

*Official Languages Act*

These bilingual districts were examined by two commissions, after the 1971 and 1981 census, and Parliament never followed up their recommendations. When the Government fails to follow the recommendations made by a committee established under an Act of Parliament, one would think the legislation was not terribly important and that anomalies such as bilingual districts, for instance, should be deleted from our statutes.

The same Bill C-210, in 1978, gave the defendant the right to be heard and judged by a court or a judge speaking the language of the defendant, and the Bill also amended certain Acts including the Railway Act, the Winding-up Act, the Bank Act and a number of other statutes in order to remove certain discrepancies from the Statutes. I would like to give one example which I find rather obvious, and that is the Railway Act.

The Railway Act provides that, in Quebec, the station agent shall write, with white chalk on a blackboard, the arrival and departure of trains as well as the time of overdue trains. The Act states clearly that this is to be done in French and English in Quebec, whereas it is to be done in English in the other provinces. Well, we all know that today that measure does not apply only in Quebec, thanks to the Official Languages Act. I have colleagues from Ontario, western and eastern Canada—and yourself, Mr. Speaker—who would readily acknowledge that nowadays the proper thing to do for a national carrier is to abide by the Official Languages Act and that it is irregular to have in our statute books a provision under which that procedure applies only in Quebec. The same thing applies to banks, the same thing applies to liquidations: only in Quebec must it be done in French and English, which leads one to believe that the rest of Canada is unilingual and anglophone.

In any case, here I am again with Bill C-203, an Act to amend the Official Languages Act, and I move that it be read the second time and referred to the Standing Joint Committee on Official Languages Policy and Programs. Mr. Speaker, Bill C-203 is similar to others like C-214 and C-210 which I introduced in Parliament in May 1980 and whose general intent was to be given approval by the Special Joint Committee on Official Languages. Indeed, in its fourth and fifth reports, the committee refers to the recommendations contained in Bill C-214.

Bill C-203 is based primarily on considerations of a legal nature, but also on considerations of a political nature, in the non-partisan sense of the word. If I may sum up those two aspects in a single statement, I would say that this Parliament must consolidate one of the main foundations of our federal system, the principle of linguistic equality, by deleting from our statutes any ambiguity concerning the importance and supremacy of the Official Languages Act which, coupled with the Canadian Charter of Rights and Freedoms, happens to be the legal foundations of that linguistic equality. In short, the purpose of this Bill is to assert the political will of this Parliament with respect to the supremacy of the Official Languages Act.

Bill C-203, about which this Parliament is called upon to make a decision, is aimed at asserting the primacy of Official

Languages Act Section 2 over any other legislative and regulatory provision of the Parliament and the Government of Canada. Secondly, it also stipulates that banks and railway companies shall publish, in Canada's both official languages, certain notices and other documents intended for the public. The Acts to be amended now prescribe that only in the Province of Quebec shall they publish certain notices and documents in French and English.

● (1710)

Section 2 of the Official Languages Act passed in 1969 says the following:

The English and French languages are the official languages of Canada for all purposes of the Parliament and Government of Canada, and possess and enjoy equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada.

It was therefore 15 years ago that this Parliament decided to legislate to entrench the principle of linguistic equality in the Canadian Federation. This was an important decision, a symbol of the progress made at the time. However, legally, the Official Languages Act does not necessarily have supremacy over other pieces of legislation passed by this Parliament. However, in our legal system, depending on how the general principles of interpretation of our laws are applied, Section 2 of the Official Languages Act might not have precedence over another legislative provision where there is a conflict. The courts have even recognized that a simple regulation may occasionally, in case of conflict, have supremacy over Section 2 of the Official Languages Act.

Mr. Speaker, this is basically the situation which Bill C-203 wants to change. From now on, if the Bill is passed, in case of a conflict between Section 2 of the Official Languages Act and another federal Act or Regulation, Section 2 would have precedence. I invite the Hon. Members to read the proceedings of the Committee on Official Languages, which was first a Special Joint Committee and is now a Standing Committee, on this issue to learn about the full impact of this Bill.

This Parliament would clearly establish that, as a first step, the courts would attempt to see whether it is possible to interpret federal Acts and Regulations in such a way that they would not cancel, restrict or violate the rule stated in Section 2. If this proves impossible, they would have to give precedence to Section 2, and any other legislative or regulatory provision in conflict with it could be declared nul and void. However, Bill C-203 leaves Parliament free to go against Section 2 of the Official Languages Act by an express statement to this purpose. Thus by giving Parliament the right to go against Section 2 Parliament would be fully empowered to make the political decisions it deems appropriate to ensure linguistic equality in federal institutions. Thus, while some progress will be made as far as linguistic equality is concerned, exceptions to this principle will still be possible.

Once more, Mr. Speaker, I invite my colleagues in this House to examine the submissions made to the Committee in this regard. For instance, there was the submission made by Professor Gerald Beaudoin, who told us clearly and precisely that, in fact, the purpose of such a clause was to give to the