

regard to bilingual services outside the federal bilingual districts and the bilingual services given to travellers. It is intended to ensure bilingual services to growing minorities in Canadian communities.

I hope that this supplementary concept will have the effect of allowing the quickest possible expansion of bilingual services as our resources will permit it.

[*English*]

I think hon. members will agree that it would be folly to ignore the numerically very significant minorities in various parts of the country where those minorities, in relation to the majority population, are not now, and perhaps never will be, sufficient to justify the establishment of a bilingual district under the 10 per cent principle. It is to the urban areas that Canadians are moving in ever increasing numbers. Where possible their cultural heritage should be respected in those urban centres, and this should be done even though the minority, although large in number, is not, in percentage terms or relatively, as significant as one in, say, a rural area.

It will also be moved on the part of the government that the provision relating to the services provided abroad by crown corporations be slightly amended in order that there be more flexibility concerning the application of these provisions. I refer to the amendment to clause 10 (2). There are circumstances in locations outside Canada where it may not be necessary or indeed appropriate to extend the bilingual qualification. An amendment will be proposed to provide for exemptions in appropriate cases.

As I mentioned a short while ago, there are also amendments relating to the use of both languages in court proceedings. As it stands now, the bill brings a new element into proceedings in that a witness will be able, as a matter of choice and of right and not merely when he is unable to speak the language of the court, to determine the official language in which he wishes to give his evidence. It should be made clear that this provision is to apply only to witnesses or the accused. As there has been some misunderstanding as to its extent, it is proposed to revise slightly the language used. I refer to the amendment to clause 11 (1).

The bill also provides now that criminal proceedings may be conducted in one or the other of the official languages, subject to the right of a witness to testify in the official language of his choice, at the discretion of the

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court. This provision is of fundamental importance. It also poses a real problem of implementation in many parts of Canada. The government realizes the real and practical provincial interest in this area. Obviously, a judge will not be able to accede to proceedings in the other official language if facilities are not available. As a consequence, we shall propose that this discretion be exercised in circumstances in which the second language is authorized by the law of the province to be used in civil causes or matters. This is the new section 11(4) of the bill. Thus, we shall not be forcing upon the provinces any régime which they cannot adequately implement. When administrative and other arrangements are such as to permit the province to authorize the use of the other official language in civil cases, the discretion of the court in criminal proceedings will operate. This is the case at the present time in New Brunswick and will be in the future under the proposed official languages legislation of that province. Hence, the change will result in the federal legislation serving as a complement to provincial law, something which I think should be acceptable to all the provinces.

● (4:00 p.m.)

We think this is a reasonable view and that it will enable provinces to move ahead, within their own jurisdiction, without any feeling of unreasonable compulsion such as they felt was present when the federal government legislated to authorize choice of language with relation to criminal proceedings. We are confident this will lead to a rapid extension of the important rights accorded by the bill.

In addition, we felt that as a practical matter the provision respecting language in the courts might best be regulated, where necessary, for each of those courts by the Governor in Council or by the Lieutenant Governor in Council. I refer to the amendment to 11(5). This will enable a more rational approach to be taken in circumstances where rules may be needed either at the federal or the provincial level. It should also avoid problems which would arise from a multiplicity of rules on the same subject applicable to various courts in a province, and at the federal level. Hon. members of the house who practice law will realize that each magistrate constitutes his own court; we are seeking to provide a standard procedure throughout the province and not to allow each magistrate to interpret the procedure in accordance with his own view.