

TRADE

CHURCHILL, MAN.—ANTICIPATED TONNAGE
OF GRAIN THROUGH PORT

Mr. Robert Simpson (Churchill): Mr. Speaker, I have a question for the Minister of Industry, Trade and Commerce. Is the minister in a position to advise the house of the tonnage or numbers of bushels of grain it is expected will be shipped through the port of Churchill this year in relation to shipping orders already on hand?

Mr. Speaker: The hon. member is asking for statistical information which is not normally given during the question period.

Mr. Simpson: Mr. Speaker, it has been customary at this time of the year for the government to divulge to the house the number of bushels they expect will be shipped through various ports in Canada, especially the port of Churchill.

Mr. Speaker: I think this information should normally be given by way of a statement on motions.

GOVERNMENT ORDERS

OFFICIAL LANGUAGES

PROVISIONS RESPECTING STATUS AND USE—
APPOINTMENT OF COMMISSIONER, ETC.

The house resumed, from Friday, May 16, consideration of the motion of Mr. MacEachen (for Mr. Trudeau) that Bill C-120, respecting the status of the official languages of Canada, be read the second time and referred to the Special Committee on the Official Languages Bill.

Mr. Jack McIntosh (Swift Current-Maple Creek): Mr. Speaker, because there does seem to be considerable doubt whether or not this bill, if passed, will be constitutional, I question the motive of the government in placing this piece of legislation before the house at this time. A former judge, who once held the second highest legal position in our country, as well as many others, have stated that Bill C-120 is unconstitutional. I am also aware that the Minister of Justice (Mr. Turner) stated that his legal advisers have informed him that the bill is not unconstitutional.

All members of this house, including the ministers of the crown, are aware of the conflict of opinion on this constitutional issue between many people in this country, including members of the legal profession. A final

Official Languages

decision will only be achieved when a judgment is handed down by the Supreme Court. I suggest that such a decision be obtained before we proceed further with this bill. If the decision of the Supreme Court is favourable to the government's contention, nothing will be lost. Many needless words in this debate could be prevented. On the other hand, if a decision is sought after the bill has been passed and it is found to be unconstitutional, it will be most embarrassing to those who strongly support the bill. We will also have wasted a great number of days in debate which could have been used to greater advantage dealing with the economic problems that plague our country.

In the limited time I had on Friday I dealt mainly with the suggestion that this bill attempts to amend section 133 of the British North America Act and is therefore beyond the power of this parliament. Section 133 of the B.N.A. Act deals with the use of the English and French languages in the courts and parliament of Canada. Nowhere in the British North America Act is there a reference that French and English are established as the official languages of the government of Canada. I refer to "government" as contrasted to "parliament", the two being obviously quite different entities. The declaratory clause of Bill C-120 now under debates states:

The English and French languages shall be the official languages of Canada for all purposes of the parliament and government of Canada—

The use of the word "government" throughout the bill adds another sector to our democratic structure where the two languages shall be used. It is obvious that the bill as now worded effectively changes section 133 of the B.N.A. Act and by the addition of the word "government" attempts to amend the constitution by going beyond the terms to which the Fathers of Confederation agreed.

Another section of the B.N.A. Act explicitly prohibits the federal government from acting unilaterally in certain spheres. Section 91(1) forbids the government to tamper with language questions. In part the amended section now reads:

It is hereby declared... the exclusive legislative authority of the parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say—

1. The amendment from time to time of the constitution of Canada except as regards... the use of the English or the French language.

I draw the attention of the house to the word "except". I do not see how there could