

Language Rights

[English]

Part II of Bill C-210 addresses itself to four statutes which upon review require amendment so that they will conform to the spirit of the Official Languages Act adopted by parliament. Section 7 of the Official Languages Act deals with the printing of notices and advertisements. The present provision says that where, by virtue of the authority of parliament, the Government of Canada, any judicial, quasi-judicial or administrative body or Crown corporation established by or pursuant to an act of the parliament of Canada, any notice or advertisement for information to the public in the national capital region or a federal bilingual district established under the Official Languages Act is printed, it shall be printed in both official languages. Here again, Mr. Speaker, we find a restrictive clause, that of establishing bilingual districts not in keeping with present government intentions. Bill C-210 would amend section 7 so as to extend to any corporation having national status the language requirements of the Official Languages Act concerning public notices and announcements. It would in fact be a step toward establishing the supremacy of the Official Languages Act over all statutes with regard to language requirements of all corporations established or continuing to exist by or pursuant to an act of the parliament of Canada.

At the present time, Mr. Speaker, the Bank Act, the Railway Act and the Winding-Up Act restrict to the province of Quebec public notices and announcements in both official languages. It is particularly inconsistent at this time that the Railway Act should state that English and French are to be used in the province of Quebec and English only in the other provinces. It could happen, Mr. Speaker, that somebody may contest the right of our national railways to advertise in French outside Quebec, thereby putting to the test the legality of CNR using both official languages outside the province of Quebec.

[Translation]

In summary, Mr. Speaker, Bill C-210 introduces some important amendments. In short, these amendments allow the provinces, which bear responsibility for the administration of justice in Canada, to amend certain acts which limit language rights, thereby confirming the right to language equality before the courts. The amendments to other statutes largely eliminate what I would term the "Quebec restrictions" as regards public notices in both official languages. The amendment to the act would allow banks and other public institutions, whenever possible, to publish in newspapers of general circulation in their area, either in French or in English. To conclude my remarks, I would say that, in my opinion, until we have adopted international signs, railway crossing signs will have to be bilingual. Government institutions must reflect the spirit of the Official Languages Act and full bilingualism.

Mr. Speaker, even if it can be maintained that there are financial implications, I am also convinced that the present legislation provides for expenditures for services which are mentioned in Bill C-210. I think, Mr. Speaker, that we should not think in terms of privileges. In this bill we should think in

terms of rights. What we want to obtain are not privileges. All Canadians are equal and full citizens. I think it is also a matter of natural right which should be recognized to each and every Canadian citizen. The federal government and the provinces should demonstrate their co-operation by introducing amendments which will enable all Canadians to be heard in the courts and to see the English and French facts reflected in our government institutions all over Canada.

[English]

Mr. Roger Young (Parliamentary Secretary to Minister of Justice): Mr. Speaker, I will try to make my comments very brief and then move my motion at the end.

I commend the hon. member for giving us the opportunity to debate this subject matter this afternoon. These proposals are a step in the right direction. Some time ago the government announced its intention of finding a means to recognize the right of a person whose language is one of the official languages of Canada to be heard before a judge or a judge and jury who speaks that language. Furthermore, provisions may well be required dealing with joint trials of accused when one speaks French and the other speaks English, with trials where a large number of witnesses testify in both languages, or where a large number of documents in both languages are filed. The solution, in appropriate cases, may be the use of bilingual judges or jurors.

● (1742)

Then again, provision for change of venue may be required in order to permit the transfer of a case from one district in a province to another district in the same province. It is desirable that resident francophones or anglophones of a province should be entitled to trial before a judge, or before a judge and jury, capable of understanding and speaking the appropriate language. In most provinces, including Quebec, it may not be possible to constitute an English or a French jury in all judicial districts. For this reason, mixed juries, as proposed, might not achieve the goal of providing adequate rights to accused persons. Mixed juries have been seldom used in Quebec and Manitoba; problems have arisen with regard to their operational efficacy. In cases where knowledge of the two official languages is required, bilingual juries should be used.

It is important to recognize that provisions for the hearing of trials by judges and jurors who speak French and/or English are not of the kind which can be implemented overnight. Adequate provision should be made to allow for proclamation province by province, thus allowing sufficient lead time in which the provinces can implement the legislation.

To sum up, let me say the bill is a suggestion in the right direction. It purports to recognize a principle which the government fully supports. However, it fails to deal with some of the practical problems which regularly confront the courts. It seeks to establish mixed juries throughout Canada though it would seem preferable to follow the concept of French, English or bilingual juries. Moreover, the bill does not ensure that residents of a province would be tried in that province by judges or jurors who speak their language.