

[Translation]

CANADIAN LANGUAGE LAW AMENDMENT ACT

AMENDMENTS TO CORRECT CERTAIN ANOMALIES

Mr. Jean-Robert Gauthier (Ottawa-Vanier) moved that Bill C-210, to correct certain anomalies and inconsistencies in the Revised Statutes of Canada 1970 pertaining to the protection of Canadian language rights, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker—

[English]

Mr. Baker (Grenville-Carleton): Mr. Speaker, I rise on a point of order. I do not intend to discuss the merits of the bill in the course of debate on this point of order except for the purposes of arguing with respect to procedure. This bill is entitled "An Act to correct certain anomalies and inconsistencies in the Revised Statutes of Canada 1970 pertaining to the protection of Canadian language rights". It may not be proper for a private member to advance this bill in this House.

I have looked over the bill to see whether there is present in it a royal recommendation involving an expenditure of money. Bills calling for the expenditure of money, as we know, cannot be dealt with without the presence of a royal recommendation, and certainly cannot be advanced by private members. I would like to have just a few moments to deal with that procedural matter so that we can decide today whether the matter should go forward.

I want to deal first of all with part I of the bill concerning legal proceedings and the Official Languages Act. The explanatory note to clause 2 says the following:

The purpose of this amendment is to allow the transfer of a case to a judicial district other than the district in which the accused had to make his original appearance, in order to allow him to be tried in his own official language.

That applies not to a provincial court, the Supreme Court of Ontario, the supreme courts of any of the provinces or to a county court; it applies to a federal court and, according to the explanatory note, it imposes a duty on federal courts to provide simultaneous translation.

If this bill were being advanced by a minister of the Crown, if there were an accompanying royal recommendation, and if the bill were adopted, it would impose a duty on the taxpayers of Canada to provide funds for the operation of a federal court. That is the situation as it appears to me. I raise this as an objection from the point of view of the procedure involved. The section which clause 2 is intended to amend says the following:

Every court of record established by or pursuant to an act of the Parliament of Canada has, in any proceedings conducted before it within the national capital region or a federal bilingual district established under the act, the duty to ensure that, at the request of any party to the proceedings, facilities are made available for the simultaneous translation of the proceedings—

The bill extends this duty beyond the national capital region. In a geographical sense that is an extension but, if this bill is passed, it will impose upon the government the necessity to provide funds to pay for the function set forth in the bill.

Language Rights

Mr. Gauthier (Ottawa-Vanier): Mr. Speaker, I rise on a point of order—

Mr. Paproski: We have one point of order.

Mr. Gauthier (Ottawa-Vanier): Then I rise on a question of privilege. I find it very unusual for the House leader of the Conservative party to discuss a bill on the basis of monetary implications. The hon. member has not heard the remarks I will be making at second reading of this bill. In addition, and more important, there are already provisions—for example, section 11 of the Official Languages Act—which allow courts to offer translation services—

[Translation]

The Acting Speaker (Mr. Ethier): Order. With all due respect to all hon. members, and particularly the hon. member for Ottawa-Vanier, I must tell him that this is rather an argument he is trying to put to the hon. member for Grenville-Carleton (Mr. Baker), and I will hear him after the hon. member for Grenville-Carleton.

[English]

Mr. Baker (Grenville-Carleton): Mr. Speaker, I apologize to the hon. member for taking his time. I sincerely do, but I think it is important that, whether a bill is a private bill or a public bill advanced by the government, the rules should apply, if indeed these be the rules. I suppose all of us have a duty to observe the rules—at least to attempt to observe the rules. There is a question in my mind, and I would like the opportunity to discuss it.

Clause 3 of this bill seeks to amend the Criminal Code. It seeks to extend requirements which are already set forth in the statute. At the moment, according to section 555 of the Criminal Code, in the province of Quebec only and not in all judicial districts, there is a requirement on the choice of jurors involving public expense. The whole system demands public expense. The purpose of this bill is to extend that beyond the limitation of the moment and therefore involve the expenditure of money. As it involves the expenditure of public money, it could not be advanced by a private member and would require a royal recommendation.

● (1712)

Clause 6 deals with the Railway Act and requires changing railway signs, timetables, bills of lading and notices throughout the country so that they are printed in both languages. However laudable that motive may be, it involves the expenditure of public moneys, and I therefore ask the Chair to consider the propriety of this being done in a private member's bill without a royal recommendation.

Those are the provisions which struck me as I reviewed the bill, Mr. Speaker, unfortunately with the short notice that was given us as explained by the hon. member for Edmonton Centre (Mr. Paproski). It may be that an explanation can be advanced by the hon. member for Ottawa-Vanier (Mr. Gauthier), but there does seem to be some question about the propriety of this bill. The strongest part of my argument