These objectives represent both continuity and evolution. They are consistent with the language provisions which were written into our Constitution by the Fathers of Confederation in 1867, and later supplemented by both the Official Languages Act of 1969 and the Canadian Charter of Rights and Freedoms of 1982. This Bill is a comprehensive legal document embracing all federal Government activities and provides all Canadians with concrete means by which they can affirm and protect their language rights.

The reform of the official languages policy had to be undertaken. Parliament has a duty to bring the provisions of the Official Languages Act of 1969 into line with the Charter of Rights and Freedoms.

[*Translation*]

This bill is also an important element in our efforts to effect national reconciliation. This step forward in the area of official languages complements the 1987 Constitutional Accord. Both are crucial to our national identity. Together, they reflect the government's commitment to preserve a fundamental characteristic of Canada, to promote the status and use of both official languages at all levels, and to enhance the vitality of Canada's official language minorities.

[*English*]

The renewal of our language policy is intended for all Canadians. It provides for the needs of the majorities by guaranteeing government services for them in their own language. In addition, it recognizes the aspirations of minorities, who have often expressed a desire, and rightly so, to live and prosper using their own language. This Bill reflects the open-mindedness and tolerance of Canadians in matters of language and culture. This generosity of Canadians toward each other is one of the most endearing features of our national identity.

I would now like to review some of the changes that we propose to make. With respect to the administration of justice at the federal level, we affirm equal access to the courts for all Canadians in either official language, and we specify what this entails.

The courts that are covered are the same ones as under the 1969 Act and under Section 133 of the Constitution Act, 1867, that is, courts and court-like adjudicative or quasi-judicial bodies which are created by federal law, but do not include provincial courts with federally appointed judges.

Therefore, this Bill applies to federal judicial bodies such as the Federal Court, the Tax Court of Canada, the Human Rights Tribunal, and so on. Of course, this does not mean that all federal judges have to be bilingual.

The Bill itself clearly imposes a duty on federal courts, as federal institutions, to arrange their affairs so that cases are heard in English, or in French, or in both languages, as the case may be, depending on who the parties are, by judges who are capable of functioning in English, in French, or in both languages, respectively.

To assist them in undertaking these responsibilities, the courts may make rules requiring proper notice. This has already been the practice for several years now in the Federal Court, the Tax Court, and a number of adjudicative tribunals.

Bill C-72 preserves judicial powers, privileges and immunities. Nothing takes away from a judge's right, as a "person" under Section 133 of the Constitution Act, 1867, to choose to use either English or French in court proceedings.

• (1120)

Clauses 15 through 18 are meant to respond to the situation revealed by the case law—where an English-speaking person in Quebec as in the *MacDonald* case was unable to obtain a traffic ticket in English; where French-speaking persons outside Quebec were unable to get a ticket in French such as the *Bilodeau* case; or appear before judges who understood directly the case that they were pleading, such as the *Société des Acadiens* case. Again, however, these provisions are restricted to proceedings before Federal Courts.

When cases so require, these courts will have to assign judges who will understand directly, without relying on an interpreter, the official language in which the proceedings before them are being conducted. Of course, simultaneous interpretation will continue to be used by the courts. In addition, the federal Government will be required to use the official language chosen by the other parties in civil proceedings.

[*Translation*]

Concerning provincial courts exercising criminal jurisdiction, we will continue to co-operate with the provinces to implement the provisions of the Criminal Code regarding language of trial in all parts of the country.

The Government is already participating in a joint federal-provincial program to assist in the provision of language training for judges and in setting up bilingual court services. The purpose of these legislative and administrative measures is to ensure equal access for all Canadians to their judicial system.

[*English*]

Clause 87 amends the Criminal Code to spell out the rights that flow from an accused person's right to trial before a judge or judge and jury who speak the accused person's language. Some of these rights are essentially transferred from the 1969 Official Languages Act which, for example, gave the right to witnesses to use either language not only before federal courts but also before courts exercising criminal jurisdiction. The rest of the rights confirms the practice that has grown up in the provinces where Part XIV.1 of the Criminal Code has been put in force, that is to say, use of interpreters and prosecutors who speak the accused's language, and so on.

I have indicated on different occasions that we have made substantial and significant progress on a voluntary basis in respect of introduction in a variety of provinces. As a Member