

*Adjournment Debate*

forgiven for shaking his head in disbelief that the Supreme Court of Canada should be seized with the problem of a parking ticket. Evidently something more serious and fundamental is at stake in this case.

What this appellant and the other Francophones in Manitoba are seeking is the right to be treated as equals with their English speaking fellow citizens in the legislature and courts of that province which, as we all know, was founded in 1870 on the basis of equality of the English and French speaking population. In so doing, Mr. Speaker, the Franco-Manitobans are seeking no more than what is rightfully theirs. In no way are they tampering with the rights of any other citizen of that province. No one will be harmed, not the English, the Germans, the Ukrainians, the Indians or the Métis. No one will be harmed by extension of these rights to that minority.

A great deal of ink has been spilled over this affair in recent months. Journalists have argued the pros and cons. Our own Liberal leadership candidates have become directly embroiled in it, and politicians of all stripes in the three national Parties are busily patching wounds, plastering over gaps and shifting positions. Never before has a parking ticket received such rapt attention. Never before, Mr. Speaker, has so small a scrap of paper been so savaged by so many. Yet that scrap of paper, innocuous though it may be, symbolizes for many of us the status of the French-speaking minority in a province of Canada. Even if no one can argue the fact that the legislation in question, that is those two statutes, are indeed provincial, the issue at stake is beyond doubt of national importance and significance to Canada.

● (1835)

I have said this before, Mr. Speaker, and I am going to say it again. I am squarely in the camp of those who favour a reference by the federal Government to the Supreme Court of Canada. I do not want to see just the one or two laws which I have mentioned—the Highway Traffic Act, directly related to the parking ticket—declared unconstitutional. Rather, I want to see a judicial decision which resolves the larger issue of the validity of Manitoba's entire body of law. In response to those who say that a Supreme Court decision against Manitoba would result in legal chaos, I say rubbish. Various legal means are at the disposal of the Government to prevent such chaos from occurring. It is of supreme importance to see the principle established that our founding peoples, the English and the French, receive what is their due in this country.

When I asked the Prime Minister (Mr. Trudeau) those questions on March 6 and March 22 I was seeking to get information on two questions. The first question was whether the federal Government was going to intervene in the Bilodeau case, and if it was going to intervene, would it change its factum to reflect a reality. The present situation is that the federal Government is absolutely contradictory in its factum. On the one hand it says in its points of issue that it is the position of the Attorney General of Canada that the Acts of the legislature of Manitoba should be printed and published in both those languages, that is French and English, as a mandatory requirement. The paragraph which follows says that,

however, it is also the position of the Attorney General of Canada that because of the doctrine of necessity, the Statutes printed and published in English only prior to 1979 are nonetheless valid. That contradicts the first paragraph.

I am asking the Parliamentary Secretary, who I know is a reasonable man and a good Parliamentary Secretary, if the Government will change that doctrine of necessities approach and eliminate that from its factum. I also want to know if a reference will be made from the federal Government to the Supreme Court on the whole question of the constitutionality of Manitoba's Statutes since 1870. I know there are certain consultations which have been taking place. I also know a decision is forthcoming. The Prime Minister told me that the Cabinet accepted it in principle. However, I would like to know the dates and what questions will be asked. Finally, in that same reference, will there be a question to the courts asking for—

**The Acting Speaker (Mr. Guilbault):** I regret to interrupt the Hon. Member, but his allotted time has expired.

**Mr. Al MacBain (Parliamentary Secretary to Minister of Justice and Attorney General of Canada):** Mr. Speaker, I would like to thank the Hon. Member for the continued interest he is showing for minority language rights across Canada. I would like to assure him that the federal Government is strongly committed to the protection and enhancement of such rights.

In 1870 the Parliament of Canada enacted the Manitoba Act to establish the Province of Manitoba. This Act is part of the constitution of Canada. Special constitutional protection was provided in that Act for the use of the English and French languages in the courts and legislature of Manitoba. In particular it was provided in Section 23 of the Manitoba Act that the Acts of the legislature of Manitoba shall be printed and published in both English and French. However, in 1890 the Manitoba legislature purported to abolish this constitutional protection and its laws were thereafter passed in English only. On December 13 of 1979 the Supreme Court of Canada reaffirmed the constitutional protection under Section 23 of the Manitoba Act in holding that the 1890 law was invalid.

● (1840)

The Hon. Member will also remember that an agreement was reached on May 16, 1983 by the Government of Canada and the Government of Manitoba to modify the Manitoba Act so that the Government and Legislative Assembly of Manitoba could fulfil their constitutional obligations in an orderly way.

The democratically elected Government of Manitoba has made all possible efforts to secure the adoption of the required constitutional resolution. Unfortunately, we are all aware of the political deadlock which led to the prorogation of the Manitoba Legislature.

In light of these events, the Prime Minister (Mr. Trudeau) has already stated that the federal Government is exploring the avenues that are open to it and that he is discussing the