

the situations in other countries. I thank the parliamentary secretary for his brevity. I have attempted to be as brief in my remarks. Basically extradition is necessary in our relationships with other states within the Commonwealth. When this bill becomes law, I hope some of the matters I have referred to will be explained by the committee. I hope amendments will occur to bring it into line. In closing, we endorse this bill in principle.

Some hon. Members: Hear, hear!

The Acting Speaker (Mr. Turner): Is the House ready for the question?

Some hon. Members: Question.

Motion agreed to, bill read the second time and referred to the Standing Committee on Justice and Legal Affairs.

Mr. Young: Mr. Speaker, I rise on a point of order. I take it the hon. member for Calgary North (Mr. Woolliams) would like to see this bill go to committee. I was going to ask for the unanimous consent of the House to revert to committee of the whole at this point. My understanding is that this proposal was discussed at one time.

Mr. Hnatyshyn: Mr. Speaker, under the circumstances, the more propitious route would be to refer the matter to committee for it to be dealt with in the usual manner, rather than taking the time of the House by reverting to committee of the whole. We are interested in dealing with whatever legislative program the government has in mind.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, we think it would be better to let this bill go to the Standing Committee on Justice and Legal Affairs.

The Acting Speaker (Mr. Turner): Accordingly, the bill has been referred to the Standing Committee on Justice and Legal Affairs.

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CRIMINAL CODE

MEASURE RESPECTING LANGUAGE USED IN COURT TRIALS

Hon. Ron Basford (Minister of Justice) moved that Bill C-42, to amend the Criminal Code, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, Bill C-42 represents a very important legislative step in our criminal justice system, and is an amendment to the Criminal Code. It constitutes fulfilment of a commitment made in the last Speech from the Throne to guarantee language rights of accused persons before our criminal courts. All members will appreciate the significance which such a step bears upon the issue of national unity. It is significant at this particular time, because it is being introduced and moved by a British Columbian.

Criminal Code

This bill is directed to official language minorities, be it the French minority outside Quebec in the settlements and communities across Canada, or the English-speaking minority in the province of Quebec. I will go into the details of this bill a little later, but I should like to take an opportunity at the outset to emphasize that this bill is not forcing French or English down anyone's throat, nor is it forcing French or English down the throats of the nation's court houses. The intent of this bill is to allow people, whose language is either French or English, to testify or tell their own stories in their own language to people who speak the same language.

This means that the most important part of the case for the accused—his side of the story—is told without the encumbrances and difficulties of translation, because the trier of the fact, be it judge or jury, will understand the language of the accused. It does not mean that any French-speaking or English-speaking person can demand a completely French or English trial in any part of Canada. But it does mean we intend by the provisions of this bill, which have been worked out, I think, very sensitively on this issue, to be careful and deliberate in implementing this measure to provide the protection which I think at the present time in our country's development it is essential to provide.

● (2042)

It seems to me that all persons living in a country which recognizes two official languages must have the right to use and be understood in either of those languages when on trial before courts of criminal jurisdiction. I repeat that a trial before a judge or jury who understand the accused's language should be a fundamental right and not a privilege. The right to be heard in a criminal proceeding by a judge or a judge and jury who speak the accused's own official language, even if it is the minority official language in a given province, surely is a right that is a bare minimum in terms of serving the interests of both justice and Canadian unity. It is essentially a question of fairness that is involved.

I should point out at the outset that Ontario has recently taken some administrative measures within its court system and has introduced legislation to provide greater language rights to accused persons in that province. The House will recall that the province of New Brunswick has in fact implemented through its own judicature act, and through the application of the Official Languages Act, a similar system in the province. Apart from special provisions in the Criminal Code relative to Quebec and Manitoba, the practice in the province of Quebec is to conduct trials in either official language.

Bill C-42 would extend what this government considers to be a basic minimum of equal language rights before the criminal courts to all persons in every province and territory. It does not mean, however, that in every part of each province will such a right apply. Clearly some parts of each province will be better able to provide the required resources more quickly than others.