

CANADA PENSION PLAN

INCREASED DISABILITY PAYMENTS—RESULT OF ACTIONS
TAKEN BY PROVINCES

Mr. David Daubney (Ottawa West): Mr. Speaker, my question is for the Minister of National Health and Welfare. In January the Government increased disability payments under the Canada Pension Plan by \$150 per month. This benefited over 150,000 Canadians. However, 20,000 of the poorest disabled Canadians have found that this increase has been erased by a reduction in provincial welfare payments. In light of the fact that these federal increases were designed to help precisely those disabled Canadians in the poorest category, what action will the Minister take to ensure that increases in federal disability payments are not effectively cancelled by provincial government reductions?

Hon. Jake Epp (Minister of National Health and Welfare): Mr. Speaker, the change in the Canada Pension Plan disability benefits of a maximum increase of \$150 per month is something we were hoping we could pass right through to those who are disabled. A number of provinces have decided, either through municipal welfare programs or provincial welfare programs, not to pass through the full amount or to retain some of the amount. Prior to the effective date of the legislation, I had written that it would be my hope that the pass-through would take place and would include drug cards and that type of thing.

There is a problem in the Canada Assistance Plan and I believe we have to address that, but I want to see those benefits passed through. I should say that when I have talked to companies about every case that has come to my attention, I found that companies have passed through the entire amount this Parliament gave in increases through the CPP.

[Translation]

Mr. Speaker: It is with regret that I must advise the House that the Oral Question Period is now over. The Hon. Member for Charlevoix (Mr. Hamelin) rises on a question of privilege.

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PRIVILEGE

APPLICATION OF OFFICIAL LANGUAGES ACT TO PARLIAMENT

Mr. Charles Hamelin (Charlevoix): Mr. Speaker, I would like to raise a question of privilege concerning my rights as a francophone Member of Parliament and the rights of anglophone Members in this House. Mr. Speaker, as I pointed out to you, when some doubt arose as to whether the Official Languages Act of this country applied to Parliament, the law clerks of the House of Commons and the Senate were asked for a legal opinion. In fact, since 1981—

Mr. Speaker: I'm sure all Members are very much aware of the subject the Hon. Member is raising. It is a difficult and

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very important matter, and for that reason, I would ask all Members to listen with some—

• (1510)

[English]

I would ask all Hon. Members to quieten their discussions because the point the Hon. Member is making is an important and difficult one and deserves the attention of the Chamber.

[Translation]

Mr. Hamelin: Mr. Speaker, this question is indeed very important because, as I said before, four legal opinions have been drafted since 1981: on June 5, 1981, by the Law Clerk of the House of Commons, Mr. Maingot; in November 1981 by the Law Clerk of the Senate, Mr. Raymond L. du Plessis; on June 4, 1986 by the Law Clerk of the House of Commons, Mr. Marcel L. Pelletier; and recently, on February 16, by the Law Clerk of the Senate, Mr. du Plessis. These legal opinions all concluded that the Official Languages Act of Canada, adopted nearly twenty years ago, does not apply to this Parliament.

An Hon. Member: Shame!

Mr. Hamelin: Imagine, Mr. Speaker, this fundamental legislation does not apply to the Senate, to Parliament or its components. This conclusion is justified on the basis of the terms used in Section 2 of the Official Languages Act, namely: "all the institutions of the Parliament and Government of Canada". In fact, Parliament is governed only by the Constitution of this country and cannot be subject to the jurisdiction of the courts unless it specifically so decides in the Constitution. And that apparently is not the case. Furthermore, the terms "institutions of the Parliament of Canada" are not specific enough to mean Parliament itself, since there is a distinction between the institutions of Parliament and its constituent parts, the institutions being those created by Parliament, including the Library of Parliament and the parliamentary committees, while under Section 17 of the Constitution Act, 1867, Parliament consists of three components, namely the Queen, the House of Commons and the Senate. This distinction between the institutions and the constituent parts of Parliament is sufficient reason to conclude there was no specific intention on the part of Parliament to be bound by Section 2 of the Official Languages Act.

The conclusions of all three law clerks are quite clear in this respect, and to quote Joseph Maingot: "The Official Languages Act is so unspecific with respect to the House of Commons that I can say that in law, one cannot give it that interpretation". I would now like to quote Mr. Pelletier, Law Clerk of the House of Commons: "In concluding, I may repeat with even greater emphasis than the previous Law Clerk that the Official Languages Act does not apply to the House of Commons nor to its officials in the performance of their duties". And now, Mr. du Plessis: