

Criminal Code

from the official opposition because the spokesman for that party said he wished to see the bill amended in such a way that the provision would not be imposed in any province without some sort of positive action being taken on the part of that province.

The experience we have had with amendments is another matter which bears consideration. I, for one, do not feel the hon. member's suggestion will receive very real consideration from the Minister of Justice because the Conservatives have "cried wolf" before in this regard. They have proposed amendments to language proposals before, and those amendments have been turned down. But they still went along with the government.

Based on the past performance of the Conservative party on language issues, therefore, why should the government pay any attention to any of the amendments they propose? They know that when the crunch comes the Conservative party will be on the side of the government. After all, their integrity is not too good in that area. I would say it is nothing but hypocrisy, because they go around the constituencies afterward and say the government has done terrible things in the issue of bilingualism. But they do not stand in their places and express that point of view here in this Chamber, nor do they do so in the way they vote. I think it is a disgraceful situation.

I have checked with my constituents on this matter—of course I have my own point of view, in any case—and I am happy to report that when I asked them what they thought of this proposed legislation 88 per cent of them said they did not approve of it and felt it unworthy of support. Six per cent of them felt it was worthy of support, and the other 6 per cent were undecided. It is quite clear what the people around Calgary, Alberta, think of this legislation, but still we find the Progressive Conservative party saying it approves of the legislation in principle. I cannot understand how they can be so far out of touch with the feelings of their constituents.

We hear talk about the need for this legislation. Mr. Speaker, where is the need for it? Where are the miscarriages of justice occurring in the courts of our land, whether in Quebec, Alberta, or in any other province? I have seen no evidence of anyone being deprived of a fair trial on the basis of language in this country, and I am sure we would have heard about it if such had happened.

We hear about the case of Mr. Filion, now proceeding in Toronto. He was charged, along with a few others, with defrauding the taxpayers of Canada while engaged in the dredging business, and has demanded a trial in French. That did not happen. He is a perfectly bilingual person, able to understand the other language well enough to enter into contracts and make contacts with regard to his dredging operations. He is now facing a serious charge but the language barrier did not hinder his business enterprise.

● (1542)

I understand that when the matter came up and when a jury was being chosen for that trial there was a panel of some 240 people. The members of that panel were asked whether they

[Mr. Schumacher.]

would be prepared to deal with the matter in French, and fewer than the 12 required—I think it was six—said that they could handle a trial in French in Toronto. I suppose the next question would be where to move the trial. Would it have to be moved 400 or 500 miles away in order to find a jury? What would be the cost to the taxpayer? If we are going to be doing things like this, what will be the cost of the administration of justice?

There are all kinds of practical objections to this piece of legislation. The Minister of Justice says it will not be proclaimed until there has been full and complete consultation with the provinces. The minister gave me an undertaking some time ago about proclaiming amendments to the Criminal Code dealing with appeals by way of trial *de novo*. I suggest the minister has not lived up to his undertaking because those amendments were proclaimed for the province of Alberta when, in fact, the minister said they would not be proclaimed until he was satisfied that there were legally trained provincial judges in that province.

I made it a point to bring this up in the Standing Committee on Justice and Legal Affairs. The minister told me not to worry about it because it would not be done until there was a proper system. The judge I had in mind at the time is still sitting and still causing no end of trouble because he does not know very much about the law and certainly has no conception of the principle of reasonable doubt.

Mr. Basford: Mr. Speaker, I rise on a question of privilege. The hon. member has accused me of breaching an undertaking I gave to him. I would obviously like to go back to read the words in the committee report of some two years ago in which that undertaking is recorded. However, I want to assure the hon. member—and I think he appreciates that what he has said about me is rather serious—that the proclamation of that section of the Criminal Code was made only after a formal request by the attorney general of the province of Alberta—

Mr. Woolliams: That's right.

Mr. Basford: —who is in charge of the administration of justice in the province of Alberta. I think I was entitled to presume, as a result of that request, that a proper system was in place in Alberta regarding trials *de novo*. I believe that was my undertaking, but I will check the record.

Mr. Schumacher: My understanding was that we did not have to worry about that and that the minister would see what the situation was. Perhaps he is correct in saying that he should be able to rely on the attorney general for Alberta. I have a different opinion, and if I were the hon. member for Calgary North (Mr. Woolliams) I would not want to support the proclamation of this particular bill if I had to rely on the attorney general of the province of Alberta, because sometimes I think he is completely out of touch with what he is doing. I really cannot see why the hon. member should be trying to pass the buck on to somebody else. We are elected to this House to make decisions. We should know what are the situations in our own provinces. We are elected by the people