

firmly resolved to revive everywhere. With the Official Languages Act the federal public administration, has become more consistent, both from the viewpoint of its representativeness and the services it offers, with the realities of Canadian life. Through that legislation, we now enjoy a better balanced Public Service, which is just starting to truly serve the Canadian people in the language of their choice.

Therefore, in a few years time, backed by a solid tradition of tolerance and social justice, the federal Government in its Public Service and various institutions, has made some remarkable progress.

Of course, when it was the Official Opposition, the Progressive Conservative Party did criticize some aspects of the administration of the language policy of previous governments with some exaggeration perhaps but, as the Hon. President of the Treasury Board (Mr. de Cotret) recalled on October 9 last, it has always supported the program's objectives as well as its administrative consequences. He then stated that the challenge we now have to meet as the new government, is not only to maintain what has already been achieved in the area of official languages but also improve existing services. In short, to do more and better, and for less money than our predecessors.

In the same vein, even though time is running short, Mr. Speaker, I should like to quote from the statement of the Hon. President of the Treasury Board (Mr. de Cotret) which will indicate to the House how the Progressive Conservative Party intends to tackle the study of the official languages issue, including the consideration of this Bill.

**The Acting Speaker (Mr. Paproski):** Order. The hour provided for the consideration of Private Members' Business has now expired.

• (1800)

## PROCEEDINGS ON ADJOURNMENT MOTION

[English]

A motion to adjourn the House under Standing Order 45 deemed to have been moved.

THE CONSTITUTION—UNILINGUAL QUEBEC TRAFFIC TICKET  
APPEAL. (B) FEDERAL GOVERNMENT'S FACTUM

**Hon. Warren Allmand (Notre-Dame-de-Grâce-Lachine East):** Mr. Speaker, on December 6 I asked the Minister of Justice (Mr. Crosbie) who in the Government had approved of his factum, that is his written argument, in the Duncan MacDonald case before the Supreme Court of Canada. I also raised this same issue on December 10 and December 12. In addition, my colleague, the Member for Ottawa-Vanier (Mr. Gauthier) has raised this issue on several other occasions.

### Adjournment Debate

Early in December we learned that the Minister of Justice had, by way of intervention, filed a factum in the Supreme Court of Canada opposing Duncan MacDonald's contention that under Section 133 of the Constitution Act, 1867, he had the right to be summoned to the Quebec courts in the English language. Section 133 of the Constitution is that section which guarantees citizens the right to use their own language, English or French, in the courts of Canada and Quebec, as well as in the Parliament of Canada and the legislature of Quebec.

The question to be decided by the Supreme Court in this case was formulated by Mr. Justice Ritchie when he granted leave to appeal and is as follows:

Does a summons which is printed and published in the French language only and commands an English speaking person to appear before the Courts of Quebec offend the provisions of S. 133 of the Constitution Act, 1867, resulting in a total absence of jurisdiction of the Court to proceed against him?

The Minister of Justice, who is also the Attorney General for Canada, has given the following answers to my questions. In the first place he said that the factum had been approved by the Liberal Government before him. Mr. Speaker, I checked that point and it is absolutely false. The factum is dated November, 1984. In addition, I checked with the Minister of Justice who preceded the present Minister of Justice, the Hon. Member for Saint-Henri-Westmount (Mr. Johnston) who was the Minister of Justice before September 17 and had been the Minister for several months. He said that the factum was never put before him for approval.

It is possible that some preparatory work on that factum was being done by civil servants in the months that preceded the Conservative Government. However, the fact that preparatory work was being done does not mean that approval was given. As we all know, civil servants prepare documents and positions for Ministers to approve. The approval, as I say, was not given under the previous Government. It was sent ahead under the Government which is in power today.

It is possible that some confusion has arisen in the mind of the Minister of Justice between the decision to intervene in the case and the approval of the factum. It is true that the decision to intervene in the Duncan MacDonald case by the Government of Canada was made under the previous Liberal Government. However, that is a decision simply to intervene in the case and not the position on the factum. The factum is the written argument which, as I said a few minutes ago, was sent to the court and prepared and approved in the month of November, 1984.

The next answer that was given to me by the Minister of Justice was that the content of the factum was decided upon by the legal officers in his Department and that he had no responsibility for it. Mr. Speaker, that is completely unacceptable. The Minister of Justice is the Attorney General for Canada. He is the chief legal officer for the Crown. He is the chief legal officer for the Government of Canada, and he has the responsibility for any document, paper or legal opinion which goes from his office under his name to any court in Canada. This factum, which bears the name of the Attorney General of Canada, certainly should have been his responsibility.