



House of Commons
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 068 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, May 10, 2007

—
Chair

Mr. Art Hanger

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Justice and Human Rights

Thursday, May 10, 2007

•(1050)

[*English*]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I call the meeting to order.

We'll deal with committee business, notice of motions from Monsieur Ménard.

I'm not sure how long this is going to take as far as discussion is concerned, Monsieur Ménard, but maybe you could put first the one that will require the least amount of discussion.

[*Translation*]

Mr. Réal Ménard: I hope that we vote on the two motions today, because I gave notice several weeks ago. Let's start with the motion on counterfeiting. I understand that the Justice Minister's office is in the process of drafting legislation. We all know how important this issue is. Industry representatives have met with all parties. A total of 90 films have been illegally copied, losses are estimated to be in the millions and Canada is earning a reputation for itself as an entry point for people intent on committing fraud.

Therefore, I think we should begin by restating our concerns. Then, we could invite departmental officials and industry representatives to speak to us about this problem, so that we can prepare ourselves accordingly. Once the bill is before the committee, we'll have some idea of the problem of film counterfeiting. That's the purpose of the motion. We can then move on and vote on the French fact.

The problem, as I understand it, is that the RCMP maintains that it cannot intervene, that local authorities are mainly responsible for taking action on this front. What we really need is an amendment to the Criminal Code to authorize the RCMP to intervene. The reality is that when a film owner is in a theatre and observes that a film is being copied—the technology exists for films to be copied—local law enforcement officials are called in and maintain that this is the RCMP's responsibility, whereas the RCMP throws the ball right back in their court. In the meantime, films are brazenly being counterfeited.

We need to get a better handle on this phenomenon. I know that government is currently working on draft legislation to address the problem.

[*English*]

The Chair: Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Mr. Ménard, you stole my thunder.

We are taking this very seriously, as a government. We've heard representations from the motion picture representatives. It is a serious problem. We're working on it. We're going to address it. But I'm prepared to support Mr. Ménard's motion—this one.

The Chair: Okay.

Mr. Lee.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Thank you.

I don't want to adopt this motion at this time. I recognize there's a problem. It seems to me whenever an issue pops up around here the Bloc or the NDP get these motions all around. They all go off like cluster bombs.

I can tell you I know the industry committee's looking at this. And believe it or not, the public safety committee's looking at it. They've just finished a report.

Have they reported it to the House?

An hon. member: Not that I know of.

Mr. Derek Lee: I attended a meeting. They have a draft report. They are about to report on this very thing.

Yes, they have had witnesses from the department. If you're wondering why they looked at it, it was, I think, the import and export of these pirated products that was at issue, and CBSA is under that committee.

I appreciate the desire of members to do a good job as MPs, to deal with public issues, but when you're the third committee on the Hill entering into the issue, there's going to be some duplication.

I think we should wait. I'm not saying don't do it. I think we should wait for the public safety committee to report. Take a look at the report and see if it's covered it off nicely.

Lastly, we should not assume that the solution to this problem is an amendment to the Criminal Code. We have other federal statutes that may be brought into play here, dealing with copyright, trademark. We have our CRA, the border enforcement thing. There are a whole lot of different possibilities here that can be brought into play as a solution, and it won't just be a Criminal Code solution. If it's not a Criminal Code solution, this committee, for the time being, doesn't have to do it.

So I think we should look before we leap. No disrespect to Monsieur Ménard and his caucus, but I think we should just check out the lay of the land first before we move and start doing another piece of work. The last time I looked we still had some criminal legislation in the pipeline.

Thank you.

The Chair: I'll call the question.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Honestly, I would like to see the report out of the industry committee, personally, or public safety.

Let's move on to Monsieur Ménard's second motion.

[*Translation*]

Mr. Réal Ménard: The second motion, Mr. Chairman, aims to bring about a national adjustment. As you know, the French fact is one of our greatest concerns. Respect for the French fact demands our ongoing vigilance. Regrettably, I've observed that the government has made a number of judicial appointments that were not respectful of the French fact, beginning with the appointment to the Supreme Court of a unilingual anglophone judge. The trend continued with the appointment of the ombudsman for victims of crime. We're not questioning this person's ability, but we feel the government isn't concerned about the need to appoint individuals with a working knowledge of French to strategic positions.

Mr. Chairman, I'm not trying to put anyone on trial here, but I don't think English Canada would tolerate a government appointing to such important positions individuals with no knowledge of English.

I'm concerned that the government doesn't seem to realize that in order to hold a strategic position, a person must be bilingual. I think you should write to the minister. It's important that as parliamentarians, we reaffirm a principle that should always merit the government's utmost consideration.

That is the gist of my motion, and I expect members to vote unanimously in favour of it.

[*English*]

The Chair: Thank you, Mr. Ménard.

Please go ahead, Mr. Moore.

Mr. Rob Moore: I thank Mr. Ménard for this. The government certainly supports the nature of our country and the importance of both languages, and I agree with him 100% on the importance of the duality of French and English.

That said, I'm not going to support his motion because I think the minister has to have the latitude, and this would bind him not to appoint someone like Steve Sullivan. Steve Sullivan has been an advocate for victims for all these years. We heard testimony from the minister that he is going to be working on his French, and I commend him for that. Services from all bodies, whether they be government or whether they be the Canadian Resource Centre for Victims of Crime, are going to be offered to people equally in both languages, but I'm not going to support this motion because it would mean that someone like Steve Sullivan, who I think is the person for the job, wouldn't be able to get it.

I think he should take this issue up with Justin Trudeau, though, on the overall issue of bilingualism. I think he should take it up with him. He was in my province a little while back and had some comments about it.

• (1055)

The Chair: Thank you, Mr. Moore.

Go ahead, Mr. Lee.

Mr. Derek Lee: Thank you.

While I respect the objective of the motion, I'm not going to support it either. I have two reasons. First, it doesn't distinguish between whether it's a person in management, a person in rank and file.... It doesn't distinguish between anything. It just says it's a person.

It would actually disable a person who was fully competent in one of Canada's official languages from being appointed. I don't think the wording of this thing is even constitutional. It would disable the government and the minister from appointing somebody who was fully competent in the official language of French or fully competent in the official language of English, because what's sauce for the goose is sauce for the gander. We must strictly ensure that all departments are functional in both our official languages, and we must ensure that all people who enter the public service have the ability to work and learn to work in both official languages, but I cannot accept that a citizen who is fully competent and functional in one of our official languages, whether that person speaks English fluently or French fluently, cannot be appointed by the government.

This resolution might be reworked so that I could support it, but it's got to come right down the middle and not be worded the way it is now.

Thank you.

The Chair: Madam Jennings is next.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you.

I support this motion, and the reason I support it is that our country has two official languages, English and French, and when one looks back into history, right up until today I cannot find, and no one I've asked has ever been in a position to give me, an example where a unilingual francophone has been appointed federally to a national body, whether it be the judiciary, a quasi-judicial body, a consultative body—not once in the history of Confederation, and I've asked the question repeatedly.

However, historically, unilingual anglophones have been appointed over and over again to the judiciary, to quasi-judicial bodies, to national consultative bodies. It is the practice and has been the practice of every previous government, regardless of their political taint, and I think that in the third millennium, if our legislation and our charter say that the official languages of this country are English and French, then that practice has to stop. It means that effectively, regardless of what our legislation states, the practice is one of discrimination. It means that a unilingual francophone does not have access to all of these appointed positions at the federal level—and not just appointed positions, because when one looks at the public service, we see the same phenomenon historically, and it is happening today.

It is unacceptable, and I would hope that this committee would be prepared to make the least effort, which is to authorize our chair to write a letter to the minister asking him not to proceed to further nominations if the individual does not have at least a functional knowledge of the second language. We're not asking for complete bilingualism.

I think it's a perfectly reasonable request.

• (1100)

The Chair: Madame Jennings, I'm going to interrupt you just for a moment.

Mr. Derek Lee: Does it apply to judges too?

Hon. Marlene Jennings: Yes.

Mr. Derek Lee: It applies to judges. A judge sitting in Vancouver is going to have to have a working knowledge of French?

Hon. Marlene Jennings: Strategic positions.

Mr. Derek Lee: Dream on.

The Chair: Mr. Lee, I'm going to interrupt this debate right now. It is eleven o'clock, we're still halfway in the process of discussing this motion, and there are other people on the speaking list.

What is the desire of this committee?

[*Translation*]

Mr. Réal Ménard: I'd just like to interrupt because I want to focus on this point. I don't agree with Mr. Lee's comments. I'd like us to resume debate and for this to be the first question...

[*English*]

The Chair: Let me finish here. I'm going to get the consensus from the committee here. There may be other committee members who are occupied in other—

Mr. Rob Moore: I can't go past eleven, myself.

The Chair: Well, we're at eleven now.

An hon. member: Then let's go.

[*Translation*]

Mr. Réal Ménard: It's time to adjourn our proceedings, but I'd like us to revisit this issue at the start of our next meeting.

[*English*]

The Chair: We have clause-by-clause on Bill C-23 at the next meeting.

There's a motion for adjournment.

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.