



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Official Languages

LANG • NUMBER 048 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, February 21, 2017

—
Chair

The Honourable Denis Paradis

Standing Committee on Official Languages

Tuesday, February 21, 2017

• (1105)

[*Translation*]

The Vice-Chair (Mr. François Choquette (Drummond, NDP)):
Hello, dear colleagues.

I am pleased to chair this 48th meeting today. I am replacing Mr. Paradis, the committee's chair.

Pursuant to Standing Order 108(3), we are continuing our study of the issues related to the enumeration of rights-holders under section 23 of the Canadian Charter of Rights and Freedoms.

We are fortunate and honoured to have here with us, as individuals, Mr. Mark C. Power, partner and sessional professor at the University of Ottawa's Faculty of Law, and Mr. Marc-André Roy, who is a lawyer. We also welcome representatives of the Fédération des communautés francophones et acadienne du Canada, the FCFA, Ms. Diane Côté, acting director general, and Ms. Sylviane Lanthier, the federation's president. Also with us is Mr. François Boileau, French Language Service Commissioner of Ontario, by videoconference.

Thank you all for being here.

Before we begin, I will let Mr. Samson say something quickly.

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.):
Thank you, Mr. Chair.

I simply want to say that I have in the past hired members of Mr. Power's firm, one of our witnesses here today, to carry out a research contract for my office.

The Vice-Chair (Mr. François Choquette): Thank you for letting us know, Mr. Samson.

We will begin with the FCFA representatives, who have ten minutes.

Please go ahead.

Mrs. Sylviane Lanthier (President, Fédération des communautés francophones et acadiennes du Canada (FCFA)): Thank you, Mr. Chair.

Mr. Chair, members of the committee, thank you for inviting the Fédération des communautés francophones et acadienne du Canada to speak to you this morning about the issues related to the census as a tool for the enumeration of rights-holders under section 23 of the charter.

Let me begin with a question that statistician Jean-Pierre Corbeil asked last week. In his presentation, Mr. Corbeil stated that the census serves to enumerate rights-holders under section 23(1)a) of the charter only, that is, by their first language learned and still understood. He then stated the following:

The question is how this one piece of information is relevant to the intended goal.

To answer this question, let us consider the projections published a few weeks ago by Statistics Canada regarding the evolution of immigration and the official languages in Canada by 2036. One of the findings that emerges from these projections is that, as the share of immigrants in Canada's population increases, the proportion of Canadians whose first language is French or English decreases.

We are already seeing this trend in our communities. In my network of contacts, in Manitoba, there is Lassana, originally from Mali, whose first language is not French, but who uses French every day. He speaks French to his wife, who is Chilean and Spanish-speaking. Their daughter attends a French-language school. Technically, they are rights-holders, even though French is neither his nor her first language.

Examples like Lassana and his wife are increasingly common in all parts of the country. They are not exceptions, but rather the new face of Francophone communities that are evolving and becoming more diverse. That is the daily reality in a number of our communities. Identifying a francophone was no doubt much easier in 1982, when the Canadian Charter of Rights and Freedoms came into force. It is much more difficult today since a growing number of people who were not born in Canada or who have a different mother tongue still live their lives in French. Linguistically-mixed couples are no longer just francophone and anglophone, but also those who speak French and another language.

In this context, it would be tempting to say that using a single question about mother tongue as a way of enumerating rights-holders is in a sense the same as saying that the legislative intent of the charter was to establish a rigid definition of who is a francophone. That of course was not the legislative intent, which is why section 23 includes a number of subsections, which must be interpreted broadly, in keeping with the spirit of the charter, namely, to guarantee that people living in a French-language minority community can receive their education in French.

Section 23 establishes eligibility conditions that encompass the majority of rights-holders, but, after three decades, the Government of Canada has not yet developed the necessary tools to properly identify or enumerate all those individuals. We point this out because, in 2017, using mother tongue as the only criterion is no longer tenable.

The only tool available to resolve this issue is still the census. That is why, from census to census, francophone and Acadian communities mobilize to address this issue. As Francophone communities in Canada become more complex, it is only natural to review the census occasionally in order to determine whether it still accurately captures these communities.

To return to section 23, one could elicit more useful information if the current questions about language were reworked. For example, asking the questions “In what language were you educated?” and “In what language were your parents educated?” would identify not only those individuals whose mother tongue is not one of our official languages, but who were educated in French, in part or entirely, as well as those who are sometimes called “francophones from the lost generation”. I am referring to parents who were educated in English although their parents had been educated in French. Enumerating these individuals to allow them to enrol their children in a French-language school would be consistent with the corollary objective of section 23 as a form of reparation, an objective that has been recognized by the courts.

More broadly speaking, the prevailing demographic trends call for a review of the way in which francophones are enumerated in Canada.

• (1110)

We support the recommendation made by the Association canadienne-française de l'Alberta two weeks ago that the question about mother tongue should be changed to make it clear to Canadians that they do not have to choose between French and English in their answer. That is just part of the equation, however. There is an appetite for a definition, a measurement tool, that would make it possible to identify everyone who truly lives in French in Canada, regardless of their heritage, mother tongue or the circumstances in which they live in French.

This appetite is reflected in the inclusive definition of a francophone that has been put forward by the Ontario government. This is not a simple issue and, since we are not statisticians, we do not have any magic solutions to offer you today. Thought must be given to this issue, which is complex because francophone communities are complex in 2017.

Before I conclude, I would like to share some more general thoughts about access to French-language schools. In recent years, there have been at least two cases of disputes between a school board and a government pertaining to access to a French-language school. These cases are now before the courts. In the case of the French-language schools in the Northwest Territories, the NWT court of appeal ruled two years ago that governments are entirely justified in controlling admission to minority-language schools, in view of the costs involved. The court also ruled that the charter right to French-language education applies to Canadian citizens and therefore excludes immigrants. Taken together, these two aspects could

considerably reduce enrolment at our schools and be detrimental to our communities.

In another case involving school rights in Yukon, the Supreme Court confirmed that governments have the power to control access to minority-language schools. We have noted this. That said, perhaps the federal government should encourage the provinces and territories to interpret section 23 broadly, generously, and in a way that is consistent with the legislative intent. Considering that immigration accounts for more than 15% of the population in our communities, it would be very harmful for governments to use a narrow interpretation that bars access for permanent or even temporary residents from French-speaking countries, on the pretext that they are not Canadian citizens.

Thank you for your attention and I will be pleased to take your questions.

The Vice-Chair (Mr. François Choquette): Thank you very much, Ms. Lanthier.

We will move on right away to the next witness, Mr. François Boileau, Ontario's French Language Services Commissioner.

Please go ahead.

Mr. François Boileau (Commissioner of Ontario, Office of the French Language Services Commissioner): Mr. Chair, members of the committee, hello.

I would like first to thank you for inviting me to appear before the committee today to present the brief of the Office of the French Language Services Commissioner regarding the issues related to the enumeration of rights-holders under section 23 of the Canadian Charter of Rights and Freedoms. The data collected by Statistics Canada provide the federal, provincial and territorial governments with population figures...

The Vice-Chair (Mr. François Choquette): Mr. Boileau, I'm sorry to interrupt, but could you slow down please?

Mr. François Boileau: Okay.

The data collected by Statistics Canada provide the federal, provincial and territorial governments with population figures for their jurisdictions and contain the necessary information on variables such as age, ethnic origin and language. More specifically, the census can also shed light on the vitality of Francophone minority communities.

[English]

Although that vitality will be tested in the coming years, francophone minority communities have a valuable tool: a Canada-wide network of minority-language educational institutions that is protected, publicly funded, and managed by and for the members of the minority. The various levels of government need census data that tell them the size of francophone communities and the number of section 23 rights holders so that they can plan public policies and the delivery of services to those communities.

Section 23 gives education rights to Canadian citizens, francophone minority parents, who fall into one of the three rights-holder categories: first, parents whose first language learned and still understood is French; second, parents who received their elementary education in French in a minority setting; and third, parents with a child who was educated or is being educated in French in a minority setting.

To properly plan and implement public policies regarding French-language education in francophone minority communities, the education ministries and departments need data about the three categories of right holders. However, not all of that data is available. The census does not ask questions about the last two categories of rights holders. As a result, only parents in the first category are counted.

•(1115)

[*Translation*]

This problem is of concern to the commissioner's office for three main reasons.

The education ministries and departments do not know the exact number of rights-holders and will therefore underestimate the number of eligible children in making plans for their elementary and secondary school systems. Moreover, the vitality and demographic weight of francophone minority communities are declining. More accurate enumeration of rights-holders would encourage enrolment of rights-holders' children in early childhood programs, which in turn would ensure a continuum of learning in French.

In the special report entitled "When the most elementary becomes secondary: Homework Incomplete, the Commissioner's Office", I recommended that the ministry of education revise its practices for assessing French-language education needs and use the inclusive definition of francophone, which is the calculation method officially adopted by the Ontario government, in order to better reflect the diverse reality of the French-language school boards' potential student population and make more accurate enrolment projections.

If the number of rights-holders in a particular community does not warrant a school under section 23, the education ministries and departments will usually not build one. However, if the education ministries and departments are using census data to do enrolment planning, they are using partial data, since the census does not measure the number of rights-holders in the last two categories. Clearly, therefore, the actual numbers of rights-holders across Canada warrant more schools and larger schools in many francophone minority communities.

The British Columbia Supreme Court's decision in the *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia (Education)* case confirms the dangers inherent in education ministries and departments using only the partial data from the census to determine the maximum potential number of rights-holders in a community. There is a real danger that the province or territory will underestimate the number of rights-holders and carry out enrolment planning that does not reflect reality. In addition, the provinces and territories could use the lower number of rights-holders to justify allocating fewer resources to French-language school boards.

In summary, Statistics Canada needs to update the census by adding questions to measure the number of parents in the last two categories and provide an accurate count of the number of rights-holders in a given community so that education ministries and departments can base their enrolment planning on the actual number of rights-holders.

Statistics Canada recently published a report on immigration and the vitality of the Canadian Francophonie. The figures are alarming: between 2015 and 2035, the proportion of the population outside Quebec whose mother tongue is French is expected to drop from 3.8% to 2.7%, excluding immigrants whose mother tongue is not French but who are fluent in the language.

This decline is attributed not only to immigration but also to the low fertility and aging of francophones outside Quebec. These conclusions are echoed by the report entitled "Immigration and Diversity: Population Projections for Canada and its Regions, 2011 to 2036". By 2036, the number of people whose mother tongue is neither English nor French could increase to between 26% and 30.6% of the national population, compared with 20% in 2011.

The decline in the demographic weight of the French language is worrisome, especially since Ontario has been unable to reach its goal of 5% francophone immigration. The French-language school system will become more important as a means of preserving the French language and francophone culture. Consequently, the ministries and departments cannot afford to use partial data from the census, which does not contain questions designed to enumerate the members of all three categories of rights-holders.

From preschool programs to elementary and secondary school and then to post-secondary studies, the proper enumeration of rights-holders is also essential for maintaining the continuum of learning in French in Ontario. There is a very important connection between access to minority-language education under section 23 and the delivery of early childhood services. According to the report entitled "Early Childhood: Fostering the Vitality of Francophone Minority Communities", my colleague, the former commissioner of official languages, pointed out that French-language services provided to young children not only support acquisition of the language but also promote the development of a sense of belonging to the francophone community.

In Ontario, it is clear that early childhood programs funded by the provincial government play a crucial role in maintaining the identity connection to the French language among young children, particularly the children of exogamous couples.

•(1120)

[*English*]

The two levels of government should engage in a dialogue and work together to arrange suitable early childhood services that would be equivalent to the early childhood services provided in the majority language.

When the Ministry of Education and the Ministry of Children and Youth Services are planning the numbers of spaces in those centres, they should base their work on the potential number of rights holders according to data from the updated census. Minority-language early childhood programs undoubtedly serve as feeders for minority-language elementary schools.

If two questions are added to the census to measure the number of rights holders in the last two categories and if the inclusive definition of "francophone" is used, we believe that there will be more children in preschool programs, which will lead to higher enrolment in elementary, secondary, and post-secondary institutions. This continuum of learning creates a critical mass of young francophones, which is vital for francophone minority communities.

[*Translation*]

Francophone minority communities are facing a number of challenges that may seem insurmountable. In view of low fertility rates, declining demographic weight and the effects of assimilation, rights-holders need, now more than ever, an education system that is comprehensive, appropriate and of equivalent quality.

A shortage of schools, or schools of equal quality, often results in an exodus of Francophone students to English-language schools. The census must ask the questions needed to measure the numbers of rights-holders in all three categories.

I therefore propose that the federal government add two questions to the 2021 census to produce a complete, representative enumeration of rights-holders. These two new questions should be able to show how many parents received their elementary education in the minority official language in accordance with subsection (23(1)(b)). Asking people if they completed their elementary education in French is a fairly simple question. We also need to ask how many parents have a child who received or is receiving his or her elementary or secondary education in the minority official language, in accordance with subsection 23(2), and whether they have a child enrolled in a French-language school. These changes should be made in time to allow for the inclusion of these questions in the next census.

Thank you once again for your attention. I look forward to your questions, which I will answer to the best of my ability.

The Vice-Chair (Mr. François Choquette): Thank you very much, commissioner. Your testimony is much appreciated. The committee members will have some questions for you in a few minutes.

We will now move on to Mr. Power and Mr. Roy, who are both appearing as individuals. They will have a total of 20 minutes for their presentation.

Please go ahead.

Mr. Mark Power (Partner and Sessional Professor, Faculty of Law, University of Ottawa, As an Individual): Thank you, Mr. Chair.

Hello, parliamentary secretary and members of the committee.

Thank you for this invitation to appear as part of your study. You should have received a written version of our presentation in French

and English; it is nine pages long, including two short appendices. As good lawyers, we will not read it, but will instead add further points. You may, however, refer to those documents if you are more visual or are looking for more specific legal answers to certain points.

If I may, Mr. Chair, I will say a few words and then give the floor to my colleague, Mr. Marc-André Roy.

Let me begin with a few words about our topic.

We are lawyers and do a lot of work in education law. We do a lot of work with French-language school boards or boards of education outside Quebec, which every day use the kind of census data collected by Statistics Canada. We have a lot of practical experience with the major frustrations and great limitations resulting from census data at this time. For example, we took part in a trial that lasted 240 days. It was hellish. I hope I never have to go through that again.

We spent 240 days in British Columbia during which much of the expert discussion, which lasted for weeks, involved demonstrating the effect of not collecting certain data in the census. On behalf of school board lawyers across Canada who do that kind of work, and even on behalf of those who represent governments, thank you for your attention to this topic. We hope you will be able to make recommendations that will enable Statistics Canada and the responsible minister, the Honourable Navdeep Bains, to settle this matter once and for all.

To be clear, the communities essentially want two things. First, they would like all rights-holders to be counted, not just those in one category, but in the two other categories as well. Secondly, they would like better data on the linguistic vitality of communities to be collected. This is especially important in view of the announcement by the Treasury Board President, Mr. Brison, and the Minister of Canadian Heritage, Ms. Joly, about the review of the regulations on the provision of federal government services in French and English. Whether your work pertains to the application of either section 23 or section 20, it is very important, in my opinion.

I have reviewed the testimony of all the witnesses you have heard. In my opinion, Mr. Landry essentially suggested the structure of a report. The ACFA has already explained what official language minority communities would do with Statistics Canada data. Mr. Jean-Pierre Corbeil stated that it is not too late to act and that the timing is good. Mr. Corbeil also pointed out that the federal cabinet has the power to make such decisions. Statistics Canada is certainly responsible for this file, but ultimately it is up to the government to decide. I would simply draw your attention to that fact.

In the little time I have left, I would like to talk about the four reasons Mr. Corbeil cited for not changing the census or at least not doing so right away. To be clear, I do not consider these reasons to be significant. I will tackle them one by one.

First, Mr. Corbeil stated that 11 questions would have to be added. I am not a statistician and I do not have a doctorate in the field. I would simply point out that Mr. Landry told you right after Mr. Corbeil's presentation that that would not be necessary and that most of the data could be ascertained through a very few questions.

● (1125)

Next Thursday, the ACFA and the Fédération des conseils scolaires francophones de l'Alberta will be providing your committee with an 80-page report co-signed by Rodrigue Landry. The report highlights some questions that need to be asked.

Mr. Corbeil's comments to you were just to scare you off. They are certainly no reason to fail to act. Mr. Corbeil also said that it would cost a little more. Really, is that true? The Government of Canada is going to conduct a census anyway and, in a five-year cost, we are talking about adding some questions.

However, even if it were true, part VII of the Official Languages Act requires the government to spend funds when it helps official language minority communities and when it is seen as a truly positive measure for them. It is not too late for the parliamentary secretary to include those costs in the next roadmap, if it really is a significant expense. Again, in my view, what was said was just to scare you off.

Here is the third reason Mr. Corbeil gave for failing to comply with the requests from the communities. Mr. Corbeil suggests that the provinces might perhaps be able to collect reliable data themselves. We will consult the communities anyway—those are Mr. Corbeil's words—but let's see that comes up with.

● (1130)

[English]

Process matters, but results matter even more.

[Translation]

We do not just want to be consulted; we want the census to ask genuine questions that will provide genuine data.

Moreover, we are hearing a lot, especially these days, about cooperative federalism. That means that the federal government must listen when the provinces ask for something. If you take the document that I have provided to you and look at the next —to-last page, you will see a one-page letter. This is not rocket science. Look at the letterhead. In the clearest way possible, the Government of British Columbia is not asking the Hon. Navdeep Bains if it is possible to have a post-census survey or to collect more data in our schools. The second line of the first paragraph reads as follows:

[English]

“requesting the Canadian Census be modified”.

[Translation]

The second paragraph reads as follows:

[English]

I write to you in support of the CSF. The Ministry of Education supports the CSF's request for receiving complete and reliable data regarding the three categories of minority language education rights holders under section 23 of the *Charter*...

[Translation]

I am quoting the important words.

[English]

...and agrees that the efficient way to access this information is through the Statistics Canada census.

[Translation]

The third most populous province in the federation is asking the Government of Canada to modify the census. For Statistics Canada to say that the provinces may possibly be able to look after it is not an acceptable response. Let's stop messing around; let's modify the census!

I now come to my fourth and final point, Mr. Chair. When he appeared here, these are the words I heard Mr. Corbeil say:

... but when people say that Statistics Canada only counts a small part or only 50% of rights holders, I would like to know how they measure or come up with that percentage.

In other words, Mr. Corbeil is asking if there is actually a problem. It is like he is asking us “to prove a negative”.

We have no statistics on the two other categories of rights holders. Thirty-five years after the charter came into effect, that is a serious problem.

If that is not enough to convince you, listen to this. Messrs. Samson, Lefebvre, Arseneault and Vandal know exactly what I am talking about. The vast majority of francophone rights holders arriving at French-language daycares need to be made more francophone. They come to class and they have every right to do so, but the language first learned and still understood is English. So they have to be made into francophones. The educators in the room can tell you that it works.

But a problem remains. When those children become adults and fill in the census, they indicate that French is not the first language they learned. So the census does not count them. To us, they are rights holders under paragraph 23(1)(b). When judges tell us that there are fewer and fewer francophones, when Mr. Corbeil tells us that a few rights holders are being counted, we are seeing that, of all the categories, we are counting the one of least significance. The rights holders under paragraph 23(1)(b) are not being enumerated. I know, because in the case of British Columbia, without exception, English is the language first learned for almost all the children coming to daycare all over the province.

The same thing happens in North Bay, the same thing happens in Sudbury, the same thing happens almost everywhere in Manitoba, and certainly in Nova Scotia, as Mr. Samson knows full well. It even happens here in Ottawa. That is a personal note, and I will not go into the details right now.

For heaven's sake, can't we count all the rights holders? At the moment, the situation we find ourselves in with the census data is ridiculous. I will end on this point.

When we ask Statistics Canada for special orders, counting the number of rights holders in places in British Columbia like Squamish, Pemberton, Sechelt and Whistler, we see that there are more francophone students in the schools than the census shows.

We might think that this is because of a generous admission policy. It might lead us to believe that non-rights holders are allowed to enrol. That is not the case, because the province of British Columbia prohibits non-rights holders in minority schools. So the statistics are useless. Can we please do something?

Thank you.

• (1135)

Mr. Marc-André Roy (Lawyer, As an Individual): Thank you, Mr. Chair.

Ladies and gentlemen of the committee, Mr. Power is a hard act to follow, but I will do my best. I will deal with three points that Mr. Corbeil raised in his testimony last week. I will then say a few words about our document.

First, Mr. Corbeil indicated that francophone minority communities were not the only ones to request specific questions about themselves and to make that request as a matter of urgency. I do not know what group Mr. Corbeil was talking about, but official language minority communities are the only ones—together with indigenous communities, perhaps—to have rights that depend on their numbers and that are protected by the charter. This is an important distinction to be made.

Statistics Canada and the government should show leadership and provide us with the data we need. These very precise data allow us to identify rights holders wherever they are, either in small communities or in urban centres. Extrapolations made on the basis of surveys, the long-form census, or other surveys conducted with samples of the population are simply not sufficient for us.

Second, Mr. Corbeil said that there were already too many questions about official languages in the census. The reply to that is that there are indeed a number of questions about official languages in the census, and, as citizens of this country, we should be proud to make sure that we are well aware of official language minority communities. However, as I mentioned, there are no rights attached to the language frequently spoken at home, although there are questions about it.

Our rights are based on the first language learned and still understood, and on the language of instruction of parents and their children. If you ignore two of those three categories, there could be 20 questions and it would not be enough. If the number of questions is really the issue, which I doubt, the questions on the language most frequently spoken at home must be put back into the long-form questionnaire. Before the previous government removed them, those questions actually were in the long questionnaire. So that space can be used for the essential questions that everyone must be asked, not just 25% of the population.

Third, Mr. Corbeil said that Statistics Canada had not consulted lawyers and he indicated no intention to do so. We see that as a problem, for two reasons.

First, part VII of the act requires the government to consult minorities and gather good information. That implies that it must consult experts in education and at community level, but also lawyers. Actually, failing to consult lawyers may result in errors. For example, when he appeared, Mr. Corbeil pointed out that one of the

current issues is that the mother tongue of a good number of immigrants settling in the country is neither French nor English and that francophone immigrants settling outside Quebec were not covered by section 23(1)(a) of the Charter. But that is false.

For example, immigrants from Arab countries who have learned Arabic, French and English in that order, have French as their first official language. So they are rights holders as soon as they acquire Canadian citizenship. In reality, almost all provinces and territories allow them into francophone schools even before they obtain their citizenship and even though they are not yet official rights holders. So it necessary to enumerate them.

Those are the three points in Mr. Corbeil's appearance that I wanted to address.

• (1140)

I would like to briefly describe the document so that it will be useful to you after we leave. It is nine pages long, including the appendix that Mr. Power mentioned.

The first page and a half summarizes the situation and sets out some legal facts that will definitely be useful to you. The next six pages reproduce excerpts from legislation or case law to which we thought it would be useful to draw your attention. Each paragraph is preceded by a subheading that goes with the citations. It is very easy to understand the information as you go through the document.

Specifically, the requirement is to base decisions on evidence, as Mr. Power said. We call this:

[*English*]

evidence-based decision-making

[*Translation*]

That's the only thing official language minority communities are asking. It's very important to them.

In the census, we recommend that the question on mother tongue be changed and that some questions be added—not 11—in order to find out the language of instruction of parents and their children. A post-censal survey is not enough. I think enough things has been said about that. That's not something the provinces can do with half measures. The federal government must do it through the census, which administers the questions to 100% of the population. Compliance with section 23 of the charter with respect to government communications and services depends on it.

The committee will conduct its study and table a report, which I'm sure will be very significant. It would be unfortunate if it were put on a shelf to gather dust.

We also recommend that the committee continue to study the matter and to occasionally—every four or six months—have officials from Statistics Canada and Minister Bains appear to keep you informed of the progress made with implementing your recommendations.

Mr. Samson knows what I'm talking about. The same thing happened in Nova Scotia in the Doucet-Boudreau case where the courts still monitored the case after their ruling was handed down to ensure that it is enforced. It has even become a well-known term in law. We talk about the Boudreau order to refer to the follow-up of a case to the end. I strongly recommend that you do that.

To reiterate what Mr. Power said, we are in the process of preparing a report with Mr. Landry and a number of stakeholders from education and communities. The French version of the report will be sent to you later this week, soon to be followed by the translated version.

Thank you.

We will be pleased to answer any questions you may have.

The Vice-Chair (Mr. François Choquette): Thank you very much, Mr. Roy.

We will now go to questions and comments.

Mrs. Boucher, the floor is yours.

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Thank you, Mr. Chair.

Good morning, everyone.

I see that you are passionate about this. We may not be convinced, but you certainly are.

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): To say the least.

Mrs. Sylvie Boucher: That's quite clear.

From what I gather, you were not impressed by Jean-Pierre Corbeil's appearance before the committee. When Mr. Corbeil came to meet with us, he indicated that the census had 11 questions on these issues and that, according to him, they might not be the best way to collect the data.

I come from Quebec. I have little or no knowledge of the situation of rights holders, but I have been studying the issue of official languages for a long time. I had questions for a number of witnesses who told me that many people, even these days, don't know what a rights holder is. The fact that people, even the francophones, don't know the definition of a rights holder can also pose a problem. If it's not clear for them, it can hardly be for the others. The witnesses said that it was true that people did not always know what a rights holder is, and that it was confusing in their minds.

Mr. Corbeil talked about 11 questions and you talk about having fewer questions. You live in a minority setting. You see this battle on a daily basis at home. In your view, what would be the most probing questions that could best help you to obtain the exact count of francophones outside Quebec or anglophones in Quebec, even if they are not recognized as rights holders?

You are asking us to help you, we might also need your help since you experience it every day. There are some lawyers among you. Mrs. Lanthier, you've been in the field for a long time. The same is true for you, Ms. Côté. How could the committee help you best to develop questions that would trigger relevant answers in the census?

• (1145)

Mr. Mark Power: May I start?

Mrs. Sylvie Boucher: Yes.

Mr. Mark Power: First, I think experts should talk to experts. On Thursday, Mr. Landry will provide you with explicit proposals for the questions to Statistics Canada. At least, that will get the work of the statisticians under way. Sometimes, it's easier to work from a first draft than from a blank page. Mrs. Boucher, I also think it's important to avoid asking people whether they are interested in a French-language school.

The only point on which I may agree with Mr. Corbeil is that it's not necessary to ask people whether they are rights holders. As you say, most of them might not even know it.

Mrs. Sylvie Boucher: Exactly.

Mr. Mark Power: Conversely, Mrs. Boucher, it is also not necessary to ask parents whether they would like to enrol their children in a French school, because that question may be too abstract for a parent who has not seen the school and who has not met with the teachers. I speak here from personal experience.

Let me conclude very quickly. Mrs. Boucher, I invite you and the other members of the committee to consult page 6 of our presentation.

Mrs. Sylvie Boucher: Yes.

Mr. Mark Power: It's subheading 5.1.

Mrs. Sylvie Boucher: Yes.

Mr. Mark Power: Right now, under the Constitution, the census is a federal responsibility. It is up to the federal government to take action, especially when one or perhaps other provinces set the example and demand action.

Right now, it makes no sense that the Government of Canada is standing in the way of minority language educational rights being enforced. That makes no sense, and the federal government must take action. The census is a federal responsibility.

Mrs. Sylvie Boucher: Okay.

Mr. Mark Power: In addition, it makes no sense because subsection 16(3) of the charter encourages the Government of Canada to take action in that direction.

Mrs. Sylvie Boucher: I have read the entire document.

Mr. Mark Power: And also because part 7 requires it.

Mrs. Sylvie Boucher: Okay.

When we started our study, we did not think it would be that complicated, and it's not complicated when people want to cooperate. Let me go back to the provinces.

The provinces actually fall under the federal government. I would like to ask you a question about that. Do the provinces outside Quebec already have evidence-based data about every official language community?

My question is for Mr. Samson or anyone living outside Quebec.

I'm from Quebec. I don't deal with that, because at home, in Charlevoix, there are very few English speakers.

In terms of the reality you are experiencing in your respective provinces, do you have any data on those issues? Are they probative or not?

Mr. Mark Power: Let me be as concise as possible. Is there any other probative data that might be helpful? The answer is no. Minority communities are struggling because the census is not doing the work it's supposed to do.

The Vice-Chair (Mr. François Choquette): Thank you, Mr. Power. Unfortunately, this round of questions is over.

We will continue with Mr. Lefebvre.

Mr. Paul Lefebvre (Sudbury, Lib.): Thank you, Mr. Chair.

My thanks to the witnesses for joining us this morning. This is the committee's fourth meeting on the issue. We know that it has been brought up again this year in light of the 2021 census and that the data are very important for francophone communities in Canada. My questions will cover a number of areas.

First, has the British Columbia case been appealed to the Supreme Court?

• (1150)

Mr. Mark Power: Each of the parties has appealed little aspects of the trial level decision. The case should be heard by the B.C. Court of Appeal this summer or fall.

Furthermore, for the purposes of interest to us, if we go back to the document, at the bottom of page 4, you will see the subheading 4 where Mr. Roy and I have indicated the most relevant passage from the ruling.

If you look at the bottom of page 5, you see paragraph 6659. We have highlighted the words "I declare that". That was not taken to appeal. So it's a final judgment. The Government of British Columbia did not bring that to appeal. We have a final judgment and the province is asking for your help to enforce it.

Mr. Paul Lefebvre: Thank you.

My understanding is that, in *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia (Education)*, the Supreme Court of the province ruled that the provincial government was responsible for collecting data on the province's rights holders under section 23 of the charter. However, you have shown that, in subsection 91(6)—

Mr. Mark Power: British Columbia is facing serious problems. There have been all sorts of grievances, and the decision of the school board and the parents' federation was to sue the provincial government. They should have also sued Statistics Canada to obtain such an order. We have to choose our battles. We can't do everything at once.

Mr. Paul Lefebvre: In my view, this ruling is a bit confusing. It states that the province is responsible, but you have just said that it's up to Statistics Canada to find the information, hence the importance of today's meeting.

Mr. Marc-André Roy: Allow me to add one more thing.

It is all well and good to issue a statement, but there's also the practical aspect of implementation. The fact remains that, regardless of the right, actually obtaining concrete, sufficient and reliable data

would essentially require the province to conduct a census, but that doesn't work. So the responsibility lies with the federal government.

Mr. Paul Lefebvre: Thank you.

The Vice-Chair (Mr. François Choquette): Mr. Commissioner, would you like to comment on that?

Mr. François Boileau: That's basically the issue.

First, section 8 of the Constitution Act, 1867 mentions the responsibility of the federal and provincial governments to hold a census on a regular basis. I have Mr. Power's document. In terms of co-operative federalism and the fact that the provinces have that responsibility, we still need raw data through the federal census.

In response to Mrs. Boucher's question, all the provinces—Ontario at least—use raw census data to establish the numbers. The provinces ask questions and, with the raw data, they can determine how to use that data. However, the raw data have to be accurate. That's the purpose of the census questions.

Mr. Paul Lefebvre: Thank you, Mr. Commissioner.

This brings me to the second point I want to address this morning.

We hear a lot about the need to have raw data and about what will happen to our communities if we don't have them.

Let me turn the question around. Suppose that the census form has the right questions and we have access to the data we need. We have talked about British Columbia and the issue it has faced. What other province has had a similar issue? In Ontario, where I come from, there are a number of schools, but some regions don't have enough. The data also show that there are not enough schools in Saskatchewan, Alberta and the Yukon. What does that mean to you? What can be done about that?

Mr. Boileau, you said that the data will help the ministries of education to plan their workforces in light of the actual number of rights holders, which is very good. However, what can we do with the data other than going to see the government to say that we want new schools? Is that the only possible use for the data or can they be used for other purposes?

• (1155)

Mr. Marc-André Roy: The application of section 23 depends on the number of rights holders. The higher the number of rights holders, the more rights the community has. This will be extremely important for school boards and for the ministries of education in their planning. If it seems that the number of rights holders warrants a larger workforce than anticipated, that will affect real estate planning, school construction, and so on. It will also provide better legal tools for communities if they have to go to court. This is sort of like killing two birds with one stone. It helps both with strategic planning and with rights, because it generates more rights.

The Vice-Chair (Mr. François Choquette): Thank you, Mr. Roy.

Mr. Lefebvre, perhaps you can continue later with other questions.

We'll take a three-minute coffee break.

●(1155) _____ (Pause) _____

●(1200)

The Vice-Chair (Mr. François Choquette): We are resuming the meeting.

I have signed up to ask questions, but I'll give you the rest of the time afterwards.

Let me start with a question for Mr. Boileau.

Mr. Commissioner, you said that Ontario has developed the inclusive definition of francophone, the IDF. Where did this idea or need come from? Is it because the census was not providing the province with all the information required to meet the needs of its rights holders? What does the inclusive definition of francophone entail exactly?

Mr. François Boileau: Thank you very much for the question.

Your question is interesting, since Minister Brison and Minister Joly have undertaken to review the Official Languages Regulations, specifically communications with and services to the public, which is addressed in Part IV of the Official Languages Act.

The Office began this process in 2005-2006 while I was working there as a lawyer. We travelled across Canada to review this. We wanted to present a special report to Parliament on this issue. Then there was a change in commissioner, who did not consider it a good approach.

When I became commissioner, I had these ideas in mind. What's more, it was the first recommendation in my first annual report that I submitted to the Government of Ontario. I recommended that Ontario develop an inclusive definition.

The IDF allows the use of the same raw data that I have just mentioned. The questions are the same. Ontario isn't asking different ones. What's different is Ontario's calculation method. The federal government might consider someone an allophone, while in Ontario that person would be considered a francophone. Let me explain.

Take as an example a Maghrebian family from Morocco who immigrates here. Arabic is the first language learned by the members of this family. They arrive in Ontario and are asked what their first language learned is. They respond that it is Arabic. We move on to the next question, which asks what language they speak regularly at home. If they say that it is Arabic and French or Arabic and English, they are considered allophones. They speak French, but they are considered allophones. Meanwhile, under Ontario's inclusive definition, they are considered francophones.

If a family says they speak Arabic, French and English at home, for statistical purposes in Ontario, half the time they will be considered francophones, and the other half, anglophones.

All families coming from Romania, Vietnam, Senegal, Mali or Haiti, for instance, and whose first language learned is something other than French, when they arrive in Ontario, they live in French. They participate in the activities of the francophone community, and they send their children to French-language schools. So why not consider them francophones?

●(1205)

The Vice-Chair (Mr. François Choquette): Thank you very much, Mr. Boileau.

I'll now turn to the FCFA representatives.

Why is it so important for your organization to properly count rights holders? Is it a priority for the FCFA to ensure that rights holders are adequately counted? Why is it important to maintain or increase the vitality of francophone communities?

Mrs. Sylviane Lanthier: Thank you for the question.

I will briefly go back to what Mr. Landry told you about the importance of early childhood and education.

If we look at this as concentric circles, we can see how essential this is for the transmission and vitality of the language. As we know, French-language schools and early childhood play a crucial role. The number of these people in the communities is also important. Everyone counts. It is important to be able to identify each person who is likely to have the right to attend a French-language school and to participate in all the activities that take place in French in our communities. In some of them, the French-language school or school-community centre is where the vitality of the language emerges. In some villages, the school is practically the only place where you can organize activities and live in French.

In my opinion, the attractiveness of the school is important. The same is true for the ability to identify these people and then act on their desire to remain francophone, to live in French and to enrol their children in a French-language school. Lawyers express this in terms of rights, while we talk about community development and activities that can be implemented to ensure that French is present in the public arena and is seen as a worthwhile language. This is what attraction can do.

In terms of where these people are, it helps us to determine what clients we are actually addressing, where the people are that we are missing, and how we can reach them. Based on what we currently know, half of all rights holders do not send their children to a French-language school.

Is that true, or are there more? It seems to me that we should know this.

The Vice-Chair (Mr. François Choquette): Thank you very much, Mrs. Lanthier.

Mrs. Sylviane Lanthier: I would like to answer—

The Vice-Chair (Mr. François Choquette): Unfortunately, my time is up. I wouldn't want to take unfair advantage of the situation.

We'll now move on to Mr. Samson, who will have six minutes.

Mr. Darrell Samson: Thank you very much, Mr. Chair.

Dear friends, it's always a pleasure to welcome you to discuss such important issues. Thank you for being with us today. Our committee is studying a number of crucial issues concerning minorities. In this context, it is imperative that we find solutions and quickly make recommendations.

First of all, I would like to congratulate my Conservative and New Democrat colleagues—which I don't do often—who are very supportive of this. They say they do not live in a minority setting, have no experience on the ground or have all the information they need, but they have been true partners in this study and in the work we have been doing since the beginning of the Standing Committee on Official Languages.

In addition, I wasn't here when Mr. Corbeil appeared before the committee. Since the issues you have told us about today pain me very much, I probably wouldn't have been in a good mood when he appeared. I'm glad you've thought about these issues.

It was said that the fees are based on the number of students, but the appropriate questions that would produce results aren't being asked. I have a problem with that.

You talked earlier about the number of students who need francization services. As a former director general in the school system, let me tell you that about 80% of students enrolling in French schools in Nova Scotia need support for francization. That percentage probably reflects the situation across the country, with the exception of New Brunswick, of course. So it's a major problem.

From what Mr. Roy said earlier, children who need francization services are not covered by the census questions. As a result, when they, in turn, become parents, they do not benefit from these rights. This is a major problem that needs to be addressed.

To ensure data consistency, it is important that these questions be asked in the census rather than in a provincial context.

Mr. Power and Mr. Roy, do you have any comments on that?

• (1210)

Mr. Mark Power: It isn't the same thing at all. When we are in front of a judge, we need real data, serious and reliable data. A sample of a sample—or a post-census survey—has very little value in court.

Mr. Darrell Samson: Great.

I'll ask my questions quickly.

What link can be made between these data and services in French? I'm referring to the regulation under moratorium and to Bill S-209 proposed by the Senate.

Mr. Marc-André Roy: The Charter protects the right to services in the language of the minority, where there is a significant demand. In determining whether or not demand is significant, several things must be considered, primarily the vitality of the community and the number of people who may be able to avail themselves of this right, that is, who have sufficient knowledge of French and who live in French. The same questions aimed at rights holders under section 23 could be asked here, as well. They would greatly assist us in understanding the demand for services.

Mr. Darrell Samson: So from the point of view of vitality, we have lost 35 years since 1982.

The last report is 2036, in another 20 years. Basically, we won't really move forward unless we act quickly.

I also understood that British Columbia sent a letter to the federal government. Have other provinces done the same? Mr. Boileau, have other provinces sent letters asking the federal government to do something about this?

Mr. François Boileau: Ontario asks the federal government regularly to review not the census questions, but its calculation method for Ontario schools so as to integrate the inclusive definition of francophone, the IDF. An exchange between the provinces and the federal government would certainly be beneficial in this respect.

Mr. Darrell Samson: It would be good to receive an official letter from Ontario.

Mr. François Boileau: I'm working on it.

Mr. Darrell Samson: Do you have a question about other provinces?

Mr. Mark Power: I'm eager to read the letter from the Ontario Minister of Education.

Mr. Samson, the short answer is that I don't know. I think there are other provinces out west and in the Maritimes that are following British Columbia's lead. It is to be expected that New Brunswick, which is an official bilingual province, will send a similar letter. We're going to seek those letters, Mr. Samson.

• (1215)

Mr. Darrell Samson: Thank you very much.

I'll end with an extremely important question about section 23.

Is there anything in this section that can be used to help communities that haven't had access to this data for years to promote their vitality in education and other fields?

The Vice-Chair (Mr. François Choquette): You have 30 seconds. Unfortunately, that's all the time you have left.

Mr. Mark Power: So little time is difficult for a lawyer, Mr. Chair.

The future of French outside Quebec depends on the Government of Canada. Whether it is through the so-called strategic agreement for federal-provincial funds—the official languages in education program, or OLEP, agreements—or better census data, we need your help.

It doesn't make sense for the Government of Canada to interfere with section 23. Ultimately, I understand Victoria and Regina are saying “not right away”, but it's unacceptable for the Canadian government to be responsible for our inability to properly manage the future in terms of capital. It's illegal, even.

The Vice-Chair (Mr. François Choquette): Thank you.

Mr. Arseneault, you have the floor for six minutes.

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Thank you, Mr. Chair.

I'll continue with this topic, but first I would like to thank Mr. Boileau, Mr. Roy, Mr. Power, Ms. Côté and Mrs. Lanthier.

What I have heard today is like the finest poetry about language rights, especially in the area of education.

Ms. Linda Lapointe: That's saying a lot.

Mr. René Arseneault: There's a question I've been dying to ask.

I'll apologize first because I'm not a constitutionalist. I was fortunate to be born in New Brunswick, where I was able to go to school in French from kindergarten until the end of law school. I didn't have to fight like in other places in Canada. I consider myself spoiled as a francophone outside Quebec.

In short, I have a rough understanding of the ruling in the matter of the Conseil scolaire francophone de la Colombie-Britannique. We are talking a lot about Statistics Canada and the federal government's obligations. I don't want to get into this discussion because you've had enough questions about this and there will be more.

I don't see that this ruling means that the provinces have an obligation to count the rights holders, regardless of whether it is done by Statistics Canada or by other means. Is that what we are to understand?

Mr. Mark Power: It must be done. As Mr. Roy explained, it will be done better, more reliably, more quickly and at a lower cost if Ottawa does it. But someone has to.

Mr. René Arseneault: I'm sorry, but I don't have a lot of time.

Mr. Power, you know what I'm talking about. I don't want to ask leading questions, but isn't a province in a better position to count the rights holders itself? This works by region. There are francophone strongholds in Manitoba and Saskatchewan, and anglophones in Quebec, too. There are some in the Gaspé region. There are regions with minorities that I think the provinces could count even better if they used their own methods.

I'll come back to my question and ask it another way. Does the Conseil scolaire francophone de la Colombie-Britannique ruling not tell us that the provinces must have their tools and do this census?

Mr. Mark Power: The more objective the data, the more reliable it is. When it comes from Ottawa, some provinces are almost not interested in counting or counting properly. Ironically, it's sometimes preferable to have some distance. This is one of those cases.

Mrs. Sylviane Lanthier: May I add something?

Mr. René Arseneault: Yes.

Mrs. Sylviane Lanthier: I don't think the provinces count the rights holders in the same way as the census. The provinces use census data to determine what the clientele will be for the next five years. It allows them to know how to organize the schools, to make infrastructure plans and so on. The provinces don't do the census.

Mr. René Arseneault: I understand, but—

Mrs. Sylviane Lanthier: And they won't tomorrow either.

Mr. René Arseneault: I know, except that with this ruling, it becomes a constitutional obligation that is outside the jurisdiction of the provinces. That's what I understand.

As a lawyer, I know everything the federal government has to do to respect the Charter, but the Supreme Court of British Columbia ruling seems to say that, from a constitutional point of view, the provinces have that obligation. If Statistics Canada did not exist today, the provinces would have to do a census.

Have I understood the ruling properly?

Mr. Mark Power: Yes.

Mr. René Arseneault: Perfect.

My next question follows up on Mr. Samson's comments.

Subsection 24(1) of the Charter begins with these words: "anyone whose rights or freedoms [...] have been infringed or denied [...]" Let's stop with "infringed", since that word is followed by the word "or" and not by the word "and". Among lawyers, let's agree on that.

My thinking was along the same lines as Mr. Samson's. This has been going on for 35 years and an additional 20 years will be added to that. Are there any lawyers who have begun to study the possibility of asking for an exceptional recourse in order to remedy the loss of all of these generations of young students in schools? Could we ask for a "turbo" recourse to accelerate the French or English education of official language minorities?

• (1220)

Mr. Mark Power: You know that lawyers love conflict. At a certain level, we are pleased. On the other hand, these schools are what count. The communities don't want revenge for the past 50 years. They want a future that makes sense and that will allow parents to transmit their language and their culture to their children.

In order to do that, schools are needed. To obtain those schools, the managers would have to contact the departments of Education and let them know that this or that school in Saint John, New Brunswick, or the new school in Moncton, is already full, and that other rights holders cannot register there. The managers should present data and ask for funds to build schools, whether they come from the province or are granted through the federal-provincial strategic agreement.

Mr. René Arseneault: Do I have any time left, Mr. Chair?

The Vice-Chair (Mr. François Choquette): You have one minute left.

Mr. René Arseneault: That is the problem in Canada, which is the most beautiful country in the world—and I truly believe that. We have to respect the federal and provincial fields of jurisdiction, and it is difficult to get involved in another jurisdiction, whether federal or provincial.

I know I am tiresome, but I want to get back to that matter. The British Columbia Supreme Court decision about the French-language school board seems to be an answer to that nice excuse or shield that the provinces can use, which is that no one touch anything under their jurisdiction.

I want to talk about this again. Mr. Power, you answered in the affirmative. A British Columbia Supreme Court decision has just stipulated that the provinces have a constitutional obligation to enumerate the rights holders and ensure that section 23 is respected. However, we know that in order to respect the rights of minorities, the articles must be interpreted in a very broad way, and not in a restrictive manner.

Mr. Marc-André Roy: At point 2 on page 4 of our document, it says that section 23 of the charter applies to both the federal and provincial levels. There was a judgment where British Columbia was a party. As Mr. Power explained, since the federal government was not a party in the dispute, it was impossible to make a decision that applied to it. However, that does not mean that the charter does not apply to the federal government. It cannot do things that would run counter to section 23 of the charter.

Let's look now at page 6...

The Vice-Chair (Mr. François Choquette): Could you be brief, please.

Mr. Marc-André Roy: On page 6 at point 5.1 it says that subsection 91(6) of the Constitution Act, 1867, specifies that the federal government is the government that is responsible for the census.

Mr. René Arseneault: It is the only one.

The Vice-Chair (Mr. François Choquette): Thank you, Mr. Roy.

I now yield the floor to Mr. Gagné, who has six minutes.

Mr. Bernard Gagné: Thank you, Mr. Chair.

I thank all of the witnesses for their presence here with us today.

Mr. Boileau, you referred to the IDF. You said that you analyze raw data. In Ontario, you interpret raw data differently from elsewhere in Canada. Did I understand you correctly on that?

Mr. François Boileau: The calculation method is different.

Mr. Bernard Gagné: So it is the calculation method.

Mr. François Boileau: The data are handled differently.

Mr. Bernard Gagné: By saying that, are you not saying that Mr. Corbeil from Statistics Canada is correct in his opinion that there's no point asking different questions or adding questions, since in reality the provinces will make their own subjective interpretation of the data, as you do in Ontario? Did you not just confirm that he is correct—I am being the devil's advocate here, let's be very clear—when you say that you have the raw data and everyone has the same data, but that they are interpreted to some extent according to your needs or according to factors that are specific to your province? If we asked other questions, we would probably get different raw data. However, based on the data you collect or interpret, are you in a position to meet needs in a different way, as compared to what is done in other provinces? Do you understand me?

Mr. François Boileau: Yes, I understand your point of view, but the basic questions have to be the right ones. We can't invent a calculation method on the basis of questions that will not give us the answers to all of the questions we are asking ourselves. In Ontario, the IDF allows us to calculate the number of francophones. I am not referring to the number of rights holders. It's impossible to know that, because we would need to change some of the questions in the census. The rights holders and the francophones are not necessarily two overlapping groups under constitutional law, section 23 and so on. What we can demonstrate...

• (1225)

Mr. Bernard Gagné: Excuse me, but is your interpretation different when it comes to allophones, for example?

Mr. François Boileau: Yes, because we use a calculation method that allows us to determine who is a francophone, but we are not talking about school rights. We are talking about categories of rights holders, i.e. the three categories under section 23 of the Canadian Charter of Rights and Freedoms. One of the questions broaches the topic, but not the other two, and we can't in Ontario invent a calculation method that would allow us to obtain answers to questions that are not being asked. We don't have that much imagination.

Mr. Bernard Gagné: Fine. I do not underestimate you, quite the opposite.

Mr. Power and Mr. Roy, your presentation was very, very interesting. The reality which Mr. Corbeil expressed the other day is that Statistics Canada must set priorities in the census. As I was saying earlier to Ms. Lanthier during the break, the organization has some strategic choices to make, and if we add language questions I suppose that at some point we are going to have to decide where we eliminate other questions. There is a sort of battle at Statistics Canada, you might say, to see whether questions are going to be added.

Personally, I don't believe it's a matter of cost. I'm a printer, and I know that we can make the font smaller and do a lot of things to include various elements on one sheet of paper. However, if we add questions, how can we make sure—because I think we are really at a historic crossroads—that we will elicit relevant answers? If we really want more conclusive data, we have to make the changes now, and not in 5, 10 or 20 years. How can we, as members of the committee, exert pressure on Statistics Canada for the purpose of obtaining conclusive answers to questions, so that we may improve all of the services delivered to the communities?

Mr. Mark Power: First, put your foot down and recommend that this be done in your report. Second, I think that this idea of limiting the number of questions asked in the census is a red herring. I think that Canadian men and women are mature enough to answer more questions.

Mr. Roy already explained that certain language-related questions could be removed from certain forms. For instance, there is a question about the regular use of French in the home, or its absence. Before exploring that question, we need to know the language of the adults' primary schooling. As we speak, the hierarchy of questions is reversed.

Mr. Gagné, I invite you to go to page 7 of the presentation. If I have not already convinced you and if you are looking for arguments to use with Statistics Canada, read point 5.4. It says that what distinguishes the requests from minority official language communities as opposed to other groups is not only the fact that they have rights, but the fact that the Official Languages Act—a federal act—requires that certain proactive measures be taken. This isn't an interpretation that happens at two in the morning after a glass of wine, Mr. Gagné.

Then, please consult the document on page 8. Paragraph 43(1)(d) stipulates that the Minister of Canadian Heritage, the Honourable Mélanie Joly, and Mr. Casey, the parliamentary secretary of the minister—take measures “to encourage and assist provincial governments to support the development of English and French minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language”. That’s the point.

Since you represent a Quebec riding, I can anticipate a question regarding infringing on provincial jurisdiction. According to subsection 91(6) which we have already discussed, the answer is no.

Mr. Bernard Généreux: Fine.

The Vice-Chair (Mr. François Choquette): Unfortunately, Mr. Généreux, your time is up.

Mr. Bernard Généreux: And yet I had just started.

The Vice-Chair (Mr. François Choquette): I know; time flies when you’re having fun.

Mr. Samson, you have the floor.

Mr. Darrell Samson: I would like to make a comment, Mr. Chair.

The Vice-Chair (Mr. François Choquette): Allow me first to ask Mr. Boileau and Ms. Lanthier to answer the previous question.

Go ahead, Mr. Boileau.

•(1230)

Mr. François Boileau: I have a lot of appreciation for my colleagues Power and Roy. I found their presentation very good, but we have to be careful. I don’t want the committee to think that we can easily take a question from the short-form census and include it in the long census without consequences. The questions about the language that is spoken regularly or most often at home are important, particularly to enumerate the people whose first official spoken language is French, or according to the inclusive definition of a francophone, as per the IDF here in Ontario. We have to be very careful in this regard. This is where the work of statisticians, as well as the committee of experts you will be setting up, and Mr. Landry’s recommendations, come in.

I simply wanted to express that little warning for the purpose of your analysis.

The Vice-Chair (Mr. François Choquette): Thank you, Commissioner.

Ms. Lanthier, you have the floor.

Mrs. Sylviane Lanthier: I simply wanted to make a comment in the same vein as Mr. Power.

The best thing the committee could do would really be to ask the government and Statistics Canada to find the best way to calculate the number of rights holders.

We are not statisticians. We shouldn’t get hung up on non-existent problems. We have understood that it is complex, but we have not understood that it is impossible.

The Statistics Canada representatives shared the challenges and difficulties, which is perfectly fine. However, that does not mean that

there are no possible solutions. In my opinion, the message we should send to Statistics Canada is to work on some solutions.

The Vice-Chair (Mr. François Choquette): Thank you, Ms. Lanthier.

I will now yield the floor to Ms. Lapointe for six minutes.

Ms. Linda Lapointe: Thank you very much, Mr. Chair.

I find this morning’s discussions very interesting. I must say that last week when we met with Mr. Corbeil and Mr. Landry, I was quite downcast.

Mr. Power, earlier you said that schools are instrumental in transmitting language and culture. Commissioner Fraser’s report spoke at some length about early childhood. Would you also include early childhood?

Mr. Mark Power: Yes indeed, Ms. Lapointe.

Some of the provinces...

Ms. Linda Lapointe: Earlier, you spoke of francization. Perhaps the rights holders would need to learn or to speak French more.

Mr. Mark Power: Quite so, Ms. Lapointe.

In Manitoba for instance, the Public Schools Act gives francophones the right to build day cares that are attached to the French-language schools. In order to know how many spots are needed, the francophones have to be enumerated.

I will give you a very concrete example. Here in Ontario pre-kindergarten is fully funded, as is the case now for anglophones, but francophones were the ones who innovated in this area. In order to know how many spots are needed, we have to count the number of children.

You are quite correct. Early childhood education is also a part of this, as Mr. Boileau and ACFA mentioned in their presentation. That is also important in forecasting attendance at the post-secondary level. We need to know how many colleges and universities we need, be it in Toronto or elsewhere.

Ms. Linda Lapointe: Thank you.

I have another question, Mr. Power.

Earlier you said that the future of French outside Quebec was dependent on the federal level. We understand that the right questions also have to be asked in the census. We have to go further with regard to section 23. Is there anything else the federal government can do, aside from amending the census questions?

Mr. Mark Power: Yes, it could sign a strategic agreement with the school boards so that money will go into the pockets it should go into, and be spent correctly. We have to ensure total accountability and prevent the provinces from spending money as they wish when it comes to language and culture, without our making any decisions.

Those two initiatives, plus the court challenges program you just announced, together with sufficient funds, would help the communities in a measurable and significant way. And so, if in 20 years we celebrate with a glass of wine, we will have a better census that will allow for the transmission of better linguistic and cultural data.

Ms. Linda Lapointe: Thank you, that is very interesting. We have to be aware of what more we can do.

Mr. Roy, earlier we talked about the questions at some length. Last week we were told that there are too many questions in the census, and that it is impossible to increase that number to 11 questions.

Earlier, Mr. Boileau, you said that it was not necessary to remove questions. Should we add some? What questions would you remove to ensure that we comply with the Canadian Charter of Rights and Freedoms in linguistic matters?

Mr. Marc-André Roy: Let's clarify things. I do not recommend removing questions because there should be as many questions as possible. Ideally, all necessary questions should be there. The most important message is that constitutional rights depend on questions that are not in the census. So we must add them. They have to be in the mandatory form. For things to work, those questions have to be submitted to 100% of the population.

• (1235)

Ms. Linda Lapointe: So you would like the long-form census to be administered to everyone.

Mr. Marc-André Roy: That is not really what I mean. At the least, we should add two short questions to the form that are not in it yet. I am talking about two questions, but statisticians will tell us that there will have to be two, three or four. We need questions to allow us to determine the language in which parents were educated, and their children. That must be added to the short form so that 100% of the population has access to it.

Ms. Linda Lapointe: Are you including the grandparents as well? In Nova Scotia, according to Mr. Samson, French seems to have jumped over some generations.

Mr. Marc-André Roy: Yes, that could be looked at.

Ms. Linda Lapointe: In some areas, French was lost...

Mrs. Sylviane Lanthier: That is the case everywhere.

Ms. Linda Lapointe: So we would include...

Mr. Mark Power: Ms. Lapointe, the simple fact of adding one question for each adult on the language of instruction—theirs and that of their children—will allow lawyers and researchers, thanks to the cross-referencing of data, to obtain data on the grandparents. That is a good example of how we can obtain relevant data by adding one more question. We don't need 11 questions.

Mr. Marc-André Roy: To conclude, the nine or ten first questions in the short form and the long form are the same. Obviously, when you talk about the long-form census, that also includes the questions in the detailed form.

Mrs. Sylviane Lanthier: I'd like to add something in that regard.

I think we're letting ourselves be too limited by the paradigm brought forward by Statistics Canada, that is to say that we seem to believe that it is not possible to increase the number of questions because Canadians will not want to answer more than 50 questions. I would like Statistics Canada to do an investigation on that to verify the accuracy of that claim.

Ms. Linda Lapointe: Indeed, has that really been proven?

Mrs. Sylviane Lanthier: I think that if there are 50 questions and three are added, I won't die if I have to answer those too. If I am

asked three or four more questions in the short-form census, that won't kill me either. I filled out the short form and it took me less than 30 seconds.

It's so easy on line. It takes very little time. I don't think we should get tripped up with false problems. We have to consider that aspect with a lot of openness of mind, and ask ourselves what the purpose of the census is, what its purpose should be, and why we would ask these questions.

The language questions we are asking them to add would be there to serve extremely important purposes regarding the future of minority francophone communities. These data will allow us to know who we are, where we are, and how many of us there are. We will be able to know what we can do for the people who depend on us to provide services that meet their needs.

Ms. Linda Lapointe: I agree with you. It helps us to plan and to know where we're going.

The Vice-Chair (Mr. François Choquette): Thank you, Ms. Lapointe.

We'll now move on to Ms. Boucher, who will share her time with Mr. Généreux.

Mrs. Sylvie Boucher: Thank you, Mr. Chair.

I'll play devil's advocate. The conservative in me will express herself.

I don't disagree with everything said today. On the contrary, I would say that francophone communities outside Quebec need good tools and accurate data to move forward.

With all due respect, Mr. Boileau, I do have some difficulty accepting that certain requests you have just made involve the provinces. Some provinces, and I won't name them, resist federal intervention. What should we do if a number of provincial governments don't want us to negotiate directly with the school boards? You're aware of this reality.

Let's talk about Quebec, since it's my province. If the federal government gives money to Quebec, it won't ask the province where the money will be invested, because the province will categorically refuse to respond.

Some provincial jurisdictions are being encroached upon. It's not a good idea to antagonize the provinces to promote the French fact outside Quebec.

As the federal government, without encroaching on provincial jurisdictions, what would be the best way to avoid antagonizing the provinces, to move forward with them and to have them as partners in the future?

Mr. Mark Power: Ms. Boucher, you said that you were speaking to Mr. Boileau.

Mrs. Sylvie Boucher: I'm sorry. My question was for you, Mr. Power.

Mr. Mark Power: Okay. I just wanted to clarify that.

Mrs. Sylvie Boucher: Sorry. The question is for you, Mr. Power.

Mr. Mark Power: Okay.

Mrs. Sylvie Boucher: Sorry.

Mr. Mark Power: Ms. Boucher, your question isn't too troubling, despite the fact that you're playing devil's advocate.

The census is a federal government matter. The census is sent to the households of individuals.

• (1240)

Mrs. Sylvie Boucher: I agree.

Mr. Mark Power: The federal government counts rights holders in Ontario or Quebec the same way it counts F-38s in Bagotville or Cold Lake. The matter falls under federal jurisdiction. The provinces have nothing to do with it. The fact that the federal government counts the number of rights holders doesn't mean it then forces a department of education to build schools. The department of education is responsible for building the schools, and when it doesn't do so, a judge may get involved.

I may have missed the meaning of your question, Ms. Boucher.

Mrs. Sylvie Boucher: Yes.

Earlier, you told Ms. Lapointe that the best approach would be to give money directly to the school boards. However, when money is given to provinces or school boards for education, it falls under provincial jurisdiction.

Mr. Mark Power: I see.

Mrs. Sylviane Lanthier: Can I answer your question?

Mrs. Sylvie Boucher: Yes, go ahead.

Mrs. Sylviane Lanthier: What should be understood—and Mr. Power will correct me if I'm wrong—is that we're talking here specifically about federal money sent to the provinces for minority language education.

Mrs. Sylvie Boucher: That's also what I'm talking about.

Mrs. Sylviane Lanthier: Okay.

In some cases, provinces use the money for—

Mrs. Sylvie Boucher: They use it for other purposes.

Mrs. Sylviane Lanthier: They use it for purposes other than the intended purposes.

Mrs. Sylvie Boucher: I completely agree.

Mrs. Sylviane Lanthier: We're saying this should be fixed. This is part of the tools to consider. We want to know the tools needed to have an impact. We must make sure the provinces invest the money where it should be used.

Mrs. Sylvie Boucher: My question was about what needs to be done if a province won't listen to reason.

Mr. Mark Power: Obviously, we can't force the provinces to do something they don't want to do. That said, Ms. Boucher, I was simply referring to your committee's eighth recommendation.

Mrs. Sylvie Boucher: Yes.

Mr. Mark Power: In your December report, your eighth recommendation invites the parliamentary secretary—

Mrs. Sylvie Boucher: I agree.

Mr. Mark Power: —to sign a strategic agreement directly with the school boards. The agreement would then be implemented or not

depending on the province or territory, in keeping with the jurisdictions.

Mr. Bernard Généreux: Do I have time left, Mr. Chair?

The Vice-Chair (Mr. François Choquette): Yes. You have two minutes left.

Mr. Bernard Généreux: Okay.

The Vice-Chair (Mr. François Choquette): On top of that, you have six more minutes immediately afterward.

Mr. Bernard Généreux: Mr. Corbeil said that he didn't really consult outside specialists. However, since you did a good job of analyzing his remarks, I think he'll at least look at what was said here today. I assume we agree on this.

The committee may want to know the government's intentions. Since Mr. Bains may make a decision, I suggest that we invite Mr. Corbeil to appear before the committee again. He could then respond to the statements you made this morning, which correspond to what you believe. To some extent, you demolished Mr. Corbeil's arguments. I think it would be worthwhile to invite him again, or to invite the chief statistician responsible for Statistics Canada.

I think we all agree that we need to advance the cause. That doesn't mean trapping a person and attacking them. That's not what we want to do. We could submit a report, but as you said earlier, we don't want the report to be shelved. We don't want that to happen.

We need to see how the committee can exert enough pressure on the minister or the cabinet so that, when the time comes for them to make a decision, additional questions are included, regardless of which ones. Mr. Corbeil told us that he was responsible for the entire language issue and that the rest didn't concern him. Nonetheless, some issues affect many areas at Statistics Canada. We need to determine how we can exert pressure on Mr. Corbeil's manager so that, when he goes to the minister's office, he says that this is a top priority for Canada.

Mr. Mark Power: Mr. Généreux, I think Ms. Lanthier, the president of the FCFA, is absolutely right. Mr. Corbeil didn't say it was impossible. He mentioned several reasons it could be difficult and costly. To use your words, we tried to demolish his ideas. We shouldn't be more Catholic than the Pope. If the committee recommends that Statistics Canada do what's proposed and if Mr. Bains agrees, Mr. Corbeil and the others will act accordingly.

Mr. Bernard Généreux: Do you know how many reports are studied by committees, tabled in the House of Commons and shelved each year?

The recommendations of all the committees aren't followed. That needs to be clear. In reality, a political party makes decisions for certain reasons. We've seen it in the past. We must make sure we do what's necessary so that, in the future and during the next census in 2021, after all the witnesses have appeared before us, these questions are included in the questionnaire.

•(1245)

Mr. Mark Power: Mr. Bains is partly responsible for the implementation of part VII of the Official Languages Act. Ms. Joly and Mr. Casey also share this responsibility. Like my colleague, Marc-André Roy, I recommend that you invite Mr. Casey every four months to report on any progress—made or not made—in the file. I think the government will act accordingly, especially since all communities across the country, both anglophone and francophone, are asking it to act. It's not only community or school groups, Mr. Généreux, but also groups from British Columbia and other provinces. I'm sure the government will act. However, if you have any doubts, invite the parliamentary secretary on a regular basis to provide reports.

Mrs. Sylvie Boucher: He doesn't need to be invited because he's always here. We just need to speak with him.

The Vice-Chair (Mr. François Choquette): We need to have him speak.

Ms. Lanthier, do you want to add something?

Mrs. Sylviane Lanthier: Yes.

Mr. Généreux used the word “trap.” However, I don't think our goal is to trap Mr. Corbeil in any way.

Mr. Bernard Généreux: I understood that.

Mrs. Sylviane Lanthier: We're also doing work on our side. At the FCFA, we know Mr. Corbeil very well, and he also knows us very well. Each time there is a census, we speak to each other. We have regular discussions with him. He'll attend our next board of directors meeting, in March, to discuss these issues with us. We'll have a good discussion with him. I simply want to tell you that we're still doing our work.

I think that, even though certain committee reports are shelved, you shouldn't underestimate the importance of what you're doing. When you make unanimous recommendations to ask the government to take certain measures, this shows us the committee has understood the situation and that its recommendations support the development of francophone communities. This helps us, and we appreciate it. I think this also sends a message.

The Vice-Chair (Mr. François Choquette): Mr. Boileau, do you want to weigh in?

Mr. François Boileau: Yes. I'll do so very quickly by summarizing the remarks made earlier by Ms. Lanthier, the president of the FCFA. She said that a census is just a tool that helps develop public policies.

Mr. Généreux spoke earlier about influencing the cabinet. The federal government is currently exploring the development of public policies that will take the form of a new action plan or roadmap. As part of this initiative, it's certainly appropriate to review the way we use the best tools available, such as a census, to create the strongest possible public policies that address existing issues.

I want to add a final comment about the census. Last year, we noticed how much Canadians rushed to fill in the census form. It was unique, and I don't know what the public meant to tell us through their actions. Moreover, people were disappointed to receive the short form, and I must say I was as well.

To paraphrase Ms. Lanthier, I'm curious to know exactly how much it would cost Canadians, in terms of time and interest, to answer two or three more questions.

Mr. Bernard Généreux: I want to add one thing, Mr. Chair.

I hope you understood, Ms. Lanthier, that I didn't say that I wanted to trap anyone.

Mrs. Sylviane Lanthier: I understood.

Mr. Bernard Généreux: On the contrary, we're here to work together on the advancement of minority communities.

Thank you.

The Vice-Chair (Mr. François Choquette): You have one minute left, Mr. Généreux.

Mr. Bernard Généreux: Okay.

Mr. Power, you said earlier that you participated in a court case that lasted 320 days, or 230 days—I don't remember the exact number and I may have the digits reversed. Regardless, what case was it exactly? Was it the Mahe case?

Mr. Mark Power: It was the Conseil scolaire francophone de la Colombie-Britannique and the Fédération des parents francophones de Colombie-Britannique case.

Mr. Bernard Généreux: What were the findings of the case, which lasted such a long time? Do you think you advanced the cause, at least in the province or at the federal level?

Mr. Mark Power: There's no doubt, Mr. Généreux, that the Conseil scolaire and the Fédération des parents advanced the cause in British Columbia. Schools will be established all over the province. We hope to see changes in the census, an increase in funding for school transportation, and the list goes on.

We also want the decision to make it easier for the Canada Lands Company to sell certain land in Vancouver.

The decision led to many changes. I think the province's francophone community should be commended for taking on such a major challenge.

•(1250)

Mr. Bernard Généreux: Is there a cause and effect relationship, in some way or another, with regard to the French immersion education issue? My sister taught French immersion classes in Vancouver for almost 30 years, and I know there are waiting lists across Canada for access to these classes. I would say there's a desire to establish French immersion schools around the country. Many exchanges also take place between the provinces. Representatives from a number of schools come to Canada, to Quebec, to—

The Vice-Chair (Mr. François Choquette): Thank you, Mr. Généreux. Unfortunately, your time is up.

We'll now move on to Mr. Vandal.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Thank you, Mr. Chair.

My first question is for Mr. Power and Mr. Roy.

Our briefing note mentions the Mahe case, which was heard by the Supreme Court of Canada. Could you explain why the court's decision is important?

Mr. Marc-André Roy: The Mahe decision is the first major decision rendered by the Supreme Court of Canada with respect to education and official language minority communities. It's a case from Alberta that was heard in 1990, and one of the parties was an Edmonton-area school. The case involved section 23 of the charter, and in its decision, the court explained the purpose of that section.

To help you fully grasp the significance of the Mahe decision, I would refer you to point 3 on page 4 of our brief. We've provided a pertinent excerpt of the court's unanimous reasons, written by Chief Justice Dickson. He addresses the "where numbers warrant" concept, stating that it is impossible to determine the relevant figure exactly but that the figure must take into account the potential demand for the service, in other words, what we are trying to ascertain through the census, and the known demand. It is important to know the potential demand. Right now, only one of the three categories is being evaluated.

We are basically recommending that you implement the findings in the Mahe decision, or foster the conditions for implementation.

Mr. Dan Vandal: Does the charter include rights, other than those of rights-holders, that the government needs figures and data to justify?

Are there examples?

Mr. Marc-André Roy: There are two.

Section 23 is the first. The second is section 20(1), which deals with government services and communications.

Section 23 refers to application where numbers warrant, and section 20 refers to the existence of significant demand for the service. The questions would be tremendously helpful in both cases.

Mr. Dan Vandal: My next question is for Ms. Lanthier or Ms. Côté.

In November 2016, the government announced that it would modernize federal regulations governing where it must offer its services in the minority official language. Does that initiative tie into what we are discussing today?

Mrs. Sylviane Lanthier: I think so, yes.

The government is working on modernizing the rules. One option being considered is moving towards a more inclusive definition of the term "francophone", as Ontario has done. That would mean including references to speaking French and so forth. The modernizing of services is another element being discussed. It's important to know who is on the receiving end of the services being provided and to have reliable data in order to determine who the people likely to receive French-language services are and where they live. That would also be important in the context of this initiative.

Mr. Dan Vandal: Ms. Côté, would you care to add anything on the subject?

Ms. Diane Côté (Acting Director General, Fédération des communautés francophones et acadiennes du Canada (FCFA)): When it comes to services and schools, I wanted to point out that coverage is always insufficient. As soon as a school is built, it fills up. Even when demand estimates are done, people's interest in the service is underestimated. As they say, if you build it, they will come. That is absolutely the case in our communities, in terms of federal services and schools alike.

With respect to federal services, when an active offer is made—and Mr. Boileau can confirm this—clients request the service. Otherwise, they do not.

• (1255)

Mr. Dan Vandal: That's actually nothing new. The phenomenon has been around for some 30 years.

Has the FCFA already asked the government to take action in this area?

Ms. Diane Côté: The FCFA first made the request in the early 1990s and repeated the request until Statistics Canada rejected it point-blank after the 2001 census. We are now renewing our request.

Mrs. Sylvie Boucher: What year are you referring to?

Ms. Diane Côté: In the early 1990s, we began asking that the census include these questions.

Mrs. Sylvie Boucher: You were then told no?

The Vice-Chair (Mr. François Choquette): Ms. Boucher, it's not your turn.

Mr. Vandal, I'm going to give you a minute and a half.

Mr. Darrell Samson: So that was 27 years ago.

Coming back to Mr. Roy's brief, I'd like to discuss the federal government's responsibility to collect the data. Earlier, we were discussing the possibility of the provinces assuming the responsibility. In 1990, the responsibility was entrusted to the provinces, but it took a long time.

In Nova Scotia, for example, the community had to go to court for the right to open a few schools. Even though the right existed, the responsibility had not been assumed. It is true that, because of the Doucet-Boudreau decision, six months later, the government had to explain what it had done. To my mind, it is first and foremost the federal government who, under the charter—its charter—must see to it that the necessary data are available to the communities and provinces.

Mrs. Sylviane Lanthier: We talked about positive measures. Including questions in the census in order to collect the data could represent quite a positive measure as far as Statistics Canada is concerned.

Mr. Darrell Samson: Well said.

The Vice-Chair (Mr. François Choquette): Thank you, Mr. Samson.

Thank you to our witnesses, Commissioner Boileau, Mr. Power, Mr. Roy, as well as Ms. Côté and Ms. Lanthier, of the FCFA. The meeting was very informative. This was an extremely pertinent and beneficial study. Listening to you, we can easily see why it is so important to improve the census questions to obtain a true enumeration of rights-holders.

I think the committee will produce a very useful report over the next few days.

Thank you all.

The meeting is adjourned.

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

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

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

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>