

Criminal Code

—shall come into force in any Province only on a day fixed in a Proclamation declaring that the—

It then deals with various sections of the Code, different laws under different parts of the Code. That should be amended to “fixing a proclamation by the federal government and by the provincial government” or “a proclamation by the federal government with the consent of the provinces”. In that way, you would keep a happy family together. You would get full co-operation in legislation rather than thrusting it on people as policy, as was done with some other matters that came before this House for expensive programs. The provinces could ill afford them and the federal government did nothing with regard to their financing.

In other words, this amendment would mean that this act creating language rights in the courts and which falls under administration of justice, a provincial right, shall not be thrust on the provinces without their enabling legislation declaring the same, or without obtaining each province's consent before this language bill becomes the law in any province. Surely that is fair. In other words, before any province adopts this law, they must agree and consent to the same.

The minister said he had the consent of the provinces through consultations. However, they may want some time to arrange their affairs. Ontario became a province long before confederation in the west in 1905. Therefore, it has had more time. They have more French Canadians, more people speaking both official languages. It is therefore possible to change the venue from Toronto to northern Ontario with bilingual judges or bilingual or French-speaking staff. It will work. In fact, it must work if we are going to have confederation. However, to thrust it on a province without preparation or consulting them is very dangerous and unconstitutional.

I hope that when I resume my seat I will have made a case. I have said we agree in principle. I hope I have made a case for confederation and a case for provincial rights. I hope the Minister of Justice will not say no just because the bill happens to have been drafted in that way. With regard to the pornography bill, he said he would not change the definition. However, when I read the new bill, I saw it was the one we recommended. That is commendable. I commend the Minister of Justice for his flexibility in that regard.

Some hon. Members: Hear, hear!

Mr. Woolliams: Some provinces may agree, some provinces may not, but each province should have the right to make its choice. It is their jurisdiction.

We shall insist on this amendment. We will press hard for it. This bill is really an invasion of provincial rights because the administration of justice falls under the jurisdiction of the provinces. There must be legal consultation between the federal government and all the provincial governments which have to plan what will take place when this amendment is accepted.

Extra costs of the administration of justice must be borne by the federal government. Surely that is fair because it is common to all Canadians. Our constitution divides those things common to all Canadians as being under federal juris-

diction and those that are local as being under provincial jurisdiction.

We will approve this legislation very quickly if the amendment is accepted. It can only be made at the committee stage, unless it is at report stage. However, once it gets to that stage it is buried—voted on and forgotten. We would move the amendment now if the rules of parliament would permit that. The rules do not permit an amendment at second reading but only at the committee and report stages. I want to repeat that our amendment will say that the bill shall come into force in any province only on a day fixed in a federal and provincial proclamation declaring the sub-paragraph to be in force in that province, and for greater certainty it will go on to describe what particular sections of the code we are talking about. If it would make for more comfortable language and drafting, it could be done in consultation.

● (2132)

When we are dealing with matters affecting confederation it is a good time to say that the Prime Minister (Mr. Trudeau) has too long played ducks and drakes with the constitution, and above all, provincial rights. He confronts and thrusts laws illegally on provinces and then wonders why there is trouble in the land. He likes that. He is a man who sets himself up as king to solve all the problems he creates. He is like the fellow who threw a pail of dust, cleaned it up with a vacuum cleaner and said “Look at what a good job I have done”.

Mrs. Campagnolo: You support it all in principle.

Mr. Nystrom: What is that?

Mrs. Campagnolo: I said he supports it all in principle.

Mr. Woolliams: Mr. Speaker, I am glad I was interrupted. What about the sales tax? The Prime Minister said, when questioned by our leaders and others, that there had been consultation. He tried to leave the impression that there was consent. Then we found out that three provinces had not consented at all. Finally, agreements had to be made with two, and there is still no agreement with Quebec. That is not consultation. The Prime Minister said there was negotiation. This is his negotiation: “This is my position, I won't move an inch, and if you don't come to the trough to drink, you don't get any water”.

My party is the party of confederation. We want it to work, and it will work. The provision of trial services in both French and English throughout Canada will not be made without problems. Some will see this as essentially a duplication, and a needless one, of services. In parts of this country where little French is spoken these amendments are likely to result, as the Minister of Justice said, in some criticism. It is therefore important that a federal administration intending to implement trial services in French and English be aware of local, regional and provincial concerns. That is why we must have a joint proclamation of this legislation.

No one can pretend that trial services in French and English throughout the country will come cheaply. This is not a matter