

Dominion-Provincial Conference

But while it is not possible to go beyond federalism in the economic realm, there is one way to go beyond it. That is with respect to the proposal of the federal government for the entrenchment of certain basic human rights in this country, political, legal, egalitarian, and not least of all linguistic. From discussions at the conference it would appear the provinces have almost reached agreement regarding the entrenchment of the political rights of citizens in this country. They are willing to go beyond federalism, beyond the jurisdictional divisions between the federal and provincial governments, to guarantee to the citizens of this country certain rights which no government, national or international, would be able to take away from them. It is my hope that in the continuing discussions of the constitutional committee this opening toward the possibility of entrenchment of some human rights will be pursued. There appears to be more disagreement in the other areas of legal and egalitarian rights. It may be the government will have to consider an opting-in formula which would allow certain provinces to join with the federal government in a bill of rights applicable to their district.

● (3:40 p.m.)

On the linguistic question, I am unable to see the validity of any of the arguments which have been made against the official languages bill. Section 133 of the British North America Act provides very specific guarantees for the use of the English and the French languages, but it does not limit the use of the English or French languages to those situations set out in the section. There is no tradition of judicial interpretation any more than there are words in section 133 that would suggest there is to be a limitation on the use of either language. If it were desired legislatively to expand the use of any language beyond the bounds of the guarantees in section 133 there would be no constitutional difficulty. Similarly, with respect to section 91(1), where again there is a language guarantee, the guarantee appears to be no broader than that in section 133 because that in section 133 is the only guarantee which could be incorporated in section 91(1).

But despite the fact that I believe the linguistic rights bill to be fully constitutional, I think we must applaud the restraint of the Prime Minister (Mr. Trudeau) in agreeing to negotiate with the provinces on this subject, and in not pressing this issue. People's deep-seated fears are often revealed not so much in

[Mr. MacGuigan.]

the arguments they make but in the fact that they make arguments. There is no doubt that there is a certain uneasiness among many of our fellow citizens about the effects which an official languages bill, and other bills of that kind, might have on them. It is well for us to proceed slowly in this area, and to seek ways whereby these people can constantly be given reassurance. The federal government has no intention of acting precipitously in a way that would deprive people of rights that they have, even though it is interested in expanding the rights which some of our other fellow citizens may have.

With respect to the problem of employment, this might be an area where we could establish the office of a linguistic ombudsman who would be concerned with all cases where people felt, rightly or wrongly, that their right to employment might be infringed by the actions of their superiors. This might give a feeling of security to the little man who faced the prospect, in his mind, of losing his job.

In conclusion, Mr. Speaker, and with respect to the constitutional committee, it seems to me that it ill becomes members of the opposition to charge the government with failure to produce at this point a more complete statement of the positions which it adopts. The federal government is acting in accordance with the plan it proposed at last year's conference, to proceed step by step to deal with certain problems, and then with others, a plan being followed as well by the continuing committee of officials discussing this matter at many meetings during the year. We have before us in this house a set of proposals which have been made by the federal government which cover many of the problems that have to be dealt with in re-examining or in redeveloping the constitution which this country will need for the next 100 or 200 years.

When I think of how the constitutional committee will function, I am somewhat concerned that it will not be aided by the imprecise notions of the Leader of the Opposition (Mr. Stanfield) on this subject, or the irrelevancies of the spokesman for the Creditiste Party, or indeed by what I feel to be the anti-federal rigidities of the spokesman for the New Democratic party. And yet, with the consideration by the committee of concrete proposals by the government of Canada, I am hopeful—

Mr. Lewis: Would the hon. member permit a question?