

Supply

[English]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, I was anxious to participate today as the minister with legislative responsibility for the Official Languages Act and to debate the motion to amend that act as moved by the hon. member opposite.

The Official Languages Act is no ordinary statute. It embodies protections that are enshrined in the supreme law of our land. It strikes a balance between high principle on the one hand and on the other, its pragmatic application. It belongs as the Federal Court of Appeal has said to that privileged category of quasi-constitutional legislation that reflects certain basic goals of our society. In short, the Official Languages Act reflects both the Constitution of the country and the social and political compromise out of which it arose.

We would do well to give due consideration in this debate to the fundamental nature of the statute, to the fact that Parliament has already devoted considerable attention to ensuring that it is modern, forward looking and adaptable and that it meets the changing needs of Canadians in a changing time. Amendments that could disturb the equilibrium achieved by the legislation between respect for constitutional principles and their reasonable interpretation, amendments which could be tested in the courts, should not be undertaken lightly.

● (1520)

[Translation]

The original Official Languages Act passed in 1969 was extensively targeted for reform and renewal during the mid 1980s, a process which resulted in Parliament adopting the new Official Languages Act in 1988.

Our party which, while in office, introduced the first Official Languages Act fully supported the 1988 reforms.

The aims of this reform were fourfold.

Firstly, to ensure that the provisions of the act were consistent with the language rights guaranteed in sections 16 to 20 of the Canadian Charter of Rights and Freedoms.

Secondly, to put in place a more flexible legislative framework for applying constitutional provisions in a fair, reasonable and practical manner with a view to developing policies and related programs.

[English]

As my hon. predecessor the then Minister of Justice asserted in this House upon moving the 1988 act for second reading, reform of the official languages policy had to be undertaken. Parliament had a duty to bring the provisions of the Official Languages Act of 1969 into line with the Charter of Rights and Freedoms.

As the present Minister of Justice and therefore in a sense as the legal custodian of the Official Languages Act, I believe it is incumbent upon me to review with hon. members of this House

some of the guiding principles of the legislation to the extent that they relate to the motion before the House today.

The approach of the Official Languages Act is essentially one of institutional bilingualism. It is a functional approach. It requires government bodies to organize themselves so as to have the capacity to provide services in either official language to the extent necessary to serve the public or to allow public servants to work in the official language of their choice in accordance with the act.

[Translation]

The first three parts of the act flow directly from constitutional requirements which Parliament and the Canadian courts have upheld since Confederation.

The Supreme Court of Canada held that the aim of the legislation's provisions was to guarantee "equal access for francophones and anglophones to legislative bodies, the law and the courts".

[English]

I can therefore only welcome that portion of the opposition motion that would have the House resolve that the government should continue to facilitate the use of English or French in parliamentary and judicial proceedings as well as the use of both languages as the languages of federal legislation.

The Department of Justice has particular responsibilities in ensuring the drafting quality of legislative texts that must be equally authoritative in both official languages. It must ensure that representations made before federal courts on my behalf as Attorney General of Canada are done in the official language chosen by the non-governmental party.

[Translation]

Part IV of the Official Languages Act pertains to the constitutional right of Canadians to communicate with and receive services from federal institutions in the official language of their choice.

[English]

Section 20 of the charter clearly provides that any member of the public in Canada personally has the right to services in English or in French from any head or central office of an institution of the Parliament or Government of Canada.

Section 20 also provides that the public has this right with respect to any other federal office where either there is a significant demand for communications and services from that office in that language, or if due to the nature of the office it is reasonable that communications and services are available in both languages.

Simply put, all of us as Canadians, indeed all members of the public in this country have the constitutional right to deal with their national government in the official language of their choice. This includes departmental headquarters and at those other offices across the country where it is reasonable due to the nature of the office or where a significant demand exists.