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Chair

Mr. Kevin Sorenson

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• (0900)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good morning, colleagues. This is meeting 45 of the Standing Committee on Foreign Affairs and International Development on Tuesday, December 8, 2009.

We welcome you here. Today we're going right to committee business.

When we left off during committee business at the last meeting, Mr. Goldring had the floor, so we'll turn it back to Mr. Goldring.

Mr. Peter Goldring (Edmonton East, CPC): Thank you very much, Mr. Chairman.

As it's been a little bit of time since we had that meeting and discussion, I just wish to reiterate some of my comments to bring us up to date. This is relevant to the motion put forward by Mr. Dewar.

I'll just read that motion so that we have clarity on the issue:

That, in the context of its study on the treatment of Canadians abroad, the Committee report the following recommendations to the House of Commons calling on the government to: recognize its constitutional duty to protect Canadians abroad; enact legislation to ensure the consistent and non-discriminatory provision of consular services to all Canadians in distress; and create an independent ombudsperson's office responsible for monitoring the government's performance and ordering the Minister of Foreign Affairs to give protection to a Canadian in distress if the Minister has failed to act in a timely manner.

I also want to reiterate my concerns for this motion. My concerns for this motion are on multiple levels.

First and foremost, to the first point, "to recognize its constitutional duty", I disagree. I do not believe there is any reference in the Constitution of Canada, from its latest to its most primary elements—the capitulations of Montreal to the capitulations of Quebec City to the Treaty of Paris, furthermore, taking it all the way back to its basic, core roots. I intend to demonstrate that as best I can.

Also, on the "constitutional duty to protect Canadians abroad", once again, I find no reference, from the information that I have, in the written Constitution or the implied Constitution, going back and channelling all the way back through all the written documentation. I'm going to be presenting and reviewing quite a bit of this.

The other concern I have is that on the basis of what I believe is misinformation, it also calls for "ordering the Minister of Foreign Affairs to give protection". I take great umbrage to the idea and the concept of ordering constitutional application when it is not there

and ordering the Minister of Foreign Affairs to somehow subscribe to something that is not there.

I believe, in the context of this motion, that my concern is for the greater good. And I hope that people don't feel that I'm making an objection to this and raising this as a frivolous and vexatious factor. I'm taking that wording, of course, from the other bill we're working on, Bill C-300. But I do want to draw the parallel with that. The parallel is that as a government, and certainly one in a minority government position, we are vulnerable to motions and bills that have serious problems. Of course, being in a minority government situation, I hope people can understand that we have a duty to the citizens of Canada to stand up and speak out and try to effect change as best we can in a minority position. With that, I want to be at least very thorough in the discussion and in the discussion about my concerns with this motion.

There is an object lesson here, too, for Bill C-300 as well as for some of the other bills, frankly, that are in front of Parliament. They are bills that under a majority government would never see the light of day. But in a minority government situation, they might be forced through by an overly eager cabal of opposition parties in an attempt to embarrass the government more than to bring forward good legislation. We certainly have been witness to and have been talking to many witnesses on Bill C-300, here in committee. We're hearing not only from witnesses from the major mining sector but also from people who represent the major mining sector and were very prominent politicians in their own right.

I refer, of course, to the ambassador to the United States, a Liberal, and Pattison, who was a Liberal minister. They abhor what is happening in the opposition party's ranks in trying to bring through Bill C-300., which is so flawed as to be dangerous to—

• (0905)

Mr. Paul Dewar (Ottawa Centre, NDP): On a point of order: relevance, Chair.

Thank you.

The Chair: Mr. Goldring, we try to give as much leeway as possible, but try to keep it specific to the...fairly to the motion; I know you are trying to bridge, or to...

An hon. member: Filibuster.

The Chair: It is a point well taken. It is a point taken.

Mr. Peter Goldring: Well, thank you very much. I appreciate drawing attention to the relevancy. I certainly would draw the relevancy to the issue that is right here with this motion.

This motion is written in a fashion that impinges and implies...or it doesn't imply; it calls for the government to do things that are not in the Constitution. And, of course, in other bills that we have seen before us here, too, they also imply, and instruct the government to do things that are extremely difficult to do and can imperil certain segments of society.

This motion here, in particular, I think, because of its written wording, certainly would not just imply; it would impact the Constitution and probably add to the unwritten constitutionality of our country.

So I take objection to it. I think that we as parliamentarians have a greater responsibility here to speak out when we do see things that are written in a fashion that could impinge on our constitutional rights at some time in the future, without having that full debate and discourse that constitutional change should have, involving all of the provinces and all of the territories of Canada to make the Constitution formal.

I would certainly say to Mr. Dewar that if he wished to change the Constitution, there is a written structure in order to be able to do so. I certainly do invite him to put forward the proposals to make those written changes in accordance with how the Constitution is written and its formulas for amending that Constitution.

So I would say from the onset that this motion is so grievously written that it seriously has to be spoken against. In the past session I actually was working my way through the charter to see what was in the charter that might be relative to this, just to give Mr. Dewar the benefit of the doubt that perhaps maybe there was some wording in here that might actually substantiate the wording of his motion. At that time I had gone through the charter paragraphs and I was up to article 6. I believe I completed number 6.

But I'm going to return again here, first of all, to reiterate the 1982 charter from its beginning, so that we have an understanding of how important this document is. It begins:

Canadian Charter of Rights and Freedoms
Constitution Act, 1982

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Of course, then it goes into the guarantee of rights and freedoms. I will begin my discussion on article 7, because I had left off with number 6.

Article 7 begins with the following:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Once again, I want to emphasize that this article very clearly is talking about in Canada. It is not talking about in Cuba, in Mexico. It's not talking about in other countries of the world. It's talking about the rights and freedoms that we hold close here in Canada.

As I said, this Constitution is the result of hundreds of years of other constitutional beginnings, and certainly the 1867 British North America Act. So this right here is very clearly and expressly for people living in Canada.

Once again, article 8 reads as follows:

Everyone has the right to be secure against unreasonable search or seizure.

Well, once again, it is in Canada and it draws out the question: What is unreasonable search and seizure? And of course, we go through these things every time we go through an airport and so on. There are certain provisos that make it reasonable to have a search—i.e., if we want to board a plane.

Of course, if we're looking at other countries...and who knows, we can look at... My friend Mr. Deepak has far more experience than I do. He has 180 countries on his resumé. He could be speaking about the various peculiarities of various countries and how their rules and laws are enacted.

•(0910)

But certainly, of the 35 to 40 countries that I have visited, I certainly am very much aware that every country has their peculiarities and their individual laws. And so should they. Every country should have their own individual charter of rights and freedoms, their own individual constitution, and we would hope that would be a constitution and charter rights that would be human-friendly, that would be friendly to their citizenry. That's why our forefathers spent so much time crafting our own constitution and bringing about this wonderful Charter of Rights and Freedoms, because it is important.

It goes on that everyone has a right not to be arbitrarily detained or imprisoned. Well that, to me, is very friendly and it certainly is a sensible thing to do—

Mr. Paul Dewar: On a point of order, Chair, Mr. Goldring seems to think that the charter was implemented in 1867. It was actually in 1982 we repatriated the constitution. He referenced—

Mr. Peter Goldring: No, no—

An hon. member: It's a point of debate, and not a point of order.

The Chair: I'll take that as a point of order.

Mr. Paul Dewar: Well, no, it's inaccurate. It's 1867; he's referring to our forefathers—

The Chair: Order on both, okay?

I understand your correction there.

Continue, Mr. Goldring.

Mr. Peter Goldring: I'm very sorry, I thought I was very clear from the first that I'm speaking about the charter, but I also referenced the 1867 Constitution.

Mr. Paul Dewar: You said our forefathers.

Mr. Peter Goldring: So I would hope that we would take both as meaning that both form part of our Constitution, as they do. I will be going into the 1867 part of the Constitution after I continue and after I've spent some time here on the charter.

I suppose Mr. Dewar is right; I'm approaching this kind of backwards. I'm starting with the Charter of Rights of 1982 expressly because his motion is calling for rights, rights to protect. I am kind of working on this backwards because I am going to start with the Constitution or the Charter of Rights of 1982, but once I'm completed with that I'm certainly prepared to go into the 1867 Constitution to see what is there.

Furthermore, another one that perhaps should be gone through is the Canadian Bill of Rights of 1960 that was signed by the Right Honourable John Diefenbaker. I would certainly want to review that too, to see if there's any referencing in there that might have clarified Mr. Dewar's motion where he's suggesting that it's somewhere in the Constitution. Of course, I will want to be reviewing that in due time.

For Mr. Dewar's benefit here, I hope that you take the Charter of Rights of 1982, the 1867 Constitution, and indeed the Canadian Bill of Rights of 1962 all in the same kind of context and the same discussion.

Where was I?

Everyone has the right not to be arbitrarily detained or imprisoned. Once again, that to me is a Canadian right. If we look at some of the countries—I go back again to my colleague here in visiting some of the countries that are struggling in their democratic development—they don't have the luxury of some of these issues that we have here in Canada.

I refer to a visit I made to one of the countries. I'm not going to name the country; it would be unfair. Thirty years ago I visited one country, and the right to be detained, the right to justice, the right to trial were explained to me. It was explained to me how they meted out their justice. How they meted out their justice for somebody who committed a crime—maybe it was an assault, or some type of a civil crime—was that the police in fact would pick that person up, beat that person up, throw them in jail, and throw them out on the street in the morning.

You say, "Well, that's pretty brutal. Why would they do it that way? Why don't they have and subscribe to a charter of rights?" In a very poor country, they have no money. It serves no purpose to fine somebody, because that person cannot pay a fine. They cannot afford to keep a person in jail, because they have to feed that person in the jail. Consequently, their laws, their sense of justice, because they have no other means, involve doing something that we would consider extremely harsh, meting out their justice. But what else do they do? Do they fine a person as we do and send them home? Well, no, there would be no retribution, there would be no control on their crime, so they handle it in different ways.

We would hope that many of these countries, too, once they attain a certain sense of economy and as they start to improve their lifestyle, could participate in wonderful documents such as we have here with the Charter of Rights and Freedoms. So it is something where, while we have the discussion here in this room, it is certainly relative that many countries around the world do not have the luxury of this, or even, dare I say, the luxury to be able to sit here and talk about this wonderful charter.

Under article 10 of the Constitution, everyone has the right on arrest or detention to be informed promptly of the reasons therefor. Again, I've visited countries where people do not have that luxury. When I visited, for example, Haiti and we visited the prison there—we visited with other members here—we saw there were some people who had been in detention for a year and a half and had never been charged. I'm sure there are many other countries around the world, too, that have the same difficulties.

● (0915)

So it's rather a luxury that we have here. I think we should appreciate this luxury and be cognizant that we can't expect other countries to support Canadian law. The idea that our government can ask other countries to give Canadians preference over their own citizens, in their own countries, is another reason I believe this motion to be totally unworkable and wrongly written.

Article 10 in the Charter of Rights says that everyone has the right on arrest or detention to "retain and instruct counsel without delay and to be informed of that right".

Once again, we can go around the world and ask what countries have subscribed to charters and rights such as this. Of the 200 countries my colleague has visited, how many have a charter similar to this? Even if some countries have enlightened laws, do all countries? Of course not. But this motion isn't saying "some countries", it's saying "all countries".

We have a situation that it is unworkable. It orders the minister to give protection. You may be ordering a minister to give protection in countries that have virtually no laws, lawless societies. And what form of protection? Are we to send in the Snowbirds? What form of protection is it that you're ordering the minister to give to Canadians who are in distress in foreign countries? There is great difficulty in defining what should be happening, and how it should be happening.

Also under article 10 we find it said that everyone has the right on arrest or detention to "have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful".

But what's considered timeliness in Canada does not hold throughout the world. How are we going to interpret what is timeliness in the 200 nations of the world? Who is going to interpret that? Is there going to be an instruction to the Minister of Foreign Affairs because some other jurisdiction has a timeliness problem? Is that what we're saying here? That's impossible to do.

Then there is article 11, which says that any person charged with an offence has the right "to be informed without unreasonable delay of the specific offence".

I want to reiterate my concern that we're talking about every country on earth. We're talking about 200 countries, 200 institutions, 200 judicial systems, a whole gaggle of ways of looking at things. You're also talking about Sharia law, which is recognized in many countries. We find problems with that system here in Canada. So whose laws are going to take precedence? Why? How can the Canadian officials, and particularly the Minister of Foreign Affairs, impose our law on the rest of the world? How is he going to do that?

Article 11 goes on to say that any person charged with an offence has the right "to be tried within a reasonable time".

We have an opinion here in Canada of what a reasonable time should be. I wonder what the reasonable time would be in Cuba. What about Mexico? What would a reasonable time be in some of the countries that my colleague has visited? There are 200 countries and every one of them would have a different opinion on what a reasonable time would be. So it becomes an impossible and unworkable affair.

● (0920)

As well, any person charged with an offence has the right “not to be compelled to be a witness in proceedings against that person in respect of the offence”.

Once again, this is the Canadian charter. It's not international. It's an opinion put forward that Canadians subscribe to. It's not, nor can we ever expect this to be, an opinion put forward by Mexico and how their charter would be.

It might be of interest to look at other countries' charters—if they have them—to see how they read, how they're worded, and how they're described. I would dare say that there might be a lot of similarities, but I would also be very concerned that there would not be. They probably would be quite different than this because they have different circumstances.

We have to be cognizant of the fact that asking simplistically that not only the Constitution of Canada be applied internationally, but also, simplistically, that the Minister of Foreign Affairs enter into those countries and protect Canadians to the level of the Canadian Constitution in a foreign country, is a very big concern.

Again, any person charged with an offence has the right “to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal”.

That might be the case, once again, in Canada, but I can see different scenarios in other countries where it could be different. There could be military law. As I said, there could be Sharia law. There could be other forms of governing. They have different systems in different countries.

I can see where it's a nice sentiment to be able to say that other countries should be subscribing to these types of sentiments, but perhaps they have some reasoning why they cannot. Maybe their culture is different and they have different ways of looking at issues. Certainly it's a sentiment that other countries should be following, but do they? I don't know. But to expect that from the Canadian foreign affairs minister, to protect Canadians to that, is awfully presumptuous.

Also, any person charged with an offence has the right “not to be denied reasonable bail without just cause”.

Well, what's reasonable? And what are we talking about? Are we talking about Canadians in a foreign country? You're expecting the foreign affairs minister to fly into that country and protect that Canadian because somebody—some other Canadian—has decided that it's unreasonable bail and it's without just cause? Is that what we expect Canadians to do? Is that the job of the foreign affairs minister to fly into a country and argue the fact that the bail is a little high, the bail is a tad high here? Is that the job of a foreign affairs minister? Maybe it's not in the right currency. Who knows? Maybe it's problematic. Maybe the bail is unreasonably low. That would be an interesting case for the foreign affairs minister to fly into a country to say that the bail is unreasonably low.

I'll carry on. Any person charged with an offence has the right, and I quote,

except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment.

Once again, we go into the basics here. That's why I have a problem with this motion. I mean, I can go through this, and I will. I will be going through article after article.

It's not just that this motion is an affront to the Constitution, it affronts practically every article in it, because, once again, we're saying “except in the case of an offence under military law”. This is the Canadian Constitution. How could you possibly apply that in the 200 countries of the world? How can you possibly?

● (0925)

How can you order the Minister of Foreign Affairs to give protection under these articles in foreign countries? It's an impossible situation, but this is calling on Parliament to order the Minister of Foreign Affairs to do so.

Now, we also have this:

Any person charged with an offence has the right (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations.

If anything gets close to this motion, it might be this one, but it's speaking of accepted international law. It's speaking of Canadian or international law. It is not speaking of the laws of Cuba, the laws of China specifically; maybe it's speaking about the United Nations' understanding. It's not speaking about the laws of 200 nations of the world. It's speaking about international law, not another nation's law. That's where it becomes very problematic. If we're trying to direct protection for any Canadian citizen who enters another country, and not just protect that Canadian citizen, but simply order the foreign affairs minister to provide that protection, it goes beyond all comprehension on how that could ever possibly be done.

I'm wondering, Mr. Chairman, what people in other countries would think if we sent a foreign affairs minister into that country under the express order of government to protect that Canadian citizen under Canadian law, the fact that we're usurping their sovereignty, their laws, and we're trying to say that our laws of the charter of 1982, our laws under the Constitution of 1867 supplant laws that China maybe has had for 2,000 years. How can our laws of 150 years take precedence over those of other countries that may have had their laws instituted and in place for billions of people? China has over one billion, and they've had laws and understanding. I'm sure their constitution goes back thousands of years.

Once again, it's awfully presumptuous that Canadian law and constitutional law would take precedence over any other country's laws. I wonder what these other countries would think about that. Certainly, sending in a foreign affairs minister to one of these countries to enforce Canadian law, what on earth is that saying about our foreign affairs? How is that going to impact other countries around the world? I would say that most countries would be very resentful of that type of action.

Again, I'll read this:

Any person charged with an offence has the right, if finally acquitted of the offence, not to be tried for it again, and if finally found guilty and punished for the offence, not to be tried or punished for it again.

We're looking at a sophisticated society with our courts and judicial system and policing and investigation techniques that are well developed. Certainly in Canada, under provisos like that, we expect to have thorough investigations, scientific work done, before we bring somebody before a court of justice, and a relative understanding that we have all the facts in place before we charge somebody.

● (0930)

Of the 200-odd countries around the world, how many of them have that type of a developed system? How many of them have the sophistication, the money, the wherewithal to do extensive and exhaustive studies before and during trying a person, while having the relative understanding and confidence that the judicial system has worked for the person and that the person has been rendered every aspect of consideration possible, and that science is behind that consideration? I dare say there are many countries around the world that wouldn't have that kind of confidence in their judicial system.

Even in the case of this article, which may sound very favourable to the Canadian justice system, they might want to take another look at it, if something came up that positively proved that their previous decision was wrong.

Once again, we have here a Canadian system, maybe a western ideal of a system, that might not be applicable under certain circumstances of nations and countries very much still in the development stage. They may have their own opinions on this, and they might like to have that second thought on a particular crime of a person.

For us to say that they should do this—and not only do this, but that they should never retry that Canadian in a foreign country, and to send in your foreign affairs minister to protect that aspect of it... Once again, I think that many countries might not even allow that foreign affairs minister in—and maybe rightly so. They have their own sovereignty issues. Why should they allow somebody in to insist on protecting somebody when they would prefer to have their own judicial system deal with the issue?

Then, still under article 11, we read that any person charged with an offence has the right

(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Once again, in Canadian law and Canadian justice that's probably a fair and reasonable thing to do, and probably in most western countries or most modern countries that type of commentary is relative, and probably fair. Once again, I go into the issue that in the Canadian justice system the person will have gone through a very in-depth study of and very in-depth deliberations on the offence that they've gone through. Chances are that they've gone through the process on it. It's only fair and reasonable, then, that if during that time of lengthy judiciary process the laws of punishment change, they be given the right to take the lesser punishment for it, if the judicial process is still ongoing.

But once again, if we go into other countries, to insist upon that from other countries is awfully presumptuous. I can't imagine the differing scenarios surrounding it, but different countries have different levels of sentencing and feelings about how it should be done.

We have once again the problematic area here that article by article, point by point so far, this motion—and I return to the motion again for a minute—which calls for a constitutional duty to protect, ordering the Minister of Foreign Affairs to go into the country and insist on this point by point, demands a thing that is impossible to do. To call upon the government to enact this motion—and I return again to the concern I have with a minority government here, that it's just too easy for the opposition parties to cobble together and agree to something that sounds reasonable on the surface but is in reality, article after article, point after point in the Constitution, from one end of it to other, an impossible thing to call upon—

● (0935)

Mr. Paul Dewar: Mr. Chair, just on a point...

The Chair: Is it a point of order?

Mr. Paul Dewar: Well, no. Mr. Goldring is suggesting that we're passing a binding motion here. It's a non-binding motion. Anything that's passed here is non-binding. This is just to clarify; I'm sure he's not suggesting that.

In your comments, you were suggesting that a minority government—

The Chair: I was trying to listen as carefully as I could, and I think what he was trying to say is that the motion calls for the response of the Minister of Foreign Affairs...to act in a way that would get Canadians in distress—

Mr. Paul Dewar: Some support. Right.

The Chair: —in a timely manner.

Mr. Paul Dewar: But the motion itself is non-binding, just to clarify.

Is that what you meant, Mr. Goldring?

Mr. Peter Goldring: What I'm reading here is that your motion refers to a constitutional duty—the premise of the motion is in error—to protect Canadian citizens abroad. And it's calling upon the Minister of Foreign Affairs—in fact, it's ordering the Minister of Foreign Affairs—to give protection. And I find that just simply impossible to do.

Mr. Paul Dewar: But it's non-binding.

The Chair: It's non-binding.

Just continue, Mr. Goldring—

Mr. Paul Dewar: Chair, before we go any further, as engrossed as we all are, I'm wondering whether Mr. Goldring is wanting to provide an amendment or just wanting to continue to filibuster.

The Chair: He's just debating, and we'll—

Mr. Peter Goldring: I'm giving my—

Mr. Paul Dewar: I'm just asking the question through you, Chair, whether he's wanting to remove “constitutional” from the motion or whether he's just...

If he wants to filibuster, that's fine; he can do it. I'm just asking whether there's a motion that he may want to provide—

Hon. Jim Abbott (Kootenay—Columbia, CPC): I have a point of order.

This is not a point of order. This is debate.

The Chair: Yes, I agree.

Mr. Paul Dewar: Well, I was actually trying to get things going.

The Chair: Mr. Goldring has the floor.

I think you're trying to help. Mr. Goldring doesn't have to give us his reason, whether there's an amendment coming or some ideas for —

Mr. Paul Dewar: I just wanted to know whether the government was wanting to amend this or just wanting to filibuster, or whatever.

The Chair: Hopefully we'll find out eventually, but Mr. Goldring has the floor.

Mr. Paul Dewar: Okay.

Mr. Peter Goldring: Thank you very much.

I think it's far too premature; I do have more commentary to make on my concerns for the wording of the motion.

Thank you very much for your interjection there, Mr. Dewar.

The Chair: Let's have some order so that we can hear Mr. Goldring.

Continue, Mr. Goldring.

Mr. Peter Goldring: Where was I? Should I start over?

It says that if the offence has been varied between the time of commission and the time of sentencing, the benefit of the lesser punishment should be given to the person found guilty.

Once again, we're talking about the niceties, I guess.

Really, we should be very cognizant that the charter and the Constitution that we have here in Canada are probably world-respected as being a great charter and a great Constitution. But in terms of many countries of the world, could they enact the same? I think many countries of the western world do have their own constitutions and charters. My understanding is that certainly Commonwealth countries have similar constitutions, from Australia to other countries.

I'm not sure whether they have charters of rights. I believe our Charter of Rights was designed, drafted, and brought together in a Canadian fashion. It is Canadian-made, if you like. Paragraphs like 11(i) I would expect to be distinctly Canadian. I would certainly not expect to find that in developing countries of the world. As I touched on before, many of the developing countries of the world have difficulties feeding the people, let alone drawing up the niceties of charters of rights and freedoms. That in itself is very problematic.

For some of the developing countries of the world, to have a charter of rights and freedoms such as this would just not be workable. They don't have the wherewithal to do it. You have to be able to feed your people. You have to be able to afford to pay a judiciary system. You have to be able to afford to pay a good

policing system. You have to be able to afford to pay a good legal system to be able to enjoy the luxury of a charter of rights and freedoms. If you don't have this judiciary system built, if you do not have the fair legal system built, if you don't have fair and reasonable lawyers available to a person, this charter is meaningless. It goes nowhere. But here in Canada we do have it.

Once again, I have difficulty with this motion because it rather implies that countries around the world will have their own charters such as this. Probably more difficult is that this motion states that the Canadian Minister of Foreign Affairs would enforce Canada's charter around the world in places where, I would have to guess—I really don't know, but maybe my colleagues do—that two-thirds of the world do not have charters of their own. They probably don't have them for very good reasons. If they had them they wouldn't be able to enforce them.

So we're going to enforce the nicety of one of the leading countries in the world, Canada, enforce our charter into another country of the world that is struggling with its democracy, struggling to feed its people, and struggling to exist from day to day. But we're going to enter into that country and order our foreign affairs minister to go in there and give protection under Canada's charter to those people. We're going to tell those people that they should have this charter of Canada, and if they do not have it they should abide by it. They must do as our Canadian foreign affairs minister says, because he's been ordered to go there and say this. So once again, we have this difficulty all the way through on this.

Now I'm on article 12.

An hon. member: How many more to go?

Mr. Peter Goldring: There are some 55 articles. There are another 150 articles under the 1867 charter. I estimate that there are probably 30 articles under the capitulations of Quebec City, Montreal, Quebec conference, and London resolutions.

● (0940)

And don't forget, we'll be doing a review of the 1960 Canadian Bill of Rights, because I really feel there might be possibly something in there, and that was constituted here by the Right Honourable John Diefenbaker. So that's an important one to review through too.

Article 12 states that everyone has the right not to be subjected to “any cruel and unusual treatment or punishment”. Now there’s an article that can be interpreted many different ways. What is a cruel and unusual treatment or punishment? I had the occasion, when I was visiting Acapulco once, to learn of their interesting way of dealing with illegal parking. This just gives you kind of an example. They cut the licence plates off, and in order to pay your parking fine, you visit the local jail. They have a wall of these licence plates up on the wall. You pick out your plate and you pay your \$2 fine or whatever it is. But during the occasion, it was very apparent that I would not want to be a resident in that jail. Even being a resident in that jail I would say would fall under this Canadian charter’s description of cruel and unusual treatment or punishment because, by golly, a Mexican jail is not a Canadian jail. That could be construed right from the get-go. That’s not to be critical of Mexican jails. I mean, jails in many countries around the world are pretty basic, pretty bare descriptions.

When we were in Haiti with the committee, we visited the jail there. One of the jail cells had wall-to-wall people. I think it was something like 70 people in one room, and they’re just like cordwood, up one wall, down another and three feet in between, and then a pot over in the corner where you did your duty, your daily ablutions, or whatever you want to call it.

Now, is that cruel and unusual punishment and treatment? I dare say that we would certainly consider it to be cruel if there was a Canadian in that jail cell with the 70 other people.

An hon. member: That’s the idea of the motion.

Mr. Peter Goldring: Yes, yes, but you know, that’s how they do their judiciary system. So do we go into that country and say that with the Charter of Rights and Freedoms in Canada—in other words, our modern way of looking at things—we insist that a person be in a six-foot by ten-foot cell on their own, not even with another person? This debate is coming up on some of the prisons in Alberta. So do we insist that we have this, that we have western-style meals? What is being construed here as cruel and unusual treatment or punishment? This can literally go on and on.

Then we get into the issue here that we want to order the Minister of Foreign Affairs to go into that country to give protection to this person who is under the judiciary of that country, who is serving or doing or is incarcerated. But the Minister of Foreign Affairs, because it’s not up to Canadian standards, it’s not up to snuff in Canada, is ordered to go into that country and to interject, to protect that Canadian. How is he going to protect that Canadian in that jail? Once again we have the great difficulty here of how we enact such a motion. Or is this motion meaningless? I mean, do motions have any meaning? Do bills have any meaning? Or are they not supposed to be taken seriously? If we take this motion seriously, it’s an impossible thing to do. It affronts every article. I’ll carry on here in a second. But so far it’s affronted every article that I’ve gone through. It makes it just absolutely impossible to be able to consider that this motion could be taken seriously.

We’ll leave off with article 12, subject to any cruel and unusual treatment or punishment, and go on to number 13, which states:

A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other

proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

● (0945)

These articles here are Canadian-made and Canadian-built for Canadians in Canada. To expect that you can have the niceties of this in countries around the world, in Iran, in Iraq... We could literally go up and down the countries of the world. Some day I’d like to know from my colleague the names of those countries that he has and what he would think of whether these would be applicable to any one of those countries.

It would be presumptuous even to look at a Western type of country here and ask if this would be applicable in the United States, for example. The argument could be made by many Americans that this is a Canadian constitution. It is not the American constitution, and quite frankly while they would probably like to help us out and say that, yes, we think it conforms to some of the American constitutional provisos, this is a Canadian constitution, and they might be affronted by us, insisting that the foreign affairs minister adhere to the letter and the dotted i and the crossed t of the Canadian Constitution in an American scenario. Even there, it could be problematic. Certainly to send in the foreign affairs minister, ordering him to provide the letter of protection of the Canadian Constitution in the United States, I can well imagine what the response to that just might be from Washington.

Once again, we’re going through article by article on this.

An hon. member: Are you finished?

Mr. Peter Goldring: No, I’m not finished. I’m catching my breath here. Excuse me while I have a little drink of water.

Once again, we go through the very problematic scenario here of trying to adhere to...or insist that Canadian law, the Canadian Constitution should take precedence in other countries. Really, it’s rather ignoring...and I think it’s setting a poor precedent, because it’s giving Canadians the false hope or the false premise that their Constitution takes precedence, so they will be protected regardless of what the laws of another country say. Is that really what we want to do?

I think more than this—we had the discussion in an earlier committee meeting here—is perhaps the question of whether Canadians are aware of the laws of other countries. A lot of Canadians travel internationally. We have Canadians all over the beaches in Mexico and the Caribbean. Are they aware of what the laws of those countries are? Their laws are different. Even former British Commonwealth countries have their own laws instituted. What we should be doing here rather than saying and implying by a motion like this, which rather implies that Canadian constitutional law is instituted internationally—it is not, and that is completely in error—is educating Canadians.

I suppose you could say that while this Constitution is Canadian-made, Canadian-built, and Canadian-instituted, it is not internationally instituted. You’d better be aware when you travel to another country that you have a responsibility not just to conform to the laws of the other country but to be cognizant of some of the differences that those countries might have in their legal system.

If you're not cognizant, you might inadvertently fall into problems in the other country. Do not depend on the Canadian Constitution or Canadian law to be able to bail you out. That's hugely problematic.

Now I'll move on here to article 14, where it states the following:

A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

• (0950)

Once again, we're speaking about an enlightened constitution, the Charter of Rights and Freedoms from the 1980s, taking advantage of the enlightenment earned by a country that has been very prosperous and probably one of the world's leading countries as far as civil society is concerned and has the luxury of being able to write these things into written law. I have to go back to saying that must be understood in all other countries on the face of the planet earth.

It's very presumptuous ordering the foreign affairs minister to go into a country because someone there has a problem understanding the language and laws of the country and the proceedings that are being conducted. It is presumptuous; and this one not only says that but goes into who is deaf and has the right to the assistance of an interpreter. I'm not sure whether that's considered to be a right in other countries or not. Certainly here in Canada we go out of our way in our judicial proceedings to be able to help people with sign language, and indeed to help the blind so that they can follow the proceedings. We also take the time here in Ottawa, not only for our official languages, but to bring in interpreters of other languages. We do this, but we have the capacity to be able to do this. That's not to say that all judicial systems around the world have that capacity or have that capability to do that.

Once again, we have a scenario here where, yes, this certainly is in place in Canada, and we certainly do appreciate it, and probably in the United States, and probably some of the western world countries have provisos like this, but when we start looking into second and third world countries, do they have that capability? Is it proper for Canada to insist that this be done, and to what level? This says, in my understanding, we take it to all levels of criminal justice. This really doesn't spell it out, because we don't spell it out here in Canada, but what about other countries? Does that mean you're going to order that somebody with a parking ticket in some obscure country be provided interpretative services? Is that what we're really saying here? We don't have to clarify here, because we would, but what about in other countries?

Then, of course, with the parking ticket and no clarity on the language, we're going to order the foreign affairs minister to go in there and give the protection. So it gets to a ridiculous level here on what we're trying to compel the government to appreciate and accept.

Now I'm up to article 15. And I do appreciate the time to be able to go through this and give these explanations.

Article 15 states,

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Once again, this does work here in Canada, and that certainly has been well developed and well thought-out, but it is a made-in-Canada charter. It's a made-in-Canada Charter of Rights and Freedoms. Other countries can have different understandings, and so be it. Other countries around the world may have different understandings.

Article 15(2) here is the one that really spells out the differences on it. It says,

Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

What that article really compels is that even here in Canada we're saying everybody has the right and is equal before the law. It really says "except for". Here in Canada, we're giving except fors. You can imagine, with some 200 countries around the world, how many except fors they would naturally have within their own system.

• (0955)

It could be for any variety of reasons. We've had our debates here in this country, for example on same-sex marriage. Well, that isn't understood by all countries on earth. As a matter of fact, it's understood by only a very few countries on earth. So even from that standpoint, for a person travelling into many countries on earth they'd better be aware that not all countries are as accepting and enlightened as Canada is. That issue alone could be problematic in many countries.

Once again, we go back to the basis of this motion here. To expect the Canadian government to recognize this constitutional duty... How do we recognize that when it's in conflict with many other countries' stated law? You have an impossible scenario here. I think more than this, there's a responsibility for Canadians to comply with the laws of the country they're visiting, and they have to be prepared to accept that Canadian law, and their understanding of the Canadian charter and the Canadian Constitution... They just may have to be flexible. If they want to visit that country they have to be prepared to accept the standards, the laws, the customs of the country that they're visiting, or else they're going to be in conflict.

Then we go back to the basis of this motion. That's an impossibility. Can you imagine, under a scenario like that, where we'll use that one issue, where somebody inadvertently...? They don't know, or they do know and they just ignore it, and they now are into a problem and a conflict with another country. According to this motion, we're going to order the Minister of Foreign Affairs to go in and fix things. How does he fix things when it's an affront to the laws of the other country?

Once again, it's an impossible thing to do here. I think we have to be aware, if we look around at the various countries of the world... I'll revert again to the suggestion that it's not just countries, it's international understandings, and international understandings of Sharia law. I think there was a movement here in Canada to try to bring Sharia law into Canada, and fortunately, in my humble opinion, that movement was forestalled. Even here in Canada, to bring in customs and laws from other countries is hugely problematic, and Sharia law, of course, brings up the question... When we talk with specific communities and they say, yes, they would like to have the proviso that's in Sharia law that one man can have four wives, that brings up the question of whether that means that one woman can have four husbands. Is that what it means? So we get into huge discussions, and I would guesstimate that those who subscribe to Sharia law would probably take umbrage to the idea of one woman having four husbands. Would that be a fair consideration to say?

So we have a problem even with trying to bring laws of another country into Canada. If we have a problem bringing other laws into Canada, don't you think for one moment that the other countries will have a problem with Canada bringing its laws into their country? I would think that it would be a huge problem.

We could go through other forms of international understandings and laws, and how problematic it would be for other countries, for Canada, to bring their laws into this country.

So we go back again to article 15(2), and here in Canada, yes, we want to have this. We celebrate this Charter of Rights and Freedoms, and rightly so. We just recently published it to all the schools in the country and sent out a very nice format that has the charter in it. And yes, absolutely we should celebrate it. Quite frankly, probably internationally it's widely respected, and hopefully it's being emulated by other countries, and maybe other countries are instituting their own personalized forms of the Canadian Charter of Rights and Freedoms.

●(1000)

So be it. So the world should be progressing. We should be gaining more enlightenment around the world. We're into globalization. We're into internationalism. When we do trade with specific countries around the world, we like to imply that the Canadian maple leaf is on that crate going to another country because it's significant, significant of the enlightenment that Canada has in its laws and in its charter and in its constitution. I'm sure that even the maple leaf flying around the world on the side of an Air Canada plane is respected and regarded as significant.

Canada is an enlightened country and a respected country. When we see other countries that we trade with, we hope that we're not being instructive. I've had people visit, as many of you have, from China. I have to hesitate on it because, as I mentioned earlier, China has a culture that goes back 5,000 or 7,000 years. It's awfully presumptuous of us to say that we and our constitution and our charter know more than that long and wonderful history of China.

However, one thing that cannot be disputed is that our charter and our constitution are an enlightened charter and constitution. It's not perfect, and we're going to work on it. We're going to improve on it and correct it over a period of time. We're going to make it better.

We'll make it the best we possibly can, but that's not to say that we cannot suggest, when we're trading internationally with countries that are not up to the high standards of Canada, that we don't encourage them to move along.

That's also not to say that we're not going to trade with other countries that we know have problems in bringing their democratic reforms and institutions up to date. That's not to say that we will not trade with them. No; you trade with them because through development, through trade, through prosperity, they will gain the wherewithal to be able to develop their own institutions and their own judiciary.

I think several trade pacts have been signed recently with certain countries. The suggestion is that we should not trade with them because they have certain problems with rights infringements. That's not the way to look at it. You look at it from the basis that prosperity, development, growth as a country, and international engagement provide stronger and stronger encouragement. There really isn't one of those countries that does not want to be a better citizen or that will not become a better citizen and treat its own people better if it has the wherewithal to do so.

I go back to that example of a country in which somebody who perpetrates a crime is beaten up, thrown in jail, and tossed out in the morning. That's because that country doesn't have the wherewithal, but as countries acquire the wherewithal, even they can see that such an approach is a barbaric way of dealing with things. They will improve if they can take the first step of being able to afford to feed their prisoners. That's the first step.

They'll improve further if they're able to afford a reasonable justice system to give some justice to the system and if they're able to afford proper policing and the proper jailing techniques. All these things are additives. When we're dealing with foreign countries and saying that they have some human rights questions, I suggest that those human rights questions will be answered in due time, as their economic circumstances improve and they become able to devote more resources to better management of their citizenry.

That's article 15. I think, once again, that's what we have here in Canada, and I certainly think articles like that would be widely perceived as being desirable in many countries around the world. I'm sure many countries will be advancing towards those stages as their economies develop and as their financial wherewithal develops.

●(1005)

Article 16 refers to the official languages of Canada:

English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of Parliament and the Government of Canada.

Once again, this is a Canadian aspect. Many countries of the world have multiple languages. Even here in this country we have more than the two official languages. We probably have every language on earth here in this country, represented in our immigrants. I don't think there is another country in the world that has such a great number and variety. I describe it that Canada really has every country in the world represented in this country. That is its strength. Even though the languages are unofficial languages, that is a powerhouse of a capability for this country to be able to compete worldwide. You can pick any one of the ethnic communities and see what a powerhouse of capability that is for international trade and the globalization we're engaging in today. It is an unbelievable asset.

Sometimes, Mr. Chairman, I don't believe we recognize that and appreciate that enough. One of the things we have been doing, as a government, in the past few years to emphasize that is putting more emphasis on foreign affairs.

Once again, I return to this motion. It would have huge negativity to be interfering with other countries at a specific point and juncture in time when we are trying to encourage this. We are trying to encourage this development. We are trying to encourage the diaspora of the multitude of different countries we have in this country to use their assets, use the power of language, use the power of international familiarity to be able to engage in the world and around the world. Even before we became government here, I go back to some of the work I was doing in the Caribbean or in eastern Europe, and you see the powerful diasporas that we have in this country and you really want to know why we aren't using them more.

Our government is getting there. Certainly, our government has done more in the international community than governments in the past. We see this by our Prime Minister's visiting the Caribbean and putting a lot of emphasis on the Caribbean and the Caribbean rim countries. We see this by the emphasis just last week of his visiting China and the good relationships developing there—and, I might add, with the Charter of Rights and with the discussion of rights, not leaving it alone, making the point internationally that we make no apologies that we want to have and protect our rights and freedoms. There are no apologies there, and we will speak out on rights, but at the same time, we will also speak out and say that in the case of China, we have a Chinese diaspora that probably is a million people. It is a huge number of people. We also have an Indian diaspora that would be a million people. It is a huge benefit to be able to engage very large segments of world trade, if done properly, if done forthrightly, and if done correctly.

I believe our Prime Minister really has to be commended for the work he has done, particularly on his trip to China and in how we are engaging India but also for how we are engaging other parts of the world. I believe it was one of our ministers who has set up free trade beginnings with Ukraine, part of eastern Europe. If we look at that initiative, we first recognized Ukraine as an independent country in 1991, and since 1991 it has been kind of left on its own. But we have taken the stance and the initiative in the last several years to put some emphasis on eastern Europe, and particularly in the last month to put emphasis on the Ukraine with the Ukrainian diaspora.

●(1010)

I was at the Embassy of Ukraine just last week and spoke to the many people who were there. There are very enthusiastic Canadian business people looking at what this could mean. They were looking at the fact that Ukraine needs nuclear power. There was a comment from one of them, Lavalin, stating that what that means is 20 or 25 nuclear power stations.

●(1015)

The Chair: Are you still on the language issue, Mr. Goldring?

Mr. Peter Goldring: Yes. And this is because of our diaspora and because of our multiplicity of unofficial languages. It's also added to and complemented, of course, by our two official languages.

Our two official languages are notable, because the two official languages, English and French, are predominant languages in the international community and around the world. To be able to have that combination of two official languages so predominant around the world and having the languages of the rest of the world as part of our country is just a huge advantage.

What's the population of the earth? That's exactly what it is. We are in agreement.

Now, article 16(2) says this:

English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

You see, they even break our charter down so that we have provisos to give specific status to particular provinces and particular areas. Once again, where that becomes problematic is in trying to enforce this in another country and not being respectful of their initiations, which might have differences in governing in one of their provinces or states. There could be a breakdown of understanding in another country. To expect that our Canadian Charter of Rights and Freedoms and our Constitution would apply across the board in those countries is practically impossible to expect. But we certainly, here in Canada, want to have these made-in-Canada provisos, because having them in our Constitution is one of the benefits and is probably one of the reasons this Charter and Constitution would be reviewed by countries all over the earth so they can pick out the points they like and would be able to apply and do.

Article 16(3) says that nothing in the charter "limits the authority of Parliament or a legislature to advance the equality of status or use of English and French". Once again, we go into the linguistic. We have chosen to have the two official languages be English and French. There have been discussions. If we look at Nunavut territory, I believe they have three languages. I think they have the languages of the aboriginals in the territory. If we look at our aboriginal communities across this country, we probably have 40, 50, or 60 languages.

Of course, very much so, under our Constitution, particularly the 1867 Constitution and indeed in the charter—we'll be getting there in a few minutes—we respect the rights of the aboriginal people. Of course, they were the founding people of this country. They were here before all others. In fact, we are the product of the people that enjoined the aboriginals in a relatively short period of time of a couple of hundred years.

Of course, our Constitution makes good reference to the aboriginal people, and also, under its provisos, it certainly does not limit or discriminate against the aboriginal people. As a matter of fact, our country rather encourages the aboriginal people to develop their own languages. We see that on a regular basis. There's encouragement to actually put in written form aboriginal languages that have never in the past been in written form. Our government has been contributing towards them doing so. I believe that's right, because some of the aboriginal languages are being lost. That's more a product of our country evolving. With so many people and populations, the media, and everything else, it's difficult to keep a language that maybe has been more localized when you have other languages coming in. So we should be encouraging them to put them into written expression and written form so that they can be preserved and the original cultures in this country can have continuity in their languages and keep their languages.

●(1020)

Then there's article 16.1(1), which—

The Chair: We did article 16(1), Mr. Goldring. I think we're on 16(3).

Mr. Peter Goldring: No, there is an article 16.1(1), which says the following:

The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities.

That's an important one, Mr. Chairman. Once again our Constitution, as enlightened as it is, reinforces that aspect. As I just touched on with the aboriginal communities—we're putting that into words, on paper, and into the record—we also, under article 16.1(1), super-emphasize that we really want to have not only equality of status and equal rights, but the right to distinct educational institutions and distinct cultural institutions, as necessary, for the preservation and promotion of these communities. I think that's an important one.

I think that goes to the heart of what Canadianism is. We want to preserve what we have—our cultural aspirations for the future, preservation of the past. I think article 16.1(1) emphasizes the importance of doing so. It emphasizes that this is a Canadian quality that we want. We want to keep the aspect of not just the linguistic duality, but we want to keep the cultural institutions and preserve the cultural aspects and educational institutions that we have.

Then it says, under article 16.1(2),

The role of the legislature and government of New Brunswick to preserve and promote the status, rights and privileges referred to in subsection (1) is affirmed.

That simply reinforces article 16.1. I think if we review particularly the Official Languages Act and how we treat and disseminate these issues and articles, it becomes very obvious that the intent is not simply to put down a line or two; it's also to keep reinforcing, to put more and more emphasis on the languages and our cultural institutions as a way of defining Canada.

We hear of the melting pot of other countries, whereas we want to define Canada's originality and roots. We are certainly defining it here in the linguistic duality aspect of it, not just in the language, but also in the cultural institutions that created this linguistic duality.

Article 17(1) says that everyone has the right “to use English or French in any debates and other proceedings of Parliament”. That's one of the issues that the Canadian Parliament in particular has had for a long period of time. I'm wondering, in this electronic age that we have—and we certainly have translation in the Parliament of today—how far back have we had that? What did they do before the electronic age, before they could have translators and earphones? How did they do it at that time? That might have been problematic. But with the electronics of today.... I've been here for 12 years, and we've had what we see here in the back of the room, where our translators doing a great job for us.

That's one of the advantages of Canada. People around the world say, “How do you do everything with two languages and simultaneous translation?” It's actually a marvel to see. It's not just the translators who do this great job on a day-to-day basis here for us—greatly appreciated.

●(1025)

We also have it in the written form, too. We see it in reproductions. We see it in the reports. It is really a marvel when you think about it.

From time to time, our friends from the Bloc remind us that we do not have the translations of every discussion paper before the committee. I have to agree with that. If we can't have the translated material so that everybody can read it equally....

I can read French a little bit, but I am just not good enough at it to pick out all the particulars of it, the significance of it. I try. I do prefer to have it in English, and I am sure, in turn, our friends from the Bloc, and our friends who predominantly were brought through life in the French language, would prefer to have it in that language, too, so they have the proper significance of that.

It is not just our linguistic duality. It is the fact that we actually contribute and build and work together in two languages. We try our best not to leave each other out. Certainly here in Parliament we do a marvellous job of it, but we need to correct it every once in a while. I absolutely agree with any suggestion that we can always do better and that we should be doing our best to have it in both official languages. That's only right. That's how our Parliament of Canada has been operating.

When we go back in history—I've never asked this question—was it so before we had our electronics? Did they have translations at that time? I'm not sure; I'm not sure. With the advent of the electronic age, and with microphones and translations and provisos like that, certainly it has increased the quality of our debates and it has increased the quality of our being able to represent this country as a whole by being able to have these translation services in oral and written form for our country. It is very much appreciated.

Article 17(2) says that “Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.” That is kind of interesting, because it is defined in our Charter of Rights and Freedoms. We actually are sure to include that in a provincial legislature that really wants to have those provisos on a provincial basis. I think, once again, it shows that Canadians all across this country have consideration for provinces that wish to have those provisos as well. I am not sure that other provinces have really entertained the thought of having duality of translation and services in their legislatures. As I touched on before, I believe that Nunavut has some translation in other languages. I'm sure provinces wish or would like to be included in that statement, along with New Brunswick. They would probably put forward their initiative if they wished to do so.

As I said to Mr. Dewar, the Constitution is a living, breathing document here. It could be suitably amended at some time in the future if another province wished to entertain that aspect of it as well. Or, if Mr. Dewar wished to entertain a constitutional amendment, he certainly has the rights and privilege to put forward that as well.

Article 18—we're really burning through this today—states:

(1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

As I was saying, I was speaking a little bit ahead of myself on this, on the articles, but it certainly underscores and underlines the first article, where everybody has the right to use French and English, because it is important to have it in the printed word as well and have it published in that.

• (1030)

We've all taken advantage of having the published versions. We review them from time to time, and it's only appropriate that they be in both languages. There was a time when, at the end of a session, we would be issued a series of books containing all the bills and discussions in Parliament. I forget what it was called, but it was an eight-foot-long section of black-bound books.

The Chair: It's *Hansard*.

Mr. Peter Goldring: It's *Hansard*, but I don't know what the books themselves were called. These books of *Hansard* were given to all parliamentarians. But they stopped doing that just after I came into Parliament in 1997, probably because of the complexity of it and maybe to save a few trees. Now they would give it to you in digital version. But the old books made for a good library, if you wanted to save them. You will probably see them on the wall of the Speaker's room. They included all the printed versions, in French and English, of all the debates from *Hansard* for the session. And you were actually able to get a section of that and—

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Are you talking for posterity?

Mr. Peter Goldring: Pardon?

Mr. Bernard Patry: Are you talking for posterity, for your great, great grandchildren about this meeting?

Mr. Peter Goldring: Well, it was to fill up your library and have a record. It looked grand, but they stopped doing that. In the Speaker's chamber there you'll still see them on the wall, and you'll see the

dates that they stopped. But they were thick bound books of all of the debates and things, yes.

But speaking of being published, this is where they were published in English and French, and it was grand to have those as a permanent record so that at some time in years ahead, if you wanted to look up something, you could actually crack open one of those and find maybe one of your very fine speeches from 15 years ago or whatever it was.

Again, it says the following:

The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

Well, once again, I'm sure for the members of the Legislative Assembly of New Brunswick, it's much the same thing. It would be nice for them too, if they've made a speech in the legislature there, that they could have that on permanent record. Maybe they still print them out in bound book forms. Who knows? And that would be quite an addition to their library for their future generations to be able to leaf through.

A voice: Very valuable.

Mr. Peter Goldring: Well, very valuable. Not to have everything in electronic form—I think it's important to have it in printed form, and once again, in both official languages so that your future generations can have that option of reading it in either. I think it's important. But once again, it's peculiarly Canadian, I would think. I'm not sure whether that would be applicable in many of the countries around the world, and certainly in a lot of the countries around the world, it would be problematic for them to even have computer-generated versions of their debates.

Article 19(1) states this:

Either English or French may be used by any person in, or any pleading in or process issuing from, any court established by Parliament.

Well, once again we go back to the basis of this motion, and to say that any court established by our Parliament is going to imply that it can be in any foreign country, that's awfully presumptuous. Once again, I go article by article here of problematic areas. I can't find articles here that aren't really affronted by this motion. To order the Minister of Foreign Affairs to enter into a country on the basis that a statement in our Charter of Rights and Freedoms talks about any court established by the Canadian Parliament, into another country to address an issue that is established by Canada's Parliament, I think that's just an impossible thing to do.

Article 19(2) reads as follows:

Either English or French may be used by any person in, or any pleading in or process issuing from, any court of New Brunswick.

Well, that one is very specific, and it deals with New Brunswick, and once again it goes to the character of Canadians wishing to have a made-in-Canada constitution, the Charter of Rights and Freedoms, and certainly it's very specific about New Brunswick. But it would also imply that if there are other provinces or territories that wish to have that special designation, they could be applying to the specifics of a constitutional amendment or whatever to be able to add their names to that too.

Then we have article 20:

Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other—

• (1035)

[*Translation*]

Mr. Bernard Patry: Excuse me, Mr. Goldring.

[*English*]

Mr. Chair, I don't want to make any point of order. I just want to see if you can have unanimous consent so that we can end this meeting for this morning. I've learned enough from him for this morning. I'm very happy about the Constitution. I have never read it totally, but I think if you have unanimous consent...

Can you ask for unanimous consent?

The Chair: Actually, my understanding is that in order to adjourn a meeting, you need a majority, not unanimous consent.

Mr. Bernard Patry: I don't want just to go with a majority. I'd like to get all my colleagues to....

That's fine?

Can you ask, Mr. Chair?

The Chair: We have a motion to adjourn the meeting.

Mr. Peter Goldring: Could I make a comment?

An hon. member: No.

Some hon. members: Oh, oh!

An hon. member: A motion is on the table.

Mr. Peter Goldring: I'll be able to pick up my comments—

The Chair: Yes.

Mr. Peter Goldring: —at the next immediate opportunity?

The Chair: Yes.

This is a motion to adjourn the meeting.

Mr. Bernard Patry: It's to end the meeting.

The Chair: Yes.

All in favour of the motion by Mr. Patry?

(Motion agreed to)

The Chair: We're adjourned.

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