

*Official Languages Act*

communication for air navigation) be governed by the provisions of that act. Only a specific intent clearly expressed by the legislator could justify such a conclusion.

When it adopted the Official Languages Act, the Canadian Parliament officially recognized the linguistic equality of the French and English languages in every area under the jurisdiction of the Canadian Parliament and government. It must now, as the courts urge it to, express clearly its intention of making linguistic equality an overriding principle so that in case of conflict between any act or regulation of Parliament or of the Government of Canada and the principle of linguistic equality as expressed in section 2 of the Official Languages Act, the courts as well as federal institutions will recognize the supremacy of section 2. How can it be that after more than a decade since the enactment of the Official Languages Act Parliament and the Canadian government still have provisions which contradict the spirit and the letter of this basic legislation?

How can Canadians take their national Parliament seriously as far as linguistic equality is concerned when they see, for example, first of all, that Criminal Code sections 555 and 556 restrict their right to a bilingual jury to Quebec and Manitoba; second, that certain provisions of the Bank Act, specifically sections 82(3)(d), 89(4)(a)(ii) and 89(4)(b)i restrict to Quebec the requirement for a bank to advertise in French and English newspapers the sale of seized property; third, that several provisions of the Railway Act, for instance, sections 207, 235, 242, 243, 294 and 366—there are many—make it mandatory only in Quebec that the notices the railways must give the public about timetables and other pertinent data be bilingual; fourth, that section 159 of the Winding-up Act provide for the publication of notices to creditors in newspapers of both official languages again only in Quebec.

It is obvious to me, Mr. Speaker, that such legislative provisions which are still part of our statutes in 1980 and which result in confining bilingualism to the province of Quebec only constitute an infringement of the Official Languages Act which is all the more serious because it is committed by Parliament itself and it is not the first time the problem has been raised in the House and hon. members made aware of it.

For at least the last three or four years several bills were introduced each session to amend those legislative provisions not consistent with the Official Languages Act as well as amend the Official Languages Act itself, each time to no avail. For instance, someone could challenge the right of railways to publish notices in French outside Quebec and on the basis of sections 242 and 243 of that act, challenge the right of a railway company to publish in both official languages timetables on its lines or notices about train arrivals and departures. For example, I quote subsection 3 of section 243:

Such notices, shall, in the province of Quebec, be written in the English and French languages, and, in the other provinces, in English.

[English]

Parliament has asserted in the Official Languages Act its will to grant the French and English languages "equality of status and equal rights and privileges as to their use in all institutions of Parliament and the Government of Canada". Further, in order to confirm that this declaration of equality was not to be limited to the languages used in providing services to the public but, that it applied as well to the languages used at work, Parliament adopted in June, 1973 a resolution which stated clearly that "public servants should, as a general proposition . . . be able to carry out their duties in the Public Service of Canada in the official language of their choice".

The application of these principles of linguistic equality is an arduous business and gives rise to opposition and difficulties, as the Commissioner of Official Languages tirelessly points out in each of his annual reports. Despite and especially because of that, Parliament must today prove that it is determined to enshrine the principle of the equality of official languages in all of its legislative measures and in any regulatory action taken by the government. In other words, the principle of linguistic equality must have priority over all others unless, by exception, it be expressly declared in the legislation or in the regulations that linguistic equality cannot, for very serious motives, have precedence.

[Translation]

Mr. Speaker, pending the results of the constitutional reform, the federal Parliament can act immediately on all matters that come under its jurisdiction. In these troubled times when the Canadian crisis is more acute than ever and when Francophones demand the same treatment as their Anglophone fellow citizens, it is incumbent on Parliament to assure them that the act meets those requirements.

In my view, further provisions designed to ensure the paramountcy of the Official Languages Act would achieve this goal in a decisive manner. This is an unequivocal declaration which, while stressing the fundamental nature of this act, repeals the other federal legislative or regulatory provisions which are now or may eventually be at variance with the principle of linguistic equality set forth in section 2 of the Official Languages Act.

Mr. Speaker, even if the constitutional crisis had not reached the climax it has reached today, Parliament should hasten to ensure the paramountcy of the Official Languages Act. In my view, in order to show proof of its good faith in linguistic matters, of its regard for consistency and of the necessity to guarantee the Canadian people the most basic equality in the eyes of the law, Parliament has no other alternative.

The election of a separatist party in Quebec, the referendum held by that party on the issue of political sovereignty and the coming election are so many factors which prompt the federal Parliament to act immediately. Mr. Speaker, the least we can do, in spite of some hesitation in approving this private mem-