

Oral Questions

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, I personally have some concern that it is taking so long to get this matter before the courts of Quebec, where the matter should properly be dealt with. As the Hon. Member would know, I have no authority over the administration of justice in the running of the rolls in the courts of Quebec, nor does this Government. However, I do hope some way will be found to have these cases brought to trial much sooner.

This being said, Mr. Speaker, I believe there is a difference between the two situations. The Hon. Member tries to draw a parallel between the actions of the Government in both cases. I would point out to him that when the courts in Quebec and in Canada decided that certain Sections of Bill 101 were *ultra vires*, the day after the decision the Government of Quebec righted those wrongs by rendering official the laws in both languages which had been proclaimed only in one language. In other words, when the courts rendered a decision the Quebec Government—for all my disagreement with it—acted immediately to conform with the courts. Therefore I think the people of Quebec who have wrongs and can have them righted by the courts will see a Government which respects the courts. Unfortunately, that is not what happened in Manitoba, as the Hon. Member knows.

● (1500)

The Supreme Court in 1979 declared *ultra vires* the laws adopted in one language only by Manitoba since 1890. The Government of that province did not do what the Government of Quebec did; it did not right that wrong, it let it live on.

Some Hon. Members: Hear, hear!

FEDERAL GOVERNMENT'S POWERS

Mr. John Gamble (York North): Mr. Speaker, that sounds very nice, with the exception of a couple of matters. To begin with, in asking what the Government might do, I provided the solution to that in my original question. What the Government might do is refer immediately the issue of the offensive provisions of Bill 101 to the Supreme Court of Canada.

With respect to the issues which are of concern to many people, the language of business in the Province of Quebec is an issue which directly conflicts with the trade and commerce power of the federal Government under the 1867 Constitution. If the Prime Minister wants grounds for dealing with that issue, they lie directly in the federal sphere of influence, as does, indeed, the power of extending English language education rights which his Government brought through by way of constitutional amendment. Bill 101 is in direct conflict with these provisions. For that reason I submit that he has the very best of reasons for referring these matters to the Supreme Court.

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, this Government has always taken the position that it was better and easier for the courts to judge the law in particular cases—and I have been saying that for 10 or 20 years—rather

than submitting a theoretical proposition to them. When things can be brought to justice by applying to the courts by the public sector, or by individual litigants, in many cases, as the Hon. Member knows, we assist them with funds. When that is possible, that is the preferred course. That is the course preferred not only by the lawyers but by the courts themselves. They are judging on specific cases.

The Hon. Member should know that in the case of Bill 101 we have assisted many litigants in Quebec in seeking justice, and they obtained justice and redress all the way through the courts. The one exception is this case which has taken five years. I have already said that I regret that, and that I did not see an immediate redress to it. However, when you have the contra case, when litigants in Manitoba obtained, as Mr. Forest did in 1979, a favourable judgment and when the Legislature does not act to redress the injustice because its Members want to drag it out, or act in particular cases and so on, then this is indeed a case for reference.

I would point out to the Hon. Member that in our reference on Manitoba we referred not only Section 23 but Section 133, which is the Section which applies to Quebec and Canada. Since there seems to be some doubt in the minds of the Manitoba Government—I should say the Manitoba Opposition—which prevented the redress from being granted by the Manitoba Government, which Government attempted to grant redress and correct the injustice which the courts had recognized and this was prevented by the bell-ringing incidents of the Tory Opposition in Manitoba. Since this appeared to be the attitude, we said that we needed a more general decision, not a decision for each specific case.

The Hon. Member should understand that Mr. Forest won his case and nothing came of it. Then there was the Bilodeau case. If this is won, presumably nothing would be done with it either. What could happen is that a hundred cases would come forward and nothing would ever happen. Therefore, we want a general statement on the law in Manitoba. That statement is the one which we are now pleading for in the courts.

Some Hon. Members: Hear, hear!

* * *

HOUSE OF COMMONS

SERVICES FOR THE HEARING IMPAIRED

Mr. Neil Young (Beaches): Mr. Speaker, I rise on a point of order. Earlier today I noticed, for the first time since I have been in this House, a group of hearing impaired individuals in the public galleries who also had available to them a sign interpreter provided through the good offices of the Speaker. I would like to congratulate you on that, Mr. Speaker.

I would also like to take this opportunity to suggest that you give consideration to the installation in the House of a loop system which would help those individuals who are required to wear a hearing aid device in order to listen to the proceedings