

*Official Languages*

and, second, I wish to deal in general terms with the amendments the government intends to propose to the special committee which has been set up to deal with the bill.

Both the question of the constitutionality of the legislation and of the amendments that the government will be proposing to the committee are bound up in some of the criticism that has been levelled at the bill. It has been felt by some—and the hon. member for Swift Current-Maple Creek (Mr. McIntosh) who has just taken his seat reflects this attitude—that the bill impinges on provincial jurisdiction in very practical ways, and a number of provinces have raised constitutional issues in relation to it.

As I have already reported to the house, I have had consultations on this subject with the western Attorneys General, with the Attorney General of Nova Scotia and with the Prime Minister of Quebec who also happens to be Attorney General of his province. Both prior to the federal-provincial conference in February and subsequent to that conference I travelled across the country and a good deal of the conversations I had both with the Premiers and then subsequent to the conference with the Attorneys General bore on the question of language, particularly as it is reflected in this bill.

Hon. members will recall that the bill received first reading on October 17, 1968. As a consequence there has been ample opportunity for full public airing and, indeed, the most minute consideration by provincial governments both before, during and subsequent to the consultations in which I have participated. Let me therefore make clear at the outset of what I am saying that the amendments which the government intends to move in committee have been prepared with a view to the practical problems involved in implementing legislation of this sort and after serious and detailed discussions with the provinces. We hope the changes which will be brought forward will meet the practical objections and that by so doing a constitutional confrontation can be avoided, that is to say, that the provinces will not test the validity of this legislation either before a court of appeal in their own jurisdiction or before the Supreme Court of Canada.

It is my view as a Canadian—and the government shares this view—that a discussion of language, which is a sensitive subject historically and today, should remain in the political arena, that language should be discussed in the public forum and that language

[Mr. Turner (Ottawa-Carleton).]

should be discussed in the provincial legislatures and particularly here in the forum, the theatre, of the nation, the House of Commons of Canada. It is a political and not a judicial matter. I would hope the discussion of this bill, the implementation of it and the debate on it will remain in the political arena and will not be subject to the scrutiny of the courts because I believe the dangers inherent in that procedure are very real indeed. I hope the provinces most concerned about the bill will come to the conclusion that the consultations we have had with them have been meaningful.

I have taken it upon myself to present the amendments to the House of Commons first. I am writing letters which will be sent this afternoon after I conclude to all the Attorneys General of the provinces. After these amendments become public I hope the provinces will give this bill as now proposed to be amended their best, fair and reasoned judgment and that they will allow the matter to remain in the political arena.

**Some hon. Members:** Hear, hear.

[*Translation*]

**Mr. Turner (Ottawa-Carleton):** The bill is entirely within the legislative jurisdiction of Parliament. It is in no way concerned with the rights and privileges granted by clause 133 of the British North America Act. Everyone will continue to enjoy the same rights as regards the official languages, as defined in section 133. The constitution of Canada, as to the use of English and French, will remain unchanged.

I do not think either that it is fair to interpret the constitution in such a way as to freeze the use of French outside the rights granted by section 133. If such is not the case, the same limitations would apply to the use of the English language. According to the constitution, the two languages are in the very same position, and my conclusion, Mr. Speaker, is that parliament and the provincial legislatures are authorized to legislate in language matters insofar as their legislation does not conflict with the principles contained in section 133.

It seems to me that the position is clear. Those who maintain the contrary are motivated more especially, I think, by the conflict they see between the federal jurisdiction with regard to criminal law and procedures and the provincial jurisdiction with regard to the administration of justice in the provinces. Even if I do not think it is a legislation relat-