

The Constitution

significant demand for services in the language required rather than on the number of persons in the area concerned using the language. The amendment would also require the provision of services where there is a reasonable requirement for services, such as at airports and train stations.

While the federal government would like to see institutional language rights at the provincial level guaranteed in the Constitution, it will not impose such rights over opposition by the provinces. The charter provides minimum guarantees in attempting to achieve the widest consensus possible from provincial governments. Thus, when the provisions for institutional language rights at the provincial level included in the draft charter tabled at the first ministers' conference in September received virtually no provincial support apart from New Brunswick, the provisions respecting the provinces were withdrawn. However, the status quo is preserved, and both Quebec and Manitoba remain bound by existing constitutional rights.

As New Brunswick officially requested that these rights apply to it, this has been provided. The amending formula has been modified to facilitate the opting-in of any province, with the concurrence of Parliament, to any or all of the provincial language provisions listed in Sections 16 to 20 of the charter which I enunciated.

As most provinces—other than Quebec, Ontario and New Brunswick—do not have sufficient judges, lawyers and other court personnel trained in French, it would not be realistic to entrench the right of an accused to be tried in his own language in criminal cases. The Criminal Code now provides this right, which is enforced in New Brunswick, Ontario and the Territories. As other provinces develop the capability, the right is provided that if a province delays too long the Attorney General of Canada may unilaterally proclaim the provision in force after two years' notice. This amendment was already made to the Criminal Code, and it was enacted in 1978.

● (1250)

Provinces are encouraged to provide the same rights in civil cases as in criminal cases. However, until there is sufficient court ability in the second language, entrenching such a right would be illusory. The right now exists constitutionally in Quebec and Manitoba and by law in New Brunswick. Ontario now provides for some civil cases to be heard in French.

I should like to refer to an article which appeared in the March 6, 1981 edition of *The Toronto Star*. It refers to Premier Davis' speech to the Empire Club and is subtitled: "Conservative premier reaffirms his support for Pierre Trudeau's Constitution package". The article indicates that one of the key elements championed over a decade by the Conservative party in the province of Ontario has been this:

The right of parents to educate their children in whichever of their own two founding languages they choose is protected where numbers warrant.

The article continues:

To those, both here and in Ontario and elsewhere, who would attack me for not making Ontario officially bilingual I offer a simple and direct response.

Unnecessary excess that corrects no injustice serves no purpose. Understanding and commitment to fairness, on the other hand, breeds tolerance and co-operation. We will not, in Ontario, be stampeded to repeat the mistakes of others. We will chart our own path, in fairness and understanding, in the broad interest of all Ontarians.

In summary, we have a package of constitutional changes that are consistent with Ontario's traditional views as well as our perception of current needs. I regret that many of my fellow premiers do not share that over-all view, but to wait for unanimity would be to wait forever.

I suppose I have received more correspondence on the matter of the supremacy of God in the Constitution than on any other aspect of the constitutional package. Personally I believe in God. I note that God is referred to in our Canadian Bill of Rights at the beginning, where it reads in part:

The Parliament of Canada, affirming that the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions:—

Without doubt, this is still the situation in Canada. The Canadian Bill of Rights will be adhered to, in spite of the fact that there is no mention of this in the constitutional package. Also I point out that God is referred to in our national anthem, "O Canada", in line 7 which reads as follows:

God keep our land glorious and free!

Mr. Beatty: Sing it.

Mr. Robinson (Etobicoke-Lakeshore): Perhaps we should all sing it. Every day before question period in the House we have prayers; we mention God. The Lord's Prayer is recited every day, and I have no indication that this will change. The people of the country do not realize that we recite the Lord's Prayer every day before commencing our deliberations in Parliament. It is important for these people to know that we recite the Lord's Prayer and give God precedence in the chamber.

The hon. member for Edmonton East (Mr. Yurko) summarized it well when he said, as reported on page 8107 of *Hansard* of March 10, 1981:

My belief in God is secure; it does not need to be enshrined in secular documents. It is now enshrined in the greatest of all constitutions—the Good Book.

God is there today and He always will be. Our Constitution must include a preamble which mentions God and other spiritual and national values. I am sure that such a preamble will be adopted in the course of the continuing constitutional discussions.

I should like to refer to another aspect of the constitutional package which is of great concern to me, particularly as a practising lawyer. An article appeared in *The Globe and Mail* on March 11, 1981, written by Mr. Roderick M. McLeod, who is a spokesman for the Canadian Association of Crown Counsel and assistant deputy attorney general of Ontario. Mr. McLeod contended that the provision in the charter of rights—Clause 24(2)—empowering the courts to exclude illegally obtained evidence in certain circumstances will result in the adoption by Canadian courts of the American rule of automatic exclusion of illegally obtained evidence. This is simply not the case.