

*Official Languages*

have come from Europe, Asia and other continents find that there are two languages in general circulation and having general recognition in official and governmental circles. Depending on the part of the country into which they immigrate, they choose either English or French. The riding that I held before it was redistributed out of existence by the commissioners prior to the last election, Montreal-St. Lawrence-St. George, in which the hon. member for York South (Mr. Lewis) grew up when he first came to this country, had at least 45 different language groups. Depending on the language, depending on the associations of the parents and the traditions of a group within the Canadian context, immigrants and their children opted for either English or French.

• (4:20 p.m.)

Most of the Italian community in Montreal opted for French. Practically all of the Greek community opted for English. Of those Canadians of Polish origin, some opted for English and some for French. The same applied to those Canadians of Hungarian origin. In other parts of Canada, and particularly western Canada, the great wave of immigration that populated the west and contributed to making Canada a great country, opted for the English language. The problem is that this is the way the immigrants found the country. This is the way the country is, and there is nothing in the bill or in institutional bilingualism which in any way deprives any of these groups of their own language, or their cultural and community traditions. As a matter of fact, in order to make that perfectly clear clause 38 of the bill is quite categorical:

Nothing in this act shall be construed as derogating from or diminishing in any way any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this act with respect to any language that is not an official language.

The wording in this clause is deliberate. I want to say, in the strongest terms to the hon. member for Peace River (Mr. Baldwin), that we accept the fact that his amendment is a sincere attempt to meet the problem that its sponsor sees of reassuring those groups in Canada that are neither of French nor British origin, but through you, Mr. Speaker, I suggest to him that the wording he submits does not achieve any improvement upon clause 38. On the contrary, we have the feeling that the wording proposed by the hon. member for Peace River would inhibit, restrict and curtail

rather than enhance the provisions of clause 38.

The problem is that in an attempt to reassure the groups which the sponsors say feel are discriminated against, the amendment of the hon. member for Peace River may raise the very questions that it attempts to resolve. The first paragraph of the amendment reads:

The right to speak a language other than either of the two official languages shall not be restrained or restricted—

This implies that there is something restricted at the moment, that there are present restrictions in being, and the inference in the amendment is that there may be some restrictions that do not exist at the moment. On the other hand, clause 38 as it now stands is quite categorical and positive in saying that no right, no custom, no privilege, whether enshrined in the law or not, shall in any way be diminished or derogated from by the coming into force of this bill.

I pose this question to the house: Would the amendment proposed cover the present recognition of the right of a person to the assistance of an interpreter if he does not understand or speak the language of a court before which he appears? Certainly, it is more doubtful under the wording of the amendment proposed by the hon. member for Peace River than it is under clause 38.

As the hon. member for York South said of this aspect of the amendment in the special committee, and I hope he will pardon me if I quote him:

I suggest to him—

That is to the hon. member for Athabasca (Mr. Yewchuk).

—that the language of the present clause 38 is much wider and it provides much better protection than his subclause (1) for precisely the kind of thing he has in mind. I am confident that the present clause 38 gives much more protection because it is not limited in any way.

Clause 38 is a blanket provision because it does not imply, as the amendment of the hon. member for Peace River does, that there may be present restrictions, and we believe that the purposes sought by the hon. member for Peace River and the other sponsors of the amendment would be better obtained under the categorical provisions of clause 38.

Let us look at the second object of the amendment which is to authorize the Governor in Council, by order in council, to enter into an agreement with the government of any province for the purpose of encouraging the natural development of what is called a