



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

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Wednesday, 14 September, 1983

TIME — 2:00 p.m.

LOCATION — Swan River, Manitoba

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Adam, Cowan and Storie
Messrs. Anstett, Ashton, Brown, Gourlay,
Graham, Nordman, and Scott

WITNESSES: Reeve J.M. McIntosh, R.M. of
Minitonas

Mr. Murray Wenstob, Private Citizen
Ms. Liona Painchaud, Private Citizen
Mr. Jack Fleming, Manitoba Metis Federation
Inc.
Mr. Fleming also presented a brief on behalf
of Manitoba 23
Mr. Ken Fransoo, Private Citizen
Mr. Ron Richards, Camperville Community
Council
Mayor E.A. Hart, Village of Minitonas
Mayor Fred Sigurdson, Town of Swan River
Ms. Debbie Dilts, Private Citizen
Mr. Ed Carriere, Private Citizen

MATTERS UNDER DISCUSSION:

Proposed resolution to amend Section 23 of
The Manitoba Act.

* * * *

MR. CHAIRMAN: Committee come to order.
Mr. Gourlay.

MR. D. GOURLAY: Mr. Chairman, I wonder, there's a couple of gentlemen, Mayor Ed Hart and Reeve J. McIntosh are in attendance and they have other commitments and would not be able to stay, but they would be prepared to proceed now if they could get permission to do that.

Mr. Bruce is not going to be in attendance, No. 25.

MR. CHAIRMAN: What is your will and pleasure?
Mr. Storie.

HON. J. STORIE: Mr. Chairman, in view of the fact that we have made an exception with Reeve Ellingson with respect to moving him up, I would simply ask that if Reeve McIntosh and Mayor Hart have urgent business that would keep them from being here later, that we could certainly extend that courtesy to them. If we did

that, I would assume that we would have to extend the same courtesy to other individuals in the audience, who perhaps particularly for farming reasons, given that weather is such an immediate consideration in that activity, that we provide that courtesy to others as well.

MR. CHAIRMAN: I would caution the committee that the use of motions to move speakers about is not in any way irregular, but there is a long list with a large number of people. The exception was provided to Reeve Ellingson for the express purpose of harvest. If that's the reason involved, or if the committee wishes to recognize other reasons, I'm at your will and pleasure.
Further discussion?
Mr. Cowan.

HON. J. COWAN: I would think, Mr. Chairperson, that given the fact that there is harvesting going on, and given as my colleague, the MLA for The Pas, said the weather can change quickly, we might be well advised to ask those in the audience if there is anyone who has harvesting to tend to and for that reason would request being moved up. I think that would be a legitimate reason for doing so, otherwise if we go beyond that it puts us in a difficult position of attempting to prioritize. I don't know as if we want to deviate from the standard and traditional rules in that respect at this meeting.

MR. CHAIRMAN: Further comment on that, Mr. Gourlay?

MR. D. GOURLAY: No.

MR. CHAIRMAN: Is there anyone in the audience who does have harvest obligations that they are not attending to by being here, who would like to be moved up on the list, including Reeve McIntosh or Mayor Hart? Do you gentlemen have harvest obligations that require your attendance?
Your name, Sir?

MR. J. McINTOSH: McIntosh.

MR. CHAIRMAN: Would you come forward then please.
Please proceed.

MR. J. McINTOSH: Do you want me to read this or do all have a copy of it and you just want to question it?

MR. CHAIRMAN: We normally ask you to read the brief of which you've provided us a copy, sir, and then questions may follow.

MR. J. McINTOSH: Okay. Thank you, Mr. Chairman.
I wish to thank the government and this committee for presenting this opportunity to present views and

receive opinions of the public on this important issue of a constitutional amendment to make French an official language of Manitoba. The Manitoba Act of 1870 provided certain specific uses of the French-English languages in the Legislature, the courts and the printing of statutes, but did not specifically designate one or both as official languages of Manitoba.

At the time The Manitoba Act became legislation it was, in fact, designating the two major languages. Since that time, in the past 100 plus years, Canada and Manitoba have become the home of many, many ethnic groups, each with their own Native tongue. It is now difficult to point out any community in Manitoba that is solely comprised of one ethnic group. Most communities are a blend of various nationalities.

Following the ruling of the Supreme Court of Canada, translation was begun to comply with the ruling, which reaffirmed The Manitoba Act must be used in the courts, the Legislature and printing of statutes.

While I have no objection to bilingualism or multilingualism, I am concerned at the costs Manitobans are faced with if the proposed constitutional amendments becomes law.

You, as well as I, are aware of the very poor economic position of our province. We are in a period where spending restraint is the rule of the day. To cut costs or hold the line on spending has top priority, yet this proposed amendment, in my esteem, is going to cost Manitoba and its public millions of dollars.

The Government of the Day, in a recent brochure sent to all households concerning the amendment, indicated it will be a financial bargain for the province, due to the fact the Federal Government will be contributing financially. I ask you are the public not a source of government funding whether it be Federal or Provincial? There is no bargain for the tax-paying public just because part of the funding is from the Federal Government. Rest assured this will be a very costly amendment for the taxpayer of Manitoba, no matter which government funds it.

Recently, we received a letter from the Honourable Minister of Finance which states, "However, a failure to continue to contain expenditure growth adequately over the next several years could lead to severe financial problems and large scale program disruptions." This is truly a commendable statement from the Minister of Finance of a government proposing a constitutional amendment with the financial implications it carries. This government is proceeding to financially encumber the public of Manitoba with the proposed amendment, which will benefit a small percentage of the population.

The Honourable Mr. Pawley has indicated he proposes to exempt municipalities and school boards. Once this proposal is enacted it will be the courts, not the Government of the Day, who will decide who is exempt and who is not. For this reason it is foreseen potential additional costs for municipal taxpayers: one to provide the basic service and further cost for financing municipal court cases.

In my opinion, if the government is so confident this legislation is good for the province and in the best interest of Manitoba, they should also be confident enough to take it to the public by the way of a provincial referendum. It has been suggested that referendums be carried out on the municipal level, but I do not consider this feasible. Some municipalities may have

all the offices filled by acclamation, thus negating the municipal elections. This is a provincial question and should be decided by provincial referendum to obtain the maximum public input.

Thank you for this opportunity to express my views on the proposed constitutional amendment.

MR. CHAIRMAN: Thank you, Reeve McIntosh. Are there any questions for Reeve McIntosh from members of the committee?

Mr. Brown.

MR. A. BROWN: Mr. Chairman, on the top of Page 2, Mr. McIntosh says that, "Once this proposal is enacted it will be the courts, not the Government of the Day, who will decide who is exempt and who is not."

In your opinion, if we pass this amendment to entrench the French language in Manitoba, do you see a number of court cases coming forward as a result of this, especially in those municipalities that will not be translating their statutes into French?

MR. J. McINTOSH: Oh yes.

MR. CHAIRMAN: Reeve McIntosh. Would you repeat your answer please?

MR. J. McINTOSH: Which?

MR. CHAIRMAN: Would you repeat your answer please?

MR. J. McINTOSH: Yes, I would see that happening.

MR. A. BROWN: Reeve McIntosh, do you - and I'm certain that you must have been in contact with other municipalities on this particular topic. Is that one of the major concerns that the municipalities have, that there will be a lot of court cases that will be resulting as a change in the Constitution?

MR. J. McINTOSH: No, I was not in contact with much other municipalities on this matter since it came up. I was on conflict of interest, as Mr. Adams could well tell you, and some other things. Since I started to look into this, it's very recently.

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

Mr. Storie.

HON. J. STORIE: Mr. Chairman, to Mr. McIntosh, just one brief question . . .

MR. J. McINTOSH: I can't hear you, sir.

HON. J. STORIE: Just one brief question, Mr. Chairman, the bottom of the first page, you express concern that this amendment will in effect cost a good deal because of its effect on extending French Language Services. My question is: if you have any opinion on what the results might be if in effect the government withdrew the amendment and left the decision to the Supreme Court?

MR. J. McINTOSH: I don't know whether I caught all your questions, but any of this thing before you get it, you look what it's cost us for metric and the mistakes we're still having with it. This is going to follow much the same route. You are going to have a lot of people who won't understand it. You can have a converter for metric, yet you've got to get a scholar out of the school that is learning it now to get something out of it pretty near. It's going to be the same with French, unless you can speak it or read it, you're going to be stuck.

HON. J. STORIE: Just a clarification. Mr. Chairman, my question was: if the government does not proceed with this amendment there will be a court case that in effect may in its effect create some additional adverse problems for Manitoba, may require us to undergo other costs and provide other services to the extent - we don't know what the extent will be but it's possible. Have you considered that that alternative may be very expensive as well?

MR. J. McINTOSH: Well, I have considered it some, Sir, but I know it'll cost if it goes to court. But I think if you were to run this in over 10 years, not try to put it in quick, that you would get it in and I don't think the courts would bother you too much if you were working on it, if you set that kind of a goal.

HON. J. STORIE: Mr. Chairman, I am inclined to agree with what Mr. McIntosh is saying and he may know that under the present amendment that there would be no obligation to provide these services, as we believe we are required to do, until 1987, that the amendment provides for the translation of statutes, the ones that are required to 1991, so that in effect this amendment does some of what you are suggesting.

Thank you very much.

MR. CHAIRMAN: There's no question there, Mr. Storie. I asked members to ask questions for clarification please.

Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. Through you to Mr. McIntosh, as a follow-up to the question that was asked by Mr. Storie, when he asked basically if the government proceeded with this amendment it would prevent a court case happening. Do you believe that we should change the Constitution of the Province of Manitoba and the Constitution of Canada to prevent a court case from happening?

MR. J. McINTOSH: You don't just quite catch you, you just don't seem to be speaking into that mike enough to . . .

MR. H. GRAHAM: I'm sorry, Mr. McIntosh. Mr. Storie stated that the province was proceeding with this proposed amendment to prevent a court case from happening. I'm asking you if you believe that the Constitution of the Province of Manitoba and the Constitution of Canada should be changed just to prevent a court case from happening?

MR. J. McINTOSH: I said I wasn't against bilingualism, because I think it'll have to happen some day, but I

would like to see you go just as slow as you could with it to keep court cases from happening.

MR. H. GRAHAM: That's all.

MR. CHAIRMAN: Further questions by members of the committee? Seeing none, Mr. McIntosh, thank you very much for appearing here today.

MR. J. McINTOSH: Thank you.

MR. CHAIRMAN: I didn't see anyone else who indicated that they had harvest obligations and would like priority to appear this afternoon. Seeing no one, Mr. Norman Bruce, Mr. Murray Wenstob.

Mr. Wenstob, please.

MR. M. WENSTOB: I have copies of the brief here.

MR. CHAIRMAN: The Clerk is coming. Please proceed.

MR. M. WENSTOB: The proposed language amendment to The Manitoba Act is being approached without questioning the premise that the agreement for two official Canadian languages must remain unchanged forever and ever. The result of accepting such a premise is that we find ourselves in the present position of expending great efforts to decide how the two official languages should be administered in a multitude of areas, in many of which there is little demand, desire or need for dual services and translation.

The real issue at stake is not the proposed amendment, but rather the long range vision of how we would have Manitoba and Canada. This vision will never be accomplished if we spend our time tilting windmills and amendments.

To question two official languages does not mean a rejection of our Constitution or age old treaties, but rather a recognition that treaties and agreements are but transitory tools for the use of society. No treaty or agreement is eternal and immutable. Our society is not frozen and static. It is fluid and growing. Our responsibility as citizens and legislators is to produce and direct currents within our society that will accomplish our vision.

If our vision is for a Canada in which people in large regions, because of ancient treaties, are required to learn languages they will seldom if ever use, then the proposed amendment is far too limited and weak. If however, our vision is for a Canada in which people are encouraged to speak their ancestral tongue, be it Cree, German, French or English, but a nation which from necessity, reality and desire finds the need to promote a common language, then the present amendment is but a legalistic exercise, with which we must deal, as we move toward the larger vision.

If the proposed amendment is passed, there will be amendment after amendment forthcoming, until we become a nation of two competitive linguistic factions bound together by legalistic agreements, rather than a freely willed harmonious unity. If the present amendment is rejected, the weight of federal laws and courts will be upon us, and lever two competitive

linguistic factions into a forced relationship rather than a freely willed harmonious unity. Thus, either acceptance or rejection of the amendment leaves us in the same position, two competitive linguistic groups, rather than a nation harmoniously living together.

My hope, my recommendation is that the proposed amendment will not be used as a political football directing our attention away from the central vision of what we would have our province and nation be. I would urge that efforts be made to negotiate House agreement on either acceptance or withdrawal of the amendment, so that the co-operative energies may be directed toward achieving the larger vision as our province moves into the next century.

As an addendum, so as not to detract from the body of this brief, the following points, pertinent to the views expressed, are listed separately.

1. The view that there are two official languages is promoted from a paper agreement. Such a view is narrowly historical and dimly realistic. A full historical setting must take into account the language of Aboriginal Canadians and the languages of descendants of those who settled our country. To be in touch with reality, there must be recognition of continuing immigration and existing ethnic cultures within our country. A battle fought and a piece of paper signed does not erase rights and realities.
2. Federal laws, communal guilt and huge government expenditures are used to make us think that unity of language means unity of nation. Language is only one factor in unity.
3. Anglophones who wish to live and work in French-speaking areas should be prepared to learn French and not expect the French speaking areas to learn English to accommodate them. The same is true of Francophones in English speaking areas. However, within reason, services in other languages should be available in larger centres.
4. My own personal background and biases are rooted in a family and a community in which English was not a first language.

Respectfully submitted by myself.

MR. CHAIRMAN: Thank you, Mr. Wenstob. Any questions for Mr. Wenstob by members of the committee?

Mr. Gourlay.

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

I'd like to thank Murray Wenstob for an excellent brief. I think this sums up the views of a lot of people that I represent.

However, I would like to ask Mr. Wenstob if he doesn't feel that after the court case of Georges Forest in 1979 and the following actions that were taken by the Government of the Day to uphold the decision of the court and to implement the bilingual services as and when required, from various parts of the province, was not achieving some of the goals and actions that you identify in your brief?

MR. M. WENSTOB: Possibly it was, but I feel that the more we are led along the path of either legislating

this or going along with the court decisions, having to face the courts with this without questioning the basic premise which, to me, is still not a foregone conclusion, even though it's in our Constitution, it may help, but in the long run they don't address the basic premise of what Canada is.

MR. CHAIRMAN: Further questions? Mr. Ashton.

MR. S. ASHTON: I would like to thank Mr. Wenstob for his presentation. I must say I wholeheartedly agree with his concern that we do make this more of a cooperative effort, and not have it an issue that will divide us. I think everybody can agree with that.

I am wondering, in regard to your comments about Anglophones living in French areas where you don't think there might be another way. Instead of people having to learn French in Quebec, wouldn't it be possible for them to receive service in English from other Anglophones? Similarly here in Manitoba, instead of forcing the people to learn another language, isn't there a different way, a middle way, perhaps, that you can see of having service in the language without forcing it on other people?

MR. M. WENSTOB: Yes. At this point I wouldn't see it forced upon, but as Addendum No. 3 says, "However, within reason, services in other languages should be available in larger centres." But I wouldn't see a wholesale need for bilingual signs in every small town in Quebec or in Western Canada.

MR. S. ASHTON: So, you would agree then with the parts of the amendment which do provide for some French services where demand is significant - that's the word used in the amendment - you would agree with that particular part of it?

MR. M. WENSTOB: Yes.

MR. S. ASHTON: Thank you.

MR. CHAIRMAN: Further questions? Seeing none, Mr. Wenstob thank you very much for appearing here today before the committee.

Before I call the next name on the list I would advise those in the gallery, who may not have been here this morning, that we are now at No. 27 on the list. If your name was called earlier, and you were absent, your name is automatically dropped to the bottom of the list. We have about a dozen more names to call and we'll start again at the top. So the fact that you may have been absent does not mean we are not willing to hear you, you'll just have to wait your turn.

Next is Mr. Ed. Carriere. Mr. Dave Brown, Mr. Brown. Mr. James Parenteau, Abie Parenteau. Liona Painchaud.

Will you be presenting your brief in French?

MS. L. PAINCHAUD: Yes.

MR. CHAIRMAN: The Clerk has just advised me she thought you would. If there is anyone who would like a receiver for simultaneous translation, you can obtain same from the technician near the translation booth. We will take a brief recess while members of the

committee and the public can make that quick arrangement.

(SHORT RECESS)

MS. L. PAINCHAUD: M. le Président et membres du comité. Je me présente ici à titre personnel et je voudrais rectifier l'erreur qu'il y a sur les autres feuilles. Ma présentation sera présentée en français parce que c'est surtout pour moi une question de principes et c'est aussi la question du jour. Je vous présente donc mon point de vue mais je ne désire pas répondre à des questions.

Je désire souligner quelques points au sujet du débat qui fait rage dans notre province depuis que le gouvernement a manifesté l'intention de rectifier le tort qui subsiste depuis 1890.

Notre province a été fondée sur la reconnaissance des droits de la langue, de la culture et de l'éducation française. Quelques années plus tard, les législateurs, surtout pour des raisons politiques, ont choisi d'enlever aux Franco-Manitobains leurs droits. Récemment, ces lois ont été déclarées anticonstitutionnelles. Il me semble que si nos lois sont illégales, il faut questionner la valeur de notre système judiciaire, notre gouvernement et toutes nos institutions. À cause de la gravité de cette situation, cette question de langues officielles devrait se régler sans plus de délai.

Depuis 1896, nous souffrons de la perte de nos droits qui faisaient la base de la création de notre province. Avec la loi 23, nous nous voyons enfin revenir pour nous la justice dans notre province. Comme Franco-Manitobaine, je me réjouis de la richesse qu'apporte les autres cultures. Sans la garantie des droits des Franco-Manitobains à leur langue et à leur culture telle que proposée par la loi 23, les autres minorités au Manitoba n'ont pas de chance de survie.

J'appuie donc entièrement la résolution négociée au mois de mai pour amender l'article 23 de l'Acte du Manitoba.

Merci.

MR. CHAIRMAN: Thank you Ms. Painchaud. Are there any questions by members of the committee?

Mr. Adam.

HON. A. ADAM: M. le Président, j'aimerais tout simplement, sans question, de féliciter et remercier Mme Painchaud pour sa présentation.

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

MR. CHAIRMAN: Thank you Mrs. Painchaud. Next name on our list is Mr. Omer Chartier, Mayor of St. Lazare, Mr. Chartier. Mr. Denis Fouillard. Lucille Chartier. Mathieu Deschambault. Jack Fleming.

Mr. Fleming, please proceed.

MR. J. FLEMING: The brief I am going to read is from the Manitoba Metis Federation, Dauphin Region.

On behalf of the Native Metis people of this province, and to the memory of the founder of this province, Louis Riel, I now take the liberty of thanking those

individuals and groups who ventured forth to defend the existing rights of the French-speaking Metis of this province.

To the Honourable Roland Penner and associates who had the courage to right a hundred-year wrong against the French-speaking Metis of this province. For it was the French-speaking Metis who started the first settlements in this province, which went on to develop into the major towns and cities that existed in this province today.

To the Société Franco-Manitobaine. Manitoba history clearly points out this French language today is a Metis issue. However, this did not stop the French-Canadian people of this province from shouldering this issue on behalf of the Metis people. For it was the Metis of this province who made Manitoba a bilingual province 100 years ago.

To the various minority groups who make up this province's population. To these groups who defended our rights in the country of our origin. I would like to say thank you on behalf of the thousands of Metis (First and Second World War) Canadian soldiers, who defended your rights in the country of your origin.

In late 1869 and early 1870 the first legal provincial government was formed in what is now known as the Province of Manitoba. Both English-speaking and French-speaking provincial delegates elected Louis Riel to be the president of this newly established legal provincial government. A list of magistrates was also approved and other mundane business necessary to run a nation was attended to. A delegate to proceed to Ottawa to negotiate terms of entry into Confederation was chosen. And a final list of Metis' rights was approved by the provisional government to serve as a basis for negotiation with Canada on behalf of this province's inhabitants. Concerning language rights for the Metis of this province, here is what it was on the list of rights for the Metis:

That the English and French languages be common in the courts and all public documents as well as acts of Legislature be published in both languages.

That the Lieutenant-Governor who may be appointed to the then province of Assiniboia should be familiar with both French and English languages.

The Canadian government by its Manitoba Act of 1870 had consented to all demands including in the list of rights of the Manitoba Metis of the Red River and of the Northwest represented by three official delegates of the provisional government received and recognized by the Federal Government's Ministers in Ottawa. Census at the time of Confederation were: 11,963 Manitobans; 1,565 were white of which 249 were born in Canada, 69 in the USA, 125 in England, 240 in Scotland, 47 in Ireland, 15 in France, 28 in various other countries, 747 in the North West, 558 were Native Indians, 9,840 were Native Metis of which 4,083 were English and 5,757 were French and Indian speaking. Note, this census omitted several Indian and Metis tribes who still lived the nomadic lifestyle and omitted 2,000 Metis and Indians.

In closing, I would like to sum up this letter and brief to the people of Manitoba in this manner:

Native Metis people originated on this continent just like any other North American Native nationality today.

The exact time and place of our origin in this continent is historically unknown. According to the North American history, it was before Columbus named certain Native people on this continent as Indians and the French colonists named other Native people as Metis. Although the Metis cannot credit this early French colonist with our origin, we can however credit them with our national and international name of the Metis and the fact that the French language will always remain part of the Metis history forever.

The Manitoba Metis Federation should have input in present and future negotiations with Federal and Provincial Governments. The Société Franco-Manitobaine only represent the French Canadians, not the French-speaking Metis. The MMF represent the French-speaking Metis and at present we support the Provincial Government's position.

In addition to this, Mr. Chairman, I have some papers here from Manitoba 23 and a bit of why they were formed. I would like to at this time also read this out.

Manitoba 23 - there are four articles here of why it was formed:

1. Manitoba 23 was formed in August 1983 in response to the need for public awareness of the proposed resolution extending French Language Services in the Province of Manitoba.
2. The original composition of Manitoba 23 was made up of members of Manitoba's ethnocultural associations. Since the first meeting the group has decided to expand its representation by seeking membership from other other groups including labour, business, religions and professional organizations as well as interested private citizens.
3. The primary objective of Manitoba 23 is to inform Manitobans about the proposed agreement on French Language Services. Manitoba 23 supports the resolution on the proposed amendment to Section 23 of The Manitoba Act as presented in the Legislature of the Attorney-General of Manitoba on July 4, 1983. The group, however, intends to listen carefully to the presentations made at the upcoming Legislative Committee hearings on the proposed amendment.
4. Manitoba 23, however, will remain firm on the extension of French Language Services to French speaking Manitobans. Its views on this issue are a matter of justice, not as a political question.

Further to this, they are going to have a more in-depth brief that will be presented in Winnipeg when they have the hearings in Winnipeg. For any information, the spokesman of this group is Neil McDonald.

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

Mr. Harapiak.

MR. H. HARAPIAK: I'd like to thank Mr. Fleming for coming and giving us the views of the Manitoba Metis Federation and I'd also like to thank you for the background on the Manitoba 23. It'll give the general

public a better understanding of what the aims and goals of Manitoba 23 are. I'd like to know, is the Manitoba Metis Federation part of the Manitoba 23?

MR. J. FLEMING: Yes, they have representatives on the committee.

MR. CHAIRMAN: Further questions? Mr. Graham.

MR. H. GRAHAM: Thank you, Mr. Chairman. Through you to Mr. Fleming, and I want to refer to the last sentence in your presentation. You say, the Manitoba Metis Federation represent the French-speaking Metis and at present we support the Provincial Government's position. Are you saying by that statement that you are not representing the English-speaking Metis, or am I just reading something into that?

MR. J. FLEMING: For the benefit of the French-speaking Metis who we represent, we felt that we would be in favour of the present government's position, but we didn't want to pretend to represent the Société Franco-Manitobaine which I think are going to be presenting their own views. So there is no way we can represent non-Metis French-speaking people.

MR. H. GRAHAM: But at the beginning, you state: On behalf of the Native Metis people of this province and in the end you state that you're supporting the French-speaking Metis. You have indicated that there is both English and French Metis in this province. Are you representing the English-speaking Metis as well? That's my question.

MR. J. FLEMING: The views that we have would probably be of the same benefit as the English-speaking Metis people, but right now we're speaking for the French-speaking Metis, although our views would probably be of benefit to both.

MR. CHAIRMAN: Further questions? Mr. Graham.

MR. H. GRAHAM: In the Manitoba Metis Federation, would you have any information as to the breakdown of the Manitoba Metis Federation, how many are English-speaking and how many are French-speaking in the Manitoba Metis Federation?

MR. J. FLEMING: Yes, we have quite a bit of information in the office that we don't have here today, and if you want this type of information we could probably get it out to you.

MR. H. GRAHAM: But you don't have that information at your fingertips?

MR. J. FLEMING: No, I don't, not with me today.

MR. H. GRAHAM: Have you a ballpark figure, a rough estimation?

MR. J. FLEMING: At this time, no.

MR. H. GRAHAM: Okay.

MR. CHAIRMAN: Further questions from members of the committee? Seeing none, Mr. Fleming thank you, and thank your Federation for making a presentation here today.

MR. J. FLEMING: Thank you, Mr. Chairman.

MR. CHAIRMAN: Is there someone here from the Swan River Friendship Centre? I don't have a name, just the listing, Swan River Friendship Centre. I understand that No. 39 on our list, Mr. Jim Chegwin, has submitted a written brief to the Clerk, which will be attached to the Appendix of the hearings.

I have one additional name added, Mr. Ken Fransoo. Mr. Fransoo. You will be speaking in French?

MR. K. FRANSOO: Part of my text, yes.

MR. CHAIRMAN: Please proceed.

MR. K. FRANSOO: Mr. Chairman and fellow Manitobans.

Je ne suis pas français, alors j'espère que vous m'excusez pour mes fautes. Je me suis senti privé des droits d'apprendre le français pendant des années. Je trouve que le Manitoba, comme province, m'a nié la chance d'être bilingue.

Par exemple, nous avons permis à notre gouvernement de . . . de français dans la formation de . . . Si le français était encore part de notre province, nous ne serions pas dans ce fracas.

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

The rest will be in English.

The Province of Manitoba is in charge of our educational system and has been so since Confederation. Manitoba has also been bilingual from the same period of time, and yet the only development of knowledge in the Francophone field was to pass a law in 1890 to proclaim English as our sole working language. It appears to me that we have been teaching bigotry ever since.

French was not only ignored in Parliament, but also outlawed in schools. When French was allowed in schools the schools could not handle all the students and then, suddenly, we find out that this law passed 1890 is unconstitutional. Here we stand now, French is a part of Manitoba, whether or not we agree on this point is irrelevant. The fact remains that we can make this transaction cooperatively or forced upon us regardlessly. If we cooperate, as the Société franco-manitobaine would like, our province could save ourselves a great financial burden.

We have seen this issue take on a demeaning role as Manitobans. We are not only breaking the law of the land, we are standing up in Parliament refusing to acknowledge that it is the law. This issue is not a political issue, it is however a turning point in the way we are to be governed. Our only choice is to enter into this change in governing with a certain degree of tolerance and open-mindedness. If we gradually accept the recommendations put forward by the present government, I am sure we can come to accept our own roles.

As a child of three, my young daughter was taken care of during the day by a bilingual family. She easily took on both languages. She would come home with me in the car every evening; we would talk in English all the way home. Upon entering the house, she would converse with her mother in French. This made me realize what I have missed as a youth. I was born and raised in St. Boniface, and yet my only formal schooling in French was taught in Grade 8. By this time the additional language was a burden upon me; I subsequently received very little benefit from these lessons. It is a must that our children get more exposure to the French language, and that our big abuse of the French people be sent out of the minds of our youth. We, as Manitobans, should be proud to teach our children, not only the two official languages, but also the languages of our forefathers. Yes, the change to bilingualism is upon us; let us accept the challenge and show the rest of Canada that we, as Manitobans, accept our responsibilities in Confederation which have been neglected for over 100 years.

Merci beaucoup pour votre attention.

I wish not to be questioned. Thank you very much.

MR. CHAIRMAN: Thank you Mr. Fransoo. That concludes the original list that we had for this hearing. I will now recall those names of individuals who were not here on the first go around.

Mr. Richards please, Mr. Ron Richards.

MR. CHAIRMAN: Please proceed.

MR. R. RICHARDS: This brief was prepared by the Camperville Community Council.

The aim of this brief is to present the views of the Camperville Community Council in support of the province's proposal to extend French Language Services and rights in Manitoba.

Camperville, Manitoba, a large community within the Dauphin region in the Province of Manitoba, stands as one of the more predominant and advancing Metis communities in Manitoba. One may ask why is the Community of Camperville interested in the province's proposal to extend French language services and rights in Manitoba? The answer is simple, because we care about issues which happen within our province.

The Community of Camperville is aware that since 1870, Manitoba's Constitution (The Manitoba Act) has allowed for use of English and French in debates of the Legislature and required that both languages be used in the records and Journals of the House. The Manitoba Act also said either language can be used in any court.

Further, the Act required that all our laws had to be enacted in both languages. The Supreme Court challenge arose out of a law passed in 1890 which declared Manitoba an English only province and it is this law the Supreme Court declared invalid in 1979. The community feels that the proposed Manitoba agreement for constitutional amendment will settle once and for all the status of English and French languages. This would then avoid further court cases, thus saving the Provincial Government funds which can be used for other services.

The community is also aware that by 1987, French Language Services will be provided in those area of

the province where there is a significant demand. The Provincial Government by setting the language rights within the Constitution will not diminish the rights of others, but will strengthen the rights of all people within Manitoba, particularly the Metis.

At this point in quoting from the Free Press article titled "Manitoba Metis back amendment" which reads at it's conclusion; "The Metis cannot credit the early French colonists with their origin, we can (the Metis), however credit them with our national name of Metis and the fact that the French language will remain a part of Metis history forever," expresses the exact sentiments from the Community of Camperville.

The Community of Camperville therefore in view of the above mentioned statements hereby offers the following recommendation:

That the Manitoba Government carry-out the proposal to extend French language rights in Manitoba as per the original agreement established Monday, July 4, 1983, without any amendments or further delay and costs to the people of Manitoba.

Conclusion - For many years since 1870, the Metis people have fought to have their rights duly recognized by various provincial and federal governments. To name a few, land claims, aboriginal rights within the new Canadian Constitution, and national recognition. These issues have either dealt directly or indirectly with Metis people from the Community of Camperville. So the matter of extending French language rights in Manitoba becomes another interest shown by the community which reflects an increasing awareness of our own heritage and it's continuing contribution to the building of this province.

Thanks.

MR. CHAIRMAN: Mr. Richards, thank you for your presentation. Are there any questions by members of the committee?

Mr. Graham.

MR. H. GRAHAM: Thank you very much. Mr. Chairman, through you to Mr. Richards, you have stated in your brief that the whole purpose of this is to extend French language rights into Manitoba. Were you aware, Mr. Richards, that occurred again in the province in 1980, with Bill No. 2, that was passed in the Manitoba Legislature?

MR. R. RICHARDS: As I said, this brief is just a view of our Council on this French Language Services Bill. It's our view and whether or not we were aware of this does not change our view.

MR. CHAIRMAN: Further questions for clarification of the brief.

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, the proposed amendment that is before us that has been proposed by the Honourable Attorney-General. I would like to ask Mr. Richards if it's his belief that that proposal extends the French language rights or restricts the French language rights in the Province of Manitoba?

MR. R. RICHARDS: I believe it extends the French Language Services and rights, but not only the French

Language Services, it extends the rights of every ethnic or minority within this province of ours, since our province is composed mostly of minority groups, which is a true mosaic of the Canadian Confederation.

MR. H. GRAHAM: Mr. Richards, have you read closely the proposal that has been put forward by the Province of Manitoba, and the . . .

MR. R. RICHARDS: I have it here.

MR. H. GRAHAM: . . . to bring forward the resolution asking the Federal Government to amend The Manitoba Act, and to add further amendments to Section 23, which in essence spells out the restrictions on the use of French language, and spells out the areas where it will not apply, as compared to Section 23, as it is at the present time, which gives it in the courts and the Legislature?

MR. R. RICHARDS: Well, as I stated there's quite a line of amendments, but as I stated earlier the French Language Services would be provided in those areas of the province where there is a significant demand.

We are not saying that it should be forced into a community like Swan River, or say Cowan, or Dauphin, where they are not in demand, but in a situation or in a community - like we wouldn't expect them to be forced into Camperville since our French population there is about 5 percent, or you know, the French-speaking people in Camperville maybe number 5 percent. But like where there's a significant demand for the French language and the services, then we are saying they should be made available to the French, but not in areas where they are not needed.

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

Mr. Cowan.

HON. J. COWAN: Thank you, Mr. Richards, for the presentation, and for very eloquently explaining to us the position of the Camperville Community Council. I would ask him, in his opinion are there other communities, similar to Camperville, that feel much the same way about the protection of minority rights and the impact that this amendment may have in the future on activities of the government in this regard?

MR. R. RICHARDS: Well, in my travels in this region I feel that the feeling is very strong that minorities, in this case the French, rights should be respected by everybody involved.

MR. CHAIRMAN: Mr. Gourlay.

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

Mr. Richards, at the top of Page 2, in your brief, you say that "The community feels that the proposed Manitoba agreement for constitutional amendment will settle once and for all the status of English and French languages. This would then avoid future court cases, thus saving the Provincial Government funds, which can be used for other services."

Do you not think that when the French and English languages would be entrenched in our Constitution,

that this will not open the avenue for many court cases to come forward?

As you say, in the Community of Camperville there's only perhaps 5 percent French-speaking individuals. Will not those 5 percent take the government to court over certain language issues that they may want to raise, because after Section 23 of The Manitoba Act is amended, making official French and English as the languages of the province, what would be stopping those 5 percent from insisting that they get extended French Language Services into Camperville?

MR. R. RICHARDS: Well, my personal association with these people is probably enough for me to say that they wouldn't go by this. We're getting away from the point here that English and French languages are law in Manitoba and should be entrenched into the Constitution, because then the French language and the English language, and as far as their application in the courts, and in our services, wouldn't be left to the whims of the government in power on that day. The changes in the past have been brought about by the Governments of the Day, but once they're into the Constitution, then they're there to stay, which is, I think, the basis of this whole issue.

MR. CHAIRMAN: Further questions by members of the committee? Seeing none, Mr. Richards, thank you and thank you to your Council for presenting a brief to the committee today.

MR. R. RICHARDS: Thank you.

MR. CHAIRMAN: Mr. Norman Chartrand, Camperville Manitoba Metis Federation Local.

Mr. Chartrand. Mr. Orvil Olsen. Mr. Gordon Ferris. Neil Brown. Walter Kalisnyk. Ken Sigurdson. Mr. Sigurdson. Mayor E. A. Hart, Village of Minitonas. Mayor Hart. Please proceed.

MR. E. HART: Thank you, Mr. Chairman.

Mr. Chairman, committee members, it is indeed a pleasure to be here today before your committee to speak to you on this very important issue, the constitutional amendment of The Manitoba Act of 1870 to entrench French as an official language of Manitoba.

For the record, The Manitoba Act was enacted at a time when Manitoba was comprised mainly of Native Canadians with new settlers of French and English backgrounds and was basically sound legislation. In the succeeding 100 plus years, Manitoba has become, as has Canada as a whole, a melting centre of virtually all nationalities and cultures known, making it the wonderful place we call home. Through this era, one language, English, seemed to take precedence in the Legislature, the courts and general business, contrary to the limited specifics of Section 23 of The Manitoba Act. We do, however, feel English is not really the proper terminology of this prevalent language. Canada and Manitoba, through the melding of many nationalities and cultures, has in fact adulterated the English language as it originated and have, through the blending and mixing of many tongues, created a Canadian language in our mind. It is not English, French, Ukrainian or German, but a blend of many terms, words and phrases.

In 1870, our country was made up of the three cultures mentioned before. Now, in the fast moving 1980's, our country is composed of many nationalities and cultures, and we ask why any one segment of our society rates a preference in having their native tongue constitutionally entrenched. Are we not all Canadians and as such deserving equal status? We think so.

Prior to and during the discussion of this very important issue, the term "losing culture" surfaces. We cannot see how it is really that closely related to legislated linguistics. Culture comes from the home, not from legislation or the courts. It is truly educational to visit Folklorama to see the various cultures that comprise our society. These cultures are passed on from parent to child. However, we do not hear requests to have the various languages constitutionally entrenched to save their culture. We have no qualms with any segment of society speaking their mother tongue. We commend parents for teaching their children another tongue, as it is no doubt beneficial to be bilingual. Linguistics can be legislated, whereas culture must be passed on from generation to generation.

Another term which is referred to in court decisions is "historic language rights." Earlier in my presentation, we referred to the composition of the populace of Manitoba when The Manitoba Act was enacted. We ask you, who has lost more "historic language rights" than our Native Canadians? We are not recommending translation to their varied dialects, nor do we hear linguistic requests from those who have lost the most.

For the past number of years, the government has undertaken translation in compliance with a ruling of the Supreme Court of Canada following the Forest case. The Supreme Court only re-affirmed that the French language must be used for the courts, the Legislature and the printing of statutes. We greatly fear the entrenchment of French Language Services by constitutional amendment is only the tip of the iceberg.

Premier Pawley has indicated that school boards and municipalities will be exempted from this legislation. If this amendment becomes legislation, we foresee court challenges due to ambiguities in the proposal. Surely school boards and municipalities will be challenged.

Section 23.7(1) refers to quasi-judicial or administrative bodies. Municipalities are a junior form of government created by the province. How would their Court of Revision for Assessments or Municipal Board hearings be treated? Are these not quasi-judicial bodies of government? Both deal on a local level with Provincial Government branches and local persons. How can the records of these proceedings be exempted on the municipal level, yet required on the provincial level? We foresee many, many problems for future generations with the proposed legislation.

Section 23.7(2) states, any member of the public of Manitoba has the right to communicate in French or English and receive services in French or English where there is significant demand. What forms significant demand? You know as well as we do, most court cases are made up of two parties, the appellant and the defendant. Therefore, significant demand, in my opinion, could be one person who feels his rights have been infringed upon.

It appears to us the courts, not the Government of Manitoba, will determine what level of linguistic services are required in Manitoba. Surely the judicial system

does not want or need this added responsibility. Furthermore, there will be a deluge of law students at all post-secondary educational institutes once the younger generations realize the guaranteed income derived by debating the court cases necessitated by this constitutional amendment.

As a further result of this proposed amendment, we see serious divisions being created within the province and its communities. What this country and province need is good government, providing sound leadership to ensure Canadian and provincial unity. Legislation inviting court rulings will only fuel emotions and create greater dissension between ethnic groups, communities and possibly even families.

In conclusion, we feel that if the Government of the Day deems entrenchment of linguistic rights is of such importance and benefit to the public of Manitoba, it should have no fear of conducting a provincial-wide referendum to ascertain the opinions of the electorate. This would truly be the democratic process in action.

We thank you for the opportunity to express our concerns on the proposed constitutional amendment and request your serious consideration of the matter before us and the best interests of the public of Manitoba.

MR. CHAIRMAN: Thank you, Mayor Hart. Questions by members of the committee?

Mr. Gourlay.

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

I'd like to thank Mayor Hart for his presentation. I don't have any questions. I think it's self-explanatory, but it does raise a lot of issues that have identified previously.

MR. CHAIRMAN: Thank you, Mr. Gourlay. Further questions?

Mr. Adam.

HON. A. ADAM: Yes, thank you, Mr. Hart, for your contribution here this afternoon. I just have a clarification that I would like on Page 2, where 23.7(1) refers to quasi-judicial or administrative bodies, and you wonder whether or not - how this would affect the Courts of Revision? I believe that if the Courts of Revision are obliged to provide a bilingual service, it would be because of The Manitoba Act, and not because of what is happening here. It's because of the Forest case as the act is now, without the amendments coming forward.

MR. CHAIRMAN: Do you have a question please?

HON. A. ADAM: That clarification, I'm wondering whether you understand that part fully?

MR. E. HART: Well, Mr. Chairman, I think in my brief I mentioned the point of what is significant demand, and if one person were significant demand, then at a hearing in the municipality for instance, we foresee then that you would have to provide the service with the entrenchment.

HON. A. ADAM: In my opinion you might have to do that without amendments to The Manitoba Act as it is now.

MR. E. HART: That's possible.

HON. A. ADAM: Someone could say you have to provide that service, and a court may find that you'd have to do it under The Manitoba Act . . .

MR. CHAIRMAN: Order please, order please. We're engaging in debate and expressing opinions. Questions are to be for clarification.

Further questions for Mayor Hart? Seeing none . . .
Mr. Scott.

MR. D. SCOTT: Just very briefly, Mayor Hart, your reference to referendum in the end of your presentation, as a true democratic process, sir, what in your opinion, therefore, is the role for a Constitution in a country if referendums are going to be used to decide what rights are human rights and civil rights that people have?

MR. E. HART: Mr. Chairman, I believe that I speak on behalf of my council, and perhaps what I say may be my personal opinion at some point, but I think that a contentious issue, I think we summarized at the beginning our feelings about the general area of the two languages that really, if we wanted to settle this in a proper manner, then I think a contentious issue like this should be allowed to have the public involvement at its greatest extents.

MR. CHAIRMAN: Further questions?

Mr. Brown.

MR. A. BROWN: Thank you, Mr. Chairman.

Mr. Hart, we have heard today, we have a number of people made mention to the fact that if we were to entrench the French language, that this would also help other minority groups and the problems that they have with their languages. You make reference to this on your first page where you say that it is truly educational to visit Folklorama to see the various cultures that comprise our society, and these cultures are passed on from parent to child, however, we do not hear requests to have other various languages constitutionally entrenched to save their culture.

Mayor Hart, can you tell me what rights minority groups have in Canada today as far as language is concerned?

MR. E. HART: Mr. Chairman, I myself am of a minority group if I date back to my heritage. I don't feel that my rights have been infringed upon whatsoever.

MR. A. BROWN: Your rights have not been infringed upon, but legally, constitutionally, does The British North America Act anywhere mention any other language but English and French?

MR. E. HART: I couldn't answer that.

MR. A. BROWN: Mr. Chairman, those are the only two languages that are ever mentioned. It is interesting to note since constitutionally those two languages, English and French are the only ones that are mentioned, therefore, it means that constitutionally all the other minorities have no rights.

It is interesting, Mr. Chairman, and to Mr. Hart, to notice that in the amendments that are coming out now . . .

MR. CHAIRMAN: Question please.

MR. A. BROWN: . . . the Attorney-General is putting on Section 23.9. Now nothing in Section 23 and 23.7 abrogates or it derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this amendment with respect to any language that is not English or French. Now, if the minority groups have no legal linguistic rights in Canada, then what does that section really mean?

MR. E. HART: You've read it - Mr. Chairman, I don't have it before me. I really don't know, perhaps you could explain it to me.

MR. CHAIRMAN: Order please.

This is one of the reasons why I've cautioned members to ask questions for clarification of the contents in the brief. Introducing new material and then asking questions would be like asking why do cows fly. Some members in the audience might not really know why.

I'd ask members to please ask questions of clarification of the contents of the brief, because that's what people have come to speak to us about and express their opinions.

Mr. Brown.

MR. A. BROWN: Mr. Chairman, I beg to differ with you. This particular topic has been mentioned a couple of times this afternoon, and it is mentioned in Mayor Hart's brief, so therefore there must be a concern over there, and I was just trying to bring some clarification into this whole thing, that really this amendment, if it is going to be passed, is going to do absolutely nothing for minority groups, because they have no rights legally now as far as language is concerned.

MR. E. HART: Well, Mr. Chairman, I think in the outset of our brief, we indicate that Canada has changed dramatically over the last 100 years. I think that's why we end up with the referendum on this particular entrenchment thing, but I think our feeling is that really our country is made up of so many minority groups today that we feel that there should be one language really. That's what we're sort of saying in our brief, but when we come down to it, our concern of the municipality is the entrenchment of French in Section 23 that would make us perhaps offer services that we are not able to do. That's really our concern. I think we set out stating why we really feel there's no need for the two languages.

MR. CHAIRMAN: Further questions for clarification of the brief.

Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman.

Mr. Hart, you have expressed a concern over this significant demand factor that is present in the proposal that the Attorney-General is placing before this

committee. You are not the only one that has expressed that concern. We've heard it from many other groups.

Am I correct in the case that you put before us that when it comes to a court case, there's only two people. There's the appellant and the defendant, and you feel that is significant demand at that particular time, is that right?

MR. E. HART: Well, that's a question, I think actually is asked as a question. We think yes, that would be significant demand. It was in the case of Mr. Forest.

MR. H. GRAHAM: Mr. Chairman, through you to Mr. Hart, the Attorney-General has promised that he would further define the words "significant demand." Would you suggest that be defined as being one or more or have you any specific figure to put to that?

MR. E. HART: I have no specific figure.

MR. H. GRAHAM: Thank you.

MR. CHAIRMAN: Further questions? Mr. Graham.

MR. H. GRAHAM: Not a question, I just want to thank Mr. Hart for giving us the benefit of your particular concern about "significant demand."

MR. CHAIRMAN: Mr. Hart, thank you very much for being here on behalf of your council.

Mayor Fred Sigurdson, Town of Swan River.
Mayor Sigurdson, please.

MR. F. SIGURDSON: Mr. Chairman, and members of the board. The Town of Swan River is pleased to be given this opportunity to express our objection to the proposed amendment to The Manitoba Act by the Government of Manitoba.

They wish to point out that their objections are not being made in any way as anti-French or anti-French language. They are quite aware of the role French people made in the early history of our Province. They are very proud of all our heritage.

When the Province of Manitoba was created in 1870, Section 23 of The Manitoba Act gave certain protections and rights to those people who communicated in French only.

Let's quote Section 23 of the Manitoba Act: "Either the English or the French Language may be used by any person in the debate in the House of Legislative, and both the languages shall be used in the respective records, and Journals of the Houses, and either of these languages may be used by any person, or in any pleading or process, in or issuing from any Court of Canada established under the British North America Act of 1867 or in or from all or any of the Courts of the Province. The acts of the Legislative shall be presented and published in both these languages.

This clearly defined the area in which both languages were available. One which Manitoba can provide without undue hardship or costs to the people of Manitoba.

They are aware that this section of The Manitoba Act was repealed by the Government of Manitoba in or about 1890. They are aware that this was reinstated by the Supreme Court in 1979. They are also aware

that all the acts of Manitoba were challenged as to their legality by being printed in only one language. They understand this challenge is still before the courts.

The Manitoba Government now proposes to amend Section 23 of The Manitoba Act by making English and French the official languages of Manitoba - they further propose to entrench this in the Constitution of Canada.

The Council wonder if they fully realize the ramifications that this can create. That there will be no limits on forced printing, etc., in both languages, by all levels of government. There will be many costly challenges in the courts. All this will be a costly process for all levels of government.

The government claims that this action will not affect Municipal Governments. There is ample proof that the forces who want French and English entrenched the official languages of Manitoba in the Constitution will continue until it includes all levels of government. The Premier of Manitoba has attempted to ensure municipalities that they will be excluded from the proposed amendment. At the same time the Department of Municipal Affairs was printing a booklet, entitled, Manitoba Municipal Election, information for Prospective Members of Council. Half the book is printed in English - half the book is printed in French. To Council this is clear evidence of basic intent. Intents have a history of becoming reality. Only the Courts will be able to say when. Eventually all municipalities will be required to print everything in both languages at an exorbitant cost.

Finally to prevent these tremendous costs, the Council of the Town of Swan River strongly recommends that the present proposed amendment to the Manitoba Act not be proceeded with but be stopped completely where it is now.

If the Manitoba Government does not see fit to do this, then our second proposal is that the Government of Manitoba delay any further action and hold a provincial wide plebiscite at the time of the Municipal Elections in October. Let the people of Manitoba make this important decision in a democratic manner.

Respectfully submitted on behalf of the Council of the Town of Swan River.

MR. CHAIRMAN: Thank you, Mayor Sigurdson. Questions by members of the committee? Seeing none, Mayor Sigurdson, thank you very much for your presentation. On behalf of your council, the committee thanks you for being here today.

Mr. Ken Mikoleyenko, please.

Albert Strilkewski.

Debbie Dilts. Ms. Dilts, please.

MS. D. DILTS: Gentlemen, I must apologize, I didn't make copies of this but I will make it available to anyone who cares to see it after I read it.

MR. CHAIRMAN: Please proceed.

MS. D. DILTS: Mr. Chairman, gentlemen of this panel. I have attended this meeting to voice my opinion of the proposed legislation which is as follows:

I am pleased to see that this government respects the rights of its minorities enough to come out of the closet and entrench the French Language Rights in law,

for these amendments will complement the Federal Charter of Rights. It would be hypocritical, if not illegal, to ignore this problem further. Also, I am pleased by the fact that there is a realistic method which has been worked out for the cost sharing between the Federal and Provincial Governments. If these rights are not dealt with now but left for a Supreme Court ruling, the cost will be much higher with some 4,500 statutes which may have to be translated instead of the proposed 500.

Finally, even though it is a limited agreement for the Francophone communities, it does demonstrate the good will of the NDP toward those of us from different ethnic backgrounds. On those bases I say we must support the government on this issue, for to turn against them would be to turn against ourselves.

Thank you.

MR. CHAIRMAN: Thank you, Ms. Dilts. Any questions by members of the committee?

Mr. Cowan.

HON. J. COWAN: . . . our expression of thanks for Ms. Dilts for coming forward and presenting a brief.

MS. D. DILTS: Thank you.

MR. CHAIRMAN: Ms. Dilts, Mr. Cowan, I think, expresses the sentiments of the whole committee. Thank you very much.

Mr. Ed Carriere - Mr. Carriere, please. Mr. Norman Bruce - Mr. Bruce, please. Mr. Dave Brown, Mr. James Parenteau, Abie Parenteau, Omer Chartier, Denis Fouillard, Lucille Chartier, Mathieu Deschambault. Is there anyone here from the Swan River Friendship Centre?

I am advised by the Clerk that the brief of the Swan River Friendship Centre is still being typed and was going to be submitted by 4:00. If the committee was unable to hear them, they would submit it in writing through the Clerk.

Mr. Storie.

HON. J. STORIE: I believe at some point, the Member for Swan River indicated that there were a couple of people planning to be in attendance from out of town. I wondered if anyone had any idea of when those people might arrive, because I certainly wouldn't want it to happen that someone came from out of town and found that the committee had risen when they had been intending to present a brief.

MR. CHAIRMAN: I can advise the committee that Mr. Carriere spoke to me immediately after the 12:30 adjournment, and advised that he could not be back until 4:00 this afternoon. He would be returning at approximately 4:00. I understand from Mr. Graham earlier this afternoon that he expected Mr. Chartier, Mr. Fouillard, Mrs. Chartier and Mr. Deschambault to be here later this afternoon.

What is your will and pleasure? I believe we have exhausted the list. I will call the names one more time in case anyone has arrived.

Norman Chartrand, Orvil Olsen, Gordon Ferris, Neil Brown, Walter Kolisnyk, Ken Sigurdson, Ken Mikoleyenko, Albert Strilkewski, Norman Bruce, Ed

Carriere, Dave Brown, James Parenteau, Abie Parenteau, Omer Chartier, Denis Fouillard, Lucille Chartier, Mathieu Deschambault.

Is there anyone else in the audience who wishes to make a presentation to the committee who has not given his or her name to the Clerk? — (Interjection)

Please come forward to the microphone. Mrs. Allen has requested consideration of the committee to make a second presentation. What is your will and pleasure?

HON. J. COWAN: Certainly.

MR. CHAIRMAN: Please proceed.

MRS. A. ALLEN: In conclusion - I was going to have this at the last - I want to tell the committee that many people have expressed their opposition to the proposed amendments to Section 23 of The Manitoba Act. Nowhere in the 1981 election campaign did the NDP indicate to the people they were going to amend our Constitution. Any government should seek a mandate to do this before implementing a matter as important as changing our constitution.

When people found out I was presenting a brief, they called me to ask how they might register their objection. Many said, if the weather was good, they probably could not attend this hearing. Others told me that they didn't feel comfortable in making a formal presentation. So people could have an opportunity to record their objection to the amendments, I prepared a petition for them to sign which reads as follows:

"We, the undersigned, are opposed to the proposed amendments to Section 23 of The Manitoba Act which includes the entrenchment of French and English as the official languages of Manitoba and the entrenchment of language services within the departments of government, Province of Manitoba."

I personally took these around for people to sign, and other petitions were left at places of business in Mafeking, Birch River, Alpine, Bowsman, Kenville, Benito, Minitonas, Cowan, Pine River in addition to Swan River. These were signed voluntarily by individuals of different political affiliations.

Mr. Chairman, I am pleased to table this petition with approximately 1,000 names for the benefit of you and other members of the committee. If this area of Manitoba had been more adequately canvassed, it is my opinion that over 75 percent would be opposed to what this government is trying to implement. This is submitted by Alice Allen.

MR. CHAIRMAN: Thank you, Mrs. Allen. The Clerk will take the petition document from you. Are there any questions for Mrs. Allen with respect to her second presentation.

Mr. Scott.

MR. D. SCOTT: Mrs. Allen, I've got a couple of questions. First, were you a part at all of the development of the presentation along with your mayor

MRS. A. ALLEN: Pardon me?

MR. D. SCOTT: I guess to clarify it, are you a member of city council?

MRS. A. ALLEN: Yes, I am.

MR. D. SCOTT: You are. So were you also a part of the preparation on the city council's brief?

MRS. A. ALLEN: No, the mayor made the brief himself. I appear as a Canadian citizen, member of Swan River. I'm a Canadian citizen, and that's why I had my own brief.

MR. D. SCOTT: Okay, thank you.

MR. CHAIRMAN: Further questions? Mrs. Allen, on behalf of the committee, thank you very much.

Gentlemen, can I suggest that the committee take a recess until 4:00 in the event that some of those who are late in arriving will then still be given an opportunity to make a presentation? If at such time there are no further briefs, I will entertain a motion for the committee to adjourn.

Committee is recessed for 20 minutes until 4:00.

I will go through the list of names. I see Mr. Carriere has arrived. I don't believe anyone else has, but we'll make one last call through the list.

Mr. Norman Chartrand, Orvil Olsen, Gordon Ferris, Neil Brown, Walter Kolisnyk, Ken Sigurdson, Ken Mikoleynko, Albert Strilkewski, Norman Bruce, Dave Brown, James Parenteau, Abie Parenteau, Omer Chartier, Denis Fouillard, Lucille Chartier, Mathieu Deschambault, Swan River Friendship Centre.

Mr. Carriere, please.

Please proceed.

MR. E. CARRIERE: Mr. Chairman, I shall make my presentation firstly in French, and then in English. I don't think you will need translation because I will be repeating the same thing in the English, but if you like to, it's up to you.

M. le président, je veux m'adresser à la question des amendements de la Section 23 de la loi du Manitoba et à la section 43 de la Constitution du Canada.

Je suis en opposition aux amendements de ces deux documents à cause de les points suivants.

En premier lieu, il faut le dire la Société franco-manitobaine ne parle pas pour moi. Quand il fut décidé de négocier avec le provincial, le fédéral, la Société se décida à sa propre initiative. Elle ne s'informa pas d'aucune personne dans cette région. Elle agit et a reçu l'approbation de ses membres de Winnipeg. Je trouve la Société présomptueuse de prétendre de parler pour tous les Franco-Manitobains.

D'après notre membre de la Législature, le gouvernement a fait des concessions profondes. Mais c'est vraiment le contraire. Les amendements ne font que édulcorer la section 23. En effet, si les amendements deviennent loi, la loi de 1890, si la langue légale doit être établie à cause de la section 23.3(2), même quand la Cour supérieure l'avait déclarée illégale en 1979.

Nous, les Franco-Manitobains, avons attendu 93 ans pour que la communauté du Manitoba respecte nos droits au français. Les amendements nous demandent d'attendre un autre dix ans. C'est vraiment un injustice. Nous avons déjà attendu trop long. Si nos gouvernements avaient été aussi démocrates qu'il

croyaient l'être, les questions devant nous n'existeraient pas aujourd'hui.

Les services en français vont être disponibles seulement qu'à certaines régions décidées par les trois négociants. Et nous les autres, nous avons les mêmes droits et nous comptons de recevoir les mêmes considérations. Les droits devraient être respectés même si les membres ne le justifient pas.

Je comprends les problèmes du gouvernement quand il s'agit de traduire 4,500 droits écrits. Je suis au courant de la traduction de ces droits est très complexe. Mais si le gouvernement désespère, rien ne se fera. Qu'il continue à traduire à leur propre train et il l'achèvera finalement.

Aussitôt que les lois anglaises affecteront les francophones, elles seront contestées en cours et traduites et l'accumulation de la traduction disparaîtra aussi vite.

Je suis Canadien français mais je ne puis faire autre que faire instruire mes enfants qu'en anglais. J'étais marin quand j'élevais ma famille et je suis affecté au côté. Le français n'était pas disponible dans ces régions. Ce fut une perte pour mes enfants et pour le pays. Et pour moi une grande déception.

Alors je m'oppose vivement à l'éducoration à la section 43 de la Constitution du Canada. En appliquant des limitations artificielles une fois qu'on a emprunté sur la Constitution, comme le cancer, sera . . . à la mort. Je suggère qu'on protège ce qu'on a et qu'on augmente la section 23 et 33 en respectant les droits de tous les francophones du Canada.

Si nous limitons certaines de ces deux documents, nous reculons et nous ne devons pas le tolérer.

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

Mr. Chairman, I would like to speak on the issues of the amendments of Section 23 of The Manitoba Act and Section 43 of the Canadian Constitution. I am against the amendment of any of these two documents for the following reasons.

At the onset, I would like to say that the Franco-Manitoban Society does not speak for me. When it decided to negotiate with the provincial and federal governments, it did so on its own initiative. The Society has never asked anyone in this area for any input. It acted and then got ratification from its members in the Winnipeg area. For this society to speak for all Franco-Manitobans is rather presumptuous.

In our MLA's opinion the amendments were sweeping concessions by the government; quite the contrary. What the amendments do, in effect, is water down Section 23. In fact, if the amendments were to remain as is, Section 23.3(2) would re-establish The Official Language Acts of 1980 as law, in spite of the Supreme Court of Canada decision in 1970 to invalidate it. We Franco-Manitobans have waited 93 years for our rights to French, respected by the whole Manitoba community; now we're expected to wait another 10 years. This is an injustice, we have waited too long as is. Had the governments of Manitoba been as democratic as it purported to be, the issues that we are facing today would not exist.

The French services will be available only in certain designated areas according to the triparty negotiations.

But what about the rest of us Manitobans? We have the same rights and expect the same considerations. Numbers should not be a factor, everyone's rights should be respected.

I can sympathize with the government when it faces the dilemma of translating 4,500 statutes; I am fully aware that translating these statutes is very complex, however, if the government sits on its hands because there are just too many to do, nothing will get done.

I suggest that the translations continue at whatever pace can be achieved, eventually it will be accomplished. As the laws written in English only become a vital interest to the Franco-Manitobans and are challenged in the courts, then translated, the backlog will quickly decrease and only those less important will remain and get the time needed for translation.

As a French-Canadian, I had to educate my children in the English language only. As a sailor during the time I was raising my family, I was posted to various parts of Canada, French education was not available. This is a loss to my children and to the country, and a great disappointment to me. Therefore, I feel strongly against the dilution of Section 43 of the Constitution of Canada by imposing artificial limitations which seem to affect only Manitobans. For once an inroad has been made in weakening the Constitution; it will grow like a cancer and soon there will be no Constitution.

I propose that we protect what we have and expand on Section 23 of The Manitoba Act, and Section 43 of the Constitution of Canada, by respecting the rights of all Francophones in Canada. Limiting any part of these two sections is retrogressive and should not be tolerated.

I thank this committee for the opportunity of appearing before it and of expressing my views on such an important issue.

MR. CHAIRMAN: Thank you Mr. Carriere. Questions from member of the committee?

Mr. Graham.

MR. H. GRAHAM: Thank you, Mr. Chairman, through you to Mr. Carriere, I have to admit that my knowledge of French is not what I would like it to be and so I didn't follow exactly the wording in the French presentation. But in your English presentation, when we come to the bottom of Page 1, you said "In fact, if the amendments were to remain as is, Section 23.3(2) would re-establish The Official Language Act of 1890." In your presentation I think you said 1980. Was that just a slip of the tongue or . . .

MR. E. CARRIERE: It was a slip of the tongue.

MR. H. GRAHAM: That's what I wanted to know. Thank you.

At the same time, through you to Mr. Carriere, I want to thank you, Mr. Carriere, for putting on the record your personal point of view on this matter and I think I, as one member of this committee, would like to thank you for the frankness with which you have presented your views.

MR. CHAIRMAN: Thank you, Mr. Graham.
Mr. Scott.

MR. D. SCOTT: Thank you, Mr. Chairman. Mr. Chairman through you.

Sir, I would like to commend you as well, both personally, and I guess on more or less on behalf of the committee, for what, as Mr. Graham has said, has been a very frank and honest presentation. It is a presentation that I think is based on one very strong fundamental truth, and that is that constitutions are essential for the existence and the order in the democratic society.

I'd like to have your opinion as to what would happen if governments moved away from respecting constitutions and broke constitutions at will, what sort of . . .

MR. CHAIRMAN: Order please. Mr. Scott could you advise which particular part of the presentation you're asking for clarification upon?

MR. D. SCOTT: Yes, if you look at Page 3, he states in the last sentence of the first paragraph, Mr. Chairman, you say that there will be no constitution, once an inroad has been made into weakening a constitution.

What, in your opinion, is the impact when a government does not recognize and respect the constitution under which it governs?

MR. CHAIRMAN: Mr. Carriere.

MR. E. CARRIERE: We have many examples of this happening now in Chile and Peru, and many other parts of this world. I can see that they would go in the same direction if we allowed inroads into chipping away at the constitution.

MR. D. SCOTT: Thank you very much, Sir.

Further to that an extension of that on the issue of dealings, as many people have suggested today, to deal with constitutional amendments by referendum. What is your opinion of using referendums as a form of a constitutional amendment?

MR. E. CARRIERE: The way I see it, and the way I feel about it, is that the majority will rule. The majority being American Anglophones in Canada, the referendum for any minority would very likely lose.

MR. D. SCOTT: Along the same lines on another issue of using referendums, what do you think would be the chance of the rights that the Native people in Canada have and the Metis people in Canada have, if their rights were to be subject to a constitutional amendment, just as is being proposed, towards the rights of French-speaking Manitobans to services from their government in French, or a referendum I'm sorry?

MR. E. CARRIERE: I would hope the referendums would establish any of the minority rights being Metis, Indian, or French-Canadian. As I said, in answering your previous question, I don't believe that the majority of Anglophones would allow anything like that to happen.

MR. D. SCOTT: Merci, beaucoup pour important présentation. Il était réponse, Monsieur Carriere.

MR. E. CARRIERE: Si.

MR. CHAIRMAN: Any further questions by members of the committee?

Mr. Gourlay.

MR. D. GOURLAY: I'd like to thank Ed for his presentation this afternoon.

I would like to ask him though, you mention at the bottom of Page 2 "As a French-Canadian, I have had to educate my children in the English language only." You travelled throughout Canada where there was no French education available.

Were you located in places where there was absolutely no French instruction in schools?

MR. CHAIRMAN: Mr. Carriere.

MR. E. CARRIERE: Not absolutely none; there was French classes in the senior highs. But at the time my children were going through the system, they hadn't reached that level until they came back to Manitoba.

When we came to Swan River, there was a certain amount of French education here in this Valley. The last 10 years it has been continually decreased, until there was a time when there was only one class in French education in any of the junior highs and one class in the high school.

That, since the last two or three years, has been improved upon with the immersion classes. I understand that they've doubled the number of classes this fall and I can see that it's getting better all the time.

MR. D. GOURLAY: Does Mrs. Carriere speak - is she bilingual?

MR. E. CARRIERE: No she's not.

MR. D. GOURLAY: Mr. Chairman, I take it from your presentation that you would suggest that significant demand, or significant number, would mean one or more in your case?

MR. E. CARRIERE: The word "significant" by itself eliminates the number one, because significant numbers is always plural, it's going to be more than one.

MR. D. GOURLAY: However, in your brief you're saying that numbers should not be a factor, so that one, in your case, would be enough to proceed with French Language Services?

MR. E. CARRIERE: I think so. Let's take an example again of this Valley. If you travel 110 miles from Swan River you can hear French on your radio; you cannot hear French in the Valley. I mean 110 miles in any direction. Now I wonder why that is that you can hear French up North and you can't hear it here; you go south, you can hear it; you go in Saskatchewan you can hear it; not here in Swan River.

MR. D. GOURLAY: Well, you can expand that further. You can't hardly get any Manitoba radio stations, period, in Swan River. You get Saskatchewan, but it's very difficult to pick up Manitoba.

MR. E. CARRIERE: You do have a point. It's a little weak, but they are there.

MR. D. GOURLAY: Do you not think, Mr. Carriere, that it is expecting too much of the taxpayer to be able to provide two full language services in a school, where obviously you feel that, you know, the service should be supplied to one or more persons? But in order to do that, you have to have a full complement of teachers through the system and that's just, I think, beyond the capabilities of taxpayers to kind of foot that bill. Is this what you're saying? That we should, regardless of the numbers of populations of French or English in a community, that both language services should be provided at any cost?

MR. E. CARRIERE: Maybe I should answer it in this fashion. If there was a bilingual school system in the Valley, people would start learning French right away. There wouldn't be any problem because the parents would be educating their children in the official languages, which is a requirement of parents to teach or educate their children the best they can.

If you were, for instance, to limit your students or your children to learning mathematics in high school, we would have no one or have very few people skilled in that concept. We do start mathematics right in the beginning. We teach English right in the beginning. If we're going to teach another language, I believe that's where we ought to start, not in high school. Perhaps initially will be quite a high price to pay, but I think the outcome and the benefits outweigh the costs.

MR. CHAIRMAN: Any further questions by members of the committee? Seeing none, Mr. Carriere, on behalf of the committee, thank you very much for being here today.

MR. E. CARRIERE: Thank you.

MR. CHAIRMAN: Gentlemen, I believe that concludes the business before the committee unless there is anyone else who wishes to make a presentation to the committee today in the audience.

Mr. Storie.

HON. J. STORIE: Mr. Chairman, . . . from the Swan River Friendship Centre who had a brief or would like to present one.

MR. CHAIRMAN: I believe the Swan River Friendship Centre's brief is going to be presented in Ste. Rose because it is unavailable today, I'm advised by the Clerk.

HON. J. STORIE: Thank you.

MR. CHAIRMAN: Is there anyone else in the audience who wishes to make a presentation to the committee today? Hearing none, committee is adjourned and stands adjourned until 10:00 a.m. Friday of this week in Ste. Rose.

Thank you, ladies and gentlemen for being here today.