

*Privilege—Mr. Hamelin*

[English]

“Therefore, because of the imprecise nature of the language as used in the Official Languages Act when it refers to Parliament, the Act cannot be held to apply to the administrative offices and staff of Parliament.”

[Translation]

Finally, as concerns the status, rights and privileges of Canada's official languages under Subsection 16(1) of the Canadian Charter of Rights and Freedoms, they are enounced nearly word for word in the same terms as in Section 2 of the Official Languages Act, including the words “in all institutions of the Parliament and government of Canada”. The Canadian Charter of Rights and Freedoms adds nothing to the status, rights and privileges of English and French in Parliament itself, or its constituent bodies. This explains the following comment of the House of Commons law clerk, Mr. Pelletier: In my opinion, the Charter says nothing about the language in which the Houses of Parliament must serve the public and the working language of their employees.

I could continue, Mr. Speaker, but I shall stop here. I have given you a document on this matter. However, I find it rather uncomfortable, and that is an understatement as I could say ridiculous or even crazy, for this Parliament to have established a Standing Joint Committee on Official Languages in Canada and for Parliament itself to be exempt from the law.

We, the members of the committee, which includes representatives from the Senate, the opposition and the Government, must remonstrate with federal institutions, agencies and departments, while we ourselves are above the law.

I find this completely ridiculous. As co-chairman of this committee, I look silly remonstrating with parliamentary institutions, departments or agencies when my own House of Commons and the Senate seem to be above the law. I find this completely ludicrous. I am ashamed of the fact that the law still fails to recognize the basic right to linguistic duality in Canada. Does the sovereignty of this Parliament put it above the law? I do not think so, Mr. Speaker. I hope, and this is my appeal to the Government, that the Official Languages Act, which is to be amended in the near future, will contain specific provisions saying that Parliament, its constituent bodies and its institutions are directly and necessarily bound, as they should always have been, by the Act as amended.

Mr. Speaker, in view of what you said earlier in my intervention, I rely on you to guarantee my rights as a French-speaking parliamentarian so that, with you and within these walls, I may truly live the linguistic duality of this country.

I would like to add, Mr. Speaker, and I shall close on this point, that, under the law, our translators could leave and we could have our the debates in English only. I repeat that, under the law—

**An Hon. Member:** The debates in French!

**Mr. Hamelin:** —or the debates could be in French only. Imagine in what a ridiculous situation this place us.

Mr. Speaker, I am relying on you and on the Government to see to it that this monstrous anomaly is corrected as soon as possible.

Thank you for your attention, Mr. Speaker.

[English]

**Mr. Doug Lewis (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council):** Mr. Speaker, I want to compliment my colleague on his argument and the effort he has made to research it. I have not had an awful lot of time to try to put my thoughts together on the matter, so in trying to address the question of whether or not the language of Parliament was either English or French I took for my instruction the Constitution Act and referred to the same section my hon. colleague referred to in which it says:

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

My hon. colleague argues that since the Official Languages Act was passed some 20 years ago and does not specifically refer to Parliament, that leaves us in sort of a conundrum. It seems to me that the Constitution Act takes care of that matter in Section 16 and makes French and English, on an equal basis, as it obviously should be, the working language of Parliament. We see every day in the institutions of Parliament, that is the buildings, the committees, and the various ways in which we function, that both languages have official status and can be used interchangeably. I listened to my colleague's comments on the legal opinions of persons probably more learned than I in constitutional law. However, I still refer to Section 16.

• (1520)

While this is an interesting point, I am not sure that it is a question of privilege because the right of my colleague to use either French or English—and he uses both very well in this House—is enshrined in Section 16 of the Constitution. In my opinion, in no way is my hon. colleague or anyone in this House restricted in the use of either language. Translation is provided in the House of Commons thanks to the Right Hon. John Diefenbaker who instituted it and thanks to all of us who make sure that translation services are available at every committee meeting. I believe that the House of Commons, the Senate, and the other institutions which together form the Government of Canada, are in fact living Section 16 of the Constitution every day.

I submit, first, that the use of both languages is provided for in the Constitution. Second, I submit, not to diminish the point which my hon. colleague makes, that it is not a question of privilege because his right to use either language is protected in this House and all the institutions of Parliament.