

Criminal Code

It would have been very easy for me or for anyone from western Canada to vote against a bill of this nature, and maybe as politicians we would get some votes. That, however, is not what I came to parliament for 20 years ago, to show how many votes I could get from people who for some reason have prejudices and who may be bigots in Quebec or bigots in western Canada. I came to parliament to try to create laws that would work for Canadian people and keep this country together in a unified way to enable Canada to survive as a great nation.

Some hon. Members: Hear, hear!

Mr. Woolliams: I would take great exception to anyone who says, "I stood alone". There is a time to stand alone and there is a time to go to work. If the man who says he stood alone was so worked up about the situation and so sincere with regard to what was going to happen, why did he not do something? I understand the problems, and I have read some of the speeches the hon. member has made, and some of the points he has made are correct. Why did he not come to committee? It is true that he is an independent now, but he could have called me up and I would have said, "Look, we cannot put you on the committee but I'll speak to the hon. member for Windsor-Walkerville (Mr. MacGuigan), the chairman of the committee, and I will suggest that you move a motion and we will move it with you."

If he had ideas on this bill and they were reasonable, I am sure we would have backed him and invited him to come to committee and interrogate the witnesses and work with the people. That, to me, is what a member of parliament is here for, not just to stand alone, to build a field of politics for political votes and vote buying at the polls.

Having dealt with those two amendments, I would like now to deal with the third. The idea I think was in the draft, and I do not think that the government did anything it thought would work against the functions of the courts. It was in the draft that says that every judge would have to read, "You have a right to be tried in French or English". We have thousands of people living in our cities for whom this would be totally unnecessary.

When I see how hard in my lifetime the magistrates, who are now called provincial judges, work, they have no time to be reading out a lot of rhetoric which means nothing. They work far harder than county or appellate court judges. Some of those men sit on 50 trials a day and have to make 50 decisions which in some cases call for lengthy sentences. So, I suggested to my Liberal friends and to the hon. member for New Westminster (Mr. Leggatt), who went along with me, that we make an amendment to the effect the judge would have to read it out only if the person was not represented by counsel. This seemed fair, because in this day of legal aid there are few people who are not represented by counsel. It even goes further to say, "if he has not been represented by counsel on that charge".

We were able to streamline a bill and put it into effect, that, if it had gone through in its original form, might not have been

done fairly or for the right purpose. It may have been done because some people do not understand the regional make-up of the provinces and the difficulty a person faces when he or she is bilingual on 8th Avenue in Calgary, and not considering that it is easier to be bilingual on St. James Street in Montreal. I say that to you fairly. I am sure that if I had been raised in Montreal I would have been pushed around at the old baseball game in French and known what it meant. In Calgary I was pushed around with some obscenities, but mostly in English. I am saying that that is what the spirit of the bill is about.

I have one thought that I would like to leave with hon. members. It refers to two decisions which have to be made by the Supreme Court of Canada, and they bother me somewhat. I will always remember an incident which occurred to me as a second-year law student, and which exemplifies exactly what I am about to say. We had Dean Cronkite from New Brunswick. He was a fine dean with a tremendous sense of decency and a sense of the social life of man, and particularly a sense of Canada. He knew the difficulties because he came from New Brunswick. A student said to him, "Mr. Cronkite, I am in trouble. I have found two cases, with the same facts, and the decisions are different." The dean said, "I want you to go to your desk immediately and make a note of that, because if it ever happens again I will have to do something with this library."

● (1232)

That is what I say to the Supreme Court of Canada now. In a case which I have mentioned before, the question was whether Quebec could have an investigation in that province. I never understood why the federal government challenged Quebec on that. I suppose there was some jealousy about guarding their jurisdiction. Sometimes you have to be jealous about guarding jurisdiction when it comes to things like this because a province never knows when the federal government is going into the provincial house to change things around.

There are two sections of the BNA Act which are relevant. Under powers delegated by the BNA Act, criminal law falls directly under the federal government. The penalty for murder in Quebec is the same as it is in Vancouver; it is the same for rape and for robbery; the criminal law is the same. In that, I think the Fathers of Confederation had great foresight. They saw farther than the founders of the United States where there are different criminal laws in each state and there has to be extradition from one state to another. We do not have that problem. It was spelled out very carefully that the administration of justice within the province, including the constitution, the maintenance and organization of provincial courts both civil and criminal, and including procedure in civil matters in those courts, falls directly under the jurisdiction of the provinces. That is why they ruled that Quebec could even have witnesses come from other areas.

I should like to quote now from Canada Supreme Court Reports, Part 1, 1978, Vol. 1, page 156, where the Chief Justice said: