

PUBLICATION OF STATUTES ACT

AUTHORIZATION TO PRESCRIBE FORM AND MANNER OF PRINTING

Hon. P.-E. Trudeau (Minister of Justice) moved the second reading of Bill No. S-18, to amend the Publication of Statutes Act.

Mr. Patterson: Mr. Speaker, with regard to this particular matter I think we should have a brief explanation of what is involved in the bill. I notice that certain clauses are very ambiguous, and the regulations seem to be quite broad. Would the minister explain to us what is actually involved in this bill?

Hon. P.-E. Trudeau (Minister of Justice): Mr. Speaker, this bill intends to give to the governor in council authority to publish the statutes in a certain form. Under the present Publication of Statutes Act, statutes have to be published in separate volumes in French and in English. The intention of this bill is to allow the government to provide that the statutes be printed in some other form. The bill is introduced now because the Revised Statutes of Canada, which are to be published some time in the coming year, will be printed in the form recommended by the commission for the revision of statutes. The recommendation of that commission, which I believe will be accepted by the government, is to publish the statutes in French and in English in the same volume, the intention being to have on the same page a column in French and a column in English. In view of the fact that this will be done with regard to the revised statutes, the government feels it would be desirable to publish the annual statutes in the same form.

• (9:50 p.m.)

I may be out of order, Mr. Speaker, by going further than that, but if the house allows me I could say a few words in anticipation of the report of the revised statutes commission. The intention of publishing the two texts in the same volume, as I indicated, is in order to ensure that the laws of Canada are published in their entirety within the same set. As hon. members know, the British North America Act has stated that the laws of Canada shall be published in both languages. It has been the interpretation of the courts that both languages have equal authority, and that in the case of some doubt arising in the interpretation of a statute, the language will prevail which appears to the court to be closest to the intention of parliament. This being the case, for strictly legal

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and constitutional reasons alone, to say nothing of the political and symbolic reasons, with which I could gladly deal, it has been decided by the government that it would be prudent to make sure every edition of the statutes is printed in both languages in such a way that any lawyer, judge or person who uses the statutes would have at his hand the complete statutes, and not half of them in one language or in the other.

In that very real sense, Mr. Speaker, a lawyer pleading before any court of Canada, upon the statutes of Canada, is entitled to use both languages. I am not saying any court in any province allows pleadings in both languages because the constitution does not say that. The constitution does say, and the courts have so interpreted, that any lawyer in any province can use a statute in whichever language appears right to him. The court will use whatever language appears to correspond most closely to the will of parliament. This is the main reason the government intends to publish the statutes in this form.

There are of course other reasons, less legal, which have to do with the special intent of this government to ensure that the French language is given equality in the laws, in the sense the constitution decides it shall be given equality. Once again, Mr. Speaker, mainly speaking, this is for the publication of the revised statutes and is not an act for the publication in any special form. It gives the government the latitude, if it so desires, to pass orders in council or regulations which will permit the statutes to be published in this form if the government so desires. I believe, Mr. Speaker, that is a succinct explanation of the purpose of this bill.

Hon. Gordon Churchill (Winnipeg South Centre): Mr. Speaker, most of what the minister has said is irrelevant to the subject matter here. No one is questioning the status of the two languages. The minister has, with a great wealth of words, tried to conceal exactly what is intended here. What is intended, as I understand it, is to put in one volume both the French and English versions of the statutes. I do not know why the minister did not say that, and leave it at that. I ask the minister, then, what real purpose is served by so doing, other than enlarging the volumes?