As usual, the Hon. Member for Burnaby (Mr. Robinson) is quick to criticize even though he has very little understanding or knowledge of the issue at hand. At the time when the Hon. Member made the point that the study on the impact of the shooting range proposed for the Lac St. Jean region was not yet public, the fact of the matter is, it had already been given out by the Base Commander of CFB Bagotville. In fact, as soon as he requested it directly from the Associate Minister of National Defence (Mr. Andre), a copy was sent to him.

As the Associate Minister said in the House on March 25 and again on April 11, negotiations between the federal Government and the provincial Government of Quebec for a suitable location are now taking place. We are confident that these negotiations will be successful. Indeed, the land involved is part of the Crown lands of the Province of Quebec, so the decision ultimately rests with the Government of Quebec.

Environmental concerns have been paramount in our search for a suitable location for this range. The Government and, indeed, the people of Canada, consider military forces to be essential for the preservation of our national sovereignty and for our contribution to world peace through deterrence. It is essential that military personnel be properly trained and their equipment tested in order to meet Canada's defence objectives. An air weapons range in this area would be an essential training facility and a cost effective means of developing and maintaining the necessary capabilities.

Once again, I would call on the Hon. Member to be careful about the use of his language. The suggestion concerning the use of nuclear weapons in this area is quite, quite irresponsible.

[*Translation*]

ADMINISTRATION OF JUSTICE—USE OF OFFICIAL LANGUAGE OF CHOICE—SUPREME COURT DECISION. (*B*) REQUEST THAT THE GOVERNMENT MODIFY THE LAW—FEDERAL PROSECUTORS TO USE OFFICAL LANGUAGE OF ACCUSED

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, recently, the Supreme Court of Canada ruled, and these are my own words, that any citizen may use either French or English in Parliament and in our federal courts, but has no right to be heard in his own language. In my humble opinion, Mr. Speaker, this is clearly a step backward for linguistic equity in Canada, and will create many problems in the years to come.

By its restrictive interpretation of certain clauses, based on the political compromise that lay at the basis of our language legislation and on the distinction between language rights and the right to a fair trial, this judgment, in my view, limits the scope of the constitutional protection granted to the country's language minorities.

On May 6, I therefore put a question to the Minister of Justice (Mr. Crosbie), which was whether in practice, his Government would adopt a policy whereby the official language of a citizen would be used both in criminal proceedings and other spheres under federal jurisdiction, such as expropriation proceedings, immigration, the Combines Investigation Act, the Immigration Act, the Customs Act, and so forth.

The Minister answered that there would be amendments to the relevant legislation before the year was out, and he gave me the assurance that his Government would make clear that the use of both official languages would be treated equally in federal courts.

The Minister also gave me the assurance that his Government had done everything it could to improve bilingual services in the courts, including opening language training to both provincial and federal judges.

[*English*]

The Supreme Court interpreted the court clause of Section 133 of the Constitution Act of 1867. This provides that either of our languages, English of French, may be used by any person or in any pleading or process in or ensuing from any court of Canada established under this Act, or in or from all or any of the courts of Quebec. In *Société Acadienne du Nouveau-Brunswick*, the Supreme Court interpreted similar language in Section 19(2) of the Charter of Rights. Despite minor variation of language, the Supreme Court ruled that Section 133 and Section 19(2) "are of the same nature and scope", and I quote that from page 6 of that decision.

• (2220)

These provisions obviously give a right to speak either official language in federal, Quebec and New Brunswick courts. The question raised in each case was whether the right to speak imposed duties on the state to facilitate that right. In *Société Acadienne du Nouveau-Brunswick*, the question was whether the right to speak either official language implied a right to be heard and understood by the court in the language spoken. In *MacDonald*, the question was whether the right to speak either official language in court implied a right to receive court documents in the recipient's official language.

The Supreme Court ruled that the constitutional right to speak either language is limited and specific. It is the right of the speaker only; it gives no right to be understood or to receive court documents in the official language.

Because the Supreme Court ruled that constitutional provisions to speak in the legislatures or the courts are rights of the speaker only, and do not impact on the hearer or recipient of documents, the following, in my opinion, now applies. According to the court, there is no right to receive court processes in the official language of choice. Court clerks and judges may issue summonses or other procedural documents in the language they choose, regardless of the language spoken by the person to whom the document is addressed. Second, there is no right to a translation of a summons or other court document. Third, the state has no duty to guarantee that speakers in court will be heard or understood in the official language of choice, or to facilitate the right to speak either English or French.