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Chair

The Honourable Michael Chong

Standing Committee on Official Languages

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• (1530)

[Translation]

The Chair (Hon. Michael Chong (Wellington—Halton Hills, CPC)): Welcome to the 74th meeting of the Standing Committee on Official Languages on this Tuesday, April 16, 2013.

Pursuant to the Order of Reference of Wednesday, February 27, 2013, we are here to study Bill C-419, An Act respecting language skills.

Over the next hour, we will be hearing from Mr. Fraser and Ms. Tremblay from Winnipeg, Manitoba.

[English]

Also in front of us today are Madame Charlebois and Monsieur Giguère of the Office of the Commissioner of Official Languages in Ottawa.

Welcome to all four witnesses.

Before I begin with an opening statement from Mr. Fraser, I understand that Monsieur Godin has a point of order to raise.

Go ahead, Mr. Godin.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chair.

Mr. Trottier brought the spelling and expressions used in the bill to your attention at a recent meeting of this committee. He referred in particular to differences between the English and French versions. I would therefore like to draw the committee's attention to that point. I believe this is important given that this is in the blues and that it can give the impression that our bill was poorly drafted or that it contains spelling mistakes.

I am going to read you a letter that was sent to Ms. Latendresse by Richard Denis, who is deputy law clerk and parliamentary counsel of the House of Commons. It states:

I understand that certain questions were raised in committee yesterday about your Bill C-419, An Act respecting language skills, particularly concerning matters of language and grammar.

As the officer responsible for the teams of legislative drafters, translators and revisors at the Office of the Law Clerk and Parliamentary Counsel of the House of Commons who are responsible for drafting private member's bills and amendments to bills, I am writing to assure you that those comments are inaccurate.

All bills prepared by our team are drafted and reviewed by an experienced team of drafting and language professionals for whom quality of work and the satisfaction of our member clients is of the utmost importance.

The Chair: Mr. Godin, will you read the letter now?

Could we maybe get to the point about what the point of order is?

Mr. Yvon Godin: Yes.

Well, the point of order is what was said here.

It was stated before the witnesses that our bill contained grammatical errors, errors in the use of upper and lower case letters and gender errors.

I simply want to make sure that it is clear in the public's mind that no errors were made and that that statement is supported by Richard Denis. Then I will be able to introduce the letter.

The Chair: All right. I want to thank you for giving us that point of view, but that is not a point of order. It is a point of debate.

We will therefore go back to the witnesses.

[English]

If you give me the letter, I will get the clerk to make sure it's distributed to all committee members.

Mr. Yvon Godin: I appreciate that, and I think the public got the meaning of the letter anyway.

The Chair: Thank you.

Without further ado, we will begin with an opening statement from Mr. Fraser.

Mr. Graham Fraser (Commissioner of Official Languages, Office of the Commissioner of Official Languages): Mr. Chair, ladies and gentlemen, and honourable members of the Standing Committee on Official Languages, I'd like to express my thanks for your having me here today and allowing me to speak by video conference. As the Chair said, I'm currently in Winnipeg meeting with Manitoba's francophone community and visiting the Canadian Museum for Human Rights.

I appreciate the steps you are taking to adapt our democratic processes to new technologies, especially when those technologies better serve the needs of federal institutions and result in cost savings for Canadian taxpayers.

[Translation]

I am here with Johane Tremblay, General Counsel. Ghislaine Charlebois, Assistant Commissioner, Compliance Assurance, and Sylvain Giguère, Assistant Commissioner, Policy and Communications, are there with you in Ottawa.

I am addressing you today not only as Commissioner of Official Languages, but also as an agent of Parliament.

• (1535)

[English]

Bill C-419, which was put forward by the New Democratic MP for Louis-Saint-Laurent, is to the point and unequivocal. Its purpose is to ensure that persons whose appointment requires the approval by resolution of the Senate, House of Commons, or both Houses of Parliament, can understand and express themselves clearly in both official languages without the aid of an interpreter from the moment they are appointed.

[Translation]

It is an important bill for the future of Canada's linguistic duality. I therefore support it unconditionally.

Everyone to whom this bill applies—with the exception of two individuals—is an agent of Parliament. If I may, I will use the expression "agents of Parliament" to refer to the 10 persons covered by the bill to keep things simple.

[English]

As you are aware, the controversy surrounding the high-profile appointment of a unilingual anglophone to the position of Auditor General of Canada resonated strongly both with a segment of Canadian public opinion and with the parliamentary committees responsible for reviewing it. Following the appointment, my office received 43 complaints and has conducted an investigation.

[Translation]

I determined that the Privy Council Office had not met its obligations under part VII of the Official Languages Act with respect to the Auditor General's appointment process because it failed to take into account the language requirements under subsection 24(3) of the act, the spirit of parts IV, V, and VII of the act and the specific nature of the roles of agents of Parliament.

[English]

Agents of Parliament exert national and sometimes even international influence. They are responsible for monitoring how federal institutions are living up to the obligations that parliamentarians have imposed on them to ensure the integrity of our democratic system. Several of them serve as ombudsmen for the public and as independent and impartial critics of government action for both parliamentarians and the public.

[Translation]

Their job is to provide timely notification of any actual or perceived infringements of the values and rights they are required to protect on behalf of all Canadians. They must report the findings of their work not only to parliamentarians, by publicly tabling their reports and appearing before parliamentary committees, but also to the public through news conferences and media interviews.

Consequently, their office and their public presence have become more visible in recent years. Their interventions thus have a greater impact.

[English]

The role played by agents of Parliament is changing. The requirements for independence associated with our positions enable us to carry out the social mission entrusted to us with all the credibility and authority that Canadians expect. As incumbents of these positions, we must demonstrate a high degree of leadership, influence, visibility, and transparency. As Madame Latendresse said in the House of Commons, the presence of unilingual elected MPs in the House is perfectly normal, and just as the government must adapt to the needs of Canadians, Parliament must adapt to the needs of elected MPs, regardless of which official language they use.

[Translation]

Members of Parliament expect—and rightly so—to be able to engage in private conversations with agents of Parliament, and to be understood. These agents must understand and express themselves clearly in both official languages without the aid of a translator or interpreter. Proficiency in French and English is therefore an essential appointment criterion.

[English]

This bill is consistent with my own recommendations to the Privy Council Office. The latter must state loudly and clearly that linguistic qualifications deemed to be essential for candidates should not be seen merely as assets.

Accordingly, candidates will be able to take steps to learn their second language in advance. This will also encourage universities to do more in terms of offering second-language programs to students. Indeed, I made a recommendation to the government along those lines in my 2011-12 annual report.

[Translation]

All Canadians—anglophones and francophones—expect senior officials who have to communicate with parliamentarians and Canadians across the country to be bilingual. That was also the position taken by several English-language dailies during the public debate following the Auditor General's appointment.

• (1540)

[English]

During my term of office, I have often said that proficiency in French and English is an essential leadership criteria. The ability of federal institutions to operate efficiently, fulfill their obligations with regard to their employees and the public, and to reflect contemporary Canadian values across the country and abroad depends in good part on the language skills of their leaders.

[Translation]

Furthermore, at the beginning of 2013, my office launched a study to determine how the Privy Council Office establishes the language qualifications for positions whose incumbents are appointed by the Governor in Council. I would be delighted to share the findings with you once the study has been completed.

[English]

As Madame Latendresse said, agents of Parliament “have a clear mandate: to uphold, promote and monitor integrity. They have the right to know everything, to ask anything and to understand everything that is happening within their jurisdictions.”

It is critical that we, as agents of Parliament, have the language skills to understand and express ourselves in both official languages without the aid of a translator or interpreter.

[Translation]

Agents of Parliament must demonstrate exemplary leadership. The time when elected MPs had to adapt to the unilingualism of Parliament without citizens questioning the credibility of their government is long gone.

Thank you for your attention. I would now like to use the remaining time to answer your questions.

The Chair: Thank you, Mr. Fraser.

We have 50 minutes for questions and comments.

We will begin with Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chair.

I want to thank Mr. Fraser for attending our meeting, along with Ms. Tremblay, Ms. Charlebois and Mr. Giguère, all from the Office of the Commissioner of Official Languages.

First of all, Mr. Fraser, I am pleased to hear your comments on the bill concerning agents of Parliament and of the Senate, that is the 10 persons cited in the bill, and the way in which you describe the responsibilities of those people. You said that every parliamentarian should be able to engage in private conversations with those individuals. They are agents of Parliament and of the Senate, not of the government. That also reflects the Official Languages Act.

Unfortunately, we know what has happened. We now have a bill, and the government publicly told us that it would support it. However, rumour had it that there would be amendments. I believe that was clear in committee. For example, they would like to strike the preamble.

The preamble to the bill reads as follows: Whereas:

the Constitution provides that English and French are the official languages of Canada;

Whereas English and French have equality of status and equal rights and privileges as to their use in all institutions of Parliament;

Whereas members of the Senate and the House of Commons have the right to use English or French during parliamentary debates and proceedings;

And whereas persons appointed with the approval by resolution of the Senate, the House of Commons or both Houses of Parliament must be able to communicate with members of those Houses in both official languages;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

That is the preamble. Do you not think it is normal for a bill to have a preamble to assist in interpreting the bill and to indicate where it comes from? It clearly states that these individuals are appointed with the approval by resolution of the Senate or the House of Commons and that parliamentarians have a right to use English or French during debates. We are talking about people who have to deal

with Parliament. The 10 individuals are people who have to deal with Parliament and who represent it. They are agents of Parliament.

By striking the preamble, we open the door to the possibility that anyone could be included. The government could appoint up to 500 people. They could be presidents of crown corporations. They could be anyone. With the preamble in place, it is clear that we are not talking about them. We are really talking about the 10 individuals who deal with Parliament and the Senate. That is clear; that is why there is a preamble. It is normal for a bill to have a preamble. It conveys an idea and an interpretation of the bill by citing the reasons why it is there.

I would like to hear your comments on that point, Mr. Fraser.

• (1545)

Mr. Graham Fraser: The Official Languages Act is preceded by a preamble that I very much appreciate. It expresses the spirit of the act and the major underlying ideas. I am in favour of that from the outset, and I have heard no arguments for deleting this preamble.

From a legal standpoint, whether or not the preamble is there does not compromise the bill's legality as such. Since I personally very much appreciate the preamble to the Official Languages Act, I—

Mr. Yvon Godin: Let us be clear about this, Mr. Fraser. You say the preamble helps you.

Mr. Graham Fraser: Yes, the preamble expresses the spirit of the act. Often—

Mr. Yvon Godin: It gives the lawyers less work.

Mr. Graham Fraser: I do not know, I am not a lawyer, but you could put the question to Ms. Tremblay.

Mr. Yvon Godin: Mr. Fraser, you said it was clearer.

My second question concerns clause 2 and the concept of "understanding". It states: ...be able to understand English and French without the aid of an interpreter and to express himself or herself clearly in both official languages..

Whether people can express themselves clearly in both official languages will depend on a determination of whether they are bilingual or not. However, are you not concerned about the idea of understanding without the aid of an interpreter? An individual might be able to express himself or herself clearly but not understand. However, a person has to understand in order to discharge his or her responsibilities. The idea is not just to be able to say things; you also have to be able to understand them.

The federal Judges Act already provides that judges must be able to do their work without the aid of an interpreter. That is the case at the Federal Court of Appeal. The government thinks that, if they write "without the aid of an interpreter", those people may not even use headphones during meetings. That is not the purpose of the bill. The bill's underlying idea is that someone who is hired should not need the aid of an interpreter. He or she should be capable of understanding and speaking both languages. Otherwise, the bill means nothing.

Mr. Graham Fraser: The expression "without an interpreter" appears in subsection 16(1) of the Official Languages Act. That section concerns federal courts other than the Supreme Court of Canada. I believe it provides a quite general indication, without being specific or regulatory, in describing adequate linguistic proficiency to do the job. It is not about the level of evaluation. All kinds of methods can be used to determine whether a person is able to do the work without an interpreter.

This is a phrase that has been taken from the Official Languages Act, and I believe it is entirely appropriate.

The Chair: Thank you, Mr. Godin and Mr. Fraser.

Mr. Gourde, you have the floor.

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Thank you very much, Mr. Chair.

Mr. Fraser, thank you for attending our meeting today.

My first question concerns the preamble. Mr. Godin has said a lot about it. Is the preamble really necessary?

Mr. Graham Fraser: It is useful. I referred to the use I make of the preamble to the Official Languages Act. It expresses the spirit of the act. I have not heard anyone ask to have the preamble struck. It is practical, and I consider it useful.

I am being a bit vague because I do not understand the nature of this debate since the preamble expresses the purpose of the bill. However, if you have fundamental reasons to believe that it undermines acceptance of the bill, I am prepared to hear arguments on that point. I have not yet heard any.

• (1550)

Mr. Jacques Gourde: Its removal does not weaken the bill.

Mr. Graham Fraser: No, it has no impact on any clause in particular, but it expresses the spirit of the bill, its goals and objectives, so that ordinary people can understand why the bill has been introduced. It also describes the bill's overall aims.

Mr. Jacques Gourde: Thank you, Mr. Fraser.

Clause 2 refers to the ability to speak and understand both official languages. That goes without saying. However, it states that one must be able to do so without the aid of an interpreter.

This week, or late last week, the committee received a letter from the Canadian Association of the Deaf, which represents 3.5 million Canadians. That organization sent us a letter saying that it had some reservations about the word "interpreter". If one of the agents of Parliament had an accident or a health problem that caused him or her hearing problems, sometimes that person might not understand certain words.

You can be bilingual and understand both official languages, but you have to think of all the synonyms in the French language. Sometimes you may need an interpreter to explain the synonym so that you can be sure you correctly understand the meaning of a sentence. Those people have to make major decisions.

Could the fact that they never use the services of an interpreter undermine the understanding and even the decisions of those people?

Mr. Graham Fraser: I do not believe so. For example, I am here with my general counsel. If a term has a particular legal meaning in English or in French, I ask my counsel for help. In general, when there is a problem of understanding or the meaning of words, it is for legal reasons, and sometimes for policy reasons. Mr. Giguère is there to explain the policy implications to me.

Agents of Parliament often need advice, but the language issue is often included in specific competencies, such as legal, policy or compliance assurance competencies. If you say that people can use an interpreter, that indicates that the person does not have sufficient proficiency in the other official language.

Mr. Jacques Gourde: Mr. Fraser, so you are telling us that, when you are not sure you clearly understand a term in one language, you ask one of your advisors to help you. You just said so. Whether it is an advisor or an interpreter, if you need help in understanding, it is important to get that help so that you are sure of making the right decision.

Mr. Graham Fraser: The difficulty is generally related to legal points. A bill includes specific terms that mean something. I believe that one of the reasons why it is important for judges to be able to understand bills and acts is that they are not translated. They are in fact written in both official languages and it is often important to have a legal opinion on the difference between the two.

However, it is not a matter of translation or interpretation. It is a matter of legal interpretation.

Mr. Jacques Gourde: All right.

Under clause 3, the Governor in Council may, by order, add offices to the list established in section 2.

Do you believe that many other offices could be added? We believe that it is legislators and the House who should determine those offices. If we add this clause, could there be 500 offices within 10 years?

• (1555)

Mr. Graham Fraser: I do not believe so. This is related to the importance of the preamble. The preamble very clearly expresses the purpose of this bill. If the government wanted to ensure that all Canadian ambassadors were bilingual, it would need another bill.

However, the importance of the preamble stems from the fact that it determines the scope of this bill. It concerns only agents of Parliament and other public office holders appointed by the House of Commons.

Mr. Jacques Gourde: You admit that this gives the Governor in Council a power and indirectly strips the House of Commons of the power to make those appointments.

Mr. Graham Fraser: No, appointments of agents of Parliament are adopted in the House of Commons, but they are ratified by order of the Governor in Council.

The Chair: Thank you, Mr. Fraser.

Thank you, Mr. Gourde.

Mr. Dion, go ahead, please.

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Thank you, Mr. Chair.

Thanks to Mr. Fraser and all his associates.

I would like to return to the issue of potential amendments.

I entirely agree with you that deleting the preamble would strip the bill of an explanation that could be useful in interpreting the act, if it ever had to be interpreted, particularly before the courts.

I would like to try something. It will probably not go very far, but I am going to try it all the same. Perhaps we could do the opposite of what Mr. Gourde suggested and amend clause 4 to read "the individuals occupying the positions referred to in this Act shall be able to communicate with parliamentarians."

Why should we be so timid if we believe in bilingualism. Why not leave the door open to reinforcing bilingualism and making it more difficult to weaken bilingualism? That would also make it possible to amend clause 3 by providing that the Governor in Council may add offices but that it must go before Parliament if it wants to remove any. I think that is one way to show that this committee believes in bilingualism.

It has been suggested before us that it would perhaps be a good idea, for example, for the president of CBC/Radio-Canada and the chair of the CRTC to be required to be bilingual. I do not believe the government would go so far as to appoint someone who is not bilingual to CBC/Radio-Canada or the CRTC, but you never know because it has previously informed us that it is capable of doing some surprising things.

If we amended the bill in that manner, we would have even greater commitment to bilingualism. What do you think, commissioner?

Mr. Graham Fraser: I am entirely in favour of expanding the scope of bilingualism to include other people who play an important role in Canadian society. If you are asking me to limit or restrict bilingualism, you are speaking to the wrong person.

However, I see that the bill concerns agents of Parliament and two other Governor in Council appointees. I am prepared to come back and discuss other offices, but I understood that this bill concerned the persons appointed with the approval by resolution of the Senate, the House of Commons or both Houses. It is in that context that I support the bill—

• (1600)

Hon. Stéphane Dion: I am in favour of making it mandatory—

Mr. Graham Fraser: —without limiting my support to bilingualism for the other positions that you named.

Hon. Stéphane Dion: Deputy ministers should be bilingual, although I know some who are not. I do not see why we would not be more demanding, as deputy ministers are not appointed by Parliament.

Clause 4 reads as follows:

In the event of the absence or incapacity of the incumbent of any of the offices listed in section 2 or vacancy in any of these offices, the person appointed in the interim must meet the requirements set out in section 2.

Here we are talking about interim appointees. Do you support this clause or do you think we should be more flexible and agree to have unilingual agents of Parliament for months, for a limited period of time?

Mr. Graham Fraser: I believe the key question is whether we are talking about an essential skill. Let me give you an example.

Imagine the position of a chair of a tribunal where one of the hiring criteria is that that individual be a lawyer. I find it hard to see how one could appoint an interim chair who is not a lawyer. I find it hard to imagine how anyone could say this is not serious because that individual is only an interim chair. If it is essential for the chair to be a lawyer, then his or her replacement must be one as well. Similarly, if the role of agent of Parliament is such that it is essential that that person understand and communicate with parliamentarians and the public in both official languages, then that must apply to the person who replaces that individual. That was the case, for example, when Sheila Fraser left her position as Auditor General and was replaced.

The people who work for agents of Parliament are generally public servants. They occupy positions in which bilingualism is essential. Consequently, it is highly unusual in real life to appoint on an interim basis a person who does not have that ability.

Hon. Stéphane Dion: You do not feel there is any basis for the fear that it might not be possible to find one right away, which therefore means it would be necessary to have a safety valve in the bill.

Mr. Graham Fraser: No.

Hon. Stéphane Dion: That is good to know, commissioner.

I have asked all my questions, Mr. Chair.

The Chair: Thank you, Mr. Dion.

Mr. Trottier now has the floor.

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Thank you, Mr. Chair.

Thank you for appearing once again, commissioner.

I wanted to continue by addressing a concern of the Canadian Association of the Deaf. As Mr. Gourde said, a letter from the association was circulated to the committee. I am going to cite a passage from it expressing the association's concern about the word "interpreter". It states:

The use of the term "interpreter" in this context is a major concern for Canada's 3.5 million deaf and hard of hearing people. It is a term specific to our access to sign language interpreters (for deaf people) and oral interpreters (for hard of hearing people).

I will be brief, Mr. Chair. Traditionally, the federal government has used the term "translator" in referring to the rendering of English into French and vice versa, while the term "interpreter" refers to the rendering of spoken English or French into sign language (American Sign Language or Langue des signes québécoise) and vice versa.

Do you agree with the federal government's use of the term "translation" rather than the term "interpretation"?

Mr. Graham Fraser: With all due respect to the Canadian Association of the Deaf, the term the Translation Bureau uses for sign language is in fact "visual interpretation".

If you go to the Interpretation and Parliamentary Translation Services website, you will see that it uses the word "translation" for the translation of written documents and the word "interpretation" for simultaneous interpretation. For example, the people interpreting my remarks in the booths behind you are interpreters, not translators.

I believe the term "visual interpreter" is used for the people who visually interpret the remarks of members and witnesses before Parliament in American Sign Language. Incidentally, the visual interpreters do exemplary and outstanding work.

• (1605)

Mr. Bernard Trottier: All right.

Let us consider the definition of bilingualism. We on this committee agree that agents of Parliament and other officials must be bilingual.

Is it normal to use the expression "without an interpreter" throughout government? In your experience, Mr. Fraser, are there other ways to express or define a level of bilingualism?

Mr. Graham Fraser: First, that expression is in the Official Languages Act. It is useful to have a kind of consistency from one act to the next. In addition, what I consider useful in this definition is that it is very general. It does not go into detail.

The nature of bilingualism is such that, according to specialists who have studied the matter, some people have a dominant language in one field, but another dominant language in another field. In the situation of our agents of Parliament, we should not be concerned about the ease with which an individual talks about sports in his or her second language, but rather the ease with which that person discusses his or her mandate as an agent of Parliament.

Mr. Bernard Trottier: All right.

Thank you, Mr. Chair.

The Chair: Thank you.

[*English*]

Mr. Galipeau, do you have any questions? No.

Mr. Chisu. Go ahead.

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Thank you, Mr. Chair.

I have a question regarding the preamble. We heard a lot of discussion about the preamble in this legislation. In my opinion—and I am not a lawyer; I am an engineer—there are many motherhood statements that are already provided in other legislation. Why do we need to use the preamble to explain something that is evident? Why are we not going right away to the subject and concentrating on the things we hope to achieve, the things we would like to achieve?

I am asking this question because I see that the legislation can work without the preamble and I think it is already provided in other pieces of legislation that are very clear. Do we need more clarity? For what purpose?

Mr. Graham Fraser: I am not a lawyer either, so at one point I will ask Madame Tremblay to comment on the role that preambles play. But I am a former journalist, and when I was a journalist I

found it very useful to have a preamble for a piece of legislation to explain in simple, direct sentences what the purpose of the legislation was.

Often you would have a piece of legislation.... In this case the clauses are fairly simple, but if there are amendments, there can be a whole list in the piece of legislation saying that section 41 of this legislation is amended in the following way, and section 68 of another piece of legislation is amended in the following way. In simply reading the legislation, it is very difficult to understand sometimes what the purpose is. This is not the case in this piece of legislation.

Mr. Corneliu Chisu: This is what I am asking.

Mr. Graham Fraser: If it were amended in 10 or 15 years to affect other positions that had been created by Parliament, it would be really useful to have the preamble set out the purpose of this legislation. Having said that, as a former journalist and as a non-lawyer, I will ask Maître Tremblay to contribute to your understanding of this.

Ms. Johane Tremblay (Director and General Counsel, Legal Affairs Branch, Office of the Commissioner of Official Languages): My answer would be that as a lawyer I don't know what else I could add to what Mr. Fraser just said.

I would only say that a preamble is not necessary, but it provides information about the scope of the bill. Also, it provides directions to the Governor in Council. If the Governor in Council adopts regulations to add some position, then the preamble circumscribes the discretion of the government as to the position it would like to add to the list of the 10 positions. It provides the intent of the legislator and defines the scope of the Governor in Council's power to add positions to the list.

• (1610)

Mr. Corneliu Chisu: I was just asking...[*Technical difficulty—Editor*]...rights and freedoms. It is so evident in this case that it seems to obviate the need to have something that is reinforcing something which everybody ought to know.

I have another question. Which statutes, policies, and directives will be affected by Bill C-419? Let's say that the bill is accepted. What other policies and what other repercussions will we have in other legislation?

Mr. Graham Fraser: Well, there would be a requirement in the nomination process for the 10 positions that are affected. Whether this would require a specific amendment to the Privacy Act and the Access to Information Act, our legal advice is that no, that requirement is not there. This is a requirement that will bind Parliament and bind the government in proposing nominees to Parliament for these positions, which need to be ratified by a vote of either one or both Houses.

Mr. Corneliu Chisu: Finally, the last question is regarding clause 4, which is speaking about the incumbent. Probably it would be clearer to have the second-in-command have the same qualifications as the person who has the position; I don't know.

Would this be a change requiring additional legislation? How can we deal with this?

Mr. Graham Fraser: Well, I think that in almost all of the organizations that are mentioned in the bill, the senior people who work in the organization are public servants. They are public servants who are at a level in the public service in which they are required to be bilingual. I think in practical terms what this means is that in the case of an unexpected absence or resignation by someone who was an agent of Parliament, rather than name someone from outside the organization, there would be an interim role played by somebody who was in the organization, who was a public servant and who met the language requirements of the senior public service.

The Chair: Thank you very much, Mr. Fraser and Mr. Chisu.

Mr. Benskin.

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Thank you.

Thanks to all of you for appearing here today.

I've been listening to the conversation, and it's ironic, because there's a lot of conversation about interpretation and assuming that something should happen because it's common sense. I'm a firm believer in common sense, but as we saw with the appointment of a unilingual Auditor General, common sense doesn't always prevail. When we asked about it, we got answers such as "he was hired on his merits". I've met him. He's a very nice man and a very smart man.

I have a quick question on the issue of qualifications for agents, which this bill is trying to address. Do you agree or disagree that proficient language skills should be considered a merit in terms of a hiring policy for the government?

• (1615)

Mr. Graham Fraser: I think in terms of the positions that are identified in this piece of legislation, they should be more than a merit. They should be essential criteria. The government needs to ensure that when something is identified as an essential criteria that in fact the people who are named actually meet those essential criteria.

Mr. Tyrone Benskin: Thank you.

In essence, we're basically saying that Bill C-419 helps to clarify the responsibilities of the government as far as these agents of Parliament are concerned, that their language proficiency should be such that they could go outside their office and be able to have a conversation without having somebody interpret their conversation in the field, which is what clause 2 alludes to. Would you say that would be a fair interpretation?

Mr. Graham Fraser: Yes.

Mr. Tyrone Benskin: Thank you.

Mr. Graham Fraser: As an agent of Parliament, I find there are two areas in which mastery of both official languages is essential for me. One is to communicate with members of this committee in either official language, in the language of choice of the members of the committee, or else to communicate with the general public, who want to be able to communicate with me in their language of choice, and also, as somebody who has been given leadership responsibilities, to be able to communicate with my employees in their language of choice.

I said at the beginning that there were two areas, but actually, those three leadership qualities all require bilingualism as an

essential quality: an ability to deal with parliamentarians, an ability to deal with the general public, and an ability to deal with one's own employees.

[*Translation*]

Mr. Tyrone Benskin: I would like to discuss a clarification made by clause 4. It concerns a vacancy in any of those offices. One might think that the government would fill that position in a sensible manner.

[*English*]

It's common sense to replace that person with somebody who is bilingual, but again, practice has not shown that.

[*Translation*]

Do you believe that clause 4 clarifies the government's obligations with respect to interim appointments?

Mr. Graham Fraser: I think it reinforces the idea that this is an essential not a non-essential condition. For some government positions, it can be said that a master's degree or doctorate is an asset, without being a requirement. In this case, I believe this should be a requirement. That is one way of saying that it is an essential skill.

Mr. Tyrone Benskin: Thank you.

[*English*]

The Chair: Thank you, Mr. Benskin.

Madame Bateman.

[*Translation*]

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Thank you, Mr. Chair.

I have a brief question.

First of all, Ms. Latendresse, I would like to congratulate you because we support the concept you presented. Thank you for that.

Thank you for appearing before us, commissioner and Ms. Tremblay.

My question is more important for Ms. Michaud and me than for all the other committee members. I would like to talk about clause 2, more specifically about titles such as that of the Auditor General. It does not include the feminine version, "vérificatrice générale". We have previously discussed that difference. I am the mother of a 15-year-old girl, and I hope there will always be room for young women in the public service and that they will always have the opportunity to be agents of Parliament. I have heard that the choice of words in the French versions of bills is very important. In fact, a note on the Department of Justice Canada's website states that the use of gender-neutral language in French in bills is very important.

I would like to have your opinion on the subject because our country includes everyone.

●(1620)

Mr. Graham Fraser: The debate on French-language titles is quite intense. In France, for example, they say "Madame le ministre", and we in Canada say "Madame la ministre". One of the rules of the French language that I learned is that, if you employ the plural, you use the masculine.

That is an example of the importance of legal terminology and of explanations of the differences between the English and French versions of a bill.

I am going to ask Ms. Tremblay, my office's general counsel, to provide a viewpoint on the feminization of titles.

Ms. Johane Tremblay: Thank you very much. Unfortunately, I am not a legal drafter or an expert in the drafting of statutes. So I am not in a position to offer an opinion on how a legislator should or should not name the positions set out in clause 2.

I understand your point of view on the matter of the feminization of terminology, but unfortunately I do not at all have the expertise to answer your question.

Ms. Joyce Bateman: I understand, but I have to explain your answer to my daughter. Perhaps I should say "mon fille". I am joking.

Thank you.

The Chair: Thank you, Ms. Bateman.

Mr. Dionne Labelle now has the floor.

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Good afternoon. I found your presentation very interesting. You said: "Bill C-419, which was put forward by the NDP MP for Louis-Saint-Laurent, is to the point and unequivocal."

I have been hearing comments that cast doubt on certain parts of the bill since we started discussing it. I personally think that the bill is very well balanced and that the preamble is necessary. The preamble enables us to understand why these people appear on this list.

In your presentation, however, you talked about parliamentarians' privilege or prerogative to have a private conversation with agents of Parliament. I want to make the connection between that prerogative and the question whether it is necessary to have an interpreter. As a parliamentarian, I want to be able to have a private conversation with the Auditor General or the people on that list without needing an interpreter. Is that the sense of what you are saying?

Mr. Graham Fraser: Yes, indeed. One of the things I have greatly appreciated as an agent of Parliament is the opportunity I have had to have one-on-one lunches with committee members in which we have been able to share our opinions in a frank and open manner. It would have been a completely different experience if those conversations had had to take place in my first language rather than in the first language of the members concerned, or if those meetings had involved three people instead of two, with an interpreter present during the discussion.

●(1625)

Mr. Pierre Dionne Labelle: Do you think this bill will be an important statutory measure in reinforcing the legislative apparatus protecting bilingualism in Canada?

Mr. Graham Fraser: Yes. It might not be necessary in an ideal world, but an incident that occurred, and that I mentioned in my remarks, has shown us that it seems to be a necessary protection. It represents significant protection for parliamentarians and for Canadians, who should have a right to understand agents of Parliament when they present their reports, give press conferences or make speeches.

Mr. Pierre Dionne Labelle: With your permission, I will let Ms. Michaud continue asking questions.

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Thank you very much.

First of all, I too am going to reiterate my appreciation of the comments you made on the preamble issue. What we see here is that it really helps us reassert principles, the fundamental values of this country and the importance of bilingualism. That has all been disregarded in the past. As you said so well, you have not yet heard any valid arguments in favour of striking the preamble. I will not ask you to compromise yourself on that point, but personally, if we wanted to remove it, I would see no other reason for it than a lack of political will to strengthen bilingualism in Canada.

Which brings me to my question. At our last meeting, an objection was raised to the effect that Bill C-419 did not reflect the constitutional right of the incumbents of agent of Parliament offices to address Parliament in the official language of their choice. Can you comment on that interpretation of the bill? I do not view the matter in that light and I would like to hear your opinion on the subject.

Mr. Graham Fraser: I see nothing in the bill that excludes section 133 of the British North America Act. The Constitution Act, 1867 very clearly establishes that English and French are the official languages that may be used in Parliament. That right is reasserted in subsection 17(1) of the charter. I see nothing in this bill that extinguishes the right of any person to use the language of his or her choice before Parliament.

The Chair: Thank you, Ms. Michaud and Mr. Fraser.

Mr. Gourde, you have one minute.

Mr. Jacques Gourde: Thank you, Mr. Chair.

Ms. Tremblay, earlier you said that the preamble was important for the purpose of defining clause 3. Is that indeed what you said?

Ms. Johane Tremblay: Pardon me, but I did not understand the end of your question.

Mr. Graham Fraser: I did not hear the question.

Mr. Jacques Gourde: My question is for Ms. Tremblay.

Earlier you explained to us that the preamble was important for the purpose of defining clause 3, of providing guidance and direction to the Governor in Council. Did you in fact say that?

Ms. Johane Tremblay: Yes, I did say that.

Mr. Jacques Gourde: Thank you.

Mr. Fraser—

Mr. Yvon Godin: Mr. Chair, I have a point of order.

Mr. Jacques Gourde: I have not finished, Mr. Chair.

The Chair: Thank you, Mr. Gourde.

Mr. Godin, you have the floor.

Mr. Yvon Godin: I want to ensure that Ms. Tremblay understands that we are not talking here about clause 2, which contains a list of persons. Clause 3 is not that.

Mr. Jacques Gourde: No, no.

Mr. Yvon Godin: I want to make sure she understood the question because it is important.

[English]

The Chair: Madame Tremblay, could you clarify that?

[Translation]

Ms. Johane Tremblay: In fact, as I said earlier, the preamble helps clearly define the scope of the bill and thus in fact guides the decision of the Governor in Council where it decides to add, by order, additional offices to the list of 10 offices set out in the bill.

Mr. Jacques Gourde: You understood my question.

• (1630)

[English]

The Chair: Okay. Thank you very much for that clarification.

We will suspend for five minutes to allow the witnesses at the table to depart if they so wish. Then we'll resume to consider this bill clause by clause.

[Translation]

Ms. Tremblay, Mr. Fraser, Mr. Giguère and Ms. Charlebois, thank you very much for your evidence.

• (1630)

_____ (Pause) _____

• (1640)

The Chair: We now resume our meeting, which is public.

We will proceed with clause-by-clause consideration of Bill C-419.

[English]

On the orders of the day, you will see under the section “Clause-by-Clause Consideration”, the order in which we will consider this bill.

What we will do as a committee is begin with the consideration of clause 2, then proceed to clauses 3 and 4, then to the short title, then to the preamble, and then to the full title. Then we'll adopt three routine motions to report the bill back to the House. We'll begin with clause 2. The committee has the option with each of the clauses to carry it unamended, to negative the clause, in other words, to strike the clause, or to present an amendment, which we can then debate.

(On clause 2—*Requirements*)

The Chair: I understand there are a number of amendments that are going to be proposed, so I'll give the floor to Mr. Gourde for the first amendment.

[Translation]

Mr. Jacques Gourde: Thank you, Mr. Chair.

I would like to move an amendment to the first paragraph of clause 2. I would like to delete the middle portion which reads as follows:

...English and French without the aid of an interpreter and to express himself or herself clearly in...

With the amendment I am moving, the sentence would read as follows:

Any person appointed to any of the following offices must, at the time of his or her appointment, be able to speak and understand both official languages:

Have you received copies of the amendment?

[English]

The Chair: Thank you, Mr. Gourde, for your amendment. Before we continue with the discussion of the amendment, I want to ensure that all members have a printed copy of that amendment, so we'll have that distributed and wait until all members have that amendment.

[Translation]

Ms. Joyce Bateman: That is not necessary since there is no change to paragraphs (f), (g), (h), (i) and (j).

[English]

The Chair: Mr. Gourde, could you move your amendment?

[Translation]

Mr. Jacques Gourde: Once again, I move the amendment. As you can see in the proposed amendments, I would like to strike the following words from clause 2:

...English and French without the aid of an interpreter and to express himself or herself clearly in...

We would stop there and add, or rather introduce the following paragraph:

Any person appointed to any of the following offices must, at the time of his or her appointment, be able to speak and understand both official languages:

I do not know how we are studying it, but all the paragraphs from (a) to (j) remain intact.

[English]

The Chair: Okay, we have an amendment in front of the committee. The amendment is as Mr. Gourde has outlined.

Is there any debate on the amendment?

Monsieur Godin.

• (1645)

[Translation]

Mr. Yvon Godin: Before starting debate, Mr. Chair, I would like to clarify matters.

Mr. Gourde repeated his amendment. I understand from the amendment he has given us that he introduced the following wording:

...English and French without the aid of an interpreter and to express himself or herself clearly in...

Mr. Jacques Gourde: No, I said I was striking that.

Mr. Yvon Godin: You are not just striking the interpreter idea, but also the words "without the aid of an interpreter"?

Mr. Jacques Gourde: Yes, because I am restarting the sentence with "Any person appointed to any of the following offices".

Mr. Yvon Godin: So from what I understand, the document we have here is really the amendment. You are striking everything and replacing it.

Mr. Jacques Gourde: That is correct.

Mr. Yvon Godin: All right.

Mr. Chair, we saw during debate that the people on the government side had a problem with the words "without the aid of an interpreter". Here we have an amendment in which they want to strike those words and to change clause 2. They also want to strike the words "to express himself or herself clearly". I thought they would at least leave that.

We have heard evidence from the people from the FCFA, from the QCGN, which represents Quebec's anglophone minorities, and especially from the Commissioner of Official Languages. The commissioner said that he would not want to have to be accompanied by an interpreter at a meeting.

The government people talked about the letter from the Canadian Association of the Deaf. We received it too. We also requested an interpretation, and I was pleased to see that a distinction was drawn in the response that we received between "interpreter" and "translator". Translators really deal with documents, with written texts.

I remember that, when we previously attended conventions where there were interpreters, every time we used the word "translators", they came to see us during the break and told us, not in an unkind way, that they were interpreters, not translators, that is to say that they dealt with people, not with written texts. Even the commissioner pointed out that translators worked with documents, whereas interpreters interpreted the comments made by people.

This issue was a concern for the group that sent us the letter, Mr. Chair. I do not think that changes matters, but the fact remains that it is clear. Agents of Parliament will not start travelling with interpreters. If we have this act, it will be so that officers of Parliament are definitely bilingual enough to discuss matters, speak fluently, make themselves understood and understand others.

Considering everything we have heard, I would like Mr. Gourde to explain to us what the government feels is causing a problem in this regard.

[*English*]

The Chair: Okay.

[*Translation*]

Mr. Gourde, you are not required to respond, but you may do so if you wish.

Mr. Jacques Gourde: I will be pleased to respond to Mr. Godin.

I believe that the meaning of the words "able to speak and understand both official languages" is clear and broad enough to allow the necessary latitude. As the commissioner said, he can

consult his assistants if he needs help in understanding a legal or other term.

In our view, the words "able to speak and understand both official languages" make matters entirely clear. However, if we include the words "without the aid of an interpreter", but the individual requests assistance, he or she could be dismissed. That individual could be forced to resign for requesting assistance once a year. It could go that far. I believe that is excessive in view of the difficulty we have finding people of this calibre to occupy agent of Parliament offices.

I believe our proposal is clear and can make the bill livable.

• (1650)

Mr. Yvon Godin: I understand the argument—

The Chair: Mr. Godin, Mr. Benskin has—

Mr. Yvon Godin: I had not yet given up my turn, but if time is up, that is fine.

[*English*]

The Chair: Mr. Benskin, do you want to comment?

Mr. Tyrone Benskin: Sure.

I'm looking at the Official Languages Act right now. Section 16 states:

Every federal court, other than the Supreme Court of Canada, has the duty to ensure that

(a) if English is the language chosen by the parties for proceedings conducted before it in any particular case, every judge or other officer who hears those proceedings is able to understand English without the assistance of an interpreter;

It goes on, and then paragraph (b) is on French.

So this already exists in the Official Languages Act. The example you're putting forward is a bit weird. I'm sorry, but very often in the English language, I will say "What is this word in English" or "What do you think". When we're talking about legislation, the difference between "the", "if", "and", and "or" is huge. The difference between "and" and "or" is huge if you are a lawyer in a court.

What you're presenting, the essence of what you're putting forward, is not interpretation in terms of understanding the language. The essence of what you're putting forward is the legal interpretation of a word.

What this covers is basically, as the commissioner agreed with when I put the example forward, that if, for one example or another, the Auditor General is in Quebec, for example, and is doing a study or work out in the field, and both anglophones and francophones are speaking to him, he or she has to have the ability to understand, not just to speak the language, but to comprehend what is being said. That is what this is covering.

I'm not really understanding where.... It's like apples and oranges that you're putting out there. I don't know if you can explain that a bit more.

The Chair: Okay. Thank you.

Madame Michaud.

[*Translation*]

Ms. Élane Michaud: I want to continue a little further in the same vein. In fact, they are seeking more flexibility in a bill that defends one of the fundamental principles of our country: bilingualism.

We have seen what has come from flexibility. We have a unilingual anglophone Auditor General who currently would be unable to answer my questions. Earlier Mr. Fraser mentioned that he sometimes got help from someone to clarify a term. Yet he has not lost his position; his term has even been renewed. So I do not believe there is a major problem in that regard.

I want to mention another problem. My colleague has just read us a passage from the Official Languages Act. When I read the proposed amendment, I see it dilutes what that act provides. We are losing the continuity that we have in our way of defending and promoting bilingualism.

What act will take precedence if we wind up with another case like that of the Auditor General? In that case, we used flexibility and wound up with someone who can pronounce only every second word in his second language.

This amendment is not clear. It does not deal with the quality of skills at all. We are really diluting the objective we aim to achieve. I do not understand why we would want to leave loopholes—I am using an English word, but I hope you will not doubt the quality of my French. We are adding loopholes to the bill that could cause us more problems like the one we have experienced with the Auditor General.

So if the government really wants to promote official languages and to avoid a situation like the one we had with the Auditor General, I do not understand why we should dilute what is already clearly stated in the Official Languages Act and which already works very well.

We thought that was enough before we had a unilingual Auditor General. Here we are required to introduce a bill to solve problems that we have had. And they are trying to dilute it in a way that is not consistent with the Official Languages Act? I would like someone to explain to me the reasoning behind that because I do not understand it at all.

• (1655)

The Chair: All right, thank you.

Mr. Dionne Labelle, you have the floor.

Mr. Pierre Dionne Labelle: I am quite surprised by the scope of the amendment. I knew from the comments you made that the interpreter issue was a problem for you. However, if we strike the words "speak and understand", it will not be precise enough. The quality of the ability to speak and understand was specified by those words. I would find it unacceptable to remove them completely.

As for striking the words "without the aid of an interpreter", Mr. Gourde, I believe you are depriving yourselves of a privilege, that of being able to meet with the Auditor General, the Chief Electoral Officer of the Privacy Commissioner and to speak to them privately without an interpreter. That is a privilege. If I wanted to speak to the Chief Electoral Officer to clarify some matters with him,

I would have to have access to him without needing an interpreter around me.

Under this amendment, we are depriving ourselves of that. This is an amendment that limits the rights of members and parliamentarians. I hope you are aware of that.

The Chair: Thank you.

Mr. Trottier, you have the floor.

[*English*]

Mr. Bernard Trottier: I'll just add, Mr. Chair, that the language about the ability to understand and speak both official languages is pretty common in many pieces of legislation. I understand the Official Languages Act uses "without the assistance of an interpreter" but the language that we are proposing is very common in other statutes also.

The Chair: Thank you, Mr. Trottier.

If no one else has any interventions on this amendment in front of us, then I will call the question.

Shall the amendment carry?

Mr. Yvon Godin: No.

The Chair: Okay, the amendment has carried.

(Amendment agreed to)

The Chair: Now we are back to clause 2, as amended.

[*Translation*]

Mr. Yvon Godin: Mr. Chair, you asked whether the amendment

—

[*English*]

The Chair: It is adopted.

[*Translation*]

Mr. Yvon Godin: I said, no, they did not answer, and a hand was raised.

May we have a recorded vote?

[*English*]

The Chair: Yes, if you want to.

[*Translation*]

Mr. Yvon Godin: Please.

The Chair: I therefore hand the floor over to the clerk...

Mr. Galipeau, do you wish to speak?

Mr. Royal Galipeau (Ottawa—Orléans, CPC): You are being asked to redo a vote for which you have already declared the result. You cannot put toothpaste back into the tube.

[*English*]

The Chair: Yes, Mr. Galipeau, you are correct.

Mr. Godin, the vote has been taken and the chair has declared it adopted and we're back to the main clause.

Mr. Yvon Godin: I have a point of order.

[Translation]

How can you declare the motion carried when only one hand was raised on the government side?

[English]

The Chair: Because I saw five members on this side and six members on that side—

Mr. Yvon Godin: With their hands down.

The Chair: No, all giving their consent or non-consent. So as the chair, based on my judgment of the 11 members' intentions indicated either visually or orally, I came to the conclusion that the amendment had carried. So as Mr. Galipeau has pointed out, the chair did declare the amendment carried. If you want to record all the subsequent amendments and clauses as amended or non-amended, I will instruct the clerk to do so.

Mr. Yvon Godin: Please, and at the same time

[Translation]

I would like to say this: I have put toothpaste back into the tube when I had to.

Thank you.

[English]

The Chair: So we're back to clause 2, which is amended.

Is there any further debate on clause 2 as amended?

Mr. Trottier.

[Translation]

Mr. Bernard Trottier: I would like to add this.

After the last meeting, I received further information on the standards of gender-neutral language regarding positions. We agree on how positions are defined. We use a masculine title, but that is a convention used by Justice Canada. Furthermore, without articles, everything is consistent and gender-neutral. We are therefore in favour of this way of describing everything.

Thank you.

• (1700)

The Chair: Thank you.

Mr. Yvon Godin: That only means that the bill contained no errors. It was mentioned at previous meetings that there were spelling mistakes and things of that kind and that the masculine had been used more.

Mr. Royal Galipeau: It still is.

Mr. Yvon Godin: That is what Mr. Trottier wants to clarify.

Mr. Bernard Trottier: Mr. Godin, it was about capital letters. Why is the word "commissaire" written with a capital in one place and not in another? The explanation that was given to us is that that appears in other acts of Parliament. There may have been previous errors, but we are preserving them in our current bill.

Mr. Jacques Gourde: Those are questions.

Mr. Yvon Godin: Thank you.

[English]

The Chair: Mr. Galipeau.

[Translation]

Mr. Royal Galipeau: Mr. Chair, I listened to the discussion on the paragraph in clause 2. After listening to what was said, I would like to suggest to my colleagues that we add the adverb "clairement" after the verb "comprendre".

[English]

The Chair: We have an amendment in front of us to add the word "clearly".

Mr. Royal Galipeau: In English it would be before the verb, but in French it would be after the verb.

The Chair: I understand.

The amendment is to add the word "clearly" before the word "understand".

[Translation]

The proposed amendment would be to add the "clairement" in French after the word "comprendre" in clause 2.

[English]

Is there any debate on this amendment that's now in front of the committee?

Mr. Benskin.

Mr. Tyrone Benskin: Just for clarification, it's to be able to clearly speak and understand?

The Chair: No. The amendment would be to add the word "clearly" before the word "understand". So it would read "be able to speak and clearly understand".

[Translation]

Ms. Éloïse Michaud: It is not the same in French.

The Chair: In French, the word "clairement" would be added after the word "comprendre".

Mr. Royal Galipeau: It is clearer in French.

The Chair: It would therefore read "de parler et de comprendre clairement les deux langues officielles".

[English]

So we have an amendment.

Monsieur Dion.

[Translation]

Hon. Stéphane Dion: I would like to ask Mr. Galipeau to make the English consistent with the French.

Mr. Royal Galipeau: It is clearer in French. First of all, I spoke in French. Consequently, it is clearer in French than in English. The English interpretation that I just heard is not as clear. So we have to make sure that this point is addressed in the language in which the discussion took place. Then, when the drafters write it in English, they will have to make sure it is consistent with the French.

[English]

The Chair: I've just consulted with the legislative clerk, and I'm going to propose that the English portion of the amendment put the word "clearly" after the word "understand" so that it modifies both "speak" and "understand". That makes it consistent with the French amendment.

Therefore, in English the phrase would read "be able to speak and understand clearly both official languages".

[Translation]

In French, the phrase would read "de parler et de comprendre clairement les deux langues officielles".

[English]

We have the amendment in front of us. Is there any debate on the amendment as has been proposed in both languages?

Monsieur Dion.

[Translation]

Hon. Stéphane Dion: As I said earlier, I am always in favour of clarity.

Some hon. members: Oh oh!

Hon. Stéphane Dion: I would simply like to congratulate Mr. Galipeau on that effort at improvement.

[English]

The Chair: Mr. Trottier.

Mr. Bernard Trottier: In the English version it's wise to put it after the word "understand", because it would be a cardinal sin to split the infinitive.

Some hon. members: Oh, oh!

• (1705)

The Chair: Mr. Chisu.

Mr. Corneliu Chisu: Just for clarification, what do you mean by "clearly"? What is the definition? What do you mean by "clearly"? That's what I am asking.

Mr. Yvon Godin: Do we have a dictionary in here?

Mr. Corneliu Chisu: You know, the notion is "clearly", and—

The Chair: Thank you, Mr. Chisu. We'll endeavour to get you a dictionary answer.

Mr. Corneliu Chisu: Yes, absolutely.

The Chair: Mr. Strahl.

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Thank you.

I'd appreciate knowing, as a sub here, if "understand" versus "clearly understand" had been discussed as part of the evidence you had heard prior to this amendment.

To me, being able to speak and understand is sufficient, but I will defer to the permanent members of the committee if there has been previous discussion about the necessity of the word "clearly". To me, being able to understand French and English naturally infers that it is understood clearly, and that it would be an unnecessary addition.

Perhaps other members, having heard the full testimony on this bill, could enlighten a substitute such as myself.

The Chair: Mr. Strahl, no witnesses have spoken to this particular point simply because nobody was aware of these amendments before they were tabled here today.

I'll now address Mr. Chisu's request for a definition of "clearly". The word is defined on Wikipedia as an adverb, and says "without a doubt; obviously".

Some hon. members: Oh, oh!

Mr. Royal Galipeau: How about Oxford?

The Chair: That answers your question, Mr. Chisu.

The floor is Mr. Gourde's now.

[Translation]

Mr. Jacques Gourde: Thank you very much, Mr. Chair.

I want to thank my colleague for clarifying that point.

However, a question comes to mind. Canada is a big country, and people therefore speak the same language differently from one region to the next. Newfoundland English and that spoken in British Columbia are not necessarily identical, but both are English. The same is true of French. The best example is Mr. Godin's French.

Mr. Yvon Godin: That is what we tell you about the Quebec City Marine Rescue Centre, my friend.

Mr. Jacques Gourde: Will the definition of the word "clairement" take all that into consideration? Could someone be prevented from occupying this kind of office because of his or her accent?

Mr. Yvon Godin: You need only go to Quebec City.

Mr. Jacques Gourde: That is a question I would like us to reflect on.

Mr. Yvon Godin: I agree with you, Mr. Gourde.

Mr. Jacques Gourde: Can accent be a factor?

[English]

The Chair: Is there further debate on the amendment? No.

I'll pass the floor to the clerk to record a division.

The Clerk of the Committee (Ms. Suzie Cadieux): Madam Bateman.

Ms. Joyce Bateman: You know what, I don't have clarity on this.

The Chair: I'm calling the vote. The vote is whether or not the amendment, which is to add the word "clearly" in English and to add the word "*clairement*" *en français* is to be adopted.

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

The Chair: We are now back to clause 2 as amended. Are there any further amendments to clause 2?

Mr. Dion.

[Translation]

Hon. Stéphane Dion: I propose that we add paragraphs (k) and (l). Paragraph (k) would be for the president of CBC/Radio-Canada and paragraph (l) for the chair of the CRTC. I expect that the preamble will be stricken. So that opens the door to the addition of those two offices.

The Chair: So you are moving an amendment.

Hon. Stéphane Dion: Following paragraphs (h), (i) and (j), there would be paragraph (k), which would be for the president of CBC/Radio-Canada and paragraph (l) for the chair of the CRTC. Since I have just learned that we are going to strike the preamble, that makes it possible to add these two offices.

[English]

The Chair: Okay. We now have an amendment in front of the committee, which is to add two additional positions to the list enumerated in clause 2. The two positions would be the president and CEO of CBC/Radio-Canada and the chair of the CRTC.

The amendment is presented orally. I don't have a paper copy for you. Is there any debate on the amendment proposed by Mr. Dion?

Mr. Godin.

• (1710)

[Translation]

Mr. Yvon Godin: First of all, I would like to congratulate Mr. Dion for introducing that amendment.

How could the government object to the president of CBC/Radio-Canada being bilingual? That president represents both CBC and Radio-Canada. That covers English and French radio and television. Can you imagine a unilingual person occupying that position? I want to thank you for your wisdom, Mr. Dion.

I cannot conceive how the government could vote against that. The same true is of the CRTC. It makes regulations for radio, television and all communications matters, and its chair would not be bilingual?

I think this is a very good amendment and I encourage my colleagues on the government side to support it, since they want to strike the preamble, as you say. It is time we resolved that matter once and for all. I am sure Mr. Harper would never appoint a unilingual president of CBC/Radio-Canada. The same is true for the CRTC. That would be in the act, since they are feeling big-hearted now and are ready to accept this bill. It is time to resolve this.

The Chair: Thank you.

Mr. Strahl, you have the floor.

[English]

Mr. Mark Strahl: To respond to Monsieur Godin, how could the NDP and Madame Latendresse have left them out in the first place? It really is outrageous.

Some hon. members: Oh, oh!

Mr. Mark Strahl: Certainly we must—

Mr. Yvon Godin: I want to comment.

Mr. Mark Strahl: —at this point respond accordingly.

The Chair: Thank you, Mr. Strahl.

[Translation]

Mr. Godin has the floor.

He will be followed by Mr. Trottier.

[English]

Mr. Yvon Godin: The reason we left it is that we had a preamble that was for *les agents du Parlement*. Now that you want to remove it, you open the door. That's what you have said. You've opened the door. That's the only reason. If you want to vote for the preamble, we have no problem to not go with it.

[Translation]

The Chair: Mr. Trottier, go ahead, please.

Mr. Bernard Trottier: Mr. Godin, the bill concerns the offices of people who serve Parliament. There are a few agents of Parliament and two other offices. If other offices are added, that will go beyond the primary aim of the bill.

The Chair: Mr. Dion, you have the floor.

Hon. Stéphane Dion: I would like Mr. Trottier to realize that we can agree with him only if the preamble is retained. If it is stricken, we do not know what the bill is about. The bill is called the Language Skills Act. There is nothing about agents of Parliament in the title, in the text or in the body of the bill. Only in the preamble does it state that it applies to those who are appointed by both Houses. If we strike that, it is entirely logical for the two offices to be added because they are key offices for bilingualism in Canada.

[English]

The Chair: I have just two points of information from your chair.

The correct terminology for

[Translation]

CBC/Radio-Canada is "président-directeur général".

[English]

It's "president" in English.

[Translation]

For the CRTC, it is "président".

• (1715)

[English]

In English, it's "chairperson".

My apologies: I was referring to it as the "commissioner". That's just to be clear about the amendment in front of us.

The second point I want to make is that

[Translation]

if we keep the preamble, your amendment is inadmissible.

Hon. Stéphane Dion: I agree with you.

[English]

The Chair: Okay.

Just to be clear, the amendment that has been proposed by Mr. Dion is not consistent with the preamble, because these two positions are not appointed in the same manner as the list from (a) to (j) in the bill as it was originally presented.

Is there any further debate on the amendment?

[*Translation*]

Ms. Éline Michaud: I have a question.

The Chair: Ms. Michaud, you have the floor.

Ms. Éline Michaud: I would like to know whether the committee can agree to study the preamble before we get to that. We are about to decide on an amendment that may not be admissible later.

[*English*]

The Chair: Normally, bills are reviewed in a way such that the preamble is reviewed after all the clauses have been reviewed. Okay?

Ms. Éline Michaud: Okay.

The Chair: It's to make sure that the preamble is consistent with the text of the bill if amendments to the bill have been made.

Is there any further debate on Mr. Dion's amendment?

Seeing none, I'm going to give the floor to the clerk for a formal recorded division.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: The amendment has been defeated. We're now back to clause 2 as amended previously.

Is there any further debate or a further amendment to clause 2?

Mr. Chisu.

Mr. Cornéliu Chisu: I just need that clarification if it is possible.

Mr. Royal Galipeau: I know.

Mr. Cornéliu Chisu: I want clarification. We are speaking about the officers of Parliament. I see the Public Sector Integrity Commissioner—I just need clarification—and the president of the Public Service Commission. Are they officers of Parliament?

An hon. member: No.

Mr. Cornéliu Chisu: I'm just asking if they are there for a reason.

Mr. Yvon Godin: And the government accepted it.

Mr. Cornéliu Chisu: Okay.

Mr. Yvon Godin: Okay.

If they say "yes", just follow.

The Chair: I just want to point out to members that we are not going to be able to report this bill back to the House at the pace we're going, because as I understand it, votes are to be called shortly. So we either—

The Clerk: And there will be bells.

The Chair: The meeting is until 5:30, so we can expeditiously get through the rest of this, or we can continue this on Thursday.

Is there any further debate on clause 2 as amended?

Mr. Yvon Godin: No.

The Chair: Seeing none, I'll call the question. I'll pass the floor to the clerk.

Shall clause 2 carry as amended?

Mr. Yvon Godin: Sorry, point of order.

The Chair: You cannot call a point of order.

Clause 2 is being called.

[*Translation*]

Mr. Yvon Godin: The clerk named Mr. Dion twice during the vote, but did not name me.

[*English*]

The Chair: Clause 2 as amended has—

[*Translation*]

Mr. Yvon Godin: Pardon me, Mr. Chair, but she named Mr. Dion twice and did not name me.

[*English*]

The Chair: Okay. Clause 2 as amended has carried.

(Clause 2 as amended agreed to [See *Minutes of Proceedings*])

[*Translation*]

The Chair: Mr. Godin, now you have the floor.

Mr. Yvon Godin: Mr. Chair, I did not vote and Mr. Dion voted twice.

The Chair: Mr. Godin, what do you want to do?

Mr. Yvon Godin: I am opposed.

[*English*]

The Chair: Okay, merci. I'll instruct the clerk to note that on the record. Thank you very much.

[*Translation*]

Mr. Yvon Godin: But we could allow the fact that Mr. Dion voted twice. That would win the vote for us.

[*English*]

The Chair: I understand.

(On clause 3—*Regulations*)

The Chair: Okay, now we're on clause 3. Is there any discussion on clause 3? I understand that there's an amendment proposed by the government. We'll distribute the amendment. We'll wait until all members have it.

● (1720)

[*Translation*]

Does a member of the committee want to move the amendment on clause 3?

[*English*]

Mr. Gourde, could you present it? Okay.

The amendment is to negative clause 3. Is there debate on this clause?

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: Mr. Chair, I have a comment, but the government members are not required to respond to it.

Here we are talking about striking the following words: "The Governor in Council may, by order, add offices to the list established in section 2". According to the information that was provided to me, the Governor in Council has always had that responsibility with respect to agents of Parliament in particular. That is subsequently approved by Parliament. I do not see the need to strike this clause. I believe it helps make matters clearer.

Perhaps the government people want to strike it for only one reason: that, in the event they do not form the next government, they would like to prevent individuals from being appointed to those offices without the permission of the House or the Senate, which has a Conservative majority. Perhaps they want to block the process in the event the next government wishes to appoint agents of Parliament.

Agents of Parliament are not appointed lightly. Their candidacy is subject to debate. As we have seen, there are even discussions between the Prime Minister and opposition leaders. I would like the government people to explain to me why the Governor in Council could not, by order, appoint an agent of Parliament. It has always been done that way.

Perhaps they want to paralyze the next government. That is not what the Conservatives usually try to do. They always want the government to have power, but, in this case, in the case of official languages, that is not what they are seeking. It is not as though this were nothing. They are prepared to give us, to give Parliament, power over everything, but, in the case of official languages, they want to strip the government of the power to do the things that would normally be requested by the public.

For those reasons, I cannot support the amendment to strike clause 3, that is to say the following words: "The Governor in Council may, by order, add offices to the list established in section 2." We are talking about adding them here, not removing them. We are not asking to strike what is set out in clause 2. Those in favour of the act must know that it will continue to apply. We cannot remove people, but we can add those who are bilingual. How could we prevent the government from adding to the list of bilingual people to represent Canadians when the country has been bilingual for 43 years and there are two official languages?

For those reasons, I cannot support the amendment, Mr. Chair.

The Chair: Do any other members of the committee wish to speak?

[*English*]

Just to be clear, we're going to have a formal recorded—

[*Translation*]

Hon. Stéphane Dion: Mr. Chair—

The Chair: Mr. Dion, go ahead, please.

Hon. Stéphane Dion: I think we should invite Mr. Gourde to explain why he wants to strike this clause. He must be able to give

the committee an explanation out of simple politeness. That is the least he can do.

[*English*]

The Chair: If he doesn't want to speak, he doesn't have to.

[*Translation*]

Hon. Stéphane Dion: I am sure he is a polite and courteous gentleman. He will—

[*English*]

The Chair: He has not indicated to me that he wishes to speak. Members are free to speak or not to speak.

Hon. Stéphane Dion: Yes, they are free, but I'm free to say that I expect that he will be at least a bit polite with his colleagues and explain why the work they have done in putting in this clause is not something that he's willing to support. It's a minimum. I would like to hear what he has to say.

If he doesn't want to do this, I will conclude that

[*Translation*]

basic politeness is not his strong suit.

[*English*]

The Chair: There's no.... I'm going to call the vote.

I just want to explain to everybody what we're going to do. I'm going to pass the floor to the clerk, and she's going to record the division.

The question is whether clause 3 shall carry or whether clause 3 shall be negatived. If you're in favour of clause 3, please indicate yea. If you're not in favour of clause 3 and you wish to see it negatived, please indicate nay.

• (1725)

Mr. Tyrone Benskin: Just for clarification, are we voting for the amendment?

The Chair: There is no amendment. The question is on the clause.

To the clerk's call, if you say "nay" you are negativing the clause. If you say "yea" you are indicating that you wish the clause to remain.

Mr. Tyrone Benskin: Thank you.

(Clause 3 negatived: nays 6; yeas 5)

(On clause 4—*Interim appointment*)

The Chair: Is there any debate or amendment for clause 4?

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: As regards clause 4, Mr. Chair, I thought the matter was clear. A person who does not meet the requirements of the act cannot be appointed on an interim basis. The commissioner was clear on that point; there was no ambiguity. Others may say that the matter may proceed in such and such a manner. No, no. A lawyer cannot be replaced by someone who is not a lawyer. A person who occupies that kind of position cannot be replaced by a person who is not qualified. He was clear on that point.

The FCFA was clear: either a person is qualified or he or she is not. The representatives of the QCGN, who speak on behalf of Quebec anglophones, were clear. The question was put to them and they were very clear. There can be no half-measures: either you are qualified or you are not.

With regard to this clause, Mr. Chair, I cannot understand how the government can even dare ask to strike this condition for individuals occupying an office on an interim basis. People should not suffer from a lack of bilingualism even for a brief period of time. I cannot believe that the government, which claims to be so interested in bilingualism, requires it of the incumbents of some 10 offices but agrees to do without it for 6 months. Come on.

In those jobs, the second in command is bilingual. That is a person who...

We will end on that note, Mr. Chair, even though I am not done. We will have to come back to it on Thursday.

The Chair: All right.

Mr. Yvon Godin: This is unacceptable, really unacceptable. I do not see what the government wants in this case. Later on we will see that it even wants to strike the preamble.

What is the problem? The commissioner was clear on this point. He said he wanted this to be clear. I appreciate the amendment made to clause 2 to provide that a person must be able to speak and understand clearly both languages.

Why would that not be clear here?

Mr. Royal Galipeau: You voted against that.

The Chair: Mr. Godin has the floor.

Mr. Godin, you may continue.

Mr. Yvon Godin: We included that so that the act would be complied with in full. If a person who occupies the office is replaced, there is no justification for replacing that person with someone who is not bilingual. If we accept the principle of the act, we can solve the problem of the 10 agents of Parliament, that is to say the 8 agents and the other 2. My colleague Mr. Chisu may say that those two persons are not agents of Parliament, since we are talking about the Senate, but that is what the bill states. The government wants to strike that, but that will result in ambiguity.

Your government may have no intention of toying with that, but other governments may want to do so.

How long is the interim period: six months, a year, two years?

The Chair: Mr. Godin, we are out of time.

[*English*]

We're in our last minute of the meeting and we have bells.

We will cancel Thursday's meeting for the immersion study, and on Thursday we will continue consideration of this bill so that we can get it reported back to the House.

Mr. Gourde, please.

[*Translation*]

Mr. Jacques Gourde: With the committee's consent, could we continue the meeting for another half hour in view of the—

The Chair: No, we have to go and vote.

[*English*]

We are going to adjourn the meeting. We will continue our clause-by-clause consideration on Thursday at 3:30 p.m.

This meeting is adjourned.

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