government promised to do; in the Speech from the Throne in October last, this statement was made:

After consultation with the provinces, the government will amend the Criminal Code to guarantee the right of accused persons to be tried in the official language of their choice.

Although we know that ongoing consultations with the provinces are continuing at this time, we are all waiting impatiently for the government to table the amending legislation. I began working on Bill C-210 in the spring of 1977 and tabled the bill in October, 1977. Since I am not party to the consultations, hon. members will understand that Bill C-210 could vary considerably with the addition of the proposed amendments whenever they are tabled by the justice minister.

Bill C-210 is divided into two parts. Part I deals with legal proceedings and, more specifically, with amendments to the Official Languages Act and to the Criminal Code. It deals specifically with the duty of federal courts to provide simultaneous translation. Members will recall that section 11(2) of the Official Languages Act restricted the simultaneous translation facilities to proceedings conducted within the national capital region or in a bilingual district to be established under the same act. Since the government announced that it did not intend at this time to establish these bilingual districts, and since I sincerely believe that all persons appearing before federal courts should have facilities for simultaneous translation of the proceedings, I propose to amend the Official Languages Act to eliminate this restrictive clause and make it mandatory that, at the request of any party to the proceedings before a federal court, facilities be made available for simultaneous translation of the proceedings.

● (1732)

Further, Section 11 of the Official Languages Act needs to be amended to allow a change of venue in cases where the courts do not speak the official language of the accused. This would allow an accused who is arraigned before a court of criminal jurisdiction, as defined in section 2 of the Criminal Code, and who speaks an official language other than that in which the proceedings of the court are conducted, to request the court that his trial be conducted in a judicial district in Canada where such language is used.

[*Translation*]

When we read the Revised Statutes of 1970, it is obvious that substantial amendments to the Criminal Code are required, especially as concerns sections 555 and 556. These two sections concern the selection of the jury and the right of the accused to demand a mixed jury. It is probably because of historical reasons that there are mixed juries in Quebec and Manitoba. In 1864, the legislature instituted by the Act of Union of 1840 passed legislation introducing a system of mixed juries which applied only to the province of Lower Canada which later was to become the province of Quebec. In 1867, section 129 of the British North America Act maintained the laws that had already been passed in 1903, including those passed in the province of Lower Canada. Section 555 of the Criminal Code of Canada simply reflects this situation, and has done so since passage of an amendment to the Criminal Code in June 1869. As concerns Manitoba, the province was formed within the Northwest Territories. The section of the act of parliament which created the province of Manitoba instituted bilingualism in this province and consequently a system of mixed juries.

[Mr. Gauthier (Ottawa-Vanier).]

About twenty years later, the Manitoba legislature adopted a policy of English unilingualism, but since criminal trials did not come under its jurisdiction, it could not repeal the legislation. The Canadian Parliament having decided not to rescind its own legislation, the system of mixed juries has been maintained until now in Manitoba. In this province as in Quebec, the present Criminal Code is only reflecting a historical situation. At the present time, under section II of the Official Languages Act, anyone called before a court in Canada is entitled, subject to the provisions of section 5 of the act, to do so in French or English. Of course, the courts must therefore provide translation services to the court, the jury, the legal officers and the audience. But this does not provide the right to a mixed jury. Moreover, there is a discretionary element and nothing can force the courts to allow the person charged to be tried in his language, whether English or French.

Yet, Mr. Speaker, neither the British North America Act, the Official Languages Act, the Canadian Bill of Rights or any other act passed by the Canadian parliament provides for the constitution of mixed juries in any province other than Quebec and Manitoba. The amendment contained in Bill C-210 would extend this right to the whole Canadian population in all provinces. Moreover, it would coincide with the spirit of the Official Languages Act and would confirm the equality before the law of all Canadians, whatever official language they may use.

Taking into account the recent decision of the Quebec Superior Court concerning the constitutionality of Bill 101, and in particular of the sections dealing with the language of legislation and the courts, bearing in mind also the Forest case in Manitoba which in fact challenges the constitutionality of the Manitoba Act of 1899, I feel, Mr. Speaker, that the House will recognize the urgency and prime necessity of passing the necessary amendments suggested by Bill C-210.

The interest and support of the Canadian public opinion, the many editorials, the recent comments in support of bilingualizing our judicial services can only strengthen the legislators who are interested in and concerned about national unity. The recent statements of the Ontario premier also give serious suppport to linguistic equality. If I understand Mr. Davis well, he says: No more symbolic gestures—we will prove our support and understanding of the great principles of bilingualism.

Mr. Speaker, the Francophones of Ontario still hope to see the historical moment when the province will quit making beautiful promises and start acting concretely. It is awaiting impatiently the legislative interventions that will confer equal status upon it. We are willing to exchange the historic symbols of which Mr. Davis speaks for serious steps indicative of serious support for our just claims.