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Chair

The Honourable Denis Paradis

Standing Committee on Official Languages

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● (1100)

[*Translation*]

The Chair (Hon. Denis Paradis (Brome—Missisquoi, Lib.)): Ladies and gentlemen, may I please have your attention.

We agreed to continue the committee's work this morning. At the end of the last meeting, we said that we would continue our work starting with the text of Mr. Choquette's motion.

I had to make a decision on the admissibility of Mr. Choquette's motion after hearing from you. I heard from you, and I declare the motion in order.

Having settled that, we'll start discussing the motion. I'll give the floor to Mr. Choquette.

[*English*]

Mr. François Choquette (Drummond, NDP): I just want to start by apologizing to QCGN, Quebec Community Groups Network, because it should have been on the list, and it's my error that it is not there. I just want first to apologize to all the English communities in the province of Quebec.

[*Translation*]

That's the first thing I wanted to mention.

The motion requires many explanations. I'll share the reasoning, without repeating what I've already said.

Mr. Chair, you determined the motion was admissible. The reason is that the Standing Committee on Official Languages must decide whether to support Ms. Meilleur's certificate of nomination.

As a result, we must take this decision seriously. We must carry out all the work required to make this decision.

A controversy has arisen. As I said, Mr. Chair, contradictory information has been feeding the controversy almost every day for the past four weeks. People seriously doubt that Ms. Meilleur could do her job properly, despite her strong resumé, because she's too close to the Prime Minister's entourage. What will she do if a complaint is made against the Prime Minister? She would need to recuse herself. She wouldn't even be able to investigate a complaint against him because she's too close to him. She may be too biased. She wouldn't be able to do her job properly in all these areas.

I could still speak at length about this, but I already explained my reasoning on Tuesday. That's why I think it's important to hear from a number of people. We can determine together who those people

will be. I gave a few names, but I would accept amendments to the list. It's an initial list. We can talk about it in greater detail later.

It would be good to verify, for example, how we chose Ms. Meilleur. Did we consider that she could have had preferential treatment? Given that she must recuse herself for many complaints or studies, what capabilities would she have? How could she do her job properly in this type of situation?

Also, some very worrying remarks have been made. These include Michel Doucet's remarks, which I had already started talking about on Tuesday.

I want to address another aspect. The Deputy Minister of Justice, during the interview, asked her—it's very worrying—what she would do if a complaint were made against the Department of Justice. What answer would a candidate give during an interview before a committee that asks this question? It's very worrying.

We must focus on these types of things if we want to better understand our role and decide whether to support Madeleine Meilleur's appointment.

● (1105)

The Chair: Thank you, Mr. Choquette.

Mr. Nater, you have the floor.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Mr. Chair.

I want to thank Mr. Choquette for his motion. I think it's very important to hear from experts and from people who participated in the process.

Mr. Choquette mentioned the QCGN.

[*English*]

That is the Quebec Community Groups Network. Perhaps I could amend the motion, if Monsieur Choquette is willing, to add the QCGN to the list in the motion, as well as la Société de l'Acadie du Nouveau-Brunswick and Monsieur François Boileau who is the Ontario French language commissioner, as well as the other candidates who submitted their names for nomination. I believe there's a list of 73 names mentioned, and I would invite any of those candidates who may be willing to attend as well.

My reason for this, and my reason for supporting this motion, is that the process and the person are intrinsically linked on this matter. We've heard from Madame Meilleur. We've heard her commentary. Unfortunately, I think a lot of what she said invited more questions.

Some of those questions were answered in the House yesterday, and unfortunately, I think the answers led to more questions. We don't know a lot of what was involved with the process. We don't know who was involved in determining the short list. We don't know who conducted the interviews. We don't know the names of the 10 finalists. We don't know that the process was fair and open. We've been told by one minister that it has been, but the facts unfortunately lead us otherwise.

For us to fully examine this issue, to fully examine this appointment and the qualifications of the individual, I think we need to look at the process as well. That's why I'm going to be supporting this motion. That's basically all I want to say on the matter. I think it's important that we understand the process before we make a recommendation to the House.

Thank you, Mr. Chair.

The Chair: You're proposing the amendment?

Mr. John Nater: Yes.

The Chair: Seconded by...?

[*Translation*]

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): I support the amendment.

The Chair: It's not necessary to support the amendment.

We'll discuss the amendment, and then go back to the normal list. For the moment, it's the list of people who want to discuss the amendment.

Ms. Boucher, you have the floor.

Mrs. Sylvie Boucher: I also had amendments. I wanted to suggest more names for the list.

The Chair: Can you give them one at a time please?

Mrs. Sylvie Boucher: We'll talk about the amendment of my colleague, Mr. Nater.

I think it's very important to hear from the people he named. First, they spoke strongly, and they're asking the same questions as we are.

What was the process? Was it transparent? Given what we've been learning each day, we can see that Ms. Meilleur has strong ties to the Liberal Party of Canada. We're learning more each day, and it's looking worse and worse. It's not good for the role of Commissioner of Official Languages.

As I said earlier, when Ms. Meilleur will appear before the Standing Committee on Official Languages, who will she speak for? Will she speak for organizations, or will she be the Liberal Party of Canada's inner voice?

When we make an appointment as political as this one, we must make sure the person hasn't been in a ministerial position for at least five or six years. In this case, she resigned from her ministerial position less than a year ago. The situation is very worrying. I hope this amendment will count, because these people are involved in organizations and we must hear from them.

The Chair: Are there any other comments on Mr. Nater's amendment?

• (1110)

Mr. René Arseneault (Madawaska—Restigouche, Lib.): I don't have any on the amendment, but I have some on the motion.

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

Mr. François Choquette: I support the amendment.

The Chair: Are there any other comments?

I'll call for a vote.

Mr. François Choquette: I want a recorded division.

The Chair: Therefore, we're adding to Mr. Choquette's motion the Quebec Community Groups Network, the Société de l'Acadie du Nouveau-Brunswick, François Boileau and the other candidates who submitted their name for the position.

Mrs. Sylvie Boucher: Exactly.

The Chair: Can you tell me the number of candidates?

Are there 70?

Mrs. Sylvie Boucher: There were 72, but the short list included the names of 10 candidates.

The Chair: Are we talking about the short list or the long list?

[*English*]

John.

Mr. John Nater: I was speaking of the list of 73, and inviting them if they chose to attend. Certainly they may not choose to, but certainly it would be the list of 10. Let's do 10 or less.

[*Translation*]

The Chair: Okay. It will be the list of the 10 finalists.

Mr. John Nater: Yes, the 10 finalists.

The Chair: Does everyone agree with the motion?

Mr. Choquette, do you have anything to add?

Mr. François Choquette: Mr. Chair, I just want to mention that the people on the list must agree to come. We absolutely want to see certain people, but we also don't necessarily want to force others to appear. If the Liberals agree, we could continue in camera and reach a consensus on the groups we absolutely want to meet. We already talked about the fact that we sometimes say yes to certain people and no to others, and we definitely don't want to cause harm to those we'll invite.

If the Liberals are open to the idea, we could suspend the committee in order to choose the groups in camera, then return to a public hearing.

The Chair: Thank you, Mr. Choquette.

René Arseneault has something to say about the amendment.

Mr. René Arseneault: The amendment? Regarding the main motion, I will—

The Chair: We're talking about the amendment.

Mr. René Arseneault: Okay. If we include everyone, it will go on forever. Regarding the actual amendment, I gathered that it consisted of inviting the groups that Mr. Choquette forgot to include in his motion, namely, anglophones in minority communities in Quebec.

Mrs. Sylvie Boucher: There were others.

Mr. René Arseneault: That's what I understood.

Mrs. Sylvie Boucher: No, there are others.

Mr. René Arseneault: I'll oppose the amendment, in any event.

Mr. Paul Lefebvre (Sudbury, Lib.): Are we voting?

The Chair: We'll proceed to the recorded division.

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Mr. Chair, I want us to be sure that we fully understand the proposed amendment.

The Chair: The amendment consists of adding, to the main motion, the groups I mentioned earlier. These groups include the Quebec Community Groups Network, the Société nationale de l'Acadie, François Boileau and the 10 candidates on the short list.

We're voting only on the amendment right now. Does everyone understand?

Mrs. Sylvie Boucher: Yes.

The Chair: Mr. Choquette has requested a recorded division.

(Amendment agreed to: yeas 5; nays 4 [See *Minutes of Proceedings*])

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Was the amendment agreed to?

Mrs. Sylvie Boucher: Yes, thanks to Ms. Lapointe.

Ms. Linda Lapointe: [*Inaudible—Editor*]

Mr. François Choquette: Sorry.

Ms. Linda Lapointe: I realize that you don't listen when I speak.

The Chair: We'll continue the debate on the main motion.

Ms. Boucher, you're on the list of people who want to talk about the main motion.

Mrs. Sylvie Boucher: Yes.

The Chair: You have the floor.

Mrs. Sylvie Boucher: I propose another amendment, in order to add names to our list.

I want us to meet with Natacha Engel, from the Office of the Prime Minister, Catrina Tapley, assistant secretary to the cabinet, and Graham Fraser.

•(1115)

The Chair: Madam Clerk, are you taking note of this?

The Clerk: Yes. I'll add these people to the list.

Can you repeat the names, Ms. Boucher?

Mrs. Sylvie Boucher: Natacha Engel, from the Office of the Prime Minister, Catrina Tapley, assistant secretary to the cabinet, and Graham Fraser, the former Commissioner of Official Languages.

The Chair: Can you explain why you're asking for this addition?

Mrs. Sylvie Boucher: Yes. At the committee meeting I didn't attend, but that I watched from a hospital room, Ms. Meilleur was

asked whether she had met with the former Commissioner of Official Languages. She said that she had met him on the street. I think the transfer of a position must involve an official meeting. I want to know what process was followed in 2006 when Mr. Fraser took over, and to compare it to the process we're talking about today.

The Chair: Can you explain why you want to add the other names?

Mrs. Sylvie Boucher: We know that Natacha Engel and Catrina Tapley were part of the selection committee.

The Chair: So we have an amendment from Ms. Boucher.

René Arseneault, you have the floor.

Mr. René Arseneault: I want to know how Ms. Boucher did this. I don't know these names.

Mrs. Sylvie Boucher: Perhaps the reason is that you didn't look for them. You're a member of the Liberal Party, and I'm a member of the opposition.

Mr. René Arseneault: Were these names included in the 12 names on the selection committee's list?

Mrs. Sylvie Boucher: Yes. There are several more, but those in particular. When we make appointments and we're too close to the Prime Minister, it starts to look bad to the public and to organizations.

The Chair: Are there any other questions or comments?

Mr. Bernard Généreux: I want to add someone to the list. Can I do so through this amendment, or do I need to submit an amendment myself?

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Reach an agreement on the shopping list and we'll vote on it.

The Chair: If you want to add a name, I'll allow it.

Mr. Bernard Généreux: I want us to invite Mr. Fraser.

The Clerk: We talked about him.

Mr. Bernard Généreux: Is he already on the list?

A voice: Yes.

Mr. Bernard Généreux: Sorry. I didn't say anything then.

The Chair: Is that okay?

Mr. Bernard Généreux: Yes. That's fine.

The Chair: Does anyone else want to comment on Ms. Boucher's amendment? No?

We'll proceed with the vote.

Mrs. Sylvie Boucher: I request a recorded division.

The Chair: Ms. Boucher has requested a recorded division.

The question concerns the amendment.

(Amendment negated: yeas 5; nays 4 [See *Minutes of Proceedings*])

Mr. François Choquette: I don't understand Ms. Lapointe's about-face.

The Chair: Sorry, but we mustn't make comments.

We're back to the main motion. Mr. Lefebvre has the floor.

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

At the start of the process, when we discussed Ms. Meilleur's appearance before the committee, we wondered what powers we had and what we would do. According to our discussion with the clerk and with you, Mr. Chair, our responsibility was to verify her skills.

When we met with Ms. Meilleur, even Mr. Mulcair said the issue wasn't Ms. Meilleur herself. For the opposition, the issue was related to the process. From what I understood, he wanted to say that she had the skills and that he wasn't worried about her skills.

The Standing Committee on Official Languages' role is to review skills. We each have a decision to make, and we must say whether Ms. Meilleur or the candidate submitted for the position has the skills. I want to play my role as a member of the Standing Committee on Official Languages. That's why I'll vote against the motion.

The Chair: Mr. Généreux has the floor.

Mr. Bernard Généreux: Yesterday, we heard Minister Joly say, in the House of Commons, that the committee is independent. If the committee is independent, it can make the decisions that concern it. I agree with Mr. Lefebvre that our analysis must cover the skills of the person to be appointed to the commissioner position. However, I think the Standing Committee on Official Languages must also play the perfectly legitimate role of ensuring the government's process is actually open, transparent and respectful, and any other adjectives you want to use. The Standing Committee on Official Languages must also be able to ensure the commissioner's independence in relation to the current government. I'm thinking not only of the current government, but of future governments that must appoint someone later to replace the selected person.

In the past, the Conservative Party has been rightly or wrongly accused of different things that may seem somewhat similar to what's happening now. However, it seems that you, the Liberals, said during your election campaign that you wanted to do politics differently.

You wanted to do things more openly and transparently. However, based on Ms. Meilleur's appointment process and the information received by parliamentarians and journalists, in the end, the candidate is very close to the party, and she is supposed to be independent and apolitical. The reality is that this person will need to judge the government's actions with regard to official languages.

Ms. Meilleur is a human being like I am and like we all are. Undoubtedly, Ms. Meilleur's very close ties to the government are, from our perspective, completely unacceptable. Close ties to the Liberal Party are unacceptable when it comes to the role of Commissioner of Official Languages, which we're asking Ms. Meilleur to play.

I don't think we, as members of the Standing Committee on Official Languages, can refrain from questioning the process.

• (1120)

We must also analyze the process, given what we're going through now. In retrospect, I would like to have evaluated the process and its context before meeting with Ms. Meilleur to assess her skills.

When Minister Joly told the House of Commons that she herself conducted the last interview with Ms. Meilleur, red and yellow lights appeared on my radar. There was no green light. I don't understand why Ms. Joly interfered with an appointment process for a position that we want to be independent from the government.

You said you wanted the process to be open, transparent, respectful, and so on. Your use of this terminology doesn't make sense to me. The mere fact that Ms. Joly conducted the last interview with Ms. Meilleur, to determine whether she or another candidate was the better choice for the position, is unacceptable. It's even more unacceptable since we want the position to be independent from the government.

I think the committee must follow up on Mr. Choquette's motion so that we can assess the process. We must do so, not only to resolve the current situation, but for the future. We need to be able to actually implement, or at least suggest to the government, a truly independent process.

Suppose that the roles of the Liberals and Conservatives were reversed. You would say exactly what I'm saying. You wouldn't accept the appointment of a person who has donated to the Liberal Party.

• (1125)

Mrs. Sylvie Boucher: If we reversed the roles, it would be the Conservative Party.

Mr. Bernard Généreux: Moreover, Minister Joly said yesterday in the House that she had interviewed Ms. Meilleur and that there was a short list. She keeps saying that she held a consultation. In my mind, the word "consult" doesn't mean calling you to announce that Ms. Meilleur has been selected and that she will be the best candidate. I don't call that a consultation.

Mrs. Sylvie Boucher: Indeed.

Mr. Bernard Généreux: It's crystal clear in my mind. I don't know how you interpret this. However, if someone calls to say that, in the end, Ms. Meilleur has been selected and that she has a good track record, I wouldn't consider that a consultation.

The party leaders, through the Prime Minister, should have been consulted. However, this wasn't done. Ms. Joly called Mrs. Boucher and Mr. Choquette, who are both official languages critics for their parties, but she didn't consult them. She told the House that she had consulted them. However, calling someone to say that a person has been selected doesn't in any way constitute a consultation. I'll stop here. I may return to the subject later, depending on what comes next and what I could add.

In conclusion, I think the committee must analyze not only the person's skills, but also the process that leads to the person's appointment.

The Chair: Thank you, Mr. Généreux.

We'll now move on to Mr. Samson.

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

I'm happy to make comments on this motion. Like my colleague, I think the committee's role, at this stage, is to analyze the person's skills. We don't have any control over the decision, the choice. The choice is made by the 338 members from all the regions of Canada, who will vote on the matter in the House of Commons.

The senators will also vote, on the basis of all the information. I think the fact that I'm voting now on the person's skills is very logical, because all the parliamentarians will vote next. It's a personal decision.

In terms of donations, I've just learned that, in Nova Scotia, a candidate who donated to the Liberal Party last year ran as a Conservative candidate and was elected.

Mrs. Sylvie Boucher: We're not talking about the same thing here.

The Chair: Mrs. Boucher, please.

Mr. Darrell Samson: Canadians often make donations to the three parties. I think skills are what matter. Nobody on the committee seems to be questioning this. My colleague, Mrs. Boucher, whom I like very much, even told the House that she was in favour of the candidate when it came to her skills. The same was true for Mr. Choquette, on the NDP side.

Mrs. Sylvie Boucher: I said that in the House?

Mr. Darrell Samson: I would like to share a few thoughts on the process. I want to say that I'm rather impressed. A public announcement was made inviting people to apply if they believed they had the necessary skills. The criteria were listed.

Most of the positions advertised, either in Ottawa or elsewhere in Canada, have criteria. People apply. That's the first step, which is crystal clear. I gather that 72 people applied. The fact that 72 people in Canada are qualified and ready to contribute their skills is impressive. The position isn't easy, but it's very important. Seventy-two people came forward.

Who analyzed the files?

• (1130)

Mrs. Sylvie Boucher: The Office of the Prime Minister.

Mr. Darrell Samson: Absolutely not. An independent firm, Boyden, analyzed the 72 files. I would like to think that an independent and professional company conducted a professional and honest analysis. I gather that the independent firm determined that, at this stage, about 12 candidates were promising. I think 12 is an impressive number.

I gather that the selection committee then analyzed the 12 files and retained 10 candidates. The committee operates by consensus. Everyone had the same weight.

When this stage ended, another stage started. Each candidate had to pass a psychometric assessment, and their references were verified.

I think a very rigorous and open process resulted in the selection of an extremely competent person who could deliver the goods.

That's why I'll vote against this motion.

The Chair: Thank you, Mr. Samson.

Mr. Arseneault, the floor is yours.

Mr. René Arseneault: I had three points. Regarding the first, Mr. Samson took the words out of my mouth. I will not repeat everything he said.

However, I spent the weekend reading everything ever written on this topic. We learned that an independent recruitment firm—to summarize what Mr. Samson said—contacted people who were invited to submit names, or their own name. So that was done, until they came up with a short list. I don't know how many candidates there were, nor their names, except for those that were mentioned in the papers.

We hear about this process, but in the media they never talk about the mechanics. How did they arrive at 72 candidates? How did they get from 72 candidates to a short list? We don't know. Perhaps the 72 candidates were all excellent, but we wound up with one. I have not heard anyone say that she does not have the skills to do this work. That is all I had to say about Mr. Samson's comments, which I wanted to support and add to.

My second point is the following. I am speaking on my own behalf, because this is my opinion: no one here around this table has political allegiances when we talk about protecting official languages or minority communities. No one here, since I've sat on the Standing Committee on Official Languages, has shown any political colours, really.

• (1135)

Mr. Darrell Samson: That's true.

Mr. René Arseneault: The proof is that we have never really had to vote on reports or recommendations. We are all always on the same wavelength. That is typical of fights for minorities. I live in a small province, the only officially bilingual Canadian province.

We've heard about an appearance of conflict of interest. If we take this to its logical conclusion, any ombudsman at any level of government is paid by the authority he must criticize. Is he in a conflict of interest because of that?

Mrs. Sylvie Boucher: He was never a member—

The Chair: Ms. Boucher, please.

Mr. René Arseneault: Whatever the province, whether at the federal or provincial level, when it comes to defending a cause like that of minorities in majority environments—the official languages cause—Ms. Meilleur is the candidate who got the brass ring. The other 71 candidates may have been just as competent, but she finished first in this process, which is still a bit obscure to me personally.

Mr. François Choquette: There you go.

Mr. René Arseneault: Let me explain myself: when I say “obscure”, it means that I don't have all of the political experience that certain other members have. This is my first mandate. However, the Standing Committee on Official Languages does not have the authority to criticize the process, because we were not invited to take part in its development. We are not the ones who initiated the process.

The only thing that counts for me today is that there is an Official Languages Act in which part IX, in section 49, outlines how to appoint an Official Languages Commissioner. It says:

The Governor in Council shall, by commission under the great seal, appoint a Commissioner of Official Languages for Canada, after consultation with the leader of every recognized party in the Senate and House of Commons and approval of the appointment by resolution of the Senate and House of Commons.

If the process was not respected, we are all in agreement here that it is not the Standing Committee on Official Languages that will determine whether it was or not. It's a legal matter.

Secondly, if Ms. Meilleur officially becomes Commissioner of Official Languages, she will have a firm, set mandate of seven years. If she places herself in a conflict of interest, we could think that we are stuck with someone who will be in a conflict of interest for the seven entire years. Subsection 49(2), regarding the length of the mandate and the revocation of the Commissioner of Official Languages, states that “the commissioner holds office during good behaviour”—so we cannot remove her—“for a term of seven years, but may be removed for cause by the Governor in Council at any time on address of the Senate and House of Commons.”

These two short paragraphs of section 49 of the Official Languages Act outline how to appoint a Commissioner of Official Languages, and how to terminate his or her mandate. There are two ways of ending it: it ends after seven years, unless the mandate is renewed, or following the removal for cause by the Senate and the House of Commons. All I am interested in as a Canadian, and also as a lawyer, is how the appointment to the position of Commissioner of Official Languages is made and how it ends.

Our committee was not asked to take part in the process to appoint the Commissioner of Official Languages. If we do not have the authority to do so, for the reasons listed by Mr. Lefebvre, we have even less authority to change the process, or to criticize or amend it. That is not our role. Our role is to evaluate the person's qualities. We must also ask ourselves whether this Commissioner of Official Languages—if she becomes the commissioner—will be able to defend our rights or not.

Let me summarize the two reasons behind my decision. The first is related to the quality of the candidacy of Ms. Meilleur. She has the necessary qualities, and everyone has said so. Mr. Mulcair himself said that he had not come here to criticize her qualifications, and that she had them. I think that everyone, or most people, are of that opinion. I have heard no negative remarks regarding Ms. Meilleur's past experience that would prevent her from occupying this position. For that reason, I will vote against the motion.

The second reason is that the Standing Committee on Official Languages, in my opinion, does not have the authority to criticize the process, because we, the members of this committee, were not involved in setting it up. We are not the ones who created the process. According to the act—and I know that Mr. Choquette does not agree—our committee does not appoint the commissioner, and does not put an end to her mandate either. This is prescribed by law. If there are any legal challenges, the government will have to face them, and deal with the consequences.

Personally, as a member of the Standing Committee on Official Languages, I have to read the law, and I conclude that I do not have

the mandate to get involved in the nomination process. If that had been the case, we would have been involved from the outset in setting up the process. We were not. For these reasons, I will vote against the motion.

• (1140)

The Chair: Thank you, Mr. Arseneault.

[*English*]

We'll go now to John Nater.

[*Translation*]

Mrs. Sylvie Boucher: It's my turn.

The Chair: Oh, I'm sorry. First we are going to hear Ms. Boucher.

Mr. John Nater: That's okay.

Mrs. Sylvie Boucher: I'm going to speak, in any case.

We are not here to criticize the nomination. We are here to understand the process that led up to it.

A lot of information has come out since Ms. Meilleur's appointment. The first news that was reported in the media is that someone from the Liberal Party expressly said to Mr. Doucet that he should meet with someone from the Office of the Prime Minister, or someone from the upper echelons, if he wanted to have an opportunity of even being a part of this process. Forgive me, but when a process is supposed to be independent, apolitical, and that someone from the Liberal Party says such a thing... I am glad that Mr. Doucet did not go any further. He showed some decency. He wanted to be recognized for his skills and not for his political affiliation.

That being said, it is up to each of you opposite to see if you can accept that. I can't, because, as Mr. Arseneault said earlier, we have never been partisan in this committee. So if Ms. Meilleur is already affiliated with federal and provincial Liberals, when she comes to testify before the Standing Committee on Official Languages, in whose name will she be speaking? Will she be speaking on behalf of the organizations, or of the government? Will she be asked to go in a certain direction? If people do not want her to say this or that, will she be silenced? That is partisanship, and that is not what we want.

We, the members of the opposition parties, say that there are too many points of association with the federal Liberal Party. The media have been harping on this, and the opposition as well. It is public. We have the names. It is starting to look like collusion. Appearances in politics are the first thing you have to pay attention to, especially when it comes to the positions of officials. We are not talking about an electoral candidate who made a donation to one party or another a year before. We are talking about the process to appoint an officer of the House, who must be apolitical.

When Graham Fraser was appointed, he did not belong to any political party. We had no way of knowing if he ever held a Liberal, NDP or Conservative party card. He had not made any donations to any political party. He had not contributed to any leadership race. During the last provincial election, he did not walk around with the future Prime Minister of Canada. If that is not being close to the Liberals, the appearances are really deceiving in Ms. Meilleur's case.

That is why we need clarifications, and we need to know what really happened with this nomination. The opposition parties are not the only ones who are asking questions; even groups in your area, Mr. Arseneault, are beginning to wonder about the process that took place. Do not tell me that you do not agree, because for once I'm going to say publicly that I don't believe you.

Aside from that, when the spotlight is turned off, we can manage to agree. Today you are talking on behalf of your government, and not on behalf of René Arseneault, Linda Lapointe, Paul Lefebvre, Darrell Samson and Dan Vandal. We have never played politics in this committee. In fact, we should congratulate ourselves on having produced excellent reports, and having set aside our partisanship at all times. This is one of the only committees where that is the case. Sometimes, it wasn't easy.

•(1145)

We exchanged little jibes. But this goes beyond that; it's a huge issue. Moreover, we are now learning that two employees who worked for Ms. Meilleur are now on Ms. Joly's staff.

If there is no appearance of conflict of interest here, I will eat my hat. This is looking worse and worse. That is why we have to shed light on this issue, and the point is not to corner Ms. Meilleur. No one here looked at the other candidates' resumé's, I think. We are familiar with Ms. Meilleur's CV, but we don't know the others.

Perhaps the others were just as competent as Ms. Meilleur, but did not have a political allegiance. They were set aside before they even got to the end. The next time, no matter which political party is involved, as Mr. Généreux said, they are going to have to face this type of nomination.

We have to ensure that this becomes apolitical because when Ms. Meilleur will appear here—I'll speak in my own name—I am going to find it hard to believe what she has to say. When she prepares a report, I am going to go and see what you said in the House to see if it shows political influence.

That is why I would like Mr. Choquette's motion to be adopted as is. The process really has to be transparent, because we are the ones who have to work with the Commissioner of Official Languages.

The Chair: Thank you, Ms. Boucher.

[*English*]

We'll go now to John Nater.

Mr. John Nater: Thank you, Chair. I appreciate the opportunity to speak to the motion.

I think what we need to take a step back from and to recognize is that this is not a normal appointment. This is one of the very small number of appointments of those who truly serve as officers of Parliament, officers representing each and every one of us. This isn't a deputy minister. This isn't a deputy minister who is appointed to implement the administrative agenda of the government, to implement the policy of the government. This is an officer of Parliament.

When these appointments are made, they are owed a higher degree of analysis and of consultation. What we found is that consultation does not seem to have been undertaken.

In committee, Madame Meilleur mentioned that in April—she didn't have an exact date—she was told by someone in the Justice Minister's office that she would be appointed. That was in April.

Our leader, the Hon. Rona Ambrose at the time, and Mr. Mulcair received a letter from the Prime Minister on May 8. At that point, the decision had already been made. Consultation did not occur.

If we look back at each and every Official Languages Commissioner appointed, we see that they had the support, and the strong support in fact, of the opposition and the government of the day as well.

If we look at April 1, 1977, the then acting Prime Minister, Allan MacEachen, who, of course, we all know well, nominated Keith Spicer. If you review the *Debates* at that time, Donald Munro of the Conservatives was strongly in favour and Lorne Nystrom of the New Democrats, a long-time member of this House, spoke strongly in favour as well. Both spoke glowingly of the appointment of Dr. Spicer to take on the role of Official Languages Commissioner. Anecdotally speaking, the Honourable Prime Minister Pierre Trudeau was well known for picking up the phone and calling the opposition party leaders—not just the critics but the opposition leaders—to discuss the appointment process to ensure that the appropriate support was in place for the nomination of an individual.

On August 9, 1977, Official Languages Commissioner Maxwell Yalden was appointed unanimously by the House with one exception, one independent member who was not a member of the political party. Beyond that, all recognized political parties, both government and opposition, endorsed that appointment.

On June 7, 1984, at the very tail end of a government in power, Prime Minister Turner at the time, literally weeks away from an election, unanimously appointed an Official Languages Commissioner with the support of all parties and all members of the House at a time that would have been politically charged.

On June 12, 1991, it was the same thing. I'm going to back up a little bit. Before the appointment was made, there was, of course, a question to the government. David Dingwall, a Liberal from Cape Breton, asked the question about what was going to happen with the Official Languages Commissioner, when the appointment was going to be made, and when consultations were going to occur.

The response was as follows:

The Commissioner of Official Languages, as the hon. member knows, is an officer of this House. I believe the tradition of this House has been [set out] that there would be meaningful consultations with the respective parties concerning this appointment.

Meaningful consultations—that was absolutely important. And, in fact, when Dr. Goldbloom was appointed, he was appointed with the support and the endorsement of every recognized party at the time.

As we can recall, in 1998, there were a significant number of recognized parties in the House, five recognized parties, including the Bloc Québécois, the PC Party, the New Democrats, and the Reform Party. All five political parties in 1998 endorsed the appointment of Dr. Dyane Adam unanimously from all political parties because significant consultation had occurred prior to the appointment of the Official Languages Commissioner.

Our most recent commissioner, appointed in 2006, Mr. Fraser, was appointed by Prime Minister Harper. Again, he received glowing reviews from all recognized political parties.

I want to use a comparison from that time. In the fall of 2006 there was a provincial election in New Brunswick. Bernard Lord, who was premier, lost that election. He came from Canada's only officially bilingual province.

● (1150)

How would the opposition have reacted at the time if Prime Minister Harper had appointed Bernard Lord as an officer of this Parliament? I'll hazard a guess that the opposition of the day would have had something to say about the appointment of a so recently departed provincial Conservative politician as the Official Languages Commissioner. Instead, the then prime minister, with consultation, appointed our most recent Official Languages Commissioner. If you read the transcripts from that meeting, there was an extensive examination of his qualifications and his affiliations, and all political parties endorsed that appointment.

We are finding ourselves here with a process in which consultation did not meaningfully occur with the opposition parties. This is an officer of Parliament, who represents each and every parliamentarian. They are held to a higher standard. They are held to a degree of impartiality that beats any other position that can be appointed by our House—absolutely any other position, bar none. An officer of Parliament must be held to a higher standard.

In this case, I do not believe that higher standard has been met. Madame Meilleur was very recently a member of the Legislative Assembly of Ontario and a Liberal cabinet minister. She made extensive donations to the current Prime Minister's party and to his own leadership campaign. Up until April 7, 2017, she was a card-carrying member of a political party. That was barely eight weeks ago. We are being asked to support the nomination of a candidate—despite her strong efforts in the provincial legislative assembly—who has strong ties to the current government.

I think the motion before us would allow us to have an extensive evaluation of this process and to assure ourselves that this will be an appointment that can be seen as impartial and non-partisan. At this point, I do not feel comfortable going ahead with the endorsement. We've had newspapers articles and we've seen articles from different official language community groups that have expressed concern with this, and I think rightfully so, because this is being seen as an appointment too closely tied to the government of the day.

For those reasons, I will be supporting the motion as amended. I think we should be undertaking this review and reporting back to the House in a meaningful way with full transparency on this process. We do not know the 10 names on the short list, at this point. All we know is that from that list, Madame Joly picked one name, and the name she picked was a recently retired Liberal cabinet minister. For that reason, I will be voting in favour of the motion.

Thank you, Mr. Chair.

● (1155)

The Chair: Thank you very much, John.

[*Translation*]

We are going to pause for a few minutes. Then, we will hear Mr. Choquette, Mr. Généreux and Mr. Arseneault.

● (1155)

_____ (Pause) _____

● (1205)

The Chair: We are resuming our meeting.

Mr. Choquette, you have the floor.

Mr. François Choquette: Thank you, Mr. Chair.

I would like to thank all of those who have spoken on this extremely important motion.

I would also like to thank the Liberal members for allowing us to hold this discussion in public. That is very important, all the more so since we are being asked to be more transparent. The fact of holding this debate in public, even if we do not agree on other subjects, is good evidence of transparency. We have to emphasize the good things, and this is one.

And so, I congratulate you.

Mr. Darrell Samson: I'm starting to like you more and more.

Mr. François Choquette: Well, I should hope so, after all this time.

The motion refers to the process, but that is not all. I mentioned this earlier and the chair spoke of it last Tuesday. It is incumbent upon us to evaluate the skill, the credentials and the ability of the person selected, to determine whether he or she may assume the office of Commissioner of Official Languages. I am convinced—but I would like everyone to have the necessary clarifications in this regard—that this person unfortunately does not have that capacity.

I will explain that by reading a short excerpt from her testimony of May 18. Mr. Mulcair put the following question to her:

Madam Meilleur, if another investigation opens up around the Prime Minister, will you recuse yourself because of the fact that you donated to his leadership campaign?

Ms. Meilleur answered as follows:

I don't even know if the commissioner can recuse himself or herself. I would get advice. I think it's a unique situation. If the situation occurs, I will look for advice.

Mr. Chair, in two years I filed two complaints against the Prime Minister. That means that complaints against the Prime Minister are frequent. This is also the case for complaints against the Privy Council Office and the Treasury Board. For all of these groups, this person must evaluate compliance with the Official Languages Act, and conduct studies on that. We are talking here about the Privy Council Office, to whom the Prime Minister, the Secretariat of the Treasury Board, the Department of Justice and so on report. The Deputy Minister of Justice called Ms. Meilleur to tell her that she had obtained the position, which you must admit is rather strange.

I have an article here from the newspaper *La Presse* entitled: "Madeleine Meilleur Appointment: Other Candidates for the Position Express their Discomfort". The article quotes another candidate:

He was very surprised to be questioned by the Deputy Minister of Justice on how he would handle a complaint on a current issue that would likely involve that department.

The deputy minister who asked Ms. Meilleur how she would react if a complaint was filed against his department was also the one who called her to let her know that she had obtained the position. All of this is very murky, very strange, and casts doubt upon Ms. Meilleur's ability to perform the duties of Commissioner of Official Languages.

Why am I raising these points?

Mr. Chair, last Tuesday you mentioned a Standing Order in this regard, and you read it. As Minister Joly reminded us yesterday during question period, our committee is independent. It is our duty to issue or not issue a recommendation with regard to Ms. Meilleur's certificate of nomination. It is our duty here. This concerns every one of us. To do so, we have to be sure that she has the capacity to fulfil her mandate.

However, what I have just read raises a serious and important doubt about her ability to discharge that mandate. That is why we members of the committee have to do our work very seriously. We would have liked to finish the report on Air Canada and the one on the full implementation of the Official Languages Act in the Canadian justice system, but we are having to deal with this exceptional situation.

Representatives of the Fédération des communautés francophones et acadienne du Canada and of the Quebec Community Groups Network are asking to meet with the Prime Minister. The members of these groups are asking themselves questions. That is exceptional. That is an unprecedented situation for us.

● (1210)

The nomination of the person chosen by the government must be examined by the committee. That is our role, it is our duty. Certain groups are wondering if she has the capacity to correctly discharge her mandate. According to me, she does not. I simply want all of the members of the committee to be able to verify whether or not she has that ability.

In this regard, I ask my colleagues to reflect on this specific point, so that we may make a judicious and enlightened decision on the certificate of nomination. We cannot do that lightly, and we cannot make a decision while the members of the FCFA and the QCGN have serious doubts about Ms. Meilleur's ability. Some of them have more than doubts; they think she will not be able to discharge her mandate competently, since she is too close, not only to the members of the Liberal Party, but to the Prime Minister's inner circle: Gerry Butts, Katie Telford, Mathieu Bouchard and others.

All of the Liberals expressed their thoughts on the process, but neglected to mention a very important aspect, the Language Skills Act, that is to say the act regarding the bilingualism of officers of Parliament. None of the Liberals referred to it. I would like us to look into that, because the act requires that officers be bilingual. I will talk about this again later.

This concludes my remarks, Mr. Chair.

The Chair: Thank you very much, Mr. Choquette.

We are going to continue with Mr. Bernard Généreux.

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

Mr. Samson and Mr. Arseneault said earlier that we can't really make an association between donating to a political party and a nomination, or an affiliation, whatever it may be. I will look through the telescope in the other direction. For the record, I would like you to answer the question I will put to you.

If I have understood you correctly, once we are in power again—inevitably, that will happen some day, as history has taught us that the government party does change from time to time—when the Conservative Party is back in power, it could appoint to positions as important in Parliament as Auditor General or Commissioner of Official Languages people who are connected in some way to the Conservative Party without the opposition—you or NDP members—seeing any issues with it. That is my first question, and I would really like to get an open-microphone answer.

If I understand correctly, here is what you explained to us earlier. You told us that making a small donation was not a big deal and that, regardless of the amount, it was not important because there was no cause and effect. However, we feel that a human being's involvement will depend on their personal beliefs, which lead to them decide to give to a political party. They choose a party that represents their opinions or represent the way they live or want to live, the way they want society to be built. That is why they donate to the party in question.

As we have been saying since the beginning, we are not really questioning Ms. Meilleur's qualifications, but I still have a question. Mr. Arseneault, this is for you in particular.

Michel Doucet, a lawyer who specializes in language rights you probably know very well, was interviewed by a journalist, Nicholas Steinbach. Mr. Doucet told him that he participated in the process, but that he unfortunately did not make the 10-candidate short list. If I understood what Ms. Joly told us, she interviewed the 10 candidates from the short list. If I misunderstood, you will forgive me, but that is my understanding. Inevitably, if Ms. Joly conducted the last interview, as she said, and she selected the best candidate, there was not only one interview; she had to conduct all 10 interviews. Unfortunately, Mr. Doucet did not make the short list. According to him, one of the reasons he may not have made the short list is that he was told, very clearly, that if he was not talking to high-ranking members of the Prime Minister's office or, in any case, of the Liberal Party, he had no chance of getting the position. He was apparently told that this is not how things work.

Mr. Samson and Mr. Arseneault, based on what you said earlier, when the Conservatives take power again, they will be able to tell you, once you are part of the opposition, that this is not how things work and that they don't care, that it does not matter. Your giving money to our party is not important.

The sought accountability and independence... I will be very honest in saying that I believe that you are essentially very honest people—all five of you before me. I should say all six of you, taking Mr. Casey into account. I sincerely believe from the bottom of my heart that you are very honest people. That is why I am sure that you are inevitably uncomfortable with what is happening. If you are not uncomfortable, my view of who you are may be completely wrong. Sincerely, if I think about what we have gone through over the past year and a half in the committee, you have shown openness since the outset.

You are still showing openness today. As Mr. Choquette just said, our public discussion of this issue today shows openness. Sincerely, I tip my hat to you. I'm even surprised that this is happening and that we are discussing it. I really appreciate it.

• (1215)

However, I am sure that you are uncomfortable and that you are forced to defend something that is indefensible.

Over the past year and a half, we have experienced true independence in this committee. As Darrell Samson pointed out earlier, the committee could almost be referred to as apolitical. That is actually one of this committee's major strengths.

However, you are preparing to appoint someone who, normally, should have had that level of independence or stayed above the fray. If I was in Ms. Meilleur's shoes, following the committee meeting she attended and everything that is being said in the media, I would have already recused myself. I would retire and would probably serve Canadian society in another way, even though I could make \$315,000 a year over the next seven years. Yes, that is a lot of money, and I can understand that it may be very attractive, but with her political career, I don't think she will really be upset if she does not earn that money in her retirement.

That said, I think the government is deliberately choosing to appoint someone close to it, even though that shouldn't normally be done. The government is doing it deliberately. Frankly, that is unfortunate.

Yesterday, when Ms. Joly told us, in the House, that Ms. Meilleur had not talked about the position with Mr. Butts or Ms. Telford, I felt that I was being taken for a fool. I felt that Ms. Joly was taking all the members of the House of Commons for fools. I cannot believe that Ms. Joly believes that. Either she is extremely naive, or she was told to say that. She was forced to say in the House of Commons that the conversations Ms. Meilleur had with Mr. Butts and Ms. Telford had nothing to do with the appointment process.

I want to remind you that Ms. Meilleur wanted to become a senator, and she said so herself. I don't think anyone can question that. She said very sincerely and frankly that her dream was to become a senator, but that the Prime Minister said that it was out of the question because he did not want any former politicians in the Senate, but rather independent people. That's great.

Something like that would inevitably come up during the conversation, regardless of at what point in the process the meeting took place. We agree on the fact that they are friends and that they had worked together. I have friends with whom I have worked in the past, and when I talk to them, I talk about all sorts of things, even

within the same sentence. That discussion took place with Mr. Butts or Ms. Telford; that is inevitable. It is humanly impossible to believe that it has not taken place. I don't know whether Ms. Joly will continue to take us for fools in the House of Commons.

There are two possibilities: either she lied to us or Ms. Meilleur lied to us. It's either one or the other. I think that what is happening is really unfortunate. Let's go back three, four or five months. We all knew that Mr. Fraser was at the end of his term and that someone would inevitably have to replace him. Today, we are forced to come down on you.

Let's think about it properly, let's be honest and independent, as Ms. Joly told us yesterday. If you want, we can go in camera. I have no objection to that. I think that we have all said what we had to say. We can go in camera to finish the conversation, if you want, but I honestly wouldn't believe you if you told me that, deep down, you were not against this decision.

Thank you, Mr. Chair.

• (1220)

The Chair: Thank you, Mr. Généreux.

Mr. Arseneault, go ahead.

Mr. René Arseneault: I will begin by answering the question with an example, even though I don't have to do it, as I think that we make a good team around the table. If, let's say in 2023, the Conservatives took power, would we easily accept a Conservative being appointed to such an important position? I am not saying that we would like that. I am not saying that politicians would not get involved to apply pressure and attract media attention. That is not impossible to do; everyone would do it because that is how the system works.

However, the question is not about determining whether the only reason someone is appointed to an important position is the fact that they are close to the political party in power—a Conservative appointed by the Conservatives, a Liberal by the Liberals, and so on. In my opinion, it is rather about knowing whether the individual is simply qualified.

We shouldn't forget that notion of qualifications, on which we all actually agree. An appointment process takes place and we have no control over it. Out of the 72 candidates, only one has been selected. That is my answer to your question, since I am not afraid to give this kind of an answer.

I want to come back to the idea of an exclusion clause. I am not saying that it's not credible or illegitimate. However, what you are telling me is that anyone who has participated in the most important activity in Canada—the maintenance of democracy through politics—must be excluded from such a process. Political parties are supported by riding associations, which must be funded through specific statutes. That is how we have been able to build this beautiful country of Canada, which is second to none.

We should not demonize Canada's democratic process, which is based on political parties, riding associations whose funding is legislated by specific statutes and an electoral system like the one we have in place. That is how our country works. Without such foundations, the situation in Canada would be worse.

Let's avoid demonizing an individual to the point of excluding them from a position because they are affiliated with a particular political party. I am not saying that there may not be any appearance of a conflict of interest. In law, we must often break down the circumstances leading to an apparent conflict of interest. Regarding that concept, let's ask ourselves the following question: how come there is no place that has adopted legislative measures whereby certain categories of individuals are excluded from the appointment process for the Commissioner of Official Languages? That is exactly what is being said—that any candidate who has been involved in politics in their career should be excluded. Anyone who has been involved in politics or has contributed to the government party could not, therefore, aspire to any high-level position.

Excuse me, Mrs. Boucher, but that is what you are telling me. It is my turn to express myself and that is how I understand it, although it is possible that I have misunderstood your comments.

I am not saying that the question is not valid. Should an individual be excluded from an appointment process for high-level positions because they helped sustain democracy in our country, were affiliated with a political party, or were even politically active for 13 years in the province of Ontario as minister? That is the ultimate question, which is valid. As a democratic country, perhaps we should explore it further.

However, when we take a concrete look at the appointment process for the Commissioner of Official Languages position and the coming into force of their mandate, under the Official Languages Act of Canada, I feel that it is unfair for an individual—Ms. Meilleur or anyone who has been actively involved in politics during their lives—to be excluded from that position. We can always be outraged for reasons that are valid or not over affiliations with a political party, but nothing helps us justify an exclusion that specifically focuses on people who have helped maintain democracy in our country or our provinces.

At the risk of repeating myself, I am not saying that the question you asked, Mr. Généreux, is not valid. However, I think that we should sincerely ask ourselves this question across the country, from coast to coast to coast. Is that really what we want? If so, why don't we have bills that are likely to reassure the majority of people? The real question is whether we should exclude from any high-level position anyone who has been actively involved in politics or has participated in the democratic process by contributing to a political party.

I want to come back to subsections 49(1) and 49(2). As a member of the Standing Committee on Official Languages, I cannot see how I could do anything in that process. I am wondering how meeting with the aforementioned individuals, as Mr. Choquette proposes in his motion, could help this committee better understand the appointment process. As a permanent member of the committee, I do not need to understand it. I have nothing to say about that process, aside from the fact that it is predetermined. We were not there when the process was established based on the legislation and the government that were in place.

● (1225)

Ultimately, subsections 49(1) and 49(2) will be used to decide who the next commissioner will be and how their term will end.

To answer Mr. Choquette, when Ms. Meilleur testified and Mr. Mulcair asked her what would happen if she had to recuse herself, she was put on the spot. Like all of us, she is a human being. Subsection 49(4) answers that question. A person can, on an interim basis, leave their position, which must be filled by the Governor in Council.

Mr. François Choquette: Not all the time.

Mr. René Arseneault: No.

Mrs. Sylvie Boucher: Yes, that's the case every time.

The Chair: Please.

Mr. René Arseneault: Mr. Choquette, section 49 of the Official Languages Act is very short. Subsections 49(2) and 49(4) provide escape valves for anyone who may be concerned about credibility or qualifications. Ms. Meilleur will officially become Commissioner of Official Languages and will be incredibly qualified. Section 49 includes elements that give us ways to deal with the situation. What will happen if she has to recuse herself? There is no way to do that. Subsection 49(4) of the Official Languages Act says that she can, in case of an incapacity, regardless of the reason, give up her position to someone else who will be appointed by the Governor in Council. That's what I wanted to say.

The act is there, and we are subject to it, for better or for worse, like in a marriage. I don't think the committee has anything to say about that. Its task is to defend the rights of minorities under the Official Languages Act.

There is no doubt in my mind as a francophone who has defended minorities in majority communities throughout his career that Ms. Meilleur could do the job. However, it's not yet official. The committee should let things happen.

I am opposed to the motion for all those reasons.

● (1230)

The Chair: Thank you, Mr. Arseneault.

Mrs. Boucher, go ahead.

Mrs. Sylvie Boucher: I'm fascinated as I listen to my colleagues across the way. Either they're new to politics, or they're trying to take us for a ride, but we are not getting in. When you've been around the political block—what I'm about to say is serious, indeed, quite serious—and when you've spent 10 years in purgatory precisely because of ties like these, you would think the Liberal Party of Canada had learned its lesson by now.

Mr. Arseneault, I'll believe that you're a lawyer—I have no problem on that front—but this is actual politics, and when someone is affiliated with a political party, it looks bad. The Liberal Party has called for the heads of ministers for as little as a \$16 glass of orange juice. Just ask Bev Oda.

You're trying to convince us that you don't see a problem, but it's as plain as the nose on your face. That's how obvious what you're doing is. At some point, though, you have to be independent. We weren't the ones who said that. In the House yesterday, the minister said our committee was independent. There is no independence today, however. We've always had confidence in one another.

If Ms. Meilleur were to appear before the committee, I wouldn't have any confidence in her. That has nothing to do with her qualifications. Other candidates were equally as qualified, but they didn't have ties to your party. That is the problem, right there.

Mr. René Arseneault: We don't know that.

Mrs. Sylvie Boucher: If there were others, that's even worse.

The Chair: Please.

Mrs. Sylvie Boucher: There is no denying that Graham Fraser demonstrated integrity and independence. He wasn't affiliated with any political party.

Mr. René Arseneault: His independence—

Mrs. Sylvie Boucher: Because of his independence, he took the Conservative Party to task a number of times. I have seen things, but this is something we absolutely have to discuss: an appointment like this has to have unanimous support. It doesn't, end of story. The only people on this committee who support this appointment belong to the Liberal Party of Canada.

How are you going to convince the opposition that Ms. Meilleur is the best person for the job?

We don't believe that.

How can we put her to work?

How can we sit here, across from her, without holding her political allegiance against her every time she appears before the committee?

Aside from her resume, too many aspects of this nomination make us question the process that your party, not ours, put in place. She has ties to the party, and the deeper we go, the more we find out.

I understand that you are defending your political party. We all do that. I know first-hand that one doesn't always agree with one's party. From 2006 to 2011, there were certain things I was forced to swallow. I didn't always agree with my party, but it was necessary to keep pushing on. However, when it came to defending the indefensible, I was able to stand up to my leader and say that I would be sick and simply not vote, and that's what I did. Mr. Harper would tell you as much if he were here. I was a bit rogue that way.

Likewise, I am going to stand up today against this appointment. If your party allows it to go ahead, you are going to end up with a problem on your hands. You can be sure that we will keep digging, and the more we do, the more you will be discredited. That isn't what we want to do, because we like you. We have tremendous respect for you, but this appointment today is hurting our committee's integrity. That's something I will never tolerate because our committee has always demonstrated integrity. This appointment will tarnish our committee's name and make it very difficult to do our work from here on out.

Thank you, Mr. Chair.

•(1235)

The Chair: Thank you.

On that loving note, we now move on to Mr. Samson.

Mr. Darrell Samson: Thank you.

Frankly, I don't have much to add. I will say that I can't recall appointments to this position ever being open or transparent. We should therefore be proud, because up to this point, the decision has always been the result of whispered discussions in the backroom.

Mrs. Sylvie Boucher: That's not true!

Mr. Darrell Samson: Prove it, then. As far as I know, the appointment process has never been open or transparent. Any Canadian couldn't just apply, so we should be proud of the progress we've made towards transparency. That's all I have to say.

Thank you.

The Chair: Thank you.

Mr. Choquette, it's your turn.

Mr. François Choquette: I just wanted to say that we are ready to vote, I think. I would like a recorded division.

The Chair: Mr. Généreux still has a turn.

Mr. Bernard Généreux: No, that's okay. I've heard enough.

The Chair: Everyone is ready to vote, then.

Mr. Choquette asked for a recorded division. Isn't that right?

Mr. François Choquette: Yes.

The Chair: I will now put the question on the motion as amended.

(Motion negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

The Chair: Mr. Choquette, you may go ahead.

Mr. François Choquette: Thank you, Mr. Chair.

I would like to move the following motion:

That the Committee ask Madeleine Meilleur for her language skills qualifications as required by the Language Skills Act.

Would you would like me to explain my rationale?

•(1240)

The Chair: Yes, please.

Mr. François Choquette: Thank you, Mr. Chair.

Standing Order 111(2) reads as follows:

(2) The committee, if it should call an appointee or nominee to appear pursuant to section (1) of this Standing Order, shall examine the qualifications and competence of the appointee or nominee to perform the duties of the post to which he or she has been appointed or nominated.

Naturally, Ms. Meilleur sent us her resume, which she would typically be required to do.

Now we have a new statute, the Language Skills Act, pursuant to which, the individuals appointed to 10 specific offices must meet language requirements. The act stipulates that appointees be able to speak and understand clearly both English and French. The Commissioner of Official languages is one of the positions to which the act applies.

The committee therefore has a duty to examine Ms. Meilleur's qualifications and competence, under Standing Order 111(2). The chair, in fact, addressed the standing order. Consequently, we must assess Ms. Meilleur's qualifications and competence to perform the duties of the post.

We already have her resume, if I'm not mistaken. The clerk can confirm that for us. We should have her resume, but we should also have her language skills qualifications, further to the Language Skills Act requirement. We should examine her language skills.

It's simply a formality, if you ask me, Mr. Chair. We don't question her skills in that regard; it's required by law. It's just a formality.

The Chair: Does anyone care to comment?

Mr. Arseneault, you may go ahead.

Mr. René Arseneault: Which act are you referring to, Mr. Choquette?

Mr. François Choquette: The Language Skills Act. It came into force two or three years ago and was sponsored by Alexandrine Latendresse, an NDP member at the time.

Mr. Bernard Généreux: You voted in favour of it.

Mr. François Choquette: Everyone did.

The Chair: Go ahead, Mr. Samson.

Mr. Darrell Samson: What does the motion say? Would you mind repeating it, please?

The Chair: The motion reads as follows:

That the Committee ask Madeleine Meilleur for her language skills qualifications as required by the Language Skills Act.

Go ahead, Mr. Vandal.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Not having read the motion, I have just this to say. Ms. Meilleur spent an hour and a half with the committee last week. Everyone here had an opportunity to ask her questions—

Mrs. Sylvie Boucher: No.

Mr. Dan Vandal: —except perhaps Mr. Choquette since Mr. Mulcair used his speaking time.

Mr. Choquette, if you wanted information about Ms. Meilleur's qualifications, you should've asked her for it last week, when she was here.

The Chair: Are there any other comments?

Ms. Boucher, you may go ahead.

Mrs. Sylvie Boucher: Sorry, but I don't agree with you.

She sent us her resume. It makes perfect sense to ask her for her qualifications. We are talking about a new act that came into force three years ago. I wasn't in the House then, but everyone voted in favour of the bill.

The act exists and the Commissioner of Official Languages is a high-ranking appointment. We do need to know whether she speaks both official languages, after all.

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

Then we'll go to Mr. Samson.

Mr. René Arseneault: I'm not trying to dodge the issue Mr. Choquette is raising, but I believe he needs to give 48 hours' notice.

Mrs. Sylvie Boucher: No.

Mr. René Arseneault: I apologize, but I'm not familiar with that act. I'm a bit caught off guard. I can't find it anywhere.

Mr. François Choquette: We can vote later.

Mr. Darrell Samson: According to the act—

Mr. René Arseneault: I'd like to know who decides whether appointees to high-ranking positions are bilingual. That may not be for the committee to decide. It's a matter of proficiency.

Can we deal with it later?

• (1245)

Mr. Darrell Samson: I'd like to pick up on what Mr. Généreux was saying a few days ago. Bilingualism is a continuum. Some people are highly proficient in both languages. How do we measure that? We've heard all sorts of presentations.

I was an educator for 30 years. I listened to Ms. Meilleur as she answered questions before the committee. She answered in both of the country's official languages. She was very well-spoken in both languages.

As an educator with 30 years under my belt, I was quite satisfied with her language skills. I'm well-suited to make that determination.

The Chair: Thank you, Mr. Samson.

Over to you, Mr. Vandal.

Mr. Dan Vandal: It's okay, Mr. Chair.

The Chair: Ms. Lapointe, your turn.

Ms. Linda Lapointe: I move that the debate be adjourned.

The Chair: That means I have to put the motion to a vote immediately.

Mr. François Choquette: I'd like a recorded division.

The Chair: A recorded division it will be, then.

Mrs. Sylvie Boucher: Can we move in camera for five minutes, please?

The Chair: Just a minute. We have to finish the vote first.

(Motion agreed to: yeas 5; nays 4 [See *Minutes of Proceedings*])

The Chair: We will now resume committee business.

Go ahead, Mr. Choquette.

Mr. François Choquette: Thank you, Mr. Chair.

That wasn't necessary. We could've decided together to look at that next week. I was in favour of that, but it's no big deal.

Here is my last motion for the day:

That the Committee invite witnesses in order to assess Madeleine Meilleur's ability to perform the duties of Commissioner of Official Languages before it reports to the House on her appointment.

It has nothing to do with the process, simply Ms. Meilleur's ability.

I will give the motion to the clerk.

The Chair: The motion has been submitted to the clerk.

Would anyone like to comment on Mr. Choquette's latest motion?

Mr. Lefebvre, you may go ahead.

Mr. Paul Lefebvre: Thank you.

I'd like to make two points. First of all, we spent an entire meeting with Ms. Meilleur to assess her ability. Everyone had an opportunity to speak. Second of all, the motion calls on the committee to invite witnesses, so the objective would be rather broad in scope.

The Chair: Mr. Choquette, go ahead.

Mr. François Choquette: The language for my motion was taken right from Standing Order 111(2), in chapter XIII on committees. The standing order requires us to examine “the qualifications and competence of the appointee or nominee to perform the duties of the post”.

I am going to repeat what I said earlier. Despite all her skills and her fine resume, Ms. Meilleur does not have the competence to perform the duties of the post. Why? It goes back to what Mr. Arseneault told the committee earlier, and it's extremely important. He referred to the provision in the Official Languages Act, pursuant to which, Ms. Meilleur, as commissioner, could recuse herself. Just think what would happen if she had to recuse herself every time a complaint was filed against the Privy Council Office, the Treasury Board Secretariat, the Department of Justice, or the Department of Canadian Heritage. When would she actually be on the job? Never. Therein lies the problem that we need to consider.

As for which witnesses we should invite, my first motion included an exhaustive list of potential witnesses. I realize you may say that we won't have enough time for all the people on the list, that there aren't enough people on the list, or that they aren't the ones you would like to hear from. I will leave that for the committee to decide. Together, we can decide who we would like to invite, and we can discuss it in camera this time. I already have some ideas.

We could therefore invite the people we think are the best-suited to help us determine Ms. Meilleur's ability to perform the duties of the post. Respectfully, I would say this is extremely important, considering that when Mr. Mulcair asked Ms. Meilleur about it, she said she didn't know. Hence, the need to assess her ability is even more pressing and worrisome than we might've thought. As a committee, that is our role, our duty, and our mission. This isn't something that should be taken lightly.

When we return the certificate of appointment, we must do so after exercising sound judgment in the full knowledge of the facts. To that end, we need to check certain things. As I said, groups who represent official languages minority communities are questioning Ms. Meilleur's ability to do the job. The committee should have the opportunity to hear what they have to say and understand their point of view. They are the reason we are here. Our job is to stand up for official languages minority communities.

• (1250)

The Chair: Thank you, Mr. Choquette.

Were you done, Mr. Lefebvre?

Mr. Paul Lefebvre: No. I move that we postpone the debate on the motion to Tuesday.

Mr. François Choquette: That's fine with me.

Mrs. Sylvie Boucher: Me too.

The Chair: Is everyone okay with that?

Mrs. Sylvie Boucher: Yes.

The Chair: We will therefore continue the discussion on Mr. Choquette's motion on Tuesday, at our next meeting.

Mr. Nater, did you have something to add?

[*English*]

Mr. John Nater: Thank you, Mr. Chair.

I'm simply giving notice that pursuant to Standing Order 122, I will be submitting to the chair a certificate for the request for evidence from certain witnesses. I will be submitting that following today's meeting.

The Chair: A certificate for...?

Mr. John Nater: For requesting witnesses and additional information from them.

The Chair: Okay.

Mr. John Nater: It's just giving notice.

[*Translation*]

Mr. Paul Lefebvre: Is it in connection with the motion?

[*English*]

Mr. John Nater: No, no.

[*Translation*]

The Chair: It's a separate matter.

[*English*]

Mr. John Nater: It's separate, yes. I'll be submitting that through the chair after this meeting.

[*Translation*]

The Chair: Very well.

Is that all for today?

Mrs. Sylvie Boucher: No.

The Chair: Go ahead, Ms. Boucher.

Mrs. Sylvie Boucher: Earlier, I asked that we go in camera for at least five minutes.

The Chair: Would you like to continue the meeting in camera, then?

Mrs. Sylvie Boucher: Yes.

The Chair: The committee will now move in camera.

[*Proceedings continue in camera*]

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