

Judgments of the Supreme Court of Canada
[Translation]

**JUDGMENTS OF THE SUPREME COURT
OF CANADA**

Mr. André Fortin (Lotbinière) moved:

That an humble Address be presented to His Excellency praying that he will cause to be laid before this House a return showing, since the Supreme Court of Canada was instituted (a) the number of judgments rendered by judges whose mother tongue was French and, of those, the number of judgments rendered (i) in French (ii) in English (b) of the judgments rendered in English by judges whose mother tongue is French, the number of judgments respecting Quebec (c) the number of judgments rendered in French by judges whose mother tongue is English.

Mr. Cantin: Mr. Speaker, I rise on a point of order.

I respectfully submit that this motion should be declared out of order because by merely reading it, one can see that the hon. member is trying to get statistical data which are already available.

The judgment referred to are available and anyone can compile them. All the information requested by this motion are public documents.

Therefore, a motion of this kind could be made only in the case where a document would not be public, and if it should be made public, a motion would be needed.

For this reason, I submit this motion should be declared out of order because everyone knows that the Supreme Court judgments are published and therefore, public. If the hon. member wants to bring statistics together, he is welcome to do it. In fact, anybody can do it, since this statistical information is official.

I therefore maintain that this motion must be declared out of order.

The Acting Speaker (Mr. Béchard): As the Chair is not aware of the precedents upon which the hon. parliamentary secretary bases his comments regarding the admissibility of that motion, I should like him to state them in order to enlighten the Chair.

Meanwhile we shall go on with the debate.

Mr. Fortin: Thank you, Mr. Speaker.

After that long and laborious debate which must lead to the passing of the omnibus bill, I think that hon. members can still use their privilege and ask the government for information.

I am glad I presented that motion to throw light on the Supreme Court, on its relations with the provinces, especially the province of

[The Acting Speaker (Mr. Béchard).]

Quebec, and to determine whether the Supreme Court is faithful to the image of Canada, as we would like to see it, that is a bilingual country.

Mr. Speaker, many things occurred since January 15, the date on which that motion was presented. In fact, on that day, the Minister of Justice (Mr. Turner), who is now piloting the omnibus bill, suggested that this notice of motion asking for certain information on the bilingualism or unilingualism of the judges of the Supreme Court was actually a request for statistical data.

Moreover, what the parliamentary secretary has just said shows that I was right.

Mr. Speaker, I humbly believe that the minister as well as the parliamentary secretary are imputing motives to me.

If I wanted some statistics Mr. Speaker, I would ask the Dominion Bureau of Statistics. Supposing that I was looking for such data—the minister is once again imputing motives to me—I would not do so for the sake of freely disposing of them, because I would then be wasting the time of the house, the minister, his parliamentary secretary and his officials, as well as mine, a precious time in all cases.

That is why I will be careful not to gather useless statistical information. On the contrary, I am most anxious to determine to what extent the Supreme Court, at first sight an untouchable and unassailable institution, is one where bilingualism is honoured or whether its attribute is rather unilingualism.

Therefore, it is not a matter of statistical data, but of an essential principle of today's Canada, respect of bilingualism.

If I had sought statistical information, Mr. Speaker, I would have asked how many judgments have been rendered in French and in English, and how many judges of the Supreme Court spoke English only and how many of them had French for their mother tongue. Then, the minister would have given me the information, and I would have thanked him. What would have been gained? Nothing!

I want to know, Mr. Speaker, what influence the Anglo-Saxon language exerts on the Supreme Court, and Anglo-Saxon laws on the provinces, with regard to bilingualism.

• (5:10 p.m.)

Had I been provided with answers, Mr. Speaker, I would have had statistics enabling me to decide to what extent the English is used as compared with French. Then I could