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**Chair**

**Mr. Pablo Rodriguez**

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Thursday, April 21, 2005

• (0910)

[Translation]

**The Chair (Mr. Pablo Rodriguez (Honoré-Mercier, Lib.)):** Welcome, everyone. Welcome to this meeting.

First off, I want to apologize for the last minute change in venue. It isn't something we're responsible for, but a change that took place last night at the last minute. Perhaps that explains why some of our colleagues haven't arrived yet.

Welcome to this very important meeting. Today, it is a pleasure and an honour for us to welcome the Honourable Jean-Robert Gauthier in order to discuss Bill S-3, an Act to amend the Official Languages Act.

As usual, we will give Mr. Gauthier the floor for a few moments, and then we will proceed.

Mr. Godin, go ahead.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** I have a point of order, Mr. Chairman. I simply want to advise you that I am going to be tabling a motion during this meeting, or after we have heard our witness. This motion suggests Bill S-3 be made a priority. Last week, a motion was moved to set aside Bill S-3 until our report is complete. I want to advise the committee of the fact that I am tabling a motion to reopen the debate.

**The Chair:** We can do what we did the last time with Mr. Lauzon, in other words set aside 10 minutes for this matter at the end of the meeting. Is that all right? Thank you.

Welcome, Mr. Gauthier. You have the floor.

**Hon. Jean-Robert Gauthier (As an Individual):** Thank you, Mr. Chairman.

First, allow me to tell you that I am very pleased to be here. I have been in the halls of Parliament for a number of years. I spent 22 years here as a member of Parliament and ten as a senator. So, I have some understanding of procedure and of the atmosphere here.

Before I start, I should say that I am deaf or hard of hearing. It depends on who's talking to me. If it's a bearded man, I don't understand anything, because I can't read his lips. If it's a beautiful woman, I understand everything.

As you can see I have a real-time stenotypist service here. I'll give you an explanation. Marie-Claude Lavoie is a professional stenotype operator, and she will be writing down what she hears through interpretation in English or in French. She strictly works into one language because it can't be bilingual. Her dictionary is either French

or English. Marie-Claude Lavoie is a francophone. She will be giving me the transcript in French. You can speak English, she has access to interpretation, and I understand both languages. You see how convenient this is.

I find it both unfortunate and unjust that the House of Commons is denying access to captioned parliamentary debates to three million Canadians. The House of Commons should understand that it is essential for Canadians to have access to all parliamentary debates. For instance, question period is captioned in English but not in French. There is no captioning, either in English or in French, of any other debate. However, we've got the technology today. We have it in the Senate. It took us five years to refine it. We've been working on it since I went deaf, in 1997, and we now have good technology.

I won the battle yesterday with Radio-Canada. Radio-Canada will caption all of its programming in French. There is no problem in English. All CBC and Newsworld programming is captioned, 24 hours a day, seven days a week. That isn't the case in French, and it is unacceptable in a country with two official languages. That was my plug. I know it's popular these days to sponsor certain things, so that's what I've done.

Let's get back to the task at hand, Bill S-3. Since 2001, I have tabled on four occasions an Act to amend the Official Languages Act (promotion of English and French). This bill was subject to a rather comprehensive study by parliamentary committees, and by the Senate. Approximately one year ago, Bill S-4 was unanimously adopted and was even sent to the House of Commons, which had begun second reading. Unfortunately, or fortunately, there were elections. The bill died on the *Order Paper*, as they say.

Following the elections, in the spring of 2004, I tried again. In the fall Bill S-3 went through first, second, and third reading and was passed by the Senate. So the bill you are now considering is no longer a Jean-Robert Gauthier bill but rather a Senate bill.

[English]

One has to be patient in drafting and trying to get approval for a bill in Parliament. I have to tell you that I've only had one bill, among many others, that was approved in my 32 years here. The bill that I had approved was in 1994, Bill C-207.

I was chair of the public accounts committee at that time. What it did was it allowed the Auditor General to present more than one annual report. Previously, the Auditor General could present one annual report. It was a book about that thick, with several compartments to it. It was a one-day wonder. The press were on to it for about a day and a half, at most. Nobody in his right mind could read all that information. I said, "That's not correct. Why don't we let the Auditor General present his reports or her reports whenever he or she feels it's adequate?" So I put a private member's bill before the House of Commons.

It wasn't easy. They have a saying in English, "You have to be patient". Well, I was very patient. Finally we got it through the House, and then through the Senate, and now, today, as you know, the Auditor General can put forward four reports during one year. And that is very good. I think we have better accountability that way. That's my own view.

This is why I'm bringing forth Bill S-3, S-4, S-32, and S-11, four bills, with one purpose in mind: to give Canadians a better accountability of official languages. What do I mean by that? Well, laws are objectives. They determine clearly where we're going. They don't tell you how you're going to get there, but they tell you why we want to be there. Politicians, when they stick to the why of issues, are okay; they're in their field. When they start talking about the how of issues, they are out of their field and they are incompetent, as far as I'm concerned. That's up the specialists. It's up to the bureaucracy.

I'll give you an example. We want to go to Montreal, you and I, because we want to hear a concert. How we go to Montreal we can debate until doomsday: go by bicycle, by foot, by car, by train, by plane. Until we decide how we go there, we will not get to our objective. That's why our laws have two parts: the objective, the law adopted by Parliament, and the rules, how to get there, adopted by Parliament also, but a different process altogether. Regulations are an entirely different process. It's complicated, but it's mostly complex.

I know some of you will say, "What do you mean by complicated and complex?" Well, again, I can give you a little example of how I reason on these things.

• (0915)

[Translation]

A pile of stones is complicated. When you organize the stones, you can build a cathedral or a nice building. It becomes complex. Why? Because there is order. Regulations should bring order to things.

I don't know if you often go to concerts, but when a conductor goes on stage, all of the musicians are tuning their violins, drums or trumpets. As soon as the conductor waves his baton, everyone stops. Then, you have order. You have something pleasant to listen to, because someone has ordered that violins shall do one thing, that horns shall do another. It really is easy to understand. I'd like it if you were to ask me questions on the regulations, because they are important.

Part VII of the act doesn't include regulations. It never did. Of course it is new. I was there in 1988, when part VII was added to the Official Languages Act. Before, the entire act was declaratory. In 1988, the Conservative government introduced a good amendment.

At the time, I was official language critic for the Liberal Party. I was the whip, I was the House Leader, I did everything. We managed, but we did go somewhat astray with regard to part VII.

I'll tell you why. In the committee, I had asked the minister responsible for the bill on official languages what it meant for the government to commit to promoting, developing, protecting. He answered that it created obligations for government. I said that that's what I wanted. However, the next day or two days later, the justice minister came before the committee and set the record straight. He told us that the wording was declaratory and that it was in no way binding on government. I was not pleased.

Since then, I have been trying to change the act to make it executory, to give it some teeth, so that people can appeal to the courts if the government is breaching the act. It is up to the courts to interpret legislation.

If there were to be administrative or implementing regulations, parameters would exist, everyone would know about them and people could make use of them to say that something is unacceptable, that minorities were not consulted when jobs were cut in a given place, that the francophone or anglophone minority was not consulted. And I say this for both communities. I'm referring to all official language communities in a minority setting. There's a distinction to be made...

How much time do I have Mr. Chairman, 10 minutes?

• (0920)

**The Chair:** You still have some time.

It's only been eight minutes.

**Hon. Jean-Robert Gauthier:** I'd like to get back to my bill.

[English]

Bill S-3 concerns federal institutions. I want to make that clear.

[Translation]

Only federal institutions are subject to this.

It is the legislative mandate of Canadian Heritage to coordinate the implementation of programs which have an effect on official language communities. Treasury Board also has its say.

[English]

There's the Office of the Commissioner of Official Languages.

[Translation]

There is a Treasury Board office responsible for official languages. It's part of the administrative structure at Treasury Board.

The action plan, which you are acquainted with, was adopted two years ago, in March 2003. It sets out an accountability framework. There's an entire chapter on accountability and government obligations. Some people may wonder why I'm complaining, given the fact that there is an action plan which contains accountability provisions; however, that isn't the same thing as regulations made under an act which has teeth.

First off, the action plan hasn't been implemented; I certainly haven't seen any changes of note over the last two years. There is some goodwill, but progress is slow. This is a five-year plan. Mind you, it is renewable. It's a \$750 million plan. Personally, I live here on a daily basis. I'm a Franco-Ontarian, I was born here and I studied here, in Ottawa. I must say I haven't seen much of anything since March 2003, and I'm disappointed.

If there were implementing regulations under the act, it would be much stronger. Officials would have to take them into consideration. They would have to be aware of them and be cautious, because the regulations would not be discretionary, unlike the act which is discretionary. Let me explain. If I'm annoying you, let me know. I've been involved in politics for years now. In my mind, it's clear. Policies are discretionary. They establish goals. An act is completely different. Judges interpret acts, whereas regulations are not discretionary. They generally result from an act, and that is much stronger than an action plan describing the implementation of an accountability framework, according to me. Perhaps you could consult other experts on this point.

In any event, regulations made under an act are powerful. And there are none for part VII. There are some for other parts of the same act. It is hard for a member of the minority to see, under section 41: "The Government of Canada is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development". Personally, when I commit to something, I keep my word.

I was told it was declaratory, that these were wishes, that it is something we would like to do but have neither the leadership nor the means to do. So, I told them to make regulations for their act. I was told that it would increase litigiousness. I don't know if you know this word, but I often heard it when tabling my bill. Increasing litigiousness means more referral to the courts. I said that historically we weren't seen as people who had abused the court system. Since 1982, since the adoption of the Charter, how many times have minorities gone to the courts for an official languages equality matter? Do you know? Six times. People have gone to court more than 800 times over section 15, which guarantees the right of Canadians to equality.

This document is one I had prepared. I'll give you precise figures. I'm not the one saying so. It's Mr. John Laskin, in the *Canadian Charter of Rights Annotated*. With respect to the right to equality, people have gone to court 768 times since 1982. In comparison, for official languages, under section 16, there have been six cases. With respect to minority language education rights under section 23, there were 33 cases.

• (0925)

The communities are not those that have abused the Charter. First off, they don't have the means to, their pockets aren't deep enough. It's expensive to go to court. Second, we prefer to use political means. It's more effective according to me, and less of a waste of time.

I would be pleased to answer any questions you may have on this subject. I have read all of the statements made. Yesterday, I reread those of the opposition. I find you've done a very good job, that your concerns are honest, but there are answers to your questions.

Mr. Chairman, if you will, I'll briefly explain Bill S-3, and then we can move on to questions.

**The Chair:** Briefly, please.

**Hon. Jean-Robert Gauthier:** I'll address the main objectives of Bill S-3. First, it aims to clarify the duty of federal institutions to implement part VII of the Official Languages Act and to give the government the authority to make regulations prescribing the manner in which any duties set out in section 41 are to be carried out.

Second, the bill aims to compel the Department of Canadian Heritage to take the necessary means to implement the commitment set out in part VII of the Official Languages Act.

Third, we want to allow for court remedy in the case of a breach of part VII of the Official Languages Act.

In short, Mr. Chairman, my bill gives teeth to the Official Languages Act and makes what is declaratory, executory. Official language communities would feel much more comfortable knowing they have an effective instrument at their disposal that would allow members to live fully and as equals in Canada, with no more and no less than anyone else.

Thank you.

**The Chair:** Thank you very much, Mr. Gauthier.

We will now move on to the first round of questions and answers with our guest.

Mr. Lauzon, we'll start with you.

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Thank you, Mr. Chairman.

Welcome, Senator Gauthier. It is both a pleasure and an honour to have you here as a witness this morning.

Firstly, I agree with what you think of our action plan and of the lack of progress over the last two years. In my riding, we've suffered from this lack of progress, because francophones account for approximately one-third of the population and live in a minority setting. We have many challenges to take up. I will be very pleased when we see progress under the action plan.

Provincial governments have complained of the fact that section 41 encroaches on their areas of jurisdiction. If this matter becomes triable before the courts, you will probably see an increase in a number of objections, it would also open the way to legal action aimed at rendering section 41 and part VII of the Official Languages Act null and void. In 2002, Martin Cauchon, then justice minister, raised this concern in the committee. Do you have any comments to that effect?

● (0930)

**Hon. Jean-Robert Gauthier:** Yes. First, in the area of official languages, it is recognized that the federal government has a right to intervene to protect minorities. It is also recognized that Quebec had the right to pass a Charter of the French language. The Supreme Court has been clear and specific on this. So there is shared jurisdiction between the federal government and the provincial governments. Personally, I do not think there has been a great deal of encroachment in this area as regards language. If we did one thing, that was to respect the provinces, particularly the English-speaking provinces, which ignored the existence of their francophone communities for a long time.

I know this because I was involved in schools at the beginning, in the 1960s. I have a lot of scars because I wanted to raise my children in French at school. Since school is an extension of the family, I wondered why French would not be spoken at school, if it were spoken at home. We had bilingual schools, but they were assimilation schools. That is not what I wanted. There were three subjects taught in French: religion, geography and French. All the rest was in English. I know this because I went through the system.

I grew up in an orphanage. I could not go to university, because I could not afford it. I had to go to high schools, where everything was in English. There were two classrooms in the basement for francophones, with basement windows, of course. Is that not a sad state of affairs? I went through that, but I told myself that things would change. I wondered why I was treated this way when my neighbours had beautiful schools with wonderful gymnasiums. It was not fair.

When I sent my children to school in Gloucester, not far from Ottawa, and when I saw that they had learned nothing after three or four months, I decided to go and see what was happening. That was in 1960. I went to see their teacher and asked her what was going on. She replied that she had 30 students, 20 of whom did not speak French, and she had to teach them how to speak French. I told her that it was not a language school. She told me that it was. I told her that I wanted my child to learn reading, writing and arithmetic. She told me that that would come later. I asked her who made the decisions. She said it was the school board trustees. At that time, it was the school board. I asked her what sort of a creature that was. She said that the trustees were elected every year, in November.

I went home and I told my wife that I was going to get into school politics. She told me I was crazy and that I knew nothing about it. I told her that I would learn. That is how I became involved in school politics. I was there for 12 years. I changed the system a little. In 1972, a homogenous, comprehensive and equal French system was introduced for francophones in Ontario. I cannot speak for the other provinces, but I can speak for my own.

I was tired. All that work was done on a volunteer basis. At the time school trustees were not paid. After 12 years of volunteer work, I decided I had done my part, and that I would go back home. I had four children. They asked me why I didn't go into politics. I told them that they were crazy because I knew nothing about that. They told me I would learn. So that is how they sealed my fate for me.

As I look at you, I know that each one of you probably has a story similar to mine. It happens in politics sometimes. At some point, the

train comes by. If we do not climb aboard, the train will keep on going. But once we are on the train, we have to know when to get off. Do not forget that: it is important to get off the train. Choose your time, otherwise things can become very complicated. Personally, I was lucky.

I may not have answered your question, but I was responding to the spirit underlying your question.

● (0935)

**Mr. Guy Lauzon:** Is Bill S-3 compatible with the distribution of powers between the two levels of government under the Constitution?

**Hon. Jean-Robert Gauthier:** Yes, I think it is. I'm not a constitutional expert, but if there were a serious reservation, such as the one mentioned by the Bloc Québécois in its speeches, I would refer you to section 36 of the 1982 Constitution Act. It has to do with equalization. The Bloc Québécois members and those concerned about the constitutionality of the bill will find an answer to their question by reading the beginning of the section. I will read you subsection 36(1):

Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the Government of Canada and the provincial governments, are committed to [...]

That should be enough to protect the provinces. We provide \$35 billion in equalization payments. The provinces do not complain when they get the \$35 billion. Include this in your legislation, if you want to, if it might help calm people down or satisfy them. It will not bother me. It is already in the Constitution.

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

We will continue with Mr. André.

**Mr. Guy André (Berthier—Maskinongé, BQ):** Good morning, Mr. Gauthier.

I will not get into a debate about equalization. We will start by talking about Bill S-3.

First of all, I would like to thank you for accepting the committee's invitation. You have considerable expertise regarding the rights of the anglophone and francophone minorities in Canada. You shared your life story with us. I found it very interesting. I congratulate you, because I think you're someone who really got involved. You defended people's rights. So we can only admire your efforts in this regard. People have only good things to say when the name of Senator Gauthier comes up.

I have a question about Bill S-3. According to proposed clause 43 in the bill, the federal government must take appropriate measures to advance the equality of English and French in Canada. We have said on many occasions that the Official Languages Act should recognize the unique nature of the needs. The two minority language communities in this country do not enjoy the same services. When we talk about the francophone minorities outside Quebec and the anglophone minority, the reality is often quite different.

We think it is clear that the needs of the francophone minority communities are not the same as those of the anglophone minorities in Quebec. For example, the anglophone minorities in Quebec have their own hospitals and schools. There is a whole policy on language and legislation, such as the Charte de la langue française, which you mentioned, and which is also known as Bill 101.

The situation of francophones outside Quebec in some regions remains very alarming and precarious. As you know very well, we are a majority in Quebec, but outside Quebec we become a minority in the huge country of Canada. Next door is the United States where most people speak English. So we are a minority within a huge majority. Consequently, we must always take steps to ensure our survival. Quebec took such measures for a number of years in order to protect its language.

You would agree that in a continent where the overwhelming majority of people speak English, French is threatened in Quebec and in Canada. Consequently, the Official Languages Act should be enforced differently in Quebec and in Canada.

Should Bill S-3 apply equally to all official language minority communities in Canada, or should we consider adapting the measures to the different situations of the communities?

● (0940)

**Hon. Jean-Robert Gauthier:** Thank you, Mr. André. That is a good question.

If I understand correctly, you would like me to talk to you about asymmetry. There is a major distinction between Yvon Godin and Jean-Robert Gauthier. Yvon is Acadian, while I am French Canadian, and live in Ontario. We do have things in common, but there are major differences between us in accent, language, culture, and way of life. There are just as many differences between a Quebecker and a Franco-Albertan. Culture has matured differently in every region of the country. We send our artists to Quebec because they can make an impact there. A good example is Gabrielle Roy, who is from Manitoba. Other artists have done the same. There are artists and painters who come from Acadia.

Personally, I believe that having a variety of regions that are different from one another enriches Canada. In my view, Quebec is distinct because of its language, its high density of French-speakers, and its history. For 400 years, French has been spoken in Quebec, as well as in Ontario and Acadia. I consider that very important. I am proud of being French-Canadian. I am proud of my history. But we have to protect it. I have often compared Quebec to a critical mass that is crucial to the survival of francophones outside Quebec. Quebeckers often demonstrate a lack of interest in the French fact in the rest of Canada. Few Quebeckers are aware that one million Canadians speak French.

In Quebec, people are surprised to hear us speak French. People have often expressed their surprise to me, because they saw I had Ontario licence plates on my car. I have four children, and all of them speak French. They have all done their primary, secondary, post-secondary and university education in French, at government expense.

Culture, language and economics develop in a variety of ways—that is what we call asymmetry.

**Mr. Guy André:** Why don't we see that particular feature in Bill S-3?

**Hon. Jean-Robert Gauthier:** We know the Godin-Gauthier asymmetry. We have known one another for years. We know that we are different, but we have the same goal. I haven't thought about asymmetry because it is not an issue that concerns me. I know that it is a fact of life. However, it changes nothing in my own view. I don't have the accent you find in Lac-Saint-Jean or in Sainte-Anne-des-Monts, in the Gaspé. My grandfather came from Sainte-Anne-des-Monts. This is how he spoke: "*Bouette ton croc avec des enchais, pis hale-toi ça à trois, quatre cents brasses.*" Did you understand any of that? I used to go fishing with him. A "*croc*" is a hook. "*Bouetter*" means bating the hook. "*Enchais*" are sea worms. He spoke a different language.

● (0945)

**Mr. Guy André:** People from the Gaspé don't speak the same language as people from Montreal.

**The Chair:** There will be a second round.

We will continue with Mr. Godin.

**Mr. Yvon Godin:** Thank you, Mr. Chairman.

I would like to welcome the Honourable Jean-Robert Gauthier. We have attended a great many meetings together. The only thing I regret is that Mr. Gauthier decided to split the joint official languages committee and create the Senate Committee on Official Languages. I thought that senators and members of the House of Commons made an excellent team. That is the only negative point in my view. I believe that the House of Commons and the Senate are working towards the same goal: helping French-language and English-language minorities in Canada to advance.

We have to act quickly to advance Bill S-3 because at present, as Ms. Boivin often says, we have a minority government and we can move things forward. So we will have to come back to Bill S-3 and move it forward more quickly. The bill should have been passed when there was a majority Liberal government, but it was not. Now, we have a chance to pass it.

That said, Mr. André and the Bloc Québécois have concerns, which they have explained to us. They are concerned that the federal government will interfere in an area of provincial jurisdiction. If we could study Bill S-3, we could invite experts to assist us. That's what we do when a bill is submitted to a committee: we invite experts, study the bill and listen to what the experts have to say. Can you suggest people we can invite as witnesses, Mr. Gauthier?

English and French-language minorities outside Quebec have gained ground, but not because the government has given them anything. We have made progress in court, even if the bill had no takers. In New Brunswick, food inspectors from Shippagan were transferred to the Dieppe region, and the francophone municipalities went to court. If the government genuinely wanted to support minorities, it would not go to the court of appeal. There's always a battle, then another battle. That is why it is important for us to have legislation. As you said, the judges end up interpreting the law. I very much appreciate what you said here this morning.

That said, in section 43, the Official Languages Act states that the Minister of Canadian Heritage must take measures to

f) encourage and cooperate with the business community, labour organizations, voluntary organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages;

We are perhaps concerned about small voluntary organizations that will have no money. Would your bill force an organization to become established in both languages? I refer to sections 41, 42 and 43 of the OLA, and to your Bill S-3. I know that we will invite experts to appear, and those are the kinds of questions we could ask them. I think we are concerned not only from the standpoint of the provinces, because we might interfere in their areas of jurisdiction, but also from the standpoint of the organizations.

**Hon. Jean-Robert Gauthier:** Mr. Godin, section 43 does not create additional rights. It clarifies the situation. It aims to clarify the objectives of the agencies and the groups that you mentioned. How can that be done? How can these obligations, which are clearly set out in sections 41 and 42 of the act, be fulfilled? Section 43 simply provides clarification. It does not add rights. It clarifies rights.

You also mentioned legal recourse, namely the action taken by the mayors of the Acadian Peninsula against the Canadian Food Inspection Agency. I was involved to some extent in that case, just as I got involved in the traffic ticket case in Ontario. The tickets for traffic violations that were handed out at certain airports, such as Mississauga, were in English only. I opposed that, invoking the fact that airports were federal land, and consequently, that the Official Languages Act should be applied. We took the case to court, and we won. The Province of Ontario did not challenge the court decision; it did not appeal the decision.

The examples that I gave you—the traffic tickets in Ontario, and the mayors in the Acadian Peninsula—show that when we are faced with certain injustices... To my mind, it is neither fair nor equitable for the federal government not to respect my country's two official languages. I am not talking about the provinces, unions and organizations that are not under federal jurisdiction. I am talking about federal institutions.

If you want to know if an institution is federal, look at section 3 of the Official Languages Act: it provides a precise definition. The House of Commons, the Senate and the Library are federal institutions. I was the one who insisted that they be covered. They did not want to be. In 1988, I proposed amending the act so that it would apply not only to all federal institutions, but also to the Senate, the House of Commons, and the Library.

I can tell you that it was not easy, but I got what I wanted. Today, I am happy, because I am going to use that as proof, before the courts if need be, that all Canadians whether they be handicapped or not, are entitled to the same services in French and in English. I will win, because our case is fair. I am talking about my campaign to convince CBC to provide captioning for all of its programming in French.

Air Canada needs convincing too. How is it that a man or a woman who is hard of hearing and who takes the plane does not have access to instructions through captioning on the aircraft's TV screens? When I asked the people in charge why they did not provide captioning for the safety directives, they told me that the captions would be too small.

I went to Edmonton last year. During the flight, they showed a movie that lasted more than three hours. All of the advertisements

for the movie were captioned. When it came to selling wine or sanitary napkins, all of the information was captioned, except for the safety directives.

I wrote to Mr. Robert Milton. He told me that he was going to do something. My request was put on hold, because Air Canada was undergoing restructuring. It is still on hold, but as soon as I can, I intend to force Air Canada to provide captioning when it makes safety announcements.

I apologize, you made me share all of that, Mr. Godin.

● (0950)

**Mr. Yvon Godin:** That is not all.

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

We will continue with Mr. Godbout.

**Mr. Marc Godbout (Ottawa—Orléans, Lib.):** Thank you, Mr. Chairman.

I pay you my respects, Senator Gauthier, because I believe the all of Parliament owes you our respect, as do all of the francophone and Acadian communities, and indeed, all Canadians for your passion and your commitment to the development and growth of our communities.

Senator Gauthier, some people think that your bill is quite demanding. For my part, I believe that your requests are quite modest. You could have sought to have the Official Languages Act entrenched in the Constitution, but you did not do so. What you have submitted is certainly acceptable in terms of its principles and its applications.

There are about 25 lines in your bill. There again, I see a great deal of leeway to ensure the “justiciability” of the Official Languages Act, which is your concern. One province—New Brunswick—has entrenched part of this act. I congratulate that province and I hope that Ontario will do the same someday.

Some people feel that you should be more specific. What federal priority issues should be justiciable?

● (0955)

**Hon. Jean-Robert Gauthier:** I don't know. I am retired, so I don't set priorities. At this time, my priority is to see to the adoption of regulations that would clarify the act for federal agencies. I want to see an implementation regulation for clause 41, part VII of the Official Languages Act. Federal institutions could not care less about the current act, because there is no means to implement it, there are no enforcement regulations. I would like to see one. That is my priority.

Then, all that I am asking for is equality, no more but no less. If a group is given something, then I want everyone to have it. I don't understand why in Canada, in 2005, certain groups of disabled people continue to experience discrimination. I could speak to that at length. That is not why I am here this morning, but if you want to know what it is like to have a physical disability, I can tell you all about it. It is not easy. My priority is to ensure that my right to actively receive services in my language is respected.



[English]

I can speak English,

[Translation]

but I prefer to speak in French, because it is my mother tongue. There's nothing wrong with that. *¿Habla Español? Sprechen Sie Deutsch?* There is a difference. Canada is a country rich in a multitude of cultures, but one of my priorities is respect.

**Mr. Marc Godbout:** All in all, so that everyone understands, there are two very important clauses in your bill. The one that deals with regulatory power, and clause 77, which involves what I call “justiciability”. Others would call it the possibility of referral to a court. In order for everyone to understand its importance, can you describe the relationship between these two clauses?

**Hon. Jean-Robert Gauthier:** My answer is simple concerning the first clause, the one that deals with the regulations, and here it is: no regulations, no easy and fair interpretation. As for recourse, in my opinion, if there is no recourse, then there is no justice. If you can't go to court to make your case, then you can't have equity or obtain justice. That's why we have courts.

Clause 77 says we are excluded, that the Commissioner of Official Languages cannot support or help us. It is prohibited by law. There can be no referral of part VII to the court, as some would say. I don't find that right. So I said that we would change that and add regulations to the act. That way, the institutions won't be able to circumvent the act anymore because there will be clear and specific regulations that they will have to apply. Moreover, we will give people the right to address the courts to get an interpretation of the act if the federal government, agencies or institutions do not meet their obligations.

I want to do this clearly and simply. It's urgent. It does get to be exhausting, over time. I'm 76 years old: I'm not going to be sticking around much longer. Some day, I'll be moving to another planet. I know that Mr. ... no, I won't say anything. There are others following me and I think they'll work as hard as I have to get the majority to understand that we need these two things: implementing regulations and the right to recourse. That's all.

• (1000)

**Mr. Marc Godbout:** Thank you.

If Bill S-3 were to pass, would the regulations mean that the action plan would become justiciable based on the priorities that it establishes?

**Hon. Jean-Robert Gauthier:** The accountability framework of the action plan is not justiciable.

**Mr. Marc Godbout:** But that, yes.

**Hon. Jean-Robert Gauthier:** Yes, it will be. If you pass regulations linked to an act, you can be sure that we'll be following this closely. The action plan, as far as it goes, is declaratory. This plan is very good and I approve of it 100 per cent. As I have said again and again, it's a proper step in the right direction, except that this dog has no teeth. What you have there is a lap dog, not a guard dog.

**Mr. Marc Godbout:** I simply wanted everyone to understand, Mr. Chairman.

**The Chair:** This is our second round. You have five minutes each.

Mr. Poilievre.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Thank you for coming, Mr. Gauthier, and thank you for your passion. As you know, I did not support your bill in the House. However, I am ready to be convinced, today and in the coming days.

The problem I have with the bill is that part VII is a part of the act that is more subjective. I'll read section 41:

The Government of Canada is committed to (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and (b) fostering the full recognition and use of both English and French in Canadian society.

[English]

I find this whole section is tremendously important, but I think the reason why it wasn't included as an actionable section under which applications to courts could be made was because it's more subjective. For example, if I had a complaint about whether or not I could receive my income tax information in the official language of my choice, that's a very objective complaint, to which an objective ruling can be made. But terms like, under section 43, for example, “enhance the vitality of”, or “encourage and support”, or “foster an acceptance”, or “encourage and assist”—this is all very subjective language. What constitutes “encouraging”? What constitutes “enhance”? What constitutes “foster”? All of those words, in my view, are very subjective. So my question to you relates to the practical application of your changes.

[Translation]

Perhaps you could clarify this for us.

[English]

**Hon. Jean-Robert Gauthier:** You were speaking English. I'm getting a French translation, but I'm going to speak English to you. I hope I got your question right.

If you look at section 36, and I brought this up before, of the same Charter of Rights, when one commits in English, one commits to something. The language of section 41 is quite similar to section 36 of your Constitution, in which the federal government and the provincial governments commit to—listen to this—“promoting equal opportunities for the well-being of Canadians”, and “providing...public services of reasonable quality”.

It's all about equalization. If they can use that language and spend \$35 billion a year, why can't we just use the same language? If you want to put an amendment, put an amendment and say at the beginning of the act exactly what it says here: without altering the legislative authority of Parliament or the provincial legislatures or the rights of any of them with respect to the exercise of the legislative authority, etc. That would cover your point, in my view. That would take care of it. That's in here. All you have to do is put it in. I don't mind. I didn't put it in because I was trying to be as simple as possible and have a short bill, which would be as effective as possible and efficient in its application, if you know what I mean by efficient and effective. Effective is where you're going; efficient is how you get there. That's the double issue.

I see problems politically as the why of the issue and the how of the issue.

• (1005)

**Mr. Pierre Poilievre:** I'd like to get another question in.

Thank you very much for that answer. I'm going to examine it afterwards, when it gets into the record, because perhaps that amendment would be helpful.

I want to read former federal justice minister Martin Cauchon's remarks he made before this committee in April 2002. He said:

In my view, if we added elements to section 41 that would make this part binding, we would risk jeopardizing the important tool this section represents. I very humbly submit that court challenges would result that would jeopardize section 41. I believe that this element alone shows how important it is to address section 41 from the standpoint of its very meaning, which is that of a policy statement. Parliament wanted it that way, as it very eloquently said. Section 41 is not subject to the court remedy provided for in the Official Languages Act.

Comments?

[Translation]

**Hon. Jean-Robert Gauthier:** I was there when Mr. Cauchon made that comment. The fact that our ministers of Justice, advised by their legal counsel, make that kind of comment, is nothing new. The attitude of the justice department in that respect has always been to say that the language was declaratory in nature. You are right.

[English]

You're right, it's declaratory language. The courts have said that also. But they also said it's up to Parliament. In the case on the Acadian Peninsula, the judge—I think it was John Richard—said at the end of his judgment that it's not for the courts to decide; it's for Parliament to take its responsibilities and clarify the situation by making it available to us, clearly, what they mean by commit.

And you put your question: What do you mean by commit? I asked the minister that question in 1988, and the minister said, "It creates obligations on the government, Mr. Gauthier." I said, "Thank you very kindly. I thought that was the right answer."

The next day the Minister of Justice came before the committee, the same committee, looking at the bill that created the second law of official languages in 1988, and he said, "No, the language is declaratory. Legally speaking, it creates no obligations on the government."

*Deux poids, deux mesures.*

I am trying to clarify it. That's why we've had difficulties. The courts hesitate—and I don't blame them—to interpret that article 41 as anything but declaratory. They haven't got the power to do that. But if there were rules there, if there were regulations of application, if there was language that could be understood clearly, the courts would have no alternative but to interpret it as executory, obligatory, or whatever.

[Translation]

**The Chair:** Thank you, Messrs. Gauthier and Poilievre.

I will give the floor to Ms. Boivin.

**Ms. Françoise Boivin (Gatineau, Lib.):** Thank you.

Could I just have three seconds, please? Once again, I have the pleasure of welcoming a young person interested in politics, which is very understandable these days.

I would like therefore to acknowledge the presence of Claudie Loranger, who is a student at the Carrefour secondary school in my riding. I hope that she is finding this debate interesting.

Senator, it is truly an honour to have you here. As I stated in the House of Commons last week, I think that I am a typical member of a French-Canadian family. My parents both come from the Saint-Charles parish. So at the supper table there were both Franco-Ontarians and Quebecers—the three youngest grew up in Quebec. We had no idea—I am not embarrassed to say it here this morning—of the problems faced by francophone minorities in the rest of Canada.

I listened to their stories. Some of the things that you have told us remind me a great deal of what I used to hear when our family got together for Christmas at my grandparents' house. We used to listen to those stories and think that they came from books. We were very sure that those things could not possibly be true. Francophones living in Quebec, where they form the majority, cannot imagine how hard some people have had to work to acquire rights that I feel should be automatic.

Many of my views on the subject come from those days. There is this incredible institutionalized hypocrisy, in my opinion. I do not even know what term to use for it. I put it that way because there is apparently an action plan, but everyone is so afraid to implement it.

The Official Languages Act exists, but people are afraid to make it binding rather than declaratory. It is as if they wanted to give the rights but tiptoe around the subject. I find it very tiresome.

Having a legal background, I agree with you that all the ministers of Justice will raise the spectre of potential lawsuits that will go on and on and overwhelm us.

I was listening to Mr. Poilievre, who admits that some of the language may be subjective. I could show him 350 pieces of legislation in a flash. I could go out and come back in five minutes with the Income Tax Act and various other statutes, and you would see the language that they used. First of all, they are full of legalese. The law faculties have always said that legislation is written by lawyers so that lawyers end up with a lot of work.

I am not saying that your amendment will eliminate any chance that things may end up before the courts. But if we refuse to act on that basis, it would be a pretty sad state of affairs, in my opinion.

I would add that I consider Bill S-3 so important that we are going to have to stop listening to each other talk and find mechanisms to help groups get what they need.

The Official Languages Commissioner and minority groups will tell us that we have made a commitment to ensure the vitality of these communities. I can go to court and testify regarding what is meant by ensuring the vitality of francophone and anglophone minorities in Canada and supporting their development.

We need to build together. We must not stop because of these obstacles. In this context, the greatest concern may be the claim that some people are making that this interferes with provincial jurisdiction.

I think that you have answered that question and I am very pleased because that could have been a concern to some extent for Quebec. We have always claimed—rightly, I think—that we have treated the anglophone minority well. In any case, I think that their rights have been respected.

Senator, the word “respect” seems to be the key word for you. I may be innocent and naive, and perhaps you can explain why this is to me this morning, but I do not understand how learning and using two languages seems to be such a problem in Canada. It is not enough just to say that a right is being given, but we also have to recommend that both languages be used and that people should feel comfortable.

Why is it so complicated? Why do people always need to fight for things that should basically be automatic, in my opinion? Does it not come down to institutionalized hypocrisy? People are saying that these rights are being given but are not really being given. I do not know what to think any longer. I am also aware of the Bloc Québécois' objections. Are you concerned about those? I am not sure, Minister, that you answered the question from my colleague, Mr. André. Do you think that if Parliament passed your bill, the anglophone minority might go to court the next day to demand increased rights in Quebec? I think that that is the Bloc Québécois' objection. That is the real question. We will ask it clearly instead of beating around the bush.

•(1010)

Do you think that your bill would enable anglophone communities to rush to the courts to demand more rights? That would change the established order in Quebec right now.

I know that I have said many things that may not have been very clear, but I am very frustrated about all this. I feel that there is a lack of real will.

Thank you.

**Hon. Jean-Robert Gauthier:** I will make two short comments, Ms. Boivin.

In passing, I am very pleased to meet you. I think that this is the first time we have met. I read your speech carefully and I was very pleased to learn that your parents were from the Saint-Charles parish in Vanier. I do not know whether you knew Father Barrette, who was never without his cane. I knew him well. He hit me with that cane a number of times.

I have two points to make. First of all, you are considering the action plan presented by Mr. Dion in March 2003. Why have you not been given an implementation framework, a timetable? It has been two years since it was presented. It would be very helpful to the minority groups if there were a timetable indicating to us that the \$750 million will be spent on this area and that area, with firm commitments. If you had an implementation timetable, we would know where we are going.

Second, with respect to court cases and language, the legal tradition is that legislation is always objective but also discretionary, as I said earlier. This is legal language. That is why there are regulations to interpret them, and it is why lawyers are highly paid to defend one interpretation which is that of their client.

Personally, when I started looking at section 41, for example, I found it adequate, except that, without regulations, it does not mean very much. So I changed the question a little bit. I got the official languages commissioner involved. I made the obligations on the Canadian Heritage Minister a bit stricter. In fact, I did what a legislator has to do, which is to try to clarify the issue. The idea is not to give more rights but to clarify existing rights. That is all I was trying to do.

You can consult experts in this area from the University of Ottawa or other universities. I brought some in. For Bill S-3, there were 32 witnesses that came before the Senate committee. They all have expertise that you might want to consult, or you can ask one of your researchers to do a summary of the testimony we had. That would be helpful.

•(1015)

**The Chair:** Thank you, Mr. Gauthier. Excuse me, but we have to respect the time limits for each member.

We will move now to Mr. André.

**Mr. Guy André:** I apologize, Mr. Gauthier, but I had a few things to take care of this morning. I am, however, paying very close attention to what you are saying.

Section 43 of the Official Languages Act, as amended by Bill S-3, would state that Heritage Canada must take appropriate measures to advance “the equality of status and use of English and French in Canadian society”. By “Canadian society”, we mean, as the Official Languages Act stipulates in section 43, the provincial governments, the business community, labour organizations, voluntary organizations, organizations, associations, and others. This obviously involves a matter of provincial jurisdiction.

Is Bill S-3 compatible with the sharing of powers between the two levels of government? Could Bill S-3 enter into a conflict with a provincial law? The Charter of the French Language comes to mind.

The constitutional sharing of powers does not clearly indicate which level of government is responsible for ensuring that linguistic duality in Canada is respected. Do you not think that the amendments to section 43, part VII, of the Official Languages Act, and the institution of a right of redress, might give way to another federal-provincial squabble?

**Hon. Jean-Robert Gauthier:** I will repeat what I have said.

We acknowledge the fact that, according to constitutional law, the Canadian and provincial governments have very specific, clear jurisdictions, and they also have linguistic obligations. The federal government is the protector of the minorities and must take the necessary steps to protect, develop and encourage the growth of these communities.

The proposed amendments to section 43(1) will not change the type of cohabitation—if I can use the word—that exists between the system of linguistic rights at the federal level and the one in Quebec. Nothing will change, because this only applies to federal institutions. To my knowledge, a union or a province is not a federal institution, at least, not for the time being. On that, the list is very clear.

I am aware that some might think, as you said earlier, that the proposed amendments to section 43(1) could affect the people that you mentioned, an organization or an association. However, I don't think that is the aim of Bill S-3.

• (1020)

**Mr. Guy André:** The bill was perhaps not drafted with that in mind, Mr. Gauthier, but, in order to strengthen the Official Languages Act, there is the matter of the right of redress, and of clause 7. In the background paper for your bill, it says the following: "Section 43 specifies the means available to the minister for implementing the commitment set out in sections 41 and 42". Moreover, in section 43, there is mention of the jurisdiction of unions, etc.

Here is what I am wondering: even if that is not the stated intention of Bill S-3, do you think that a judge, in view of this right of redress, might interpret it differently?

**Hon. Jean-Robert Gauthier:** I don't think so. A judge would have neither the authority nor the jurisdiction to do that. It is none of his business. It is not a federal institution. He would not have to hear a case that has nothing to do with the act.

In my opinion, the proposed amendments to section 43(1) serve only to clarify the obligations incumbent upon federal institutions. As I said earlier, a union is a not a federal institution. There are no additional obligations on anyone, other than the fact that it does clarify—for Godin, Gauthier and others—where we are heading and how we will get there.

As to the right of redress, a law without redress is not a law that grants any real rights. I want to include a right of redress so that I can hold the ministers', the agencies' and the institutions' feet to the fire when they do not pay enough attention to the rights of communities.

Take, for example, the Acadian Peninsula. The Canadian Food Inspection Agency made a decision without first consulting the francophone minority. That was unacceptable. We were told that we were right, and that we were defending a laudable cause, but that the current act does not provide any options because the section is declaratory and it would have to be changed. How many times have we heard that?

I continue to act in good faith, I am trying to give the act some teeth. From now on, we will have a guard dog that will bite whenever it is necessary to do so. I don't see how a judge could be anything but attentive to the jurisdictional issue.

As I said earlier, the provinces and the federal government have constitutional linguistic rights. That was recognized by the Supreme Court of Canada.

**The Chair:** Thank you. We will continue with Mr. Godin.

**Mr. Yvon Godin:** Thank you, Mr. Chairman. I am proud to hail from a province with a large francophone minority: there are about

250,000 francophone Acadians in a province with a population of 720,000. It is the only officially bilingual province in Canada, and the New Brunswick Official Languages Act has been entrenched in the Constitution. It's solid. It has teeth. It allows one to go to court to defend oneself. That is how things are in New Brunswick today.

We are currently debating whether or not this will apply to provincial jurisdictions, to unions, and so on. This is the stage when we hear from the experts and when we can make amendments. That is what a bill is all about. We start with a draft, we flesh it out and we end up with a finished product. I would compare it to someone who goes into the bush to cut trees that are taken to the sawmill to make two-by-fours: then, you use the wood to build a house and you have a finished product. That is how you prepare a bill. You start with a rough draft, and you work on it. That is what legislating is all about. You work towards an end product. That is the route I would like us to take.

The Minister of Justice expressed concern that making section 41 enforceable would create too many legal precedents. That's like saying that you don't want a speed limit because that would lead to too many speeding tickets and too much time in court. It is as silly as that. A minister who refuses to give a law some teeth because he doesn't want people to be able to go to court should resign and go home, because he does not believe in the act. His role in Parliament is to create legislation, yet he refuses to do so because he is afraid that people will end up in court. I think you have heard that. I would like to know how you feel about it.

• (1025)

**Hon. Jean-Robert Gauthier:** I've often heard that. In fact, you were there when the ministers were telling us that we ran the risk of increasing the number of court actions. Do you remember how angry I used to get because it just wasn't true? We were told that the resources didn't exist, that there wasn't enough money. Are the Acadians any richer than Quebeckers? There's a limit to how often you can say that court actions will increase. I was looking at the numbers earlier. There have been six cases in court since 1982, that is, in 20 years. That's not a lot.

**Mr. Yvon Godin:** Mr. Chairman, I think the opposite will happen. If there is clear legislation then there will be compliance. It's when the legislation isn't clear that people go to court, in an attempt to make it clearer. It's the opposite of what the minister was saying. Would you agree?

**Hon. Jean-Robert Gauthier:** Yes. You are fortunate enough to live in the only bilingual province in Canada. Ontario and Quebec are not bilingual. None of the other provinces are. English is the predominant language. Other members of the francophone community have to be respected everywhere, in Alberta, British Columbia, Saskatchewan, Manitoba. We're not different, we simply want the same services. That's all. If the legislation provides us with the tools we need to obtain services from federal institutions, then there won't be problems. Why would we go to court? We don't like going to court.

**Mr. Yvon Godin:** Last week, in Quebec, we were told that when francophones or senior officials from Quebec called Ottawa to obtain information or to work with people in Ottawa, they had to speak English. Under this legislation, part VII will protect them and give them more ammunition to defend themselves.

**Hon. Jean-Robert Gauthier:** The Canadian Tourism Commission, a federal agency, recently announced that it will be moving its home to Vancouver. By law the commission employees have the right to work in the official language of their choice. Half of the Canadian Tourism Commission's employees are francophone and will not be able to work in their own language in Vancouver. I'll tell you that right now. I have yet to hear anyone complain but please ask some questions! Is the right for Canadian men and women to work in the language of their choice protected in Vancouver? I doubt it.

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

We have time for a third round. Each person will have five minutes.

Mr. Vellacott.

[English]

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Merci.

You had alluded to this before, Senator, and Madame Boivin had as well, I think. My question is simply on the possible conflict with provincial legislation with respect to your bill. Is there not some conflict with provincial legislation, in particular Quebec legislation and the Charter of the French Language? Maybe you can clarify for us what you anticipate to be problems, because I think we need to be honest and realistic to know what the implications would be there.

**Hon. Jean-Robert Gauthier:** Mr. Vellacott, actually the Supreme Court has ruled very clearly on jurisdiction of the federal government in matters of language and the provinces in matters of language. The Charter of the French Language in Quebec is legal and has been observed and is respected. It is different from the charter of any other province, but it is okay according to the Supreme Court of Canada. So I see no difficulty.

Bill S-3 does not in any way touch anything else but federal institutions. It doesn't touch the provinces. It doesn't touch the unions. It doesn't touch the organizations that are in the private sector. It strictly addresses the obligations and clarifies those obligations of the federal institutions as enumerated in part III of the act. If you read part III, it's all there, including, as I said before, Parliament and all the other institutions and agencies. I would like to make clear again that we're not talking of any other level of government or any other organization but federal institutions.

• (1030)

**Mr. Maurice Vellacott:** Carrying on with that theme a little, or developing it from there, in your view the bill that has been put forward here, Bill S-3, is consistent then with the Canadian Charter of Rights and Freedoms and section 27, which says that the charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada. That's kind of the overriding requirement there. Would there be any problems, in your view, with respect to that particular part of the charter?

**Hon. Jean-Robert Gauthier:** Absolutely, it is respectful of article 27, it is respectful of all the constitutional obligations that are in the charter. Don't believe me if you don't want to, but ask the experts in constitutional law, and they'll all tell you that. The multicultural clause in article 27 is highly respected. All Bill S-3 flows from an obligation in article 16, paragraph three, I think, which says the

federal government must assist and promote minority language rights. It doesn't affect the multicultural at all. As a matter of fact, it enriches it.

[Translation]

**The Chair:** We will continue with Mr. André.

**Mr. Guy André:** Good morning, Mr. Gauthier.

The Official Languages Act has been in existence for 35 years. In committee and in the House, francophone communities have asked for budget increases, through the APOL, for example. Francophone community associations outside Quebec share a budget of \$28 million, I believe, with anglophone minorities. Their budget has not increased for several years. I learned through the Minister of Canadian Heritage that they had been given an increase of 10 per cent. You'll agree with me that 10 per cent in 14 years is not a huge amount.

During the course of our proceedings we have had several public service officials before us. People from Defence and other sectors have appeared, and we have asked them questions about the state of bilingualism within the public service. I believe that the department that was the subject of the highest number of complaints of non-compliance with the Official Languages Act tabled with the Official Languages Commissioner was Defence. You're also aware of the Air Canada file.

How do you think adopting Bill S-3, which respects Quebec's areas of jurisdiction, will have an impact on this whole issue of non-compliance with bilingualism that currently exists in several federal institutions? As you know, the situation is difficult in several areas.

Do you think that this bill will ensure that the francophone communities' needs will be met to a greater extent? There may be many cases of suits being brought because those needs were not met. The Official Languages Act has been around for 35 years and yet the government in power does not seem to have lived up to several of its commitments in this area.

Last week, for example, education agreements were signed but they were one year late.

• (1035)

**Hon. Jean-Robert Gauthier:** Mr. André, this is an issue I am interested in and that I know well. However, it is also a very complicated issue and I do not want to spend too much of the committee's time on it. I can however tell you that since the beginning of the year 1990, minority language communities—and I'm talking about francophone communities outside Quebec and anglophone communities in Quebec—have had their budgets frozen or reduced. Yet, there hasn't even been any inflation for 15 years! All of a sudden, given all these needs, people become exasperated and tired. Then, some of them assimilate, give up, or react by saying that they'll go elsewhere.

That is what I have attempted to prevent throughout my career. I am exogamous. I don't know if you know what that means. In my case it means that my mother was Scottish-Irish and she didn't speak French. I was born in Ontario but I decided at a very young age to fight to have the right to speak both languages. There's one that I speak perhaps better than the other, but I do speak both and I understand them both well. Sometimes, thanks to stenotypy, I hear everything.

The agreements with the communities have not been renewed yet. But recently, education agreements were signed with all the provincial ministers of education. I believe they are four or five-year agreements. I'm not very familiar with that issue. Quebec is benefiting more than Ontario, at least in terms of programs such as those in education. The federal government is granting millions of dollars to the province of Quebec for instruction in English as a second language and instruction in French for anglophones. I believe the program involves \$80 million per year. We, the francophones in Ontario, will be receiving about half of that. That's not a criticism. It's a good thing that Quebec has succeeded where the other provinces have not, in other words that it is giving its children the opportunity to fend for themselves in a changing world.

Today, being able to speak more than one language, even three or four, is a good thing. If I was younger, I would learn Chinese because there are 1.1 billion Chinese on this planet. If I want to sell a mousetrap to someone in China, it's in my interest to learn their language. There's nothing better than being able to simply communicate. I think language instruction is a good thing.

**The Chair:** Thank you, Mr. André. I have to interrupt you in order to give everyone their time. We will continue with Mr. D'Amours.

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Thank you, Mr. Chairman. Thank you, Senator, for being here. This is truly an honour for me.

As I explained when we met earlier, I come from New Brunswick. My reality before coming to Parliament was a very francophone reality because the region I come from has a very strong francophone majority. Therefore I was absolutely unaware of the needs of minorities in this country, be they francophone or anglophone.

I have learned a lot since coming here and I am particularly pleased to be a member of this committee because it has given me an opportunity to broaden my horizons. It is an honour for me to meet you because it is very stimulating to meet a man who is so passionate about official languages and who is willing to continue to fight in order to make progress in this area.

Senator, this bill could have moved forward for several years now. I hope that it will move forward over the next few months so that we can advance the cause of minorities and bilingualism in Canada. Can you tell us what the current situation would be if the bill had been passed? Can you talk about concrete changes that would have taken place, about the rights that groups or individuals would have acquired?

• (1040)

**Hon. Jean-Robert Gauthier:** I have all kinds of examples for you. I'll give you a recent one. I invited all post-secondary students from all across Canada to participate in an essay competition. This

year, the theme was multiculturalism; last year, globalization and the year before that, minorities. I get essays from all of the Canadian provinces. I've noticed one thing: the francophones in Quebec participate a lot more and so win more of the prizes. There are four prizes: \$3,000, \$2,000, \$1,500 and \$1,000. For the first time in three years, a Franco-Ontarian girl won. It wasn't a set up, I swear. The judges are academics: an Acadian, someone from the West and another one from Ontario. This competition leads to fantastic experiences for us. *Le Droit*, our local newspaper, has been publishing one of those essays every Tuesday for the last three weeks, now, and will be publishing the last one next Tuesday. The winner is a young girl from Hawkesbury, Ontario. I was quite proud. The second prize goes to someone from the Université de Montréal, the third prize goes to a student from CEGEP Limoilou in Quebec City, and the fourth to a student from Laval University, also in Quebec City.

If we invite people to participate in this initiative, they'll give their best. In my opinion, that's what we have to do. We have to inspire, stimulate and encourage our young people to reach for excellence, whether with the written or spoken word.

I'm one of those who have always been impressed by people like Lecavalier, from Radio-Canada who francized hockey, our national sport. Mr. Lecavalier is the one who called the *stick* a "gouret". When I lived downtown, you'd say "shoutait" into the *goal*. You "scorait" goals. Nobody says that anymore. In French, we say "il a lancé, il a compté". It's a lot better. There are all kinds of examples. I could talk about this for an hour.

**Mr. Jean-Claude D'Amours:** Thank you.

**The Chair:** Thank you, Mr. D'Amours. Mr. Godin, this is your last intervention.

**Mr. Yvon Godin:** Thank you, Mr. Chairman.

Back home, we picked up the *dust* in the *corner* with the *dustpan*.

In conclusion, I'd like to get back to what Mr. André was saying and ask you what Bill S-3 could do concerning the requests. We spoke about National Defence and the fact that we had managed to prove that department was not enforcing the Official Languages Act. All the departments are studying the matter now.

Could S-3 help settle this problem or, as you always say, give teeth to the act? Could it serve to force governments into action? We're talking about the federal government, but the government itself is the one breaking the law. As far as we're concerned, it is violating the principle of the act or the principle of bilingualism prevailing in Canada. That's why we're talking about federal institutions.

Could this bill help people all across Canada? Anglophones as well as francophones should be able to enjoy services in their own language.

**Hon. Jean-Robert Gauthier:** Absolutely. Maybe I'll conclude with that.

The responsibility of Bill S-3 which is to amend the act, rests with the federal institutions. They can't transfer their responsibilities to the provinces. In turn, the latter couldn't be brought to court. At least that's my interpretation of S-3 and I'm the one who wrote that bill. It would be impossible to sue a province. So you'd have neither slippage nor transferability. Those institutions would have to live up to and honour their obligations. In my opinion, that is the essence of S-3.

Trust the minorities. Give us the tools, give us what we need to assert our rights. Don't worry: we won't go to court if the federal government meets its obligations clearly and specifically. Things will just get done on their own, at that point. It's an act; it is, essentially, justice. That's all it is.

•(1045)

**Mr. Yvon Godin:** Mr. Chairman, I'd like to put one last question.

Mr. Gauthier, I think this will sort of conclude our meeting with you.

As you know, a motion was passed this week to set aside this bill in order that we may finalize our report. I intend to introduce a new motion as soon as we're finished.

As far as S-3 is concerned, do you recommend that we act immediately in order that Parliament may pass it?

**Hon. Jean-Robert Gauthier:** As you doubtless know, Mr. Godin, I've been trying to get this bill passed since the year 2000. I've put it forward four times. It's becoming urgent.

We're in a minority position and, in our democratic system, we must humbly submit to the majority. Nevertheless, I hope it will be possible, within the framework of this democracy, to spend a bit of time and energy to get this bill passed. You will no doubt be proposing improvements and, as a matter of fact, I do hope that will be the case.

Specify that this applies only to federal institutions. Choose whatever preamble you prefer, change the wording, but don't forget that, at the end of the day, we want all French-speaking and English-speaking Canadians living in minority situations, to be treated equitably and with as much justice as our modern democracy can muster.

Thank you ever so much.

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

Thank you very much, Mr. Gauthier. We thank you for taking the time to join us and share your knowledge. We particularly thank you for having shared your passion with us. I think all members of the committee found the time we spent together most agreeable. Thank you again. I would also like to thank the lady with you. It does happen that we speak too fast but that doesn't prevent her from doing extraordinary work.

We will suspend the meeting for a minute or two and then come back to deal with the trip as well as a motion that was submitted.

Thank you.

•(1047)

(Pause)

•(1051)

**The Chair:** We'll resume the sitting for a few more minutes. First of all, I would like to inform you that our order of reference for the trip was accepted. There's nothing further preventing us from going into the field to see what's going on and to analyze the impact of the action plan. It has been accepted and we will be leaving during the week of 9 May.

You have also received, through our researcher, the list of witnesses for our future work on S-3. If there is no change, in two weeks, we will have before us Human Resources and Skills Development Canada and Industry Canada on Thursday for our work on the Official Languages Action Plan.

That said, there is a motion... Yes, Mr. Godin.

**Mr. Yvon Godin:** About the witness list, I'd like to add the names of Mr. Michel Doucet from the University of Moncton—the one who pleads just about all francophone cases—as well as Mr. Denis Duval from the University of Moncton in Edmunston. They're the ones who led the charge on electoral boundary reform. Those two people could enlighten us about the bill.

**The Chair:** Did you note that down?

Ms. Boivin.

**Ms. Françoise Boivin:** Because of some of the concerns of my colleagues from the Bloc about what's going on in Quebec, and I'm not saying there shouldn't be any concern—I was thinking of Minister Benoît Pelletier because, among other things, he is the Quebec Minister for Canadian *Francophonie*. I don't know if it's possible, because I'm not fully aware of how our committees operate. I know that some committees of the House were able to meet him, the Standing Committee on Public Accounts, among others. I don't see why we couldn't invite him to address these concerns. That's a suggestion for the committee.

**The Chair:** We will see if we can invite a provincial minister to appear before the committee. I don't know. I would suggest...

**Mr. Guy André:** We will send you our suggestions.

**The Chair:** That's it. I would suggest that you forward the names, otherwise it will take too much time to list them.

**Mr. Yvon Godin:** We will forward them to you.

**The Chair:** I will ask our researcher to start by drawing up a list of names. It will be submitted to you, and you can add to it, if you like. We can use that to construct the final list.

**Ms. Françoise Boivin:** I would like to congratulate our researcher, who is doing a wonderful job. Did you read the document? Bravo, Marion.

**The Chair:** I must admit that it is excellent. That is why he earns the big bucks.

One final point. Mr. Godin introduced a motion. We did not receive it within the requisite 48-hour notice. This motion will be deferred until Tuesday morning's meeting, unless we have unanimous consent to discuss it today.

**Mr. Yvon Godin:** Mr. Chairman, we know what the motion is about. I would like to ask for unanimous consent. After having heard Mr. Gauthier, I think he is asking us for an opening. He has suggested that we move amendments, if we have concerns. That is what a bill is all about.

I sincerely believe, and I mean it, that studies are useful. When you undertake a study, it is because you want to end up with a bill. We have a bill before us, and we are prepared to examine it. After we have done that, we might still want to proceed with this bill. I would like to ask my colleagues for their unanimous support. Let us begin this study. That will not prevent us from travelling. Mr. Vellacott, a number of your colleagues, and myself, have been here for eight years now, and we have sometimes had to sit in the evening. We can be flexible on that.

As we were saying, a minority government can provide an opportunity for good legislation. Once again, as the senator was

saying, we can make amendments if we have concerns. We can work on this bill. That is why I am asking my colleagues for their unanimous support. Otherwise, we will deal with the amendment when we return.

● (1055)

**The Chair:** Thank you, Mr. Godin. There is no need to debate it. I would simply like to ask if we have unanimous consent.

**Some members:** No.

**The Chair:** Fine. The motion will be debated on Tuesday, after the break. If we have no other business to discuss, we will end the meeting on that note. Thank you very much. Have a good week in your ridings, and we will see you on Tuesday.

The meeting is adjourned.

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