian Union of Public Employees. If we referred to the Minutes of the Standing Committee on Privileges and Elections from September 8th and 9th, I would note the questioning from the Leader of the Opposition to Mr. Doer where, after a long parade of questions, it

eventually came out that the Manitoba Government Employees Association was not formally involved in the process of negotiations or discussions prior to the May 17th accord.

The point I was raising earlier this afternoon, in response to Mr. Lecuyer's question, was that the Manitoba Government Employees Association has a mechanism to deal with government on an ongoing basis through joint council sessions, and Mr. Doer had the opportunity in November, 1982's joint council session to ask the government for permission to be involved, should they get involved in discussions with any groups pertaining to the delivery of languages services other than unilingual English services.

So, in conclusion, there is no animosity between any of the employee groups that will be appearing before this committee. In fact, the employee groups, all being members of unions, fully understand the necessity for us to approach this matter together and collectively pool our resources, including our legal counsel resources, my national office's legal firm. We have been working together. In response to that question, there is no animosity whatsoever.

**MR. H. GRAHAM:** Mr. Chairman, I thank Mr. Moist for that answer, because we had received a brief from the Manitoba Government Employees Association previously. While they may not have used the same wording, they at the same time expressed their displeasure for not being involved prior to May 17th or shortly after.

Mr. Moist, I have read your brief and I listened to the presentation here. I see a remarkable similarity to this brief as compared to the one that was presented by the Manitoba Government Employees Association, so I would presume from that, that there is a great deal of co-operation. I believe you have mentioned something about, you have supported a resolution that was submitted at the meeting of the Manitoba Federation of Labour in the past week, I believe.

It appears to me, Mr. Moist, that most of your concerns have been concentrated on the proposed amendments that Mr. Penner presented to the committee on the first day of four hearings on September 6th. Is that correct?

**MR. P. MOIST:** Through the Chair, our concerns are not so much with the proposed amendments introduced on September 6th. Those amendments, I think, reflect some very worthy changes to the amendments that were arrived at in the May 17th accord. I think we address in our brief our concurrence with some of the those amendments that the Attorney-General announced on September 6th, but we also qualify by saying, there still remain some concerns and, most specifically, the entrenchment of Section 23.7(2) as it presently exists.

**MR. H. GRAHAM:** Mr. Chairman, you also made mention in Section 23.7(1), I believe, about the term

"administrative body." Have you had any discussions with the Attorney-General or members of the government concerning a redefinition of that term, or are you just expressing your concerns here for the first time?

**MR. P. MOIST:** Through the Chair, we have had discussions on all aspects of the proposed amendments to Section 23 of The Manitoba Act with the government, albeit only since mid-July. We have discussed at length the term, "administrative body," and trying to determine the government's intent and/or definition of that term.

I note with interest on Page 24 of the Premier's address to the House on August 16th, "administrative body" is mentioned as one of the terms that the government is looking at in terms of clarifying. I have heard no word from the government whether that term has been clarified, or if they're in the process of clarifying that term; but that indication from the Premier in the House, we find encouraging. We still raise the concerns, because our concerns haven't been answered on "administrative body" to date.

**MR. H. GRAHAM:** Mr. Chairman, I believe in the proposed amendments that were given to this committee by the Attorney-General on the first day we met and before we had heard any briefs, the Attorney-General, I believe in Proposal No. 2, had suggested there would be further definitions provided before these committee hearings ended. We have been throughout the province and we are now back in Winnipeg. Would your organization hope that those further definitions would be presented to the committee before we have completed our hearings?

**MR. P. MOIST:** Through the Chair, I would certainly hope that further definitions might be forthcoming, but I understand perhaps the quandary that the Attorney-General may be facing in that through discussions with various legal counsel, a determination of what that term or that phrase means is not the easiest thing to arrive at. So I would hope that in advance of the ending of these public hearings, or shortly thereafter, that the term be further clarified and/or defined or as we are recommending - because we don't know if that's possible - deleted.

**MR. H. GRAHAM:** Mr. Chairman, I believe when we heard the Manitoba Government Employees - and I'm going from memory, but I believe Mr. Doer in his presentation sort of put a caveat on that - if there were any changes, they would like to have the opportunity possibly of making a further presentation to the committee. Would that be your position as well?

**MR. P. MOIST:** Through the Chair, I understand the rules of the committee allow people or groups or organizations or individuals to appear before the committee once. Whatever the resolve is to the whole package of amendments to Section 23 of The Manitoba Act, the public employees will be responding. Whether, if we're afforded the opportunity to come before this committee again, we would welcome that opportunity. If we are not afforded the opportunity to come before the committee again, we'll have to choose other

avenues, but we will respond at the conclusion of this whole process, but the process is ongoing.

**MR. H. GRAHAM:** Mr. Chairman, while I'm not a member of the government, I am a member of this committee. Could I as a member of this committee have some assurance from your organization that we also would be provided with the benefit of your wisdom should you be prepared to make further recommendations? Would your organization be prepared to provide that to members of the committee as well as to the government?

**MR. P. MOIST:** Through the Chair, we will be assessing what the final resolve is to the whole process of this act and before it goes forward to the House. Should there be anything we wish to comment on, we won't know if we want to comment on that until we see what that is. All I can say is, if what comes forward is reasonable and in line with what we think are reasonable proposals contained within our submission, we would see no need to come back again. Should we find something that still concerns us and if we were afforded the opportunity, yes, we would appear before the committee again.

**MR. H. GRAHAM:** Mr. Chairman, perhaps I didn't word my question properly. Through you, Mr. Chairman, to Mr. Moist, and I realize I'm dealing with maybe a hypothetical case because we don't know what the future holds. What I would like to know is, if your organization after these hearings are completed, feels it is necessary to make further presentations to the government regarding the decisions that are made, would members of this committee be apprised of the recommendations that you would be making to the government, or would they be a private recommendation that you would be not willing to share with members of the committee?

**MR. P. MOIST:** Through the Chair, being that it is a hypothetical question, all I can say is, we would continue to operate in the same way that we have throughout this process. When we need to reassess something, if that situation arises, we go to our membership; we go to our legal counsel; we determine amongst ourselves what we will do, and we follow that course of action. I can't answer what course of action we will follow, being that I don't know what the result of this process is going to be.

**MR. H. GRAHAM:** Mr. Chairman, as a member of this committee, I have some difficulty, because I would hope that whatever direction we take in a very serious action of proposing to amend the Constitution, I would hope that all members of the Assembly and, in particular, members of this committee be apprised or have the benefit of the collective wisdom of all people who are prepared to have input into a collective decision. It does cause me some concern. However, that is not . . .

**MR. G. LECUYER:** Point of order, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Lecuyer, on a point of order.

**MR. G. LECUYER:** Mr. Chairman, I didn't raise the point of order the first time Mr. Graham raised this, but it's the third time that Mr. Graham raises the same point. I think he has received his answer as clear as the presenters wanted to give it to him. I think the point that Mr. Graham wanted to make, he has made. He has indicated, he wants to be appraised, and the point is made. I think there is no question in the point he raises, and we should drop that particular point. It is not, at any rate, a clarification on a point in the brief.

**MR. CHAIRMAN:** The point is well taken.  
Mr. Graham.

**MR. H. GRAHAM:** I thank you, Mr. Chairman. I will go on, and I would like to deal with some of the concerns that you have expressed regarding the proposed amendments - and I use that term advisedly, Mr. Chairman, because at Ste. Anne, we were advised by a member of the Cabinet that they were only proposals. Would your organization have the same support for the proposed resolution if none of the proposed amendments were accepted.

**MR. P. MOIST:** Through the Chair, I believe the question, if I understand it correctly, is: would our organization be supporting in principle the whole package should no amendments have been forthcoming on September 6th?

I think we would have been here because this is the form that this is being dealt with in and I don't think we're an effective voice if we don't come within the form that any matter is being dealt with and we stay on the outside and simply voice displeasure and take an either/or stance. I'm happy that the amendments that were introduced on September 6th were introduced, a public declaration from the Attorney-General of this province which I certainly think at least those amendments will carry through to the Legislature. That's just my opinion though.

In answer to that question, we're working within the framework of amendments to The Manitoba Act and we feel our best position is to be in here and try and offer some productive advice to this committee. I can't see us having acted in any other manner despite the presence or lack of presence of amendments introduced on September 6th.

**MR. H. GRAHAM:** Mr. Chairman, I think those are most of the concerns that I have at the present time, although there are possibly one or two other things that I might want to introduce later. So I'll pass for the time being.

**MR. CHAIRMAN:** Mr. Enns.

**MR. H. ENNS:** Mr. Chairman, through you to Mr. Quennelle or Mr. Moist, just for the clarification of your brief, I want to be sure precisely what the Manitoba Federation of Labour affirmed or agreed with at your recent convention when on the bottom of Page 2 of your brief, you indicate affirmation or support for the resolution submitted by the Manitoba Government Employees Association, Local 507, which says that the Manitoba Federation of Labour supports the reinstatement of the constitutional language rights that

existed in The Manitoba Act of 1870. I take that to mean that what you're saying there is that you support the Supreme Court's decision of 1979 or colloquially known as the Forest case. Is that what you're saying there?

**MR. P. MOIST:** We're very cognizant of the fact that in 1979 and 1980 certain aspects of the rights that were taken away in 1890 in the French community were reinstated, but it's my understanding of the present case before the Supreme Court, the Bilodeau case, the contention is that not all of the rights afforded the French community in 1870, taken away in 1890 have yet been reinstated, although I will grant you that in 1979 through the Forest case and in 1980 through acts of the Legislature, the courts, the Legislatures and, through the Blaikie case emanating from Quebec. The Supreme Court decision from there had an impact as well that to a large degree the rights afforded the French community in 1870 have been returned to them in advance of this committee meeting, or in advance of this process. It is my understanding though that the case before the Supreme Court contends that they have not yet completely been . . .

**MR. H. ENNS:** Mr. Chairman, again let's try to deal with one thing at a time. The Supreme Court reinstated French language rights in Manitoba in a historic judgment in 1979, followed through by very specific legislation by the Sterling Lyon Government in 1980 to also conform with that decision. That surely is a question of fact. Whether or not all redress was made is a matter of government's action or inaction, but not to be confused with the reinstatement of constitutional rights.

**MR. CHAIRMAN:** Mr. Enns, could we have questions of clarification please?

**MR. H. ENNS:** My simple question is: did the Supreme Court reinstate Francophone language rights in 1979 in this province?

**MR. P. MOIST:** Through the Chair, I would say, it's my opinion - and I don't have the benefit of expressing a legal opinion to this committee - it's my opinion that, to a large degree, those rights have been reinstated in advance of this process we're discussing tonight. It is also my belief, and it's just an opinion, that they have not completely been restored, and witness the case before the Supreme Court right now. That's my understanding.

**MR. H. ENNS:** Mr. Chairman, I wish to assure the presenters here, I'm not a legal person either. I'm a rancher from Woodlands, but I can understand when the Supreme Court speaks. The Supreme Court has spoken that French language rights, as agreed to . . .

**MR. CHAIRMAN:** Excuse me, Mr. Enns. Questions . . .

**MR. H. ENNS:** I am simply asking whether or not the French language rights that were part of the terms of Confederation when Manitoba entered Confederation were, in fact, recognized and restored by the Supreme Court in 1979.

**MR. P. MOIST:** My answer, once again, is, I am fully cognizant of the process that was gone through in 1979 and subsequently in 1980 through acts of the Legislature, reinstating English and French as the official languages of the courts and of the Legislature. It is still, once again, my understanding that certain persons are contending the fullness of that reinstatement, and that matter is before the Supreme Court right now.

**MR. H. ENNS:** Mr. Chairman, in the second WHEREAS of that same resolution, you indicate that the union supports the concept of the provision of limited, practical, bilingual government services to the citizens of Manitoba. Notably absent from that paragraph or that WHEREAS are words such as "entrenchment," "reinstatement," or "constitutional." We could agree to all agree if what I read into that paragraph is that what the Manitoba Federation of Labour agrees to is the kind of common sense provision of limited, practical, bilingual government services without the trappings of entrenchment or constitutionality.

I am asking that question. That is a question by the way, Mr. Chairman, because these words which have become buzz words in this whole debate are notably absent from that WHEREAS.

**MR. P. MOIST:** Not being the writer of this resolution but in supporting it last weekend at the convention, I would have to go further on into my brief and give you the Canadian Union of Public Employees' position on entrenchment and our position on entrenchment of 23.7(2) as it exists now is, no. Our position on entrenchment in terms of 23.7(1) with the one concern we have remaining from that section is, it doesn't seem to be unreasonable. I say that as a public employee fully cognizant of the fact that the government at any time has the right to declare bilingual positions in the provincial sector. Whether that will happen or not, I don't know, but we're working within the framework of something before us and we're trying to work within that framework.

**MR. H. ENNS:** Mr. Chairman, through you to Mr. Quennelle or Mr. Moist, would it be correct then, particularly as of the last meeting of this committee in Ste. Anne where the Franco-Manitoban Society has rejected any of the proposed changes that the Attorney-General has made, that your position, your union's position, is opposed to that of the Societe Franco-Manitoban as of right now?

**MR. P. MOIST:** I think my colleague from the Manitoba Government Employees Association put it aptly when, in appearance before this committee he stated that there has been contact with the Societe Franco-Manitoban and there has been discussions and there is an appreciation of our different types of memberships and that basically we agree to disagree in terms of certain aspects of this bill.

**MR. H. ENNS:** You agree to disagree?

**MR. P. MOIST:** That's correct. On certain aspects of this bill.

**MR. H. ENNS:** So if the current position of the Franco-Manitoban Society as stated the other night by its

spokesperson, which rejects any amendments, if that position should be the final position of the Franco-Manitoban Society, you would be in disagreement with the Franco-Manitoban Society on this issue?

**MR. P. MOIST:** On their stance, opposing any amendments to the accord arrived at on May 17th, I would have to say that the Canadian Union of Public Employees is in opposition to certain features of that accord and we've, I think, expressed them in our brief.

**MR. H. ENNS:** Mr. Chairman, one final question, also on Page 2 in the second paragraph, you indicate that this is indeed your first public statement that CUPE has made on the constitutional amendment proclamation despite pressure to the contrary, and that you've chosen to direct your efforts to alleviating the concerns of your membership. That implies that your membership has had considerable concern. Would that be a fair statement or question?

**MR. P. MOIST:** There is concern on the part of our membership with the whole question of bilingualism in the civic service. There is general concern. We are charged with the task of specifically identifying areas of concern. We have chosen the route of working with our legal counsel, working with our colleagues in the Civil Service, with the other unions and we've chosen that stance because we didn't see any merit in jumping into the fray that I see going on in our community right now with obtuse stances being taken on either side of this issue.

We want to work within the framework of articulating our concerns and, once again, fully cognizant of the fact that this is only one method by which I suppose the Civil Service could become bilingual and/or multilingual. Working within this process, we've tried to identify concerns in-camera so to speak, we've tried to work with legal counsel, and we've tried to present this committee and the Government of Manitoba with what we think are reasonable critiques and I think reasonable recommendations worthy of consideration.

**MR. H. ENNS:** You had an opportunity to assess that concern in one form or another. You've had meetings within your various groups, you've had discussion or talks, have you? I'm simply trying to ascertain how these concerns were being expressed to the union leadership or to the executive director of the union and would you care to assess it in some quantitative form. Is it a great concern, is it a minor concern?

**MR. P. MOIST:** I can only comment within the framework of the thousand-odd employees that the Canadian Union of Public Employees represents. We have met with our membership, we have invited our legal counsel to meet with our membership and they have expressed confidence in the stance that we have taken in this process which is yet unresolved and perhaps our stance may change; but, at this point in time, we're trying to contribute to this process in a positive manner. That stance is not meeting with opposition within our membership at this time.

**MR. H. ENNS:** No further questions. Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Ms. Phillips.

**MS. M. PHILLIPS:** Thank you, Mr. Chairperson. Mr. Moist, in terms of the resolution that was passed at the MFL Convention, I think, as with resolutions always, the heart of the matter is in the RESOLVE's not the WHEREAS's. I'd like to ask you about the intent of the last RESOLVE where it says that the MFL, and CUPE is a part of the MFL that passed the resolution, will work, etc., to ensure that the language in the final proposal to Parliament is precise and consistent with limited practical bilingual services. Should I take that to mean that you expect that this will go on to the Parliament of Canada as an amendment to the Constitution, in other words, will be entrenched, or that RESOLVED is supporting entrenchment of whatever language when your language concerns are addressed?

**MR. P. MOIST:** I think what the RESOLVE contemplates is that we work together towards practical bilingual services within the Province of Manitoba. In our estimation practical bilingual services won't include certain features of the amendments to Section 23 of The Manitoba Act as you have them before you right now, but, certainly, aspects in our minds will be entrenched if our recommendations or some of our suggestions are heeded, other aspects will not be entrenched.

**MS. M. PHILLIPS:** Thank you, Mr. Chairperson. So, from that I can conclude that both CUPE and the MFL through convention is supporting entrenchment of an amendment on French Language Services?

**MR. P. MOIST:** Through the Chair, that's the framework we find ourselves as public sector unions working within right now, and within that framework, practical bilingual services entrenched, we have supported last weekend in convention.

**MS. M. PHILLIPS:** Thank you.  
Thank you, Mr. Chairperson.

**MR. CHAIRMAN:** Mr. Lyon.

**HON. S. LYON:** Mr. Chairman, you'll forgive me if I'm repetitious because I didn't have the opportunity of hearing the first part of the brief, and I've only just now had the opportunity to run through it. But, I take it, Mr. Moist, that the position of CUPE as expressed both in the resolution passed by the Manitoba Federation of Labour and your brief is that there is no agreement among your membership to support the original . . .

**MR. CHAIRMAN:** Mr. Lyon, would you speak into the mike, so we can hear you.

**HON. S. LYON:** I was, Mr. Chairman - but there is no agreement among the membership of your union to support the original amendments as proposed by the Pawley Government, unless the substantive amendments that you and the MGEA and others have proposed are agreed to.

**MR. P. MOIST:** Through the Chair in response, I would say that the resolution contemplates support of limited,

practical, bilingual services which, I guess, the unions, a couple of us anyway to date, have gone on record as saying, limited, practical, bilingual services are not reflected in certain aspects of the amendments as they exist right now. We are proposing changes.

**HON. S. LYON:** To underline the point I think you made to my colleague, the Member for Lakeside, unless those amendments as proposed by, among others, the Manitoba Government Employees Association now reinforced and corroborated by the Manitoba Federation of Labour and your own union, unless those amendments are made to the original May 17th proposal or agreement of the government, then the support, presumably of your union, and if you can speak more broadly, of the Federation of Labour would not be available to the package as first proposed.

**MR. P. MOIST:** Through the Chair, I wouldn't presume that every exact change proposed by any employee group in the public sector would be the only change that employee group could live with. I do say and we do say at the end of our brief that we are willing to keep the process of negotiation ongoing. If some other group, this government, the opposition, any member can come forward with a change worthy of consideration, we are willing to consider and speak and talk on all changes, and harbour no notions that our proposed RESOLVE, for example, to Section 23.7(2) is the only course of action open other than entrenchment. So we are proposing certain things. We are open to more discussion from any affected group.

**HON. S. LYON:** The proposal that I first heard voiced around this table by the Manitoba Government Employees Association which, if I may use the irregular verb, disentrenches the provisions first advocated by the NDP, that provision which would empower the Electoral Divisions Boundary Commission to assess and recommend to the Legislature where bilingual communications and services ought to be made available, that certainly is not an endorsement of entrenchment, is it?

**MR. P. MOIST:** That particular section as we're proposing right now will not be entrenched. It will be entrenched in principle with the decision-making power allocated elsewhere, other than the courts. That is specifically as a result of the fact that the wording, as it exists right now, we find concern with, and we have attempted to propose better wording or wording in line with the intent of Section 23.7(2). We have been unable to do so, so we have taken the stance that we have on that, and proposed the, I'll call it, the Boundary Commission's proposal.

**HON. S. LYON:** Mr. Chairman, I am not suggesting in any way that Mr. Moist or his group or the MGEA should be apologetic about coming up with a new suggestion. Does he appreciate, as I do, the irony of the situation whereby a proposal is being made to be entrenched in the Constitution which will have the effect of taking out of entrenchment those provisions that the Pawley NDP Government first advocated?

**MR. P. MOIST:** Through the Chair, I can appreciate that what I see in Section 23.7(1) of the proposed

amendments with the exception of the term "administrative body" reflect, in the opinion of the Canadian Union of Public Employees, the delivery of limited, practical, bilingual services. Section 23.7(2) as it exists right now, we have some concern with, and I think we've addressed that in our brief.

**HON. S. LYON:** Precisely, Mr. Moist. You don't want it entrenched, because if it's entrenched, you'll never be able to change it. That, if I may say so, is a very legitimate concern of any public union in Manitoba who understand somewhat better than some of the members of the government the follies of entrenchment under our parliamentary system.

**MR. G. LECUYER:** . . . questions?

**HON. S. LYON:** Does the Member for Radisson wish to get on the list, Mr. Chairman? Has he got some interjection of an intellectual nature he would like to make on this debate?

**MR. CHAIRMAN:** Do you have a question, Mr. Lyon?

**MR. P. MOIST:** If I could respond, Mr. Chairman, to the statement. I think that our position on Section 23.7(1) is clear. We still have one concern. To say that the public employee groups are against entrenchment is perhaps in error. We are against entrenchment of 23.7(2) as it exists now. There are other aspects of the amendments that will be entrenched.

**HON. S. LYON:** Now, Mr. Chairman, I note that there was another resolution passed by the Manitoba Federation of Labour, and we were given notice of it by, I believe, the Manitoba Government Employees Association. To use the words of the now absent Member for Wolseley, I guess it is, the operative part of the resolution was, "THEREFORE BE IT RESOLVED that this convention demand the Provincial Government involve the Manitoba Federation of Labour in future discussions on proposed constitutional amendments that will affect the membership." Was that resolution supported by your union, Mr. Moist?

**MR. P. MOIST:** Through the Chair, yes, it was.

**HON. S. LYON:** I take it from your brief and only having had the opportunity to look it through quickly that you, like the MGEA, did not receive a copy of this agreement and this fundamentally important amendment to the Constitution of Manitoba which will affect employment in this province in the public service for all time, if it passed, until some time in July? Is that right.

**MR. P. MOIST:** Through the Chair, that's correct.

**HON. S. LYON:** And this is from a government that purports to be the friend of labour, purports to have the support indeed of your union, of the executive of the . . .

**MR. CHAIRMAN:** Mr. Lyon, is that a question of clarification?

**HON. S. LYON:** Yes, it is, Mr. Chairman. When I finish it, you'll know whether it is in order or not, and I haven't finished it yet.

This from a government, Mr. Moist, that purports to be a government that is supportive of labour and has indeed delegates come to its provincial convention from the Manitoba Federation of Labour, and it didn't even consult with the Federation of Labour, with your union, with the Manitoba Government Employees Association until some time in July of this year, after having made public its amendments on May 17th? Is that what you are telling us?

**MR. B. QUENNELLE:** Mr. Chairman, if I may, it has been a practice for our union - I can't answer for those of other unions, but the practice of our union when dealing with government has been that, when we had an issue to discuss with governments, we would come to the government or the government likewise would come to us and ask us to discuss, although we never had any kind of formal method of doing this. We have, on other issues, had discussions with government at our request.

Although I can't answer for those other unions, we have had ongoing discussions from time to time since 1968, except for the period between 1977 and 1981.

**HON. S. LYON:** But when this government was proposing the first major fundamental constitutional amendment in the Province of Manitoba, which would affect hiring in the public service of this province for all time, you were not engaged in any pre-consultation in any way with respect to something that would affect you and your membership for all time? Is that what you're telling us?

**MR. P. MOIST:** Through the Chair, to perhaps to give one final answer to this line of questioning, as we stated at the beginning of our brief, we have voiced displeasure with the fact that we were not consulted prior to an accord being reached. We, however, see no merit in belabouring that point, from our perspective. It seems it's a moot point now, it happened and that's it, and we go on to qualify that since July we have had ongoing discussions with the government.

I don't think this process is finished. I've heard some constructive presentations made throughout the public hearings. I think the process is ongoing and we are still a part of the process, and we hope to have some impact on the process.

**HON. S. LYON:** Mr. Moist, you would have to agree that if it hadn't been for the opposition, you wouldn't even be engaged in this process tonight, would you?

**MR. P. MOIST:** Through the Chair, I can't comment on that. I haven't been in the House throughout the last months and throughout the long hot summer.

**HON. S. LYON:** Could you tell us, Mr. Moist, CUPE being a large public service union in Manitoba, and one of those unions that is accorded, apparently, automatic membership at NDP Conventions, how many delegates do you send to the Annual Convention of the New Democratic Party?

**MR. P. MOIST:** I have no knowledge of that at all. I would ask Mr. Quennelle though, perhaps he could give

some constitutional examples from the way that Local 998 of the Canadian Union of Public Employees treats matters of a political nature.

**MR. B. QUENNELLE:** Perhaps, Mr. Chairman, I, as not being all that involved, except for going to conventions, etc., in the MFL, and not all that familiar; I am more familiar and I can only answer for that of my local union, which is Local 998, and our own local constitution prohibits any partisan political involvement at all for our local, and that's the stand that we as a union take, and therefore we do not get involved in the political involvement of our affiliates.

**HON. S. LYON:** So are you telling us, and I'm happy to have the information, are you telling us that unlike, say, the United Steel Workers, who are accorded a certain block of delegates to the annual meetings of the New Democratic Party because of their checkoff and support and so on, that your union like, I presume, the Manitoba Government Employees Association, does not send delegates to the New Democratic Party Convention annually, you're not part of that constitutional requirement, which is rather strange to most of us. whereby unions have automatic delegates at New Democratic Party Conventions?

**MR. B. QUENNELLE:** Mr. Chairman, I have no idea what the Steel Workers or the MGEA do. I do know that our union, by constitution, does not participate in any kind of partisan politics.

**HON. S. LYON:** So we have it clearly on the record that CUPE does not send . . .

**MR. B. QUENNELLE:** Not CUPE, Local 998 of CUPE.

**HON. S. LYON:** Oh, well, but I'm talking about the whole union. Does CUPE send delegates . . . Mr. Chairman, why are my honourable friends so sensitive about this point?

**A MEMBER:** We aren't sensitive, Mr. Chairman . . .

**MR. CHAIRMAN:** Mr. Lyon, you are aware, as you profess to be in the parliamentary procedures, that this is not part of the brief. Again you're digressing. I have allowed some latitude and I would hope that you would stay within the confines of the rules that the committee has set. As its Chairperson, I have no other choice except to remind you of that.

**HON. S. LYON:** Mr. Chairman, you're quite free to remind me of that, and I'm quite happy in most circumstances to accept your rulings, those being much more judicious than those of the man that you substitute for, but I merely remind you . . .

**MR. CHAIRMAN:** Mr. Lyon . . .

**HON. S. LYON:** When a group appears before this committee . . .

**MR. CHAIRMAN:** Order please. Mr. Lyon, you as a parliamentarian should know you should not reflect on

the Chair. Again, I am advising you that you should stay to the questioning in respect to clarity of the brief. I would hope you would conduct yourself accordingly.

**HON. S. LYON:** Thank you, Mr. Chairman.

When a union like CUPE, which comes before the committee, these people are not here on their own behalf, they are here on behalf of the Canadian Union of Public Employees. The New Democratic Party, which is the proponent of this agreement that we have in front of us, this ill-starred agreement, which is dividing our province, has an arrangement under its peculiar constitution, whereby certain unions or per capita groups in Manitoba who are unionized are representatives of the delegate make-up at the annual meeting of the New Democratic Party.

My question, Sir, is quite relevant. I'm attempting to find out from this group, and I have half the answer from the local, that the local does not avail itself of that rather peculiar provision under the New Democratic Party constitution and therefore that local does not send voting delegates to the New Democratic Party Convention.

What I'm attempting to find out is whether or not the union in Manitoba avails itself of that rather esoteric provision in the constitution of the socialist party of Manitoba, and if so, is the CUPE group, appearing in front of us, as sometime delegates to a New Democratic Party Convention, telling us that they disagree with what their party or delegates to their party, to that party are advocating in this respect. It's a very relevant question.

**HON. R. PENNER:** How does this arise from the brief - on a point of order - how does this arise from the brief?

**HON. S. LYON:** You weren't even here. Since the Communists left, you haven't been here.

**MR. B. QUENNELLE:** Mr. Chairman, if may I clarify something.

**MR. B. QUENNELLE:** I came here prepared to answer questions on the brief, not whether or not other independent locals of our union, who do have some autonomy, participate in partisan politics. I think the answer that I have given, which is that of my local, goes beyond what I needed to answer, but I don't have, nor does Paul have, any information about the partisan politics of other unions within CUPE. Therefore, I don't see any reason to pursue this any further.

**MR. CHAIRMAN:** Thank you, Mr. Quennelle. Any further questions?

Mr. Lyon.

**HON. S. LYON:** Yes. So, Mr. Moist and Mr. Quennelle, you are saying that insofar as you are aware, no branch of CUPE sends delegates to the New Democratic Party Annual Meeting. Is that the case?

**MR. CHAIRMAN:** Mr. Lyon, I believe you were informed that these people, by themselves, are representing Local 998 of CUPE, and they gave you an answer; now you're trying to again digress from the point.

**HON. S. LYON:** No, no, I'm just trying to reconfirm what they say.

**MR. CHAIRMAN:** Mr. Lyon, again, it's not in their brief and there's no further clarification of that point necessary.

**HON. S. LYON:** Mr. Chairman, I'm happy that you're satisfied, and if you are telling me that you are satisfied, as a New Democrat I may add, that the Canadian Union of Public Employees does not send delegates to annual meetings dealing with resolution of the New Democrat Party. If you're giving me that assurance, I'll take it. I haven't heard it yet, I've heard it in part from the two witnesses, and if you're saving them from confirming it . . .

**MR. CHAIRMAN:** Once more, Mr. Lyon, I'll have to bring you to order.

**HON. S. LYON:** . . . that's fine by me, the record's clear. I'll accept your word.

**MR. CHAIRMAN:** You are out of order in addressing a question to the Chair. You are out of order in respect to asking questions which are not in the brief.

**HON. R. PENNER:** You're out of your cotton-pickin' mind, above all else.

**HON. S. LYON:** I'm most particularly, Mr. Chairman, if I may say, out of order, because I'm asking questions that embarrass socialists in Manitoba. Those are the rules of this committee as I judge them . . .

**MR. CHAIRMAN:** Are there any further questions of . . .

**HON. S. LYON:** Yes, I have, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Lyon.

**HON. S. LYON:** Knowing now what the ground rules are . . .

**MR. CHAIRMAN:** Mr. Lyon, get on with the questioning.

**HON. S. LYON:** I'll do it in my own good time, Mr. Chairman, and you know that, too, from long experience.

The Federation of Labour . . .

**HON. R. PENNER:** Mr. Chairman, are you going to tolerate this kind of bullying behaviour?

**HON. S. LYON:** Mr. Chairman, does the former Communist candidate wish to make representations to the committee? I thought he'd made enough when Ms. Fletcher was here today. Maybe he'd like to answer the question that I asked as the Leader of the Communist Party.

**MR. CHAIRMAN:** Mr. Lyon, let me remind you that as a parliamentarian, and you know, you do not reflect upon any member of the Legislative Assembly by

innuendo, by calling them names, or any other ways. I always assumed you were a statesman, but I'm afraid I have to remind you to act like a statesman and like a parliamentarian . . .

**HON. S. LYON:** Well, Mr. Chairman, I speak facts.

**MR. CHAIRMAN:** I have not finished yet.

**HON. S. LYON:** I speak facts.

**MR. CHAIRMAN:** I have not finished yet, and if you do wish to behave as a parliamentarian, I would hope you would desist from branding and naming people in this committee who have been honourably elected, just the same as you have, who have equally the honour of representing Manitobans, and you should not reflect upon what their character is, or even supply names to them, or give innuendo. All of those things are part of the parliamentary process, and I would hope you would conduct yourself accordingly.

**HON. S. LYON:** Mr. Chairman, I am quite happy to obey all of those rules of Parliament that I was aware of before you were elected to this Chamber, because I was here before you were elected to this Chamber. If you are saying now, Sir, that it is wrong to say or to make the fact known that a certain member of the Legislature, who now parades as a New Democratic Party member and a Cabinet Minister, was formerly a candidate for the Communist Party, which is a fact of life and a fact of record - that is no innuendo, that is not red-baiting, that is not a reflection on his character, that's a fact, Mr. Chairman. And if you're going to deprive me of the right to refer to facts in this committee, then it has become nothing more than sort of drumhead Star Chamber for the socialist party.

**MR. CHAIRMAN:** Mr. Lyon, again, we are into a question period and you have digressed. Do you have a question, Mr. Lyon?

**HON. S. LYON:** I do, Mr. Chairman, now that we understand one another.

The resolutions then, that we have mentioned heretofore, the one condemning the provincial government for not involving the Federation of Labour in the discussions about this amendment, which of course has potential effect on the merit principle and so on; and secondly, the second resolution, which we have referred to in the terms of the Member for Wolseley, affirm that the Federation affirms the principle of the provision of limited practical bilingual government services - for the record, that resolution - I take it both of those resolutions have the full support of your full unit, not just the locals for which Mr. Quennelle spoke, but the full CUPE Union in Manitoba?

**MR. A. ANSTETT:** On a point order, please.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, I, over the supper hour, seem to have misplaced my copy of the brief. I have just picked up another one. My concern is that

I don't recall these resolutions to which Mr. Lyon refers as being . . .

**HON. S. LYON:** They've already been under debate.

**MR. A. ANSTETT:** . . . as being in the brief that's been submitted today, and I wonder how they can be construed as questions of clarification of the brief?

**HON. S. LYON:** They are in the brief. Mr. Chairman, if this erstwhile floating Chairman would pay attention to what's in the brief and what's going on, he would not be raising frivolous points of order for you.

**A MEMBER:** He wasn't even here.

**HON. S. LYON:** He wasn't even here. — (Interjection) — I can read though, there's a difference.

**HON. R. PENNER:** At least, unlike you, his elevator runs to the top storey.

**MR. CHAIRMAN:** Mr. Lyon, do you have a question?

**HON. S. LYON:** At least, unlike me, I've never subverted my country the way you have.

**MR. CHAIRMAN:** Gentlemen, let's have an orderly meeting. — (Interjection) —

**HON. S. LYON:** Oh, no, let him sue. If he dares.

**MR. CHAIRMAN:** Mr. Lyon, do you have a question?

**HON. S. LYON:** I'm through, Mr. Chairman. Now that we know what the rules of the committee are — (Interjection) —

**MS. M. PHILLIPS:** Mr. Chairman, on the point of order. I'm wondering - I recognize there was one resolution in the brief and I would like to have clarification of where the second resolution is that the member refers to.

**HON. S. LYON:** I'll be happy to table it, Mr. Chairman. The first resolution to which I made reference is the resolution contained in the brief; there was a second resolution passed on September 25th, 1983, which I'll read into the record, "A motion to the Manitoba Federation of Labour — (Interjections)—

**MR. CHAIRMAN:** Order.

**HON. S. LYON:** Well, Mr. Chairman, I'll let the CUPE delegates read it, because they said they voted for it.

**MS. M. PHILLIPS:** On the point of order, I'd like to know where the second resolution is in the brief that we're discussing?

**HON. R. PENNER:** That's the question.

**MR. CHAIRMAN:** We're not discussing it, because it's not in order.

**HON. R. PENNER:** Thank you.

**HON. S. LYON:** It's already been discussed, Mr. Chairman.

**MR. CHAIRMAN:** Are there any other questions of Mr. Moist or Mr. Quennelle?

**HON. S. LYON:** You're too late, the socialist axe didn't drop soon enough.

**MR. CHAIRMAN:** If there are none, thank you very much, Mr. Moist and Mr. Quennelle, for your presentation on behalf of CUPE.  
Our next presentation is Charles Gagne.

**HON. S. LYON:** A great bunch of democrats we have! . . . won't be back anyway.

**HON. R. PENNER:** Don't delude yourself, you're suffering from enough insane delusions as it is now.

**MR. CHAIRMAN:** Order please. I understand this presentation will be in French. All the members do have translation receivers. We'll break for about two minutes and let the public get transmitters.

### (SHORT RECESS)

**MR. CHAIRMAN:** Proceed.

**MR. C. GAGNE:** Maybe Mr. Lyon would like to listen on too. He might learn something!  
Chers membres du Comité.

Il me fait plaisir de vous adresser la parole aujourd'hui sur un sujet qui est très sensible et à la fois très important pour l'avenir du Manitoba. Étant un jeune Franco-Manitobain de 4e génération, c'est par respect et admiration pour mes ancêtres que je vous fais part de mes impressions sur l'amendement proposé à l'article 23. Depuis l'arrivée de mes ancêtres, il y a au-dessus de 100 ans, . . .

**MR. G. LECUYER:** Will we be allowed to listen to the presentation without the interference?

**MR. CHAIRMAN:** The point is well taken. Carry on, Mr. Gagné.

**MR. C. GAGNE:** Merci. Depuis l'arrivée de mes ancêtres, il y a au-dessus de 100 ans, les Franco-Manitobains ont dû se battre, s'organiser et travailler pour maintenir et transmettre à leurs enfants la fierté d'appartenance à la langue française. Je suis un produit de ce travail pénible. Comme vous avez constaté aux audiences publiques à Sainte-Anne, le 27 septembre dernier, je ne suis pas le seul à vouloir continuer le travail de mes ancêtres.

Je suis un jeune étudiant universitaire ayant complété mes études au niveau du Baccalauréat au Collège Saint-Boniface et maintenant je termine ma maîtrise à l'Université du Manitoba. Je veux vivre et travailler au Manitoba, ainsi que participer à son développement. Je veux vivre comme citoyen à part égale et je veux que mes enfants puissent le faire aussi.

Je supporte entièrement l'initiative du gouvernement de vouloir résoudre la question des langues officielles du Manitoba. Après 93 ans de batailles, de confrontation et de travail pour ré-établir l'égalité linguistique, le temps est venu de mettre fin au débat. La proposition à l'amendement est la solution au problème car elle reconnaît le français et l'anglais comme langues officielles du Manitoba. En plus elle reconnaît l'injustice des dernières 93 années en offrant des services essentiels qui tiennent compte de la réalité d'aujourd'hui. Après 93 ans, le statut légitime et légal des Franco-Manitobains serait restauré et enchâssé dans la constitution canadienne.

Je dois préciser cependant que les amendements proposés aux amendements par M. Penner le 6 septembre diluent le principe fondamental faisant du français et l'anglais, les langues officielles du Manitoba. Si le gouvernement est sincère dans le ré-établissement de l'égalité linguistique des deux peuples fondateurs et veut montrer une volonté politique pour corriger cette injustice linguistique et historique, les amendements du 6 septembre seraient rejetés pour faire place à ceux du 17 mai dernier. Les amendements 23.7(b) qui excluent les municipalités et les commissions scolaires et 23.9 du 6 septembre peuvent demeurer car ils n'enlèvent rien à l'entente originale convenue entre la Société franco-manitobaine, le gouvernement fédéral et le gouvernement provincial.

Je vois très mal qu'on rende un droit sujet à des conditions telles qu'énoncées dans l'amendement 23.1 du 6 septembre. Lorsqu'on reconnaît les droits d'un peuple, on les reconnaît à part entière sans imposer des limites. Lorsqu'on ajoute des contraintes à un énoncé tel que celui dans l'entente originale, nous n'avons plus une déclaration de principe mais plutôt un énoncé dilué et inacceptable pour la minorité franco-manitobaine. Nous ne pouvons pas diminuer des droits fondamentaux tel que "le français et l'anglais sont les langues officielles du Manitoba" à UN des peuples fondateurs, surtout pas dans le contexte canadien qui reconnaît l'égalité des deux peuples et des deux langues à part entière.

Je dois souligner que nous faisons face à ce problème aujourd'hui parce que le gouvernement Conservateur, lorsqu'il était au pouvoir, a négligé de tenter de trouver des solutions au problème. Étant donné que le gouvernement à l'époque n'a pas passé à l'action suite au jugement de la Cour suprême en 1979, le débat linguistique a dû être ré-ouvert pour que la décision de la Cour suprême soit respectée. Je peux comprendre pourquoi le parti Conservateur refuse d'accepter la proposition d'enchâssement car ils n'ont jamais reconnu la pleine valeur de la décision de la Cour suprême de 1979.

Quatre ans plus tard, le parti Conservateur maintient que les services en langue française devraient être laissés à la bonne volonté . . .

**MR. CHAIRMAN:** Mr. Gagné, we are trying to translate and if you speak so fast, the translators can't keep up. Will you slow down. There is no rush.

**MR. C. GAGNE:** Merci. Je suis un peu nerveux alors pardonnez-moi.

Quatre ans plus tard, le parti Conservateur maintient que les services en langue française devraient être

laissés à la bonne volonté des élus et ne devraient pas être enchâssés dans la constitution canadienne. Par ce simple fait, je maintiens plus que jamais que les services en langue française doivent être enchâssés car l'exemple du parti Conservateur lorsqu'il était au pouvoir laisse beaucoup à désirer. Prenons par exemple le travail fait par le bureau des services en langue française établi durant le terme du parti Conservateur avec ce qui s'est fait sous la direction du gouvernement actuel. Nous constatons que le parti Conservateur n'a même pas élaborer une politique de services en langue française voire même songer à offrir des certificats dans les deux langues, des permis de conduire dans les deux langues, ou même de la traduction simultanée en chambre.

Oui, M. le président, c'est grâce au parti Conservateur que nous sommes ici aujourd'hui. C'est grâce à eux que nous discutons d'enchâssement constitutionnel des services en langue française car ils nous ont démontrés que des "courtesy rights" équivalent à aucun service dans une des langues officielles de cette province.

Je peux difficilement comprendre l'argument de certains qui prétendent que des services dans les deux langues officielles seraient trop coûteux. Regardons la logique de cet argument. Si le gouvernement prenait l'option suggérée par le parti Conservateur et le maire Norrie, les coûts pourraient être beaucoup plus élevés que l'on croit. Advenant une décision favorable pour M. Bilodeau, sans que la Cour suprême déclare l'anarchie légale mais plutôt impose une contrainte de temps pour traduire les 4 500 textes de lois, la province devra défrayer les coûts de la traduction sans l'aide du gouvernement fédéral. L'option du parti Conservateur et du maire Norrie semble beaucoup plus coûteuse pour les contribuables que l'amendement constitutionnel devant nous présentement. Comment pouvons-nous croire que la traduction de 4 500 textes de lois serait moins coûteuse que la traduction de 500 lois, en plus d'une aide de 2.5 millions de dollars du gouvernement fédéral et des services minimums dans les bureaux centraux du gouvernement provincial? Étant contribuable je questionne le rationnel de cet argument, car il m'apparaît qu'offrir des services dans les deux langues officielles seraient moins coûteux que la traduction de 4 500 textes de lois.

M. le président, les brefs qui ont été présentés à ces audiences publiques contre l'amendement constitutionnel ont comme prémisse de base "la peur". Les brefs soumis contre l'amendement constitutionnel expriment la peur que le français devienne langue de travail au Manitoba, peur que les unilingues anglais ne se trouveront plus d'emploi au gouvernement, peur que le coût soit trop élevé, peur car certaines municipalités s'inquiètent que le bilinguisme est un cancer qui va venir s'imposer sur eux un jour. M. le président, comment pouvons-nous accepter des arguments contre cette question quand la seule justification est la peur?

La réalité de l'amendement et la réalité canadienne sont telles que la langue de la majorité sera toujours l'anglais et que le bilinguisme total au Canada ne se réalisera pas jusqu'au moment que la majorité anglaise du Canada et la majorité française du Québec le veulent.

La sensibilité de ce débat actuel démontre davantage qu'il est temps de protéger la minorité officielle de cette province. Malgré les enjeux politiques, nous devons mettre de côté la politique partisane et surtout ne pas

faire de ce débat la ré-élection ou la défaite d'aucun parti politique. Il y aura beaucoup d'autres occasions pour permettre des activités partisanes mais très peu d'occasions pour restaurer l'égalité linguistique de cette province.

Tenant compte de l'histoire de ce pays, il est absolument logique et indispensable de reconnaître les droits de la minorité officielle au Manitoba et les enchâsser dans la constitution canadienne. Le temps est venu pour ré-établir les erreurs de vos ancêtres et de créer dans cette province un sentiment d'appartenance à partir du respect des droits linguistiques et minoritaires.

C'est pour cette raison que je recommande au gouvernement manitobain de maintenir ses principes et de rejeter les amendements du 6 septembre. Je dois aussi encourager les Manitobains de mettre de côté leurs préjugés et leurs méfiances afin de permettre l'adoption d'une solution à un problème très difficile. Solution qui reflète ce qui est inévitablement à refaire.

Merci.

**MR. CHAIRMAN:** Are there any questions of Mr. Gagné? Thank you very much, Mr. Gagné.

Our next presentation is Mike Kibsey, Mike Kibsey; the next one is Tom Cohoe, Tom Cohoe; the next one is Emile Clune.

**MS. E. CLUNE:** Mr. Chairman, members of the committee, Locals 5 and 7 of the Communications Workers of Canada represent some 1,800 employees of the Manitoba Telephone System in this province. As employees of a Crown corporation, providing essential services to the citizens of Manitoba, we will be directly affected by the implementation of the proposed constitutional amendment.

We applaud the government for having the courage to attempt to correct the injustices created by the infamous Official Languages Act of 1890, in the face of forces which would use the issue to stir up bigotry and racial tensions simply for their own political advancement. We abhor the thought that public referendums would be used for the same devious and destructive purpose. The treatment of Japanese Canadians over 40 years ago will always be a blot on our nation's history. Minority rights must be protected by our democratic governments, no matter which party is in power; they must not be dragged down to the level of a popularity contest, or we are all in grave danger.

We are proud to be Canadians; proud of the heritage of our original people; proud of the French as the first Europeans who came to call Canada their home; proud of the British who started the economic development of Manitoba; proud of all the people from every country in the world who came to this land, so that they might live free from oppression.

Canada was founded as a bilingual nation, and Manitobans must recognize this fact if Canada is to remain a strong land of free people. It must also be recognized that the bilingual policies of the Federal Government do not reflect the reality of Manitoba today, so that it is necessary to develop policies that are made by Manitobans for Manitobans.

In spite of what we have just presented, we believe that the rights of the French-speaking people in

Manitoba, while requiring protection, must be balanced by the rights of the workers who are entrusted to provide these services. We believe that workers have the right to reasonable job security and reasonable expectations of advancement. If the wording in the proposed constitutional amendment is correct and precise in describing this intent of the government's proposal, then we are sure that the rights of all will be protected.

We would now like to address specific wording in the proposed constitutional amendment. In Section 23.7(1)(a)(iii) we see that "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, the head or central office of any Crown corporation." Our understanding of the draft amendments issued on September 6th is that the words "or central office" will be deleted from the above statement. We feel this amendment will clarify the intent of this clause and we support this important change. In 23.7(2) we read that "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 paragraph (1)(a) or (b) where:

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

We are in full accord with the portion of a previous brief submitted by the Manitoba Government Employees Association related to the words "significant demand" and with the idea that a court would make a decision solely based on this interpretation of these words. Apparently, from the announcement made on September 6th, there will be an attempt made to be more precise and specific in this wording, so as to better define "significant demand"; however, we believe that the best solution to this whole problem would be to place this decision-making process into the hands of the Legislature, with recommendations coming from a separate body that has a solid reputation in the province. The Manitoba Government Employees Association's suggestion of the Electoral Boundaries Commission is excellent. In this manner, the rights of all Manitobans can be preserved by an independent body who could weigh the rights and needs of our French-speaking citizens, with that of the workers who provide the services, and those of all Manitobans who will be paying for the provisions of these services.

While the courts tend to analyze the specific wording of any particular clause and may render a definition of wording, which may not have been the intent of the parties involved, a body such as the Electoral Boundaries Commission could weigh all factors, consult with the parties involved, and render a decision that would satisfy everyone concerned. Any deviance from the recommendations of the Commission by the Legislature would have to be justified to the citizens of Manitoba. We therefore propose the following changes:

Amend 23.8(1) to read "Anyone whose rights under Section 23.7(1) have been infringed . . ."

Amend Section 23.7(2) by converting it into a statement of principle through inserting the words "the Legislature determines" after the word "where," so that the operative wording would be: "where the Legislature determines either:

- (a) there is a significant demand; or
- (b) due to the nature of the office."

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

Amend Section 23.8 to ensure that the jurisdiction of the courts is only applicable to alleged breaches of Section 23.7(1).

23.8(2) and (3) would be amended to state that the Electoral Boundaries Commission would have the right to demand specific plans from any provincial governmental bodies, or provincial Crown corporations, and to amend those plans to meet the needs of Manitobans and the rights of French-speaking Manitobans.

We are pleased to be allowed to present our views to this committee and hope that you will consider our concerns on this matter. We hope and look forward to further consultations on the implementation of the restoral of French Language Services in Manitoba, and hope that the rights of our members, both French and English speaking, will continue to be a major concern of the Government of Manitoba.

Respectfully submitted, Wendy Budyk, President, Local 7; Emile Clune, President, Local 5, Communications Workers of Canada.

**MR. CHAIRMAN:** Would you inform us whether you are the president?

**MS. E. CLUNE:** I am the President of Local 5, which is the Operators' Local of the Manitoba Telephone System.

**MR. CHAIRMAN:** Thank you very much. The other question I have, we have "Emile," is that the correct spelling of your name?

**MS. E. CLUNE:** That's the correct spelling of my name.

**MR. CHAIRMAN:** Thank you very much. Thank you, Ms. Clune. Are there any questions on the brief for clarification?

Mr. Lyon.

**HON. S. LYON:** I take it, Ms. Clune, as I read your brief, that you really don't want the implementation of French Language Services entrenched in the Constitution. You want it left with some body like the Electoral Boundaries Commission ultimately responsible to the Manitoba Legislature to the elected representatives?

**MS. E. CLUNE:** Well, our concern, Mr. Lyon, is not really whether it's entrenched or not entrenched. Our concerns lie with the protection of our members and this is why we have presented our brief and this is our

concern, that our members have equal rights and that they have equal opportunities, whether they are bilingual or unilingual or whether they have more than one or two languages at their disposal. I think that it's important that we are all guaranteed that we have equal opportunities and that's our concern.

**HON. S. LYON:** And your brief then in that respect adopts the recommendation of the Manitoba Government Employees Association and, in part at least, the recommendation we just heard from the CUPE local, that there not be entrenchment of French Language Services, that is the administration of them, that the courts be left only with the determination of penalties for infractions, is that true?

**MS. E. CLUNE:** My concern with allowing the courts to have a say in this is that I'm quite sure if you brought the same case before five different courts, you would probably arrive with five different decisions. So this is our concern. We feel that it is perhaps not the wisest thing to do.

**HON. S. LYON:** We agree with you on that.

**MR. CHAIRMAN:** Are there any other questions? Thank you, Ms. Clune.

**MS. E. CLUNE:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Our next presentation is Betty Broughton.

Mr. & Mrs. Chandra, East Indian Ethnic Group.

Mario Sosa, Winnipeg Chilean Association.

Ron Nash.

Mario Santos, Chairman, Manitoba Steering Committee on Heritage Languages.

Mrs. B. MacKenzie.

**MRS. B. MacKENZIE:** Mr. Chairman, I make one apology and that is for the very poor typing. I'm not a typist.

**MR. CHAIRMAN:** No apology necessary. Proceed Mrs. MacKenzie.

**MRS. B. MacKENZIE:** Thank you. Mr. Chairman, and members of the committee. I wish to categorically state that I strongly object to amending The Manitoba Act, Section 23, No. 1, which would make Manitoba a bilingual province.

The reasons for my objections to entrenchment of this amendment I hope to make perfectly clear to this assembly. But first, let me say that I am a bilingual Canadian and that French is my mother tongue. My parents came to Canada over 80 years ago and my father belonged to the French Territorial Reserve Army until 1910, but became a British subject in 1913 before I was born. Both my parents learned to read, write and speak English without benefit of night school and allowed their children to speak English in their home.

There is no disputing the fact that learning a second language is a very broadening experience, and I feel that French should be taught as a second language in Manitoba schools. But let me put forth this statement:

it is not being well taught to the Anglophone child who is not in Immersion and it is no longer required as an entrance to the university.

I would just like to interject here that I taught French for a number of years for the Alliance Française at a weekly basis and the Alliance Française is an international organization.

I reiterate, I am against entrenching bilingualism by amending Section 23 of The Manitoba Act because Manitoba was never conceived as a bilingual province in 1870. Section 23 of the 1870 Act uses the term "may" which gives permission to any person to use either language in debate or in the courts. If these rights were denied the Francophone community in 1890, they were returned to them following the Supreme Court ruling in 1979 on the George Forest case, plus the fact that The Public Schools Act - and I have two copies of The Public Schools Act - were amended in 1970 and again in 1980 to allow the teaching of French where the demand was sufficient. The placing of Anglophone children into Immersion classes has become a "fad" or out of "fear" that the child will not be able to obtain a job if he is not educated in both languages. The end result will be that he will be illiterate in two languages. You cannot convince me that a child who lives in an English home and take his or her studies in French can be as intensely and well educated as one whose education is in English. Show graphs or whatever, but the end results will be the proof.

I would like to return to George Forest for a moment. A year-and-a-half ago, I had occasion to ask Mr. Forest to speak to a group of ladies of Le Rendez-Vous français. This is a group of Anglophone ladies who all spoke French. The meetings were held at the University Women's Club. In his causerie Mr. Forest made several remarks that were very interesting and very enlightening. I would like to relate them to you. He said that when he began his campaign to have his parking ticket written in both languages four very prominent Manitobans approached him and offered him financial assistance. It was not a small amount, in the area of \$10,000 each. I must say in all fairness to him that he refused, saying it was a matter for French Canadians. But what did surprise me were the names he mentioned. In ending his speech he said: "We have won in Manitoba; we are winning in Saskatchewan; and Alberta is softening up." How did Mr. Forest know this eighteen months ago? What was wrong with the rest of Manitobans, legislators and others? The majority of us have had a laissez-faire attitude and perhaps we have awakened to find Pandora's box already opened.

I found it amusing to hear Keith Spicer on national television say: "Learn Japanese, it is the language of the business world." However, the Japanese have risen to the challenge and have learned English. For Keith Spicer to make such a statement on television is just a little ludicrous after he had promoted the learning of French for his Liberal masters. How very ridiculous.

However, I was not so amused to hear a young man on local radio say, after he had spent some time in New Brunswick, after it had become a bilingual province: "Avoid bilingualism like the plague." When asked what could be done to stop it, his reply was: "You have two alternatives, first by the democratic process in your Legislature, and if that fails, the only other alternative you have is civil war." And who wants civil war.

I personally feel these are very inflammatory remarks with which I do not necessarily agree. But, one must admit that the language controversy has caused more divisiveness in our Province of Manitoba and in Canada than any other issue ever has in the history of our country. At this rate we do not need an outside enemy, we can destroy ourselves from within.

Soon after The Manitoba Schools Act was amended in 1970, the school division in which my husband and I reside was petitioned by a few Francophone zealots to have an "all French" school built in our area. (May I say the amendment did not state that the French school had to be separate.) They could have shared the high school facilities, but chose not to. Our case against the building of the school was lost, but I think what amazed me more than anything else was the fear expressed by many of the French-Canadian community not to have his or her name appear on the list against building the all-French school, even though they did not want it. Their fear was that they would be "blacklisted" by their Francophone friends and neighbours. In the words of the Nazi Party, "If you are not with us, you are against us."

At the time of this controversy, I read all the French briefs that were presented to our school division, and was shocked to read in every one of them: "This is the time to get even." "This is the time for retribution." For what, I asked myself. I am not a bigot, but I am a concerned citizen. I realized this was history repeating the same mistakes that they had made in the late 1800's. Why can't we ever learn?

Historically, teaching other languages in Manitoba schools has been tried and has failed, so it is doomed for failure again. In 1896, Sir Wilfred Laurier and Premier Greenway came to an agreement about the language issue in Manitoba schools. Their agreement was, "Where there are 10 French-speaking or where there were 10 pupils speaking any language other than English, teaching in that language was to be permitted." This was known as the Laurier-Greenway settlement. Both these men thought they had hit on the perfect solution to the program.

However, in 1910, it was found that there were so many languages being taught that there was no real language of communication. Also there was a great influx of Anglophones at this time.

In 1916, Premier Norris' Government passed The Manitoba Schools' Act making English the language of instruction in the schools. The French community felt that they had been singled out for this action, and the Archbishop of St. Boniface said he would never forgive the English for what they had done to the French-Canadian. And they never have. That is why this language issue is such a bitter one. But all original rights were returned to the Manitoba Francophones in 1980. Again let me say, I oppose entrenchment, because the SFM and others will never cease to decry that they have been deprived and treated as second-class citizens.

Also, I oppose entrenchment because all the other ethnic groups firmly believe that their rights will be enhanced or increased, and with 32 other languages clamouring for recognition, the Manitoba Francophone will be "hoist with his own petard." Yes, and Mr. Axworthy gave them \$25,000 to further their cause of our tax money. This organization is Heritage Languages or Ancestral Languages.

Winston Churchill said, "Democracy is the worst kind of government, except for all the others." It is obvious to all that the democratic process is not working in our Legislature. I need not remind the legislators that they were elected to office by the majority of their constituents, and they are the ones they should represent. Whether you use Bourinot's Rules or Robert's Rules of Order, the outcome should be the same. "The majority rules" in the democratic process.

But in this language issue, the majority is being held for ransom by the minority. Why? The Francophone community consists of only 6 percent of the population of Manitoba, and many of these do not want entrenchment. Then why has this issue become such a divisive one? Is it because the minority has been aided and abetted by Ottawa?

A famous politician once said, and it was Disraeli that said it, "Not what the people want, but what we know is good for them." Is this what is happening to us in Manitoba? Serge Joyal in his March 19, 1983 speech to the SFM promised the minority help. He said, "Do not give up. You have everything needed to serve as a model for the advancement of French in many other provinces, and this is of paramount importance. You need not fail. We will be there to support you."

Now I ask you, are these the words of a negotiator? They sound very inflammatory to me. They also raise a question in my mind. Are Mr. Pawley and Mr. Penner so naive that they are taken in by offers of financial assistance from Ottawa?

Yes, ladies and gentlemen, this is a great country that stretches from sea to sea, and a great province. Let us cherish and nurture it. We have natural resources, hydro-electric power, in fact everything to make this country great. Your forefathers came here to find freedom, freedom from want or freedom from tyranny, and now you wish to find a yoke to strangle the freedom that we have all enjoyed. Let us be done with worrying about hurt feelings of 90 years ago, and get on with the business of running this great country instead of trying to get even.

Entrenchment is not the answer. How long did it take Emil Zola to have Dreyfus released from Devil's Isle after he wrote "J'Accuse"? Well I accuse the NDP Government of misleading the people of Manitoba by saying, yes, we'll entrench bilingualism, but we won't enforce it. And I accuse the SFM of being pushed by their gurus in the east to entrench French in The Manitoba Act, even though many of 50,000 Francophones do not want it.

No, ladies and gentlemen, I beg you, do not accept entrenchment, because it will only generate more unrest and more hatred than anything ever has before in our province.

**MR. CHAIRMAN:** Thank you, Mrs. MacKenzie. Are there any questions?

Mr. Lecuyer.

**MR. G. LECUYER:** Mr. Chairman, if I understand correctly, Mrs. MacKenzie, the last sentence in your second paragraph, you say, "It has not been well-taught to the Anglophone child who is not in Immersion and is no longer required for entrance to the university." You are saying, in effect, then that unless the

Anglophone child is not in the Immersion Program, he is not being well-taught French?

**MRS. B. MacKENZIE:** No, he is not being well-taught, Mr. Lecuyer. He is not, and I know this from personal experience. He is taught it as a subject, as a single subject. They are taught like parrots. They are taught to repeat and repeat and repeat, until they are so tired of this language that they don't want it any longer.

**MR. G. LECUYER:** Are you saying that this is the way it's taught in Immersion, or . . .

**MRS. B. MacKENZIE:** No, no, no. I don't mean that. No, in Immersion, that is entirely different.

**MR. G. LECUYER:** Mr. Chairman, through you to Mrs. MacKenzie, in the third paragraph on that same page towards the bottom, you say, "You cannot convince that a child who lives in an English home and takes his or her studies in French can be as intensely educated as one whose education is in English." Could you explain that to me in the light of the previous question that you have just answered?

**MRS. B. MacKENZIE:** Mr. Chairman, through you, I will explain this. I attended, as a young person, an all-French school, not an all-French school, we were taught English from 10:00 in the morning, we had French from 8:30 to 10:00. Then the rest of the day, except for the religious study, was spent in English. Many of the girls who graduated from Grade 12 could not get into Normal School, because they couldn't speak English properly because they had been immersed in French at home, and consequently, I don't see how a child who lives in an English home with no assistance - if one parent perhaps speaks French it's different - but if these children are brought up in an English home and their education is in French, they cannot be as well educated as a child from a French home who goes - or one parent is French - who goes into a French class.

**MR. G. LECUYER:** Mrs. MacKenzie, are you familiar with some of the numerous research that has been done on the Immersion programs, which show the contrary to what you have just said on this.

**MRS. B. MacKENZIE:** I understand and I've seen graphs about the Ukrainian children too, Mr. Lecuyer, and you can show all sorts of graphs and you may try to prove something with a graph, but it doesn't prove it to me. I know of a young woman who was accepted at the Lester Pearson College and her education had been in French. She was English but her education had been in French. When she got to the Lester Pearson College she was turned down because her education in Science and Maths was not sufficient.

**MR. G. LECUYER:** Mrs. MacKenzie, I wasn't referring to graphs. I was referring to the numerous tests that were taken or given to students on every one of the academic subjects, including intelligence tests, which disprove what you have just said.

**MRS. B. MacKENZIE:** Mr. Lecuyer would you like to prove this to me? Would you like to invite me to see some of these children? I would enjoy it.

**MR. G. LECUYER:** Well not pretending to answer any of the questions, I can just say to Mrs. MacKenzie - I know this is out of order - but I would gladly supply you the titles and the names of the various research projects and the years and the grade levels tested and so forth.

**MRS. B. MacKENZIE:** Very good.

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

**MS. M. PHILLIPS:** Thank you, Mr. Chairperson. Mrs. MacKenzie, on Page 4 in your first paragraph, you say, "Again, let me say I oppose entrenchment because the SFM and others will never cease to decry that they have been deprived and treated as second class citizens," and I listened, with interest, to all the rest of your brief preceding that. I didn't see anything in the rest of your brief that would suggest that that would be the rational reason for opposing entrenchment. I wonder if you could elaborate on why you oppose entrenchment? Is it just because the SFM want it or because the SFM have been decrying for awhile that they've been deprived? What reason do you - you know you're not talking . . .

**MRS. B. MacKENZIE:** I'm not logical.

**MS. M. PHILLIPS:** . . . anywhere in the brief about what difference entrenchment would make or not make. In fact I would think that if they did have entrenchment, they would cease to decry. That would be the logic to me, so I wonder why you oppose entrenchment on that basis.

**MRS. B. MacKENZIE:** Ms. Phillips, they will never stop saying that have been treated badly. I've heard complaints from the French-Canadians that they were treated badly; that they had to hide their books. The SFM has 500-and-some members and they do not really represent all French-Canadians. They do not. Believe me, they don't. They don't represent me and I'm a French-Canadian.

**MS. M. PHILLIPS:** Yes, Mr. Chairperson, on that basis then, if it's not going to make any difference one way or another, why do you oppose entrenchment?

**MRS. B. MacKENZIE:** I oppose entrenchment because, as I said on the first page, Manitoba was never conceived as a bilingual province. It was not conceived as a bilingual province and furthermore entrenchment will just prove to the French-Canadian that they can gain their point and that point, as far as I'm concerned, is not the right one. They have all their privileges. They got them back in 1980 and Mr. Lyon's Government began translations, began translating the statutes and yet these people are not satisfied. They will never be satisfied.

**MS. M. PHILLIPS:** Are you aware of how many statutes had been translated in the last three years?

**MRS. B. MacKENZIE:** I don't know, but apparently they have till 1989 to translate the remaining statutes. Is that not right? Am I wrong?

**MS. M. PHILLIPS:** The whole 4,000 or 4,500?

**MRS. B. MacKENZIE:** 4,500 will be translated by 1989. I'm sure that Mr. Lyon's Government could have done that equally as well.

**MS. M. PHILLIPS:** Considering they did nine in two years, I don't know how they could do 4,500.

**MRS. B. MacKENZIE:** Nine?

**MS. M. PHILLIPS:** In terms of the services that go along with being able to use either language in dealing with the Government of Manitoba and if, as you say, your opposition is based on the fact that Manitoba was never conceived as a bilingual province, and if, as you say, the SFM are not satisfied now in 1983 with the level of services that they're obtaining and the rate of translation which is the basis of the Bilodeau case, what do you think is a satisfactory way of dealing with that?

**MRS. B. MacKENZIE:** Not entrenching French and English.

**MS. M. PHILLIPS:** Other than entrenching, Mrs. MacKenzie.

**MRS. B. MacKENZIE:** Other than entrenching?

**MS. M. PHILLIPS:** What is a satisfactory way of dealing . . .

**MRS. B. MacKENZIE:** The Supreme Court declared in 1979 that The 1890 Official Languages Act was wrong and so this was rectified and in 1980 the services began. They had every service they could ask for and now they want more and I do not want to see our province - this is my province too - and I do not want to see this province become a bilingual province. As Neil Fraser said, "Avoid bilingualism like the plague."

**MS. M. PHILLIPS:** Would you give me your definition, Mrs. MacKenzie, of bilingualism in relation to this proposed amendment?

**MRS. B. MacKENZIE:** Yes, that the two languages would be absolutely equal and this is not right. What happened to the Selkirk settlers? They arrived here in 1812 and 1813 and no one mentions them. No one has mentioned them. Didn't they contribute something to Manitoba? I asked a question, Mr. Chairman.

**MS. M. PHILLIPS:** My question, Mr. Chairperson, was for a definition of bilingualism in relation to this proposed amendment which deals with provision of services?

**MRS. B. MacKENZIE:** Bilingualism, in my opinion, would mean that the two languages were equal, that you could have French services anywhere that you wished, and that it would be absolutely equal to your English language and in a world where English is the language of business of the entire world, of aviation, you name it, then why should we have two languages

in our province that are equal for 6 percent of the population? It's ludicrous.

**MS. M. PHILLIPS:** My last question then is what is there in this proposed amendment that would lead you to believe that both languages would be required throughout the province in daily life in terms of commerce, aviation, whatever? What is there in this amendment that you see requiring that level of service? You, I presume, have read the amendment?

**MRS. B. MacKENZIE:** Yes.

**MS. M. PHILLIPS:** What is there in the amendment that leads you to believe that is the kind of bilingualism that is being proposed?

**MRS. B. MacKENZIE:** I'm only dealing with (1) of Section 23, that Manitoba would be declared a bilingual province, that French and English would be the languages in the province, and I object.

**MS. M. PHILLIPS:** On that then, Mr. Chairperson, is that not what the 1870 act says then, that was upheld by the Supreme Court.

**MRS. B. MacKENZIE:** That is not what the 1870 act said. It said, it "may" be used. You were given permission to use it. Further along it says, "shall," but in the first instance it says, "may."

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

**MS. M. PHILLIPS:** Yes, based on that then, Mr. Chairperson, if an individual in this province "may" have the right to deal with the government in either language, then is it not logical that the government is able to deal back with that person in either language?

**MRS. B. MacKENZIE:** Would you repeat that question, please?

**MS. M. PHILLIPS:** If you're right, and an individual in Manitoba may deal with the government in either language; in other words, has the right to deal with the government in either language, then is the onus not on the government to, if someone walked in and spoke English, and the person said non, non, mais oui, je ne comprends, whatever.

**MRS. B. MacKENZIE:** That's not bad.

**MS. M. PHILLIPS:** I learned my French in a country school. Would you not say then that the government has an onus to deal back to that person in either language, which I would presume to be a service offered by the government, which we are covering where that will be delivered in this amendment.

**MRS. B. MacKENZIE:** No, for one-sixth of the population of Manitoba, do you think that is necessary? How naive can we be? To give services equal to English for 6 percent of the population, that isn't right. In my estimation, it isn't right.

**MS. M. PHILLIPS:** The Supreme Court said that it was right, and that they upheld that 1870 act . . .

**HON. S. LYON:** Mr. Chairman, on a point of clarification, just so that the witness won't be as confused as the Member for Wolseley. Section 23 says that English and French may be used in the courts, may be used in the Legislature, and that the Journals and the acts of the Legislature shall be printed in English and French. It does not say anything about the full range of government services, as implied by the Member for Wolseley.

**MRS. B. MacKENZIE:** That was my understanding, too.

**MS. M. PHILLIPS:** Mr. Chairperson, with bearing the interruption in mind, and also bearing in mind what offices there were of the government in 1870, and what offices there are of the government today, if a person has the right to come into the Legislature, or in the courts even, and ask for services, then do they not also have the reciprocal right to be answered in that language, regardless of whether they are a minority of 2 percent or 6 percent or 30 percent.

**MRS. B. MacKENZIE:** Ms. Phillips, what about all the other minority groups? What about the 32 other languages that want recognition, that want to have services too, that want their services increased or enhanced by this amendment?

**MS. M. PHILLIPS:** The answer was a question, I don't intend to answer a question, that's not in order, Mr. Chairperson.

**MR. CHAIRMAN:** That's correct.

**MS. M. PHILLIPS:** But she also has the right not to answer my question. I recognize that.

**MR. CHAIRMAN:** Right. Thank you very much, Ms. Phillips.

**MS. M. PHILLIPS:** Thank you very much.

**MR. CHAIRMAN:** Mr. Lecuyer. Mrs. MacKenzie, one more question from Mr. Lecuyer.

**MR. G. LECUYER:** Thank you, Mr. Chairman. Mrs. MacKenzie, on page 3 you refer to a French school built in your area. Would you mind naming this school for me?

**MRS. B. MacKENZIE:** Yes, it was the Noel-Ritchot School in the Seine River Division. We went to court, we went to the lower court and Judge Keith said we had the absolute right as parents to have our case, and his judgment was for us. Then the French, SFM, went to the Superior Court and the Superior Court, I presume - I shouldn't make a statement like that, I guess - were told what to do, and their judgment was against us, and the school was built.

**MR. G. LECUYER:** Earlier in your brief you state that you had no objection to French being taught. Am I

right in understanding that the Noel-Ritchot School that was built, after these years of hassle that you're describing, is a school today in operation with a full-student population?

**MRS. B. MacKENZIE:** I'm not positive of the - may I put it this way - because we have never had children in that school or in the St. Norbert schools, but we are taxpayers in that area, we were told by one of the trustees that we shouldn't have a say in what went on, but I felt that as taxpayers we had the right to have some voice. So, I feel that French can be taught, any other language can be taught, and people should have the right, in their own homes, to speak the language, their ancestral language, if they wish. They also can have their children taught their ancestral language. I have no objection to that, any language, but to have it subsidized by the government is another thing.

Furthermore, the school in Seine River Division, Mr. Lecuyer, or at the least the children in that area, could have used the high school facilities, but no, they said - and I argued this point - they said you had to have a completely separate school with a complete staff, even the caretaker had to be French-speaking, and this is just a little ridiculous!

**MR. G. LECUYER:** I gather you see no problem with a school being built to teach the English language. As far as I can see earlier in your statement, you have no objection to a school teaching the Immersion Program, and I just wonder how you could explain to me your objection in this particular regard.

**MRS. B. MacKENZIE:** Why can't the French children be taught in conjunction in a school where there are English-speaking children too. I attended that sort of a school, it didn't affect my French or the French of the children who attended that school. So, therefore, why do these schools have to be separate?

As a matter of fact, the amendment to The Schools Act of 1970 and 1980 does not state that the French schools must be separate, Mr. Lecuyer.

**MR. G. LECUYER:** I did not state that, of course, but I fail to see that if the need is there, as was expressed, and that's what I'm asking you on, what your objections are in this particular instance, when the obvious need was - obviously shown since the court decided it was a school that could be built; and, of course, the court did not decide that it had to be built, it was the school board that decided that; isn't that the case?

**MRS. B. MacKENZIE:** Yes, the school board did eventually decide that it had to be built, but the necessary school in that area at that time was an elementary school, and the French children could have used the facilities of the high school, and they chose not to, and they proceeded to push this further and further. This is what I am trying to convey, is that the pressures will be on to have more and more services, and this is wrong in our province for 6 percent of the population.

**MR. G. LECUYER:** Mrs. MacKenzie a while ago, in reply to a question of Mrs. Phillips, you said they already

had, since the Supreme Court decision of 1979 and the Implementation Act of 1980, French already had access to all the services they want; would you explain that to me, please?

**MRS. B. MacKENZIE:** In 1980, after Mr. Forest's case in the Supreme Court in 1979, in 1980 the Supreme Court judgment was that you had to return to the 1870 - well the section was 23, was it not? - and so it had to be returned to what it was in 1870, and that did not state that this province was bilingual.

**MR. G. LECUYER:** Well, perhaps you did not understand my question. I was making reference to services which you said were all there, all the services they wanted were there; is it your belief that this decision of 1979 makes provision for services, is that your understanding?

**MRS. B. MacKENZIE:** That was my understanding, yes, but The Schools Act was amended in 1970 and it stated that where there were 23 pupils that French could be taught if the parents required it. Then it was amended, again, to include other languages in 1980, and I have copies of the amendment to The Schools Act. Mr. Schreyer was the Premier of Manitoba at that time, and I think, Mr. Desjardins was the one who pushed this through.

**MR. G. LECUYER:** So, when you say all the services you want, you are referring then to educational services?

**MRS. B. MacKENZIE:** Mr. Chairman, they've always had their French; they taught it in their parochial schools; the school I went to was not a parochial school, they were subsidized by the government, but we had French for two hours a day and we took as heavy a course in high school in French as we did in English. So I can't see why the French ever felt denied, they were not denied, I never felt denied.

**MR. G. LECUYER:** I'll ask my question, again, then. When you are talking about services, when you are saying they have all the services they want, you are referring to educational services?

**MRS. B. MacKENZIE:** I would believe all services, after all, the statutes are being translated. If you go to an office you may ask for a French-speaking person. There is no question that you can get someone to translate for you, and for 6 percent, Mr. Lecuyer, it's just a little ridiculous to want to have equal rights with the English speaking, or the other nationalities in this province.

**MR. G. LECUYER:** Are you saying, then, that they have the services; or that they shouldn't have the services?

**MRS. B. MacKENZIE:** They have the services, they have all that is necessary, but we will not be satisfied.

**MR. G. LECUYER:** Is it your understanding, Mrs. MacKenzie, that the amendment that is proposed is an amendment which extends Section 23 by providing services?

**MRS. B. MacKENZIE:** Well it makes both languages equal, which is completely unfair because of the

population. In 1870 the population was quite different than it is today, Mr. Lecuyer.

**MR. G. LECUYER:** A while ago you stated, Mrs. MacKenzie, that they never lost any of these educational services that you were just referring to a while ago; earlier on you stated that this was reinstated in 1970; is it not true that services were lost after 1916 in the field of education?

**MRS. B. MacKENZIE:** 1916, yes, but they still had their parochial schools in which they taught French as they wished; they had schools where they could teach French, for instance, the school I went to and I went in the 20's, they taught French, they were allowed by the government to do it; and this hiding of books, I never once hid my books. I asked my cousin - as a matter of fact I have relatives who don't speak English - why she hid her books; because she was told by her teacher to hide her books from the inspector.

**MR. G. LECUYER:** You're saying you went to school in 1920 and you took some French; are you saying that you were being taught in French, or you took the subject French?

**MRS. B. MacKENZIE:** I was being taught in French.

**MR. G. LECUYER:** Science, mathematics . . .

**MRS. B. MacKENZIE:** No, no, no, no.

**MR. G. LECUYER:** So you took the subject French?

**MRS. B. MacKENZIE:** No, we had two hours a day. We were not taught sciences or maths in French, those were in English, but we were taught the literature course, the history course, grammar, etc., were all in French, but we were not taught mathematics or science, Mr. Lecuyer, in French.

**MR. G. LECUYER:** But you did take history and other subjects in French?

**MRS. B. MacKENZIE:** Yes.

**MR. G. LECUYER:** In a public school?

**MRS. B. MacKENZIE:** This is the Academie St. Joseph, I'm sure you remember, or maybe you don't remember but St. Joseph's Academy was a girls' school, a boarding school, and it has been torn down, I believe, in the last 15 years.

**MR. G. LECUYER:** Then it is your understanding that the teaching of French after 1916 was legal, the teaching in French was legal?

**MRS. B. MacKENZIE:** No, it was declared illegal; it was illegal and, as I said in my brief, the Archbishop of St. Boniface said he would never forgive the Anglos, and this is why there is bitterness, and it is ridiculous to bear this bitterness forever.

**MR. G. LECUYER:** Then you are saying that the teaching in French that you were receiving was done in illegality?

**MRS. E. MacKENZIE:** No, it was not, it was perfectly legal, the government accepted this. St. Joseph's Academy was a large school in that area, and they did not want to have to build another school, so the government gave them - well not a donation - money each year, a certain sum, for each child in that school division to attend this particular school; but those of us who were French had this French period of two hours a day, and this was allowed, Mr. Lecuyer, it wasn't clandestine.

**MR. G. LECUYER:** Well, you have me confused because awhile ago you said that this act did say that it was illegal to teach in French, and now you say it was perfectly legal to teach French in that school.

**MRS. B. MacKENZIE:** The government allowed the teaching of French from 9:00 to 10:00; we, as French students began school at 8:30 and were taught French until 10 o'clock; then we were taught our religious period, it was a half hour and it was again held in French. Therefore, those of us who were French got this time in French, and I'm sure Mr. Lecuyer that you kept your French because you were probably taught in a parochial school.

**MR. G. LECUYER:** I'll forget it, Mr. Chairman.

**MR. CHAIRMAN:** Ms. Phillips has another question.

**MS. M. PHILLIPS:** Mrs. Mackenzie, I do have just one more question for clarification. You said at the beginning of your brief, you identified that you are of French ancestry and that French is your mother tongue. Could you clarify for me why you referred throughout your presentation on the questions to French-speaking Manitobans as "they?"

**MRS. E. MacKENZIE:** You mean I should have said "we?"

**MS. M. PHILLIPS:** It's just for clarification. I'm just curious as to why you referred to French-speaking Canadians as "they."

**MRS. B. MacKENZIE:** I know, and probably a thought that goes through your mind is this French woman married to an Anglo-Saxon, so she has been brainwashed by this Anglo-Saxon husband, which is not true. This is my feeling. Furthermore, when we were growing up, we never felt part of the French-Canadian community. There was a nucleus of French from France and there were also the French-Canadians. When I phoned, at one time a number of years ago - and this has just a little relevancy - the French Consulate and I asked, because the Art Gallery wanted some French singers and whatnot, I asked them how I could get in touch with these people. At that time, the secretary said to me: "Madam, we do not interfere with anything that has to do with French-Canadians." Never the twain shall meet, which is wrong, absolutely wrong, but that's the way it is.

**MS. M. PHILLIPS:** We and they.

**MRS. B. MacKENZIE:** We and they, unfortunately.

**MS. M. PHILLIPS:** And you are "we?"

**MRS. B. MacKENZIE:** I am of French extraction. I'm a first generation French.

**MS. M. PHILLIPS:** Thank you, Mr. Chairperson.

**MR. CHAIRMAN:** Thank you, Mrs. MacKenzie.

Mrs. Friesen, Mrs. Friesen. Pat Maltman, Pat Maltman. Mrs. B. Holst, Mrs. Hoist. Mr. W. D. Jervis, W.D. Jervis. Ivan Merritt, Ivan Merritt. Luba Kwasney, Luba Kwasney. Dr. Joe Slogan, Dr. Joe Slogan. Beryl Kirk, Beryl Kirk. Sandra Oleson, Sandra Oleson. Walter Kucharczyk, Walter Kucharczyk. Roy Brunka, Roy Brunka. Reeve Clarence Kiesman, Reeve Clarence Kiesman. Lillian Stevens, Lillian Stevens. Heather Stone, Heather Stone. Dino Longhi.

**MR. D. LONGHI:** Slightly unprepared, Mr. Chairman. Perhaps you'll be so kind as to get us some copies. We didn't have the chance to go over it yet. We'll leave it to your discretion.

**DR. E. SABBADINI:** We expected to come tomorrow morning, Mr. Chairman, and we didn't bring any photocopies.

**MR. CHAIRMAN:** You can proceed. It doesn't matter that there are no copies. It'll go on tape.

**DR. E. SABBADINI:** I'm Dr. E. Sabbadini, this is Mr. Longhi. We decided to make a single presentation together to save some time for the committee.

**MR. CHAIRMAN:** You are Dr. Sabbadini?

**DR. E. SABBADINI:** That's right, the next one on the list, Mr. Chairman.

**MR. CHAIRMAN:** Please proceed.

**DR. E. SABBADINI:** We represent the Dante Alighieri Society, which was constituted in Winnipeg in 1966. Its goals are to promote the diffusion of the Italian language and culture and to enhance the social well-being of the Italian community in Winnipeg. In agreement with these objectives, we organize Italian language classes for children and for adults, as well as lectures, conferences and debates on various issues including those on human rights. The society is affiliated to the international organization of Dante Alighieri Societies and to the National Congress of Italian-Canadians. We are mentioning this because the National Congress of Italian-Canadians has signalled to us its support and we were supposed to bring a letter tomorrow morning to show this support from the national organization.

The amendment to The Manitoba Act was initially presented by the government simply as an out-of-court settlement in a legal case that might have resulted in a ruling of the Supreme Court of Canada requiring the Province of Manitoba to translate into French a few thousand statutes enacted since 1890, perhaps in an unrealistic time frame, as suggested by a government pamphlet. Moreover, the government initially suggested that such an agreement constituted a package which

could not be modified. We agree with several groups that constitutional amendments are too important to be accepted without discussion. Therefore, we commend both the government and the opposition for finally agreeing on these hearings.

It has been said that the government should have waited for the Supreme Court to rule on the Bilodeau case before taking any steps. Even if we disregard the fears of the government about the outcome of this case - fears which incidentally we believe to be justified, it is our opinion that this is a political problem involving a minority whose rights have been denied for too many years and should now find its solution in the political process, not in the courts. As a minority group ourselves, we feel that the most appropriate way to deal with the dissatisfied minority is by negotiating rather than compelling them to defend their rights through legal actions.

For this reason, we applaud the government for taking such a positive and compassionate attitude toward the Franco-Manitoban minority.

The proposed amendment extends the original rights contained in Section 23 of The Manitoba Act. We believe that this extension is necessary for several reasons. First the Franco-Manitoban community has significantly suffered because of the unconstitutional Official Languages Act of 1890. The number of Francophones has decreased in the past 90 years because of the closing of French schools in 1916, which would not have occurred had French retained its status of official language of the Legislature. It is not sufficient now to restore the original Section 23, since this would not compensate the Franco-Manitobans for those injustices, nor would it allow them to catch up for what they lost in that period.

Moreover, as pointed out by Alliance Quebec in a previous presentation to this committee, although bilingual government services were not guaranteed in the 1870 Manitoba Act, this need was not felt at a time when government services to the public were almost nonexistent. Government services have now expanded considerably and assuring some of the services in both official languages means simply updating the original rights in agreement with modern realities.

We should also point out that the extensions of French language rights outlined in the proposed amendment are quite limited and should not alarm anybody. Limitations and exclusions are clearly spelled out in the resolution. This assures us that the costs to the community, and we mean both in monetary terms and in terms of possible disadvantages to people who do not speak French, are limited and affordable.

We would like now to come to some specific experiences of the Italian group in another province which illustrates what happens when the majority tries to impose its tyranny on other groups. We are referring to the language laws in Quebec. First the Bourassa Government with Bill 22 and then the present P.Q. Government with Bill 101 prescribed strict rules to prevent the access to English schools to the majority of children from immigrant families. The Italians were particularly vocal in protesting this limitation to their right to obtain services available to other people in the province which turned them into second-class citizens and reduced their mobility within the country. The Italians in other provinces were forced to acknowledge

the reality of the problems they and other minority groups face in this country and consider very seriously what kinds of protections they should seek in order to defend their legitimate rights.

From the Quebec experience, the Italians have learned several important lessons. First, they learned that when the rights of one minority are threatened, all other minorities also suffer. We were with the Anglophone minority in Quebec. We feel that now we should stand up for the Francophone minority in Manitoba. Second, the Italians learned that minority rights must be entrenched in the Constitution to be protected from the whims of changing majorities. Finally, we reached the conclusion that bilingualism is the best way to obtain a uniform protection of rights for linguistic minorities throughout the country. As recently as one year ago, on the occasion of discussions of the newly amended Canadian Constitution, our support for the entrenchment of minority rights and for bilingualism was unanimously confirmed at the National Meeting of the National Congress of Italian Canadians.

When we stress our commitment to bilingualism, we do not mean that this should be applied uniformly to all provinces. Each province has a different history and a different composition of its population. Manitoba, because of its history, is committed to some form of bilingualism but the numbers of Francophones in the province are such that this should be limited in its extent. Therefore, we believe that the limited services proposed by the government are quite adequate and should not be exceeded.

As a group particularly interested in education and in the survival of our language, we cannot omit another consideration which, although somewhat marginal to the constitutional debate, has significant importance for Manitoba. The enlargement of the cultural base of our province and presumably greater popularity of French as a study subject, which we may expect from a larger use of this language in government activities, can only be beneficial to our school system which, in the field of languages and perhaps also in other fields, still leaves something to be desired. We may have something to learn from other countries that put much stronger emphasis on the study of languages than we do.

In relation to this point, we consider the proposed Section 23.9 aimed at protecting legal and customary rights of languages, other than English or French, to be a positive addition to the amendment. However, we would suggest that this should be made even more significant and broadened to include a mention of the right of linguistic minorities to retain their language and culture and to acknowledge the multicultural nature of our society.

That's all, Mr. Chairman, thank you very much.

**MR. CHAIRMAN:** Thank you Dr. Sabbadini. Are there any questions? Mr. Enns.

**MR. H. ENNS:** Dr. Sabbadini, you indicate that your organization was founded in 1966 to promote Italian language culture.

**DR. E. SABBADINI:** Correct.

**MR. H. ENNS:** You indicate to the committee, firstly that was possible in 1966 without any great deal of difficulty, legislatively I might add . . .

**DR. E. SABBADINI:** Certainly.

**MR. H. ENNS:** Certainly, and I assume since 1966 that is what your association has been doing . . . and reasonably successfully.

**DR. E. SABBADINI:** Yes sir.

**MR. H. ENNS:** Why do you present to this committee that you have any concerns that it would not be done so successfully, with or without the passage of this resolution?

**DR. E. SABBADINI:** No, we are not saying that we would not be successful in exerting our rights to teach our children our languages we want. We never denied that. I mean we live in a free country, after all, and we have never found any infringement of freedom to teach our children.

The point which we are making - probably you are referring to the points I was making towards the end - is that our school system is not adequate to the needs of a modern country like Canada. For example, I was very recently, just two or three weeks ago reading an article about the education in Japan, which by the way was written by an American, and he attributes to the much stronger - he was comparing it with the American system not with the Canadian, of course - the much stronger educational system in Japan, the high productivity of this country and he was stressing, among other things, the study of languages. So we believe that it would be good not for us, but for Manitoba, to be much more open to the study of languages, apart from whatever we said previously about French in particular.

**MR. D. LONGHI:** If I may add to it, it's with the same respect that Dr. DeLeyssac, just for information, last night made a strong point with reference to the teaching of foreign languages, all secondary third or fourth languages, with particular reference to the university entrance requirements. Even though we do agree that this is not a matter for a constitutional matter, because of the position of independence of the school boards and the senate of universities do have, but nevertheless the point of general economical benefit and larger multicultural enhancement and overall growth at the technical and humanistic level does exist and needs to be made. Ways and forms by which that can be entrenched in a better atmosphere that would bring about the changes, that we are referring to and suggesting, are a different matter, and certainly not to be dealt with at the constitutional level change.

**MR. H. ENNS:** Mr. Chairman, I find myself in total agreement with both spokesmen here in terms of, particularly their comments about the suggestions - and I think valid suggestions - about improvement in the educational field; particularly, broadening our understanding and emphasis on language . . .

**MR. CHAIRMAN:** Would you speak up, Mr. Enns, please?

**MR. H. ENNS:** . . . instruction in our schools or at the university, but I'm not going to insult your

intelligence, gentlemen. You are putting that forward as a general position with which I concur about the benefits of that kind of enhancement of our education system, but that really isn't what we're talking about here and that's not really what this committee is involved with. You are not recommending to the committee that Italian be entrenched into the Manitoban and Canadian constitution?

**DR. E. SABBADINI:** No, sir, obviously there can be only two official languages. That's quite clear. Our points have been made towards the end, and we did acknowledge that this is a marginal aspect, when we mention about the educational advantage. We did clearly acknowledge that this is a marginal point. The point, obviously for a constitutional amendment, should be of a totally different nature. We agree on that and we made these points earlier.

**MR. D. LONGHI:** If I may add to that perhaps, we would like to strengthen the point in fact that the enhancement and respect of one's right in liberties and humanities and, in constitutional terms, to enhance everyone's right. It is our belief that the simple fact that French will be recognized at the level of the amendment and the extent of the amendment in the entrenchment of those services will in turn have, if I may abuse a political term, a spin-off - or economical term - a spin-off effect in the sense that that is a perception that cannot be quantified. But as immigrants and as people of experience, we do know that it is there, and that is our belief.

**MR. H. ENNS:** Mr. Chairman, not to take issue with the presenters of this brief, but to simply point out and ask a question at the same time, as a legislator I'm asked to participate and approve of the expenditures for the Department of Education every year in this building. I find your statements completely at odds for the problem that I face, because with the expansion of French services and limited dollars, I see it is going to become increasingly difficult to continue that course that we have embarked on in terms of providing instruction in Ukrainian, or in German, or in Italian, where there is sufficient reason for it. It will become increasingly difficult for legislators of the future to find those kind of dollars as we pinpoint the money. This is the question: Would you not agree that if we have to expend considerable more monies in the already strained budget of the Education Department of this province to expand French services, that it will become that much more difficult to do what you suggested a few moments ago . . .

**MR. A. ANSTETT:** A point of order, Mr. Chairman.

**MR. H. ENNS:** Well, Mr. Chairman, this is a question . . .

**MR. A. ANSTETT:** A point of order, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Anstett, state your point of order.

**MR. A. ANSTETT:** Mr. Chairman, clearly you have directed the questions be for clarification, that they not

be argumentative, or debate the brief presented by the delegations. Clearly this question is argumentative, seeks justification, and intends to debate a statement made rather than seek clarification of the witness' position. I would suggest that the question is out of order.

**MR. CHAIRMAN:** The point is well made. Mr. Enns, would you confine yourself to clarifications.

**MR. H. ENNS:** Mr. Chairman, through you to the gentlemen before us, would they care to advise the committee how this same committee, who deals with the Department of Education estimates and expenditures, can on the one hand take seriously the suggestion they just made about the benefits of greater attention to a larger number of languages in the instruction of our children and of our university students, when at the same time they are speaking in support of dedication of considerably more funds and costs to the enhancement and instruction of one particular language.

**DR. E. SABBADINI:** Well, sir, I was educated in Italy. In the secondary schools I studied English and German, and I also had the option - I had to take two languages, that was compulsory, and my options were among four languages. This, in a country much poorer than Canada. So the question is obviously a question of priorities. Obviously, we are advocating languages as a higher priority then it is now. We are not advocating a wholesale study of all languages altogether. We are just saying that languages should be a higher priority than they are now in Manitoba.

**MR. H. ENNS:** Mr. Chairman, I raise these issues because of the obviously orchestrated attempt by the government to convince this committee that all other ethnic minorities' privileges — (Interjections) — on a point of order, are at jeopardy unless this resolution passes in this form.

Mr. Chairman, a further, final question to the Honourable or Dr. Sabbadini - he could win an election, become a Cabinet Minister and it would make him honourable.

**DR. E. SABBADINI:** Am I allowed to ask you a question, sir? Do we have to hear these kinds of things? Do we have to hear that we've been pushed by the government into doing something? We came of our decision, sir.

**MR. CHAIRMAN:** I think you are very right Dr. Sabbadini, that the Member for Lakeside was just reminiscing with himself and I do not think that he should have said what he did.

**MR. D. LONGHI:** I would like to add to that point the implication . . .

**MR. A. ANSTETT:** On a point of order, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, clearly Mr. Enns has raised a point of order. There is not a question. I think

it's improper that witnesses should address a point of order or engage in debate with members of the committee. I think that's out of order.

I think also, Mr. Chairman, you should call Mr. Enns to order for using the ruse of a point of order which is directed to the rules to make an allegation about orchestration. I think that's highly improper and considering the good deportment of this committee in recent weeks, in terms of questioning and the co-operation and the atmosphere that has prevailed in trying to expedite and ensure that everyone is going to be heard in these hearings, it's certainly not the kind of thing that should be done.

**MR. CHAIRMAN:** Order please. One point at a time. The point of order that Mr. Anstett raised is very valid. I would hope we would stick to questions of clarification.

Mr. Graham, what's your matter of privilege?

**MR. H. GRAHAM:** I think we should deal with the matters at hand, rather than making speeches.

**MR. CHAIRMAN:** That's precisely what I said. I'm glad you're backing me up. Are there any further questions? Mr. Enns.

**MR. H. ENNS:** Mr. Chairman, without wishing to appear insensitive to the honourable members who are making this presentation, but it has been of interest to this committee as to who in fact is making the representation of the organizations that they represent and the kind of funding they may or may not receive from provincial or federal governments. Does your organization receive any direct funding from the Provincial Government?

**DR. E. SABBADINI:** Yes, we have been receiving an annual grant for the past, I would say, seven or eight years, I cannot be more specific, from the Provincial Government regularly every year for our schools. We also have been receiving more or less at the same time a single grant for the same purpose from the Department of the Secretary of State.

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

**MS. M. PHILLIPS:** Mr. Chairman, for clarification and referring specifically to your brief, sirs, you say that entrenchment of this amendment is necessary and you have listed several reasons. My handwriting is not very fast, so I tried to get as many of them down that you mentioned as possible. You talked about the past suffering of this minority in not receiving their just due for all those years, restoration as was outlined in 1979 was not sufficient enough compensation taking into consideration the fact that services have expanded from 1870 and that this updates the original rights to the modern reality. Your support for this extension for this amendment is based on your colleagues' experience in Quebec with the two different language laws. Is that correct?

**DR. E. SABBADINI:** Yes, we are fighting for - the issue in Quebec was something that was debated throughout Canada among the Italians and . . . Sorry, perhaps you had not finished with the question?

**MS. M. PHILLIPS:** No, you can finish your answer.

**DR. E. SABBADINI:** As I said, during those debates which we had, we concluded that entrenchment is necessary for minorities. There is no question about this. It's just because of the fact that a new government may decide something different every time, and this did happen in Quebec. If we did have there some constitutional clause to protect us, this would not have happened. So from this point of view, the Italian experience is definitely for entrenchment of minority rights.

**MS. M. PHILLIPS:** Based on that elaboration then, Mr. Chairperson, the experience in Quebec for Italian people, especially new immigrants, if I understand correctly was that under those two pieces of legislation, they were not allowed to have a choice in terms of which school they enrolled their children, French or English. They had to enroll them in French school, is that correct?

**DR. E. SABBADINI:** Well, the two bills were somewhat different. The first was Bill 22 and simply said that children should demonstrate fluency in English before they are accepted into a French school. That was not so bad because it was not discriminatory.

Bill 11 was discriminatory, because it stated that only children whose parents, at least one of the two parents, had been educated in English in Quebec were allowed in English schools. Obviously, you could have the school next door, but if it was an English school and even if it had empty classrooms, you had to send your child somewhere else.

**MS. M. PHILLIPS:** Mr. Chairperson, you stated from that in your brief that you learned, or your community learned, that when the rights of one minority group are threatened, then it impacts on the rights of other minorities and we've had several discussions about the fact that if this amendment is entrenched and it assists in restoring or offering services to the French minority in Manitoba, that it really doesn't do the rest of the ethnic groups any good, that it is useless to them because they don't have rights in the first place.

Based on your brief and what you said, you learned from the experience in Quebec. Are you saying then that you do see restoration and services for the French minority in Manitoba as assistance for other groups who do not have the privilege of the English and the French-speaking people in Manitoba, but is an assistance just the same?

**DR. E. SABBADINI:** Well, first of all, yes. I would say the answer is yes. We see it in an indirect form obviously. We see simply the danger, because if a minority is mistreated, nobody knows who is going to be next. We feel that we should stand up together, all minorities, and in this way we are much stronger and we can defend ourselves.

**MR. D. LONGHI:** And that it is a true conscious assessment of the status that we are as immigrants experiencing in the fight. As earlier reported, Quebec is the reference.

**MS. M. PHILLIPS:** Mr. Chairperson, one of the things that has been presented to us is the fear that once minority rights are restored to the French people in Manitoba ethnic groups will then begin to push to have equal rights in terms of the constitution and in terms of language and services. Are you suggesting that that's not the direction that you see ethnic groups going, or your particular ethnic group, or in terms of having your rights "protected?"

**DR. E. SABBADINI:** First of all, in a political situation each group tries to get something, but the question is a different one. We are talking about official languages in one case, and other languages. All the other ones have no similar rights to French or English. So if we have to state something about other languages, it can be only in a negative form as it was done in the proposed amendment of the resolution, which says that nothing infringes upon certain rights, but it cannot be done in a positive form, say a given language group has certain rights, a right to certain government services. It's still up to the government to decide whether or not they want to do it, and if they do something for us, they're welcome, but if they don't, it's not our right to demand grants or schools or anything like this. It's two different problems really and we don't intend and we don't want to even suggest that English and French should be compared with the other languages. They are two totally different things.

**MR. D. LONGHI:** Just to add to that. That rate rates the position earlier expressed of total support of the proposed amendment of September 6th, which is 23.9 in itself, but further than that, and to this both governments in power during the period of 1969 to this day, including Lyon's Government, has helped the teaching of heritage languages and one expression of such, as the earlier speaker referred to, to a conference that was held last weekend. I would like to clarify one point, that it is thanks to the Schreyer and Lyon Government that today we can have diverse groups coming together to study and work on the peculiar problems of the teaching of ancestral language and the English language in general. It's because of this positive climate and the clear position is that this will be reinforced because of the further reassessment of the entrenchment of French services rights in the Constitution.

**MS. M. PHILLIPS:** Thank you, Mr. Chairman. No more questions.

**MR. A. ANSTETT:** Mr. Chairman, through you to Dr. Sabbadini and Mr. Longhi, I'd like to get further clarification and information about the Heritage Language Program you offer and the funding arrangements for it. Can you tell me how many students are in the program?

**DR. E. SABBADINI:** I still am not positive, it's around 130 to 140 children.

**MR. A. ANSTETT:** When is the program offered?

**DR. E. SABBADINI:** Well, it's at Daniel McIntyre School. The school board offers the rooms free and we pay the teachers.

**MR. A. ANSTETT:** Can you advise what the level of funding - you may not know for the coming academic year, but for, let's say, last year - was from the province and from the Secretary of State?

**DR. E. SABBADINI:** Well again, I cannot quote exact figures, but it's around \$1,500 from each side and this covers every year usually about one-half to two-thirds at most of the total budget; the rest we have to raise from the community.

**MR. A. ANSTETT:** Is it your understanding that this level of funding is done in - well perhaps just for clarification - do you know how the ratio of funding is established to the different heritage language programs? I understand it's basically all about the same. Does it normally cover one-half to two-thirds with the rest?

**DR. E. SABBADINI:** Well both governments have a formula. I happen to remember the formula - well not exactly again - but how it's based, the formula of the Provincial Government, is so much per student and per classroom, so there's an upper limit to the cost. It's been calculated in such a way that it pays about one-third. That's why we have to go to another level of government for something else and we usually go to the Secretary of State Department.

**MR. A. ANSTETT:** Is the Secretary of State grant formula a standard formula that applies across the board or is it flexible?

**DR. E. SABBADINI:** In my understanding, it's more or less a standard formula, but I cannot be 100 percent positive.

**MR. A. ANSTETT:** Has the basic formula changed in any substantive way, other than to allow for inflation, during the succession of the last three governments in the province?

**DR. E. SABBADINI:** The formula was established - again I'm not positive about the date but I think it was 1976, 1975 or 1976 - and it didn't change throughout the successive Conservative Government or the present government.

**MR. A. ANSTETT:** Does your organization or the Heritage Language Program receive any other government funding - municipal, provincial or federal, other than the heritage language funding?

**DR. E. SABBADINI:** Sporadically. For example, sometimes we organize lectures, seminars - whatever you want to call them - to upgrade the skills of our teachers and in those cases again we apply for a specific grant for that purpose just for that year. Other than that, if you want me really to be complete, the Italian Government also helps usually with textbooks, free textbooks.

**MR. A. ANSTETT:** I would like to say I do appreciate you being this frank, because the question has come up with a variety of groups who have suggested they

did receive funding for heritage language programs and I did want to clarify exactly what that arrangement was and how it was supplied.

Mr. Chairman, my final question would then be, is it fair then to characterize the program as something that has been established for a fairly lengthy period of time by governments of various political stripes under a standard formula, which you would then say is not one that's been politically influenced in any way in recent times, federally or provincially?

**DR. E. SABBADINI:** As far as I can say, yes, because it did not depend on the political colours of the governments at all.

**MR. A. ANSTETT:** Thank you very much.

**MR. D. LONGHI:** Just a further point of clarification, if I may, with respect to the enhancement of languages and to remain coherent with the theme that I was earlier referring to, we do have a very peculiar problem in the teaching of heritage languages in schools, because we do have a set number of students and it is becoming harder by the day to put up a classroom of 20 students because children are scarce. That is a problem that we have to deal with, but once again, it is a problem of attitudes that perhaps will then pass a law being with the various levels of government and with the school boards, so that they might not be as reluctant as they have been in amalgamating classrooms so that we can reach that quota, referring to the number of students.

**MR. H. ENNS:** Again, I couldn't agree with you more, it's the School Board policy and it's the Department of Education policy, and we wish you well.

A final question - I take it from, and I regret I don't have your brief before me, that you are either representative or part of a national organization. That is that there's an Italian organization that covers the whole country.

**DR. E. SABBADINI:** It's called the National Congress of Italian Canadians. It's an umbrella organization that covers most of the Italian organizations throughout Canada.

**MR. D. LONGHI:** Just to elaborate on that perhaps, it's two organizations that we are referring to in the brief. One is the Canadian Italian Congress, and the other one is the overall group of world-wide Danté Cultural Societies which exist. Winnipeg is just one branch in Canada, then the national, then the world-wide Danté Cultural Societies.

**MR. H. ENNS:** Thank you for that information. I take it that your objectives as a society are similar across the country to promote and assist in the heritage and cultural background of Italian-Canadians in this country.

Has your association - I raise this, because you raised it in your presentation. You cite the difficulties that you've had in the province and the jurisdiction of Quebec. Has your association received any difficulties, say, in the Provinces of Ontario or Alberta, Saskatchewan, Manitoba, in pursuing the goals and objectives of your

association? Have you made a similar presentation, a plea for entrenchment of minority rights to the legislators of Ontario, say, or of Alberta or of British Columbia? Did your association feel it was necessary to do so to do what your association is charged to do in terms of furthering your objectives?

**DR. E. SABBADINI:** Well, the national organization has dealt with mainly minor problems, I would say. Major problems like those in Quebec, fortunately did not arise in other provinces. Here however, if you allow me, we are making a plea specifically for the French minority rights.

**MR. H. ENNS:** Mr. Chairman, I'm simply trying to get at something. I would understand just from my reading that perhaps in Ontario is the largest concentration of Italian-Canadians, specifically in the City of Toronto, I'm told. Is that a fact?

**DR. E. SABBADINI:** Yes, that's a fact.

**A MEMBER:** Italian capital of North America.

**MR. H. ENNS:** You're well aware that in the Province of Ontario, they are not being asked to, either by Mr. Trudeau - well that's maybe not quite right, but as of lately, they have been asked to - but there's certainly no need for or there is no pressure on the Ontario Government to enact a similar kind of resolution. Yet, the largest concentration of Italian-Canadians exists in that province, and I would assume without too much difficulty in pursuing the aims and objectives of your ethnic minority group. Is that a fair observation?

**DR. E. SABBADINI:** I don't understand clearly the question. What kind of resolution are you suggesting we . . .

**MR. H. ENNS:** Mr. Chairman, to clarify my question, you are presenting - I believe and I believe in the sincerity of your presentation, that it's of considerable importance to your ethnic community, the Italian community of Manitoba, important enough to you to wait all day and to be here to make this presentation in order that your particular minority privileges be maintained in Manitoba. There are more Italian-Canadians in Toronto and Ontario who don't feel jeopardized in any way. At least, I'm not hearing of any presentations made to the Ontario Legislature in a similar way.

**DR. E. SABBADINI:** No, Sir, perhaps you misunderstood the thrust of our presentation then. We don't say that we are here to defend our own rights which are threatened by anybody. They're not. We are here to defend the rights of the Franco-Manitobans, sir. We are here as another minority that understands perhaps much better than the majority groups these type of problems.

**MR. H. ENNS:** Mr. Chairman, with your indulgence, I would simply like to thank this presentation for being candid and very honest. That hasn't always been the case. I speak as having listened to a representation

representing my ethnic minority, the Mennonites, who felt that I could no longer bake zwieback or eat my kind of borscht or soup that I have traditionally have enjoyed unless this resolution was passed. These gentlemen, at least, are presenting it honestly, and simply saying that they're here defending another ethnic minority.

Thank you, gentlemen.

**MR. CHAIRMAN:** Any further questions? Thank you, Dr. Sabbadini.

**DR. E. SABBADINI:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** And Mr. Longhi.

**MR. CHAIRMAN:** The hour being three minutes to - committee rise. The committee shall reconvene at 10:00 a.m. tomorrow.

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