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# Standing Committee on Official Languages

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Chair: Mr. René Arseneault





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• (1600)

[*Translation*]

**The Chair (Mr. René Arseneault (Madawaska—Restigouche, Lib.)):** I call the meeting to order.

Welcome to meeting number 54 of the House of Commons Standing Committee on Official Languages.

Pursuant to our routine motion, I would like to let the committee members know that everyone did the necessary connection tests before the meeting.

Pursuant to the order of reference of Monday, May 30, 2022, the committee is resuming consideration of Bill C-13, an act to amend the Official Languages Act, to enact the use of French in federally regulated private businesses act and to make related amendments to other acts.

I would like to welcome our witnesses. From the Department of Canadian Heritage, we have Julie Boyer, Marcel Fallu and Chantal Terrien. From the Department of Citizenship and Immigration, we have Alain Desruisseaux. From the Department of Justice, we have Warren Newman, and lastly, from the Treasury Board Secretariat, we have Carsten Quell. They are all here today to support the committee and answer any technical questions members may have. I want to thank them for their invaluable assistance.

(On clause 21)

**The Chair:** Before we get started, I want to draw the committee's attention to a mistake that was made at the last meeting, when we adopted Liberal amendment 16, as amended by Mr. Godin's subamendment. LIB-16 is on page 88 of the amendments package.

The French version of the amendment as amended proposed that Bill C-13, in clause 21, be amended by adding after line 23 on page 12 the following:

(iii.1) à assurer le rétablissement et l'accroissement du poids démographique des minorités francophones,

However, a mistake was made in the English version.

[*English*]

It says that Bill C-13, in clause 21, be amended by adding, after line 21 on page 12, the following:

(iii.1) restore and increase of the demographic weight of French linguistic minority communities,

[*Translation*]

In the English version, the word “of” should have been removed so that the amendment as amended read as follows:

[*English*]

(iii.1) restore and increase the demographic weight of French linguistic minority communities,

[*Translation*]

Do I have unanimous consent for this minor error to be corrected?

**Some hon. members:** Agreed.

**The Chair:** Excellent. Thank you.

Now we can pick up our study where we left off, BQ-38.

**Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ):** We aren't going to move it.

**The Chair:** All right. Bloc Québécois amendment 38 will not be moved.

Thank you, Mr. Beaulieu.

That brings us to CPC-32.

Go ahead, Mr. Godin.

**Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC):** With Conservative amendment 32, we are again trying to address the whole idea of estimated numbers. I think it's important to correct that language in order to have the most accurate picture of the situation possible.

Under this amendment, Bill C-13, in clause 21, would be amended by replacing lines 31 and 32 on page 13 with the following:

(2) The Minister of Foreign Affairs shall take the measures necessary for the im-

In other words, where the bill says that “The Minister of Foreign Affairs shall take such measures as that Minister considers appropriate”, the amendment would replace “shall take such measures as that Minister considers appropriate” with “shall take the measures necessary”.

I think it's important to adopt this amendment and demonstrate our desire to put strong provisions in place that will give the Official Languages Act more teeth.

**The Chair:** Thank you, Mr. Godin.

Before we begin discussing the proposed amendment, I want to point out that, if CPC-32 is adopted, LIB-20.1 cannot be moved because of a line conflict.

Are there any questions on Conservative amendment 32?

Seeing none, I will call the vote.

(Amendment negatived: nays 6; yeas 5)

**The Chair:** That brings us to Liberal amendment 20.1. It's on page 106.1 of the amendments package.

Over to you, Mr. Serré.

**Mr. Marc Serré (Nickel Belt, Lib.):** Thank you, Mr. Chair.

This is along the same lines as Mr. Godin's amendment, which we just voted on.

LIB 20.1 would amend Bill C-13, in clause 21, by replacing lines 33 to 35 on page 13 with the following:

(2) The Minister of Foreign Affairs shall implement the commitment under subsection (1).

Everyone received a copy of the amendment.

**The Chair:** Go ahead, Mr. Godin.

**Mr. Joël Godin:** Mr. Chair, I think that's a step in the right direction, but since we're going to the trouble of modernizing the Official Languages Act, it would have been better to adopt my amendment.

For the benefit of the people in the room and those following the proceedings virtually, I will again read new subsection 42(1), as proposed by Bill C-13:

42(1) The Government of Canada is committed to advancing the use of English and French in the conduct of Canada's external affairs and to promoting French as part of Canada's diplomatic relations.

I want to say how disappointed I am. As I said at the outset, the language being proposed would be stronger than it is now, but weaker than what I had proposed. I'm disappointed, but such is the thrusting and parrying of Parliament, and I have to live with that.

• (1605)

**The Chair:** Are there any other questions?

Since it doesn't look like anyone else wants to comment, I will call the vote.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** We are now on the next amendment.

**Mr. Mario Beaulieu:** I won't be moving Bloc Québécois amendment 39, Mr. Chair.

**The Chair:** Since BQ-39 isn't being moved, we'll go to Bloc Québécois amendment 39.1.

Go ahead, Mr. Beaulieu.

**Mr. Mario Beaulieu:** Bloc Québécois amendment 39.1 pertains to the translation bureau.

I am proposing that Bill C-13, in clause 21, be amended by adding after line 13 on page 14 the following:

42.2 (1) The Government of Canada is committed to ensuring that, within one year after this section comes into force,

(a) the translation, interpretation, sign-language interpretation and terminology services that the Translation Bureau provides to federal institutions under the *Translation Bureau Act* are hereafter provided free of charge;

(b) the duties and functions set out in subsections 4(1) and (2) of the *Translation Bureau Act* are carried out; and

(c) the Translation Bureau is given the mandate to use the Government of Canada's purchasing power to develop the Canadian language sector.

(2) The Minister of Canadian Heritage, the Minister of Public Works and Government Services and the Translation Bureau shall take such measures as they consider appropriate for the implementation of the commitments under subsection (1).

As we speak, the government is violating its own Translation Bureau Act, which says that the bureau's services are to be provided free of charge. Since its services stopped being provided free of charge and departments and other government institutions have been made to pay for those services, many of them have stopped having their documents translated. Some do so only on request. Others rely on machine translation or unqualified resources. Some pay even more for translation services than what the translation bureau charges.

On one hand, what I'm proposing would cost less, and on the other, it would ensure the provision of translation services to the Parliament of Canada in both official languages. If people really care about Parliament's capacity to conduct bilingual proceedings and the availability of those proceedings in French, the committee must support this amendment.

**The Chair:** Thank you, Mr. Beaulieu.

Unfortunately, Bloc Québécois amendment 39.1 affects the mandate of the translation bureau and would give the bureau the mandate to use the Government of Canada's purchasing power to develop the Canadian language sector.

Page 772 of the third edition of the *House of Commons Procedure and Practice* states the following:

Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

By broadening the translation bureau's mandate, the amendment would infringe upon the financial initiative of the Crown and therefore require a royal recommendation. For that reason, the amendment is inadmissible.

Go ahead, Mr. Godin.

• (1610)

**Mr. Joël Godin:** I'd like to propose a subamendment, Mr. Chair. The subamendment would say exactly the same thing, except proposed paragraph (c) would be removed.

**The Chair:** Thank you, Mr. Godin.

We are fortunate to have smart people advising us. After consulting with them, I have to tell you that the amendment can no longer be amended because it was ruled inadmissible. You can always challenge the chair's decision, however. I'm a good sport.

**Mr. Joël Godin:** Actually, Mr. Chair, I would just like to know whether I can put forward a new amendment that would contain exactly the same wording except for proposed paragraph (c).

**The Chair:** I think you can, and I've just been told that you can.

First, though, I have to give the floor to Mr. Beaulieu to see whether he wishes to appeal the chair's decision.

**Mr. Mario Beaulieu:** That won't be necessary as long as a new amendment is proposed.

**Mr. Joël Godin:** It's not for sure.

**The Chair:** Is the chair's decision being challenged, yes or no? If not, we are going to move on.

**Mr. Mario Beaulieu:** No, it's okay.

**The Chair:** Thank you.

Go ahead, Mr. Godin.

**Mr. Joël Godin:** Mr. Chair, if the government wants to lead by example, it has to put its money where its mouth is and make translation services available to all departments free of charge. Doing so would show the government's support for translation services. That doesn't mean that the translation bureau's staff would work for free. It would mean that the government would pay for those services out of its general budget. Departments wouldn't be billed for the services.

Keep in mind that departments can have very tight budgets, so they have to make decisions. Unfortunately, translation is usually what gets cut, and so translation and interpretation into French aren't available.

That's an important consideration.

I'd like to propose an amendment. I don't have it prepared. Basically, the amendment would repeat what was in the previous amendment, except for proposed paragraph (c).

I don't know how it should be numbered, so I will leave that to the legislative clerks.

**Mr. Marc Serré:** I have a point of order, Mr. Chair.

Can Mr. Godin send out his amendment? There is a procedure, after all.

**The Chair:** According to Mr. Godin, his amendment would say exactly the same thing as BQ-39.1—which was ruled inadmissible by the chair—but would not contain proposed paragraph (c).

Did I get that right, Mr. Godin?

**Mr. Joël Godin:** Yes, that's exactly right.

If we want to suspend momentarily, I can have photocopies made and hand them out.

**The Chair:** Practically speaking, we already have the content of the amendment in writing.

**Mr. Joël Godin:** I agree, Mr. Chair, but I'm being asked for a copy of the amendment.

**Mr. Mario Beaulieu:** Just cross out proposed paragraph (c).

**The Chair:** We will suspend for a few minutes, to check whether the amendment being proposed could affect upcoming amendments or whether there are any line conflicts, although I doubt it.

• (1610) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1622)

**The Chair:** We are back.

Mr. Godin's amendment is the last one pertaining to clause 21 of the bill, so there are no line conflicts. The amendment is admissible.

**Mr. Joël Godin:** Are you saying that it's been approved?

**The Chair:** No, that's not what I said. The committee has to vote first.

**Mr. Joël Godin:** I tried, at least.

**The Chair:** The amendment is admissible.

Can we give it an ID number?

**Mr. Joël Godin:** Yes, it needs one.

**The Chair:** I'm being told that we can call it CPC-32.1.

Some people have BQ-39.1 in front of them. The amendment being proposed is exactly the same, except without paragraph (c), in both English and French.

Did you have anything to add, Mr. Godin?

**Mr. Joël Godin:** I don't think I need to say anything else, Mr. Chair. I already said what there was to say, and I hope the government will be receptive to the amendment.

**The Chair:** Are there any questions?

Go ahead, Mr. Beaulieu.

**Mr. Mario Beaulieu:** As we all know, translation is a big problem, and what's being proposed in CPC-32.1 would go a long way to fixing that.

On the whole, it wouldn't cost the government any more money—quite the opposite, because it would mean a consistent approach.

The translation bureau is a driver of the language sector, so this would be a very good thing.

**The Chair:** Go ahead, Mr. Godin.

**Mr. Joël Godin:** Quickly, I'd like to say one thing about the cost.

There is a cost to everything, of course. Translators and interpreters provide a tremendous service to us. This is a small investment to ensure that departments carry out their activities in both official languages.

**The Chair:** Thank you.

Are there any other comments?

Since no one else has any comments, I will call the vote on CPC-32.1.

(Amendment negatived: nays 6; yeas 5)

• (1625)

**The Chair:** Shall clause 21 as amended along the way carry?

**Mr. Mario Beaulieu:** I'm going to vote against the clause because positive measures play a huge role in people becoming anglicized in Quebec.

**The Chair:** Your objection is duly noted, so—

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

It's disappointing when the Liberals vote against our amendments. The Liberals should respect our position when we don't vote the same way they do.

**The Chair:** All right.

Here is the question: Shall clause 21 as amended carry?

**Mr. Mario Beaulieu:** I'm voting against the clause, but I think I'm the only one.

(Clause 21 as amended agreed to)

(On clause 22)

**The Chair:** The floor is yours, Mr. Godin.

**Mr. Joël Godin:** Mr. Chair, with CPC-33, we are again stressing the importance of clarifying the necessary measures.

The amendment seeks to amend Bill C-13, in clause 22, by replacing line 14 on page 14 with the following:

22 (1) The portion of subsection 43(1) of the Act before paragraph (a) is replaced by the following:

43 (1) The Minister of Canadian Heritage shall take the measures necessary to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to

(1.1) Paragraphs 43(1)(b) to (g) of the Act are re-

That's the amendment, Mr. Chair. I think everyone here has the ability to understand the purpose of CPC-33, so I won't go on and on.

**The Chair:** Thank you, Mr. Godin.

Are there any comments on CPC-33?

Go ahead, Mr. Drouin.

**Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.):** Thank you, Mr. Chair.

I'd like to propose a subamendment to the honourable member's amendment. I move that CPC-33 be amended by replacing "shall take the measures necessary to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to" with the following:

in advancing the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to

The English version is even more complicated than the French.

[*English*]

It is, in principle, that the amendment replace, in proposed subsection 43(1), "shall take the measures necessary to advance" with the following: "in advancing".

[*Translation*]

Taking into account the amendment as amended, the proposed subsection would read as follows:

43 (1) The Minister of Canadian Heritage in advancing the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to

**The Chair:** We are going to suspend momentarily in order to distribute copies of the subamendment.

• (1625)

(Pause)

• (1631)

**The Chair:** We are back now that everyone has a copy of Mr. Drouin's subamendment.

Are there any questions?

Go ahead, Mr. Godin.

**Mr. Joël Godin:** Mr. Chair, I have a question for Mr. Newman.

My understanding is that Mr. Drouin's subamendment would replace "shall take the measures necessary to advance" with "in advancing".

How is that different, and what impact would it have on how the Official Languages Act was interpreted?

**Mr. Warren Newman (Senior General Counsel, Constitutional, Administrative and International Law Section, Public Law and Legislative Services Sector, Department of Justice):** Thank you for the question.

Don't forget that, in French, to express the imperative, we use the present tense. So, whether we write "take the necessary measures to advance" or "advance", we come to the same result. In English, we always say "shall." Therefore, it is an obligation.

When I read both the amendment and the sub-amendment, off the top of my head, it seems to me that the idea is to ensure that the Minister advances the equality of status and use of English and French. It's obviously the principle underlying section 16(3) of the Canadian Charter of Rights and Freedoms. The text also indicates that the minister may avail themselves to a range of measures. That's how I read it in French.

[*English*]

I'm trying to capture it in English. It would be:

The Minister of Canadian Heritage in advancing the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to

[*Translation*]

It seems to me it would lead to the same result.

We take for granted that the minister will promote—"advance" in the English text—the equality of status and use of French and English, and that they can avail themselves to a range of measures to do so.

**The Chair:** Thank you, Mr. Newman.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** In short, the proposed sub-amendment would have the exact same effect as the amendment. That's what I understood from Mr. Newman's answer.

In that case, I question the usefulness of this sub-amendment, besides wasting our time. Just thinking out loud.

• (1635)

**The Chair:** Mr. Serré, you have the floor.

**Mr. Marc Serré:** I'd like to ask Ms. Boyer for a clarification.

The proposed amendment would replace the text so that it says "the necessary measures." What does that mean? What would be the meaning of this change?

**Ms. Julie Boyer (Assistant Deputy Minister, Official Languages, Heritage and Regions, Department of Canadian Heritage):** The question was raised more than once during committee discussions.

When we say "the necessary measures", their necessity must be proven. Often, a stakeholder must prove that a specific measure is necessary, or the minister must be persuaded of its necessity, which can add needlessly to the burden of proof. It could even dissuade certain ministers from implementing positive measures because they would not be deemed necessary.

It explains the wording still used by legislative drafters in Bill C-13, which specifies that federal institutions must implement commitments by taking measures "they consider appropriate," or possible measures, rather than talking about measures deemed necessary, because that requirement adds to the burden of proof.

**The Chair:** Thank you, Ms. Boyer.

**Mr. Joël Godin:** In fact, Ms. Boyer's answer tells us it could dissuade departments from implementing necessary measures. Indeed, every department must take necessary positive measures. That's why, from the beginning, we insisted on a single department, in this case the Treasury Board, as the final authority for implementing the legislative provisions. So, I don't understand.

I won't fight and I won't render my shirt over it, but I think we're running in circles. Again, we're not including as many aspects as possible in the bill to make sure it's highly effective.

We know that the Liberals will vote against my proposal in favour of theirs, and the NDP will follow their vote. So, I won't waste my time.

**The Chair:** Mr. Godin, we don't have a crystal ball. Let's follow the process, please.

Are there any other comments on the sub amendment proposed by Mr. Drouin?

Hearing none, we will proceed to the vote.

(Subamendment agreed to: yeas 6; nays 5.)

**The Chair:** We are coming back to amendment CPC-33, as amended.

There doesn't seem to be any other comments, so we will proceed to the vote.

(Amendment as amended agreed to: yeas 7; nays 4.)

**The Chair:** This brings us to amendment BQ-39.2. I will specify the number of reference, so that there's no confusion: it is indeed 12291732. That is the new amendment BQ-39.2, if I may put it that way.

Do you want to introduce this amendment, Mr. Beaulieu?

**Mr. Mario Beaulieu:** Yes.

**The Chair:** Just before, I want to mention that if amendment BQ-39.2 passes, amendment BQ-40 cannot be moved due to a line conflict.

You have the floor, Mr. Beaulieu.

**Mr. Mario Beaulieu:** Unless I table the modified amendment, but that's another story, Mr. Chair.

Amendment BQ-39.2 is not binding, but in my opinion, it is important.

Under paragraph 22(1)c) of the bill, in the section that reads "provide funding to an organization, independent of the Government of Canada, responsible for administering a program whose purpose is to provide funding for test cases [...] to be brought before the courts", we propose to add the word "transparently" before the word "administer".

For some time, it's been impossible to know how the funds are used and which organizations receive them. It's justified in part by the fact that we don't want to undermine a litigant launching a lawsuit.

For example, at one point, the Fédération des communautés francophones et acadienne, or FCFA, told us that if a provincial government knew ahead of time that the funding was coming, the government could prepare for it, which would weaken the FCFA's position. In my opinion, that means it's important to have as much transparency as possible.

As we know, the Court Challenges Program can occasionally undermine some provincial legislation, not only in Québec, but also in other provinces.

As for point b), we propose to add "rights granted under provincial and territorial linguistic regimes" after the section that read, "for test cases of national significance to be brought before the courts to clarify and assert constitutional and quasi-constitutional official language rights".

I was told that New Brunswick planned to offer bilingual services in all of its cities, but the measure came into conflict with the Official Languages Act, which specifies that the services have to be offered where numbers warrant. As that can sometimes come into conflict with francophones' rights, it's important to consider rights granted under provincial and territorial linguistic regimes, which already exist in Bill C-13 in other respects.

Amendment BQ-39.2 also intends to add a point to subsection paragraph 22(1)c), which would become paragraph 22(1)c.1). The wording would then become "provide this funding as transparently as possible, including by requiring that, after a test case is brought, the name of the funding recipients of the program referred to in paragraph (c) and the nature of the case be disclosed in the annual report of the independent organization, unless there are reasonable grounds to believe that the disclosure would cause harm to the recipients;"

Again, this is not a binding amendment; instead, it's a goal to increase transparency as much as possible. Since the money comes from taxes, it's normal to have a minimum of accountability.

The text in paragraph 22(1)c.1) was proposed by the Standing Committee on Justice and Human Rights, which led a study on the subject. Furthermore, I think Mr. Housefather was the chair at the time.

To summarize, it's simply about making the Court Challenges Program as transparent as possible.

• (1640)

**The Chair:** Thank you, Mr. Beaulieu.

Mr. Drouin, you now have the floor.

**Mr. Francis Drouin:** Being very sensitive to this issue, I simply will not support this amendment.

In my experience, allowing a government to have a head start is not fair for linguistic minorities, because it has many resources when it goes before the courts.

I would have been unable to receive services in French if this program had not existed when I was 14 years old, and later on, when my child was born at Montfort Hospital. I understand that Québec's reality is different, but I cannot support this amendment for that specific reason, which has been so important to my community.

**The Chair:** Thank you.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** My colleague's testimony is very important.

Mr. Newman, is that what the amendment proposed by my Bloc Québécois colleague actually does?

**The Chair:** Mr. Newman, you have the floor.

**Mr. Warren Newman:** Can you clarify the question?

**Mr. Joël Godin:** My colleague just told us about an experience he had regarding his son. I'd like to understand the situation correctly.

Would the amendment presented by my Bloc Québécois colleague actually have the effect mentioned by my Liberal party colleague?

• (1645)

**Mr. Warren Newman:** I cannot venture an opinion on hypotheses or Mr. Drouin's experience. From a legal point of view, I have nothing to add for the time being.

**The Chair:** Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I want to say that it's not mandatory. In the case of Monfort Hospital, I am among those who donated money and supported the cause. There's no problem.

I do, however, want to say that according to the exact wording of the amendment, disclosure must be done "after a test case is brought", and not before it is filed. According to what I understand from Mr. Drouin's comment and his interpretation of the amendment, disclosure would have to occur before a test case is filed, but it's actually after it's filed that it would be done.

Also, if there is reasonable grounds to think that this disclosure could negatively impact recipients, as in the example Mr. Drouin provided, at that time, disclosure would not be done. However, I

myself have conducted verifications with some people from the FCFA, who told me that once their case was heard, they did not see how disclosure could undermine the recipients.

It's public money. People pay taxes and members should know where that tax money is going. It's a simple issue of transparency. I consider the door to be wide open to make sure this causes no harm.

**The Chair:** I think Mr. Newman wants to add something.

**Mr. Warren Newman:** Since we're talking about personal experiences, I'll take the liberty of making a personal comment. I argued the case related to the Montfort Hospital file before the Ontario Court of Appeal for the Attorney General of Canada at the time. I am therefore sensitive to the idea that we should not impose too many restrictions or limit francophone minorities' rights outside Québec. As an Anglophone from Québec, I would say that anglophones in the province would also like to make sure that their rights are protected.

**The Chair:** Thank you, Mr. Newman.

Mr. Gordin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, I will turn to the experts, because what my colleague said is important.

I am sensitive to the rights of francophone minorities outside Québec, everywhere throughout Canada, but in the proposed amendment, I don't see how they could be undermined.

I would therefore ask Ms. Boyer to interpret the proposed amendment and give me a scenario that looks like what Mr. Drouin shared with us earlier.

**The Chair:** Ms. Boyer, you have the floor.

**Ms. Julie Boyer:** Thank you very much for the question, Mr. Chair.

The only issue of concern has to do with the commitment to provide funding to an "organization, independent of the Government of Canada, responsible for administering a program". The issue has to do with disclosing the transfer of funds coming from Canadian Heritage. The independent organization managing the program, the University of Ottawa, would declare the amount of funding granted in connection with the program. The university would then manage funding allocation, but I don't think it could be required to report on it under Bill C-13.

**The Chair:** Thank you, Ms. Boyer.

Mr. Serré, you have the floor.

**Mr. Marc Serré:** Thank you, Mr. Chair.

I'd like Ms. Boyer to tell us more about the Court Challenge Program, which has two components. Specifically, I'd like her to tell us a bit more about the human rights component. Mr. Drouin was wondering earlier if the proposed amendment could have an impact on those rights.

**Ms. Julie Boyer:** Thank you for the question.

I would like to give the floor to my colleague, Mr. Fallu.

**The Chair:** Mr. Fallu, you have the floor.



**Mr. Marcel Fallu (Manager, Modernization of the Official Languages Act, Department of Canadian Heritage):** Bill C-13 contains the provision we're currently discussing, but it also includes another section, section 52. This section aims to amend the Department of Canadian Heritage Act to offer an equivalent, but for the human rights component of the Court Challenges Program.

In the current bill, the two components are not included in the same section. It mentions the powers of the same minister, but we considered it inappropriate to connect them to the human rights aspect in the Official Language Is Act. It is, however, the same Canadian Heritage program, which funds it through a contribution agreement with the University of Ottawa, an independent third party.

● (1650)

**The Chair:** I give the floor to Mr. Beaulieu.

**Mr. Mario Beaulieu:** The article in Bill C-13 stipulates that the minister provides funding to an independent organization for the purpose of bringing test cases or other important cases before the courts. However, we want the nature of each case to be disclosed in order to determine how the money was used.

The arguments raised would be valid if we wanted the information to be disclosed before or even as soon as a subsidy was granted. But we're asking for the nature of the test cases, for example, to be disclosed once the litigation is done, if it doesn't harm recipients.

At the very least, there should be disclosure about the nature of each case, so that we can know how the money was used and what sector was impacted. Otherwise, it becomes a black box.

**The Chair:** Thank you, Mr. Beaulieu.

Mr. Beaulieu, you have the floor.

**Mr. Anthony Housefather (Mount Royal, Lib.):** Thank you, Mr. Chair.

My next question is for Ms. Boyer.

On line 27, it reads:

[*English*]

to provide funding for test cases of national significance to be brought before the courts to clarify and assert constitutional and quasi-constitutional official language rights;

What Mr. Beaulieu is proposing is “and quasi-constitutional official language rights, including the right to ensure the existence of the majority-French society in a Quebec where the future of French is assured”.

Number one, by taking one element of constitutional rights—

[*Translation*]

**The Chair:** Wait a moment, Mr. Housefather. You don't have the right version.

**Mr. Anthony Housefather:** Pardon me, Mr. Beaulieu. Essentially, I want to know if you name one of these rights, and not the others.

**The Chair:** Mr. Housefather, here is the most recent version. This is amendment BQ-39.2.

[*English*]

It's reference number 12291732.

**Mr. Anthony Housefather:** Okay, then my question will be different.

Now the wording is “and quasi-constitutional official language rights, while taking into account the rights granted under provincial and territorial linguistic regimes”. If you're going to do that, as opposed to looking at constitutional and quasi-constitutional rights, then you have to look at the rights—or the lack of rights—granted under language regimes.

Let's take the example of Quebec. Would this not reduce the ability of the court challenges program to deal with the constitutional and quasi-constitutional rights that the English-speaking minority in Quebec would bring forward?

[*Translation*]

**The Chair:** Ms. Boyer, you have the floor.

[*English*]

**Ms. Julie Boyer:** I'll pass it to my colleague, Warren Newman.

**Mr. Warren Newman:** I see your concern, because it puts a focus on what rights may exist already under the various language regimes and schemes that are out there, province by province. If you're held to that, there may be an argument that you should interpret it in a way that says we're not going to entertain cases that are imaginative in this regard, because we already have this regime in place and we should take that into account. It seems to be a limitation.

[*Translation*]

**Mr. Anthony Housefather:** This would be a limitation for francophone communities outside of Quebec as well, because provincial regimes must also be considered.

Would you agree?

**Mr. Warren Newman:** Yes, of course. It is important to consider context.

● (1655)

**The Chair:** Mr. Drouin, the floor is yours.

**Mr. Francis Drouin:** I would like to make a few comments in response to my Bloc Québécois colleague's arguments.

The problem has nothing to do with the fact that information is disclosed before a case is filed. Rather, the problem is the fact that it would give future governments or federal or provincial institutions a tool to find out who received money and how much money was potentially spent to litigate a case. It's an access to justice issue, from my perspective.

For example, in the case of Montfort Hospital, which was in danger of closing, it would have disclosed how much it cost to retain all the lawyers who argued before the court, including Mr. Caza and the group of lawyers who represented Montfort Hospital. Had that happened, the lawyers' strategy would have been to extend the trial indefinitely in order to exhaust the funds of the parties involved. It is then a question of access to justice and the means by which it was accessed. Whether the information is disclosed before or after a case is filed is irrelevant, since it would still give future governments the tools to potentially curtail certain rights.

I agree that the University of Ottawa, for example, should be given a global envelope, but I am concerned about the idea of disclosing who received what. That's why you use a third party, in principle.

**The Chair:** Thank you, Mr. Drouin.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Actually, Mr. Chair, as I read it, my colleague's proposed amendment is about the right to information and the right to transparency. There is indeed the right to justice, but transparency in communications is also important.

I think it's perfectly legitimate to disclose, after going through the whole process, that a particular organization received financial assistance. It's perfectly legitimate to know that information. Paragraph 22(1)(c.1) of the amendment is clearly intended to ensure that the nature of the case is disclosed in the independent body's annual report, unless there are reasonable grounds to believe that the disclosure would adversely affect the beneficiaries.

Mr. Drouin, you presented a reasonable argument as to whether such disclosure would be harmful to the beneficiaries. The amendment includes protection. I agree on the issue of transparency, as long as it does not infringe on the agencies' right to justice. For the sake of transparency, I think the information should be given. That is entirely legitimate because it is public money.

Thank you, Mr. Chair.

**The Chair:** Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** The democratic process depends on access to information. If we do not have the most complete and objective information possible, we cannot make an informed decision. Access to information is fundamental to the democratic process.

For the people in Quebec who are watching, I want to say that the court challenges program was implemented in 1978, right after the adoption of the Charter of the French Language. Many people believe that the federal government did that to give itself legal means with pressure groups, for example.

People forget that Quebec is a minority in Canada. We are having a program imposed on us that subsidizes groups that, along with the federal government, challenge Quebec's democratic choices. In that way, the federal government has managed to weaken just about every provision of Bill 101. The result is a growing decline of French in Quebec. We need to stop that decline, otherwise the future of the French fact, both within and outside Quebec, will be in jeopardy.

I think a minimum amount of transparency is a fundamental requirement.

**The Chair:** Thank you, Mr. Beaulieu.

Mr. Drouin, you have the floor.

**Mr. Francis Drouin:** I just want to come back to the arguments on transparency.

When we ask Canadian Heritage or any other department or agency to name the organizations that received money, we do not get the salary amounts paid by those organizations or any details about the subsidized activities. We do not get any kind of statement on the organization's performance or results.

The transparency argument therefore does not hold water. We know how much money the University of Ottawa received to administer this program, but to get the details, we need to consult the university, which is a third party. It is the same thing for all of the organizations. That is not unique to the court challenges program. That is the reality for any third party organizations. We do not have a statement of results for all of the organizations.

I understand why we are talking about transparency, but we do not even have that level of detail. Even if you make an access to information request, you will not get those kinds of details.

• (1700)

**The Chair:** Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** That is our tax money.

The government put an independent organization in charge of the program because, in the beginning, the people who were a party to the conflict were the ones who were deciding who would get subsidies. In some cases, the government and Privy Council representatives bringing the cases were the ones who were deciding who got subsidies. That was a blatant conflict of interest.

That is why an independent organization was put in charge of the program. Quebeckers should be told what proportion of the allocated amounts are used to strike down our democratically passed laws. That could at least help people to make an informed decision come election time. That is fundamental to democracy.

We do not want to cause any harm. I checked in with the FCFA, for example. At one point, we reacted and they set us straight. We are trying as much as possible not to harm francophones outside Quebec. However, I think it is important to know where our money is going.

**The Chair:** Thank you, Mr. Beaulieu.

I don't see any other requests to speak, either on the screen or in the room.

Madam Clerk, please call the question on Amendment BQ-39.2.

(Amendment negated: 6 nays; 5 yeas. [See *Minutes of Proceedings*])

**The Chair:** Mr. Beaulieu, this brings us to Amendment BQ-40.

**Mr. Mario Beaulieu:** Regarding Amendment BQ-40, I'm taking out the first part because I think we've already voted on it.

**The Chair:** Amendment BQ-39.2 was defeated. There is no line conflict.

**Mr. Mario Beaulieu:** In that case, I'll keep it.

• (1705)

**The Chair:** That's what I was asking you.

**Mr. Mario Beaulieu:** To begin with, we want to make the official language rights of francophone minorities in Canada constitutional and quasi-constitutional. We therefore believe that the court challenges program should apply to francophone minorities in Canada and not be used to undermine the legislative provisions that protect French in Quebec.

Paragraph 22(1)(d) of the bill reads as follows:

22(1)(d) encourage and assist provincial and territorial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial, territorial 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;

Point (c) of Amendment BQ-40 removes the words “municipal services in both English and French”, because, in our view, anglophones in Quebec are part of the English Canadian majority. The United Nations even shares our point of view. Francophones are therefore not a majority.

Point (d) of Amendment BQ-40 addresses paragraph 22(1)(e) of the bill. It replaces lines 38 to 40 of the bill with the following: “of that language by members of”.

We believe that it is French that must be protected.

Point (d) of Amendment BQ-40 addresses paragraph 22(1)(f) of the bill and replaces “to provide services in both English and French and to foster the recognition and use of those languages;” with “to provide services in French and to foster the recognition and use of that language;”.

There may be problems in other parts of Canada, but I think the anglophone minority in Quebec is very well respected.

Point (f) addresses paragraph 22(1)(g) of the bill and replaces “official languages;” with “French linguistic minority communities in Canada;”.

**The Chair:** Thank you, Mr. Beaulieu.

With respect to Amendment BQ-40, I must make a ruling.

Bill C-13 amends the Official Languages Act by providing for certain measures to advance the equality of status and use of English and French in Canadian society. The amendment seeks to remove English from certain measures and remove references to anglophone minorities from the bill.

*House of Commons Procedure and Practice*, third edition, at page 770, states the following:

An amendment to a bill that was referred to committee *after* second reading is out of order if it is beyond the scope and principle of the bill,

In the opinion of the chair, for the reasons outlined, the amendment is contrary to the principle of the bill that passed second reading in the House of Commons.

Therefore, I rule this amendment to be inadmissible.

**Mr. Mario Beaulieu:** On principle, I challenge your ruling.

**The Chair:** You are very amiable, on principle.

We will now vote.

**The Clerk of the Committee (Ms. Michelle Legault):** I would remind you that the question is as follows:

That the ruling of the Chair be sustained.

(Ruling of the chair sustained: yeas 10; nays 1)

**The Chair:** Thank you.

**Mr. Mario Beaulieu:** It is about symmetry, but that already exists.

**The Chair:** No more arguing. The amendment is defeated.

This brings us to amendment CPC-34, which is included in the package of documents. For those who have the package, it is found on page 111. If amendment CPC-34 were to be adopted, amendment BQ-41 could not be adopted because of a line conflict.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Is it on page 111 or 110? Here, it is on page 110. Is it actually no. 12143420?

**The Chair:** Yes, but in the new package it is on page 111. We were given this new package just before I arrived.

**Mr. Joël Godin:** You see, Mr. Chair, that we are having trouble following.

**The Chair:** Yes, but you have the right reference number. That's what is important. It is amendment CPC-34.

• (1710)

**Mr. Joël Godin:** That's fine.

I move that Bill C-13, in Clause 22, be amended by replacing line 5 on page 15 with the following:

sure public consultation and separate consultations with the provincial and territorial governments in the development of policies

We are adding “provincial and territorial governments” because it is important to consult those levels of government, which are very important. We have to work in co-operation with them.

**The Chair:** Thank you, Mr. Godin.

As there are no questions, we will proceed with the vote.

(Amendment negated: nays 6; yeas 5)

**The Chair:** That brings us to amendment BQ-41.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I move that Bill C-13, in Clause 22, under “Consultation and information to public”, be amended in point (a) by replacing line 5 on page 15 with the following:

sure public consultation and separate consultations with the provincial and territorial governments in the development of policies

In point (b), by replacing line 9 on page 15 with the following:

public and the provincial and territorial governments relating to those policies and programs

This last substitution is at the very end of the paragraph, which would then read as follows:

The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to ensure public consultation in the development of policies and review of programs relating to the advancement and the equality of status and use of English and French in Canadian society and shall provide information to the public and the provincial and territorial governments relating to those policies and programs.

I believe it is important to consult the provincial governments and the Government of Quebec rather than ignoring them and encroaching upon provincial jurisdictions. In my opinion, that in no way respects the provinces and the territorial governments.

**The Chair:** Thank you, Mr. Beaulieu.

There being no comments, we can move on to the vote, Madam Clerk.

(Amendment negated: nays 6; yeas 5)

**The Chair:** We will now move on to amendment CPC-35, found on page 113 of the package.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, I move that Bill C-13, at clause 22, be amended by replacing line 6 on page 15 with the following:

and review of programs relating to the achievement of

In the bill it states, “relating to the advancement and the equality of status”. From our perspective, we are talking about “the achievement of status”. In my opinion, the advancement of status is very philosophical. In the Conservative Party, we are more practical, more pragmatic. The change may make things clearer and easier to interpret.

**The Chair:** There being no other questions or comments, we will now call the vote on amendment CPC-35 proposed by Mr. Godin.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** We will now move on to amendment BQ-42.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** Continuing on the theme of consultations, I move that Bill C-13, in clause 22, be amended by replacing line 8 on page 15 with the following:

—Canadian society and taking into account the specific need to protect the French language in Quebec and its status as the only official language in Quebec and shall provide information to the

It has been said that the federal government had the intention of protecting French, but that needs to be reflected in the legislation.

Thank you.

**The Chair:** Thank you, Mr. Beaulieu.

There being no questions or comments, we will now call the vote on amendment BQ-42 proposed by Mr. Beaulieu.

(Amendment negated: nays 10; yeas 1)

• (1715)

**The Chair:** This brings us to the end of consideration of clause 22.

Are there any other questions or comments on clause 22?

(Clause 22 as amended agreed to)

(Clause 23)

**The Chair:** We are now at clause 23.

We will begin with amendment CPC-36 proposed by Mr. Godin.

Mr. Godin, do you want to present amendment CPC-36?

**Mr. Joël Godin:** In fact, Mr. Chair, I will not be presenting this amendment.

**The Chair:** Okay, thank you.

We will move on to amendment CPC-37 proposed by Mr. Godin.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, I move that Bill C-13, in clause 23, be amended by replacing lines 13 to 15 on page 15 with the following:

shall adopt a policy on francophone immigration whose purpose is to restore and increase the demographic weight of French linguistic minority communities in Canada in order to enhance their vitality.

Mr. Chair, by presenting this amendment I feel like I am speaking on behalf of the FCFA. This amendment is also a supplementary tool in the act for ensuring that attention is paid to this issue.

**The Chair:** Before hearing questions and comments, if there are any, I want to advise members of the committee that if amendment CPC-37 is adopted, amendment BQ-43, the new amendment LIB-21 and amendments BQ-44 and NDP-10 cannot be proposed due to a line conflict.

Are there any questions or comments on amendment CPC-37 proposed by Mr. Godin?

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, I just want to take this opportunity to say that, if we want to speed up the process, let's vote in favour of amendment CPC-37, and then we can move straight on to the next amendment, which would be NDP-10.

**The Chair:** Are there any other questions or comments?

We will now vote on amendment CPC-37, moved by Mr. Godin.

(Amendment negated: nays 7; yeas 4)

**The Chair:** Let's move on to amendment BQ-43, moved by Mr. Beaulieu.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I move that Bill C-13, in clause 23, be amended by replacing lines 13 to 15 on page 15 with the following:

shall adopt a policy on francophone immigration to re-establish and augment the demographic weight of French-speaking Canadians, including in Quebec, that respects the provisions of the Canada-Quebec Accord relating to Immigration and Temporary Admission of Aliens.

**The Chair:** Thank you.

Before we proceed to questions and comments on amendment BQ-43, I just want to remind you that, if it's adopted, then new amendment LIB-21 and amendments BQ-44 and NDP-10 can't be moved because of a line conflict.

Are there any questions or comments on amendment BQ-43?

I don't see any hands raised either on screen or in person.

In that case, I will call the vote, Madam Clerk.

(Amendment negatived: nays 10; yeas 1)

**The Chair:** Now let's move on to new amendment LIB-21. Let me give you the reference number. It's 12262033.

Ms. Kayabaga, you have the floor.

**Ms. Arielle Kayabaga (London West, Lib.):** I move that the French version of Bill C-13, in clause 23, be amended, (a), by replacing lines 13 and 14 on page 15 with the following:

cophone visant à favoriser l'épanouissement des minorités francophones du Canada, notamment en assurant le rétablissement et l'accroissement de leur poids démographique.

And (b), by adding after line 16 on page 15 the following:

b) des mécanismes de communication de l'information et de reddition de compte.

The changes are different in English. I want to read out the English version too, because the lines are a little different.

• (1720)

[English]

It says that Bill C-13, in clause 23, be amended by, (a), replacing line 15 on page 15 with the following:

ties in Canada, including by restoring and increasing their demographic weight.

It continues, (b), deleting, at line 17 on page 15, the word "and" after "(a) objectives, targets and indicators;" and, (c), adding, after line 17 on page 15, the following:

(b) mechanisms for information sharing and for reporting; and

[Translation]

**The Chair:** Thank you.

**Ms. Arielle Kayabaga:** Mr. Chair, I have something to add, if I may.

The purpose of this amendment is to restore and increase the demographic weight of francophone minority communities by meeting the admission target for francophone immigrants to francophone minority communities and by increasing or at least maintaining the demographic weight of the francophone minority population.

The decline of French in many francophone minority communities has had an impact on services like day care, health care and other service delivery programs, due to a shortage of qualified francophone workers in those communities.

In a report submitted to the committee in April 2022, the FCFA argued that an effective reporting mechanism should be created and that Immigration, Refugees and Citizenship Canada, or IRCC, should be asked to develop new tools and mechanisms for measuring the progress made as a result of its francophone immigration strategy. Indicators should also be developed for the federal, provincial and territorial action plan for increasing francophone immigration.

In the report, the FCFA also asked IRCC to increase the systematic communication of francophone immigration outcomes, includ-

ing progress toward the achievement of the French-speaking immigrant target and broader results. This could be done through public reporting, such as the departmental results plan and the annual report to Parliament on immigration, and through meetings and information sharing mechanisms with partners and key stakeholders.

Thank you.

**The Chair:** Thank you, Ms. Kayabaga.

Before we go to questions and comments, if there are any, I want to point out to committee members that if the new LIB-21 amendment is adopted, BQ-44 and NDP-10 cannot be moved because of a line conflict.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** That's why I will be voting against the amendment, because BQ-44 is another amendment requested by the Quebec government. It's asking that we respect intergovernmental agreements on immigration.

We know that Francophone immigration is a touchy subject in Quebec. Given that the federal government sees such things as temporary immigration and temporary student permits as so important, fewer and fewer Francophones are immigrating. It's one of the main causes of the decline of French in Quebec.

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

**Mr. Joël Godin:** Mr. Chair, we're pleased with my colleague's proposed amendment, because it strengthens the part of the bill related to Francophone immigration. I like the words "including by restoring". That's much stronger and clearer, and the department will have to act accordingly. So I'd like to announce that the Conservative Party of Canada will support my colleague's amendment.

**The Chair:** Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I support raising and achieving Francophone immigration targets outside Quebec, but I don't see why we can't consult with Quebec and include a provision that says we need more Francophone immigration to Quebec as well.

If we weaken French in Quebec, everyone will be weakened everywhere. Moreover, we know that there is a very high rate of assimilation among Francophone immigrants outside Quebec, whereas in Quebec we have a better chance of francizing immigrants.

• (1725)

**The Chair:** Thank you, Mr. Beaulieu.

Since no one else wishes to speak, we will proceed with the vote.

(Amendment agreed to: yeas 10; nays 1)

**The Chair:** As I explained, because amendment LIB-2 was adopted, we will skip BQ-44 and NDP-10, due to a line conflict.

Therefore, we now go to amendment CPC-38.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, earlier, my colleague introduced an amendment related to immigration, and my remarks are somewhat along the same lines. I believe that words are important and that we need to give ourselves tools to be more demanding and firmer and obtain better results in terms of immigration.

We know that results have been abysmal—forgive me for using such a strong word—in the past. This year, the government met its target of 4.4%, but it took several years. As the FCFA said, we need to catch up and set the target at 20% for the next few years to restore the demographic weight of Francophones.

I therefore move that Bill C-13, in Clause 23, be amended by replacing lines 18 to 20 on page 15 with the following:

“(b) a statement that the Government of Canada is committed to restoring and increasing the demographic”

**The Chair:** Thank you, Mr. Godin.

Since no hands are raised, we will proceed to the vote, Madam Clerk.

(Amendment negatived: nays 6; yeas 5)

**The Chair:** We will now move on to amendment BQ-45.

**Mr. Mario Beaulieu:** I withdraw it, to save some time.

**The Chair:** That brings us to amendment CPC-40.

**Mr. Joël Godin:** It looks like it's my turn again, Mr. Chair.

We're introducing CPC-40 for the same reasons.

I move that Bill C-13, in Clause 23, be amended by adding after line 22 on page 15 the following:

(c) a statement that the Government of Canada recognizes the importance of franco-phone immigration to economic development.

We're adding paragraph (c) to paragraphs (a) and (b) of this bill. I don't believe I need to repeat what I've been saying for several weeks at committee meetings. People are aware of the Conservative Party's views.

• (1730)

**The Chair:** Any questions or comments?

(Amendment agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

**The Chair:** We will now turn to amendment CPC-39. There was a minor error, but just to make sure we're talking about the right amendment, I will give you its reference number, 12105064.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Mr. Chair, I'm very pleased and proud to introduce amendment CPC-39. It's along the same lines as the one introduced by my Liberal colleague Mr. Samson. It simply reinforces the importance of giving school boards and educational institutions in Canada access to federal properties. I will read it. It's quite long.

I move that Bill C-13, in Clause 23, be amended by adding after line 22 on page 15 the following:

44.2(1) Before disposing of federal real property or a federal immovable, the federal institution that manages it shall consult any official language minority school board or commission and any other interested official language minority community organizations that serve the area in which the property or a movable is located with regard to their needs and interests in relation to it.

(2) Before selling or leasing the property or movable in question, the federal institution shall offer interested official language minority community organizations

(a) in the case of property or an immovable whose area does not exceed 12 acres, the opportunity to purchase or lease it in whole or in part;

(b) in the case of property or any movable whose area exceeds 12 acres, the opportunity to purchase or lease up to 12 acres.

Mr. Chair, I feel it's important to say that organizations are not looking for a handout. They want to cover the costs. They also want access to land. There is currently a problem in British Columbia, and we need to look to that and put very specific language in Bill C-13 that will prevent these kinds of situations in the future and provide access to land.

Mr. Chair, the problem isn't that not enough students want to learn French. The problem is infrastructure. Therefore, we must give organizations access to the infrastructure to meet their needs, because classes are overflowing.

Let's give ourselves tools as a federal government. Let's take responsibility and ensure that these organizations have access to federal assets and buildings that are going to be neglected or put on the market. In my opinion, it would be legitimate to give them priority.

**The Chair:** Before we go any further on amendment CPC-39, I must inform you, Mr. Godin, that there is no line conflict with the new LIB-20, which is on page 104 of the bundle of amendments.

There is no line conflict because your amendment changes the text by adding lines after an existing paragraph. However, LIB-20 as adopted says virtually the same thing. I've been advised to show this to the members before going any further and to allow questions and comments.

Mr. Housefather, you may comment first.

• (1735)

**Mr. Anthony Housefather:** I just wanted to say the same thing.

Because LIB-20 was adopted, we already have instructions in the bill for disposing of federal buildings that go a certain way.

Mr. Godin's proposed amendment doesn't say exactly the same thing as LIB-20. As I'm Parliamentary Secretary to the Minister of Public Services and Procurement, and my department would be responsible for implementing these provisions, I believe it would be contradictory having these two sets of instructions in one act would be contradictory.

I don't believe it would work. The two sets of instructions are asking the government to do two different things with its buildings.

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

**Mr. Joël Godin:** I hear your comment loud and clear, Mr. Housefather.

Actually, this goes into the legal realm, and I'm not a lawyer. I would like to verify what implications this will have. I'd rather have a belt and suspenders than nothing in the act.

Mr. Newman, do we need suspenders?

**The Chair:** Mr. Newman, you have the floor.

**Mr. Warren Newman:** I often wear both suspenders and a belt for the same reason but, in this case, we don't believe it's necessary. In addition, we need to prevent confusion and, if possible, avoid creating a situation where we have to weigh one rule against another in the same act.

**The Chair:** Mr. Godin, please go ahead.

**Mr. Joël Godin:** How would adopting this amendment affect interpretation of the act?

I realize that I'm asking you point blank.

You understand that we're making decisions for the future. I'm willing to withdraw my amendment if it conflicts. However, can you determine how it would conflict?

**The Chair:** Go ahead, Mr. Fallu.

**Mr. Marcel Fallu:** As adopted, LIB-20 is a little more comprehensive in terms of consultation, but I will come back to that.

What I notice is primarily the verb "lease" in CPC-39 in the context of disposing of surplus property. I'm wondering about the intent.

**Mr. Joël Godin:** The intent is to provide access.

**Mr. Marcel Fallu:** Okay.

It also refers to a number of acres, to an area. I have to admit that I don't know enough of the context to comment on the number of acres. I don't know if you want to add anything to that.

So it's a little more specific, but in terms of consultation, it's pretty much the same, in my opinion.

**The Chair:** Mr. Gagné, you have the floor.

**Mr. Bernard Gagné (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC):** I'm going to rephrase the question.

You will recall that we adopted an amendment by Mr. Samson that stated somewhat the same thing. Do you feel that amendment was sufficient?

You understood the principle of wanting to make federal buildings available to school boards so that they could have priority access to them, as needed.

I believe that the wording was quite clear in Mr. Samson's amendment. In your opinion, was that sufficient?

If not, would amending this amendment reinforce what Mr. Samson was proposing?

My question is for Ms. Boyer.

• (1740)

**Ms. Julie Boyer:** Thank you for your question.

In my opinion, the scope of amendment LIB-20 was quite clear.

This can be implemented, and when a provision about properties is involved, we need to make sure that the following people are notified and consulted in this order: other federal institutions, the provinces and territories, including municipalities which include official language minority communities, and indigenous groups.

The various groups are notified in that order, and they can consider purchasing the properties. That's very clear.

However, it might be confusing to have a second amendment that adds something about acreage. That said, LIB-20 clearly states that official language minority communities must be consulted.

**The Chair:** Mr. Housefather, you have the floor.

**Mr. Anthony Housefather:** The amendment talks about leasing buildings or properties. However, under our current policy, we don't lease buildings, we sell them. We provide the opportunity for groups to purchase them, but we don't keep the buildings for people to lease. That would completely change our policy.

**The Chair:** Thank you, Mr. Housefather.

Mr. Godin, you have the floor.

**Mr. Joël Godin:** Actually, I'm going to keep my amendment because it's stronger than the LIB-20 amendment that was adopted.

Remember that section 41.1(1) begins as follows: "In developing a disposal strategy for a surplus federal real property or a federal immovable, every department and supporting federal institution shall take into account the needs"....

However, my amendment includes a requirement, so I feel it's more important. That's why I'm keeping it.

Mr. Housefather, yes, when you talk about leasing, that may be a flaw in my wording, but the fact that no properties are leased right now is no guarantee that it won't happen in the future.

Therefore, I stand by my amendment. I stand by it because it's important that organizations have access to federal properties.

**The Chair:** Thank you, Mr. Godin.

Because no one else wishes to speak, we will proceed with the vote on amendment CPC-39.

(Amendment negatived: nays 6; yeas 5)

**The Chair:** That brings us to amendment BQ-46.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I won't be moving it, Mr. Chair.

**The Chair:** All right.

Shall Clause 23 carry?

**Some hon. members:** Agreed.

(Clause 23 as amended agreed to)

(Clause 24)

**The Chair:** We will now move on to Clause 24 of the bill.

We now turn to amendment BQ-47.

**Mr. Mario Beaulieu:** I won't be moving it, Mr. Chair. We will save some time.

**The Chair:** You are quick off the mark, Mr. Beaulieu.

So that brings us to amendment LIB-24.

**Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.):** We won't be moving amendment LIB-24, Mr. Chair.

**The Chair:** Thank you, Ms. Lattanzio.

We will move on to amendment LIB-25.

**Mr. Anthony Housefather:** Mr. Chair, I've already explained why I don't believe that provincial legislation should be included in federal legislation. My arguments were related to the lack of consensus, the fact that the notwithstanding clause is being used, and so on.

Before we proceed to the vote, I'd like to ask the officials two questions.

• (1745)

**The Chair:** Mr. Housefather, before we go any further in the debate on LIB-25, I must remind members that if LIB-25 is adopted, BQ-48 can't be moved due to a line conflict.

**Mr. Mario Beaulieu:** I thought that—

**The Chair:** We will now continue with Mr. Housefather.

**Mr. Anthony Housefather:** Thank you very much, Mr. Chair.

My question is for Ms. Boyer or Mr. Newman.

We're talking about equal status here. Pursuant to section 45.1(1), "[t]he Government Canada recognizes the importance of cooperating with provincial and territorial governments in the implementation of this Part, taking into account the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status."

Paragraphs 45.1(1)(a), 45.1(1)(c) and 45.1(1)(d) are constitutional in nature. Although all provinces have statutory provisions to provide services in French, reference is made only to those of Quebec here.

Why did the drafters choose not to include any or all provisions? Why did they include only those from Quebec?

**Ms. Julie Boyer:** I'd like to thank the member for his question, Mr. Chair.

My colleague has just reminded me that right before paragraph 45.1(1)(a) of the bill, it says "including that". This is followed by some examples of what already exists in terms of Canada's language regimes. The list is not necessarily exhaustive.

I believe that the legislators' intent was to reflect the contents of the official languages reform document, including the recognition

of Quebec's Charter of the French Language as the instrument that defines Quebec's language regime.

**Mr. Anthony Housefather:** One could say that French is the official language of Quebec without reference to this charter.

My second question is somewhat more specific.

[*English*]

We're now talking about a section that's not only the preamble but deals with a very specific provision. It deals with interprovincial agreements.

The federal government is perhaps saying there's a federal service that will be offered by the provinces, and as a result, we are now going to deal with them to negotiate an agreement. We've had a judgment in British Columbia that was very clear as to the importance of ensuring that, if it is a federal service, the minority language community is offered the service in that language and the federal government has such obligations.

Quebec's Charter of the French Language today, Bill 96, which is now referred to in this clause in proposed paragraph (b), explicitly states that in order to receive services in English for government services you need to have access to English schools. That is not our policy for the federal government. That is not our policy for federal services. We don't pick and choose who gets access to services in English.

If you were a member of the minority language community in Quebec, would you not be concerned that mentioning, in proposed section 45.1, a law that deprives a certain section of the Quebec population who wants to be served in English of the right to be served in English...? Would you not be concerned that would infringe on your rights?

I'm concerned about that, which is why I'm proposing to delete the reference to Bill 96.

Ms. Boyer, do you think that's a valid concern?

**Ms. Julie Boyer:** I want to make one small correction. We're talking about collaboration with the provinces and territories and not necessarily about the offering of services.

Therefore, this is to say that, in collaboration with the provinces and territories, we take into consideration this legislation and other legislation that may not be listed here, like the policy for services in Ontario.

Do you want to add to that, Warren?

**Mr. Warren Newman:** Yes.

As I'm sure you're aware, there are statutes and there are statutes. There's the French Language Services Act of Ontario, which one could have mentioned or not mentioned, as the case may be. Each province... Alberta and Saskatchewan both have language acts enacted after the *R v. Mercure* case. There's legislation that could be mentioned.

The Charter of the French Language is a prominent piece of legislation in relation to Quebec—we all know that—but the fact that it's mentioned explicitly is neither here nor there.



You're right that the other three explicit mentions relate to constitutional provisions, but that's just part of the structure of the text. It does not take away the fact that, as Madam Boyer noted, the proposed section ends by saying, "including".

It's all about co-operation with the provinces and territories. It's not about limiting services, and certainly not federal services. Those are governed by part IV of the act, not by this outreach part of the act, part VII.

• (1750)

**Mr. Anthony Housefather:** Mr. Newman, the consultation and negotiation of agreements fall under this section of the act, section 45. It talks about "may negotiate agreements with the provincial governments to ensure, to the greatest practical extent but subject to Part IV, that the provision of federal, provincial"—blah, blah, blah—"is coordinated".

Again, you have one act... I'm not aware of any other act in the country that states who is eligible for services if they are provided in that language, whereas Quebec's Charter of the French Language now makes very explicit who is entitled to receive services in English and who is not.

Again, my concern is that, by choosing to make explicit reference when you're not making specific reference to any other provincial law, even though you're saying that they may be included, you're leading to a situation where I am confident the Quebec government will argue, when they are negotiating an agreement with the federal government for the provision of services to Quebecers, "We have to look now at the Charter of the French Language that says only this subgroup of people is entitled to get served in English."

Again, I express my deep concern about this as a representative of that community.

**Mr. Warren Newman:** I certainly understand your concern as an official. Again, I can only go so far in terms of policy questions. However, I would say this. This is concerned with the implementation of part VII and also with coordinating the availability of services—federal, provincial, municipal. In no way does it limit federal communications and services in English to the English-speaking minority. Those are governed both by section 20 of the charter and by part IV of the Official Languages Act, which is meant to implement section 20.

I don't see that federal services from federal institutions would be in any way compromised by the mere mention of the fact that the Charter of the French Language and other linguistic regimes are matters that the government recognizes as part of the overall context.

**Mr. Anthony Housefather:** However, you're talking about... This is my last one. Again, all my other arguments are still there. This is specific to where this reference is, but again you acknowledge that now the Charter of the French Language says that, in order to obtain government services, you need to have access to English schools, subject to some exceptions, such as for health care. You have that as the general rule when you're—

**Mr. Warren Newman:** But it's not federal services.

**Mr. Anthony Housefather:** No, but, Mr. Newman, for provincial services, you're making reference to the law that says that. You're talking about negotiating agreements, agreements between the federal government and the provincial government, and you're making specific reference to that law. Are you telling me that you don't believe there's any chance that the government in Quebec will come back and make that argument in court one day? I want 100% assurance that they'll never make that argument.

**Mr. Warren Newman:** No lawyer will give you 100% on anything.

**Mr. Anthony Housefather:** Exactly. Thank you.

**Mr. Warren Newman:** However, I will give you this. What this is concerned with is taking into account context. That's all this is about. It's not about whether another government may one day make an argument that may or may not fly before the courts. From our perspective—

**Mr. Anthony Housefather:** Then why defend the argument?

Anyway, thank you, Mr. Newman.

**Mr. Warren Newman:** You're welcome.

[*Translation*]

**The Chair:** Some people have raised their hand, but before going any farther, I would like to tell Mr. Beaulieu that my previous comment about BQ-48 is no longer applicable. You sent a new version, according to which the amendment is an addition, not a substitution. I'd like to point out to the committee members that LIB-25 no longer has an impact on BQ-48.

I'm giving the floor to Mr. Godin now.

**Mr. Joël Godin:** Thank you, Mr. Chair.

In response to my colleague Mr. Housefather's comments, I'd like to remind him of how serious the current situation is.

Quebec is a majority-French province in an English-speaking North American ocean. I think that it's important to begin by acknowledging that. It's perhaps what led our writers to say "including that ... (b) *Quebec's Charter of the French language* provides that French is the official language of Quebec". I think it's appropriate for the Charter of the French Language to be mentioned, because it is relevant to the objective of the bill.

Now, Mr. Chair, how can Mr. Housefather propose referring to the Quebec National Assembly in the act without including all the provincial legislatures?

The Charter of the French Language is one aspect. If we want to put the Quebec National Assembly in the act, then all the provincial and territorial legislatures need to be included. In my view, with respect, the amendment you are proposing is not required. It's altogether legitimate to include the Charter of the French Language in paragraph 45.1(1)(b). The situation has to be acknowledged. It also mentions Manitoba and New Brunswick.

As the officials explained, it's not exhaustive. I don't think that placing the Quebec National Assembly in the bill is as strong, and it doesn't clearly reflect Quebec's specific circumstances.

That's what I have to say, Mr. Chair.

• (1755)

**The Chair:** Ms. Lattanzio, you have the floor.

**Ms. Patricia Lattanzio:** Thank you, Mr. Chair.

[*English*]

I had a question for Madam Boyer with regard to the understanding of proposed section 45.1 in terms of this idea of co-operation. I seem to see a contradiction, and I'm going to explain myself. It reads:

taking into account the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status and use of English and French in Canadian society,

Then I look to proposed paragraphs (a), (b), (c) and (d). As mentioned, (a), (c) and (d) speak to the constitutional element of both English and French. Proposed paragraph (b) only speaks to the Quebec Charter of the French language, which makes it only French. Do you not see a contradiction in terms of the writing of proposed section 45.1, when we're trying to state the advancement of the equality of the state of both French and English?

[*Translation*]

**The Chair:** Thank you, Ms. Lattanzio.

Over to you, Mr. Beaulieu.

**Ms. Patricia Lattanzio:** Mr. Chair, I haven't had an answer.

Anyone who can answer my question is welcome to do so, Mr. Chair.

**The Chair:** Sorry.

Go ahead, Ms. Boyer.

[*English*]

**Ms. Julie Boyer:** I can start off, and I'll see if my colleague Warren Newman wants to add anything.

Thank you for your question and for listening to the answer.

Here I would say that "taking into account the diversity of the provincial and territorial language regimes" is really, in the context of proposed section 45 on the consultation and negotiations, that we shall take into account the linguistic regimes of the different provinces and territories. It's more contextual in nature, and I think that's what my colleague Mr. Newman was referring to earlier.

Is there more you would like to add?

**Mr. Warren Newman:** I think that's pretty well the point. You have to see this provision, proposed section 45.1, as an addition to what is already part of part V. It's taking into account the fact that, in implementing this part of the act, with all its broad range of outreach, where there is consultation and negotiation with the provinces and territories, and negotiating agreements, we'll try, in a practical manner, to ensure the provision of federal, provincial and municipal education services, maybe through synergy and efficien-

cies, and take into account that each province has its particular linguistic regime.

I don't think it's meant to do more or less than that. The mere mention that the Charter of the French Language is there and has designated French as the official language of the province's administration, I don't think has any more weight than the fact that we also take into account other aspects. Quebec is also mentioned in the first clause. English and French are used in the houses of the legislature in the enactment of legislation and before the courts of Quebec.

This is part of the overall balance that is taken into account.

• (1800)

**Ms. Patricia Lattanzio:** Mr. Chairman, I have a follow-up question, if you will allow me.

**The Chair:** Yes, Madam Lattanzio, go ahead.

**Ms. Patricia Lattanzio:** Mr. Newman, thank you for your answer, but I feel that, to have clarity, we either enumerate all of the linguistic regimes and, therefore, it would be a very exhaustive list, or add (b), which really does not add much. It doesn't clarify. It doesn't do much to ensure that there would be this co-operation.

That's my understanding of your answer. Am I correct?

**Mr. Warren Newman:** Thank you.

I don't think there's much more I could add. It is a legislative policy choice to mention and highlight the Charter of the French Language.

Yes, one could be exhaustive. It would be a very long provision if that were the case. Already, the opening words, with the use of the word "including" is sufficient, in our view, from a legislative point of view. The policy is a matter for political actors.

Thank you.

**The Chair:** Thank you, Madam Lattanzio.

Mr. Beaulieu.

[*Translation*]

**Mr. Mario Beaulieu:** I am astounded that some people want to exclude any reference to Quebec's Charter of the French Language. They want nothing to do with French. They have no respect for French.

The Charter of the French Language is the bulwark of the only majority-francophone state in America, and they're not happy about it.

We have never challenged the principle of services in English for anglophones. Unless we succeed in integrating and teaching French to newcomers, we will never make French the common language. It's mathematics. We need 90% of newcomers to adopt the French language if we are to maintain our demographic weight.

What you are doing amounts to openly working to make francophones a minority.

The Charter of the French Language is very important and it has never challenged the provision of services to anglophone minorities or respect for their rights.

This proposal needs to be defeated.

**The Chair:** Mr. Housefather, The floor is yours.

**Mr. Anthony Housefather:** Mr. Chair, I have never made this a personal issue and I find it deplorable that my colleague is trying to do so. I am altogether in favour of the development of both official languages. We want to promote the vitality of French everywhere in Canada.

Since I've been in Parliament, I have been one of the only two people, the other being Ms. Mona Fortier, to argue that the Divorce Act should give people the right to a divorce in French across Canada. I also proposed some 10 amendments to Bill C-11 on behalf of francophone producers and directors in Canada.

So I'm not at all against French. Indeed, before the adoption of Bill 96, I would never have been against a reference to the Charter of the French Language. Now, however, it's clear that the vast majority of Quebec's anglophone minority are not...

**Mr. Joël Godin:** I have a point of order.

I sense that we're headed for game of ping-pong and don't think it would be helpful to the work we are doing here in committee. I therefore think, Mr. Chair, that we should call the vote.

**The Chair:** Nevertheless, I'm going to let Mr. Housefather continue for a few seconds.

**Mr. Anthony Housefather:** I'll wrap things up, Mr. Godin, and then we can move on to the vote.

I suggested using another way of saying that French was Quebec's official language. Just because we are asking to have this reference removed doesn't change that. Here again, you have an act that has not achieved consensus in Quebec. The vast majority of people in the minority that this act is supposed to be protecting are opposed to it. There is another way of saying the same thing, and that's to say that French is the official language of Quebec, using different words.

To conclude, Mr. Newman, you spoke about the manner in which Quebec is referred to in paragraph 45.1(1)(a), but it's a constitutional provision, the one that establishes the equal status of both languages in Quebec courts and debates in the Quebec legislature. It's not a provincial act. I would go so far as to say that Bill 96 infringes...

• (1805)

**Mr. Joël Godin:** I rise on a point of order, Mr. Chair.

We are straying from the amendment.

**The Chair:** Not at all, Mr. Godin. He's talking about amendment LIB-25.

**Mr. Anthony Housefather:** I am definitely talking about the amendment. I believe that Bill 96 infringes section 133 of the Constitution Act, 1867, because it says that incorporated non-profit organizations must file their court documents with a certified translation into French. It's before Quebec's courts today.

I believe that we can avoid an argument by using different words to say the same thing, namely that French is Quebec's official language.

Thank you very much.

**The Chair:** As I don't see any other hands raised, I would ask that we proceed to the vote, Madam Clerk.

(The amendment is defeated: nays 6; yeas 5) [*See minutes*]

**The Chair:** Before adjourning the meeting, I'd like to tell you where we stand with respect to the meeting times.

Our next meeting will be on Friday, March 31.

Please note that there will not be a meeting on Friday, March 24, because that's the day President Biden will be visiting us, as you know.

Nor will there be a meeting on Tuesday, March 28, because that's the day of the budget speech.

As of now, we have four and a half meeting hours remaining for the the clause-by-clause consideration of Bill C-13.

Stay tuned, because we might well have an opportunity to meet on the afternoon of Friday, March 31.

Keep that in mind before we adjourn the meeting.

**Mr. Joël Godin:** In fact, Mr. Chair, it would be important to know ahead of time so that we can plan our travel.

**The Chair:** We've been proactive, and we're still waiting.

**Mr. Joël Godin:** I understand. I'd simply like us to be able to strike a balance. There's no ill intent.

**The Chair:** I gave you a hint last week when we were sitting. As soon as I have confirmation of the times and dates, I will send the information to all the members.

Go ahead, Mr. Généreux.

**Mr. Bernard Généreux:** If we sit on Friday, March 31, in the afternoon, will that use up all of the four and a half hours you mentioned?

**The Chair:** There would be half an hour remaining.

**Mr. Bernard Généreux:** If we have to work all afternoon on Friday, March 31, we might as well use up all the remaining hours.

**The Chair:** Right. Understood.

The meeting is adjourned.





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