

any accused to defend himself in the courts in his own mother tongue. This bill which is being debated on second reading acknowledges this fundamental right which has been denied for too long to French-speaking Canadians living in those provinces where the majority of the population is English-speaking.

Some will say it is not perfect and the best possible compromise in the present context. History will record this important landmark which bears witness to the progress toward equity and justice by our two founding people.

If I say that this legislation is not perfect for those of us who live in French in provinces where the majority is English-speaking it is because the linguistic rights that the province of Quebec has always granted its English-speaking citizens before the courts are more extensive than in any other province of Canada. I recognize readily, Mr. Speaker, the efforts made by certain provinces over the past ten years, and I am fully aware of the resistance, the hesitation and sometimes even the refusal by certain provinces, certain groups, to take up the challenge of guaranteeing their French-speaking minorities the most elementary and nature rights they are entitled to. Whether it be justice, education, health services or a host of other public services, we still have several milestones to go before we reach linguistic equity.

We also know, Mr. Speaker, that in certain regions of Canada where there is a small French-speaking population, some groups will claim and some citizens will not hesitate to use the argument of numbers and costs. It will even be said that this legislation will mean everyone will have to learn French. Well, nothing could be further from the truth. This legislation will not force anyone to speak French. Rather it will allow all Canadians, both English—and French-speaking, to be able to be tried in their mother tongue. I am pleased, Mr. Speaker, with this initiative of the Liberal government which confirms the commitment made in the Speech from the Throne last October and which follows along the line of the linguistic equality process undertaken some ten years ago with the passage of the Official Languages Act.

[English]

As I said, Mr. Speaker, Quebec already gives greater language rights at trials to this minority than is provided under this bill. The province of New Brunswick also adopted similar provisions when it passed the Official Languages of New Brunswick Act. As a matter of fact Section 13 of the act, which came into force on December 20, 1972, granted the right to its citizens to give evidence in the official language of their choice before the courts of that province.

In his news release accompanying the tabling of Bill C-42 the minister said:

This government made a commitment in the Speech from the Throne to guarantee the language rights of the accused before the courts, a guarantee which we believe to be of particular relevance to national unity. Any person in Canada accused of a crime should not require an interpreter in order to state his or her case in either of Canada's official languages before Canadian courts.

Criminal Code

With Quebec and New Brunswick already giving this right to their citizens, and now with the province of Ontario studying a bill to extend language of trial rights, it seems to me that quick passage of Bill C-42 will clear the way for the rapid implementation of its provisions in the province of Ontario. It is a fact, Mr. Speaker, that 500,000 French-speaking Canadians reside in Ontario and that they constitute the largest French-speaking group in any Canadian province apart from Quebec. The passage of this bill, and the consequent amendment to the Ontario Judicature Act, will no doubt be another milestone in the history of French-speaking Ontarians.

Bill C-42 will also allow and invite other provinces to act as generously and justly with their own citizens.

We will have the opportunity in committee, Mr. Speaker, to clarify certain clauses of Bill C-42. As an example, I will want to clarify, with the minister, circumstances where a judge will retain the discretion to order that the trial be conducted in a bilingual fashion. Let me quote again from the minister's own news release as follows:

In addition, when circumstances require, the judge retains a discretion to order that the trial be conducted in a bilingual fashion, in other words, a mixed French and English record.

At present, Mr. Speaker, provisions regarding the language of trial vary from province to province. The Criminal Code provides that in Quebec an accused may be tried by jurors who speak his or her official language, or by a mixed jury composed of six persons who speak English and six who speak French. I refer to Sections 555 and 556 of the Criminal Code. The code also provides in Section 556 for mixed juries in Manitoba.

I agree with the minister that these mixed juries were rarely used because of the obvious communications difficulties where jurors could not communicate in their consideration of the evidence. It could very well be that half of them did not understand the language of the other half, and it was difficult indeed for a fair trial to be held. As a matter of fact I believe the last such trial that was held in Quebec was the trial of Mr. Coffin who was eventually hanged in 1956, but mixed juries were not the practice either in that province or in the province of Manitoba. I therefore agree with the minister that Section 556 should be repealed and replaced by Bill C-42.

In reading both the news release and proposed Section 462.1 of the bill, I admit that I had some difficulties in finding the provision which empowers a judge to order a trial in a bilingual fashion with a mixed French and English record. In discussing the bilingual capacity and in trying to understand the provision for a judge, or judge and jury, as the case may be, I had to reread several times those lines which read:

● (1522)

—who speak the official language of Canada that is the language of the accused or, if the circumstances warrant, who speak both official languages of Canada.”

A distinction is to be made as to who speaks the language of the accused, and the second part being who speaks both official languages of Canada. Because I am a Franco-Ontarian and in Ontario all our lawyers and judges are bilingual, I fail