

*Adjournment Debate*

House of Commons, through a royal commission inquiry into the nuclear fuel cycle, to look at the economics of the nuclear industry and to look at job associated industries which are less polluting and make more efficient use of energy. We should look into the possibilities of conservation of energy, as many environmental groups have suggested in the past. Without a royal commission we may find the same kind of future for an inquiry as did the former Conservative Government which attempted to get an inquiry going, that is, a change in Government without adequate consideration having been given to all the implications of the nuclear energy field.

The motion today, Mr. Speaker, is an important one for the Canadian public. It is an industry that has been functioning in secret. It is an industry that has put tremendous economic burdens on the provinces. It is an industry for which we have failed to market the product or the technology, that is the Candu reactor. When we have produced and been able to sell the Candu reactor, we have lost jobs in Canada on tradeoffs for trade, particularly the Romanian nuclear reactor where we have had to trade off jobs in farm equipment, produce and other areas of job creation in Canada.

We are appealing for this royal commission to be set up so that Canadians can get a good sense of what their nuclear industry is doing for them and doing against jobs in the Canadian markets and other fields.

• (1800)

## PROCEEDINGS ON ADJOURNMENT MOTION

[*Translation*]

A motion to adjourn the House under Standing Order 45 is deemed to have been moved.

ADMINISTRATION OF JUSTICE—OFFICIAL LANGUAGES—IF  
CROWN ATTORNEY IN TORONTO REPRESENTED GOVERNMENT  
POLICY

**Mr. Jean-Robert Gauthier (Ottawa-Vanier):** Mr. Speaker, I would like to refer to the question I asked the Minister of Justice last Friday, January 20. It concerned the referral of constitutional matters to the Ontario Appeals Court, and more specifically, the interpretation of Section 23(3)(b) of the Canadian Charter of Rights and Freedoms. The point was to determine whether this section gave official linguistic minorities the right to manage and control their educational institutions. The representatives of Ontario francophones maintained that they had this right while those of the Province of Ontario and a few other parties involved said that they did not, thus defending the status quo.

Many people in Canada, Mr. Speaker, were very much surprised last Thursday to hear the counsel for the Federal Government, Mr. Brad Smith, state before the Ontario Appeals Court that, under Section 23(3)(b), the Canadian Constitution did not go as far as to entrench an absolute obligation to grant to linguistic minorities the right to control and manage their own educational institutions.

And according to this Mr. Smith, the Ontario Appeals Court should merely tell the linguistic minorities that it is incumbent on them to bring their case before the court whenever they believe their constitutional rights have been breached.

In answer to my question, the Minister of Justice said that he could not comment on the case before the Court and added the following:

However, I can say that the wording of the Constitution may be ambiguous, or rather, as we see it, overly flexible . . . anyone given a right must also have the means to exercise that right.

I am in complete agreement with that statement.

The Minister also recognized before this House that the Canadian Constitution is ambiguous and provides a lot of flexibility in its interpretation.

While being incomplete, this answer was not too unsatisfactory. We all know that a piece of legislation, all the more so a constitutional act, must be discretionary, i.e. open to interpretation. This is why, in a democracy, when politicians pass legislation, such legislation may be interpreted by the courts.

On leaving the House, the Minister of Justice said something quite different. He told the media that he supported completely the comments of his counsel, Mr. Brad Smith, and said the following:

[*English*]

The Constitution does not guarantee that English or French minorities should control their own school boards to protect their language rights, Justice Minister Mark MacGuigan said Friday.

'The Constitution doesn't make that a requirement—and we're saying the logical implication of the Constitution is that (control) might be required in many cases but not necessarily in all cases,' MacGuigan said in an interview.

Mr. Speaker, I deplore the remarks of the Minister just outside the House. By supporting his official spokesman, the Crown attorney, the Minister gave his interpretation of the Constitution, something which he should refrain from doing. It is up to the courts to interpret the Constitution, not to the Minister of Justice or to his spokesman who want to supersede the bench.

Mr. Speaker, it is a question of determining the intention of the legislator when the act was adopted, and I would point out that the Constitution, including Section 23(3)(b), was adopted by Parliament. It has to do with the acknowledged right of Canadians to have their children educated, at the primary and secondary levels, in the French or English minority language of a province.