

Madam Speaker: Is item No. 11, in the name of the hon. member for Algoma (Mr. Foster) allowed to stand?

Some hon. Members: Stand.

Madam Speaker: Is item No. 12, in the name of the hon. member for Notre-Dame-de-Grâce (Mr. Allmand) allowed to stand?

Some hon. Members: Stand.

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OFFICIAL LANGUAGES ACT

AMENDMENT TO ASSERT PRIMACY OVER OTHER FEDERAL LEGISLATION

Mr. Jean-Robert Gauthier (Ottawa-Vanier) moved: That Bill C-214 an act to amend the Official Languages Act (supremacy of the act) be read the second time and referred to the Standing Committee on Communications and Culture.

He said: Madam Speaker, the purpose of Bill C-214 is to assert the primacy of the Official Languages Act over all other acts and regulations of the Parliament and Government of Canada in order to emphasize its status as fundamental Canadian legislation.

If there is one principle, Mr. Speaker, on which this House must be and is, in fact, unanimous, it surely must be that of the equality of the two official languages. The consensus reached on the Official Languages Act, when it was passed in the summer of 1969, is sufficient proof of that assertion. The willingness of the Canadian majority to accept the principle of linguistic equality has made remarkable progress during the last decade.

[English]

The Acting Speaker (Mr. Ethier): Order, please. If hon. members want to hold private conversations, I suggest they do so in the lobbies. The hon. member for Ottawa-Vanier (Mr. Gauthier) has the floor.

[Translation]

Mr. Gauthier: Thank you, Mr. Speaker; I appreciate your call to order. We therefore have reason to say we are pleased with the progress made. Still, that satisfaction must be tempered by the fact that problems have yet to be solved. I am happy with the fact that our official language policies have remained consistent during the last two years, and this is evidence of the high degree of unanimity among us despite the changes of government.

One may wonder about the priority which that principle of linguistic equality should hold in the scale of values of our Parliament. In other words, should linguistic equality be the cornerstone of Canadian federalism, or just one of its many assets? The government has already answered that question

Official Languages Act

both by way of the document entitled "A Time for Action" and by way of the constitutional changes we have proposed to enshrine linguistic rights in a renewed constitution. For some of us, linguistic equality is one of the main principles of our Canadian federation which must be recognized in a new constitution in order to be protected against any infringement. The supremacy of the principle of linguistic equality, at the very least in terms of federal legislation, is therefore unanimously recognized on the government side and, I trust, on the side of the opposition.

Some will say, Mr. Speaker, that we should wait till the constitutional debate is over before asserting and guaranteeing the supremacy of that principle. Can we allow ourselves, coming out as we do of a referendum campaign bearing on Quebec sovereignty, to exacerbate passions between Francophones and Anglophones with another issue comparable to that of Air Canada and that of *les Gens de l'air*?

● (1720)

[English]

The federal Parliament has the required political means to prove its good faith in matters of linguistic equality and it must act immediately in all matters within its own jurisdiction. It would suffice to modify the Official Languages Act, as suggested in Bill C-214, by indicating clearly that the linguistic equality rule set forth in section 2 of the act has priority over all other acts and regulations of the Parliament and Government of Canada, unless it is expressly declared that the other acts and regulations operate notwithstanding the linguistic equality rule in section 2 of the Official Languages Act.

This amendment has at least three striking advantages. First of all, it solemnly asserts the fundamental character of the principle of linguistic equality in all matters under federal jurisdiction. In addition, it does not deprive Parliament or the government, whichever the case may be, of the possibility of overruling this restrictive principle if it judges that a more important right or interest should prevail. Such would be the case in matters of public security, for example. Finally, it compels the government to assume its responsibilities before the people and before Parliament, thus dispensing the courts from playing their current role of scapegoats and having to decide, instead of the legislators, whether security, for example, has priority over linguistic equality.

[Translation]

Mr. Speaker, the Official Languages Act, as it exists now, does not prevail over any other ordinary statute of the Canadian Parliament. Regardless of its vital importance, it is just a simple and ordinary legislation which can be thwarted by just about any other legislation. As a matter of fact, this rule of interpretation was clearly confirmed, with respect to section 2 of the Official Languages Act, by the Federal Court of Appeal when, in the case of the Quebec Association des Gens de l'air, it handed down the following ruling:

It should not be inferred from the text of the Official Languages Act that Parliament meant that this power (to regulate the language or languages of