

Official Languages Act

discussed here. If the Bill could be again referred to the Committee of the Senate and House of Commons on Official Languages, as the Committee recommended unanimously that we do, I believe that we could bring this to a satisfactory conclusion and that the Right Hon. Prime Minister and his Government would be very happy with their role in this issue.

This is why, Mr. Speaker, with your permission, I move, seconded by the Hon. Member for York West (Mr. Marchi):

That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"Bill C-203, to amend the Official Languages Act (supremacy of the Act) and to amend other Acts in consequence thereof, be not now read a second time but that the Order be discharged, the Bill withdrawn and the subject-matter thereof referred to the Standing Committee on Official Languages."

Of course, I appeal to my colleagues to give us this opportunity to refer the bill for further consideration, and that will require quite some time because, as I have said, it is a very complex piece of legislation and this way we could know how to deal with it.

M. Deputy Speaker: The House has heard the motion put forward by the Hon. Member for Saint-Denis. The Chair finds it in order. Therefore, the debate is on the motion.

Mr. Charles Hamelin (Charlevoix): Mr. Speaker, it is with very great interest indeed that I rise after my colleague for Saint-Denis. In the light of that amendment, of course, my comments will be quite relevant to the debate.

It will be remembered that the amended legislation is aimed at ensuring that the Official Languages Act (supremacy of the Act) and amending other acts in consequence thereof, if you look at the explanatory notes to the Bill, is concerned primarily with the supremacy of the Official Languages Act over other acts and regulations of Parliament and the Canadian Government, in order to underline its nature as basic Canadian law.

As we were so aptly reminded by my colleague for Saint-Denis, this is not the first time we have dealt with the supremacy of the Official Languages Act over other enactments. As one may remember, that important question was raised in the late 70s, when a body of jurisprudence questioned the supremacy of the Official Languages Act in cases of conflicts with over pieces of legislation or regulations.

● (1730)

I would recall that the Official Languages Commissioner, in his Annual Report for 1978 recommended that Parliament should add to the Official Languages Act a section drafted along the lines of the Canadian Declaration of Human Rights providing that the Official Languages Act take precedence over any federal legislation is incompatible, except where Parliament so decides expressly.

It is the famous notwithstanding section. In 1979 we had Mr. Corbin's Private Members' Bill to that effect, and the first of a series of bills from the hon. Member for Ottawa—Vanier (Mr. Gauthier) which were aimed at improving the Official

Languages Act and many of which called for the supremacy of that Act.

Mr. Speaker, the Hon. Member for Ottawa—Vanier as well as the Hon. Member for Saint-Denis (Mr. Prud'homme) are undoubtedly the parliamentarians who did the most to improve the legal frame work of language rights. And if we had such an institution, they would deserve to be recognized as *Defensores fidei linguaeque* in Canada. Both of you would deserve that title. If I did not fear to offend your modesty in front of such a crowd today, I would ask every Member in the House to applaud both the Hon. Member for Ottawa—Vanier and the Hon. Member for Saint-Denis, who fought so intensely for the language rights, for the principle of Canada's official languages. Your determination and perseverance in this regard are well known, and every single Canadian who believes in official languages equality recognizes your sense of devotion in that regard.

With the coming into force of the Canadian Charter of Rights and Freedoms four years ago—as you have rightly recalled—the fundamental principles of the Official Languages Act are now obviously part of the Canadian Constitution. The enshrinement of these guarantees in this country's supreme legislation has given preeminence to the Charter's provisions regarding the equality of both official languages in all federal institutions, as well as to the provisions relating to the public service in Canada.

In its answer to the Special Joint Committee which had recommended the inclusion in the Official Languages Act of a clause regarding its primacy, the Government at the time had fully supported that aim, as you just reminded us. But in the light of the guarantees now granted in the Charter, its intention was to make a thorough examination of that important question. I know the determination and concern of the Hon. Member for Ottawa—Vanier. As mentioned by my colleague for Saint-Denis, in April 1983 the Committee submitted its fifth report in which it again recommended giving supremacy to the Official Languages Act. However, even Prime Minister Trudeau, who must of course be praised for his support of official languages in Canada, hesitated to accept it. So much so, that he said in a letter: As for your proposal to give supremacy to the Official Languages Act, this is still being examined by the Government.

These words more or less sum up my feelings about the present situation. It seems to me, Mr. Speaker, that it would be premature at this stage to go the supremacy route alone, since in-depth studies undertaken by the Ministers most involved in language reform, at the request of the Prime Minister, should very soon result in a number of proposals that will allow for consideration of all aspects involving the Act and its application.

Naturally, like my colleagues I am very anxious to see these proposals. The Joint Standing Committee of the Senate and the House will soon hear the Commissioner of Official Languages remind us once again that strong measures are needed to promote equality, ensure supremacy of the Act and