

*Language Rights*

Court's ruling did not intimidate the Court which supported the Constitution.

The role of Parliament and other legislative bodies, on the other hand, is to solve political problems. It is not the Court's responsibility to repair the damage done by politicians. The court must uphold the constitutional means for politicians to correct their errors themselves. Therefore, the solution of Constitutional changes, under fair and equitable terms, came to the mind of the Manitoban legislators. What is called in the British legal tradition "the rule of law", the principle of lawfulness, could then be asserted not only by the courts but by the political authorities.

The Right Hon. the Prime Minister of Canada (Mr. Trudeau), during the debate on the first House of Commons resolution, had this to say on October 6, 1983, and I quote:

I admire the Supreme Court for saddling politicians with this problem, since it is its role. The Supreme Court must tell us what the Constitution says, without worrying about the political, social or economic problems that may arise as a result of a Supreme Court judgement on a legal matter arising from the Constitution.

Mr. Speaker, at that point a solution appeared to be in sight. However, an aggressive minority in the Manitoba Legislative Assembly, vehemently opposing any form of development of linguistic rights in the province, blocked everything. That group of opportunistic, petty politicians, disregarding the Constitution and the agreement between the federal and provincial governments, over and above the two resolutions passed by this House adjoining them to proceed, refused to believe that the Supreme Court would dare invalidate the unilingual legislation involved.

However, the Supreme Court will hear the *Bilodeau* case and the Reference on Linguistic Rights next week, and as I said, the Court could soon declare null and void all the acts and regulations involved. In fact, according to some Constitutional experts, the Court might even explicitly state that nothing short of a Constitutional amendment would be accepted to fill the legal vacuum that would result from such a court ruling.

The Court could state that the Manitoba Legislative Assembly, that would sit de facto, would be only authority empowered to pass the resolution required by the amendment procedure which is delineated in Section 43 of the Constitution Act, 1982. Barring such a constitutional amendment, the Court might not see the need for preserving the unilingual legislation, even for a short time. This way, the Supreme Court would encourage the respect of the rule of law and the Constitutional process, while sending the ball back into the political arena.

At that point, Mr. Speaker, the problem would reach its full scope. Manitoba would be deprived of laws other than those enforced before 1890. A constitutional amendment would become extremely urgent for that province. Like Quebec on December 13, 1979, when the National Assembly sat all night

to re-enact all previous unilingual legislation in both languages, Manitoba would have some catching-up to do. However, because of the absence of any legislation in French over a period of ninety years, Manitoba could not pass an omnibus bill as Quebec has done. It would make more sense for Manitoba to adopt its constitutional resolution according to Section 43 of the Constitution Act, 1982 a resolution that is before the House today—and this time without any obstruction from the Conservative Opposition, of that I am sure, since its room to manoeuvre would be reduced to nothing as a result of the judgment of the Supreme Court.

A constitutional amendment that concerns the use of French or English in a province must, according to Section 43, be made by proclamation issued by the Governor General under the Great Seal of Canada and only where so authorized by resolutions of the Senate and the House of Commons and of the Legislative Assembly of the province in question. Must we wait, Mr. Speaker, until the unilingual fanatics realize that the Supreme Court has invalidated all the statutes and that Mr. Pawley and Mr. Penner were right? Must we wait any longer before we act as responsible and intelligent parliamentarians? Would it not be wiser to adopt this resolution as provided in Section 43 of our Constitution and in accordance with the terms of the agreement between the Government of Manitoba, the federal Government and the Société Franco-Manitobaine?

I would emphasize that unless a resolution of the Parliament of Canada is accompanied by its provincial counterpart, it can have no legal effect on the Constitution. So there is nothing unilateral about adopting this resolution in the House. There is no question of any imposition by the federal Government. We would adopt, in its entirety, a resolution arising out of negotiations conducted in good faith, a resolution that received the unanimous support of this very same House. Twice, we encouraged and urged Manitoba to adopt this resolution. Within this context, the resolution is a precautionary measure being offered to Manitoba, and the province may consider and eventually adopt it if it is deemed appropriate.

However, the resolution goes beyond the legal and political sphere. It is a re-affirmation of principles that are part of the very fabric of our Canadian way of life. As the Hon. Leader of the Opposition (Mr. Mulroney) said so eloquently during the debate on the first resolution on language rights, on October 6, 1983, and I quote:

The purpose of this resolution is one which has touched the soul of Canada for decades.

● (1720)

[English]

Years ago this House approved the principle of official bilingualism for Canada. Simply put, it means that English and French Canadians shall have equal rights and equal opportunities across Canada. It is a noble principle, one which is capable of enriching the life of this nation.

I continue to cite the Leader of the Opposition (Mr. Mulroney). He said: