



**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*



MG-8048

**VOL. XXXI No. 29 - 7:30 p.m., MONDAY, 19 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>	Virден	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**

**Monday, 19 September, 1983**

**TIME — 7:30 p.m.**

**LOCATION — Brandon, Manitoba**

**CHAIRMAN — Mr. Andy Anstett (Springfield)**

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Adam, Evans, Bucklaschuk,  
Penner and Uruski

Messrs. Anstett, Graham, Malinowski, Blake,  
Nordman, Mrs. Oleson.

**WITNESSES:** Mr. Ernest Buhler, R.M. of Hamiota

Mayor John Rankin, Mayor of Hamiota

Reeve John Mitchell, R.M. of Rossburn

Mayor Ken Carels, Town of Melita

Mr. Mervin Tweed, R.M. of Brenda

Reeve Kenneth Rapley, R.M. of Strathclair

Reeve Sydney J. Lye, R.M. of Portage la  
Prairie

Ms. Margaret Hammel, Group of concerned  
citizens.

**MATTERS UNDER DISCUSSION:**

Proposed Resolution to amend Section 23  
of The Manitoba Act.

\* \* \* \*

**MR. CHAIRMAN:** Ladies and gentlemen, we have a quorum. Committee come to order. The next name on our list is Mr. Ernest Buhler, R.M. of Hamiota. Is it Reeve Buhler?

**MR. E. BUHLER:** No, it's not.

**MR. CHAIRMAN:** Okay, Mr. Buhler, please. My note had just promoted you to Reeve. I don't know if the Reeve knows you're running against him in the next election. I take it you're the Secretary-Treasurer.

**MR. E. BUHLER:** I'm not sure that's a promotion I would want.

**MR. CHAIRMAN:** If you'll wait one moment the Clerk will distribute the copies. Please proceed.

**MR. E. BUHLER:** Mr. Chairman, my name is Ernest Buhler. I am the Secretary-Treasurer of the Rural Municipality of Hamiota. This brief here was prepared by the Council of the Rural Municipality, and was going to be presented by Reeve Arthur Knight. Mr. Knight was here from 10 o'clock this morning until 5 o'clock in the afternoon but, unfortunately, had another

commitment this evening, and asked me to read it on his behalf.

It says, Members of the Standing Committee on Privileges and Elections. The Council of the Rural Municipality of Hamiota would like to stress three main concerns in their presentation to this Committee.

Firstly, Council is very concerned about the cost of providing French Language Services in Manitoba. In spite of repeated assurances that the Federal Government will transfer millions of dollars to the province, Council believes that all Manitobans pay federal taxes as well as provincial taxes. This means that the cost will still ultimately fall on all taxpayers. We really believe that in these troubled economic times, with the provincial and federal deficits increasing every year, Manitoba and even Canada cannot afford to pay the tremendous price of having everything done twice. This expense does not stop with the translation, but continues in printing and interpretation.

Ginny Devine, Special Assistant to the Honourable Roland Penner, in a letter dated September 1, 1983, stated as follows:

"As I indicated to you on the phone, court services in French have been provided for many years now, in accordance with Section 23 of The Manitoba Act, which I have enclosed for your information. In any court action a party may request to have their hearing in French. When this occurs, a bilingual judge, court reporter and clerk are provided as a service of the Court, and at no extra cost to anyone. Translation services are provided in other languages, as well, also at no extra cost to anyone."

We would respectfully submit that this is at great extra cost to everyone. All of these costs are being incurred at a time when the Federal Government is preaching a 6 and 5 restraint program, and the Premier of our province is writing to all municipalities and suggesting a 0 to 5 increase in provincial funding.

The second main concern that our Council has is the necessity of such legislation. Council does not agree with our Premier's statements about two founding peoples. Manitoba has been built to its present level, and will continue to be built, by people of many nationalities and languages.

Apparently about 5.5 percent of Manitoba's population is from French-speaking ancestry. The Council of the Rural Municipality of Hamiota really believes that the vast majority, if not all, of this 5 percent can function quite well in English. People of all other language backgrounds who came to Manitoba during the last 100 years had to learn English.

We do not think that anyone, including our provincial legislators, seriously believes that the Supreme Court will declare all of Manitoba's laws invalid. If there is a problem with a Provincial Act of 1890 then correct this problem, rather than change a whole province because of one antique law that was passed in 1870.

Our Premier stated in the Legislature on August 16, 1983 that "We cannot and we will not turn back the

clock of history." This appears to be exactly what the province is trying to do. The Official Languages Act of 1890 worked quite well for 89 years, but now our provincial leaders seem to agree with the Supreme Court that we should turn back the clock of history to 1870.

The third main concern expressed by the Council of the R.M. of Hamiota is a democratic process. Why is the Province of Manitoba so very opposed to a referendum? Canada and Manitoba are both considered democratic, which means that all laws should reflect the will of the majority. If the majority of Manitobans are opposed to this legislation, then no Government has any right to pass it. The Province has a wonderful opportunity to get the opinions of all Manitoba electors through a referendum during this fall's municipal elections. Such a referendum would involve very little cost and, if approved, the province would be in a very strong negotiating position. We are respectfully requesting that a final decision be postponed to after October 26, 1983.

We thank you for the opportunity to attend this hearing and will try to answer any questions.

**MR. CHAIRMAN:** Thank you, Mr. Buhler. Are you prepared to answer questions on behalf of your Council?

**MR. E. BUHLER:** I can try but I would be scared of any guarantees.

**MR. CHAIRMAN:** Fair enough. Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman, through you to Mr. Buhler. Mr. Buhler, I want to thank you for presenting this brief on behalf of your Reeve who is a very busy man and I think we understand why he cannot spend all of his time dealing with things of this nature. However, I want to assure you that I take this brief very seriously but, because you are not an elected person, it's my intention not to ask you any questions at this particular time. But, I do thank you for pinch-hitting for your Reeve and presenting this brief to our committee.

**MR. CHAIRMAN:** Thank you, Mr. Graham. Questions from others members of the committee? Mr. Doern.

**MR. R. DOERN:** Mr. Buhler, I want to refer to the opening of your brief in which I think you recognize, and have recognized in your brief, that there would be, not only the necessity of translating statutes, but that in effect there could be a demand on the part of some citizens to translate any official publication that the government makes in English into French. Is that one of your concerns, that you could have a complete duplication of official government publications in both languages?

**MR. E. BUHLER:** Well, I know from talking to the Reeve that he was concerned about this already in the Municipal Election Guideline or handbook which was to be handed out to all prospective Members of Council that was printed in two languages. He felt that this would cost more because he had twice as many pages and twice as much typesetting to print it in two languages.

**MR. R. DOERN:** Have you had an opportunity to study the government's proposed resolution and the amendments?

**MR. E. BUHLER:** I have, yes.

**MR. R. DOERN:** And have you studied that section which indicates that a citizen would have the right to communicate in both languages with the government and, therefore, the right to communicate means, not only the right to speak to somebody in government, but the right to have written communications and receive printed publications in the French language.

**MR. E. BUHLER:** The only thing I can say is that the one suggestion made by our Reeve, was he felt if the government really thought they had to do it in both languages, it would be much cheaper to print as the demand was. For example, on that booklet, if there was a demand for, say, 50,000 copies of English and 500 copies of French, that it would be a lot cheaper to just print the 500 copies of the French, if that's all that was needed.

**MR. R. DOERN:** So the Reeve was arguing then that you would respond to a demand, rather than anticipate it.

**MR. E. BUHLER:** That was his feeling, yes.

**MR. R. DOERN:** You come out quite strongly in favour of a referendum or a plebiscite. Can you understand the position of some people that, someone or other - because I can make no sense of it - can you understand the argument that it is undemocratic to have a referendum?

**MR. E. BUHLER:** I'm not a lawyer, but as a lay person I can't understand it, no.

**MR. R. DOERN:** Is it not a fact that Hamiota was the first municipality, or one of the first municipalities, to indicate that they were holding a referendum on the question?

**MR. E. BUHLER:** To the best of my knowledge, the Village of Hamiota was the very first. I am also the Secretary-Treasurer of the Village and their brief will be presented next by Mayor Rankin. This is a brief by the Rural Municipality, and they have instructed me to hold a referendum or a vote only if there is an election for Reeve.

**MR. R. DOERN:** Right.

**MR. E. BUHLER:** Other than that, they feel there wouldn't be an election in every ward and it would not be truly representative, and the cost would still be very similar.

**MR. R. DOERN:** So that if an election is held for any positions, then you will also combine that with a referendum?

**MR. E. BUHLER:** No, we have six Councillors and one Reeve in the rural municipality; each of those councillors

runs in an individual ward, which is only one township. So unless there was an election for a Reeve, there would not be a vote.

**MR. R. DOERN:** Have you decided on the wording for that? Is that a wording that was suggested by the Municipal Association, or have you not crossed that bridge yet?

**MR. E. BUHLER:** I haven't seen any wording suggested by the Municipal Association.

**MR. R. DOERN:** Thank you, Mr. Buhler. Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Further questions for Mr. Buhler from members of the committee? Seeing none, Mr. Buhler, thank you for being here this evening and representing the Rural Municipality of Hamiota.

**MR. E. BUHLER:** Thank you.

**MR. CHAIRMAN:** Next, Mayor John Rankin, Mayor of the Village of Hamiota. Mayor Rankin, please. Please proceed.

**MR. J. RANKIN:** Mr. Chairman, members of the Standing Committee on Privileges and Elections. My name is John Rankin and I am Mayor of the Village of Hamiota.

This brief was prepared by me on behalf of the Council of the Village of the Hamiota and on their instructions. It has the concurrence of the members of the Council.

I am no lawyer and it goes without saying I'm not a constitutional expert. This brief was prepared before hearing the discussion regarding the finer legal points relating to the amendments to The Manitoba Act. Our brief is, I hope, based rather on common-sense approach, and our presence here is financed by the people of Hamiota.

To the Standing Committee on Privileges and Elections:

This brief is presented on behalf of the Council of the Village of Hamiota.

The members of our council are well aware of the multicultural heritage of Manitoba's people. Each of us supports the rights and wishes of our varied ethnic groups to provide for a continuation of their customs and languages. Most of us would love to speak a second language. We do, however, have trouble understanding the term "founding peoples" when it is applied to only two of the many cultural groups concerned, and when it does not include the original inhabitants. We also find it difficult to understand why only one of those groups was consulted by our government prior to a "deal" being made to amend The Manitoba Act. No provision was made for any input from the general public until there was public outcry.

We are firmly convinced that in our area extension of French Language Services would be difficult, unnecessary, costly and discriminatory. It would be difficult because accurate translators are few and expensive, and accurate translation is very slow. It is unnecessary because of the small number, if any, who

are not now served adequately in English; costly because we pay no matter what level of government is involved; and discriminatory because citizens who are unilingual, or bilingual but who do not speak French, would be at a disadvantage in our courts and in the job market.

We are also convinced that the threat of Manitoba's laws being declared invalid is a threat which is not real. Recent statements on CBC radio have informed us that Manitoba would be only the third province to have English and French as the official languages. Will the laws of all but these three provinces be declared invalid? We believe this will not happen.

Our Council members are also realistic enough to realize that the Government of Manitoba will insist that some changes are made in regard to French language rights in this province. We would strongly urge that full consideration should be given to the points contained in this brief.

The Order Paper of the Legislative Assembly of Manitoba on June 21, 1983, contained notice that a resolution would be brought forward to request a proclamation amending The Manitoba Act of 1870. Since then we have heard many interpretations of the bill which was presented. We have heard many promises and protestations regarding the various sections. We have been told of proposed amendments to this bill but, until these amendments are proposed for consideration, we can only assume that they may be introduced. At this time we must, therefore, deal with the bill as originally presented.

The proposed Section 23.1 states: "English and French are the official languages in Manitoba." What does that mean? We have heard many statements and interpretations by our Premier, Honourable Mr. Pawley, and our Attorney-General, Honourable Mr. Penner regarding the meaning of this section. The first point I wish to make is that while our Premier, our Attorney-General, and other legal authorities, may make statements and give interpretations, they are only opinions. Decisions are made by the courts of the land. Until any proposed changes in Section 23 of The Manitoba Act are passed by the Legislative Assembly, approved by the Senate and the House of Commons, declared and tested in the courts, any statements made regarding their scope or their limitations are opinions only.

Section 23.7 as proposed states in part - and I'm sure we're all familiar with it - it states: "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," and it goes through many items. One of them I would like to mention:

"(ii) any quasi-judicial or administrative body of the Government of Manitoba.

"Section (2) Any member of the public in Manitoba has the right to communicate in English or French with, and to receive available services in English or French from, any office not referred to in subsection (1) of an institution described in (1)(a) or (b) where:

"(a) there is a significant demand for communication with and services from that office in that 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 would be very surprised if a few enterprising lawyers would not have a field day with the meaning of many of the statements contained in this section. Their referral to the Supreme Court would be almost assured. At the informational meeting held in Brandon, in July of this year, the Attorney-General stated that in his opinion "quasi-judicial or administrative bodies" would not include municipal bodies. What then is the status of a Court of Revision?

What is the meaning of significant demand? Many opinions have been presented. The fact is that one person who demanded a traffic ticket should be issued in French, was considered significant demand by the Supreme Court of Canada. That traffic ticket was issued under a municipal by-law. Will the by-laws of all municipal corporations be subject to the same challenge? We find it difficult to reconcile the fact that while English signs are banned in one province, while under the same Constitution, one person was considered significant demand that a bilingual traffic ticket should be issued. The Premier has stated that municipal corporations and school boards will be exempted.

My second point is that this must be spelled out in the amendments to Section 23. The Legislative Assembly must, as our Premier stated when he addressed that body on August 16, 1983, "leave no ambiguities for the courts to wrestle with." Premier Pawley also stated that we should look at French language rights, and again I quote, in "a sympathetic way, yet a realistic way, a way that is reasonable and sensible." We are convinced that it is neither realistic, reasonable nor sensible to consider the proposed amendments as they are presently presented. We would predict a continuation of court challenges for years to come.

Hamiota Village Council is one of those which plans to hold a referendum on expansion of French language rights as outlined by the Manitoba Government. As members of that council we believe that this presentation has expressed some of the concerns of our citizens. We strongly urge our government to allow them to tabulate the results of these referenda and to have regard to the results.

We are concerned that these proposed amendments will ultimately prove to be a burden to our municipal corporations and their employees, and that we will be forced to select employees on the basis of language qualifications, rather than efficiency. We are concerned that, in spite of all the assurances which have been provided by representatives of government and groups purporting to represent various sectors of our cultural mosaic, this broadening of the language services for one group in our multicultural community will not, as our Premier suggested, be a "strong unifying force." We believe it will be divisive force, as the federal bilingual approach has been.

We would, therefore, emphasize once more some of the points covered in this presentation:

1. Until the courts rule, statements and assurances are only opinions.
2. Unless many sections are spelled out very clearly in the final legislation they will be an invitation to court challenge.
3. This legislation could prove to be a burden, financial and otherwise, to Manitoba's municipal corporations.

4. We believe that the extension of French language rights as proposed will cause division rather than unity.

We thank you for this opportunity to participate in our democratic process.

This is presented on behalf of the Council of the Village of Hamiota.

**MR. CHAIRMAN:** Thank you, Mayor Rankin. Questions for Mr. Rankin?

Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Through you to Mayor Rankin, I want to thank Mayor Rankin for presenting this brief on behalf of the Village of Hamiota, and I want to, at this time, declare to this Committee that I was a very proud resident of the Village of Hamiota for some years and, as such, I don't want anyone to interpret any views that I may have on this as being either supportive or subversive of the presentation that is made by Mayor Rankin. Therefore, I wish to excuse myself from adding any questions or comments to the brief that has been presented.

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

Mr. Penner.

**HON. R. PENNER:** Thank you. Mr. Mayor, in your brief - thanks very much for appearing and presenting it - on Page 5, one of the points raised by you is the concern, in fact, it's raised twice on Page 5, relates to "a burden, financial and otherwise, on municipal corporations." You particularized that by looking at the question of municipalities being required to select employees on the basis of language qualifications. Are you now familiar with the amendment which has, in fact, been tabled by myself, on behalf of the government, on September 6th, which is available here today, which specifically says, "this will not include any municipality or school board?"

**MR. J. RANKIN:** I was made aware of that when I came in the door and picked up a copy. Therefore, this brief, having been presented before, I did not include anything, I didn't know about it. But I was further unaware, after looking at that brief, that those had been tabled. What it says at the head of that is, "It is the intention of the government to introduce these amendments when the Legislature resumes its current Session," and from that, it was my conclusion that they had not yet been presented and that was why I dealt with that at the beginning of my brief.

**HON. R. PENNER:** Very good. Thank you for that answer. What you're saying is that you'll believe it when you see it?

**MR. J. RANKIN:** That is just about right.

**HON. R. PENNER:** All right, so let us assume that, in fact, the government is as good as its word, and that indeed is introduced, that would meet one of the concerns of Hamiota?

**MR. J. RANKIN:** Yes, that would meet one of our concerns, but having lived in Manitoba for almost 70

years, I never like to assume anything until it has happened, and so I would be very careful about promising to accept anything until it becomes a fact.

**HON. R. PENNER:** I understand your point and you know, considering some experiences in the history of Manitoba, I would perhaps share that view with you. Moving on to one or two other points that you have raised, you have raised a concern about courts of revision. I know, Mr. Mayor, that you're not a lawyer, and accordingly, if you feel you can't answer this question, please don't feel awkward in saying so. Do you think knowing, as I'm sure you do, the legislation, that a court of revision is in fact a court, even though it's called a court of revision? What do you think about that?

**MR. J. RANKIN:** I'm not sure that I understand the total import of your question?

**HON. R. PENNER:** Is a court of revision a court?

**MR. J. RANKIN:** That would certainly be an interpretation to be made by a mind much more legal than mine. I understand that this same question bothered certain legal minds not very long ago and that some of them were not aware of the total import of a court of revision.

**HON. R. PENNER:** Are you aware of the fact that the Supreme Court of Canada in 1979, in a case called the Blaikie case, which came out of Quebec and was concerned with English minority language rights, but interpreted exactly the same words as we have in Manitoba, held that the word "courts" now includes what they call quasi-judicial bodies, that is bodies which are like courts. Are you aware that this is already the law of the land?

**MR. J. RANKIN:** No, Mr. Chairman, I was not aware that that was the law of the land and I understand this must be news to some of the people who are on the committee, because I understand some of them did not realize this very recently.

**HON. R. PENNER:** Mr. Mayor, I have in fact the Blaikie case with me and you're welcome to see it after the hearing, but that, in fact, I may tell you, is the law of the land. That doesn't mean, of course, that a court of revision is necessarily bound by the decision of the Supreme Court. It may not be a court, even though it's called a court.

Moving on, Mr. Mayor, to one or two other issues raised in your brief, you express a concern about a continuation of court challenges for years to come. That's in your brief on Page 4. "We would predict," you say, "a continuation of court challenges for years to come." That's a source of worry to you?

**MR. J. RANKIN:** That is correct.

**HON. R. PENNER:** Right. And you refer earlier to the question of a traffic ticket case being before the Supreme Court. Are you referring to the Bilodeau case?

**MR. J. RANKIN:** No, I was referring to the one where the judgment has already been handed down in the case of George Forest.

**HON. R. PENNER:** Right. Actually, if I just may say by way of premise, Mr. Mayor, that the issue before the Supreme Court was whether or not The Official Language Act of 1890 was valid. It was not a case that was directly on a traffic ticket. Let me just put this premise to you. In the Bilodeau case, the Supreme Court is, in fact, being asked to decide whether or not The Highway Traffic Act of the Province of Manitoba and The Summary Convictions Act of the Province of Manitoba are invalid because passed in one language only. That's the premise. Now supposing, Mr. Mayor, that indeed the Supreme Court, as it might well, says those two acts are invalid. Would it not be the case that any citizen in Manitoba now, using that as a precedent, suppose charged under a by-law of Hamiota, would be able to take Hamiota to court and say that by-law is no good because The Municipal Act is in English only. Does that not concern you?

**MR. J. RANKIN:** Yes, that concerned me greatly and I'm certainly not convinced that this new legislation is going to solve the problem.

**HON. R. PENNER:** Well, in fact the new legislation says that all of these laws will be valid, even though passed in one language only until 1993, giving us time to translate them. Doesn't that give you some assurance of protecting the law that protects Hamiota?

**MR. J. RANKIN:** Mr. Chairman, I came here to present the feelings of the Council of the Village of Hamiota, as instructed by them and approved by them. I find it very difficult to have a legal mind endeavouring to derive admissions from me that I have no intentions of making.

**HON. R. PENNER:** Well, Mr. Chairman, I'm sorry Mr. Mayor, I'm certainly not - you're under no obligation to answer any questions and I would appreciate it very much, understand very much if you would say, as I think you have said, that not being a lawyer you don't want to answer that question. I'm not trying to trap you. That is not my intention. I am concerned, as the Attorney-General, about the validity of the laws and that has been my basic premise right from the beginning of this thing, knowing full well, on the basis of decisions of the Supreme Court, that it could be the case that law by law, people could say they don't have to follow that law because it's in English only. I'm just pointing that out to you, not, Mr. Mayor, believe me, in any attempt to trap you or gain admissions from you, but to point out a very real problem that a lot of people are simply not facing up to. I think I'm acting in a responsible way in doing that. Any Attorney-General would have to do that.

**MR. CHAIRMAN:** Question, please.

**HON. R. PENNER:** Mr. Mayor, you've indicated that the Hamiota Village Council plans to hold a referendum. Has the Hamiota Village Council decided on a wording for that referendum?

**MR. J. RANKIN:** Mr. Chairman, while we have not given final approval to this wording, we believe it will be very similar to this: "Are you in favour of the extension of

French Language Services as proposed by the government of the Province of Manitoba?" - and a simple yes or no.

**HON. R. PENNER:** Mr. Mayor, the proposition, which has been tabled in the House and therefore is in front of the House, calls at the beginning of it for the validation of all Manitoba laws passed in one language only and calls for the translation of only 500 out of our 4,500 laws, which I'm advised will save the province \$1.5 million. Why aren't you putting that as part of your proposition? Why are you putting just one part of it and not the other part? Do you think that's fair to the voters of Hamiota?

**MR. J. RANKIN:** I think that is a decision I would leave to the legal minds.

**HON. R. PENNER:** Are you saying that you intend to consult with the lawyer for Hamiota to see about the wording?

**MR. J. RANKIN:** That will be a real possibility, yes.

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

**MR. CHAIRMAN:** Further questions Mr. Penner?

**HON. R. PENNER:** No.

**MR. CHAIRMAN:** Mr. Blake.

**MR. D. BLAKE:** Thank you, Mr. Chairman. Mr. Rankin, you indicated at the outset that you weren't a lawyer and aren't familiar with the legal terms in preparing briefs, but I want to say that I think your brief has been prepared with some study and some knowledge and in a very concise and understandable manner that members of the committee have been able to read from it the feelings of the people that you represent.

I gather from it that you would like to see the Bilodeau case, as it's referred to, go to its conclusion in the Supreme Court and have a final ruling. Then that would be the ruling that would govern the laws of Manitoba. Would that be a correct assumption from your brief?

**MR. J. RANKIN:** I believe that would be preferable, although I have not really any mandate to make that statement on behalf of my council.

**MR. D. BLAKE:** But you're not afraid of the Supreme Court ruling, if the case went to its conclusion.

**MR. J. RANKIN:** No.

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

**MR. R. DOERN:** Mr. Chairman, I want to say that I am impressed with the brief of the Village of Hamiota. I think the Mayor has demonstrated that a common-sense approach beats all the constitutional experts cold.

The first question I wanted to ask you is on Page 1 of your brief, in which you talk about your concern that there was a deal made with only one group, and that has resulted in a public outcry. I wonder whether you

could expand on that as to whether or not you think that the impression was conveyed that the government wasn't prepared to listen to the public and was prepared to listen to one group and was prepared to ram it through the Legislature.

**MR. J. RANKIN:** In spite of the fact that we have been assured several times that there was no deal, all through this hearing and the informational meeting which was held in this same place some time ago, we had reference to previous discussions being held. So it can only be assumed that there was some kind of a deal. It was certainly not made with any municipal corporations that I know of.

**MR. R. DOERN:** Would you say that impression has harmed the government's position?

**MR. J. RANKIN:** Speaking personally, I would say, yes.

**MR. R. DOERN:** Mr. Blake already asked you this question, but I gather that one of the main points that Mr. Penner has made and some of the so-called constitutional experts is that, my God, if this matter went to the Supreme Court, all our laws and all our Legislature and our courts would all be invalid. We would have no laws whatsoever in Manitoba. You are not trembling or shaking in your boots at that prospect?

**MR. J. RANKIN:** No, not really.

**MR. R. DOERN:** So you are then confident that we would obtain a better deal from the Supreme Court than from the legislation that the government has drafted.

**MR. J. RANKIN:** As a personal opinion, I can say, yes. I have not discussed that particular aspect with my council but, as I have said several times, I believe the proposed legislation has holes big enough to drive a truck through. I feel that there are so many things that need to be defined very clearly.

**MR. R. DOERN:** Was Hamiota the first village, town, city or municipality to indicate that they would hold a referendum?

**MR. J. RANKIN:** I am not sure, but it would seem that is quite possible. We had quite a few phone calls from members of the news media to ask for information. It would appear we were one of the early ones.

**MR. R. DOERN:** How would you yourself see the implications of a plebiscite or a referendum in relation to the government? Some people have suggested that, well a referendum's binding, but a plebiscite is just an opinion poll. If the City of Winnipeg holds its plebiscite, if it's not blocked in court - although I think that's a fantastic notion - and if Brandon and Hamiota and Thompson and a couple of dozen others hold a referendum, probably 70 percent or more of the population, what would you think the implications are for a government on the result? Are they something that can be considered or ignored or laughed off or tossed off? How would you visualize the impact?



**MR. J. RANKIN:** I would believe that a referendum or a series of referenda should certainly indicate to the government the strong feelings of the people. As far as our own situation is concerned, our council has taken a stand as presented in this brief. We would like to know very clearly if our electors agree with that.

**MR. R. DOERN:** Would you say that if the referendum indicated one position or another or a plebiscite, that even though it's not legally binding, it would be morally or politically binding?

**MR. J. RANKIN:** Politically, I would say that there certainly should be a great deal of regard paid to the results of any referendum which covered a large section of the population.

**MR. R. DOERN:** Could you just make a comment? On Page 5, you gave four points in the presentation you wanted to emphasize. Your third point was that the "legislation could prove to be a burden, financial and otherwise, to Manitoba's municipal corporations." Could you just expand a bit on how you would see this as a financial burden for municipal corporations?

**MR. J. RANKIN:** It must be remembered that this was prepared prior to my knowledge that amendments had actually been presented. So I was dealing with the original bill.

Now our feeling was that if the term "significant demand" is not very clearly defined; if we in the Village of Hamiota had a contract with someone who wished to have his correspondence and everything else in French and we had to deal with one of our by-laws which, of course, at this time are written only in English, this might be a very costly and burdensome approach.

**MR. R. DOERN:** Mr. Chairman, I would just like to commend the Mayor for his brief. I think it is superbly written, and I think the province would be better off hiring somebody like him than a batch of so-called high-priced constitutional lawyers and experts.

**MR. CHAIRMAN:** Mr. Uruski.

**HON. B. URUSKI:** I'll ask you the same question as I asked Reeve Ashcroft. In your submission and your comments this evening, you indicated that you would be prepared to live with the determinations of the Supreme Court in any further rulings dealing with language services. Did I interpret that accurately?

**MR. J. RANKIN:** I don't recall saying that.

**HON. B. URUSKI:** What did you say then?

**MR. J. RANKIN:** To what are you referring?

**HON. B. URUSKI:** To the case that is now before the Supreme Court. I think there were questions from Mr. Doern about allowing the present case to go to the Supreme Court, and we would do well by the determinations of the Supreme Court. Did I misread you?

**MR. J. RANKIN:** Mr. Chairman, I believe that was not an item in my brief. I believe I was asked a question,

and I said, while my council had not discussed that, my own opinion would be that we would live with the results of the Bilodeau case. That is strictly my own opinion, and it would not be necessarily the opinion of my council.

**HON. B. URUSKI:** That's what I said; that you had made those remarks. Would you also then be prepared to put your opinion down that if you were prepared to live with the Supreme Court decision, would you be prepared to as well indicate that you would accept any additional cost to the province for any further translation of laws and statutes which could be handed down by a subsequent ruling.

**MR. J. RANKIN:** Several people who have presented briefs have been asked that question and I feel that it is a rather unfair question because I am not convinced that this boogeyman, of our laws all being unconstitutional, is any more than a real boogeyman.

**HON. B. URUSKI:** That's all.

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

Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, I want to thank Mayor Rankin for his brief and I would ask him if he would convey my good wishes to the people of Hamiota for the quality of people they have elected to represent them. I spent several years, very happy years, in the Village of Hamiota and I have nothing but admiration for the people of that are and their elected people.

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

Mr. Penner.

**HON. R. PENNER:** Just on the last response of Mayor Rankin, you said that you thought that this likelihood question of the Supreme Court declaring one of our laws unconstitutional was a boogeyman. Do you recall that almost that exact same statement was made when the Forest case went to the Supreme Court, and yet the Supreme Court, indeed, found the 1890 law to be unconstitutional and that's why we're in this situation now. Do you recall those statements being made, including a statement by the former Premier, that it was not likely that the Supreme Court would find 1890 to be invalid?

**MR. J. RANKIN:** Mr. Chairman, I recall very well asking the same question at the hearings in Brandon here some couple of months ago, and the Attorney-General, Honourable Mr. Penner, took some five minutes to answer that question. I still am not convinced that the legal chaos that is pictured would actually result.

**HON. R. PENNER:** Would you first answer the question which I did ask and then we'll get on to the follow-up question? I asked whether you recalled that a number of people, including the former Premier of this province, when the Forest case was going to the Supreme Court, said that it was unlikely that the Supreme Court would declare The Official Language Act of Manitoba to be unconstitutional?

**MR. J. RANKIN:** Mr. Chairman, I do not recall the instance spoken of. As you well know, most of the information we would get, in regard to that, would be from media. I do not recall that particular statement.

**HON. R. PENNER:** One final question with respect to legal chaos. Supposing that the Supreme Court of Canada — (Interjection) — Yes, it's hypothetical; well until the Supreme Court decides it's obviously hypothetical that The Municipal Act of the Province of Manitoba was invalid because it passed in one language only. What do you think that would do for the by-laws of Hamiota?

**MR. J. RANKIN:** Well, of course, that being a hypothetical question, it's very difficult to answer, but I wonder then how with invalid laws and statutes we had managed to carry on the government of this province for some 100 and few years.

**HON. R. PENNER:** The answer to that, Mayor Rankin, is because nobody took the case to the Supreme Court before.

**MR. CHAIRMAN:** Further questions, Mr. Penner?

**HON. R. PENNER:** No.

**MR. CHAIRMAN:** Further questions for Mayor Rankin from members of the committee? Seeing none, Mayor Rankin, thank you to you and your Council for making a presentation here this evening.

**MR. J. RANKIN:** Thank you, Mr. Chairman, for the opportunity of doing so.

**MR. CHAIRMAN:** You're welcome. Next on our list is Reeve John Mitchell, the R.M. of Rosssburn. Reeve Mitchell, please; please proceed.

**MR. J. MITCHELL:** Thank you, Mr. Chairman. This is presented by myself on behalf of the R.M. Council and the people of the R.M. of Rosssburn.

We appreciate the opportunity to make this presentation to the Standing Committee on Privileges and Elections with respect to the proposed amendment to Section 23 of The Manitoba Act concerning the translation of certain statutes and the provision of French Language Services.

It is our belief that it is every citizens' democratic right to be able to express publicly his belief on any issue that will affect his day-to-day environment, and that of his community, and that of his province and country.

We, as Council and elected representatives of the Municipality of Rosssburn, have two major concerns involving this French language issue.

Firstly, we always were of the belief that, in a democratic society, the elected representatives enacted the laws of the country and the courts ensure that the citizenry abided by these laws. It is now obvious that the courts dictate what shall be done and the elected representatives in our Legislature and Parliament are merely pawns in a political game. It may be time that we elected judges, rather than politicians.

We believe that, if the elected representatives of the people of Manitoba in 1890 decided that it was in the best interest of the province to make English the official language, then it was within their power to do so. After all, half the population in 1870 was Francophone; by 1890 this had dropped considerably and now, in 1983, it is only 6 or 7 percent.

We are told that an act or statute of the government cannot be broken, or amended, or revised, or repealed. Do not acts, statutes and laws become obsolete with time that they do not serve anyone? Does government and the courts not recognize this fact? Yet, somehow, certain statutes it appears can be changed. As of this very moment farmers and agricultural interest groups in Western Canada are in heated conflict with government over a certain statute dealing with freight rates.

Our second concern, and a concern of every Manitoban and, indeed, every Canadian, and the reason we are here today, is the French issue.

We cannot understand how government can legislate and grant preferential treatment to a minority group in a province comprised of multicultural and multilingual people. Many of our residents within our municipality and our neighbouring municipalities are bilingual in language other than French, and we endeavour to serve their needs in the language of their choice wherever possible.

I may deviate from this to explain the situation within our municipality. We would not be a municipality if it was not for the influx of the Ukrainian people who settled 85 percent of our municipality around the turn of the century and before. Why can we single these people out and say: "Uh-uh, no services." We have in our municipal office endeavoured throughout the years; the demand is gradually dwindling because the people are getting more bilingual, and the older people are no longer with us that need these services. We have made them available at no cost to any other persons than the people that were demanding them. It was just a general principle that we would make this service available.

We have tried to give it in any language, and we have also found out that, to correspond with our Federal Government, we can get a lot more action if we write in French and have our name signed in English, but it helps if you can do this; I wonder why.

Going on, we are not asking the Canadian taxpayer to bear an additional burden for our language rights enshrined in a Constitution. We have numerous laws and statutes translated into a language of our choice.

We fear that, once enshrined in the Canadian Constitution, the French language will be forced upon more and more public service offices and agencies, i.e. municipal governments and school divisions. I, too, heard a little on this through the news media, but I believe it was as stated before. We have an occupation that demanded a little bit of 24-hour involvement to make our Minister of Agriculture look as if he has a plant out there that will produce a product for the world market; so we were quite involved in that, and I'm sorry if we didn't have this brought totally up-to-date.

But I see that there is a proposal, so I, like the previous speaker, Mr. Rankin, do not believe in anything proposed until I see it. Just deviating from it, there was a proposal that rape was selling at \$9.09 a bushel the

other day, but a lot of us missed it and accepted \$8.25. So until you get the definite fact in hand, a bird in hand is worth many in the bush. So until we see it down in black and white I would have reservations on it.

If one individual can, through the courts, invalidate the laws of the province; how can the Government of Manitoba restrict the use of the French language, once enshrined in the Constitution, to the courts, Legislature and the head offices of government departments and agencies.

Our Provincial Government claims that the French language will be provided, in addition to the courts and Legislature and head offices, in communities where there is "significant demand." Mr. Forest, through the Supreme Court, showed us that significant demand could also mean the demands of one individual. I looked up the word "significant" in all dictionaries I could find and I never found it in a French dictionary, but in all the English dictionaries or that that I could find it meant, large, proportionate or in that area. It never was mentioned in the singular fashion as it was interpreted by the courts on this issue.

Therefore, we can quite safely assume that one individual could demand to be served in French in any level of government office, including municipal.

In conclusion, we strongly recommend that the French language not be enshrined in the Canadian Constitution for the following reasons:

It has been proven, based on the population of French-speaking citizens in Manitoba, that two official languages are not required, nor is there a demand for it. Much like the metric, it is being forced down our throats. I would dare say that if we get translating languages back and forth it will be much like the situation that we had here at Gimli a while ago. There will be the French section - a "do not" will be missed, and somebody will not put petro or gasoline in the airplane, be it gallons or litres; and some of us will be trying to glide from Red Lake to some airport - or something along the line like this. Heaven forbid, how things can be allowed like this to happen when we get into a situation where we can cause conflict, or not conflict, but misunderstanding between individuals on translation. We have enough of that in trying to work in one language.

The taxpayer of Manitoba cannot afford the extravagance of two official languages, and the additional cost of translating laws and statutes providing services in two languages, and delaying all court and governmental proceedings by translating from one language to the other. A further comment to this, I was interested this morning in finding out it didn't cost us anything. Any proposal that we, as municipal people, make to governments, we are always told it costs too much; but we can go ahead and translate all statutes and it doesn't cost us anything. I, as a layperson, cannot figure that one out. I would like to have further discussion or be able to get to this "cost nothing, free."

As earlier stated, Manitoba is a multicultural and multilingual province. Picking one minority group and granting them preferred status would only promote alienation and animosity from the other ethnic minorities towards the French.

If the Provincial Government is still convinced that the majority of Manitobans are opposed to entrenching the French language as Manitoba's second language,

then we suggest that they hold a referendum and, in accordance to the laws of a democratic society, abide by the wishes of the majority of the province's electorate.

A further suggestion and recommendation to both senior levels of government is that it is high time that they started giving some priority to the interests and well-being of the majorities, instead of pampering the minorities. After all, it is the majorities of this country that keep Canada progressive and enduring.

Thank you.

**MR. CHAIRMAN:** Thank you, Reeve Mitchell. Questions for Reeve Mitchell from members of the Committee.  
Mr. Bucklaschuk.

**HON. J. BUCKLASCHUK:** Thank you, Mr. Chairman, to Mr. Mitchell. Can I start with the very last sentence. It is rather intriguing. "It is the majorities of this country that keep Canada progressive and enduring." I guess what I would like to know is your definition of the "majorities."

**MR. J. MITCHELL:** My definition of majorities? Canadians.

**HON. J. BUCKLASCHUK:** I guess that's not . . . — (Interjection) — No, that's certainly not what I interpret as majorities. We are all Canadians; you can't have majorities and minorities within one group and still be the same thing.

**MR. J. MITCHELL:** I take it as, we are Canadians.

**HON. J. BUCKLASCHUK:** Well I would assume that minorities are also Canadians. At least, that's the . . .

**MR. J. MITCHELL:** We're all Canadians.

**MR. CHAIRMAN:** Question, please?

**HON. J. BUCKLASCHUK:** On Page 2, you make the statement that, ". . . the courts ensured that the citizenry abided by these laws. It is now obvious that the courts dictate what shall be done and the elected representatives in our Legislature and Parliament are merely pawns in a political game." Could you expand on that?

**MR. J. MITCHELL:** It seems that we have elected Legislature and members of Parliament to set the laws, and my interpretation of it is that the judges are to see that these laws are carried out. We are now having a situation where our elected representatives made a law in 1870; it was carried out until 1890 and, at that time, due to circumstantial change in demand of the situation, a law was changed by the majority and the elected representatives of our country at that time. Now the court has said that those fellows in 1890 did not know what they were talking about; we shall go back to 1870, and use that law as the basis of forward negotiations. That is my reason for making that statement. I would like to see the elected representatives have the laws made, that the judges could see or the courts could see were carried out, but which laws are we basing ourselves on?

**HON. J. BUCKLASCHUK:** Yes, thank you, Mr. Chairman, to Mr. Mitchell. Well in fact, what you referred to as a circumstantial change was declared to be an illegal change, as the result of the Forest case, so I still fail to quite understand what is implied, by stating that the courts dictate what shall be done. Is it not a case that the courts are interpreting the laws as made by politicians?

**MR. J. MITCHELL:** It's hard for me to answer that question without asking - if I could take a case where we have had elected representatives but this is bringing in another area altogether - being not a learned person, I cannot find the adjectives or vocabulary to come up with the right definition. I know what I want to say but it's not going to come out the right way. You've got me stuck for words, Mr. Bucklaschuk.

**MR. D. BLAKE:** On a point of order, Mr. Chairman, maybe if Mr. Bucklaschuk could repeat the question, it might help Mr. Mitchell.

**MR. CHAIRMAN:** Mr. Bucklaschuk, would you mind repeating the question please?

**HON. J. BUCKLASCHUK:** Yes, Mr. Chairman, I'll do that. What I was trying to say was that the statement at the top of Page 2 had made some reference to the courts dictating what shall be done. My question was that what the Supreme Court did in 1979 was in fact interpret the law and not dictate it. Would that be the understanding of Mr. Mitchell?

**MR. J. MITCHELL:** Yes. You have the courts interpreting the law of 1870, which I understood or which, in my way of thinking, should have been overruled by a law that was passed in 1890.

**HON. J. BUCKLASCHUK:** Well I suppose I could respond to that. I believe they ruled that the law of 1890 was invalid and therefore the law of 1870 was the effective law. In the third paragraph, we are told that an act or statute of government cannot be broken or amended or revised or repealed. Would you care to expand on that?

**MR. J. MITCHELL:** Well, right now we're told that this 1870 law cannot be changed. It has to go through. It has to be official and you want that compared, the first line of that paragraph to the last line?

**HON. J. BUCKLASCHUK:** Mr. Chairman, to Mr. Mitchell. I just wanted an interpretation of that sentence and you've sort of answered that somewhat, by saying that in fact it can be changed, but it has to go through a process.

**MR. J. MITCHELL:** Well it looks like it has to go through a process and it doesn't really have to be the wishes of the majority that are affected by that change.

**HON. J. BUCKLASCHUK:** Okay, we agree that an act or statute of government can be changed and so can the Constitution. By reopening the Constitution or amending it, what would be proposed here is extending

rights that were given in 1870. Would you then propose that to have the type of Constitution that I suppose you would like to see, that we would deny existing rights?

**MR. J. MITCHELL:** I don't think under any circumstances that we, in our municipality denied any rights, be it enshrined or requested.

**HON. J. BUCKLASCHUK:** Further on, you indicate that, "We cannot understand how government can legislate and grant preferential treatment to a minority group in a province, composed of multiculturalistic and multilingual peoples." Would you not agree that the minority group that we're referring to here, and that would be the French minority group, did have certain rights given to it in the act of 1870 that were not granted to other minority groups?

**MR. J. MITCHELL:** I cannot understand how the government can - there was a law passed in 1890 that made things a certain way, other than what they were done in 1870 and I'm trying to get in my mind, I'm trying to fix a situation to find out how our statutes do stand.

**HON. J. BUCKLASCHUK:** Yes, but with respect, Mr. Mitchell, to that Official Language Act of 1890, that was declared illegal in 1979, so in fact has no status.

**MR. J. MITCHELL:** I understand that it's been declared illegal, but I'm just wondering with that declaration of illegal, how many of our statutes in the province could be declared illegal in much the same manner.

**HON. J. BUCKLASCHUK:** Well yes, Mr. Mitchell, I believe that is very germane to this whole exercise, that there is a question as to whether any of the statutes or acts are legal, or have any legal validity at this time. It would seem to me that would be what this whole amendment is about. Apparently you don't see it in that light.

**MR. J. MITCHELL:** Well as I mentioned earlier, I wonder what our legislative people - I know I should be ruled out of order. I'm kind of hypothetically asking questions but why the legislative people cannot set the laws without running the ramifications of being ruled out of order and unconstitutional? I'm wondering how many of our statutes can be ruled unconstitutional that have been passed since the base year and what do we call the base year on a lot of our statutes? I'm sorry it comes out as a question, but that's one of my major concerns. We could be called all unconstitutional. We're not on a base statute. What has our Legislature done for the last 20 years?

**MR. CHAIRMAN:** Reeve Mitchell, I should tell you that asking a rhetorical question to committee members is not out of order. It sometimes shows the fact that you are also uncertain as to the exact position. I'm not intending to rule witnesses out of order, except under the most extreme circumstances. My main job is to keep these gentlemen in order - well and one lady. I'm quite happy to hear you ask rhetorical questions.

**MR. J. MITCHELL:** Thank you, Mr. Chairman.

**HON. J. BUCKLASCHUK:** I have one final question. I do appreciate the complexity of this issue, therefore I can appreciate some difficulty you may have in responding to these questions. It is not an easy question.

Just one final question, that's with respect to Point 3, on Page 4, "As stated earlier, Manitoba is a multi-cultural and multi-linguistic province." I'm certain that we all agree with this, but then you go on and you indicate, "Picking one minority group and granting them preferred status will only promote alienation and animosity from the other ethnic minorities towards the French." Would you not also see that having respect for the rights of a minority "official" group, but having respect for the rights of the French within Manitoba, would also be an indication of the province's respect for other minority rights and, indeed, would not lead to alienation and animosity but would perhaps lead to a greater understanding by all of us and appreciation for the different groups that are found within our province?

**MR. J. MITCHELL:** Within our area, Mr. Bucklaschuk, and you know almost as well as I do, there is a bit of a backlash in saying, what better is that group than our group? Why should they have their language rights enshrined? You know, we are a multi-cultural community and it is, as was mentioned before, the tip of the berg is starting to get in there. I think that we, as council, would be criticized, for lack of a better word, if we recognized officially or out in front one ethnic group above another. I, myself, would find it very hard to carry on and say, I will represent this group over another. I'd prefer, as I stated before, to say we're Canadian and we have cultures, an ethnic community within our community. I will do everything to promote them and promote them equally, but I will not stand for one promoted officially and the others just receiving token recognition.

**HON. J. BUCKLASCHUK:** Mr. Chairman, I have one final, final question then. I'll take the other side and put it this way: would you not agree that a denial of rights of a fairly significant group in our province's history could also lead to a denial of rights of many other minority groups within the province?

**MR. J. MITCHELL:** I can talk for the Municipality of Rossburn and we have never denied anyone services requested. We've helped them as much as was humanly possible to their satisfaction, to solve their problem.

**HON. J. BUCKLASCHUK:** Okay. Thank you.

**MR. CHAIRMAN:** Further questions for Reeve Mitchell? Mr. Doern.

**MR. R. DOERN:** Mr. Chairman, to Reeve Mitchell, you expressed a concern that since one person is attempting to invalidate the laws of the province that this might also happen in regard to the municipalities, is that one of your concerns?

**MR. J. MITCHELL:** Yes, it is.

**MR. R. DOERN:** And if Manitoba becomes officially bilingual, can you also see the scenario in which somebody could come to a municipality, say we now are living in a bilingual country and in a bilingual province, and therefore all municipal governments must be bilingual because I'm being denied my rights, can you see that happening?

**MR. J. MITCHELL:** I would say it's a possibility.

**MR. R. DOERN:** Would you think that an individual who is fighting for bilingualism would have a stronger case at the municipal level if the province is bilingual, than under the present circumstances?

**MR. J. MITCHELL:** Your municipal government is governed by a lot of provincial statutes and if these provincial statutes were all bilingual you would have very little municipal government who would have very little ground to stand on to remain outside of the bilingual realm of the situation.

**MR. R. DOERN:** This question was already asked by Mr. Bucklaschuk, your statement on the last page that Manitoba is a multi-cultural multi-linguistic province. Picking one minority group and granting them preferred status will only promote alienation and animosity from the other ethnic minorities toward the French. Can you understand the logic, and Mr. Bucklaschuk was alluding to it, that somehow or other bilingualism, making Manitoba officially bilingual is going to help all the other multi-cultural groups, does that escape you or can you make any sense out of that?

**MR. J. MITCHELL:** I'm looking at the cost factor of it. If we spend all the money on there, I don't think there would be much for other cultures.

**MR. R. DOERN:** What situation will the other ethnic groups be in, if the French rights are raised up? Do you see this as having an impact that the other people will consequently be going down?

**MR. J. MITCHELL:** I think if we increase services or duplicate services with the increased load of doubling all our publications, our services to the two languages, that money that could have spent to help the other cultures, I think, would be used up and there are only so many dollars out there that can come in for the services to people and it's fast reaching near the top proportion.

**MR. R. DOERN:** And again, the argument that's being suggested, that by making Manitoba officially bilingual that this is somehow or other going to help everybody. Your argument, I gather is the reverse, that there is respect now, that people are treated equally now and that is the best situation?

**MR. J. MITCHELL:** I find that we have a very harmonious community. We have all ethnic groups in our area, not within our municipality, but within our area of the province and right now everyone is treated as an equal. We take the English language, I meant to allude to it in my presentation, but I did not do it. I

cannot see why we take it as English language. I think it should be Canadian language. That is our language of commerce and you, Mr. Doern, I don't know what your background is, but if you want to converse in French and English, that is fine with me. If Mr. Graham wants to converse in another language, that is fine. I am just a stupid Canadian that only has one language.

**MR. R. DOERN:** Reeve Mitchell, you have also suggested that the province should hold a provincial referendum on this question, did you convey that message to the province?

**MR. J. MITCHELL:** Not before this presentation.

**MR. R. DOERN:** There are municipalities that have taken that position. Are you aware of any municipality that has sent that suggestion to the province and aware of the answer that they have received, or the argument or logic behind the provincial position against holding a province-wide referendum.

**MR. J. MITCHELL:** I have heard this through the radio news media, Mr. Doern. I have personally heard it, but we have not discussed it at council-wise, because of the season. I think it will be a topic, probably at our next council meeting when we have time to deal with many issues instead of just a few housekeeping issues some morning in a dry harvest week.

**MR. R. DOERN:** Since it's only a remote possibility, even remoter than the chance that the Supreme Court would overturn all our laws, that the province would hold a referendum itself, is Rossburn considering holding a referendum?

**MR. J. MITCHELL:** I mentioned it at one council meeting. The initial comment of two of our council was that, if there were referendums held in some of our trouble spots of the world and these people were given their democratic right within that part of the world, then maybe we would start looking at the possibilities of a referendum within our community.

**MR. R. DOERN:** But in view of the fact that Winnipeg is holding one, Brandon, Hamiota, Thompson and another 20, wouldn't it make sense for Rossburn to also hold one?

**MR. J. MITCHELL:** As I said, if it got taken around the table and a full discussion on it, they may have a different attitude toward it. But right at the moment, with the quick discussion, that was a comment. I was, as Reeve or Chairman of the council meeting, instructed to get on with the business of the day, or I would not have a quorum.

**MR. R. DOERN:** So the position of your council in general is that, although this is an important issue, it's one you would like to see settled quickly and get on with the business of the province.

**MR. J. MITCHELL:** I would say, it shouldn't be settled quickly. Cooler heads should prevail with it, but I think the business of getting on with the province should go

along in conjunction with it and this not be the foremost issue of our province at this time.

**MR. R. DOERN:** Thank you, Reeve Mitchell.

**MR. CHAIRMAN:** Thank you, Mr. Doern.  
Mr. Uruski.

**HON. B. URUSKI:** In hearing your comments regarding minorities and status, are you, in fact, denying what has happened in history in this country and in this province in terms of the guarantees and laws that were passed by the Parliament of Canada and the Legislature of this province; that that occurred?

**MR. J. MITCHELL:** I don't know at the present moment which act I am supposed to be governed by.

**HON. B. URUSKI:** When I read your brief, and you made comments on Page 2 dealing with the French community in the province, you sounded to me like the change in 1890 was merely as a change of circumstances and demand, and that's why they change in law was passed. I am wondering whether you are prepared to accept the history of this province and the real problems that were associated with the passage of those laws, taking away the guaranteed provisions given by Canada and by the Province of Manitoba in 1870. It seems to me that you are not accepting what has happened in history, or am I misreading your presentation?

**MR. DEPUTY CHAIRMAN, D. Blake:** Reeve Mitchell.

**MR. J. MITCHELL:** I don't think we of the Municipality of Rossburn have denied anyone anything. If a person asks for services, we try and accommodate them.

**HON. B. URUSKI:** How do you accommodate them?

**MR. J. MITCHELL:** If a person demands a service, we try and have translation available for them. Sure, I grant it, it may not be instantaneous. We may have to find a person that is expedient and can do this, but we will try our best to get a person that is agreeable or ask them to suggest to us a person that they would be satisfied that would bring their point across to us in the language that the majority of us work in.

**HON. B. URUSKI:** Are you advocating that any major measures presented by the province or even in a municipality be handled by a referendum as a mode for future reference to the people of the municipality or the province? Do I get that from your brief, or are you just referring to this one issue?

**MR. J. MITCHELL:** Well I think when we get to an issue that there doesn't seem to be any clear-cut lines, maybe this is the way to go. Let's clear the air, once and for all. We have a definite reading on it, and I, as one in municipal government, will stand by the majority rule of the situation.

**HON. B. URUSKI:** Thank you very much.

**MR. CHAIRMAN, A. Anstett:** Thank you, Mr. Uruski. Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Through you to Mr. Mitchell, some of the questions that I wanted to ask have been asked by others and answered in part, but perhaps I would maybe like to go back and ask some of them again.

Mr. Mitchell, you have stated on Page 3, "Many of the residents within our municipality and our neighbouring municipalities are bilingual in languages other than French, and we endeavour to serve their needs in the language of their choice wherever possible." Mr. Mitchell, do you do that as a service to people, or do you do it because the courts have ordered you to do it, or because it is enshrined in a Constitution, or do you do it because you're an elected person trying to get along and do what is right for the people?

**MR. J. MITCHELL:** We do it in our municipality as a service to the people. Seemingly, it has worked in our municipality as a melting pot of tensions. We have some person who cannot communicate to us in the general working language of the area, and we have had on occasions a situation that went before the court. Our main witness had a working language of another language than the two we're talking about today. The court requested us, the municipality, to bring this witness in, but to also bring a person that was competent in translations.

**MR. H. GRAHAM:** Mr. Chairman, you have then endeavoured, wherever possible, to provide a service that the people have requested. Is that correct?

**MR. J. MITCHELL:** Yes.

**MR. H. GRAHAM:** Mr. Chairman, if you are providing a service that the people request, and you're doing it without the court having ordered it or the Constitution having insisted on it, do you think that any change in those services should be enshrined in a Constitution, the courts can then interpret it and force municipalities or other people to provide the services that the court then orders society to provide?

**MR. J. MITCHELL:** I don't believe that we need them enshrined in municipal government. If we have people that need these services, I don't know of too many municipalities that wouldn't try to provide them if they were requested and needed.

**MR. H. GRAHAM:** Mr. Mitchell, during the last number of years, the Province of Manitoba has provided various services to all the people of Manitoba and maybe, in particular, to one group, the French factor in Manitoba and French has been taught in the schools. We have seen an expansion of that program. We have seen provision for aid to private and parochial schools. We have seen French Immersion courses emerging in the Province of Manitoba. In your estimation, was that provided by the province because the court ordered it, or because it was a service that the province felt was necessary for the people?

**MR. J. MITCHELL:** I have to think about that one and not knowing the total background of the situation, I would say it's partial both ways.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Mitchell. Mr. Mitchell, do you know of any case where the court has ordered the province to provide some of the services that I have mentioned?

**MR. J. MITCHELL:** I cannot name any cases specifically.

**MR. H. GRAHAM:** Well, Mr. Chairman, would it be logical then to assume that these services have been provided by the province without court ordering, been provided because the Government of the Day, whatever political party - and it's been done by all political parties that have been in power in the last several decades - would it be logical to assume that they have done it because they felt it was the right thing to do and they didn't wait for any court to order it, nor did they expect any court to order it?

**MR. J. MITCHELL:** I would say probably that - not being a member of a senior level of government - maybe this was their thinking. We hear of the common law of right. Maybe this is what they were governing themselves under and not under a statute or an act of the Legislature. What does our learned friends tell us in discussing these cases, the law of right or the statute of right is described - not of being a great fan of history, away back when, in the drawing up of The British North America Act and all the other acts.

**MR. H. GRAHAM:** Well, Mr. Chairman, perhaps I should continue on and expand that a little further. Would it cause you any undue alarm, as a citizen of the Province of Manitoba, if the passage of laws and the enshrinement in Constitution provided principles in constitutional law and left the services that are provided to people in statute law, where the province and the municipalities and the lower levels of government can change it from time to time, the principles be enshrined in the Constitution but the services be left at the local level, where the need for services change, where governments change, and governments can respond to the needs of people as they arise? Would that cause you any undue concern as a citizen in the Province of Manitoba?

**MR. J. MITCHELL:** No, I don't think so. I think that maybe is the way we should be going. I would venture to say that if, for some reason, I tried to service my populace in our municipality in a language they do not converse in but it was a statute law, I don't know what they're going to do next month, but I know right well what they would do if I serviced them in a language that was a statute law but not a working law of the general populace of my municipality.

**MR. H. GRAHAM:** I have no further questions of Reeve Mitchell, but I want to thank him for the frankness and the openness that he has given to this committee in presenting the concerns of the people that he represents in the Rural Municipality of Rossburn.

**MR. CHAIRMAN:** Further questions? Reverend Malinowski.

**MR. D. MALINOWSKI:** Mr. Mitchell, I would like to ask you kindly, on Page 3, you stated down there and I

quote: "Many of the residents within our municipality and our neighbouring municipalities are bilingual in languages other than French and we endeavour to serve their needs in the language of their choice wherever possible." I question this. Would you be so kind to specify what kind of services you are providing them and in what field?

**MR. J. MITCHELL:** We have Ukrainian, Polish people, elderly people, that come in and have dealings with the municipality, want to know what our acts, our statutes, our resolutions mean. We have them printed them in English but we get them interpreted for them and try and give them an understanding of what the municipal and Rural Municipality of Rosburn by-laws mean, stand for, and how they generally affect them in the general workings and the carryings out of their day-to-day lives.

**MR. D. MALINOWSKI:** It means that you are explaining them, the administrations of our statutes, regulations, laws and this kind of a thing in various languages?

**MR. J. MITCHELL:** Yes.

**MR. D. MALINOWSKI:** So that's the service you are providing them in your municipality? Is that correct?

**MR. J. MITCHELL:** Yes.

**MR. D. MALINOWSKI:** Okay, thank you.

**MR. CHAIRMAN:** Further questions by members of the committee? If I could ask the committee's indulgence, leave of the committee to ask some questions from the Chair, or if you wish I could vacate the Chair and have someone else take over. It's your will and pleasure - leave? (Agreed) Thank you.

Reeve Mitchell, I, as you, am not a lawyer and I was intrigued with your discussion with Mr. Bucklaschuk about Page 2 of your brief. A couple of questions flow from that in terms of getting an appreciation of how you see The Manitoba Act versus provincial statutes versus municipal by-laws. My question would be this: have you ever had experience at the municipal level where you were advised by your Secretary-Treasurer or by your municipal legal counsel that you didn't have the authority to do something to pass a particular by-law or something?

**MR. J. MITCHELL:** Yes we have been . . .

**MR. CHAIRMAN:** What would be quoted by your Secretary-Treasurer or your municipal solicitor to say that you didn't have that authority, that you didn't have the power to do it? Where would he say that authority was denied?

**MR. J. MITCHELL:** Well in places where we were contravening sections of the provincial statutes as they were set down.

**MR. CHAIRMAN:** Would it usually be The Municipal Act?

**MR. J. MITCHELL:** Municipal Act, Health Act, Environmental Act, Planning Act.

**MR. CHAIRMAN:** So would you agree then that it would be a fair statement to say that basically all of your power as a municipality, and your right to enact by-laws, comes from, principally, The Municipal Act and your Charter?

**MR. J. MITCHELL:** Yes, but as time goes on, we're getting more involved with other acts of the Provincial Legislature that govern things that we can do, or the scope of environmental living in the Province of Manitoba.

**MR. CHAIRMAN:** But basically you're limited by provincial statutes, provincial legislation, in effect, set limits on what powers you have as a Council?

**MR. J. MITCHELL:** Yes.

**MR. CHAIRMAN:** Can you then appreciate that the province has similar limitations, and do you know where they come from?

**MR. J. MITCHELL:** Yes, I can appreciate the province has much the same limitations from a higher player, much the same as municipal have from the provincial.

**MR. CHAIRMAN:** Do you know how those limitations are set? Do you know where the province derives its authority?

**MR. J. MITCHELL:** From the Statutes of Canada, I guess you call it, or the Acts of the Parliament of Canada.

**MR. CHAIRMAN:** Are you aware that the BNA Act, now called The Constitution Act of 1867, sets out specific powers and divides jurisdiction between the Federal Government and the Provincial Government; and The Constitution Act of 1981 refines some of those powers and set out areas of jurisdiction much the way a municipality has areas of jurisdiction, gave provinces areas of jurisdiction; do you see a similarity between those two ways of setting up jurisdiction?

**MR. J. MITCHELL:** Yes, Mr. Chairman, I do see a similarity, but just to carry this one bit further. When we, in the municipality, find that there is something in the provincial acts or statutes that is bothersome or causes problems for us to administer in the municipality, I think you only know too well that we at the R.M. of Rosburn are quite prepared to come in and discuss with you and try to work around some of these limitations for the betterment of our communities.

**MR. CHAIRMAN:** Wouldn't you, in the same vein, think it would be reasonable that your provincial legislators would do the same thing when they found they had problems with their authority, that they would go to where they got that authority and say, hey, we've got a problem - just as you do when you go to see the Honourable Mr. Adam - and we'd like to have some changes made to solve that problem? Is that a similar equation?

**MR. J. MITCHELL:** But it takes a majority of our populace, of our municipality, to take us with this proposal for change to the province, not a minority.



**MR. CHAIRMAN:** Do you ask all of the people in the municipality or do you just have a majority of the council vote on the decision to ask the Minister to change the law?

**MR. J. MITCHELL:** It usually gets fairly well discussed. It's not maybe made out in such a situation, but it usually gets fairly well discussed before an election and you know what happens, we're still here talking.

**MR. CHAIRMAN:** In Paragraph 2 then, on that page, the one that starts with: "We believe that, if the elected representatives of the people of Manitoba in 1890 decided to do something, decided it was in the best interest of the province to make English the only official language, then it was within their power to do so." Knowing what we know now and that you sometimes don't have the power at the municipal level, and appreciating that we may not have the power under the BNA Act or the 1981 Constitution, do you think maybe you might want to reconsider that statement? Is it possible that maybe the province sometimes doesn't have the power to do certain things that it wants to do?

**MR. J. MITCHELL:** Yes, but as I said before, further in our presentation we suggested that maybe we should find out if we had a total majority for this situation whereby the province could go to the Federal Government and say it is a majority of people who want this. Then I cannot see why you cannot negotiate the same as we do with the municipality with the Provincial Government.

**MR. CHAIRMAN:** Our municipalities, and perhaps your municipalities, had this experience, sometimes taken to court and told that they didn't have the authority to pass a specific by-law.

**MR. J. MITCHELL:** We have not been taken to court as yet.

**MR. CHAIRMAN:** Are you aware of municipalities that have been taken to court and told they didn't have the authority and had to repeal by-laws?

**MR. J. MITCHELL:** I've heard of them, yes.

**MR. CHAIRMAN:** Are you aware that in 1979 the Province of Manitoba was taken to court and told it had to repeal The Official Languages Act of 1890?

**MR. J. MITCHELL:** I've heard something about it.

**MR. CHAIRMAN:** Do you see any similarity between the Supreme Court ordering the Province of Manitoba to repeal The Official Languages Act and the municipality being required to repeal the by-law because both of them didn't have the power to do what they did?

**MR. J. MITCHELL:** There is a great similarity there, but I think there is a lot of room for negotiations, and this basis of common law to take effect in this situation instead of being pushed through and said, this is the way it shall be.

**MR. CHAIRMAN:** Thank you very much. Any further questions from members of the committee?

Mr. Blake.

**MR. D. BLAKE:** Just to conclude, Mr. Chairman. I think what Mr. Mitchell is saying is that when he acts on behalf of the people in his municipality, you take a little time and you gather a pretty good consensus before you rush in and have something changed to make sure you are representing the wishes of the people, you're saying that maybe this is being hurried up and what's the rush in changing the Constitution now.

**MR. J. MITCHELL:** We try, before we take an issue to the province, to get a consensus, a majority consensus, on the definite issue. It may not be a majority consensus of all of the people in the municipality, but it is a majority of the people who are involved with the issue that is at hand.

**MR. D. BLAKE:** Thank you very much, Mr. Mitchell, and thank you for taking time out of your harvest schedule to spend the day with us.

**MR. CHAIRMAN:** On behalf of the committee, Mr. Mitchell, I'd like to thank you and your council for coming here and making a presentation today. Thank you very much.

**MR. J. MITCHELL:** Thank you, members of the committee.

**MR. CHAIRMAN:** Next on our list is Mayor Ken Carels, R.M. of Melita.

Please proceed, Mayor Carels.

**MR. K. CARELS:** Thank you. Just a word of correction possibly, not the Mayor of the R.M. of Melita, the Mayor of the Town of Melita.

Thank you, Mr. Chairman, for this opportunity to present my views on this issue.

As stated, I am the Mayor of Melita and a Director for the Union of Manitoba Municipalities representing the towns, cities and villages west of Highway No. 34.

We are soundly against the proposed resolution to amend Section 23 of The Manitoba Act and feel the government has overlooked some important facts.

From our understanding of Section 23 of The Manitoba Act of 1870, it does not state that either English or French are the official languages of Manitoba. Therefore, the citizens have the freedom to choose their preference.

With regard to the Forest case, which was going to end up in the Supreme Court of Canada before a deal was negotiated, has triggered the French language issue out of proportion. If this agreement has been made with other groups and the Federal Government has agreed to pay for the translating services, it is still the citizens of Canada that are paying for this load as taxpayers. The cost of translating the statutes and other government items are more than we can bear at this time.

The cost value should be looked into with greater detail than the Attorney-General has done before proposing such legislation. The Attorney-General has

said, "We apparently have an as yet unresolved disagreement as to costs of the program." He later says that he believes, "the costs will be small." Such major legislation should not be undefined. I think more specific data as to the costs should be more readily available so that actual costs would be known.

Mr. Chairman and board members, it appears to me that the Manitoba Government is trying to suggest to the people of Manitoba that if the French minority does not have their language entrenched in the Constitution, that other ethnic groups will suffer and not be able to keep their identity.

I do not believe this is right! Manitoba has always allowed any group the freedom to keep their own heritage, religion and "language." Why try to change it now?

As a Mayor of a small town, my major concern would be that government services in French could be very costly for municipalities and school divisions. I am afraid that the proposal to amend The Manitoba Act could open the door to expansion of French Language Services through future court decisions. If the government entrenches this bill, they will lose control, and I would, therefore, object to the entrenchment.

On August 8, 1983, the Council of the Town of Melita passed a resolution to hold a referendum on bilingualism, the vote to be held on October 26th of this year. We feel that our people should have a chance to express their feelings, as it will affect everyone in Manitoba.

In closing, may I thank you for your time and hope you will take our concerns into your consideration.

**MR. CHAIRMAN:** Thank you, Mayor Carels. Questions for Mayor Carels by members of the Committee?

Mr. Penner.

**HON. R. PENNER:** You have referred just now to the fact that your town proposes to hold a referendum. Do you have a wording for that referendum?

**MR. K. CARELS:** No, we haven't, Mr. Penner, as of yet. We are hoping to get that from the Union of Manitoba Municipalities.

**HON. R. PENNER:** When you get it from the Union of Manitoba Municipalities, are you going to use that wording just as it comes, or are you going to have your lawyer look at it to make sure that it's legal?

**MR. K. CARELS:** I will have my solicitor look at it.

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

**MR. CHAIRMAN:** Further questions by members of the Committee? Seeing none, Mayor Carels, on behalf of the Committee, thank you to you and your council for being here this evening.

**MR. K. CARELS:** Thank you very much, Mr. Chairman.

**MR. CHAIRMAN:** Next, Mr. Mervin Tweed, R.M. of Brenda. Mr. Tweed, please.

**MR. M. TWEED:** I have no brief to hand out to anyone. It was more of a sit-down-after-the-meeting type of brief that we presented.

My name is Merv Tweed, and I represent the Council and the voters of the R.M. of Brenda, located in southwestern Manitoba. I have been asked, on behalf of council, to speak on the proposed French language issue.

As councillors in a small municipality, we come in contact with our voters every day. It's an instant reaction to everything that we do as councillors. Throughout the conversations, the council and myself have sought the feelings of the people in regards to the French issue, the language issue. Though there are many different reasons why, the answer is always the same. We do not need the entrenchment of the French language rights. There are many reasons that are given, and I'll go through a few of them in order of major importance.

Cost: the questions that are asked of me are, do we need or can we afford the financial burden of implementing this task that the Provincial Government has decided or proposed to take on? I understand from what I've read that it has already cost \$2 million for the translation of 25 documents. It's astounding figures. Again, I have no facts to back that up. I am going on what I read. With so many more left, what will be the final cost? That's one of the major concerns. Will the municipalities - again today before we got the resolution or the proposal to amend it, we were concerned with the costs to the municipality, and would we eventually have to provide the services in both languages? If so, at whose expenses? The council feels that at a time when everyone is being taxed to death, can a government afford any additional debt load on these people? I think not.

I know it has been said that the government cannot afford not to entrench these rights because of the court cases and the possible outcomes of these decisions, but I ask you, what are the chances that the Supreme Court will invalidate all our laws? I believe with Mr. Forest, it was mentioned earlier that the laws were invalidated because of the decision. Am I correct in saying so, or may I ask?

**MR. CHAIRMAN:** Please proceed.

**HON. R. PENNER:** The 1890 law was invalid.

**MR. M. TWEED:** I would say that one mistake in that period of time was probably a pretty good standing. I would also ask, what are the chances that the Supreme Court would invalidate all of our Legislative Assembly and all our courts, because that's, I believe, what it would come down to if the French issue is resolved in their favour.

How will this proposal affect Manitobans? We are concerned that the cost of implementation alone is going to be enormous, and we're not sure that the province can afford it.

I am also concerned about the future of all ethnic groups and their concerns. Are they going to be dealt with on an individual basis, or however? Also the employment factor, French and English, in the government services, is it going to become a requirement? It's been stated throughout the day, yes and no, by both sides and I believe that it's a concern of all the people of Manitoba as to job requirements.

Other arguments by government is that we are returning the rights lost 93 years ago, but I believe that the 1980 reform was a fulfillment of the original language rights laid out. I may be mistaken. The Official Language Act states that the people should be able to deal with the Government in Manitoba in French or English. It seems like that is the way I read it and that is the way I understand it to be. I don't understand why it has to be entrenched, something that has been considered a fact for that length of time.

I also, this morning, just out of curiosity, looked up the word "entrenchment" and it's to burrow and build a wall around, a form of defense. In a province when we're trying to put two major groups of Canada together, it seems like all we're doing is building a wall around one area and I think it's alienating a lot of the people in the Province of Manitoba in regard to the anti-French sentiment or vice versa. We feel that the government has many more important things in hand, and although we do not consider the language to be a low priority, we feel that the economic woes of the province are a major priority.

We also feel that the government has made this issue so strong that perhaps it's divided Manitobans against each other. We believe that the response to the government proposal, which has been heard today and from our point of view in our municipality, that any further proceedings should and must be decided by the public. We all hope that one day there will be a desire by Manitobans to introduce French without restriction, but it's not happening right yet, but until there is, I think we need much more debate. I think we need to understand the issues much better. I don't think that it's something that people can just hear on the media one night and accept it as fact. I think that what we're doing here is the right steps. I just think that it takes a lot more. It took 113-odd years to write a Constitution and I don't think you can change the amendments in a year or a year-and-one-half and expect the people to accept it. I think the government has acted far too hastily and this haste has created a lot of confusion and a lot of distrust in the people of Manitoba.

Thank you.

**MR. CHAIRMAN:** Thank you Mr. Tweed. Questions for Mr. Tweed from members of the Committee? Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Mr. Tweed, I listened to your presentation and I think I detected in your speech, your No. 1 concern seems to be that there seems to be a lot of confusion and uncertainty and suspicion and maybe even mistrust over the way things are proceeding at the present time. Is that correct?

**MR. M. TWEED:** I believe that to be a correct assessment.

**MR. H. GRAHAM:** Mr. Tweed, first of all, I want to congratulate you for coming forward tonight and giving us the benefit of your views and I presume the views of your municipality as well. I want to ask you something that maybe seems to be a little irrelevant. Have you ever appeared before a Legislative Committee before?

**MR. M. TWEED:** Have I? No.

**MR. H. GRAHAM:** Well, let me assure you - and maybe this is just to let you express yourself more freely - let me assure you that we are here to try and elicit your viewpoints, your interests and your concerns. We ask questions mainly to try and draw you out or to get you to elaborate on some of the views that you have expressed.

You stated, I believe, that in 113 years we have lived in relative harmony in this Province of Manitoba. Can I ask you, in your municipality or the people that you associate with in your everyday life, is there a significant number of people of the French ancestry or French-speaking people that you have dealt with personally or who lived within your municipality?

**MR. M. TWEED:** Within the municipality, no. It's not a large percentage at all. I wouldn't know the percentages. I would say it wouldn't be 1 percent.

**MR. H. GRAHAM:** Mr. Tweed, in your everyday life, I'm sure you have met many many people of French speaking or French background, and in all the years that you have been in public office and in business, have you detected any feelings of animosity or any feeling that they have been denied their rights? Has that been expressed to you by any French-speaking people in any way?

**MR. M. TWEED:** No, sir.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Tweed. We are trying to endeavour to ascertain whether some of the fears and concerns that have been expressed are real or imagined in your opinion. Maybe that is not the correct terminology to be used, but at the present time, do you think that it would be advisable to take this issue, look at it carefully, to consult further with people and, if necessary, go back to Square One and start all over again? Do you think that would be in the best interests of the people?

**MR. M. TWEED:** I believe that if the people in the Province of Manitoba were made to understand the issues somewhat better, that maybe an understanding could be arrived at. I think, from my point of view as a councillor, what I'm hearing back from my people is that it's an issue that has been brought to light in the press and the media. It's an issue that said this is the way it's going to be and the people are offended by that attitude. Perhaps there was consultation throughout the municipalities. I know we received none and it was just something that was thrust upon us. I believe that anytime something like that is put upon people, their first reaction is defence or become offensive.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Tweed. I can assure you that his views are not uncommon at all and we sit here as elected representatives of various segments of the population of Manitoba, and I would ask you if you have any particular words of advice to offer to us on this matter, as it presently stands? What would you suggest that we do, say not tomorrow but a month from now or

two months from now, what course of action would you think would be most appropriate for the Legislature to take and the government to take in order that the interests and the needs and the wishes of the people of Manitoba could best be achieved?

**MR. M. TWEED:** I think this is one of the first steps. I actually thought when I was coming here I was going to get to ask the questions. I think that's the major issue. I think people need to be educated and if there are certain things that the majority can agree upon, fine, and the disagreements that are there, they're going to have to be resolved one way or the other.

I think in the future, I would say a month down the road, we should still be talking about it and still trying to come up with some kind of a resolve that would satisfy the majority.

Again, I know it's an issue within our municipality, not in the point of being elected, but they're certainly asking questions right now as to where all the councillors are standing on this kind of an issue and how they would react if it was brought to that point, where they had to answer yes or no one way or the other.

I think that government has always been notably slow in coming to final decisions. I think this is one that maybe the slowness would be complimented by many of the people in Manitoba that are always waiting for these kinds of decisions to come through. I think that time is going to be a very big element in deciding this issue, and education.

**MR. H. GRAHAM:** Those are all my question, Mr. Chairman, but I want to thank Mr. Tweed for being so open and forthright in his answers.

**HON. R. PENNER:** Mr. Tweed, at this beginning of his questioning, Mr. Graham attempted to identify your R.M.'s main concerns, putting to you what he thought they were. I have before me the wording of the resolution passed by the R.M., and I read it to you, "That the Council of the R.M. of Brenda oppose the use of bilingualism for Municipal Affairs." Are those the right words of the resolution?

**MR. M. TWEED:** Yes, they are. I believe the date was June?

**HON. R. PENNER:** I haven't got the date here, but I believe it was, in fact. Are there any other resolutions of the R.M. of Brenda?

**MR. M. TWEED:** We have not come to any decision on that yet. Our last council meeting it was, like you've heard previously, it's a matter of getting the meetings over with. I'm sure it will come up in the next month's meeting.

**HON. R. PENNER:** So that it would be fair to say that certainly in terms of what the council saw as the issue in its resolution, it was the question of bilingualism for Municipal Affairs.

**MR. M. TWEED:** At that time, it was. I would say that since that point, it has become a lot larger issue.

**HON. R. PENNER:** I appreciate that. I didn't say it was your only concern, and I'll get to your other concerns in a moment.

You're aware of the amendment which is being proposed which specifically excludes municipalities and school boards.

**MR. M. TWEED:** Yes, I am, only as of today.

**HON. R. PENNER:** I'm a bit surprised at that. Several witnesses have said that and yet, to my knowledge, a copy of Premier Pawley's announcement about that was sent to every R.M. in the Province of Manitoba? Your R.M. did not receive that?

**MR. M. TWEED:** Not to my knowledge.

**HON. R. PENNER:** That's interesting. We'll have to look into that.

**MR. M. TWEED:** It could be the mail service.

**HON. R. PENNER:** It might still be in the mail. Indeed it might, probably on its way to Thailand.

You mentioned a concern about costs, so that is another concern of the R.M. of Brenda, costs.

**MR. M. TWEED:** Yes, it is.

**HON. R. PENNER:** And you referred to a cost of \$2 million to translate 25 statutes. Where did you get that from?

**MR. M. TWEED:** I read it, I believe, in the Toronto Globe and Mail or Free Press.

**HON. R. PENNER:** But attributing to what source? Was it to Mr. Doern or to a government source, or to what source? Do you remember?

**MR. M. TWEED:** No, I don't.

**HON. R. PENNER:** I think, in fairness, you did go on to say, you don't know whether that's right or wrong.

**MR. M. TWEED:** Exactly.

**HON. R. PENNER:** Let me advise you that, in fact, the cost of translating 500 statutes and revising in English the statutes of Manitoba over the next 10 years in total is \$3.5 million, \$350,000 a year.

**MR. CHAIRMAN:** Mr. Doern on a point of order.

**MR. R. DOERN:** Just for clarification, I believe that figure came from Mr. Mercier. It was a question that he posed to the Minister of Cultural Affairs. He asked whether the figure of \$2 million was a correct amount.

**HON. R. PENNER:** And what was the answer? The answer was, no.

**MR. M. TWEED:** Unfortunately, the paper didn't print that.

**HON. R. PENNER:** That's right.

**MR. CHAIRMAN:** That was not a point of order.  
Mr. Penner, further questions?

**HON. R. PENNER:** You made a reference, Mr. Tweed, that perhaps you can amplify or clarify for me; namely, that when referring to the fact that the Supreme Court of Canada had invalidated the 1890 Official Language Act, you said, well that's one mistake in 100 years. What did you mean by that?

**MR. M. TWEED:** I am concerned with the issue of one person in that length of time can challenge and become successful. What is it going to do to our court system, and what is it going to do to all the laws? That's my biggest concern with that issue. If one person can rewrite history, where does it stop?

**HON. R. PENNER:** You refer to our court system. Is it not the fact that almost every case with very few exceptions that come before the courts are initiated by one person claiming a right or challenging a law? That's how cases get started. Are you not familiar with that?

**MR. M. TWEED:** Yes, I am.

**HON. R. PENNER:** Are you aware that, in fact, the Supreme Court of Canada since 1867 has invalidated thousands of laws as being unconstitutional, including hundreds from Manitoba?

**MR. M. TWEED:** I'm aware of it. I am also a little concerned to the fact, if that is so, what laws do exist?

**HON. R. PENNER:** If, in fact, there is a Constitution which says - and the Constitution is the way in which people agree to live together, let's say, in our system, federally, provincially, and there is a Constitution which says, with respect to the provinces, thou shall do this, but cannot do that, and says to the Federal Government, you can do this, but not that, who, in your view, is to make the decision if somebody says - let's say, the Province of Manitoba in passing a certain law passed it beyond its powers. Who should make that decision?

**MR. M. TWEED:** I am not sure I understand but, in regards to the French language issue, I would prefer to keep the province and the Government of Manitoba as the people that would make the final decision. I would hate to see it go beyond that. I think that the people of Manitoba should be responsible for that sort of an issue. I don't think it is one that we can pass on federally.

**HON. R. PENNER:** Would you perhaps try to answer my question? The question was this. In the constitutional system - and every system is in one way or another a constitutional system. Every nation has a charter of its existence, the rules by which it lives. If somebody claims that a government in passing a law has violated that charter of its own existence, who should make the decision? Who should decide that?

**MR. M. TWEED:** I would have to say, whoever was given that authority.

**HON. R. PENNER:** The Constitution gives that authority to the courts.

**MR. M. TWEED:** I guess it would be the courts then.

**HON. R. PENNER:** The 1870 act, The Manitoba Act was, in fact, a constitutional act of the Parliament of Canada. The 1890 act, which tried to put that aside, was an act of the Legislature of Manitoba. Do you see the problem? You have an act of the Parliament of Canada, and an act of the Legislature tries to change it. Do you see that is a constitutional problem?

**MR. M. TWEED:** Definitely.

**HON. R. PENNER:** Those are all my questions.

**MR. CHAIRMAN:** Thank you, Mr. Penner.  
Mr. Doern.

**MR. R. DOERN:** Mr. Tweed, I gather that you would rather take your chances before the Supreme Court of Canada than to be bound by the legislation that the province has put forward.

**MR. M. TWEED:** Yes, sir, I would.

**MR. R. DOERN:** I also understand that in your opinion - I believe you said this - that the legislation which may have been designed to help the French-Canadian community in Manitoba isn't helping them, but is in fact hurting them.

**MR. M. TWEED:** I would say that the attitude of the people, the sentiment is not real strong in favour right now. I think that the people feel that they are being dictated to by a minority, and a minority that is very minimal. The people are not prepared to understand, or not prepared to accept that at this point.

**MR. R. DOERN:** So would you say that, in your judgment, people had a friendlier feeling toward Franco-Manitobans before this legislation was introduced?

**MR. M. TWEED:** I never knew there was a French language issue until the court case with Mr. Forest, or Forest, however. It seems like that has brought it to the light, be it right or wrong.

**MR. R. DOERN:** Is the R.M. of Brenda going to hold a plebiscite or a referendum on official bilingualism?

**MR. M. TWEED:** It's been discussed, but nothing has been confirmed.

**MR. R. DOERN:** The government has suggested that there is ample opportunity for people to make their views known to this committee. Therefore, you don't need things like referendums. Do you think that the average person is likely to come to this committee and make a brief or presentation or is that a pretty far-out prospect?

**HON. R. PENNER:** The assumption being, Mr. Tweed, you're not an average person.

**MR. CHAIRMAN:** Order please. Mr. Tweed.

**MR. R. DOERN:** Well, you're certainly not an average person.

**MR. CHAIRMAN:** Order please. I would ask members not to exchange comments during discussion of a brief.  
Mr. Tweed, please.

**MR. M. TWEED:** I would suggest that it is a lot harder for the working person, or a person that is not a private businessman per se that can take the time to get away. I know I've sat here all day and I thought I was going to have to come back tomorrow. I'm sure that acts as a deterrent to a lot of people.

**MR. R. DOERN:** Would you say also that the unfamiliarity with the process or the prospect of being questioned by the Attorney-General might frighten a few people away?

**MR. M. TWEED:** That's a strong possibility, I'm sure.

**MR. R. DOERN:** Thank you very much, Mr. Tweed.

**HON. R. PENNER:** Are you frightened, Mr. Tweed?

**MR. M. TWEED:** Not at all.

**HON. R. PENNER:** I didn't think so.

**MR. CHAIRMAN:** Any further questions from members of the committee? Seeing none, Mr. Tweed, thank you to you and your council for expressing your views here today.

Next on our list is Reeve Kenneth Rapley from the R.M. of Strathclair.

Reeve Rapley, please.

**MR. K. RAPLEY:** Thank you very much, Mr. Chairman, for having the privilege of presenting the views of our council. I'm sorry to say that I have not any written brief to present to you and to have for every member of the council. In fact, what I was able to get put together was done yesterday afternoon pretty well with the concurrence of council, which we just had a meeting Wednesday of this week. Because of the harvest weather we were reluctant, or it rained one morning so we had a quick meeting.

I think, Mr. Chairman, what I have to say, I'm sorry to have to say that possibly most of this has been said already today, but I propose maybe we might get some different angles to what has been said.

I was raised and brought up in the '30s; I didn't have the opportunity to get too much of a high-school education. We have put together the best we could, so I just can't become too involved in some of the legal aspects of the language issues. I felt that you, as a committee, would appreciate hearing from the grass roots, the people back home, as it were. As I said before, whatever I said possibly would be said, but, anyway, we feel it's worth repeating.

We feel the proposals in the legislation the government hope to enact are totally unnecessary in 1983. To make this province bilingual or sometimes

referred to as semi-bilingual is certainly out of step and the huge cost does not warrant trying to satisfy the ego of some people creating a hostile atmosphere in the province and our country.

To us, we feel we should be considering ourselves Canadians, not Anglophones, Francophones or any other hyphenated person. Just what might seem reasonable in 1870 in parts of Canada, even in Manitoba, is certainly out of step to date and I ask in all sincerity, does the huge cost to the people of Canada and Manitoba in particular justify the expense to satisfy the very small percentage of the people who are deciding to make this province bilingual.

As municipal people, we are very concerned with huge money expenditures. There are so very few people in Manitoba who do not fully understand the English language. Perhaps a few immigrants of a few years back and more recently refugees and people from Asian countries who are attempting to learn the English language and become Canadian citizens.

We have many residents of French ancestry who do not want to be considered Francophone, nor see the need for all the fuss about Manitoba becoming bilingual.

Apparently there are a number of ethnic groups who feel supporting the French issue, they in turn will get official language and cultural status. I'm sure they would never see this happen and if so, what a chaotic province we would be living in. I'm sure none of us here today would want to see that happen.

We hear so often from the media, advocates of making the province bilingual, that the status in The BNA Act make provision for a bilingual province. Remember, as I said before, that was in 1870. Today, things in the population ratio have changed drastically. Surely something that is so outdated and out of step could be changed if we requested a change. Apparently The BNA Act is not a statute in gold as we sometimes wonder.

I think it was mentioned once before, but I'll just bring it up again, that we just have to remember that the agreement the Federal Government made with the CPR a number of years ago in building the railroad, the vast sums of land and minerals that were inherited for their effort and that they would move prairie grain under a statutory rate. Apparently that enshrined piece of legislation doesn't mean anything. It can be broken quite easily by the railroads telling us they can't move prairie grain at the agreed rate, at today's costs. The huge profits that were made from the land and minerals were in part invested outside the country and in other modes of transportation. What I'm trying to say, what is so sacred in our legislation that as time changes, so why can't the legislation be changed.

We can't see why the Provincial Government can't attempt such a change. We've been bribed by Ottawa into believing they would give us huge sums of money to help pay for some of the translation. Whose money is it that we're playing with?

We feel it hard to get money from the governments for worthy causes that would create long-term steady employment as an example. We, in rural Manitoba, need huge sums of money to help build roads for our present large trucks who are now hauling grain longer distances because of the branch line closures. The majority of traffic is in a north-south direction. Most of our highways are in an east-west direction.

The Federal Government promised there would be millions to spend on upgrading our transportation system. To date, none has been earmarked for Manitoba R.M.'s to help upgrade our municipal roads. So you see why when it is suggested R.M.'s and school boards would not be required to make their by-laws, etc., bilingual, unless there is a significant number who demand such, whatever that means, once you get your foot in the door it is very hard to close it.

Members of most municipal councils are very skeptical about what lie ahead in the future for us if we do not speak up and voice our concerns and stop this wave of unnecessary legislation.

I'd also like to point out that I don't want any of the members here to think that I am on either political side because it wouldn't matter what party was in power, I'd say what I've had to say already. I hope you realize I'm not trying to take sides politically.

Also, we feel that the majority of the people in the Province of Manitoba mean something. What is bothering me and bothering a lot of people is what is in our paper today and what our Secretary of State has mentioned on several occasions, is what's behind some of the things that we, as the ordinary citizen, do not realize what's going on. Our Secretary of State - I'm sure most of you got some of these copies - what he is proposing and what he is working for, he makes no bones about it, is to reaffirm the French fact in Canada, that it's going to be a French country. So I think we want to be careful and realize that there are a lot of things going on behind the scenes that possibly some of us are not aware of.

I maybe should say that our municipality hasn't taken the stand yet anyway, whether they will or they won't, on a referendum and maybe it's not the proper thing, but at least it gives the people, our Provincial Government an idea of what the people, how they feel, whether it be right or wrong, but it does give them a feel.

I might also say that we, as municipal people, are quite concerned when we read about - it was mentioned it wasn't going to cost a great deal. It was so many millions a year, but that's a lot of money in our language, and I might say that in our municipality we are quite concerned, because in 1982 our tax collections were down 15 percent from 1981 and that is a fair amount of money that's still outstanding. We are quite concerned about the recession that has hit us and we don't want to put any undue burden, especially on the young farmers and the small business people in our community.

So, Mr. Chairman, while I've been possibly rambling, I've tried to give you a quick short explanation of how our council feels. I might also add, and I haven't got it with me, our council passed a resolution, I think, a way back, maybe it was June or May, that they were opposed to the province being declared a bilingual province.

**MR. CHAIRMAN:** Thank you Reeve Rapley. Any questions for Reeve Rapley from members of the Committee? Mr. Doern.

**MR. R. DOERN:** Your opening statement was one of the strongest and clearest and that is, if I recall correctly,

you said that you felt that the legislation was totally unnecessary. Is that correct?

**MR. K. RAPLEY:** That is correct, yes.

**MR. R. DOERN:** Would you go further and say that you feel that the legislation is harmful in terms of implications for the taxpayer and implications for the various ethnic communities?

**MR. K. RAPLEY:** Well, Mr. Chairman, it does appear that whenever we get together on this subject to discuss, it does seem that people are very resentful of the fact of trying to make the province bilingual. It's really, from where we sit anyway, it seems as though we're creating confusion and disillusion rather than unity.

**MR. R. DOERN:** Do you have a feeling from Mr. Joyal's statement of today and previous statements, that we are being used as some sort of guinea pig?

**MR. K. RAPLEY:** Well, Mr. Chairman, I don't know whether we could say we've made guinea pigs, but it makes a person wonder when you see the statements and what our Secretary of State is trying to advocate, it makes you wonder just what is going on behind the scenes that the average person is not aware of.

**MR. R. DOERN:** Do you also have the feeling, or are you of the view that the Federal Government is pulling the strings here or has a very large behind-the-scenes presence?

**MR. K. RAPLEY:** Yes, I certainly do feel that, yes I certainly do.

**MR. R. DOERN:** Right. Thank you, Mr. Rapley.

**MR. CHAIRMAN:** Further questions for Reeve Rapley from members of the Committee? Mr. Graham.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Through you to Reeve Rapley, I believe you mentioned right at the beginning that harvest was a concern in our area. I sincerely hope that the weather will change and the farmers in your municipality will get their crops off, because I think that's a No. 1 concern at the present time.

But, Mr. Rapley, you mentioned something that maybe puzzled me a little bit, but then again, maybe it didn't. I believe and I can't quote you correctly, so maybe I'm paraphrasing what you said. You said if change is necessary and conditions change, that if we have to change the Constitution, maybe we should change it to reflect the changing times. Was that a right interpretation of what you said, or am I maybe misreading what you had said?

**MR. K. RAPLEY:** No, I think you read me correctly.

**MR. H. GRAHAM:** Mr. Rapley, are you suggesting then that the province should maybe be putting forward a position and presenting it to the House of Commons and the Senate - because we cannot do it ourselves, they must pass it - to change the Constitution, to make

one official language in the Province of Manitoba. Were you prepared to go that far?

**MR. K. RAPLEY:** That was the intent of what I said. But, of course, we'd have to have the Provincial Government feel that they were acting in good taste for the big majority of the people. If they have a feeling, there are some that may be discriminated against or left out, possibly they wouldn't feel like taking that route, but that is the route that I feel should be taken.

**MR. H. GRAHAM:** Mr. Chairman, through you to Mr. Rapley.

I can't speak for the efforts of the government, nor can I speak for members of the opposition. But if that came to pass, if it was conceivable that the province would take that course, do you think that the province would have any reasonable hope of persuading the Federal Government and the Senate to implement that as a change in the Constitution of The Manitoba Act and the Constitution of Canada?

**MR. K. RAPLEY:** It may not be possible, but unless we try something we never know. So if you don't try, you don't know whether you are going to be successful or not. It may be it's impossible.

**MR. H. GRAHAM:** Mr. Chairman, the reason I ask that question is because, at another location when we held hearings in Ste. Rose, I believe it was the Reeve of the Rural Municipality of Dauphin that presented a very similar proposal. I was just wondering if that had been a proposal that had been discussed at any length at any Union of Manitoba Municipalities in any of their regional meetings or at any of their general conventions.

**MR. K. RAPLEY:** Not to my knowledge. I personally had not discussed this with anyone, other than our own council. They were the ones that suggested that such a thing should be attempted. But not at any municipal convention or any district meeting to my knowledge, we never discussed that angle, I don't think.

**MR. H. GRAHAM:** Through you to Reeve Rapley. Reeve Rapley, the Municipality of Strathclair does not border on the Municipality of Dauphin, does it?

**MR. K. RAPLEY:** No. The R.M. of Dauphin is across the mountain. We're on the south side and they're on the north side.

**MR. H. GRAHAM:** Also, through you to Reeve Rapley, there is really not too much communication then between people living on the north side of the Riding Mountain and those on the south side. In fact, has it not been a long-standing request of the municipalities on both sides that a road be pushed through the Riding Mountain so they can communicate?

**MR. K. RAPLEY:** Yes, we're sort of isolated from the people north of the Riding Mountain, and they are sort of isolated from us, although we have good roads and good communication, but we're in a different municipal district. We are in different electoral districts. But of course, as you are mentioning, they have been quite

an advocate to have a road connect the north side from, say, Rossburn to Grandview, that way. That certainly has been advocated for years. So we don't have too much in common.

**MR. H. GRAHAM:** Mr. Chairman, I find the proposal that was put forward by Reeve Rapley, while he said at the onset of his remarks that much of what he had said had previously been said by others, but I think that proposal, to the best of my recollection, is one that I haven't heard presented previously at this meeting today. I thank Reeve Rapley for expressing the concerns of his council here today, and I congratulate him for coming forward and presenting his oral brief today.

**MR. CHAIRMAN:** Further questions for Reeve Rapley? Seeing none, Mr. Rapley, thank you very much for being here and representing the views of your council.

**MR. K. RAPLEY:** Thank you very much.

**MR. CHAIRMAN:** Next on our list is Reeve Syd Lye, R.M. of Portage la Prairie. Mr. Lye.

Please proceed.

**MR. S. LYE:** Thank you, Mr. Chairman. Before I read this very short brief that I have here, there are a few things that I would like to make very plain. My council has passed a resolution against making Manitoba a bilingual province. They have also passed a resolution having a vote on the subject, and they have also passed a resolution authorizing me to present this brief. I'm sorry, I never brought a copy of those resolutions for you, Mr. Chairman, and members of the Committee, but I can assure you that if you require them, I can certainly get them.

First of all, I want to thank you, Mr. Chairman, and members of your Committee for allowing me to appear before you today, and to express to you a few ideas that I and my council have on language rights.

I have attempted to keep my remarks as brief as possible, because we know you have had pages of material and many days of work on the subject. However, we have tried to be explicit and to the point.

The Rural Municipality of Portage la Prairie is the largest municipality in the Province of Manitoba, and may I suggest we have people from various ethnic groups and from many areas of Europe, Asia and other parts of the world. We have to take a broad look at the whole situation as far as language rights are concerned to try to be fair to as many people as possible instead of trying to appease a small segment of our population.

It seems to us that everything went well after The British North America Act of 1867, or The Manitoba Act of 1870, and The Official Language Act of 1890, until Mr. Forest wanted to stir up a "turmoil pot" and, not wanting to pay a parking ticket, he solicited from near and far to get him out of his dilemma.

I also understand there was a Bilodeau case to bring pressure on our Manitoba Government to further extend the French language in our province.

Mr. Chairman, we think with the economy as it is today, there are other things more important than keeping various cultures alive at public expense when



people need work and the necessities of life. We are rather pessimistic that the future economy may be worse than most people anticipate.

We also think, Mr. Chairman, that if a very small minority are given special concessions, then other groups will have every right morally to ask for favours in regards to their culture and language.

In 1870, when The Manitoba Act was written, I understand that most of the residents of the province were of French origin. At the present time, it is much different, and the French people are forming a very small part of our Manitoba population.

My council decided some time ago to hold a plebiscite this fall on the question. We also think the Government of Manitoba should have a plebiscite on the question before the legislation is enacted and written in stone in the Constitution.

We do not agree to having a referendum. Mr. Chairman, I am rather amused, as these terms have been used to date. I checked this twice with a dictionary, and I have to admit that it wasn't a Webster dictionary, but my dictionary describes a referendum as a vote taken after legislation is enacted, which would be too late. I don't know whether that agrees with some of these people that have been using these words today anyway.

We realize someone is going to say that we have to honour the wishes of the minority. What do we do with the minority electors in a municipal, provincial or federal election? Do they not have to agree with the majority? This is as it should be in what is still considered a democratic country.

After the plebiscite, whatever the results may be, it is up to the Manitoba Government, then in power, to see that the wishes of the majority are implemented. Mr. Chairman, if it means the Constitution has to be changed, the Manitoba Government should proceed to that end.

It matters little to us how Quebec treats its Anglophones. We will honour our Francophones and treat them as equal, but we do not want their language forced on us. It is time we brought it to a vote.

As a personal note, my closest neighbour is a Francophone coming from France about eight years ago. He is a gentleman, and his four children are fine citizens. We also have four people of French descent married into our family. They also are good citizens of our country.

However, I am not prepared to be taxed by either the Provincial or Dominion Governments to keep alive a minority language or culture. It is time we called a halt to this nonsense now.

We have had a wonderful and peaceful province for more than 100 years, let it stay that way and do not let cranks or radicals spoil our way of life or please do not allow problems to be created that we will be sorry for after.

Respectfully submitted on behalf of the Rural Municipal Council of Portage la Prairie, by myself.

**MR. CHAIRMAN:** Thank you, Reeve Lye. Questions for Reeve Lye by members of the committee? Mr. Penner.

**HON. R. PENNER:** Reeve Lye, just a couple of questions. The second paragraph, Page 2, let me read

it again so I make sure that I haven't misunderstood it. "We realize someone is going to say that we have to honour the wishes of the minority. What do we do with the minority electors in a municipal, provincial, or federal election? Do they not have to agree with the majority? This is as it should be in what is still considered a democratic country." Do you believe that statement to be true?

**MR. S. LYE:** Yes.

**HON. R. PENNER:** That following an election the minority have to agree with the majority? That's what it says.

**MR. S. LYE:** That is the way it is with any municipal election. The majority vote is elected and elect their people.

**HON. R. PENNER:** Right. So that if the present Government of Manitoba, which was elected by a majority of the electors, passes this resolution, the minority will have to agree with it. Is that your position?

**MR. S. LYE:** Yes, if they do, the minority will have to agree. But . . .

**HON. R. PENNER:** Oh, there's a "but."

**MR. S. LYE:** Yes. But I say there should be a plebiscite first.

**HON. R. PENNER:** Well, let me see then if I really do understand your position. Are you saying that with respect to every law that the majority, which is elected, and would you say the minority should agree with, that the majority should submit every bill, let's say the one on seat belts or on pensions should submit that to a referendum?

**MR. S. LYE:** I think, Mr. Penner, this is far greater than seat belts or most other legislation that the Manitoba Government passes. I think this has far greater implications. We have been rather complacent, Mr. Penner, up till now in what has gone on. We have gone along with the French wishing to enact their language rights in the province. Until an address such as that comes to our attention, I would like to refer you to Page 2, where Mr. Joyal says: "Do not give up, we have been fighting in Manitoba for nearly 80 years." On Page 4: "To reaffirm the French fact in Canada, it is not the English fact which is threatened in Canada, Mr. McKenzie, it is the French fact and Francophone fellow Canadians. It is quite obvious that our Francophone fellow Canadians will sooner or later be relegated to the status of a fringe group. There is no such thing." This very speech, I would suggest, stirs up trouble in Manitoba. It's something we don't need.

**HON. R. PENNER:** I would ask you my questions again because you've gone off quite a bit. You make a statement in the second paragraph of Page 2 in which you say, categorically, that the electors when they elect by their majority of government, the minority have to agree with that government. That's what you're saying.

**MR. S. LYE:** Yes, Mr. Penner.

**HON. R. PENNER:** You elect them in order to rule and to make decisions and then if you don't like what they do you call them to account in the next election. Isn't that the normal democratic process?

**MR. S. LYE:** Yes, Mr. Penner, that is, and if you . . .

**HON. R. PENNER:** Now, my next . . . I'm sorry, I don't want to interrupt you.

**MR. S. LYE:** That's fine.

**MR. CHAIRMAN:** Did you have more to add to that answer, Mr. Lye?

**MR. S. LYE:** Well, that's fine, if Mr. Penner has something else.

**HON. R. PENNER:** Yes, just one other line of questioning. "Mr. Chairman, if it means the Constitution has to be changed," the next paragraph goes on, "the Manitoba Government should proceed to that end." First of all, Mr. Lye, you realize, I think, that in order for the Constitution to be changed it takes, not only an act of the Legislature, but of the House of Commons and the Senate? You know that?

**MR. S. LYE:** Yes, Mr. Penner.

**HON. R. PENNER:** Since Mr. Mulroney, the Leader of the Conservative Party . . .

**MR. D. BLAKE:** A fine man.

**HON. R. PENNER:** Yes. On this issue, yes. Certainly a lot better than the provincial Tories. Mr. Trudeau, the head of the Liberals and Mr. Broadbent, the head of the NDP, all three national parties have said, categorically, in public, within the last week, that they believe in a bilingual Canada. Who do you think is going to change the Constitution in Ottawa?

**MR. S. LYE:** I suggest, Mr. Penner, just wait until the next Dominion election and that will be decided then. The Liberals, as everybody knows, has two people west of Thunder Bay.

**HON. R. PENNER:** But, Mr. Lye, you quoted and in a sense tried to put this problem as if it were a problem of Mr. Joyal and the Liberals, but I point out to you that Mr. Mulroney, you're assuming and you may be right, I certainly wouldn't quarrel with you, that the Conservatives will be elected as the Federal Government in the next election headed by Mr. Mulroney. He has stated publicly that he favours a bilingual Canada. Who are you going to turn to for a change in the Constitution?

**MR. S. LYE:** Well, I think it will be a sorry state, Mr. Penner, when we come to that end, because I don't think that really Mr. Mulroney will go along with that if the people . . .

**MR. CHAIRMAN:** Order please. Were you finished, Reeve Lye?

**MR. S. LYE:** . . . if the people of Canada do not want it, then I don't think that it will be enacted. If there is a plebiscite taken, the people are expressing their wishes.

**HON. R. PENNER:** You're talking about a Canada-wide plebiscite now, because we're talking about Canadian-wide policies when we're talking about Mr. Mulroney, Mr. Broadbent and Mr. Trudeau.

**MR. S. LYE:** Well, I think Mr. Mulroney was caught in a bind there when he stated that.

**HON. R. PENNER:** Indeed he was. I just don't think that bind is going to get any better for him, Mr. Lye if he's faced with trying to win seats in Quebec and Manitoba at the same time.

**MR. CHAIRMAN:** Further questions for Reeve Lye? Mr. Bucklaschuk.

**HON. J. BUCKLASCHUK:** Mr. Chairman, to Reeve Lye. At the bottom of the first page you have two sentences which are rather interesting. "In 1870 when The Manitoba Act was written, I understand that most of residents of the province were of French origin. At the present time it is much different and the French people are forming a very small part of our Manitoba population." Are you saying in that paragraph that in 1870 when The Manitoba Act was written, when our province entered Confederation, that the French population in Manitoba enjoyed certain rights?

**MR. S. LYE:** The French were the predominating people in Manitoba at that time I understand.

**HON. J. BUCKLASCHUK:** So they were the predominant people and at that time they enjoyed certain rights?

**MR. S. LYE:** Yes, I agree with that.

**HON. J. BUCKLASCHUK:** And these rights were granted to them and in a sense enshrined in the Constitution of The Manitoba Act of 1870?

**MR. S. LYE:** Yes.

**HON. J. BUCKLASCHUK:** Then your second sentence states, "But at the present time, it is much different. The French people are forming a very small part of our population." So what you're saying is, now that the French population is less, that their rights should also be lessened.

**MR. S. LYE:** What I am saying is that the French are very much a minority, and for the majority to go along with their language, as they are trying to push their language on the majority.

**HON. J. BUCKLASCHUK:** I guess maybe I didn't quite state my question properly. I had indicated, and you

had agreed, that in 1870 they had certain rights. They were the predominant population. Now they are a lesser part of our population. Therefore, they shouldn't have as many rights. Is that correct?

**MR. S. LYE:** Well, I don't think they should be trying to force their language on other people, when other people are in the majority. Are you telling me, Mr. Bucklaschuk, that all acts are enacted forever? Are you telling me that all acts should never be rescinded?

**HON. J. BUCKLASCHUK:** Mr. Chairman, I'm trying to make a point here, is that in 1870, they enjoyed certain rights. You claim that today, because they are a smaller part of our population, they should have lesser rights. My question will then be: how do we get from certain rights in 1870 to lesser rights today without some legislation which would have deprived them or lessened their rights? We are still acting under the same act, so how do we get from certain rights in 1870 to lesser rights today?

**MR. S. LYE:** Well, I expect the Constitution would have to be changed, and that's what I have said in my brief. If there was a plebiscite taken and the majority of the vote voted against bilingualism in Manitoba, then the majority should rule.

**HON. J. BUCKLASCHUK:** Mr. Chairman, Mr. Lye, I think you're making your position quite clear. In other words, what you are saying is that we should not be entrenching rights, but in fact we should be taking away rights that have been enjoyed by this particular group for the past 113 years, and that this be done through an amendment to the Constitution?

**MR. S. LYE:** I don't think anything happened for possibly 100 years, until Mr. Forest stirred, as I say, the "turmoil pot."

**HON. J. BUCKLASCHUK:** Mr. Chairman, I agree with you, nothing happened. There was no legislation to deprive them of the rights they had in 1870. Therefore, there is no reason why they should not enjoy those rights today. You had indicated you feel that their rights should be lessened, then the ultimate conclusion I would reach is that, in fact, what you are asking for is an amendment to the Constitution to deprive them of the rights that they have at the present time.

**MR. S. LYE:** If that's what the majority of the people wish, yes.

**HON. J. BUCKLASCHUK:** Mr. Chairman, to Mr. Lye, then what you are saying is that the majority rules. We live under the tyranny of the majority and, if you're in the minority, that's your tough luck. But somehow, through some magical means, if you're in the minority, you are supposed to, through the democratic process as you outlined in your second paragraph of Page 2, regain these rights. Isn't that an impossible situation? When you are in a minority, how do you compete with the majority to bring about the type of legislation you want?

**MR. S. LYE:** Mr. Bucklaschuk, this is better than 100 years ago since the BNA Act was enacted, and times

do change. Are we going to always live in the past and accept legislation that was written 100 years ago, or are we going to amend legislation from time to time? It has to be amended.

**HON. J. BUCKLASCHUK:** One final question. Then I can conclude that to satisfy what you consider to be fair in terms of the rights of the French, then you would suggest that we amend the Constitution to deprive them of the rights that they have enjoyed for the past 113 years?

**MR. S. LYE:** What I am saying, Mr. Bucklaschuk, is that if they are going to be satisfied with things that have been done for the last 113 years, that's fine. If they are going to push themselves, like this speech urges them to do, and cause problems in our province, then I suggest that the Constitution should be amended and concur with the majority of the people in Manitoba.

**HON. J. BUCKLASCHUK:** I have no further questions.

**MR. CHAIRMAN:** Further questions by members of the committee for Reeve Lye?  
Mr. Penner.

**HON. R. PENNER:** Just to follow that through, Mr. Lye, would you then be in favour of a plebiscite in the Province of Quebec, which would determine whether or not the English-speaking people of Quebec should have their language rights?

**MR. S. LYE:** Mr. Penner, I'm not in Quebec.

**HON. R. PENNER:** Answer my question, Mr. Lye.

**MR. S. LYE:** I stated in this, it matters little to us what Quebec does. I know . . .

**HON. R. PENNER:** Mr. Lye, would you answer my question, please?

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

**HON. R. PENNER:** No, I've asked . . .

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

**MR. CHAIRMAN:** Order please.  
Mr. Graham, on a point of order.

**MR. H. GRAHAM:** It is highly unbecoming for the Attorney-General of this province to badger and push and cajole witnesses that appear voluntarily before this committee. I would ask him to . . .

**HON. R. PENNER:** I am not badgering or cajoling or pushing.

**MR. CHAIRMAN:** Order please. Mr. Graham, finish your point of order.

**MR. H. GRAHAM:** I would ask Mr. Penner to cease and desist in his type of badgering witnesses that appear before this committee.

**MR. CHAIRMAN:** Mr. Penner, to the same point of order.

**HON. R. PENNER:** As a member of this committee and of the Legislature seeking to get public input with respect to an important public policy question, I have the right to ask questions and to invite witnesses to answer those questions. Now that is not badgering.

**MR. H. GRAHAM:** To the same point of order, Mr. Chairman, he does not have the right to demand answers.

**MR. CHAIRMAN:** Order please, order please. Mr. Graham, would you wait until I recognize you?  
Mr. Graham, on the same point of order.

**MR. H. GRAHAM:** On the same point of order, he does not have the right to demand answers.

**HON. R. PENNER:** Oh, I would agree with that.

**MR. CHAIRMAN:** Any other members want to contribute to the point of order?  
Mr. Penner.

**HON. R. PENNER:** To the same point of order, I would agree that Mr. Lye, if he doesn't want to answer my question, does not have to answer my question. That is up to him. I asked him if he would answer it, please. If he says, no, I don't want to answer your question, I would be content to leave it at that.

So, Mr. Lye, is it your position that . . .

**MR. CHAIRMAN:** Order please, order please. Before you rephrase the question or ask it again, I would draw to the attention of members that the hour is late, but certainly that doesn't excuse members getting upset with each other over points of order.

The fact of the matter is, Mr. Lye was attempting to answer a question. I would not consider Mr. Penner's interjection badgering Mr. Lye, but certainly I think the courtesy of allowing Mr. Lye to attempt to finish his answer should be granted. To describe it as badgering, I think is inappropriate. I think there was some perhaps intense discussion going on, but I wouldn't describe it as badgering.

Mr. Lye, did you wish to add more to your earlier answer?

**MR. S. LYE:** I think the question, Mr. Chairman, was: would I want a plebiscite in Quebec in regard to the English language? Is that the question, Mr. Penner?

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

**MR. S. LYE:** Okay. I was going to remark that I am not concerned with the people in Quebec. If they want French in Quebec, that's fine with me. I was president of a dominion-wide organization at one time, and we had to agree with the people from Quebec more often than not to keep them within our group.

Now, Mr. Penner, further to that question, I know an engineer that was in Montreal, and they demanded that he write his yearly exam in French this January, so he

came back to Portage la Prairie. But if that's what Quebec wants - the majority is French in Quebec - that's fine with me. But in Manitoba, the majority happens to be other than French. As I said in my few words here, from Europe and Asia and many parts of the world.

**HON. R. PENNER:** So that your answer is that if the French majority in Quebec want to take away the rights of the English minority, that's okay with you, and if the English majority in Manitoba want to take away the rights of the French minority, that's also okay with you?

**MR. S. LYE:** Yes, Mr. Penner.

**MR. CHAIRMAN:** Further questions for Reeve Lye from members of the committee? Seeing none, Reeve Lye, thank you very much for appearing here today.

**MR. S. LYE:** Thank you, Mr. Chairman. I appreciate it very much, and I hope I have had a small contribution to your hearing.

**MR. CHAIRMAN:** Thank you. Gentlemen, the normal hour of adjournment having arrived - Mr. Uruski.

**HON. B. URUSKI:** If I can, to members of the committee, I have been handed a note to ask whether we would be prepared to hear one more brief from Ms. Margaret Hammel who is next on the list. I am given to understand that she has driven 50 miles and had to hire a family babysitter to look after her children, and whether we'd be prepared to hear her this evening. That's a request that came up to me.

**MR. CHAIRMAN:** What is the will of the committee? Is it agreed? (Agreed)

Margaret Hammel, please. Please proceed.

**MS. M. HAMMEL:** Thank you, Mr. Chairman, and thank you to the committee for letting me speak at this late hour.

I represent a group of concerned citizens in the area of Erickson and Minnedosa. In our view, the government has no alternative but to enact legislation entrenching French language rights for Manitoba residents. In 1870, The Manitoba Act guaranteed this right. In 1890, it was unconstitutionally repealed, and the Georges Forest case has brought it to recent attention. The Bilodeau case has given the issue added urgency. If a settlement is not negotiated, including withdrawal of Mr. Bilodeau's case and an agreement for a constitutional amendment, it is possible that the Supreme Court could decide that all Manitoba laws are invalid.

We cannot accept an attitude that seems to say, "It doesn't matter what the Supreme Court says. It doesn't matter what laws say or what treaties say. We will just carry on in our own best interests as we see them from day to day." What is the point of laws and treaties having been made if 20 years, 50 years, 200 years down the road, they are no longer respected?

Whether French should or should not receive special status now in Manitoba is not the issue. The fact is that The Manitoba Act of 1870 guaranteed French rights, and former lawmakers have declared that it is

an official language. The Supreme Court has upheld this position, and it is the duty of the government to comply. This government should take no credit or blame for this issue at all, but it is bound to carry out the orders of the Supreme Court which states that French and English still have equal constitutional status in Manitoba, despite the 1890 Manitoba law.

It is our opinion that the Manitoba Government is acting in a just and correct manner in proposing amendments to Section 23 of The Manitoba Act. We urge the government to ensure that those Manitoba residents who wish to communicate in French and receive services in French from certain specified government offices or agencies, which we understand will be identified in the amendments, will be able to do so.

Thank you.

**MR. CHAIRMAN:** Thank you, Ms. Hammel. Are there any questions for Ms. Hammel from members of the Committee?

Mr. Penner.

**HON. R. PENNER:** I just want to thank Ms. Hammel for having taken the trouble to come here some distance

and in some difficulty, to present a very thoughtful brief - it is, in fact, brief and to the point - and for having taken the trouble to become involved at the community level with a whole number of people who have some feelings on this issue and to communicate them to the committee. I think that's very important.

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

Mr. Graham.

**MR. H. GRAHAM:** I would like to second the expression of the Honourable Attorney-General on that matter.

**MR. CHAIRMAN:** Any questions from members? Seeing none, Ms. Hammel, thank you very much for appearing here this evening.

**MS. M. HAMMEL:** Thank you.

**MR. CHAIRMAN:** Ladies and gentlemen, we are past our normal hour of adjournment at 10:30. Therefore, I declare the committee adjourned. We will convene again at 10:00 a.m. tomorrow in this room. The committee stands adjourned — (Interjection) — 10:00 tomorrow morning.