

Official Languages Act

[Translation]

Mr. Robichaud: Madam Speaker, I want to thank the Hon. Member for his question which is whether this Bill will help us function better as a nation. If we look at the preamble, I do indeed believe it will help us live better lives as Canadians, whether we are Anglophones or Francophones. For instance, this part of the preamble provides that:

the Government of Canada is committed to enhancing the vitality and supporting the development of English and French linguistic minority communities, as an integral part of the two official language communities of Canada, and to fostering full recognition and use of English and French in Canadian society;

I believe the preamble makes clear that wherever they happen to be, Canadians will not have to cope with the difficult circumstances we faced as Acadians during the fifties. We are making services available to people, and this can only foster the cause of official languages.

My colleague mentioned Bill 101 in Quebec. I would say "Thou beholdest the mote that is in thy brother's eye but considerest not the beam that is in thine own", and I am of course referring, be it reluctantly to the case of MPP Léo Piquette in Alberta, who was denied the right to speak French in the Legislative Assembly. He was not allowed to finish what he had to say, and I am sure no one would get that kind of treatment in Quebec.

[English]

Mr. Graham: I would like to point out to the Hon. Member for Westmorland—Kent (Mr. Robichaud) that perhaps some people are not so much concerned with the intent of the Bill but rather with the drafting of the Bill and, because of the drafting, the interpretation which may be placed on it. We believe that the law should be written in such a manner that average citizens can understand it. I consider myself in the category of an average citizen.

The Hon. Member for Westmorland—Kent specifically referred to Clause 15(1), the Duty to ensure understanding without an interpreter. If the Hon. Member has a copy of the Bill, I would like him to refer to it. That clause states:

Every court, other than the Supreme Court of Canada, has the duty to ensure that, in any proceedings conducted before it, any judge or other presiding officer is able to understand the official language or languages in which the proceedings are conducted without the assistance of an interpreter.

We can certainly understand where the Bill may be coming from. I believe that the Hon. Member for Westmorland—Kent is fortunate enough to be able to converse in both languages. I was wondering if he would look at the French translation of that particular clause and point out to me where judges are referred to in Clause 15(1). I am not overly conversant with the French language, but I am at a total loss to see where judges are referred to at all. This raises the point that the drafting of the Bill has left many loopholes and possibly much misunderstanding. Perhaps this is where the concern is, rather than the partisan approach which he suggested may be the reason for the objections to the Bill. Could he conceivably point out for me where it refers to judges?

[Translation]

Mr. Robichaud: Madam Speaker, I am not sure I understand, because Clause 15(1) provides, and I quote:

15. (1) Il incombe aux tribunaux autres que la Cour suprême du Canada de veiller, dans toutes les affaires dont ils connaissent, à ce que le président de l'audience...

And I think that is the term he wants, "le président de l'audience"

—comprenne, sans l'aide d'un interprète, la langue officielle dans laquelle se déroule l'affaire et sont rédigés les actes de procédure.

I don't see any problem at all. When rendering the law in another language, one does not do a literal translation. One renders the meaning, and I think it was done quite satisfactorily in this case. I don't see any problem.

[English]

Mr. Crosby: Madam Speaker, let me say at the outset to the Hon. Member for Westmorland—Kent (Mr. Robichaud), that I do not quarrel in any way, shape, or form with the principle of two official languages in Canada. I think that all Canadians support that policy.

• (1230)

I think what Hon. Members are concerned with, and myself in particular, is how that policy is implemented and whether it is implemented in a fair, appropriate, and proper way.

I am sure the Hon. Member for Westmorland—Kent would not want to promise Francophones in his province, as I would not want to promise Francophones in my provinces, services which they will not receive in the future under this Bill or any other legislation.

I want to review very briefly with him the past experience in the Province of New Brunswick. He knows that under the Canadian Charter of Rights and Freedoms and under the new Constitution Act passed in 1982 the courts of New Brunswick were made bilingual. The specific provision under Section 19(2) is that English or French may be used by any person in any pleading or process issuing from any court of New Brunswick.

My impression is that in the City of Saint John, for example, if a Francophone comes before a court he cannot be assured that he will be heard in his language. I wonder if the reverse is true in the City of Edmundston. Perhaps an Anglophone can have difficulty being heard in his language.

What we want to be assured of is that if Parliament passes legislation that indicates to Francophones that they can be heard in their language in court, or that Anglophones can be heard in their language in court, we are ready to implement it.

How has that official policy been implemented in New Brunswick over the last six years? Does that situation exist in New Brunswick today, the instant right to be heard before the courts of New Brunswick as guaranteed by Section 19 of the Canadian Charter of Rights and Freedoms?