(with amendments) from the Standing Committee on Justice and Legal Affairs, be concurred in.

Motion agreed to.

Mr. MacEachen (for the Minister of Justice) moved that the bill be read the third time and do pass.

Mr. Roger Young (Parliamentary Secretary to Minister of Justice): Mr. Speaker, to facilitate the discussion on Bill C-42 by the House today, it might be useful if I briefly restate the major thrust of the legislation.

In essence, Bill C-42 attempts to set minimum standards of official language rights for accused persons in criminal proceedings everywhere in Canada. This is done by providing such persons with the right to testify in their defence in their own official language before a judge or a judge and jury who speak and understand that official language.

I am pleased to say that the Standing Committee on Justice and Legal Affairs supported the concept of the bill in a manner which was most encouraging. Members obviously devoted a great deal of thought and effort to their comments and deliberations on the legislation, since it addresses an issue which is a cornerstone of Canadian federation. Particularly I want to convey the minister's deep appreciation to the hon. member for Calgary North (Mr. Woolliams) for his most useful contributions to the discussions.

Some hon. Members: Hear, hear!

Mr. Young: Several amendments were worked out at committee stage which I feel maintain the essential spirit of the bill, while taking full cognizance of the fact that it must be administered by the provinces and implemented in the final analysis through judicial decisions of the courts. Also I wish to pay tribute to the hon. member for Ottawa-Vanier (Mr. Gauthier) and the hon. member for Madawaska-Victoria (Mr. Corbin) for their contributions, encouragement, and the leading roles they took in ensuring a full and thoughtful presentation of this matter.

Some hon. Members: Hear, hear!

Mr. Young: Of key importance are the amendments made with respect to proclamation of the provisions in each province. The committee was extremely concerned to ensure that the fullest possible consultation takes place with the provinces, and that every care is taken so that the provinces are in a position to implement the legislation in an effective manner. Thus, the original provision permitting separate proclamation of the legislation with regard to indictable and to summary offences remains. We have added to this a provision spelled out in the legislation which provides that consultation between the federal and provincial governments must take place in order to ensure orderly implementation before proclamation can take place.

Should the federal Minister of Justice (Mr. Basford) and a provincial attorney general be unable to come to an agreement on an appropriate date for implementation, after due consultation has taken place, and after the Minister of Justice has satisfied himself that implementation would be feasible in that province, the legislation would give the province an additional two years to establish appropriate facilities, and then proclamation would take place.

● (1212)

I might just add that as a result of discussions at the officials' level we are confident that Ontario would agree to implementation of these provisions within approximately one year after royal assent. As regards Quebec and New Brunswick, it is expected that the time frame for implementation would be in the area of four to six months.

We have agreed in our discussions with the provinces to give every possible assistance in facilitating implementation. The bill permits a change of venue where it is impossible to hold a trial with a minority language judge or jury in a given territorial district. Although the committee explored the possibility of transferring a trial out of province, it was generally agreed that the fundamental principle of common law should be upheld, which requires that an accused be tried as close as possible to the place where a crime was committed so the community offended may see justice done.

The legislation allows for the ordering of a bilingual trial where circumstances warrant it. Thus, in a case where a defendant wishes to be heard in his minority official language, but many of the witnesses speak only the other language, the judge may order that jurors be empanelled who are able to speak both official languages. This respects the rights of the accused and at the same time facilitates the conducting of the proceedings.

Also, it is a general fact that the bilingual population of any province is larger than the unilingual minority official language population and it is, therefore, relatively easy to constitute a bilingual jury.

The standing committee which, as we know, includes some very talented lawyers, as well as hard working lay persons, expressed concern that the provision which requires a judge to inform accused persons in criminal proceedings of their right to testify in their official language might cause delays and add an undue strain to the already overburdened court system. We have, therefore, amended the legislation to provide that where the accused is represented by counsel, counsel may, if necessary, request such a trial. Only where there is no counsel would the law oblige the judge to advise the accused of his or her right to be tried in his or her minority official language.

In closing, I just want to say that I feel the discussions which took place and the agreements which were reached in the standing committee hearings were extremely useful, both in terms of clarifying the intent of the legislation and in improving its effectiveness. Again, let me thank the Standing Committee on Justice and Legal Affairs for its hard work, and express the hope that this House will deal equally expeditiously with this very important piece of legislation today.

Some hon. Members: Hear, hear!