

Official Languages

him again. Perhaps I am imposing by interrupting his trend of thought a second time. The amendment proposed by the hon. member for Swift Current-Maple Creek has been put to the house. It seems that hon. members should confine their remarks to the limited scope of that amendment, at least until the amendment has been disposed of in one way or another. If there is to be any kind of order to our debates we must apply as much as possible the rule of relevancy. Inasmuch as this rule still exists in respect of our debates it should apply to the extent that hon. members should limit their speeches to the subject matter of the amendment before the house. After the amendment is put to the house and disposed of in one way or another members will then be in a position to make a contribution of a more general nature, having reference more directly to the bill itself.

Mr. Peters: Question.

Mr. Robert C. Coates (Cumberland-Colchester North): Mr. Speaker, at this time I wish to speak specifically on the amendment moved by the hon. member for Swift Current-Maple Creek (Mr. McIntosh). It is the lack of reference to the Supreme Court that has created my greatest problem regarding this bill. Had the government taken steps to make such a reference to the Supreme Court of Canada in respect of the constitutionality of the bill, or had it indicated there was agreement by all the provinces to amend the British North America Act, requiring action to obtain passage of an act by the parliament of the United Kingdom, I might have been willing to support the bill.

A great many Canadians are bound to feel that the government is embarking upon something it has no right to embark upon. Many Canadians may well be deprived of certain rights they now possess. The leader of the Ralliement Cr ditiste referred to this aspect which is of such concern to me. He spoke of the constitutionality of the bill and asked why parliament did not have the right to legislate on the basis of the principle embodied in this bill. It was very obvious that the leader of the Ralliement Cr ditiste had not read the British North America Act and certainly had not studied section 91(1), which was brought about by the St. Laurent administration.

Let me ask the leader of that party whether he would feel the same about the government if it proposed a bill to eliminate completely the rights of French speaking Canadians as contained in the constitution, particularly in

section 133? If the government did that there would certainly be great alarm immediately in the province of Quebec regarding those rights they have considered theirs since the British North America Act was conceived.

The St. Laurent administration brought in an amendment to the British North America Act. That government was told by many constitutional experts in this nation that it was putting a constitutional straitjacket on the nation by amending the act and placing section 91(1) in it. I must assume that at that time Prime Minister St. Laurent had more concern about the diminution of French speaking rights than about their extension. As a result of that concern he proposed an amendment which was adopted and is today part of the constitution.

To leave the impression with the public that there is no concern about the constitutionality of this bill is to deceive the public. When a jurist of the stature of J. T. Thorson places before the Canadian people his concern about the constitutionality of the bill, I would think the government would be quick to make a reference to the Supreme Court of Canada to clarify this aspect in the minds of all Canadians. There could have been no great objection to this bill had such a reference been made to the Supreme Court of Canada and that body had found the bill to be constitutional. Let me read from a speech delivered by Mr. Justice Thorson in Edmonton, Alberta, on June 2, 1969. He said:

There is no provision in section 133, or in any other section, or in any law, that makes French an official language throughout Canada or gives it the status of equality with English as an official language across Canada.

Later he stated:

It must be accepted also, that, except as provided by section 133 and perhaps in New Brunswick by reason of its recent legislation, the only official language in Canada is English.

It is clear, beyond even a shadow of doubt, that this was intended by the Fathers of Confederation. The section guaranteed to the new province of Quebec, formerly lower Canada, equality of status of the French and English languages in the legislature and in the courts of Quebec and it guaranteed similar equality of status in the new parliament of Canada and in the federal courts.

This guarantee was gladly accepted by the French speaking Fathers of Confederation. It is significant that this equality was not extended to the provinces of Ontario, Nova Scotia and New Brunswick. There is no justification for assuming that the Fathers of Confederation intended any such extension. On the contrary, it is clear that they intended that it should not extend to them. This intention was deliberate. Indeed, it may fairly be