

Criminal Code

to be dealt with lightly either, in view of the government's penchant for making greater demands on the private sector to provide resources for more and improved public services and goods. Spokesmen in this party have stated on many occasions the necessity of slowing the growth of government expenditures. We are on record as favouring a permanent tax cut. We have talked about that. The government talks about restraint, but if it is going to thrust legislation on the provinces by its own unilateral proclamation, it should be ready to pay the shot.

It is within this framework that these amendments, which will be approved by this House, must go forward and be implemented in the most efficient and reasonable manner possible. This will require a great deal of consultation with all provincial governments.

I come back to the first point I made. In New Brunswick the right of litigants to elect trials in French or English dates back ten years. It is nothing new. Approximately 37 per cent of the population of that province speaks French as a first language.

Mr. Gauthier (Ottawa-Vanier): It dates back six years.

Mr. Woolliams: If the hon. member is from New Brunswick, I accept his correction and thank him very much. I said ten years. That figure was given to me by my researchers, and I accepted it. I thank the hon. member very much for that interruption. New Brunswick is now completely bilingual in providing services, including services in the court system.

The official languages act of New Brunswick provides the right to witnesses to testify in the official language—French or English—of their choice. And, subject to the discretion of the trial judge, who must satisfy himself as to the interests of justice, litigants have the right to elect the language of their trial. Because this act is provincial legislation, it applies only to prosecutions under provincial and municipal legislation and in civil matters. Of course, the administration of justice regarding court procedures under the Code comes under the provinces, and that is why we need a joint proclamation.

Trial services in French and English cannot be implemented overnight. In New Brunswick approximately 40 per cent of that province's courtroom staff, including judges, are bilingual. Implementation of recent measures in New Brunswick has been greatly aided by the fact that trials at the magistrate or provincial court level have taken place in French for at least one hundred years in some parts of the province where French is the predominant language. In recent years some expense has been involved in having available courtroom staff which is French-speaking to deal with cases in English-speaking areas of the province. So it works two ways.

In cases where preliminary hearings or jury trials are necessary a change of venue adds to the expense of holding trials. New Brunswick and Ontario have committed funds for trial services in French and English. However, other provinces are of the opinion that federal financial assistance is needed to help in training courtroom staff, in providing the necessary facilities and in defraying the actual expense of holding a trial in the "other" official language.

[Mr. Woolliams.]

Here is one example of how onerous a burden this could become: In Newfoundland, the predominant French-speaking area is in Labrador. These amendments allow for a change of venue, so presumably somebody charged with an offence in St. John's who wished to have his trial conducted in French would have to have his trial shifted to Labrador. That would certainly cost money.

Leadership in bringing a bilingual capacity to Canadian courts has been taken by two provinces, New Brunswick and Ontario, which provide trials in both official languages. It is reasonable and to be expected that these two provinces should be leaders in the provision of trials in both official languages. New Brunswick and Ontario are the two provinces with the largest French-speaking populations outside the province of Quebec.

Ontario's efforts at providing trials in both official languages dates back to 1975. The present attorney general of Ontario, Mr. Roy McMurtry, committed his government to the development of French language services in the courts that year. In 1976 the province began a pilot project in Sudbury in the provincial court, the court which deals with 99 per cent of criminal and quasi-criminal cases. Last year the province extended French language services to the judicial district of Ottawa-Carleton, to the united counties of Prescott and Russell and to five communities in northern Ontario: Cochrane, Kapuskasing, Hearst, Hornepayne and Smooth Rock Falls.

With the expansion last year, French language services are now available in 66 per cent of Ontario. What Ontario has done can be done in the remainder of the provinces if the proper procedure is followed.

Ontario's commitment to French language services in the courts has not stopped at this point. Last fall this service was expanded to include the family division of the provincial court in Sudbury. I am told that Mr. McMurtry hopes to be in a position in the next few weeks to announce further expansions of this service to family division courts in other parts of the province.

On April 28 Mr. McMurtry introduced into the Ontario legislature amendments to the province's judicature act and to the juries act in accordance with the constitution. To quote the Ontario attorney general, the amendments "will lay the foundation for the further development and expansion of French language services in Ontario courts". These latest amendments will provide for the official designation of courts and of counties and districts in which French-speaking litigants may elect to testify in their own language. They provide that evidence in these cases will be received and understood by the court without the intervention of an interpreter. These amendments authorize the sheriff in any district with French language service to prepare two jury roles. This party approves and supports the objective of this legislation.

These amendments to the Criminal Code would give accused persons in Canada the right to have testimony at their trials heard in their own official language, either French or English. For persons who speak other languages it would be necessary to have interpreters. This party is committed to