

Official Languages Act

Quebec has its own language legislation, which reflects its unique linguistic and cultural situation. Alberta and Saskatchewan have also adopted language legislation, more or less forceful, more or less acceptable, but which reflects their realities; so have Ontario, my own province, and New Brunswick, the only officially bilingual province in Canada, a status enshrined in the Constitution. In each case, Mr. Speaker, we see different solutions, all possible answers to the question I asked at the start of my speech. What is Canada?

Today, Mr. Speaker, we are preparing to give Canada a new bench-mark, a new milestone in the area of language legislation. This afternoon the House of Commons is going to adopt Bill C-72, an Act respecting the status and use of the official languages of Canada. It is a proud day for me. I worked on this Bill, with the Hon. Member from Charlevoix (Mr. Hamelin), and I hail it. I am perhaps not 100 per cent satisfied with it, neither is my colleague, but I think it represents an enhancement, if I can put it like that. We tried to keep as much as possible the heart of the Bill, and I think that in general... I will return, later on in my remarks, to the improvements I would like to see in this legislation, which will probably be the subject of Private Members' Bills.

Mr. Speaker, the issue of official languages is not new. It is as old as Canada. It goes back to the British North America Act, notably section 133. That section stipulates that either English or French may be used before the courts of Canada and Quebec but that both languages shall be used in the "respective Records and Journals" of the Houses of Parliament. There was something that responded to a requirement of the time. So linguistic duality goes back to the birth of this country. And even if they were not recognized as "official" languages, both English and French could rightfully be used in Parliament and before the federal courts, from the very beginning.

The protection, or regulation, of the status of French and English was ensured by a series of Acts and administrative measures both federally and provincially. This continued right up to 1963, when the federal Government created the Royal Commission on Bilingualism and Biculturalism, with a view, as the Commission's mandate put it so well, and I quote: "To recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada."

Mr. Speaker, I don't need to tell you that André Laurendeau and Davidson Dunton were two very brave men in their day and generation. They toured the country with their team to hear Canadians' complaints, comments and recommendations, and in a preliminary report from the B and B Commission appears this sentence of Mr. Laurendeau's about the Commissioners, and I quote: "[They have been forced to conclude that] Canada, without being fully conscious of the fact, is passing through the greatest crisis in its history." That

was in 1963. Something had to be done. And Mr. Pearson, the Liberal Prime Minister of the day, did it. It was a turning point for official languages, which was to lead us to the proclamation of the Official Languages Act in 1969, then to the constitutional recognition of official languages in the Constitution Act, 1982, and the Charter of Rights and Freedoms that went with it, and finally to the Meech-Langevin Accord, which recognized our linguistic duality as one of Canada's fundamental characteristics. So we have a process, a series of important and historic events.

I would like to point out to the Hon. Members, Mr. Speaker, that the impetus given to the cause of official languages in 1962-63 and after, right up to 1984, was given by Canadians, Liberals, Mr. Pearson and Mr. Trudeau, and I take off my hat to them, because they did what had to be done at the time with courage and with great personal satisfaction.

Some Hon. Members: Hear, hear!

Mr. Gauthier: Moreover it was the Pearson government, Mr Speaker, in 1964, that authorized the Civil Service Commission, as it was known then, to set up a language bureau and to offer, for the first time, language training; and it was Mr Pearson himself who called for the Laurendeau-Dunton Commission, and saw that this generous and open new approach to official languages was implemented. In response to the B and B Commission's recommendations in 1969, the federal Government, with all-Party support, passed the Official Languages Act, which gave English and French equal rights and privileges as languages of Parliament and languages of Canada. The culmination came in 1982, when the official status of English and French was made part of the Constitution, and language rights enshrined in sections 16 to 20 of the Charter of Rights, as we all know. There is also section 23, the right to minority-language education, which is also a very important provision but which is not what we are looking at today.

Starting from the moment when sections 16 to 20 were added to the Constitution, language rights were protected by laws and regulations passed by both the federal Parliament and the provincial legislatures, and it could then be said that Canada had a true language charter.

Mr. Speaker, if I have begun with a look back at our history, it is because I think it is essential to have a historical perspective on the problems relating to official languages if we really want to understand what is at stake. As we have just seen, the Constitution takes priority over ordinary laws and the 1982 Charter represents an invaluable asset, because it puts language rights out of the reach of the political arm. That was one of the things that brought me into politics. I wanted language rights to be in the Constitution, to be safe from the interference of politicians, who change from time to time—a merciful dispensation of Providence, perhaps—and who ought to be bound, by an important document called a Constitution, to respect the will of the people.