



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

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Tuesday, 4 October, 1983

TIME — 10:00 a.m.

LOCATION — Winnipeg

CHAIRMAN — Mr. Andy Anstett (Springfield)

ATTENDANCE — QUORUM - 6

Members of the committee present:

Hon. Ms. Dolin; Hon. Messrs. Mackling and Storie

Messrs. Anstett, Ashton, Brown, Graham, Kovnats, Lecuyer, Malinowski and Nordman

WITNESSES: Mr. Vic Savino, Private Citizen

Mr. Lucien Loiselle, Centre culturel franco-manitobain

Mr. Rhéal Teffaine, La fédération des caisses populaires

MATTERS UNDER DISCUSSION:

Proposed Resolution to amend Section 23 of The Manitoba Act

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MR. CHAIRMAN: Committee, come to order. We have a quorum. The Clerk has received the resignation of Mrs. Oleson; I understand Mr. Kovnats is to replace Mrs. Oleson. The Clerk has also received the resignations of Mr. Harapiak and Mr. Penner. I understand Ms. Dolin and Father Malinowski are the replacements for those. Could I have a motion to that effect?

Mr. Mackling.

HON. A. MACKLING: So moved.

MR. CHAIRMAN: Thank you. Is that agreed? (Agreed) We left off yesterday at No. 14. No. 15 has presented, so we're at 16.

For members who are following on the list, A. Warkentin; J.G. Russel; C.J. Wenaas.

Gentlemen, I have some concern about proceeding through the whole list in view of the size of the audience. Do you want me to call all the names? I know that No. 1, Vic Savino, is sitting there. I don't believe there's anyone else in the gallery who is on the list to present a brief. Is there anyone in the gallery who wishes to present a brief today other than Mr. Savino? Is there anyone in the gallery who wishes to present a brief whose name is on the list?

Mr. Savino, please. It will save me reading 50 names.

MR. V. SAVINO: Un peu de français un peu d'anglais, Pére Malinowski. Un peu. Merci M. le président.

M. le président, Mesdames et Messieurs, bonjour.

Je m'appelle Vic Savino. Je suis ici pour défendre l'honneur de la province du Manitoba. Je désire parler avec vous en français aujourd'hui mais hélas! ce n'est pas possible pour moi de parler à vous en français pour tout mon adresse.

I would have wanted to make my entire address to you in French, but you see, that is not possible for me, at least, not yet.

You see, I was brought up in what some might describe as a bilingual town in northeastern Ontario. In the town where I grew up, almost 50 percent of the population is bilingual, or I should say almost 50 percent of the population are Francophones. However, unfortunately, the Province of Ontario entered Confederation without language guarantees for its minority. Consequently I and others were denied an opportunity to learn French as a working language as part of my education. Services were not provided to my Francophone brothers and sisters in French. I did learn some French in conversation with my Francophone brothers and sisters and in limited French instruction classes, but never sufficient to use it as a working language.

Then, about eight years ago, I came to Manitoba and settled here, a province, which when it entered Confederation, had guaranteed French language rights and the French language school divisions. But alas, things were no different here; in fact, things were even worse. Use of the French language was not only limited but it was suppressed. French wasn't even used in the courts or in the Legislature. But Canada's Constitution said that French was one of the official languages of Manitoba. What happened?

Ladies and gentlemen, it is important to understand the historical roots of French language rights in Manitoba and how these rights came to be. You've heard a lot of discussion on this subject, but I just want to try to put a different slant on it before you today.

In 1869-70, when Canada, then consisting of Upper and Lower Canada and the Maritimes, had people come here to this country to colonize this land, they found that there was already an established socio-political-economic structure in Manitoba. Here, in what is now the City of Winnipeg, at the junction of the Red and the Assiniboine Rivers, there were three main languages spoken: French, Ojibway and Cree. English was a minority language. And when Louis Riel and his Provisional Council met in 1869-70 to negotiate the terms of Manitoba's entry into Confederation, the majority population made a compromise, a concession to the Anglophones. In order to secure the support of the English-speaking minority for the Provisional Government's negotiations with Canada for entry into Confederation, it was determined that English would be given an equal priority with French in these negotiations as the official language of the new province; and, hence, Manitoba became a bilingual province.

The courts and the Legislature and all of its creatures would operate in both official languages; both

Francophones and Anglophones would be able to obtain services in the official language of their choice. Both Francophones and Anglophones would be able to have their children educated in the language of their choice. It is also important to bear in mind, Mr. Chairman, that these were the founding peoples of the Province of Manitoba. And what was the composition of the founding peoples of Manitoba? In 1870, over 75 percent of the population of Manitoba was Metis. Manitoba was a native province and it was their tolerance and respect for other people's cultural and linguistic rights that brought Manitoba into the Canadian union as a bilingual province.

So you see, Mr. Chairman, it was not a bunch of nationalist zealots from Quebec that is responsible for a bilingual Manitoba; it is not Pierre Trudeau; not Lester Pearson, not Wilfred Laurier. It was the founding peoples of this province, the native people, the *coureur de bois*, the Scottish settlers, the fur traders. It was the vision of Louis Riel and his Provisional Council that laid the framework for the tolerant, multi-ethnic, multicultural, multi-linguistic society that Manitoba was intended to become.

Now before I go on, Mr. Chairman, I wish to correct an historical misrepresentation that was made to this committee yesterday by Dr. Potter from Montreal and has been alluded to by other speakers, and that is with respect to the population statistics of Manitoba at the time that Manitoba entered Confederation. I believe Dr. Potter indicated that the figures couldn't have been right and other people have indicated they didn't count all the white people or all of the English-speaking people. I can assure you, I have studied the record very carefully and employed the services in doing that of Professor Doug Sprague at the University of Manitoba who specializes in this area. At the time that Manitoba entered Confederation, a very detailed census was done of the population of Manitoba, and the figures that I have cited to you come from that very detailed census that was done by our Government of the Day. If anything, if there was anybody left out, it was the number of the Metis, because the Metis were a very nomadic people at that time. They pursued the buffalo and a lot of the census-taking was done during the summer season when the Metis were off on the plains hunting.

Mr. Chairman, these rights we are debating today are not so much Quebecois rights or French rights as they are rights of the aboriginal peoples of this province. Our treatment of French language rights in this province, I would suggest, is indeed a measure of our respect for the rights of our aboriginal peoples.

What did Louis Riel and his descendants get for their vision and tolerance and respect for other people's rights? Well, that is a sorry chapter of Manitoba's history, that we are gathered here in 1983 to correct. Of course, we know what happened. The hordes of white Anglo-Saxon, Protestant settlers poured into Manitoba, soon outnumbering the tolerant visionary majority. The respect shown by the founding peoples of Manitoba was not returned by the Canadian colonial regime. Metis land was stolen or taken away; French disappeared from the Legislature and the courts; French language school divisions were suppressed and legislated against. Indian languages were suppressed and Indian children herded into Christian English-only assimilation machines called schools. For their tolerance and vision, the

founding peoples of this province were stripped of their rights by the intolerant new majority.

But there was one aspect of the vision of Riel and the founding mothers and fathers of our province that proved to outlast this sad chapter in our history. By The British North America Act 1870, these rights were entrenched in the Canadian Constitution. By Section 6 of The BNA Act 1870, it was declared that these fundamental rights in the Constitution of Manitoba could not be altered by either the Manitoba or the Federal Governments, only the Parliament at Westminster. Ironically enough, the English Parliament, only the English Parliament, which passed The BNA Acts of 1867 and 1870 could change these entrenched rights.

Now, of course, our country has been involved for over 50 years in the agonizing process of patriating our Constitution. Mr. Chairman, I recall standing before a similar committee of this Legislature almost three years ago, and at that time the issue was patriating the Constitution and an entrenched Charter of Rights and Freedoms. I recall vividly that the Premier of the province at that time did not feel it was necessary to consult with the people of Manitoba on his position that rights should not be entrenched in the Constitution of Canada. I recall vividly standing before this committee and pleading with New Democrats, Liberals, Progressives and Conservatives alike to put aside partisan differences when it came to constitutional reform and fundamental rights. My argument was fundamental rights and freedoms in a Constitution are not partisan issues. The Constitution should be above the fray of narrow, partisan considerations.

But the Conservatives would not listen, apparently what I hear from Mr. Green, nor would the Progressives. Sterling Lyon and his Conservatives became the party against the Charter of Rights and Freedoms, the party against entrenched protection of fundamental rights and freedoms in our Constitution. I say to you, Mr. Chairman and Mr. Lyon, if you do some soul searching, I suggest to you that is one of the main reasons why Mr. Lyon and Mr. Mercier sit where they sit today, and Mr. Pawley and Mr. Penner sit where they sit today.

Now, here we are again. The Conservatives again are the party against entrenched rights of any kind, in spite of the fact that they are quite aware I'm sure of the history of why these rights are entrenched in our Constitution. If they weren't before now, I'm sure with the hearings that have been taking place, they should be.

I recall too, Mr. Chairman, another aspect of those constitutional debates. Remember the original constitutional proposal of 1979-80? Remember how it contained a provision for amending the Constitution by referendum? This was, I believe, strongly opposed by the Conservatives and all other parties. You can't amend a Constitution by referendum, it was argued, it would be too divisive. It was not an appropriate mechanism for constitutional reform. It was too narrow and divisive a tool for the fundamental legal basis for our relations, one with another, and government to government. How quickly attitudes change to the tune of crass political opportunism! The advocates of the referendum, Mr. Chairman, I would suggest are acting on nothing but crass political opportunism.

I suggest to you, with the tolerant multilingual, multi-ethnic society that we have in Manitoba, this crass

political opportunism will backfire on the advocates of the referendum.

But let us come back to the question at hand, French Language Services in Manitoba. In 1979 Mr. Georges Forest did all Manitobans a great service by seizing on Louis Riel's vision and asserting his historical and constitutional right to be served by his government in French. The highest court in our land has determined that French is an official language of this province and that Francophones have the right to be served in their language. The one thing that the court did not do is to direct how Manitoba should give effect to these rights.

I suggest to you that this was an intentional decision on the part of the Supreme Court of Canada, and what the court was saying to the Province of Manitoba is, look, French language is an entrenched constitutional right in Manitoba. We are not going to tell you how to give effect to that right; that is something for you, the Manitoba Government, to decide. But be aware, the Supreme Court was saying, I suggest, that French is an official language of Manitoba and we, the Supreme Court of Canada, will recognize those French language rights in law now and in the future.

So what is all this nonsense we hear about why is the Provincial Government entrenching French rights in the Constitution? And I heard it again the other day from Mr. Lyon when he was talking to the representatives from Montreal of the Freedom of Choice Movement. The historical constitutional fact is French is already entrenched in Manitoba's Constitution. The task of the Manitoba Government is to give that entrenched right meaning in the context of today's world and to preserve it for future generations of Manitobans.

So what we have before the Legislature, Mr. Chairman, is not a constitutional amendment to make Manitoba bilingual, what we have is an amendment which more clearly defines already entrenched rights, so that these rights may be given some clear meaning today and for the future in an orderly and practical and fiscally responsible manner. I say to you that this government has been most responsible in its task, except in one respect, which I will deal with later.

On May 17th, an agreement was worked out with Franco-Manitobans whereby limited French Language Services will be provided and a limited number of past laws will be translated into French. Make no mistake, the agreement entered into by Franco-Manitobans represents a limited definition of entrenched French language rights in Section 23. It is a compromise, concession, on the part of Franco-Manitobans. It is a limited version of the original intention of Section 23. It is another example of the tolerance, vision and respect that Louis Riel and his descendants had for our Manitoba and our Canada.

These are the facts, Mr. Chairman, so I have to say to the opponents of this measure, to the Sterling Lyons and to the Russell Doerns, what are you afraid of? Just what are you afraid of in terms of bringing forward this limited right, defining these rights more clearly, to the satisfaction of Franco-Manitobans who are making a compromise? Are you afraid of the tolerance and harmony that Franco-Manitobans are proposing for future generations of Manitobans? Are you afraid that your children may have the opportunity to learn more than one language in their education system? Are you afraid that your sons and daughters may marry into

families with French names who can actually speak French, who can stand proud that they are able to survive in harmony with the formerly intolerant majority? Are you afraid of the respect which Manitoba will garner from all quarters by this historic act of correcting a manifest injustice that has been festering in our social fabric for 100 years? Just what are you afraid of?

I'm not afraid, Mr. Chairman, I am proud. I'm proud that our government is finally coming to grips with this dark chapter in Manitoba's history. The Metis rights contained in the Manitoba Constitution are not going to go away; they are going to remain. They are a part of Manitoba's proud heritage. They are a part of our heritage that belongs to all Manitobans. Let us not be spooked by the crass political opportunists and the law of the jungle advocates like Sidney Green and the referendum advocates like Russell Doern. Let us take the high road; let us take the road of compromise and the road of justice.

Now, Mr. Chairman, before I move onto the amendments, I wish to comment for a few moments on some presentations that were made to this committee by some representatives of the English minority in Montreal. I had the misfortune of sitting through both Dr. Shaw and Dr. Potter while I was awaiting to be heard. What struck me, Mr. Chairman, what these people don't seem to understand, is that what's been happening to the English minority in Quebec for five or six years has been happening to the French minority in Manitoba for 100 years. I would invite Dr. Shaw and Dr. Potter to go back to Quebec and to persuade their government to move in the direction that the Manitoba Government is moving in, and I would hope that they would take Mr. Doern with them.

And what of the referendum? Suppose we had one; suppose we had a province-wide referendum. Suppose the majority voted "no" to the government's constitutional proposal. What do we do then? French is already entrenched as a right in Manitoba's Constitution. A referendum can't change that. So if the majority of Manitobans vote against the entrenchment of French Language Services, do we interpret this as a vote for separation of Manitoba from the rest of Canada? Because that's what it would be. It would be a vote against the Constitution of this country. I suggest to you, Mr. Chairman, and ladies and gentlemen, the issue is respect for our Constitution, and that is the issue that's before you.

I come now then to the amendments that have been proposed, the amendments to the original resolution that have been proposed by the Attorney-General. I have to say that I am personally against any watering down of the proposal that was agreed to between the Franco-Manitoban Society and the government. My reasoning for that, Mr. Chairman, is quite simple. These are constitutional rights. The Franco-Manitoban community is already making a compromise, and if the government unilaterally waters down the provisions of that agreement, then I would suggest the government is not respecting the Constitution. I would suggest that the government is not respecting its policy position. The constitutional rights of groups, for example, aboriginal peoples, should not be unilaterally changed without the consultation and consent of people whose rights are affected. I would suggest that to water this

resolution down would be more divisive than continuing with the resolution as it has been agreed to.

Now, there is one exception to my objections to the amendments and that is the proposed new section, 23.9; that is the section that would permit the continuance of customary language rights in any language. Mr. Chairman, I will support that amendment enthusiastically and I would hope that in the future this government would move to enable the education system of our province to go back to the educational rights that minority groups had back in 1916, before the changes that were introduced in Manitoba's education system.

With respect to Section 23.9, however, I would suggest that there is some excess verbiage there. You are probably aware that the section reads, nothing in Sections 23 and 23.7 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed even before or after the coming into force of this amendment with respect to any language that is not English or French. I would suggest, Mr. Chairman, why do we need the words "that is not English or French"? Is not the English and the French language included in that customary enjoyment of rights? I think it's not necessary to exclude English and French in that particular section. I believe that was the subject of a Free Press editorial yesterday, and that's one of the rare occasions on which I agree with the Free Press.

Mr. Chairman, ladies and gentlemen, the issue is respect for our Constitution and for our heritage. I say to you, let us preserve this important heritage for ourselves, for our children and for our grandchildren. I thank you. Merci beaucoup.

MR. CHAIRMAN: Thank you, Mr. Savino. Questions for Mr. Savino from members of the committee? Seeing none, Mr. Savino, thank you very much for your presentation.

MR. V. SAVINO: Thank you, Mr. Chairman.

MR. CHAIRMAN: Rev. W.J. Hutton, Dr. Vedanand, Bohdanka Dutka, Michael Kiedyk, George Rykman, Don McIvor, Ferdinand Guiboche, Israel Ludwig, S. Stephanson, A. Warkentin, J.G. Russel, C.J. Wenaas, Remi Smith.

Lucien Loisel.

MR. L. LOISELLE: Bonjour M. le président. Je dois mentionner que la version anglaise est à la deuxième demie du texte.

Alors, M. le président, membres du Comité.

Je suis Lucien Loisel, président sortant du Centre culturel franco-manitobain. Par ma présence et par ces quelques mots, je veux, au nom du Centre culturel franco-manitobain, réitérer notre appui à la Société franco-manitobaine dans ses négociations avec le gouvernement du Manitoba. La Société franco-manitobaine est le porte-parole officiel des Franco-Manitobains. Son rôle dans les discussions et les négociations relativement à l'article 23 ne fait qu'assurer à la minorité francophone du Manitoba les mêmes privilèges que la communauté anglophone prend pour acquis, ce qui, selon nous, n'est pas trop exiger.

Notre intention ici aujourd'hui n'est pas de reprendre la discussion de base ou de renégocier avec le

gouvernement. La Société franco-manitobaine, comme porte-parole officiel des Franco-Manitobains, a négocié une entente satisfaisante avec les deux paliers gouvernementaux. Il reste au maintenant gouvernement d'acheminer ce dossier en chambre afin que les amendements, dois-je dire originaux, à l'article 23 soient passés au vote et mis en pratique.

Il n'est pas temps de reculer, mais plutôt de continuer sur le chemin du respect mutuel afin qu'ici chez-nous au Manitoba, nous devenions à l'aise avec la réalité du bilinguisme national et la richesse multiculturelle de notre province.

Mais, dans tout ce projet de reconnaissance, il ne faut pas négliger l'apport que représente la garantie de services en français par le gouvernement de cette province. Le sentiment d'appartenance que cela stimulera chez le francophone sera certainement matière à manifester par le chant et par la musique.

Cette intensification de la vie française qu'initiera le projet d'amendement de l'Article 23 aura donc des effets positifs sur le développement artistique et culturel de la population francophone de cette province. Nous croyons que cela est très sein pour le Manitoba, car l'art ne connaît aucune frontière et peut donc agir comme véritable ambassadeur de l'endroit de son origine. Comment mieux sensibiliser les gens à la diversité culturelle de notre province que par ce moyen.

Cet enrichissement culturel représentera aussi un attrait touristique évident. Le cachet francophone qu'offre cette province au plein cœur de l'Amérique est déjà reconnu dans le monde du tourisme et ne pourra peu profiter de l'essor que connaîtront la langue et la culture française du Manitoba quand ce projet d'amendement de l'article 23 verra jour.

L'an dernier, le Centre culturel franco-manitobain présentait une production d'envergure, intitulée "Les Batteurs". Parmi les nombreux thèmes, ce spectacle relatait l'époque de la crise scolaire de 1916 lorsque le français fut aboli comme langue d'enseignement.

Au Centre culturel franco-manitobain, nous oeuvrons dans le domaine de l'art et de la culture. L'art et la culture sont en partie le reflet de la vie quotidienne, en l'occurrence la vie quotidienne des Franco-Manitobains. Nous sommes de l'avis que toute tentative à rehausser la qualité de vie française au Manitoba sera reflétée par l'art et la culture qui deviendront plus authentiques et plus riches.

Pour nous, il importe donc d'appuyer toute démarche pour faire reconnaître les droits des francophones. La personne qui voit ses droits respectés, le traduira en fierté et en joie intérieure. Or, l'art et la culture sont de véritables véhicules des sentiments collectifs d'une population. Ces sentiments alimenteront donc la création artistique de l'avenir.

Le théâtre, le chant, la musique, bref, tous les arts ont toujours été intrinsèque à la réalité franco-manitobaine. Le francophone du Manitoba a toujours cherché à s'exprimer par la créativité artistique, s'assurant ainsi un composant important de sa vie en français. Aujourd'hui, nous discutons de rendre aux Franco-Manitobains un autre composant fondamental de sa vie en français et la reconnaissance de ses droits linguistiques. Trop vite! Nous disons bravo, car le plus complet que sera la vie française au Manitoba pour ceux qui le choisissent, le plus vigoureux sera leur jouissance culturelle et artistique.

Ce sont là, Messieurs, de tristes réalités historiques que les francophones revivent par l'art et la culture. Ce sont là de tristes histoires à raconter à nos générations futures par la musique et par le chant.

Et, que dire de nos amis francophiles qui assistent aux spectacles que présente le Centre culturel franco-manitobain. Ces francophiles deviennent de plus en plus nombreux grâce aux écoles d'immersion qui permettent l'accès à la culture et la langue française à plus d'anglophones. Nous accueillons chaleureusement ce nouveau public mais nous souhaitons pouvoir leur offrir des productions teintées de réjouissance et d'espoir pour l'avenir. Nous voulons laisser les thèmes axés sur un passé de lutte pour conserver notre langue et notre culture.

MR. CHAIRMAN: Mr. Loisel, could I ask you to just slow down a little. The translation is having trouble keeping up with you.

MR. L. LOISELLE: Très bien, Monsieur; mes excuses.

MR. CHAIRMAN: Carry on.

MR. L. LOISELLE: L'occasion est donc unique pour remettre la communauté franco-manitobaine dans la direction d'un avenir prometteur. Après 90 ans d'injustice commise à son endroit, le francophone pourra contempler son épanouissement futur dans de meilleures conditions de vie française. Les sphères d'usage de sa langue ayant été élargies, le francophone sera davantage appelé à manifester son héritage et son patrimoine qui ont leur place intégrale dans l'histoire de cette province. Par surcroît, tout cela aura un effet positif sur l'art et la culture, ce qui retient particulièrement l'attention du Centre culturel franco-manitobain.

M. le président, ce projet d'amendement de l'article 23 est juste. Il est juste pour la population francophone du Manitoba dans la mesure où il propose une solution équitable après plus de 90 ans d'injustice. Il est juste pour la majorité anglophone dans la mesure où il ne lui enlève rien! Donc, à notre avis, le gouvernement actuel se doit d'agir rapidement et de rendre ce projet d'amendement réalité. Toutes suggestions de référendum doivent être écartées car en 1890, quand les droits des francophones furent enlevés, il ne fut pas question de référendum.

M. le président, en terminant, je réaffirme, au nom du Centre culturel franco-manitobain, l'appui à cette entente telle que négociée entre le gouvernement du Manitoba et la Société franco-manitobaine

Merci.

MR. CHAIRMAN: Thank you. Questions for M. Loisel from members of the committee. Seeing none, thank you very much for your presentation here this morning.

MR. L. LOISELLE: Merci beaucoup.

MR. CHAIRMAN: Ladies and gentlemen on the committee, earlier this morning we passed a motion to accept the resignation of Mr. Penner, and in his place put Ms. Dolin on the committee. However, apparently Mr. Penner wasn't on the committee at that point and

it was Mr. Scott's resignation that we were supposed to accept. Can we change that motion to agree with the committee records, please? (Agreed) Thank you.

Rhéal Teffaine.

MR. R. TEFFAINE: J'ai un texte ici M. le président si quelqu'un veut le distribuer. Alors je m'appelle Rhéal Teffaine. Je suis . . .

MR. CHAIRMAN: Could you wait till they are distributed, please? Please proceed.

MR. R. TEFFAINE: Alors mon nom est Rhéal Teffaine, M. le président. Je suis le président du conseil d'administration de la Fédération des caisses populaires du Manitoba.

La Fédération des caisses populaires du Manitoba est l'organisme qui regroupe les 29 caisses populaires qui, avec ses services de comptoirs, desservent 35 différentes localités à travers la province. Il s'agit d'un réseau qui offre d'importants services financiers à quelque 30 000 Manitobains dont la vaste majorité sont francophones.

C'est en 1937 que la première caisse populaire, ou caisse d'épargne et de crédit telle qu'elle était alors désignée, a pris naissance au Manitoba, plus particulièrement au village de Saint-Malo. C'est donc dire que depuis 46 ans, le mouvement des caisses populaires du Manitoba offre à ses sociétaires des services au niveau économique en français. Cette initiative a été prise afin de remplir un besoin au chapitre aussi bien culturel qu'économique et qui su combler une lacune créée par les injustices découlant de la loi inconstitutionnelle de 1890, alors que les Franco-Manitobains se sont vus retirer tous services dans leur langue. Cette loi forçant en effet nos ancêtres à se regrouper pour continuer à vivre leur culture profondément enracinée dans le sol de cette province. L'injustice stimule souvent l'imagination et le besoin est la mère de l'invention. Il n'en fallut pas davantage pour voir décoller un système financier foncièrement démocratique et appelé à prendre rapidement une importance non négligeable dans les régions qu'il desservait. Les caisses populaires sont solidement implantées à Saint-Boniface et dans la plupart des villages francophones tels que La Broquerie, Saint-Malo, Notre-Dame-de-Lourdes, Laurier, Saint-Claude, Saint-Jean-Baptiste, Saint-Pierre, etc. Malgré les intempéries économiques des deux ou trois dernières années, l'actif global se chiffre maintenant à plus de 129 millions de dollars et est appelé à augmenter de façon importante avec la reprise économique.

Les caisses populaires ont joué un rôle très important pour les Franco-Manitobains, surtout dans les années difficiles pendant lesquelles les autres services bancaires n'étaient pas disponibles à la population, plus particulièrement en milieu rural. Nous représentons donc une force économique importante et la Fédération des caisses populaires du Manitoba est présentement seulement au niveau provincial, mais aussi à l'échelle nationale. La Fédération des caisses populaires du Manitoba a l'intention de continuer à jouer ce rôle dans les années à venir et desservir en français les besoins financiers non seulement de sa clientèle traditionnelle, mais aussi d'intégrer le plus d'élèves possible qui vont

gradués des écoles d'immersion. Réalisant d'ailleurs l'importance de la clientèle francophone, les banques à charte ont déjà commencé à offrir de plus en plus de services en français. M. le président, nous formulons le même vœux pour le gouvernement du Manitoba.

À la lumière de ce bref historique, je veux d'abord vous dire que l'action qu'a entreprise la Société franco-manitobaine devient pour le mouvement des caisses populaires un appui vital à tel point que si la Société franco-manitobaine n'avait pris l'initiative, la Fédération des caisses populaires du Manitoba se serait trouvée elle-même dans une situation où il lui aurait été difficile de ne pas agir. Si les deux langues officielles du Canada ont un statut constitutionnel égal au Manitoba, qu'il soit clair une fois pour toutes, M. le président, que l'on doit pouvoir compter sur un statut juridique qui permet l'enregistrement de documents légaux, dans l'une ou l'autre de ces deux langues. Et surtout, M. le président, on a parfaitement raison de s'attendre à recevoir de la part de notre gouvernement provincial, des services dans ces deux mêmes langues. Exiger moins serait ignorer le pacte historique qui a enfanté cette province. Dans cette perspective, si une entente assurant des services en français n'intervient pas. La Fédération des caisses populaires du Manitoba devra implanter une série de contestations juridiques. Nous préférons par contre une solution politique à une imposition juridique. Nous considérons la Société franco-manitobaine comme étant très représentative de l'intérêt des Franco-Manitobains et ipso facto de la grande majorité des 30 000 sociétaires de nos 29 caisses populaires. L'entente qu'elle a négociée avec le gouvernement provincial et fédéral sur la refond de l'article 23 est, à notre avis, raisonnable, équitable, juste et défend bien les intérêts de tous les Manitobains. Car vues les iniquités et les injustices du passé, la Société franco-manitobaine aurait pu être beaucoup plus exigeante dans ses négociations. Mais elle a su, au contraire, aborder ce chapitre épineux et émotif avec grande modération et arriver à un accord juste et honnête afin d'éviter les conflits juridiques coûteux et déchirants. Non seulement la position de la Société franco-manitobaine est raisonnable, mais elle représente un moyen rationnel, logique et astucieux pour le gouvernement de rencontrer toutes exigences juridiques et législatives et ainsi facilité la mise en vigueur de la loi dans un délai raisonnable.

La Fédération des caisses populaires du Manitoba est prête à collaborer avec la Société franco-manitobaine et le gouvernement dans la mise en vigueur de cette entente afin d'assurer à tous les contributeurs de notre province le respect le plus fondamental de leurs droits constitutionnels. Les sociétaires des caisses populaires se prévaudront de ces services au niveau juridique, qu'il s'agisse du bureau des titres fonciers, du bureau régissant les corporations, du bureau d'enregistrement des garanties sur les biens personnels, etc. On ne traite donc pas dans l'abstrait, M. le président, mais bien au niveau des règles les plus fondamentales de toute société civilisée.

Mais si toutefois aucun geste n'est posé par le gouvernement provincial d'ici la fin de l'année qui assure le respect d'une entente intervenue, la Fédération des caisses populaires se trouverait alors dans une position où elle n'aurait pas d'autre choix que d'obliger le gouvernement à respecter la Constitution en prenant

les mesures juridiques nécessaires pour que celui-ci fournisse ces services en français. J'exprime le vœux que de telles démarches ne s'imposent pas et que les félicitations que nous exprimons au gouvernement provincial et fédéral, ainsi qu'à la Société franco-manitobaine, pour la façon dont ils ont su traiter d'un sujet si délicat tout en respectant les intérêts de les Manitobains ne seront pas en vain.

Nous appuyons donc sans équivoque, M. le président, l'entente intervenue car nous croyons fermement qu'elle représente la pensée et les aspirations de la vaste majorité des citoyens de bonne foi de cette province. Nous savons aussi que plusieurs groupes non-francophones appuient cette entente comme en ont témoigné tant d'intervenants au débats les dernières semaines.

Nous croyons qu'il est vital que le gouvernement procède avec son projet de loi avant la fin de la présente année et nous souhaitons que tous les membres de l'Assemblée législative agissent pour porter ce projet à bonne fin. À notre avis, cette loi sera très bénéfique pour toute la population manitobaine et contribuera grandement à l'unité canadienne.

Merci, M. le président.

MR. CHAIRMAN: Thank you, M. Teffaine. Questions for M. Teffaine from members of the committee?

Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman, through you to Mr. Teffaine. I detect a little different approach in your presentation than that presented by the Societe Franco-Manitobaine. Is there a significant difference between your organization in your approach to it than the SFM?

MR. R. TEFFAINE: Well, Mr. Chairman, there is no comparison between the Federation of Caisses Populaires and the SFM. We have two different vocations. The different approach is that our organization, since the Forest case, has basically been sitting back and waiting for things to happen. That's about five years now, and what I'm saying in the brief here is that our board of directors unanimously adopted a position that we would allow till the end of this year for this agreement to fall into place and a reasonable time thereafter, so that the manager of a local caisse populaire, who has to fill out all the documentation in French because he is a member of our federation, when it comes to filing a financial statement with the personal property registry office, has got to do it in English. The legal opinions we have is that we would be successful in obtaining mandamus orders, forcing the registrar of these various offices to receive these documents in a bilingual nature, so that our managers, loan officers, or whoever you have dealing with these particular matters, would be able to continue and do their work in one of the two official languages of this province.

MR. H. GRAHAM: Mr. Chairman, can I then ask you, if you're in agreement with the timetable that the government has proposed in their negotiations?

MR. R. TEFFAINE: If we are in agreement?

MR. H. GRAHAM: Yes.

MR. R. TEFFAINE: Yes, indeed we are, and that's what the brief says. The brief says that there should be action however before the end of this year because we cannot go on waiting forever. That's basically what we're saying. It is my understanding that, in fact, it has been announced by the Attorney-General that he would want to have this matter concluded before the end of this year. Not only are we prepared to wait for that before starting to address requests from the courts but, as it's stated in the brief, we are also prepared to wait for a reasonable time thereafter, so that the changes can occur in the various offices or agencies of the government where we think it is important that the French language be recognized as one of the two official languages in the province.

MR. H. GRAHAM: Mr. Chairman, I know it's not part of your brief, but there has been information come to the committee in the last two or three days indicating a significant - in fact, I would call it startling - new amendment which I think would take considerable time to digest and to look at the possible ramifications. If that should delay a final decision, would that be of real concern to your organization?

MR. R. TEFFAINE: Well, I suppose any delay is of concern, because we've already been waiting for a long long time indeed. As a matter of fact, as far as the *caisse populaires* movement is concerned, for 46 years, because that's how long we've been created and it's been a matter of contention throughout. Now that things seem to be moving ahead, the people involved at the *caisse populaires* are not unreasonable people. If, indeed, it takes two or three months longer, then obviously we're not going to rush into a costly judicial process when we can see a light at the end of the tunnel. But if in fact it becomes evident that there is a lack of good faith involved, then obviously at that point, we believe we stand on solid ground to be able to pursue our best interest through the courts. That, Mr. Chairman, is indeed what we intend to do.

MR. H. GRAHAM: Mr. Chairman, at the bottom of Page 4, the final paragraph, the first sentence, "However, in the event that the government ignores our legitimate requests and refuses to act before the end of the year," if I interpret that correctly, the government can take account of your request and still not act before the end of the year and that wouldn't concern you too much.

MR. R. TEFFAINE: Well, I'm saying that we have another avenue that we can pursue. It is, as I state at the beginning of the brief, our intention and indeed the unanimous decision of our board of directors to cooperate with the government. We think that this is a good agreement. We think it's fair; we think it's equitable and we're going to do all we can in order to support it.

However, if for some reason or other, there are undue delays either emanating from the government, or emanating from filibustering from other parties or whatever, then we're prepared to go to the courts because we think that we can get the situation remedied through that process. We don't want this; we think that

a political solution is preferable to a judicial imposition. But sooner or later, we're going to have to act because some people are accusing us, the board, because we represent all of the individual *caisse populaires*, of perhaps not proceeding with this thing as quickly as we should have. We say it's because we're bending over backwards basically to be accommodating, but hopefully now we can see things starting to happen and we're not going to have to go through the difficult and costly process of judicial recourse.

MR. H. GRAHAM: Well, Mr. Chairman, I want to commend Mr. Teffaine for that type of approach and trying to bring forward in the strongest terms possible the concern of his organization, so I would like to thank him at this time.

HON. J. STORIE: Mr. Chairman, to Mr. Teffaine, I gather what you're saying here is that there is not only one case that is pending before the Supreme Court, but in effect there are a number of potential cases where rights would have to be obtained essentially through the courts. If, in effect, this amendment was not agreed to because it was negotiated, because it's a Made-in-Manitoba agreement, that he would accept that rather than approaching it through the court.

MR. R. TEFFAINE: That is correct. Now, Mr. Chairman, the fact that I'm the President of the Board of the Directors is only incidental to my other work. I happen to be a lawyer, and also it is my considered opinion that indeed in addition to those that we have obtained from the judicial council for the federation that we would be successful in obtaining *mandamus* orders and, in effect, forcing for instance the Registrar of the Personal Property Registry Office to receive our documents that might be in French. That is not the course we want to follow. We want to avoid this. As a matter of fact, we have been urging our people to be patient because we could see that things were starting to move. We think that this agreement is a good agreement; we want to avoid legal procedures if we can do it.

But, indeed, you can rest assured, Mr. Chairman, that there would be a series of cases that would come forward in a relatively short period of time and, in my view, would create more chaos because these people wouldn't have the time to get ready. The beauty of a negotiated agreement is that people who are reasonable will allow the time required for the Land Titles Office, for the Personal Property Office, to prepare so that we can do it in an organized and civilized fashion. If you have a judgment from a judge who says, tomorrow morning you got to start doing this, put yourself in the shoes of those civil servants who are not prepared for it. It would be my hope that they would be wise enough and would have put into place a mechanism already to be able to receive those requests when they are presented. But in any event, I am saying that our federation is going to bend over backwards to cooperate, but there's just so far you can bend before you break, I guess, Mr. Chairman, that's what I'm saying.

HON. J. STORIE: One final question. You indicated in your brief that you were heartened to see the number of Anglophones that had come forward and supported

the amendment and the re-establishment of Francophone rights.

MR. R. TEFFAINE: I don't think I said Anglophones, I said non-Francophones.

HON. J. STORIE: Non-Francophones. I'm wondering what, in your opinion, is the greatest cause for opposition given that, as you suggest in your brief as well, that there are no detractors from existing rights for any other group, that in fact it is the re-establishment of a long-standing injustice.

MR. R. TEFFAINE: It is, sir, a source of great puzzlement to me. I don't understand it. I cannot understand people who, if they read the text, cannot possibly feel threatened by what is contained in this agreement, would, if they use any logic and reason, wish to avoid costly, tearing, judicial proceedings and simply inspired by a sense of fair play, say to everyone concerned, oh, for God's sake, let's go ahead with this. To me, what I've witnessed is that in particular there has been a much greater co-operation since this has started with the various ethnic communities and the Francophone community in Manitoba. It has had that positive effect.

I would hope - and I can't because I've been out of the province, out of the country, for awhile so I haven't followed all the debates - and indeed if I was reading in the paper last night that now there is a number of students going to Immersion schools, that surpasses the Francophone population in the français school. Well, to me, that is hope for the future. Our federation, as a matter of fact, is now putting into place a mechanism to try and go and recruit these clients of tomorrow for the caisse populaires, because presumably if they take their education in French they will want to continue in that. I cannot understand, Mr. Chairman, why people oppose this agreement because to me it is so rational,

equitable and fair that any citizen with any vision of the future of the province and the country has got to support it.

HON. J. STORIE: Thank you, Mr. Teffaine.

MR. CHAIRMAN: Further questions for Mr. Teffaine? Seeing none, thank you very much for your presentation.

MR. R. TEFFAINE: Thank you.

MR. CHAIRMAN: Léo Teillet, Guy Savoie, Tom Cohoe, Mario Sosa, Ron Nash, Ivan Merritt, Luba A. Kwasney, Dr. Joe Slogan, Roy Brunka, Heather Stone, Henry Huber, Jack Froese, Peter Thiessen, Ruth Pear, Al Wexler, Derwyn Davies, Charlie Washington, Jesse Vorst, Ken Morley, Taib Soufi.

Is there anyone in the gallery who has not presented a brief, whose name was not called, who wishes to present a brief this morning? What is the will and pleasure of the committee? We've exhausted the list to date.

A DELEGATE: Do we start right at 2:00 o'clock?

A DELEGATE: 2:00 o'clock.

MR. CHAIRMAN: We ask at the same time then for the Clerk's Office to call those individuals who have not yet been heard and advise them that the committee will not sit further after the 2:00 o'clock sitting if the list is once again exhausted. Is that a fair statement? (Agreed) That's agreed. Agreed and so ordered.

Committee is adjourned and stands adjourned until 2:00 p.m. this afternoon.

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