Probably the most significant impact of the *MacDonald* and *Societé Acadienne Nationale du Nouveau-Brunswick* cases is the new approach to constitutional provisions for official bilingualism that the Supreme Court now takes. The court held that Section 133 of the Constitution Act, 1867, and Sections 17 to 19 of the Charter, are a "constitutional minimum". The court denied that Section 133 is part of any coherent scheme or system of official bilingualism, even potentially. The Supreme Court of Canada will interpret these provisions literally and narrowly. The court will not use a "dynamic and progressive" interpretation to protect official language communities. The court will be stingy. It follows that legislatures and administrations are entitled to interpret present constitutional guarantees for official bilingualism literally and narrowly as a minimum.

Bilingual services in quasi-judicial provincial agencies are not necessary, contrary to the advice of constitutional lawyers prior to these cases. At all points where questions are raised whether a particular program or service has to be provided in the minority language, legislatures and administrations can feel justified in erring on the side of stinginess, since that is the approach the Supreme Court will take on review.

In my humble opinion, to rule as did the Supreme Court of Canada—I am paraphrasing again—that a person has the right to use either French or English in our Parliament and federal courts, but that same person has no right to be understood—the right of interpretation is at odds here—is a significant set-back to language equality in Canada and will create numerous problems over the next few years.

The minimum this Government can and should do is, first, to seek immediately an amendment to our Constitution with provincial concurrence to give it real teeth.

Second, it should study carefully what kind of legislative schemes can be put in place to overcome the difficulties created by the Supreme Court decision so as to give real equality of status to official languages.

Finally, there is the whole question of language of work in the Public Service which requires urgent action in the wake of the Supreme Court's decision. Since the court has effectively removed the teeth from Section 16 that some proponents thought that section contained, we should consider a special task force to study and solve this important question, that is, language of work in the Public Service.

I deplore that decision. I think it has set back language minorities and language in general by many years. I look forward to hearing the Parliamentary Secretary's response on this matter.

• (2225)

[*Translation*]

Mr. Bernard Valcourt (Parliamentary Secretary to Minister of National Revenue): Mr. Speaker, I listened with much interest to the comments made by the Hon. Member for Ottawa—Vanier (Mr. Gauthier). I would like to give him a somewhat more detailed answer than the one the Minister of Justice (Mr. Crosbie) could give him when he first asked his question on May 6, 1986.

But first, the decision reached by the Supreme Court of Canada having been criticized I believe by minority groups across the country, it must be placed in context. Justices of the Supreme Court of Canada cannot be blamed for taking out the edge off Section 16, as the Hon. Member for Ottawa—Vanier puts it, when that edge never was there. It is not the responsibility of the Supreme Court of Canada to legislate by adjudication. That responsibility rests with of Parliament. This is indeed the reason why the Prime Minister, the Right Hon. Brian Mulroney, has ordered a full review of this Government's language policy, along with a review of the Official Languages Act.

Mr. Speaker, I realize the Hon. Member for Ottawa—Vanier was paraphrasing.

The Supreme Court of Canada did not hold that someone could appear before any Court, whether of federal or provincial jurisdiction, and not be understood in his own language. The ruling of the Court was that Section 16 and the Section in the Constitution did not give a person the right to require that the person hearing him should understand him in his own language. However, the system must not be ridiculed. It has always been the rule in common law that a person should be understood, and the Court did not address the question of the means by which someone was to be understood.

However, Mr. Speaker, the Hon. Member for Ottawa—Vanier (Mr. Gauthier) may be interested in knowing that, only two weeks ago, I was in Moncton, New Brunswick, for the annual meeting of the *Société des Acadiens du Nouveau-Brunswick*, and the two Leaders of the major political parties in the province agreed in principle to amend the Constitution to entrench the right of an Acadian and New Brunswick francophone to be understood in his own language before the courts.

This is already an important step, Mr. Speaker, and for the first time since it was adopted this Government has begun a review and thorough study of the Official Languages Act. Before year's end, amendments will be introduced to deal with the questions that were before the Supreme Court of Canada and other improvements will be made to the legislation so that English and French will indeed be the two official languages of the country, in the full sense of the words, and so that Canadians from every region of the country, at least in matters under federal jurisdiction, will be able to benefit from it.

Mr. Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 11 a.m., pursuant to Standing Order 3(1).

The House adjourned at 10.28 p.m.