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—
Chair

Mr. Pablo Rodriguez

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•(0805)

[Translation]

The Chair (Mr. Pablo Rodriguez (Honoré-Mercier, Lib.)): Good morning, everyone. We not only have a quorum, but I see that virtually all committee members are here today.

I want to thank you for your discipline. I believe this is the first time that so many people have been on time for a meeting of the Standing Committee on Official Languages.

[English]

Welcome to all of you.

[Translation]

This very important meeting follows on the work of a number of weeks — I'd even say months — on Bill S-3, which amends the Official Languages Act.

You've all received all the amendments. We had preliminary discussions last week. Today we'll proceed with the clause-by-clause consideration.

Would you like to speak before we begin, Mr. Simard?

Hon. Raymond Simard (Saint Boniface, Lib.): Yes, Mr. Chairman.

I simply want to offer my thanks once again to our colleagues from all parties who decided the other day to accept our motions, which had been submitted late.

We explained the reasons for the delay, but we hope that, by affording a few days to review the clauses or motions in greater depth, we will have assisted in today's discussions.

Thank you for accepting our motions, even though they were submitted late.

The Chair: Thank you, Mr. Simard.

Mr. Lauzon.

[English]

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): I have a point of order. Did we accept the amendment from the government?

[Translation]

The Chair: It's up to the committee to decide on that. For my part, last week I thought it would be fine if we postponed the discussion, but it's up to the committee to decide that.

[English]

Mr. Guy Lauzon: Quite frankly, our amendments cover all the amendments the government was proposing.

[Translation]

The Chair: We're now debating the amendments. I believe that was the preliminary debate on whether it was possible to submit the government's amendments. I don't think we should debate that.

Mr. Guy Lauzon: So they weren't submitted.

The Chair: Pardon me?

Mr. Guy Lauzon: Have the government's amendments been submitted?

The Chair: In fact, they were submitted one day before the last meeting, that is to say last Monday, I believe.

Mr. Guy Lauzon: It's starting again. Once again, the amendments don't appear on the agenda.

The Chair: What do you mean?

Mr. Guy Lauzon: The government's amendments aren't there.

The Chair: That's because, as you know, the government's amendments were submitted on Monday.

Mr. Guy Lauzon: They aren't on the agenda.

The Chair: No.

Mr. Guy Lauzon: So we're not talking about them!

The Chair: That depends. It's up to the committee to decide that, Mr. Lauzon.

Hon. Raymond Simard: I understood they had been accepted. Our colleagues told us so. So what do we do? Do we vote on it?

The Chair: Then we'll have to vote.

Hon. Raymond Simard: Does there have to be a consensus?

The Chair: That's correct.

Mr. Vellacott.

[English]

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): It would be a fairly substantive amendment, I think, to extend that time period for acceptance of amendments, and for that you certainly do require a 48-hour notice. We have not had any kind of indication of a motion on the table. Right? That's my point. You can double-check with the clerk here on that. Our standing rules for this committee require a 48-hour notice—

[Translation]

The Chair: The amendments for today's discussion have been submitted.

[English]

Mr. Maurice Vellacott: For extending the Liberal amendments? Is that what—

The Chair: Yes, we're talking about the Liberal amendments.

Mr. Maurice Vellacott: The Liberal amendments.

The Chair: You received those amendments last Monday.

Mr. Maurice Vellacott: They were received late, beyond the cutoff period in which everybody else submitted theirs, and which we had agreed to.

The Chair: But it was more than 48 hours before today.

Mr. Maurice Vellacott: Well, no.

The Chair: So it's up to the committee to decide today.

Mr. Maurice Vellacott: No, but you need an amendment, Pablo. With due respect, you then need a motion to say we're going to extend the period for which amendments could be received. It's not about—

• (0810)

The Chair: That's not what I understood.

Mr. Maurice Vellacott: They were not received on time, so I guess my point is that it's not a matter of the consideration of ... [Technical difficulty—Editor]...per se; it's a matter of whether you extend that time period. And that's the amendment, that there should be no...but that requires a 48-hour notice.

[Translation]

The Chair: Essentially, what I understand is that the documents that were submitted to the clerk on Monday may be included, and we can discuss them today if the committee votes that way. That's correct.

Mr. Guy Lauzon: Mr. Chairman...

[English]

The Chair: No, I have Mr. Goodyear.

Mr. Gary Goodyear (Cambridge, CPC): Thank you, Mr. Chairman.

I'm not really sure we need to discuss this too much further. As I was preparing for this meeting, it seemed to me in reading the minutes from the previous meetings that there was a motion everybody agreed to that certain amendments would be in by a certain time and date. The Liberals failed to get their amendments in by that date.

However, in reading these amendments from the government, which were only put on my desk at the meeting on Tuesday, I find they are very similar. By the government's own admission and as you mentioned in the last meeting, they were very similar to the Conservative Party's amendments. I'm not really sure we need to have a discussion, because clearly the government's amendments that were handed in late are actually covered here in the amendments we have gotten in within that timeframe.

Perhaps if we want to change the date when these amendments could be allowed into the meeting, then I think that would require a motion to do so and a vote. But I'm not sure we even need to spend much time on this, because clearly, as you have admitted, our amendments are covered and vice versa. So perhaps we should just move amendment by amendment those that are on the table, and if in fact they're not covered, then we can have that discussion.

A voice: Good point.

Mr. Gary Goodyear: Then we can just move on, because this is taking up too much time here.

[Translation]

The Chair: I agree with you that our time is precious and that the objective is to focus on considering the bill, not to hold a debate on motions or procedure. However, the clerk tells me, in reaction to your comments, that the amendments are consistent with the spirit of what we're currently doing. So if a motion is introduced to table the amendments, that can be put to a vote by the committee so that the amendments can be received.

Mr. Guy Lauzon: After we've studied our amendments?

Hon. Raymond Simard: Well, no.

The Chair: What do you mean, Mr. Lauzon?

Mr. Guy Lauzon: At the October 6 meeting, you said the following:

[English]

"I remind you that you have until noon on October 4 to file your amendments".

The Chair: Yes, it's a fact. That's why they're not there, but—

Mr. Guy Lauzon: The amendments weren't filed.

The Chair: No, they were not.

Mr. Guy Lauzon: So now we've got a meeting; we called a meeting. We went through all this on Monday. We call the meeting. Here we go again with another agenda. There are no government amendments on the agenda. We can't keep coming at the very last minute to do things.

I spoke with the government, and the government said, if you allow us our amendments, we don't need yours. They're one and the same. Please take a look at ours.

[Translation]

The Chair: Wait a minute, please.

[English]

Mr. Simard, then Mr. Godin.

Hon. Raymond Simard: First of all, Mr. Chair, this committee has always worked in good faith. It always has, for years. I've been here three and a half years.

I don't understand this. Last Tuesday we came in; we apologized for submitting our amendments late. We did submit them late; we had some reasons. Some minister's parents had passed away; the meetings couldn't happen at cabinet. We wanted cabinet to approve the amendments beforehand so we didn't have to go back and so we could make the decisions right here in committee. My understanding with the Bloc members was that we'd have no problem with that as long as we were given time till Thursday to look at them. That was my understanding, and that's exactly what we did. Then we said we were going to come back here on Thursday to discuss the clause-by-clause.

The amendments, by the way, are acceptable to everyone—the community, the senator who submitted the amendments, *le parrain* or sponsor of the bill. Everyone seems to be on board with the amendments we're proposing.

Now, Monsieur Lauzon, you say we have the same amendments. Absolutely not. I mean, we are—

• (0815)

Mr. Guy Lauzon: No, no.

[Translation]

The Chair: I don't want us to have a debate to determine how the amendments can be compared with each other.

Hon. Raymond Simard: It's not at all the same thing.

The Chair: That's not our purpose. Thank you, Mr. Simard.

Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): If this can help matters, perhaps we could take the government's amendments, but consider those of the Conservatives first. If we agree, then we can continue our work. This committee should operate. We are mature enough to be able to vote on the amendments and to do so in good faith.

On Tuesday, you all said there was no problem. But now that you don't see them on the agenda, you say you haven't had enough time. You had enough time. If the clerk, the researcher or someone else didn't put them on the agenda, that's not the committee's fault. We're wasting time just as we lost time last Tuesday. First, I'd like the clerk to tell us whether the amendments are admissible. Second, if they are admissible, I suggest we continue our proceedings.

Otherwise, I'd like to know whether a motion stating that the government's amendments, which were unanimously accepted by the entire committee, can be debated today would be admissible.

The Chair: The amendments are acceptable. The only reason they're not on your list is that they didn't arrive before the deadline, which was Friday. However, this was raised last Tuesday. So, once again, as mentioned by the clerks, by virtue of a motion that was filed, we can discuss them and vote on them.

Mr. Vellacott.

[English]

Mr. Maurice Vellacott: Let me understand, Mr. Chair, then. As we conduct this committee through the future dates, do these dates, when we say this is the point when you have to have them in...? I don't know, I've been around enough committees in this place to

know that when we sometimes get amendments late...would it be the same response? No, it wouldn't be. The government says, fine, you didn't make your deadlines. They've got all the resources of government, and it's not my issue that there's some cabinet meeting they're waiting for. I don't have to wait for some cabinet meeting. We put our amendments in.

Is it still open for amendments, even at this point? Do we just keep this elastic and keep it going indefinitely?

The Chair: The committee may decide that it's not open for those amendments and it can also decide that it is open and can receive amendments, according to all of us.

Mr. Maurice Vellacott: I guess my point is that if you check again with the clerks.... For one, we have a discrepancy again in terms of the agendas, and the clerks need to get their act together, frankly, in terms of these agendas, I submit, because we've had this happen twice now, and it brings a little bit of difficulty into a setting when we're assuming that clerks are non-partisan people. They're not siding with the government or the opposition; they're here to do a professional job. So again, we have an agenda, and I need to say to our clerks that we can't have this continue to go on like this, or maybe we'll have to have different clerks sitting on this committee, because we've had this happen a second time now.

The point is simply this. You've had a motion for when these amendments have to be in, an actual, strictly worded—in English and French languages—motion. How can you just decide now that because—

The Chair: I'm not deciding anything, Mr. Vellacott.

Mr. Maurice Vellacott: Right. I'm saying that 48 hours is the understanding of the rules of this committee in terms of a substantive motion. To change the date by which amendments can come in is clearly a substantive motion. You need a 48-hour advance for it to be tabled. It has not been tabled. Just because somebody threw some Liberal amendments on my desk the other day at the committee, that didn't assume anything. I didn't concede to anything at that point.

We haven't had a motion to the effect that we are extending it, and for that we need 48 hours, Mr. Chair.

[Translation]

The Chair: I believe we could discuss this matter for a long time. The clerk received the amendments on Monday. Is that correct?

Mr. Mark D'Amore (The Clerk of the Committee): Monday evening, yes.

The Chair: He received the government's amendments on Monday evening. Once again — I decide nothing — the committee can now decide by a vote whether or not it will admit them.

[English]

Mr. Maurice Vellacott: No. We have a ruling—

[Translation]

The Chair: I would ask the clerk to speak to this, please.

[English]

Mr. Maurice Vellacott: Ask the clerk then. If you have a 48-hour advance notice rule, that rule pertains here. So we're not voting on whether... Is that correct, Pablo? I need an answer to that question.

The Chair: Yes. Can I have an answer from the clerk, please.

Mr. Maurice Vellacott: Do we have a 48-hour advance rule or not? Do we have that? The clerk should be able to answer.

The Clerk: There is a routine motion for substantive motions that 48 hours is required. However

[Translation]

However, if a motion arises out of current business, it is admissible without notice.

[English]

The Chair: The motion is directly related to *les travaux en cours*.

• (0820)

Mr. Maurice Vellacott: They always are.

The Chair: No, no.

Mr. Guy Lauzon: So you're saying that this is not a substantive departure when there's been a deadline and the deadline has been passed. That's not substantive in your mind?

[Translation]

The Chair: The committee is the master of its own agenda. So it can decide. For example, we decided — that's what we have in hand — that the motions were to be submitted before noon on Friday.

However, according to *House of Commons Procedure and Practice*, by Marleau and Montpetit, no notice of motion is required in order to introduce amendments concerning the clause-by-clause consideration of a bill. So, since the committee is the master of its own agenda, that's what we decided and that's what takes precedence. So today, since the committee is the master of its own agenda, it can decide by a vote that it will admit the government's amendments.

Mr. Guy Lauzon: Without 48 hours' notice?

The Chair: That's what I just said, Mr. Lauzon, unless it was given...

[English]

Mr. Guy Lauzon: We always get this at the last minute. [Technical difficulty—Editor]...the agenda. What's the point of having an agenda?

[Technical difficulty—Editor]

[Translation]

The Chair: If a committee member introduces a motion today and it is agreed to by an ordinary vote, the amendments can be admitted. I don't know how I could repeat it more than I'm doing now.

Mr. Godbout.

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Chairman, I'm going to move the motion.

The Chair: Mr. Godin has already done that.

Mr. Marc Godbout: In that case, I second it. Can we have the vote?

The Chair: Mr. Godin, would this be consistent with the spirit of your motion?

That the committee accept the amendments moved by the government, notwithstanding the motion agreed to on Tuesday, October 18, 2005, that concerns the deadline.

Mr. Yvon Godin: Yes, exactly.

Does anyone second that motion?

The Chair: We don't need anyone to second it.

Those in favour of the motion?

[English]

Mr. Gary Goodyear: Sorry, could you repeat the motion?

The Chair: Yes, absolutely.

[Translation]

That the committee accept the amendments moved by the government, notwithstanding the motion agreed to on Tuesday, October 18, 2005.

That's the motion that stated that...

Mr. Yvon Godin: No. I want to go further than that. We should add: "and that they be debated today."

It's all well and good to accept them, but they're going to come back again with a 48-hour notice. I want them to be debated today.

The Chair: I'll reread the motion:

That the committee accept the amendments moved by the government, notwithstanding the motion agreed to on Tuesday, October 18, 2005, and that they be debated today.

Is that in fact your motion, Mr. Godin?

Mr. Yvon Godin: That is indeed my motion.

The Chair: Perfect. We're going to vote.

Mr. Lauzon.

[English]

Mr. Guy Lauzon: I want to appeal that ruling that you made as the chair.

The Chair: Sure.

An hon. member: There was no ruling.

Mr. Guy Lauzon: Yes, you made a ruling that it was acceptable. I'm going to appeal that. If you go ahead with the vote, that's fine, but I want to appeal it. I challenge the chair.

[Translation]

The Chair: Can you say exactly what you're appealing?

[English]

Mr. Guy Lauzon: I think what you decided as the chair of the committee is improper.

The Chair: Okay, but which decision?

[Translation]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Chairman...

The Chair: Wait, Mr. Boudria, I just want...

[English]

Mr. Guy Lauzon: The decision to accept this motion.

[Translation]

Hon. Don Boudria: I move that the Chair's ruling be sustained. It's correct and it's not debatable.

[English]

Mr. Guy Lauzon: Well, I'm sorry, but the clerk—

• (0825)

Hon. Don Boudria: It's not debatable. It's ended. You have to call the vote now.

Mr. Maurice Vellacott: Everything is debatable.

Hon. Don Boudria: No, sir.

I move that the chair's ruling be sustained. That is not debatable in parliamentary law. You can't debate that.

Mr. Maurice Vellacott: You can challenge the chair.

He can challenge the chair, and that's the point of what he's doing.

The Chair: Can you share your thoughts with everybody, please?

The Clerk: To challenge the chair, the motion is that the chair's decision be maintained, which I believe is what you're moving.

Mr. Guy Lauzon: Not that it be maintained.

The Clerk: But that's the process.

Hon. Don Boudria: That's the only thing that's in order.

The Clerk: That's the process. You move that it's—

Hon. Don Boudria: And I just moved it.

The Clerk: It's a negative vote.

[Translation]

The Chair: You have to say you sustain my decision. In that way, all rulings...

[English]

Mr. Maurice Vellacott: He's challenging the chair.

The Clerk: By moving that motion, that's how you do it.

Mr. Guy Lauzon: I still don't see the problem.

Mr. Maurice Vellacott: He's challenging. Read the motion in, the challenge to the chair.

The Clerk: It's a negative vote.

[Translation]

The Chair: There's no debate on it. When the Chair's ruling is questioned, we proceed directly to the vote. Since Mr. Lauzon is challenging my ruling, we're going directly to the vote.

Mr. Guy Lauzon: There's no debate.

The Chair: It's not debatable. We'll go to Mr. Lauzon's motion before anything else.

Mr. Yvon Godin: Yes, we'll proceed to his motion.

[English]

The Chair: Those in favour of the chair's ruling being sustained? Those against?

(Motion agreed to)

[Translation]

The Chair: So we can admit Mr. Godin's motion. I'm reminded that that motion can be debated and voted on. So we can debate it and, necessarily, vote afterwards. I'll repeat the motion one final time:

That the committee accept the amendments moved by the government, notwithstanding the motion agreed to on Tuesday, October 18, 2005, and that they be debated today.

Mr. Vellacott, you may speak to the motion.

[English]

Mr. Maurice Vellacott: Oui. Now, for a clarification of that, I thought his comment before was that they be placed after the Conservative amendment. Guy, that's what you said, right?

Mr. Guy Lauzon: No, I didn't say that.

Mr. Maurice Vellacott: You did. Go back and recall what you said.

The Chair: Go check the record.

Mr. Maurice Vellacott: You were trying to be conciliatory and you said—

Mr. Guy Lauzon: No, no—

Mr. Maurice Vellacott: Then my question is at this point, in respect of the motion, I want a clarification. What is the sequence then of the motion?

The Chair: It goes line by line. Whichever amendment touches a line first—

Mr. Maurice Vellacott: If it touches the same line, then what? What gets precedence?

The Chair: If it touches the same line? The one that's more complete in itself.

Mr. Maurice Vellacott: That's what we're debating. The one that is more complete—

The Chair: Well, those are the rules.

Mr. Maurice Vellacott: I understand that, but I don't know what that means in some situations. If it's a removal of a whole section, is that more complete in itself?

The Chair: The removal of a whole section is not acceptable.

Mr. Maurice Vellacott: Pardon? It's not accepted?

The Chair: No.

Mr. Maurice Vellacott: Well, that's what they're—

The Chair: I know. I'm ruling against the removal of the whole section, because you cannot do that. You have to vote against it at the end, but you cannot remove a section.

Mr. Gary Goodyear: You can go line by line.

We will be debating according to the agenda. If these amendments pass, the last thing we—

The Chair: If the motion is passed, then we include the amendments of the government.

[*Translation*]

Then we'll proceed line by line, that is to say that we'll proceed to the amendment on the first line concerned by the proposed amendment. For example, if the government's amendment concerns line 8 and yours concerns line 5, we'll start with yours, and so on. Otherwise, we'll go on to that of the Bloc québécois or the NDP.

All right? Is that fine with you? I don't intend to read the motion another time. I believe everybody has understood. The vote is on Mr. Godin's motion.

(Motion agreed to.)

● (0830)

The Chair: So the government's amendments are included in today's discussions.

I'll simply read a brief text that has been provided to me by the clerks and that concerns the conduct of proceedings. As agreed, we are starting the clause-by-clause consideration of the bill. I'll briefly describe how we'll proceed; we've already discussed this.

In clause-by-clause consideration, the committee considers each part of the bill, starting at the beginning and advancing line by line and, if necessary, word by word. It is possible to introduce, debate and vote on amendments. All members may ask questions on a clause or debate a clause, even if they are not introducing amendments. The committee puts to a vote:

- every amendment,
- every clause,
- the schedules and preamble, if any,
- the title,
- lastly, the bill as a whole.

The committee then reports any amendments made to the bill to the House.

If there are no more questions or comments, we'll start the clause-by-clause consideration of the bill right away.

Pardon me, Mr. Lauzon, you submitted a motion in prescribed form. Do you wish to table it?

Mr. Guy Lauzon: I submitted it more than 48 hours ago.

The Chair: It's admissible.

[*English*]

Mr. Guy Lauzon: Okay, the motion is pretty straightforward: that pursuant to Standing Order 97.1, the Standing Committee on Official Languages report to the House requesting an extension of thirty sitting days to consider Bill S-3, given that the workload of the past few weeks—and the tedious work in this committee as we're progressing—has prevented the committee from giving the bill the consideration it requires.

I feel that we're rushing this, and I would like to have more time.

[*Translation*]

The Chair: Discussion on the motion is open.

Mr. Simard.

Hon. Raymond Simard: Mr. Chairman, we don't agree with this at all. I believe that we and our colleagues from the Bloc are prepared to begin the clause-by-clause consideration today.

The amendments we have submitted have been deemed acceptable by the Commissioner of Official Languages, by the sponsor of Bill S-3, Senator Jean-Robert Gauthier, by the member who introduced it in the House, Mr. Boudria, by the Anglophone and Francophone communities, and by most of the experts who have testified here. It seems to me that we're ready to begin the clause-by-clause consideration.

What are we going to do over the next 30 days? That's where we stand. In my view, we've done an excellent job. We're introducing amendments that suit all the communities, that is the people most concerned by our committee. I believe we should proceed with clause-by-clause consideration of the bill.

The Chair: Thank you.

Are there any other remarks?

Mr. Vellacott.

[*English*]

Mr. Maurice Vellacott: I'd just draw to the member's attention—he surely would be fully aware, I would think—that this doesn't mean it's a whole 30 days, but just the necessity of parliamentary procedure. You make a request for 30 days; it might delay it by two, three, four days. I think he knows that.

Hon. Raymond Simard: I didn't say that. I said we're ready.

Mr. Maurice Vellacott: So it's not necessarily a 30-day thing, and I think that needs to be clarified.

Mr. Guy Lauzon: I'm amenable to a friendly amendment, if we want to shorten it.

Hon. Don Boudria: We can't. It's out of order.

Mr. Maurice Vellacott: It's a standing order. It does have to be 30 days; Don's right. That's why, in fact, it has to be stated in that manner, even if you extend it by only one.

The Chair: It has to be 30 days?

Mr. Maurice Vellacott: It's a standing order.

The Chair: Okay, so it's either nothing or 30.

Mr. Maurice Vellacott: Well, you could have it in—

Mr. Gary Goodyear: The committee doesn't need to take 30 days.

[*Translation*]

The Chair: All right.

[*English*]

Mr. Gary Goodyear: It's just a safety insurance, Pablo, just in case.

[*Translation*]

The Chair: There appear to be no other comments. The motion is duly moved and admissible.

(Motion negated.)

The Chair: We now move on to the clause-by-clause consideration.

I remind you that this bill contains only three clauses. As the table prepared by the clerk shows, clause 1 contains amendments by the government, the Conservative Party and the Bloc québécois. In this specific case, we're going to start with government amendment G-1, since it concerns lines that precede those concerned by the amendments of the other parties.

I remind you that if G-1 is agreed to, CPC-1 and CPC-2...

• (0835)

[English]

Hon. Raymond Simard: They're the same thing.

[Translation]

The Chair: ...may not be debated since they concern the same matter. However, if G-1 is negatived, we can debate the other amendments.

Mr. Côté.

Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ): Could you explain that once again, Mr. Chairman? I want to be sure I understand.

The Chair: The first amendment we'll debate is that of the government...

[English]

Mr. Gary Goodyear: It's not the same.

Mr. Guy Lauzon: On a point of order, why don't we discuss all three of them and get the best one?

The Chair: Sure. If everybody agrees, we can do that.

Mr. Guy Lauzon: Nobody has agreed to anything so far, so maybe—

The Chair: Mr. Goodyear.

Mr. Gary Goodyear: Mr. Chairman, I am concerned. Why are we talking about the government's amendment first, and then if it's ruled in, we don't need to talk about the other ones? That doesn't make sense to me.

The government was completely late with their amendments. We've agreed to accept the amendments, and as the member across just admitted, these are all the same.

Hon. Raymond Simard: They're not all the same.

Mr. Gary Goodyear: Simply out of the fact that the Conservative Party got this stuff done first, let's go by the order that is on the agenda in front of us. We'll discuss the Conservative Party amendments first, and as we see they are the same, that they will be substantive, then we can agree on them and we don't need to discuss the late government amendments.

[Translation]

The Chair: We can't resume that debate. We've just agreed to a motion that enables the government to move its amendments. Once that's done, we keep on going and we have to follow the sequential order.

[English]

Mr. Gary Goodyear: I understand that.

[Translation]

The Chair: I'm following the procedure adopted for the operation of committees, and we're following the sequential order.

The government's amendment concerns a line — it starts at line 7, if I'm not mistaken — that precedes the text concerned by the Conservative Party's amendment.

Mr. Lauzon, I turn the floor over to you.

[English]

Mr. Guy Lauzon: Can I make a suggestion? If we really are concerned about having the best bill, which is what we're supposed to be trying to do, why the heck don't we take...? If there are two amendments on a line or three amendments or whatever, let's discuss them and take the best of the three.

Hon. Raymond Simard: Go line by line.

Mr. Guy Lauzon: That's right, but why do we have to put one first and then the other? I thought we wanted the best bill. What if we have a better suggestion than the government?

[Translation]

The Chair: Sir, please!

[English]

Mr. Guy Lauzon: Maybe we should use that.

[Translation]

The Chair: Mr. Godbout, Mr. Godin is waiting. You must raise your hand if you wish to speak.

Mr. Marc Godbout: How can you speak when 15 people are talking?

The Chair: Go ahead, Mr. Godin.

Mr. Marc Godbout: I want to point out...

The Chair: I'll consider that you've raised your hand. You may speak after Mr. Godin.

Mr. Yvon Godin: Mr. Chairman, I agree with Mr. Lauzon because of what you said. You said we would proceed line by line, that we'd start with the government's amendment and that, if it were agreed to, we wouldn't be able to do anything else with the others.

That troubles me because there are differences between the amendments. If you read the government's amendment, it states: "positives pour mettre en oeuvre cet engagement."

If we agreed to this amendment, we wouldn't then be able to amend line 10. The Conservative Party amendment reads as follows: "cet engagement et ce, dans le respect des champs de compétence et des pouvoirs des provinces et territoires".

I would be prepared to support this amendment. I suggest that, if we amend one line, we consider whether other amendments have already amended it. I think that would be fair because we might perhaps agree on that. That doesn't mean we would necessarily agree on everything. If the committee feels there is something good in an amendment, we're not going to reject everything because we decided in advance not to consider it. It's our responsibility to consider it.

• (0840)

The Chair: I believe that's possible.

Mr. Godbout, please wait two seconds before speaking.

Mr. Yvon Godin: Mr. Chairman, based on what you've said, that's not possible.

The Chair: According to the procedure, that's the way we do it. If the committee decides that we choose...

Mr. Yvon Godin: I don't agree. Pardon me. I don't agree that the procedure is that we start with one line and reject the rest of the document.

I'm going to consult experts.

The Chair: We can discuss the three amendments at the same time. However, if we vote, we'll have to do so in accordance with the established sequence.

Do you understand?

Mr. Yvon Godin: No.

The Chair: Could you explain that, please?

Mr. Yvon Godin: Mr. Chairman, perhaps I express myself poorly. It is we who are going to establish the sequence. If we came to that stage tomorrow, why would the government amendment be considered first? Who establishes the sequence?

The Chair: It's the...

Mr. Yvon Godin: According to the sequence, there's a delay. Is that what you want? That would surprise me. Consequently, that's not it.

If we're trying to improve one line of the text, we should choose the best amendment. In that case, you determine in advance which one it will be, and we wouldn't be able to consider the following ones. In eight years, I've never seen such a thing. We've never seen amendments not studied because we follow a sequence. These amendments are different.

The Chair: Can you explain everything?

Mr. Jean-Francois Lafleur (Procedural Clerk): Yes.

Good morning, Mr. Godin.

Mr. Yvon Godin: Good morning.

Mr. Jean-François Lafleur: I'm going to try to explain matters to you as I explained them to the Chairman of the committee a little earlier. There is nothing, absolutely nothing preventing you committee members from discussing these three amendments which are in dispute.

Furthermore, as regards voting, at some point you have to make choices. That's the way it's always been. You have to decide what will constitute the amendment, if there is an amendment, and what you're going to reject. However, for it all to be coherent, we have to follow the sequence of the lines.

That's why amendment G-1 is studied first. It's quite simple; it's because its purpose is to amend the beginning, from line 7 to line 12. According to the sequence, the others come afterwards.

Mr. Yvon Godin: But there's an amendment in the second document concerning the replacement at line 10. We can't reject this like that.

Mr. Jean-Francois Lafleur: The government amendment concerns lines 7 to 12.

Mr. Yvon Godin: Does that mean we're rejecting the government's amendment because we want to amend line 10?

Mr. Jean-Francois Lafleur: On substantive grounds, that's up to you. If the committee decided, for example, to discuss and make amendments to this amendment, that would always be possible. But for voting, you have to proceed logically.

Mr. Yvon Godin: I still have a question to clarify matters. Can we consider the first amendment and still consider the others that are related to it, then add CPC-1 to amendment G-3, then vote on both of them?

Mr. Jean-Francois Lafleur: To G-1?

Mr. Yvon Godin: Yes.

Mr. Jean-Francois Lafleur: Once again, as I told you, we can include the second amendment in the three that are conflicting. It's possible to include the second amendment in the first, then make a complete amendment. Nothing can't be changed.

The Chair: Order, please.

Mr. Jean-Francois Lafleur: When we come to the vote as such, we have to proceed in a logical order that doesn't render the bill unintelligible. That's why you have to amend starting at one line, then move downward. The convention is that, if, for example, lines 7 to 12 are amended, you don't amend the same lines a second time; that could render the text unintelligible.

The Chair: All right.

Mr. Yvon Godin: I believe this is important. If the amendment concerning lines 7 to 12 included line 10 from the Conservatives' amendment, would it be admissible if the committee decided so?

Mr. Jean-Francois Lafleur: That depends what's in the text, but, if all that is admissible and the committee decides so, yes, they can be amalgamated. We're at the service of the committee, which decides in the way it sees fit for the bill.

The Chair: Mr. Godbout.

●(0845)

Mr. Marc Godbout: Mr. Côté has a point to raise.

The Chair: Mr. Côté, is it on this subject?

Mr. Guy Côté: It won't be really long, Mr. Chairman. Quite honestly, I don't know whether I'm the one who's confused about the amendment we're talking about, but you referred to a line... What amendment are we talking about? The numbers you give don't correspond to the documents I have.

The Chair: You received a sheet that has just been amended following the vote on the motion; the clerk has included G-1 and, further down, G-2 and G-3.

Mr. Guy Côté: All right.

Ms. Paule Brunelle (Trois-Rivières, BQ): Yes.

The Chair: In the order in which we're going to debate the amendments. We'll start with G-1, then continue with CPC-1, and so on, moving downward. That's our plan for discussion.

Mr. Guy Côté: I want to be sure I've understood. Could you read amendment G-1?

The Chair: All right.

Mr. Guy Côté: That doesn't correspond to the French.

Ms. Paule Brunelle: In French, the lines concerned aren't lines 7 to 12.

The Chair: The clerks always refer to the lines in the English version.

Ms. Paule Brunelle: All right.

The Chair: You have to establish the correspondence.

Ms. Paule Brunelle: That's confusing for us.

The Chair: I forgot to say that. Pardon me.

Mr. Goodyear.

[English]

Mr. Gary Goodyear: How convenient.

The Chair: Why?

Mr. Guy Lauzon: Our first amendment is on line 7 on the French side. Right?

An hon. member: It's a one-page thing on the French side.

Mr. Guy Lauzon: It's CPC-2 first, is it not?

Mr. Jean-Francois Lafleur: CPC-1 is on line 8 or

[Translation]

line 10 of the French version.

[English]

Mr. Guy Lauzon: CPC-2 is on line 7 in the French.

[Translation]

Mr. Jean-Francois Lafleur: It's lines 10 and 11 in the English version and 9 and 10 in the French version.

[English]

Mr. Guy Lauzon: Amendment G-1 is actually on line 9 on the French side. The clerk is wrong here.

[Translation]

The Chair: Mr. Côté had a request. He wanted to know exactly...

Mr. Guy Côté: I asked you to read the first amendment we're studying. I want to make sure I understand. It's nothing more than that.

The Chair: Mr. Simard, do you have amendment G-1?

Hon. Raymond Simard: Yes.

(Clause 1)

The Chair: I can read it, if you wish. It is moved that Bill S-3, Clause 1, be amended by replacing lines 9 and 10 on page 1 with the following:

positives pour mettre en oeuvre cet engagement.

The word "mettre" is being added.

Mr. Guy Côté: Perfect. Thank you very much, Mr. Chairman. I appreciate your cooperation.

The Chair: Thank you, Mr. Côté.

[English]

Mr. Goodyear, I had you in line to speak.

Mr. Gary Goodyear: No, I'm good. Thank you.

[Translation]

The Chair: Is that all right, Mr. Lauzon? The procedural rules don't always suit everyone. Sometimes I find that... But we have to operate in accordance with the Standing Orders of the House of Commons.

Mr. Simard.

Hon. Raymond Simard: Mr. Chairman, I believe that, if you read this sentence, you'll see that Senator Gauthier intended to add a subsection 41(2), which read as follows:

41(2) Il incombe aux institutions fédérales de veiller à ce que soient prises des mesures positives [...]

We decided that the words "pour mettre en oeuvre cet engagement" constituted an acceptable compromise for the Commissioner of Official Languages. She came here and made this proposal. I note that our Conservative friends have stated the same thing, that is to say that the words "mettre en oeuvre" in the first part of the amendment were acceptable to them. That suits us. As we've previously said, this isn't an obligation to achieve a result, which the government found hard to do and very hard to measure. This doesn't impose an obligation of means, which might perhaps be a little too weak, but it imposes an obligation to take action. We agree on this first part, which states that the government must take positive measures for the implementation of this commitment.

The Chair: That's essentially...

Hon. Raymond Simard: It's the same thing as what the Conservative Party is proposing.

The Chair: It's exactly the same thing.

• (0850)

Mr. Guy Lauzon: Not exactly.

The Chair: I'm talking about the word "mettre".

Hon. Raymond Simard: It's the same thing as the first part.

Mr. Guy Lauzon: It's the same thing as our second amendment, CPC-2.

The Chair: Yes. We clearly understand the spirit of the amendment. It's quite simple, in fact. It's exactly the same amendment as CPC-2.

Mr. Guy Lauzon: Is it possible for us to agree?

The Chair: Sometimes it happens.

Mr. Guy Lauzon: It's an accident.

The Chair: If the communities benefit from it, it's a fortunate accident.

Mr. Simard has nothing else to add. Do you have anything to add on your side? We'll proceed to the vote?

(Amendment agreed to on division: Yeas, 6; Nays, 2.)

The Chair: Consequently, we'll move on to amendment CPC-3, from the Conservative Party.

Mr. Guy Lauzon: We're moving on to amendment CPC-3?

The Chair: Yes, since CPC-1 and CPC-2 concern substantially the same thing, the same part of the clause.

That's how it works, Mr. Simard.

[English]

Mr. Guy Lauzon: Can I have a clarification? When we adopted the government one, it didn't include CPC-1. We said it was the same as CPC-2, right?

[Translation]

Hon. Raymond Simard: Mr. Chairman, wouldn't it be simpler to proceed line by line? We've discussed the government's amendment to add the words "mettre en oeuvre", but the Conservatives added another amendment to this line. We should discuss it now. I don't know whether you agree to that.

[English]

Mr. Guy Lauzon: Here's my concern: "while respecting the jurisdiction and powers of the provinces and territories"—we want that included.

Hon. Raymond Simard: Exactly.

Mr. Guy Lauzon: Okay? It's not included in yours.

Hon. Raymond Simard: No, that's what I'm saying. But now we're jumping to the next clause, and then we're going to come back to that one, which I don't think is going to work very well.

Hon. Don Boudria: It works better to do yours.

Hon. Raymond Simard: It works better to do yours right now.

Mr. Guy Lauzon: Number one. That's the point I'm trying to make. But the clerk wants to do—

Hon. Raymond Simard: Yes. That's what I just said.

An hon. member: Why don't we do it by unanimous consent?

The Chair: Okay, the committee can decide. If you agree that we do that, we can do so and include your amendment. I have no problem with that.

Mr. Guy Lauzon: So I think there's concurrence on CPC-1. Does everyone understand the intention of it?

The Chair: No, there's no concurrence. We'll discuss it. There's concurrence to debate it.

[Translation]

What I'm told, however, is that there is a procedure for doing this. The first amendment, which we agreed to, should be amended to include the other one, and we should thus combine the amendments.

Mr. Guy Côté: No, Mr. Chairman.

The Chair: Mr. Côté.

Mr. Guy Côté: They're two completely different amendments, even though they concern the same line. Without wanting to give away an enormous surprise, since we've voted against the first amendment and are preparing to vote in favour of this one, you'll understand that combining these two amendments, which don't go together at all, is out of the question in our minds. [*Technical difficulties — Editor*]

• (0855)

The Chair: Mr. Côté.

Mr. Guy Côté: Mr. Chairman, I think that...

The Chair: Wait, please.

Mr. Guy Côté: Mr. Chairman, there may be a solution. I can understand that the English versions of the two proposed amendments are not consistent with each other as regards lines. However, when you look at the French versions of the two amendments, which, as far as I know, have the same value — let me know if I'm mistaken — they concord very well, because CPC-1 supplements word for word, the amendment we've just agreed to, which, in French, ends with the words: "positives pour mettre en oeuvre cet engagement." We agreed to that amendment, life is beautiful and everything's fine.

Through a replacement, amendment CPC-1 moves that the words "et ce dans le respect [...]" be added following the words "cet engagement", which ends the sentence of the government's first amendment. So there's no problem of concordance in the French version.

The Chair: I agree with you 100 percent. The problem is a procedural one. That's what we're trying to discuss.

Mr. Guy Côté: But, Mr. Chairman...

The Chair: I entirely agree with you.

Mr. Godin.

Mr. Yvon Godin: I'm talking about procedure. Personally, it's true that I'm confused. Earlier, as regards procedure, I even used the following example: if we consider the government's amendment, and, a little further on, we consider something that resembles it or refers to that amendment, can we take it into consideration? I've been told yes. We've voted on the first amendment, and now we're told that procedure prevents us from going back to it. We'd like to have the correct information when we vote.

The Chair: I think you're right. We can't touch the others, but we can go back and insert it. What I understand in doing that...

Mr. Yvon Godin: All right.

The Chair: ...is that, in bills, despite a political will, there may be serious problems as a result of procedure.

Mr. Vellacott.

Mr. Yvon Godin: Excuse me, I'd just like to complete my remarks. If you're telling me that, even though we voted on this amendment, we can come back to it later and we can insert it, that solves my problem.

The Chair: That's what I've just been told.

Mr. Yvon Godin: The message we got was that we couldn't touch it anymore, that that was contrary to the amendment.

Can we insert it?

The Chair: We can if there's unanimous consent. If there's unanimous consent, we can incorporate the Conservatives' amendment, despite the fact that we voted on the amendment earlier.

Mr. Vellacott.

[*English*]

Mr. Maurice Vellacott: This is the motion I'm putting forward at this point, because of the confusion that there's been. As a party, we would concede to simply, aside from this amendment CPC-2 business here, move to reconsider and call a vote on amendment G-1 again. If I make that motion then we'd have to vote on whether we'd reconsider it or not, and then we'd have to go to the actual discussion of amendment G-1.

So I move that we begin again, that we restart the process, if you will, that we reconsider amendment G-1.

• (0900)

Hon. Don Boudria: On a point of order, Mr. Chairman, if I may, can I offer a suggestion that would avoid doing something that I don't think even exists in our procedure? Why don't we instead just seek unanimous consent to deal now with the amendment of Mr. Lauzon. If it's by unanimous consent it creates no precedent, no anything, and it does what Mr. Lauzon wants and avoids all this.

Mr. Maurice Vellacott: Except then what does it do with amendment G-1? Is amendment G-1 in or out at this point?

The Chair: It's in, but it's your same amendment.

Mr. Maurice Vellacott: Then that's why my motion is in order, to ask the clerk to reconsider amendment G-1 so that we'd do a re-vote in respect to this amendment G-1 business.

The Chair: May I ask why you would do that if it's the same amendment that you have?

Mr. Maurice Vellacott: We want to split it off anyhow, but that would be the way. If we reconsidered that, we on this side would probably change our—

Mr. Guy Lauzon: We sort of started with the wrong information. We thought we'd be dealing with the three of them at once and then we'd vote on one. It's all screwed up.

Mr. Maurice Vellacott: I guess my point—

Mr. Guy Lauzon: We want the most complete, the best—

The Chair: We all want the same thing. That's the spirit of the discussion. That's what your motion is.

Mr. Maurice Vellacott: My motion is simply to reconsider. You would be required to call the vote again in respect to amendments G-1 and CPC-2, so that we could then consider those individually. You will have amendment G-1 first.

Mr. Gary Goodyear: That's a good idea.

Mr. Maurice Vellacott: You would go to amendment G-1, then CPC-1, and so on from there—as on your agenda.

[*Translation*]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Chairman, I'd like a little clarification. If we ever had to vote on one word, for example, and that word was rejected but that same word came back in another amendment, whether it's G-1 or CPC-1, would that word be automatically eliminated because we had rejected it the first time?

The Chair: No.

Mr. Jean-Claude D'Amours: We would have decided that we didn't want that word.

The Chair: No. It's not about one word as such, but about an amendment. The answer is no.

[*English*]

Mr. Guy Lauzon: That's why—I think—we have to discuss the two or three amendments, and then maybe we, or someone, will decide to withdraw their amendment because the other one is better. It's going to make it a hell of a lot simpler.

The Chair: We can discuss them, but we have to vote separately, because, for example, the Bloc may want to vote for—

Mr. Guy Lauzon: Pablo, let's say that if it's obvious the government amendment is better, we'll just withdraw ours. It would make life a hell of a lot simpler.

Mr. Gary Goodyear: You're still doing what the Bloc has requested, that we vote on them individually—

Mr. Guy Lauzon: Yes.

Mr. Gary Goodyear: —and each one gets voted up, down, or withdrawn.

Mr. Guy Lauzon: It's going to be a heck of a lot quicker and simpler.

Mr. Gary Goodyear: Can we write this down in a book somewhere?

Mr. Guy Lauzon: Instead of voting on one and then changing it in the next vote, this makes sense.

[*Translation*]

The Chair: If I understand Mr. Vellacott's motion correctly, you would like us to start over.

Mr. Guy Lauzon: We would like to start over..

The Chair: You would like us to redo the vote on amendment G-1...

Mr. Guy Lauzon: ...as usual...

The Chair: ...and to discuss the three points together.

However, we have to ensure that there can be separate votes, because they were introduced separately. I may be mistaken, but let's imagine, for example, that the Bloc québécois wants to vote against the first amendment, but for the second.

Is that possible?

[*English*]

Mr. Gary Goodyear: That's right.

[*Translation*]

The Chair: Mr. Godbout, over to you.

Mr. Marc Godbout: Without engaging in any procedural excesses, I'd like to raise a point of order. Can we redo a vote?

The Chair: If we agree to a motion enabling us to redo a vote, yes.

Mr. Marc Godbout: Can we do that during the same meeting? Is that consistent with what Marleau and Montpetit say?

The Chair: I've read a lot and I've understood to what extent the committee is the master of its own decisions.

Mr. Marc Godbout: We can redo a vote.

The Chair: We can redo a vote if a motion to that effect is agreed to. I don't believe we can do it just for the fun of redoing a vote, if I've correctly understood.

Ms. Brunelle, you have the floor.

Ms. Paule Brunelle: I don't really understand what more the Conservative motion offers. It seems to me quite simple. We debated the government's first amendment. I'd like us to be able to debate the second. As for the third, if they want to withdraw it because it says the same thing as the government amendment, let them withdraw it. I don't see why we're mixing everything up. It's really not clear.

• (0905)

The Chair: On the other hand, could we...

[English]

Mr. Maurice Vellacott: They should allow you to do that.

[Translation]

The Chair: Could we simply make an addition, by consensus, and debate the amendment that concerns jurisdictions and powers?

Mr. Yvon Godin: Can we do it?

The Chair: Can we do it? If we do it by consensus, it seems to me that solves everything because we're directly debating your amendment, Mr. Lauzon.

If everyone agrees, we can do it.

[English]

We could do that by unanimous consent.

Ms. Susan Baldwin (Legislative Clerk, Committees Directorate, House of Commons): Just debate.

The Chair: Debate and vote.

Ms. Susan Baldwin: I don't think you can vote on all three of these. You can debate all three of them, and we can hear the arguments for each of the amendments. You can attempt to take some of the amendments and change them so they can be subamendments to other of the amendments. But when it comes to a vote, we can only amend one line in a bill once. Okay? You can do a subamendment, then an amendment. But you can only amend the line in the bill once.

So we will have to decide. When the vote comes, we will take the one that's at the first line in the bill, then the one that's at the second line in the bill. But that does not preclude the committee debating all three of the amendments, and everybody putting forth their arguments and trying to come up with some kind of compromise before you actually get to a formal vote, when we will have to follow the rigid procedure.

[Translation]

Mr. Guy Lauzon: We should start over.

[English]

Mr. Maurice Vellacott: Does the clerk concur that my motion to reconsider...? We kind of started all over again.

The Chair: Okay, Mr. Vellacott has a motion.

[Translation]

We're going to start over.

[English]

Mr. Vellacott's motion reads that the decision on G-1 be rescinded, and that the committee reconsider the matter.

[Translation]

The motion is moved by Mr. Vellacott.

(Motion agreed to.)

The Chair: Let's begin again, bearing in mind the fact that we're starting over.

I would like to welcome everyone to the meeting of the Standing Committee on Official Languages.

Ms. Paule Brunelle: We're used to that.

The Chair: We agree that the two amendments are similar as regards the expression "mettre en oeuvre". The Conservative Party amendment adds the following words:

cet engagement et ce, dans le respect des champs de compétence et des pouvoirs des provinces et territoires.

Mr. Guy Lauzon: Yes, that's quite clear. I'm ready to answer questions on this amendment. However, the reason why we want to include it is very clear.

The Chair: All right.

Mr. Boudria.

Hon. Don Boudria: What bothers me about this amendment is that, to my knowledge, you don't find this anywhere else in the legislation. In all the acts of the Parliament of Canada, we're obviously guided by the Constitution as regards the federal jurisdictions and those of the provinces: the provinces legislate in their areas of jurisdiction, and the federal government in others, and we agree on that. That's set out in the legislation.

Perhaps Mr. Lauzon could tell us where else in the statutes you find a similar expression. Will we have to include it every time we pass an act, both on the budget and on the other three matters? And will the provinces also put it into their acts starting now? I don't know whether there's a precedent. If there is one, I'd like to know it.

The Chair: Ms. Brunelle.

Ms. Paule Brunelle: Respect for the jurisdictions of the provinces has always been very important for us. I would remind you that Mr. Cotler was wondering, before this very committee, how the federal government could be held responsible for decisions concerning the jurisdictions of the provinces, such as health, immigration and education. So you have to be careful with jurisdictions in a bill, particularly if it concerns language. We agree on this amendment. I'm told the notion of respect for jurisdictions appears in Bill C-9. It's not a new feature of federal bills.

• (0910)

The Chair: Fine.

Mr. Vellacott.

[English]

Mr. Maurice Vellacott: Very briefly, to the honourable member across the way, your comment—it will be now at this point, if not elsewhere—may be a good precedent, because time and again we have the intrusion of the federal government into provincial areas, especially with the spending power; they will find new ways to get toeholds into a variety of areas. So this may be a necessary clause that we should have in a whole lot of bills, if one has that bigger point of view.

I'm a federalist, but I also have a respect—a healthy and a decent respect—for the jurisdictions and the prerogatives of the provinces. That's the point that's being made here, so we do concur with the comments of the Bloc member, which were made prior, as well.

The Chair: Thank you.

Monsieur Godbout.

[Translation]

Mr. Marc Godbout: Mr. Chairman, I have no objection to respect for jurisdictions, but it's a bit like reiterating the principles of the Constitution here. If that's what we want, then we should say that we're reiterating them, and not give the impression that this is something new. That could be: “For greater certainty, jurisdictions shall be respected as provided in the Constitution of Canada.”

I find that superfluous, but if we want to do it, I wouldn't want to give the impression that we're inventing something. This is already part of the Canadian Constitution: there are jurisdictions that all orders of government must respect. I would accept what Mr. Lauzon proposes, but with some clarification such as: “as provided by the Constitution of Canada” and so on.

The Chair: I didn't hear any subamendment clearly, but I understand the spirit.

Mr. Simard.

Hon. Raymond Simard: Thank you very much, Mr. Chairman. It seems to me that the witnesses heard by our committee clearly told us that the scope of the bill was really limited to federal institutions. We hear witnesses in order to listen to them. Normally, they're experts. I'd like to cite some of those who came to meet with us. I believe it's important to hear what they recommended to us.

Mr. Michel Doucet is opposed to the addition of a paragraph stating that Part VII applies in a manner respectful of the jurisdictions of the provinces. On that point, he noted:

Such a statement would allow a federal government that is less conciliatory to official language minority communities to refuse to support minority community development through education, on the pretext that education falls under provincial jurisdiction and that it does not wish to interfere.

That's a concern of Mr. Doucet, who is very familiar with the official languages issue.

The Fédération des communautés francophones et acadienne clearly told us the following:

Moreover, the FCFA du Canada repeated the argument put forward by a number of constitutional experts who appeared before the committee, namely, that the Supreme Court of Canada recognizes that French is in a minority in North America. The FCFA du Canada considers therefore that it is not necessary to include an amendment setting out the obligation to consider the linguistic reality of the provinces. On the contrary, this kind of amendment would potentially be

harmful to minority Francophone communities in provinces where Francophones account for a small percentage of the population.

A third witness, Mr. Ronald Caza, told us this:

Nor is Mr. Caza in favour of adding a provision to the bill that would require the courts to consider the linguistic reality of the provinces. Such an amendment could be used by some provinces to diminish Francophones' rights.

I'll close with a quotation from the Commissioner of Official Languages. I'm going to read it in English so our Conservative colleagues understand it clearly.

[English]

The commissioner says:

Several issues have been raised concerning the inclusion of an amendment to section 43, which deals solely with the obligations incumbent on the Department of Canadian Heritage. Some believe that this amendment would force the federal government to interfere in areas of provincial and territorial jurisdiction. Although I do not agree that this amendment could contradict the Canadian Constitution and thereby allow the federal government to act in areas that fall exclusively under provincial jurisdiction, if this amendment becomes an obstacle to the passage of the Bill, I do not believe that it is essential and vital to preserve it.

So everyone we have spoken to, or most of the witnesses here, experts in their field, have indicated very clearly that an amendment, including an amendment that would say exactly what you are saying here, that would take into consideration the competences of the provinces could actually be negative to our francophone and anglophone communities in minority situations.

I am not fighting this. It is our witnesses who have told us that.

I would also like to add that last night I received a letter from Greg Selinger, the Minister of Finance and the Minister of Official Languages in Manitoba, who has indicated in his letter that he supports Bill S-3. Apparently other letters from other provinces are going to be coming in today.

If most of the provinces are not concerned, why should we be concerned and why should we put it in the law, when there is a possibility that it may negatively affect the people we represent here?

• (0915)

[Translation]

The Chair: Mr. Godin.

Mr. Yvon Godin: I'm going to skip my turn.

The Chair: All right, thank you.

Mr. Lauzon.

[English]

Mr. Guy Lauzon: I don't agree with Mr. Simard that all the provinces are jumping for joy about not being included.

What we're trying to do here, and I don't see anything wrong at all with it, is respect the jurisdiction and powers. I think that's what we have to do in this country, indicate respect.

Putting that in doesn't take away, doesn't hurt this bill. I think it strengthens the bill. It gives the flavour of what at least I and other Conservatives are trying to do. We want to promote minority languages among the provinces and cooperate with them.

Some of the organizations within the provinces certainly have made representation to me about where there are joint programs; they are a little concerned. I think this goes a little way toward clearing up that concern. When it's joint projects, we will be able to refer to it and say, "Yes, yes, the federals respect your jurisdiction. We're not trying to come in here and take over your provincial responsibilities". That's what this will do.

The Chair: Thank you, Mr. Lauzon.

Madame Brunelle.

[*Translation*]

Ms. Paule Brunelle: With regard to Quebec, this question definitely still causes a lot of concern. We see that everything is of national interest these days. The situation is constantly changing. While children have become a subject of national interest, language would definitely become one as well.

The federal government is already intervening in Quebec under Part VII. It has signed a five-year \$11.5 million agreement to offer health services to Anglophones. So it's imposing bilingualism on Info-Santé, thus violating Bill 101. As you know, the language of work in Quebec is French.

In short, this amendment is of major importance for us. It reminds the federal government that there are jurisdictions that must be respected. For us in Quebec, it's clear there is still concern on this point.

The Chair: Thank you.

Mr. Côté.

Mr. Guy Côté: As mentioned earlier, this isn't a new feature. There was a similar provision in Bill C-9, which was passed. It had virtually the same wording.

I was listening to Mr. Simard earlier. I don't have the quotations he read us before me, but whatever the case may be, he repeated a number of times how important it is not to include elements that characterize the linguistic situation of the provinces in this bill.

Mr. Chairman, this amendment is in no way related to the language situation. It asks that the powers of the provinces and territories be respected. It's as simple as that. It doesn't refer anywhere to any given community in Manitoba or Quebec or to the fact that attention must be paid.

The Chair: Thank you.

Mr. Boudria.

Hon. Don Boudria: Thank you, Mr. Chairman.

Concerns that I didn't share were expressed about the proposed section 43. Here I'm referring to clause 2 of the bill. If I understand correctly, it is being proposed that it be deleted, once again on a recommendation by the Commissioner of Official Languages.

For those who had concerns, I want to say that this concerned the other clause of the bill. The proposed section 41, that is clause 1 of our bill, concerns federal institutions. So we know it strictly concerns federal institutions. What the Parliamentary Secretary has just told us is consistent with that.

The witness Ronald F. Caza is the lawyer who defended us in the Montfort case. He's not just anyone! We are in his debt for the judgments reached in that well-known case. I think we should listen to what he has to tell us. The inclusion of this clause adds nothing to what we can do for the minorities, and some even tell us that it could take away from what they have. If that's true, why venture onto this ground? Why would we want to take that risk?

Do you think I sponsored Bill S-3 in order to withdraw rights? I did it in an attempt to improve the situation of minorities in this country. Whether it's for my friend Godin opposite me, for myself or for a number of you, linguistic minorities are an everyday reality. The same is true for Mr. Lauzon, who sponsored the motion before us. There may be some question here of the riding he represents or even of his personal history. I know nothing about that.

We grew up in a context that lacked the tools that would have enabled us to improve matters. With Bill S-3, we could change that and yet, for fear of taking risks, we're ready to take actions that could cause harm to minorities. I wonder why we would want to venture onto that ground.

So I call on Mr. Lauzon and ask him to withdraw his amendment. I know he's listening to me attentively.

• (0920)

The Chair: Thank you, Mr. Boudria.

Hon. Don Boudria: That's what I'm asking him.

The Chair: Mr. Godin.

Mr. Yvon Godin: If my memory is accurate, the Commissioner of Official Languages came here.

The Chair: Is that fine, Mr. Simard?

Hon. Raymond Simard: Go ahead.

Mr. Yvon Godin: I don't want to make a comment or for anyone to come back at me with arguments...

Hon. Raymond Simard: Mr. Godin, I always listen attentively. Go ahead.

Mr. Yvon Godin: I'm not doing it on purpose.

If you need briefing, that's no problem for me. However, I'd like you to listen to what I have to say. As the Parliamentary Secretary, you could advance other arguments without having heard mine. In fact, my arguments...

Hon. Raymond Simard: They're very important.

Mr. Yvon Godin: ...are related to the ones you stated.

Hon. Raymond Simard: All right.

Mr. Yvon Godin: Earlier our colleague referred to the Commissioner of Official Languages. It's true we discussed the proposed subsection 43(1). When Mr. Caza spoke, he discussed subsection 43(1), that is to say the subsection that concerns us. When Michel Doucet spoke, again it was about subsection 43(1). You're saying that, even if we withdraw subsection 43(1), we're protected by the Constitution. We're talking about federal institutions. Personally, it doesn't trouble me that we're not restating that we won't interfere with provincial jurisdictions, since this is a federal matter. In the proposed section 41, we're not talking about schools, but about federal institutions.

Do you know what “national” means? “National” is British Columbia, Alberta, New Brunswick; it's our country. Some people don't like that, but it's our country. “Federal” means the same thing. For me, “national” means Yvon Godin's home in the riding of Acadie-Bathurst, not in Ottawa, since “Ottawa” is an institution.

In my mind, the country belongs to the provinces; it's the provinces that created the country, not the country that created the provinces. If the provinces feel comfortable saying that we're going to respect their jurisdictions in the federal institutions, I agree.

Hon. Raymond Simard: I agree on that.

The Chair: Thank you, Mr. Godin.

Mr. Poilievre.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): If there is in fact no danger that the federal government may use this bill to reduce provincial jurisdictions, why not expressly state it in this bill? Mr. Boudria tells us there's nothing to fear, that the government will respect provincial jurisdictions and that that will apply only to the federal institutions. Then why not say that that commitment will be met in a manner respectful of the jurisdictions and powers of the provinces and territories?

● (0925)

[English]

My colleague from the Bloc has already pointed out that the federal government has a history of invasions into provincial jurisdiction, the latest of which, she correctly points out, is the \$10-billion day care scheme that is not federal jurisdiction, of course. In fact, it's parental jurisdiction. If the federal government is prepared to invade that area of provincial jurisdiction or parental jurisdiction, why wouldn't it be willing to misuse a piece of legislation such as this to invade provincial jurisdiction?

So if the government is honest and if the Liberal members are honest when they tell us that this bill will only apply to federal institutions, I don't see why they would not enthusiastically support the specification that the bill does not enter into the provincial and territorial domains of the various regions of this country.

The Chair: Thank you, Mr. Poilievre.

Mr. Vellacott, and then Mr. Simard.

Mr. Maurice Vellacott: I would move at this time that we move directly to a vote on CPC-1, and that hereafter we give members a maximum of five minutes of speaking time in respect to each different clause.

The Chair: No, we can't. I think we have to keep on—

[Translation]

You can't move the previous question in committee. So we can't proceed with a vote in that way.

[English]

Mr. Maurice Vellacott: I can actually move that we vote. You'd have to call a vote on that, I guess, but I believe I'm in order in asking that we go directly to a vote now. We've had enough discussion, so I can move a motion that we vote on amendment CPC-1.

[Translation]

The Chair: As long as people want to speak, we can continue to hear them in this committee, but we can't move the previous question in committee.

[English]

Mr. Maurice Vellacott: Just hold on then. I need to get a clarification.

The Chair: Yes, you'll get one.

Mr. Maurice Vellacott: It's certainly within our rights to set time limits in terms of length of speaking time in respect to clause-by-clause.

The Chair: From what I understand from reading stuff yesterday, no.

Mr. Maurice Vellacott: In committees that I've served on, we have always set limits in terms of speaking time when we've gone to clause-by-clause.

Hon. Don Boudria: [Inaudible—Editor]...but that you cannot speak again. You can't put closure in.

Mr. Maurice Vellacott: It's not closure, but you could move the motion. You can move that we proceed to a vote.

Mr. Gary Goodyear: Listen, if he says we can't do closure....

Hon. Don Boudria: You can't do closure in a committee. It only exists in the House.

Mr. Maurice Vellacott: It's not saying closure at all, it's moving to vote.

The Chair: To answer your question, Mr. Vellacott, the ruling here is called prohibition against the previous question: “The moving of the previous question is prohibited in a Committee of the Whole as it is in any committee.”

Mr. Maurice Vellacott: What do you mean by “previous question”?

The Chair: To ask for the vote or that the question be put to a vote. You cannot limit.... If other people want to speak, they are allowed to speak.

Mr. Maurice Vellacott: Let's ask the clerk this question, then. Can we not set limits in terms of speaking times for individuals? We're trying to expedite the bill here.

The Chair: I think you can, but if you fix a limit of five minutes, people can talk for five minutes, but you can go and go and go again.

Mr. Maurice Vellacott: No, you can say it's a maximum of five minutes per member. That isn't going and going and going. You can't get into that. We have often done that at committee.

The Chair: You may have decided, as a committee, to work that way that time, but the rules....

Is there a ruling on this? Was I right?

Ms. Susan Baldwin: If they want to establish an order of speakers, with a time limit like ten minutes for the chief opposition party or whatever, that's fine. There's nothing that says they can limit the rounds, so they can go on for as long as they wish.

•(0930)

The Chair: As I said, you can put a time limit on the interventions. You can say you will speak for no more than ten minutes, but you cannot limit the rounds. They can switch one to the other for ten minutes each for hours if they want. You could do the same.

Mr. Maurice Vellacott: Let me understand this again, Madam Clerk. Are you saying we can set a limit of five or ten minutes maximum per speaker on a clause?

Ms. Susan Baldwin: If the committee wished to do that, they could do that, but I don't think you could limit the number of rounds that person has. The only way you can impose a time limit on consideration of a bill in committee is with a time allocation motion from the House.

The whole point of the committee system—and this is largely to the advantage of the opposition parties—is that they have time to completely, thoroughly, and in detail, discuss all that they wish on the line-by-line, clause-by-clause consideration of the bill. In fact, this is the only time the House has that possibility. It's very carefully not circumscribed, so that the members will have as much time as they need.

So if you wish to put a time limit on individual speeches, that could be done, but you can't—

Mr. Maurice Vellacott: That would then also assume the rounds then, too, because if you're saying a maximum total of five minutes per clause or amendment, you can do that. We've done that on committees numerous times when we've done clause-by-clause.

Ms. Susan Baldwin: If the entire committee agrees, perhaps, but you're not supposed to have time limits.

Mr. Maurice Vellacott: That's what I'm asking for. I'm asking for a vote on it, so that we have the agreement—

Ms. Susan Baldwin: No, I think that is doing indirectly what you're not allowed to do directly. Directly, you are not allowed to say the question should now be put, that we have to stop debate and now do it. I suppose the committee could do a time limit on its debates if it happened to agree per time for the clauses.

Mr. Maurice Vellacott: We have actually done that often in committees before. I have served on committees in which we have done clause-by-clause and said we have limits of x number of minutes maximum per member. That has been in order and it has been accepted. You can go into any number of committees and find that to be true.

The Chair: Was I right or not? I just want to know. If not, we have to move on.

Ms. Susan Baldwin: I'd like a couple of minutes to think about that.

Mr. Maurice Vellacott: If we've done it illegally, then we have. In the committees I've sat on, in doing clause-by-clause we've often said five minutes—

The Chair: Okay, then in the meantime, it's status quo for now until the ruling. Can we keep on discussing? I think we can do that.

Mr. Maurice Vellacott: As long as we have an assumption that at the point they come to a decision on this we—

The Chair: Then you would stop at that moment. But instead of waiting and not saying a word....

Mr. Simard.

Hon. Raymond Simard: Mr. Chair, I don't know why Mr. Vellacott would want to stop debate at this point. We have a very serious amendment here that we're discussing. Not everybody has intervened on it, as a matter of fact. Some people haven't even spoken to it. There's some very good discussion going on, and that's the whole idea here.

Do you have another meeting, Maurice, or what? At one point we have to sit down and deal with this thing. Okay? And I just find that what you're doing is anti-democratic. If we'd be repeating ourselves that's one thing, but I think what we're doing now is very productive, and that's the whole idea of a clause-by-clause.

I've heard your argument. I have some issues here with your argument and I'd like to ask you about it.

So it seems to me that if we're going to do this, let's do it right. Let's not cut debate in the middle. If we'd been going on for three hours.... I mean, you took up 15 or 20 minutes right now; we'd be done by now. Let's do this in good faith. I think the debate we're having right now is very healthy.

Mr. Maurice Vellacott: It's as though you're saying that if you can't strike a vote in five minutes here in respect of these things, if you can't make your point in five minutes, then—

Hon. Raymond Simard: It seems to me that we're doing well right now. Am I wrong? The discussion is very healthy. So why would you cut it off at this point? It just doesn't make any sense to me.

Mr. Maurice Vellacott: You want to get moving. You want to expedite the motion.

The Chair: Guy.

Mr. Guy Lauzon: Realistically, we have to be prudent with time here. We did leave it open-ended at the end. We could be here for 24 or 48 hours if we wanted to filibuster. The truth of the matter is that—

An hon. member: We don't like filibusters.

Mr. Guy Lauzon: No, no, well, let's use some common sense here. Maybe we should give some broad guidelines or something. I think everybody is agreed that we want the best bill possible, but we want to use some common sense, too. Let's not argue over this—

•(0935)

The Chair: Let's have some common sense from everybody.

Hon. Raymond Simard: And you're back to me, right? Are we still dealing with Mr. Vellacott's motion or not?

The Chair: Yes, we're—

Hon. Raymond Simard: I have one last question. That's it. I have one last question.

The Chair: Okay, I have one last intervention. It's Mr. Simard, so we'll allow Mr. Simard, okay?

Hon. Raymond Simard: It's after hearing your comments. You've piqued my interest. It comes back to Monsieur Côté's intervention and Pierre's intervention and Guy's intervention regarding the point that if the federal government says it's limited to federal institutions, why would it be a problem to incorporate this in the law? I think Monsieur Duceppe speaks to this. If you have a federal government that is less sympathetic to minority communities, whether they're francophone outside Quebec or English in Quebec....

For instance, education is an extremely good example. Right now, the federal government does invest in education in collaboration with the provinces. We don't impose it on people. There are deals signed, but there's a substantial amount of federal money that is going into encouraging minority communities across Canada. A federal government that is less sympathetic to these minority communities could in fact say that education is a provincial jurisdiction, it's a provincial competence, and we will not be getting involved anymore and will leave it to them. A government that is not as sympathetic could actually determine that no, it is not our field of jurisdiction and we will get out of it. So in fact, the minority communities could be penalized. That's my point.

I'd like you to speak to that, because that's the biggest obstacle for me in terms of putting that down.

[Translation]

The Chair: There's also some common sense in all that. A little earlier, I heard Mr. Godbout say...

Hon. Raymond Simard: I asked him a question. So let him answer.

The Chair: I'm going to let him answer in a moment.

Perhaps you're not that far off. We could say: "as provided in the Constitution" or something like that. At one point, you have to move on to something else.

Mr. Lauzon.

[English]

Mr. Guy Lauzon: Part of the reason we're dealing with Bill S-3 is that it was felt, rightly or wrongly, that the federal government wasn't carrying out its responsibilities to the minority groups because it was declaratory. Right? So there is an element of doubt there, if you will.

I think this reassures the provinces. It's so constructive, so cooperative, that I think it's an asset to have it in there. I can't see that we would even discuss not including it. It's an act of good faith. It says we want to work with the provinces. There's nothing negative about it. I can't see any down side to this, to including these clauses.

[Translation]

The Chair: Thank you, Mr. Lauzon.

Mr. D'Amours.

Mr. Jean-Claude D'Amours: Mr. Chairman, in view of the situation...

[English]

Mr. Maurice Vellacott: I need clarification as to who is speaking on that side. Liberals have—

The Chair: Monsieur Boudria cannot, because he was replacing Madame Boivin. She arrived, and he cannot speak unless he gets unanimous consent from the committee. But he can be here.

[Translation]

Mr. Maurice Vellacott: Thank you.

Mr. Jean-Claude D'Amours: Mr. Chairman...

[English]

Mr. Gary Goodyear: There's always a way.

[Translation]

The Chair: Mr. D'Amours.

Mr. Jean-Claude D'Amours: Mr. Chairman, in view of the fact that this item is giving rise to a lot of opinions — we have to respect and understand the reasoning behind these remarks or contained in the proposed amendment — committee members might perhaps accept the part that makes it possible to come to some consensus. Mr. Chairman and committee members, what would you say to "implementation of the commitments under subsection (1)"? Then we could add: "For greater certainty, this implementation is done while respecting the jurisdiction and powers of the provinces." That could be included, to offer more guarantees.

The Chair: If I understand correctly, you have a subamendment.

Mr. Jean-Claude D'Amours: Are you going to accept it?

Mr. Guy Lauzon: That's not necessary.

The Chair: "For greater clarity..." Can you continue the sentence, please?

• (0940)

Mr. Jean-Claude D'Amours: "For greater certainty, this implementation is done while respecting the jurisdiction and powers of the provinces."

Mr. Chairman, I don't know why the opposition members are resisting — rather I should say certain members on the other side of the table — because the item that was part of the amendment still stands. All we're deleting are two little words in the French version: "et ce". We would add a few words at the start: "Il demeure entendu que cette mise en oeuvre se fait..." That's just a little addition. I don't see why we can't accept this item, which is consistent with the spirit of the amendment.

The Chair: Mr. Côté.

Mr. Guy Côté: Mr. D'Amours himself said that his subamendment had no effect. So I invite my colleagues not to discuss it, to vote and to reject it. We won't devote three hours to a subamendment that has no effect.

Mr. Jean-Claude D'Amours: Mr. Chairman.

The Chair: Please.

Mr. Jean-Claude D'Amours: Mr. Chairman, I'd like people to respect what I said and not to attribute to me anything I didn't say. I never said it had no effect; I simply said that we were only deleting two little words in the French version, but that we were improving the amendment by adding: "For greater certainty, this implementation is done while respecting the jurisdiction and powers of the provinces." I don't see how that's such a big obstacle, and I believe everyone should be satisfied with this subamendment.

The Chair: If I understand correctly, the scope remains exactly the same. Is that correct?

Mr. Guy Côté: Pardon me...

The Chair: Mr. Côté.

Mr. Guy Côté: If I misinterpreted Mr. D'Amours' comments, I apologize to him. It was not ill-intentioned on my part.

The Chair: Thank you, Mr. Côté.

Does anyone want to add anything?

Mr. Guy Lauzon: If it changes nothing, we don't need to amend it.

The Chair: That depends.

Mr. Godbout.

Mr. Marc Godbout: Going back to my remarks at the very start on this amendment, I appreciate what Mr. D'Amours is trying to do. I wouldn't want this act to be ruled *ultra vires* because it is unconstitutional. We can't make any additions to the Canadian Constitution; that's impossible. Section 16 of the Official Language Act contains the standard expression: "For greater certainty", "Il demeure entendu que". That doesn't alter the Constitution of Canada. That's the effect. I wouldn't go so far as to say that adding it changes nothing, but we can't introduce a bill that would conflict with the Constitution of the country. We aren't here today to change the Constitution of the country. You know how complex a task that is in Canada. We're going to limit ourselves to our current area of jurisdiction, the Official Languages Act.

So this simply certifies that we're not inventing something. We reiterate, we repeat, we ensure that we say that this will not alter the jurisdictions at the provincial or federal levels as they are already set out in the Constitution and federal statutes.

In short, I believe that would enable us at last to support what you want to reiterate. But what we're saying, ultimately, is that we are reiterating. I don't understand why you have any problems with that. That effectively clarifies what you're trying to do.

Hon. Raymond Simard: It's a compromise.

Mr. Marc Godbout: It's a compromise.

The Chair: Mr. Godin.

Mr. Yvon Godin: I'd just like to say that I think it's a good compromise.

The Chair: It changes nothing.

Hon. Raymond Simard: We'll be able to support it.

Mr. Yvon Godin: Indeed.

The Chair: In any case, I understand that the subamendment is admissible because it in no way changes the spirit of the amendment.

Mr. Marc Godbout: I'll take the liberty of supporting you, sir.

The Chair: Ultimately, all it does is state "For greater certainty" in English and "Il demeure entendu que" in French.

Mr. Marc Godbout: Moreover, you already have it in section 15 of the act.

The Chair: Mr. D'Amours, you should submit it to me in writing, please.

Mr. Jean-Claude D'Amours: Yes.

• (0945)

The Chair: It's the same thing, isn't it?

Mr. Guy Lauzon: If it's the same thing, it's good that...

The Chair: All right. In any case, I don't have to intervene.

Are there any other remarks?

We're waiting for Mr. D'Amours to submit his wording to us in writing. By the way, if you want to submit a subamendment, I would ask you to do so in writing and to submit it to the clerk as well.

Are there any other comments on the subamendment before we move on to the amendment as such?

Hon. Raymond Simard: Yes. It would appear there is a principle in law that Parliament is deemed not to speak for no purpose. And we must ensure we do things in concrete fashion. So all we're doing today confirms that the Constitution already respects the jurisdictions of the provinces and that we're merely repeating that in this act. So we're adding nothing; we're merely confirmed that that exists. I think this is a significant compromise.

The Chair: All right.

Hon. Raymond Simard: It's also the right way to do it.

The Chair: I apologize for the delay, but this could happen again. The important thing is to do things in the prescribed form. Sometimes there's a delay when a committee member presents a subamendment because we have to deal with the subamendment before the amendment. To do that, Mr. D'Amours had to submit it to the clerk in writing.

Mr. D'Amours, I would ask you to read the subamendment slowly so that we can have the simultaneous interpretation. It will be the same thing for the English version. Perhaps you could also add a few words about it.

• (0950)

Mr. Jean-Claude D'Amours: Thank you, Mr. Chairman. As I explained earlier, the amendment appears at line 10 of Bill S-3.

The Chair: Do you mean line 10 in the French version?

Mr. Jean-Claude D'Amours: That's correct.

It's following line 12 in English, if I understood correctly. So, on line 10, following the expression "après cet engagement", we would have the following words:

Il demeure entendu que cette mise en oeuvre se fait dans le respect des champs de compétence et des pouvoirs des provinces et territoires.

A little earlier, some committee members said that amounted to the same thing. Some, including Mr. Lauzon, mentioned that it amounted to appreciably the same thing, whether these words were included or not. In my view, adding this item allows for a compromise and enables everyone to be in a position to accept it.

The Chair: Thank you.

Has everyone understood the spirit and letter of the subamendment?

Mr. Vellacott, I turn the floor over to you.

[English]

Mr. Maurice Vellacott: I would propose or suggest at some point, but maybe not formally now, that if we're going to have subamendments coming up, they should obviously be much shorter. But they also need to be in writing, because this is getting a little confusing, and if we had the French-English translation as well, I think it would be civil and quite respectful of all the members.

The Chair: I agree with you that we should whenever possible. I'm sure you're pleasing the clerks here, but sometimes a subamendment can come up in the course of a discussion. When we know that in advance, I agree with you 100%.

Mr. Maurice Vellacott: Right, but I'm just saying that the verbal stuff doesn't cut it sometimes. If it's only a deletion or addition of a word it doesn't matter, but when you get lengthier ones like this, it does create confusion, not only for our helpful clerk but also for all of us. I don't know if we can proceed too long in this manner, but we can maybe let this one go by now.

[Translation]

Mr. Jean-Claude D'Amours: Mr. Chairman, I'm going to do better than that; I'm going to reread it. However, I'd like to point out to our colleagues that all this already appears in English and in French, since we're talking about their own amendments. We're simply adding a sentence at the start of their amendment which reads as follows: "For greater certainty, this implementation is done [...]" That's the only thing. The rest is the amendment that you introduced in English and in French.

[English]

Hon. Don Boudria: For greater certainty.

[Translation]

The Chair: It's a standard expression.

[English]

It's a concentrated formula—

[Translation]

The Chair: No, it's a joke.

[English]

Mr. Maurice Vellacott: It's not necessarily exactly the wording. Were we inserting that word into that phrase in amendment CPC-2?

The Chair: We're inserting it.... It's not CPC-2...[*Technical difficulty—Editor*]

It is after line 12, or after "Canada's commitments under subsection (1)".

•(0955)

Hon. Raymond Simard: Mr. Chair, I just have a comment.

I think that Mr. Godbout has already spoken to this, but there is a precedent. In clause 16 of the—

The Chair: Can I answer the question first, Mr. Simard? I'm trying to answer the question.

Hon. Raymond Simard: I'm sorry.

The Chair: There is a dot there after 12. Then it would start with "For greater certainty". But again, as I said, it's *une formule consacrée*, right? That's what I understand.

Hon. Raymond Simard: That's what I was saying.

The Chair: Okay, "For greater certainty", and now we need to translate the other two words to say that it is in the jurisdiction of the provinces.

Mr. Gary Goodyear: Then he's trying to impose ours at that later point.

The Chair: At the end it will be your amendment. It's your amendment with a subamendment that adds "For greater certainty". That's it.

Mr. Pierre Poilievre: Okay, so the only thing added to the existing Conservative amendment is "For greater certainty".

Hon. Raymond Simard: You just have to translate these on this.

The Chair: Implementation?

Hon. Raymond Simard: Yes. "For greater certainty this implementation will be done in respect of".

Mr. Pierre Poilievre: Where's it going to say that this implementation will be done? What's the English translation?

Mr. Guy Lauzon: Can we get the amendment in French and English, the final version, and then we could read the whole clause?

The Chair: Yes.

Mr. Guy Lauzon: We should get it right.

Mr. Maurice Vellacott: Mr. Chair, do we have a ruling now in respect to my motion that was thought to be on the table?

The Chair: Just a ruling on the question of Mr. Vellacott's—

Mr. Maurice Vellacott: I had a motion, and we were trying to figure out whether it was in order.

The Chair: Yes, I agree. You're right, a motion.

Mr. Maurice Vellacott: Whether my motion is in order, I guess, is the question.

The Chair: Can you repeat the motion, please?

Mr. Maurice Vellacott: My motion was simply that we move to the vote on amendment CPC-1, and hereafter we have a limit or a total of five minutes per amendment or subamendment for any speaker.

Ms. Susan Baldwin: The motion at this point is inadmissible because, first of all, we cannot start the vote on amendment CPC-1. We have to take the vote in the order the amendments appear in the bill, and it's not something that unanimous consent or whatever can overcome. It's a very, very strict rule. We have to start with the proper order.

The other thing is that at this point I'm not sure you want to hold a vote on amendment CPC-1 anyway, because it's now been transformed into a subamendment and it will be included in amendment G-1.

Mr. Maurice Vellacott: So the part of the motion in respect to having hereafter five minutes total per member on an amendment or a subamendment, I believe...even so, the other clerks would find that this is in order. It's just that the committee, being the master of its own destiny, can do that.

Ms. Susan Baldwin: The advice I would give to the chair on that matter is that this, in effect, is not in order.

Mr. Maurice Vellacott: Well, if you consulted with your other clerks, you would find the—

Ms. Susan Baldwin: We have discussed this.

●(1000)

Mr. Maurice Vellacott: There's a standing order that you want to reference here, Standing Order 116, and the estimation or the extrapolation of that in the greater manual there makes it fairly clear, I think, that we can do that.

Ms. Susan Baldwin: Committees are not allowed to impose closure on a bill. They can't put a deadline on it. What they can do is do schedules, and there's a nice fine line between those two things.

My feeling is that if you limit each member to five minutes and one round on a clause, all you have to do is do your number of members, each with five minutes, and multiply by the number of clauses, and you have, in effect, imposed a hard and fast deadline on the committee that cuts off debate, and the entire point of having a bill in committee is to allow everybody to have their say.

Mr. Maurice Vellacott: With due respect, there is no mention of a round anywhere in Standing Order 116, or the extrapolation of it. There's no reference to it, and we have in committees in the past. The committee, being master of its own destiny, can impose totality time limits per clause and per amendment.

So it's not closure.

Ms. Susan Baldwin: I'm sure there were times when committees have done that. I'm not sure necessarily that it was a proper precedent.

[*Translation*]

The Chair: We're discussing.

[*English*]

Ms. Susan Baldwin: And we're almost through this clause, so I don't think it's really going to be a problem.

Mr. Maurice Vellacott: That's a subjective comment.

Ms. Susan Baldwin: Yes, it is. Sorry, perhaps I shouldn't have said that.

Mr. Gary Goodyear: I understand it to be CPC-2. Guy thinks we're dealing with CPC-1 and G-1.

Hon. Raymond Simard: We're dealing with CPC-1. We agreed to have a general conversation on CPC-1.

The Chair: Yes, but if you look at the amendments, it's CPC-1.

Ms. Françoise Boivin (Gatineau, Lib.): We know your amendments better than you do.

[*Translation*]

Hon. Raymond Simard: Guy, that's because they were negated yesterday.

Mr. Marc Godbout: Guy, get your act together.

[*English*]

The Chair: S'il vous plaît...

Mr. Goodyear, you asked for the English translation. Are you satisfied with it?

●(1005)

Mr. Gary Goodyear: I'm satisfied that I got the English translation, but I'm not satisfied that the committee knows which amendment we're dealing with. In private discussions now with the honourable members across the table, it occurred to me that we were dealing with what I have referenced as CPC-2. However, it appears the committee is talking about what they believe is titled CPC-1.

The Chair: It's easily clarified, because we know we're dealing with the—

Mr. Gary Goodyear: That's all I need clarification on.

Mr. Maurice Vellacott: Did we get a finalization—

The Chair: Yes, we'll get it. I think they changed the numbers by mistake.

Mr. Gary Goodyear: They changed the numbers? Okay, then we are correct, and we are dealing with CPC-2.

Hon. Raymond Simard: No.

Mr. Gary Goodyear: However, that is where the subamendment appears to fit, in CPC-2. If it fits in CPC-1, then I don't know how it fits.

The Chair: You switched the numbers, right?

Mr. Maurice Vellacott: Let's figure it out here.

The Chair: Mr. Vellacott, could we finish with this article and then take a break and discuss that, because we're going to keep coming back to it.

Mr. Maurice Vellacott: Well, how long...?

[*Translation*]

The Chair: Order, please.

Mr. Godin.

Mr. Yvon Godin: We seem to be confused. By that, I don't want to suggest that I have the solution. However, G-1 contains the words "positives pour mettre en oeuvre cet engagement". That's the first document.

There are also amendments CPC-1 and CPC-2. CPC-1 concerns respect for the jurisdictions of the provinces and territories.

The Chair: Yes.

Mr. Yvon Godin: As regards CPC-2, it's the same thing as G-1.

The Chair: Yes.

Mr. Yvon Godin: So, in my view, we're not deciding on amalgamating G-1 and CPC-2 or on the subamendment to CPC-2 to add...

The Chair: It's the same thing as G-1.

Mr. Yvon Godin: We wanted to vote on putting that together. That's all. Is that correct?

The Chair: Yes, of course.

Mr. Yvon Godin: Then get out of here!

[*English*]

An hon. member: You're right, Gary.

Mr. Gary Goodyear: I am right.

Hon. Raymond Simard: Listen, if I understand correctly, the reason there's this confusion is that last night when I got into my office I had a new list of amendments, CPC-1, 2, and 3. They are different from the ones we had before.

Mr. Yvon Godin: Let's have a break, and—

[Translation]

Hon. Raymond Simard: They're reversed. Guy, that's why you wanted an explanation. You didn't understand.

[English]

Amendment CPC-1 used to be what CPC-2 is now. That's the confusion, okay? So when the clerk sent us the stuff yesterday, I started looking through it and I just caught it, that it was different. We didn't do this. This was something that.... But if there's confusion, that's why.

Mr. Gary Goodyear: All right. I'm happy.

[Translation]

The Chair: Wait.

[English]

Mr. Poilievre, did you want to add something?

Mr. Pierre Poilievre: No.

[Translation]

The Chair: Mr. Côté.

Mr. Guy Côté: Mr. Chairman, I want to go back to what Mr. Simard was saying. To avoid wasting time, could we briefly go back to the amendments as a whole so that we can rename them all correctly? That would put an end to the confusion, and then we would be certain we're working on the right amendments. Let's take five or 10 minutes to reread the amendments and identify them correctly. That way we could make some progress.

The Chair: All right. I'll do that quickly.

G-1 is very simple. It's the government amendment that refers to implementing these commitments. CPC-1 states that these commitments must be implemented in a manner respectful of the jurisdictions of the provinces and territories. The reference number, which appears on the left, ends with 9724.

I ask you to work solely with this document because the first version of the Conservatives' amendments that we received was reversed.

• (1010)

Hon. Raymond Simard: Indeed.

The Chair: Let's forget that first version. In the second version, we find your amendments worded in a legal style by the office of the clerk.

So G-1 is easy: it states “mettre en oeuvre”. In the case of CPC-1, we're talking about the jurisdictions of the provinces. In CPC-2, we essentially have the same thing as in G-1. It's about implementing the commitments.

Hon. Don Boudria: What is the reference number?

The Chair: It's 9723.

I would ask you to set aside all other amendments.

[English]

Mr. Gary Goodyear: Amendments G-1 and CPC-2 are the same.

[Translation]

The Chair: We're suggesting saying

[English]

amendments G-1 and CPC-2

[Translation]

aim to do one thing: implement.

[English]

That's it. Okay?

Mr. Gary Goodyear: You want the amendment to that.

[Translation]

The Chair: That concerns the line that refers to implementation. All right?

Then the Conservative Party amendment concerns respect for jurisdictions.

What saddens me in this entire matter is to see that we're talking about the same clause. I'm realizing that, although there may be a political will, collaboration and a common desire to work for the community, it is possible that the operating method and procedures may cause problems. Like many people here present, that's what I'm learning.

I'm going to suggest to you that we combine G-1 and CPC-2. Then we'll have a single amendment to put to a vote. I want to be sure we can vote separately regarding jurisdictions, whether or not there are any subamendments.

Mr. Guy Côté: Mr. Chairman, I would like to ask the clerk for advice. Amendment CPC-1, whether or not it is amended, reads as follows: “[...] soit modifié par substitution, à la ligne 10 [...]”. In my opinion, this is partly what's causing the problem, because we'll already have decided on line 10. I'm wondering whether if, by a common accord, that became “modifié par adjonction”, “amended by adding”, would that solve part of the problem?

The Chair: I believe that's an excellent suggestion that could solve the problem, if the committee agrees.

Mr. Guy Côté: Yes, but you'll understand...

The Chair: We're looking for something to solve the problem, and, Mr. Côté, I believe you found it.

Mr. Jean-Francois Lafleur: Thank you very much.

The Chair: And I thank you.

We're not taking a break until we finish this clause.

• (1015)

Mr. Jean-Claude D'Amours: Mr. Chairman...

The Chair: I would like your attention for a moment, please. We haven't taken a break yet.

Mr. Jean-Claude D'Amours: That's too bad; a few members are missing from the other side. I hope I won't need to repeat what I have to say.

Hon. Don Boudria: No, go ahead.

Mr. Jean-Claude D'Amours: To try to allay the confusion over this situation, I'd like you to listen to my proposal and to tell me whether it's all right. I'm going to state it in two parts.

First, let's take amendment G-1.

[English]

I will read it for everybody in English.

[Translation]

It would read as follows:

[English]

Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1), and for greater certainty this implementation is done while respecting the jurisdictions and powers of the provinces.

[Translation]

That would be the English version. Now, for the French version, we'd use amendment CPC-2. So it would read as follows:

positives pour mettre en oeuvre cet engagement, et il demeure entendu que cette mise en oeuvre se fait dans le respect des champs de compétence et des pouvoirs des provinces.

It's understandable that we can't sort this out. We can't identify a specific amendment that clarifies the English and the French, but we have two sections that clarify the English and French sections.

Do you understand what I mean?

The Chair: Mr. Côté.

Mr. Guy Côté: Mr. Chairman, as I said earlier, I suppose I have to make a formal motion. So I move that the brief preamble to the amendment read “amended by adding” rather than “by replacing” so that it is admissible to the clerk.

The Chair: Absolutely. When you talk about “jurisdictions of the provinces”, does that include the territories?

Hon. Raymond Simard: Mr. Chairman, apparently, when you refer to the provinces, that automatically includes the territories, in all cases. It's normally simpler to say the “provinces”.

The Chair: I have no objection. However, I would just like it to be clear. If Mr. Simard is right and the territories are indeed included, which appears to be the case...

Hon. Raymond Simard: I'd just like to ensure that our colleagues clearly understood the translation.

[English]

Are you okay?

Mr. Gary Goodyear: I don't know if I'm okay, but I understand it.

[Translation]

The Chair: As there are no further comments, we can now vote on the subamendment.

Hon. Raymond Simard: We've discussed it enough, haven't we?
[English]

The Chair: Do you need more time before...?

Mr. Pierre Poilievre: We want to make sure we understand.

The Chair: Take your time. We have to do this correctly.

• (1020)

[Translation]

Ms. Paule Brunelle: Mr. Chairman, can we speak to the amendment?

The Chair: Not yet, Madam.

Ms. Paule Brunelle: We're still discussing the subamendment?

The Chair: If you have something to add on the subamendment, you may do so now.

Ms. Paule Brunelle: In fact, this subamendment is acceptable to the extent that there's no change in meaning. So, based on amendment G-1, we're working to implement these commitments. When we say, “For greater certainty, this implementation is done while respecting [...]”, in my view, that specifically states that this commitment not to interfere in the jurisdictions of the provinces applies simply to Bill S-3, and we're specifying that it's in relation to that bill. That's what I understand.

The Chair: That's what I understand as well.

Mr. Guy Lauzon: So amendment G-1 includes amendments CPC-1 and CPC-2.

The Chair: Since there's a period at the end of the sentence in amendment CPC-1, this is added after it. That's what we're going to vote on.

We agree to vote on the subamendment, which leads to a single amendment that takes into account amendments CPC-2 and G-1 together, as well as CPC-1. So we're voting on all that together.

Mr. Côté.

Mr. Guy Côté: I want to make sure I clearly understood what you just said. In fact, the subamendment only included the words “For greater certainty”. I don't have the exact wording. So the amendment doesn't directly include amendment G-1, which is something else and which we're going to vote on separately.

The Chair: The reading that Mr. D'Amours gave from the beginning...

Mr. Guy Côté: Mr. D'Amours told us that, if we were to agree to the two amendments, that would read as follows... However, when the time comes to vote, we're going to vote on G-1.

The Chair: Perfect.

Hon. Raymond Simard: Mr. Chairman, I'd like to ask Ms. Brunelle to repeat her remarks because I think they were important and that she clearly understood the gist of our discussion.

Ms. Paule Brunelle: I was talking about the subamendment that's just been introduced. I think it's still acceptable. Amendment G-1 refers to implementing the commitments. And the subamendment states: “For greater certainty, this implementation is done while respecting the jurisdiction and powers of the provinces.” So that specifically states that the government is committed to respecting the jurisdictions of the provinces with regard to Bill S-3. That's what that specifically states, and, in that sense, it's acceptable to us.

It was probably the government's concern that this respect for jurisdictions not apply to all government files.

Mr. Jean-Claude D'Amours: Mr. Chairman, I don't want to start the debate over, but I just want to make sure that the English and French versions are consistent with each other. When I introduced the subamendment, at first it was a complete sentence that meant: "For greater certainty". It was a single, independent sentence. I would like to make sure the same thing is done in English. So earlier, when I said:

[English]

"the implementation of the commitments under subsection 1".

[Translation]

There would be a period there. After that, there would be another sentence that would read as follows:

[English]

"For greater certainty this implementation is done...".

[Translation]

It's just because I said it in one way in French and because I would like it to be done in the same way in English.

The Chair: Mr. Côté's comment is that this is a sentence that is being added and that does not amend the preceding sentence.

Do we proceed to the vote? The subamendment is moved by Mr. D'Amours. Should we reread it?

(Subamendment agreed to.)

•(1025)

The Chair: The subamendment is agreed to, and it therefore amends the amendment.

Ms. Françoise Boivin: Are we going to vote on the amended amendment CPC-1?

The Chair: No. This is indeed a complicated matter, given the type of amendment. As I told the clerk, I want this to be clear; so I'm going to repeat the type of subamendment we've just voted on. The subamendment amends amendment G-1.

Mr. Guy Côté: No.

Mr. Marc Godbout: No.

Ms. Paule Brunelle: No.

Mr. Guy Côté: Mr. Chairman, pardon me but it was very, very clear. In voting, we just amended CPC-1. So we've just amended the Conservative motion. Consequently, we now have to go back to the amendment as amended.

The Chair: Mr. Côté, I agree with you; that's also what I understood, but we don't all understand the same thing. That's what we're going to discuss. All right?

Mr. Guy Côté: I hope we'll be voting on G-1 soon, when our discussion is finished, then on CPC-1, at it has just been amended, and so on.

The Chair: G-1 and CPC-2 combined, it's the same thing.

Mr. Guy Côté: Yes.

The Chair: It's the same thing.

Ms. Paule Brunelle: Yes.

Ms. Françoise Boivin: We're going too fast.

Mr. Guy Côté: That's it. Mr. Rodriguez, let's not go too fast. It seems to me this is all simple.

The Chair: We have the same understanding, but the clerk and I don't have the same understanding.

Mr. Guy Côté: Talk to the clerk.

The Chair: Yes, but he's more familiar with the Standing Orders than I am.

[English]

The Clerk: He changed some of it. That's what he's doing.

•(1030)

The Chair: Yes, but he was clear.

[Translation]

Mr. Guy Côté: Mr. Chairman, could we have a little order in the committee, please?

The Chair: Yes.

[English]

Ms. Susan Baldwin: We have to do this.

[Translation]

Mr. Guy Côté: Let's start with that. If we have to suspend the meeting, let's do it, but let there be a little order!

The Chair: You're right, Mr. Côté.

Listen, please.

Mr. Guy Côté: I'd also like to finish my remarks.

The Chair: Yes, Mr. Côté.

Mr. Guy Côté: If you restore order.

The Chair: Go ahead.

Order, please. Everyone's in a hurry to have a break. Let's try to do something productive before the break.

Mr. Côté.

Mr. Guy Côté: Mr. Chairman, this is easy to explain. I believe the confusion stems from the fact that Mr. D'Amours read his motion as it would read if G-1 had in fact been agreed to and if CPC-1 had been agreed to as amended. He read it. We didn't vote on that.

I repeat, for the clerk's benefit, that we just voted on amendment CPC-1, which we've just amended.

So I think it's very clear that, from now on, once we've finished our discussion, we'll have to decide whether we should combine G-1 and CPC-2. We'll vote on that, and it will be yea or nay.

The Chair: Mr. Côté...

Mr. Guy Côté: It's as simple as that. We didn't vote on a combined motion.

The Chair: Please.

I understood exactly the same thing as you. Where our opinions differ is over the fact that Mr. D'Amours read the sentence at the very start to show where it was going.

Ms. Françoise Boivin: Yes, that's it.

Mr. Guy Côté: That's it.

The Chair: That's what I understood.

Mr. Jean-Claude D'Amours: May I explain once again?

The Chair: Yes, Mr. D'Amours, you have the privilege of providing us with an explanation.

Mr. Jean-Claude D'Amours: Mr. Chairman, I'm convinced that, by 11 o'clock, we'll have managed to understand one another.

I'm going to explain the reasoning that led me earlier to state part from one side and part from the other. Perhaps this will clarify matters.

The French version of amendment G-1 reads as follows:

Que le projet de loi S-3, à l'article 1, soit modifié par substitution, aux lignes 9 et 10, page 1, de ce qui suit:
positives pour mettre en oeuvre cet engagement.

I moved that we add: "Il demeure entendu" and the rest up to "le pouvoir des provinces".

In English — if you'll allow me to finish, Guy — it's G-1 again in order to be able to finish. Why use G-1 instead of CPC-1? Because the French version of CPC-1 poses no problem; there's no period at the end of the English version. The intent of the sentence is thus different.

I understand there's a minor political debate because each person prefers his own amendment to those of the others, but, in practical terms, the two versions of G-1 make it possible to understand. Otherwise, we have to use the English version of G-1 and the French version of CPC-1.

[English]

Mr. Gary Goodyear: That's not what the clerk asked you. That's not what you asked the gentleman to do.

The Chair: I just asked him to clarify his supplement, which he did.

Mr. Gary Goodyear: No, he did not. He went on to discuss why we will now go to G-1 and ignore CPC-1.

The Chair: No, he clarified his presentation.

Mr. Gary Goodyear: Well, obviously he didn't. I don't have clarity. I had clarity ten minutes ago, and now I don't have clarity.

[Translation]

The Chair: Mr. Côté.

Mr. Guy Côté: Mr. Chairman, I'm not assuming that Mr. D'Amours is in bad faith; you'll agree with me on that. Nevertheless, the committee as a whole, with the exception of the clerk, who was no doubt more attentive than we were, and Mr. D'Amours, who gave an explanation, understood that the subamendment concerned CPC-1.

•(1035)

[English]

Mr. Gary Goodyear: That's right.

[Translation]

Mr. Guy Côté: Mr. Chairman, I'm aware that we've just voted, and, in that context, I'm going to request the cooperation of my colleagues here present.

Could we redo the vote? Unfortunately, this isn't at all about the same thing.

The Chair: I entirely agree with you.

[English]

Mr. Gary Goodyear: Mr. Chairman, that is not what I understood. I was across the room there in an honest and sincere effort to get clarification on what was happening here. Now we're hearing that this is not what the honourable gentleman proposed. In respect of time here, if your concern is a period and that a *t* is not crossed, I would offer a friendly amendment: that a period be put at the end of our amendment.

Now let's move on with this and quit playing games. It's ridiculous.

Mr. Guy Lauzon: Political games.

[Translation]

The Chair: So we're talking about adding a point to CPC-1...

Mr. Jean-Claude D'Amours: I simply want to finish.

[English]

Mr. Gary Goodyear: How many amendments can you get under one vote?

[Translation]

The Chair: Look, Mr. D'Amours. There's the spirit and there are the details. You have to stop the legal games. I'm requesting your cooperation.

[English]

Mr. Guy Lauzon: On a point of order, Mr. Chair, can we have only the committee members doing business at this table?

Hon. Raymond Simard: We have a right to be briefed.

Mr. Guy Lauzon: Yes, you have to be briefed.

[Translation]

The Chair: I'm asking you to focus on the spirit of the text and to work in a spirit of cooperation. We're conducting this consideration, not for us, but for the communities. I simply want us to bear that in mind.

Mr. D'Amours.

Mr. Jean-Claude D'Amours: I simply want to explain the logic behind this, Mr. Chairman. I want us to understand each other. If you look at CPC-1 in French and in English — and this is for those who understand both official languages — you see that the section in French starts with "cet engagement et ce, dans le respect" and ends with "pouvoirs des provinces et territoires." That expresses the will we were talking about. The idea would be to add something brief at the top that would include the subamendment that I introduced earlier. If you look on the left-hand side of the page, you'll see that the text doesn't end in the same way.

The Chair: All right, we understood.

Mr. Jean-Claude D'Amours: That's why I said it might be easier to use G-1.

The Chair: No. That changes the spirit of the text. I want to speak on this subject, Mr. D'Amours.

[English]

Mr. Gary Goodyear: How many amendments do you get to one vote in this committee?

[Translation]

The Chair: I have to say something here. All of us, with one exception, understood that CPC-1 would be amended, that is to say that we would add this after the period.

Hon. Raymond Simard: In any case, if it's poorly worded, I imagine it will be reworked.

Ms. Françoise Boivin: That could be done at the translation stage.

The Chair: Could we work in collaboration and focus on the spirit of the text? We're very close in that regard, and I think that's what counts. As a result of the legal games and the details, however, we're still very far from the goal.

Mr. Yvon Godin: I didn't understand it that way. I thought that CPC-1 had been combined with G-1. But that's not the case. That's why I think we have to vote on CPC-1. Once that's done, we'll move on to G-1, and there'll be a solution. So let's vote.

The Chair: Mr. D'Amours.

Mr. Jean-Claude D'Amours: I have no objection.

The Chair: Am I to understand that you're submitting a subamendment to amendment CPC-1?

Who's in favour of that?

Hon. Raymond Simard: We've already voted and we were in favour of it.

The Chair: This is simply to clarify the matter so it appears in the minutes.

Mr. Guy Côté: I have no objection to redoing the vote, but in view of the general confusion, and so everyone knows exactly what they're voting on, I strongly suggest that you formally read the amendment in full.

The Chair: CPC-1 could be worded in French, then translated into English in a manner exactly consistent with what has been said in French.

Mr. Jean-Claude D'Amours: So CPC-1 would read as follows in French: "cet engagement. Il demeure entendu que cette mise en oeuvre se fait dans le respect des champs de compétence et des pouvoirs des provinces." They'll manage to translate it into English in the appropriate manner.

The Chair: The term "territoires" is already in CPC-1. So we can keep it.

•(1040)

Hon. Raymond Simard: Personally, I'd withdraw it. Under the Interpretation Act, when you refer to the provinces, that always includes the territories.

The Chair: So we stick to the word "provinces". Does that suit you?

Now to be sure as possible, I would ask you to move a motion to redo the vote. In fact, I want to cancel the previous vote and replace it with this one.

Mr. Guy Côté: Mr. Chairman, I move that we cancel the previous vote and that we vote again.

The Chair: All right.

(Motion agreed to.)

The Chair: Since the previous vote was cancelled, we'll now vote on Mr. D'Amours' subamendment to amendment CPC-1 as it was read.

(Subamendment agreed to.)

The Chair: On the one hand, CPC-1, which has just been amended, specifically concerns respect for jurisdictions. On the other hand, G-1 and CPC-2, which state the same thing, will be amalgamated.

[English]

Mr. Gary Goodyear: All four.

[Translation]

Mr. Guy Côté: Mr. Chairman, to do this by the rules and to avoid any confusion, I move that G-1 and CPC-2 become a single amendment.

Hon. Raymond Simard: Mr. Chairman, it seems to me we should now agree to the amendment. We agreed to the subamendment; so we should now vote on the amendment.

The Chair: We'll now vote on amendment CPC-1.

(Amendment agreed to, as amended.)

The Chair: We'll now vote on amendments G-1 and CPC-2.

Is it a subamendment when you combine two amendments?

An hon. member: No.

The Chairman: With the committee's consent, we're going to take the sentence that concerns implementation. It refers to positive measures taken for the implementation of the commitments. That's what's amended. These are amendments G-1 and CPC-2 combined.

[English]

Mr. Gary Goodyear: I don't want to be nitpicky here, but they don't appear to me to be the same, in that G-1 is replacing five lines of the bill, removing things like "Within the scope of their functions, duties and powers, federal institutions...". Am I wrong?

Mr. Maurice Vellacott: Are we at the wrong number again?

Mr. Gary Goodyear: CPC-2 is removing one line, replacing one line.

The Chair: Maybe that's in the English version. I think we should check the French version, which is exactly the same amendment.

Mr. Gary Goodyear: Merci.

Mr. Maurice Vellacott: For clarification for the clerks then, can I hear the subamendment that then amended CPC-1? Can I have that read for the record?

The Chair: Of course.

Mr. Maurice Vellacott: The subamendment that amended CPC-1—I'd like the entirety of it read.

Mr. Jean-François Lafleur: This is as it was proposed by Mr. D'Amours.

I'll read it to you in French and it will be translated. Is that okay?

Mr. Maurice Vellacott: With the merging into the—

• (1045)

Mr. Jean-Francois Lafleur: The whole text, okay?

[Translation]

CPC-1 now reads as follows:

the commitments under subsection (1). For greater certainty, this implementation is done while respecting the jurisdiction and powers of the provinces.

[English]

You would have the text as amalgamated or subamended, if you wish. That is what was adopted as per CPC-1 as amended.

[Translation]

The Chair: That's exactly what was discussed and approved by everyone.

Hon. Raymond Simard: In French, it should state “que cela se fasse”, not “se fait”. Is that being corrected by the law clerk, or is it up to us to do that?

Mr. Jean-Francois Lafleur: I've noted it, and it's fine. Sorry.

Hon. Raymond Simard: All right.

The Chair: Now we're on amendment G-1, combined with amendment CPC-2, which reads as follows:

the implementation of the government of CA-

I think we've had enough discussion on this point, which is simple. Who is in favour?

Mr. Guy Lauzon: In favour of what?

Ms. Paule Brunelle: In favour of G-1.

The Chair: G-1, together with CPC-2.

Mr. Guy Lauzon: Can we read it, for greater certainty?

The Chair: All right, if you wish.

Mr. Jean-Francois Lafleur: I'll start with G-1:

(2) Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1).

Then, we would add the text of CPC-1, which reads as follows:

For greater certainty, this implementation is done while respecting the jurisdictions and powers of the provinces.

[English]

Mr. Maurice Vellacott: If I understand it, if we go forward with the G-1 and CPC-2 combo, that in effect kills what we just did.

The Chair: No, it's amalgamated. It's all together.

Mr. Maurice Vellacott: You obviously have some changes. It's not amended by replacing lines seven to 12 at all. That's not the case anymore.

The Chair: No, because we've been changing the type of discussion or the agreement we've had.

Mr. Maurice Vellacott: So what I'm saying is that G-1...[Editor's Note: Inaudible] That's no longer true, is it? It's not replacing anything. It's not removing anything.

The Chair: G-1, yes.

Mr. Maurice Vellacott: It's removing? Because we just changed those lines.

The Chair: No, it's at the end of that sentence. What we've changed is at the end. It's after that. We didn't change that sentence.

We can read it again, Mr. Vellacott, if you want.

Mr. Maurice Vellacott: Go back to CPC-1 as amended. That covers off line eight, and here now you're talking of—

The Chair: We had to go the French version because the two are a bit different. In the French version there's a dot, then there's a new sentence. We agreed that this would be translated properly into English later. It doesn't affect that sentence in French, not at all.

Mr. Maurice Vellacott: I guess my point is simply that we're adding on, we're not necessarily replacing.

The Chair: We're replacing with the words,

[Translation]

“pour mettre en oeuvre cet engagement.”

Mr. Guy Côté: Mr. Chairman.

[English]

Mr. Maurice Vellacott: We're not replacing lines 7 to 12, as the G-1 statement is.

The Chair: Not in English, but the G-1 in French is different, so you're not affecting what we've just voted on.

Mr. Maurice Vellacott: As long as I can scratch that we're not amending replacing lines 7 to 12 in the English.

• (1050)

Ms. Susan Baldwin: Yes, we are.

The Chair: We are replacing part of that in the French version.

Mr. Maurice Vellacott: In the French version.

The Chair: Maybe you can do it for the benefit of everybody.

[Translation]

Mr. Simard.

Hon. Raymond Simard: Mr. Chairman, first I'd like to make a correction. I'm told that the present tense is always used in French in bills. So, in French, it's not “fasse”, but rather “fait”. You're right. Pardon me.

Next, if we reread everything from start to finish for Mr. Vellacott's benefit, it would be very clear.

Mr. Marc Godbout: The new section 41.

Ms. Françoise Boivin: It contains two amendments, one of which...

Hon. Raymond Simard: We're replacing “pour assurer la mise en oeuvre” with “pour mettre en oeuvre”. That's what we're doing.

Mr. Guy Côté: Mr. Chairman...

The Chair: Mr. Côté.

Mr. Guy Côté: Mr. Chairman, once again we're losing our Conservative friends, who unfortunately have another caucus meeting, but subsection 41(2), as proposed in Bill S-3, reads as follows in French:

Il incombe aux institutions fédérales de veiller à ce que soient prises des mesures positives pour assurer la mise en oeuvre de cet engagement.

We've voted on and agreed to amendment CPC-2. The amendment we must now have proposes to replace subsection 41(2) with "Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1)." It's as simple as that.

The Chair: I take the liberty of telling you that you have the same amendment.

[*English*]

Mr. Gary Goodyear: ...in the English version, as we now understand it's all going to be.

The Chair: We have to translate it.

Mr. Goodyear, the clerk will read the equivalent in English.

Mr. Jean-Francois Lafleur: Do you want me to read proposed subsection (2) in the bill?

Mr. Gary Goodyear: I want you to read what it's going to end up being, exactly what it is that we're going to vote on, the English version.

Mr. Jean-Francois Lafleur: Okay, I'll take everything one by one, just to make sure. If you have questions just ask me.

I have G-1 here, and I'm at line 7, at the very beginning of proposed subsection (2) in the English version of Bill S-3.

Amendment G-1 says that in clause 1, we replace lines 7 to 12 with the following and say: "Every federal institution has the duty to ensure"... As I see it, G-1 replaces everything starting from the word "within" until the word "shall". Anybody can correct me if I'm wrong, but that's what I have. That's the very first part. I just want to make sure everybody is following me.

•(1055)

Hon. Raymond Simard: I can try to be helpful, Mr. Chair. I may have the English version from top to finish. See if you're okay with it. It would go like this:

Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty this implementation is done while respecting the jurisdictions and powers of the provinces.

That's how the whole thing would read in English. I'll do the whole thing again:

Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty, this implementation is done while respecting the jurisdictions and powers of the provinces.

The Chair: It's basically your amendment and their amendment.

Can we go to the vote?

[*Translation*]

All right. Who is in favour of the amendment?

Ms. Paule Brunelle: In favour of G-1?

The Chair: Who is in favour?

Ms. Paule Brunelle: Are we talking about G-1 and CPC-2?

The Chair: We're talking about G-1, as amended, in full.

Ms. Paule Brunelle: I see.

Hon. Raymond Simard: No.

The Chair: I'll reconsider Mr. Côté's analysis.

Hon. Raymond Simard: That's it.

The Chair: In the French, the beginning isn't changed, but the end is changed. Now we're changing the beginning. So it's "mettre en oeuvre".

Mr. Guy Côté: That's it.

Ms. Paule Brunelle: It's "mettre en oeuvre".

The Chair: That's G-1, which is like CPC-2. Do you understand what we're voting on?

Those in favour?

[*English*]

Hon. Raymond Simard: It's your motion; it's your amendment.

Mr. Pierre Poilievre: It is G-1 and CPC-2, which is the CPC-2.

The Chair: We're still discussing what we're voting. I just want to have a clear vote, please.

Those in favour of the amendment?

[*Translation*]

Those opposed?

(Amendment agreed to.)

The Chair: Thus far, we've disposed of G-1, CPC-1 and CPC-2. We're now on amendment CPC-3. I suggest we take a five-minute break.

Is that fine with you? I ask you to keep it to five minutes.

•(1058)

_____ (Pause) _____

•(1111)

The Chair: Colleagues, once again I appeal to your dedication, patience and discipline in continuing the clause-by-clause consideration of Bill S-3, An Act to amend the Official Languages Act.

We have debated and dealt with amendments G-1, CPC-1 and CPC-2. Now we are on amendment CPC-3, and I turn the floor over to Mr. Lauzon so that he can explain his amendment to us.

Mr. Guy Lauzon: The purpose of this amendment is to give our committee more power. It will enable the committee to give the minister and officials input on official languages. I feel this will be beneficial for all our efforts to improve the two minority languages.

The Chair: Are there any comments on this?

Mr. Simard.

Hon. Raymond Simard: We feel this amendment is highly problematical. There are four or five very obvious problems. First, it makes regulation-making mandatory. There are many acts and parts of acts have no regulations because they're not necessary. Consequently, it would not be the responsibility of this committee to decide on that; it is up to the executive to do that.

That leads me to the second matter. It's not the role of legislators to recommend to the Governor in Council that regulations be made; that's the role of the executive. I believe that, with this amendment, we're confusing the two roles. Furthermore, in all the other parts of the act, it is the President of the Treasury Board who may recommend regulations.

It seems to me that the President's role is to consult the communities and the general public, then to make a decision. However, the committee has a right to summon the President of the Treasury Board to testify before us, and we can ask him all the questions we want. In this case, however, I think this is an imposition, and it's not a role that the committee should play. That's really the role of the executive.

The Chair: Thank you.

Ms. Boivin.

Ms. Françoise Boivin: I'd like to add to those remarks. My concern in reading this suggestion is that it could be a weapon in delaying the process. This could take even more time, when what we're trying to do here with Bill S-3 is to give the Official Languages Act more teeth, in Part VII, and so on.

I think that this amendment is pointless, that it is not consistent with the role that falls to each government party and that it can only serve to delay the process.

The Chair: Thank you. Are there any other comments?

Mr. Vellacott.

[English]

Mr. Maurice Vellacott: I think there's a lot of merit, actually, because if anybody sat on the scrutiny of regulations committee they would realize that sometimes bureaucrats, in their zeal for certain things, get running in different directions from those that may be the intent of the legislation, and we sometimes need the ability to pull them back into check—to yank their chain, so to speak—to say, this is out of line with the scope or the intent of the bill.

I think it's good to have the NDP, the Bloc members, the Conservative members, and certainly the Liberal members, when they're in opposition, be in a position to actually scrutinize and have some say with respect to this. That's basically what it's doing. It's taking back some powers, if you will, and putting them in the domain of elected members of Parliament with the mandate, as opposed to having bureaucrats, maybe without the full and appropriate regard, as understood by the committee.... And maybe many members on that committee would be those who were actually helping in the original draft of the bill, or at least approving of it, as by this process today.

That's what our intent is: to bring that power back to members of Parliament so they are able to oversee and scrutinize in these respects.

•(1115)

Hon. Raymond Simard: Mr. Chair, I see actually just the opposite. In fact, it seems to me that if we are looking towards making *la partie 7* justiciable, we have to give the executive the tools and the flexibility to make it happen. If we are going to limit it and have the President of the Treasury Board come to us every time to ask us for our consent to do things, we are certainly limiting the possibility of what they can do.

Let's give them the tools to do what they normally do. You will almost never see this kind of clause in a law, so why would we do it here? It seems to me we should give them the tools. Let's not get into government business here; let's do the job we're supposed to do.

I really feel this is beyond the scope of our committee. We have the possibility of bringing the witnesses in to testify and have them answer to us about what they've done in terms of regulations, and if they haven't done anything, saying why not. We have that possibility.

[Translation]

The Chair: Thank you.

Mr. Poilievre.

[English]

Mr. Pierre Poilievre: I have to disagree with Mr. Simard, who says this committee should not be involved in government business. That's exactly what this committee is meant to do.

I think it's just another example of an attempt to concentrate more power at the executive level and take it out of the hands of the legislative branch of government. It's only reasonable to expect that, for example, if the executive level interpreted this law in a way that undermined provincial jurisdiction, this committee would have an opportunity to review its actions and ensure that the law was being implemented within the scope actually intended. I think this committee should do its job and ensure that the laws we send back to Parliament that are eventually passed are implemented in the way they were intended to be implemented. So I support this amendment.

The Chair: Thank you.

Monsieur Godin.

[Translation]

Mr. Yvon Godin: Mr. Chairman, I think this is inconsistent with our mandate, which is to act as guardians. The government — and one day that may be the Conservatives or the NDP..

Mr. Guy Côté: It won't be the Bloc québécois.

Mr. Yvon Godin: It won't be the Bloc québécois; it wasn't me who said it, it was my friend Guy Côté!

I believe the government has a responsibility to comply with an act after it's passed. And according to the Official Languages Act and the Constitution, the purpose of the Standing Committee on Official Languages is to see that the government does things right. If it doesn't do things right, we summon representatives to the committee.

So I can't be in favour of that.

The Chair: Thank you.

Mr. Yvon Godin: Thank you for your work.

The Chair: I'd just like to make a comment. I'm told there is a routine motion that enables us to order lunch. Is it the committee's wish to do that? Lobster, canapés with...

Mr. Jean-Claude D'Amours: Smoked salmon.

The Chair: Ms. Brunelle.

Ms. Paule Brunelle: The problem we have with this amendment definitely isn't related to consultation with the Standing Committee on Official Languages. Rather it's with the expression "The Governor in Council shall." It has a mandatory ring that we think will pose a problem and set an obligation to put English and French on an equal footing in Quebec. For that reason, it is unacceptable to us. So we'll vote against this amendment.

The Chair: Thank you.

Mr. Godbout.

Mr. Marc Godbout: Mr. Chairman, I'd nearly call this the complication clause. Do you realize that, with the whole process involved and all the stages that have to be gone through before getting there, it will take nearly two years to get regulations?

I agree with my colleague. We want to make the federal government accountable, but we don't want to do its work. We have a number of opportunities to have them appear here in order to ask them questions, and we do that regularly. It's the role of our committee to do that. We are indeed the guardians of the act, but we aren't responsible for its implementation. We assign that to a government administration.

• (1120)

The Chair: Thank you.

Mr. Simard.

Hon. Raymond Simard: Mr. Chairman, to comfort our Conservative Party colleagues a little, I'd like to cite subsection 85 (1) of the Official Languages Act, which clearly states:

85.(1) The President of the Treasury Board, or such other minister of the Crown as may be designated by the Governor in Council, shall, where the Governor in Council proposes to make any regulation under this Act, lay a draft of the proposed regulation before the House of Commons [...]

So the matter is put before the House of Commons, and draft regulations are tabled in the House. So there will be an opportunity to review them at that point.

The Chair: Thank you.

Are there any other comments?

Mr. Guy Lauzon: I sat on this committee last year, and we heard a lot of witnesses. Ms. Adam came on a number of occasions, and we often heard from ministers. Mr. Godbout said that we were entitled to ask them to come and appear. But the problem is that nothing changes. Ms. Adam herself said that nothing was changing.

We've introduced this amendment in order to give the committee more power. It's all well and good that ministers appear and come and say they're going to change things, that they're trying, but nothing changes. That's why we have to pass an amendment such as this one to give the bill more teeth.

The Chair: Thank you.

If there are no further comments, can we vote?

Some hon. members: Yes.

(Amendment negated. [See *Minutes*.])

The Chair: We now move on to the government's amendment G-2. Mr. Simard, is there anyone on your side who would like to explain it?

Hon. Raymond Simard: Where are we?

The Chair: On amendment G-2.

Hon. Raymond Simard: On amendment G-2?

The Chair: Yes.

Hon. Raymond Simard: Just a moment.

The Chair: Which in fact is designed...

Hon. Raymond Simard: Mr. Chairman, we adopted the idea of the Commissioner of Official Languages. She told us that it would indeed cause a lot of problems. Our Bloc québécois colleagues — although it might have been the people who were here before you... Mr. Bergeron told us that it was highly problematical.

I hope I'm talking about the right clause.

The Chair: No.

Hon. Raymond Simard: I'm mistaken. Pardon me.

Ms. Paule Brunelle: No, it's that one.

Hon. Raymond Simard: So all we're doing here is adding to those not subject to the act the following offices: the Office of the Senate Ethics Officer and the Office of the Ethics Commissioner. These are new offices that should now be included when these things are done. So it's house-cleaning.

The Chair: This seems to me to be a simple amendment, for once. I don't hear any discussion around the table, and I see no raised hands. We can call the vote.

That all those in favour of the amendment...

[*English*]

Mr. Gary Goodyear: Hold it. Could we just have a few seconds here?

The Chair: We're just adding two offices that weren't there before.

Mr. Gary Goodyear: In going with the arguments that were presented by the government in the last discussion, I'd say this just adds another measure of bureaucratic...it isn't a simple addition. If we accept the argument for the last defeated motion, this is just adding more time to the process of the committee. So I can't support that motion. That's my comment.

• (1125)

Ms. Françoise Boivin: Are we looking at the same resolution?

[*Translation*]

The Chair: Just a minute, please.

[*English*]

Ms. Françoise Boivin: Which one are you looking at? It talks about no time at all. It's excluding some organizations like the Ethics Commissioner and—

Mr. Gary Goodyear: Excluding or including?

The Chair: They're excluded. Actually, you're just adding them, that's all.

Mr. Gary Goodyear: So you're adding them.

Ms. Françoise Boivin: Yes, you're adding two groups to the exclusion, so it's not adding time.

Hon. Raymond Simard: Mr. Chair, maybe I can clarify that. The reason they are excluded is because they

[*Translation*]

report to Parliament,

[*English*]

not government. Automatically any institution that is an agent of Parliament as opposed to the government is excluded.

The Chair: So it's two less. You add two to the list; you exclude them.

Mr. Poilievre.

Mr. Pierre Poilievre: I don't think this amendment is terribly consequential. I think we should just vote for it. It seems to be more of a housekeeping amendment.

The Chair: Mr. Vellacott.

Mr. Maurice Vellacott: Some would simply argue that it's redundant in the fact that these individuals are already included under the term "House of Commons"; they're already there.

Hon. Raymond Simard: The other one, where it's stated very clearly that these are new agencies...but I'm not sure if you'd call them agencies or organizations that were defined by Parliament recently, so you have to add them to the list. You can't just say we assume they're there; you have to add them to the list, like you would the others that are excluded.

The Chair: I don't think it has any impact on the bill or the spirit of the bill.

[*Translation*]

Mr. Godin, did you want to speak? You raised your hand.

Mr. Yvon Godin: No, that's fine.

The Chair: Mr. Lauzon.

[*English*]

Mr. Guy Lauzon: I agree. It is redundant because they report to the House of Commons, both of them. Why would we bother? It's nice to have amendments, but it is redundant.

[*Translation*]

That's not necessary.

The Chair: I can't comment; that's your point of view.

Mr. Yvon Godin: Mr. Chairman, isn't this being done because the other officials of the House of Commons are already excluded under what's already in the act?

The Chair: That's correct.

Mr. Yvon Godin: So when new commissioner positions are created, they have to be added to the act to ensure they are part of the process. The others are there already, and these ones are being added to the list.

Mr. Guy Lauzon: Are the others named?

Hon. Raymond Simard: Yes, they are.

Ms. Françoise Boivin: Look at the list.

Hon. Raymond Simard: When you look at the act, you see they're all there. Guy, here's what's stated in Bill S-3:

(3) The Governor in Council may make regulations in respect of federal institutions, other than the Senate, the House of Commons or the Library of Parliament, [...]

Now we're adding two more, the ethics advisors. They're already there. There are currently three reporting to Parliament.

Mr. Guy Lauzon: What page is that on, Raymond?

The Chair: It's in Bill S-3.

Mr. Pierre Poilievre: The Auditor General and the other official,...

The Chair: Pardon me.

Mr. Pierre Poilievre: The other officers of Parliament aren't mentioned here.

Mr. Yvon Godin: Is the Chief Electoral Officer on the list? He's an officer of Parliament.

Mr. Pierre Poilievre: Absolutely. Is he on it?

The Chair: I believe that...

Mr. Pierre Poilievre: And the Auditor General?

[*English*]

The Chair: Maybe there's an answer. I don't know.

[*Translation*]

Hon. Raymond Simard: We've decided to add these two organizations to the other three that were already included.

Every time we have the right to regulate, these new organizations will be included on the list. There will no longer be three, but rather five organizations.

Mr. Pierre Poilievre: There will be five of them? Which ones will they be?

Hon. Raymond Simard: The Senate, House of Commons...

[*English*]

It's wherever you've got the power of regulating.

[*Translation*]

Is that correct?

[*English*]

The Chair: It's with the others.

[*Translation*]

It's like for the Auditor General.

[*English*]

Hon. Raymond Simard: Right, which is not the case with the others.

The Chair: That's what I understand.

[*Translation*]

Is that correct, sir?

Mr. Marc Godbout: Let's call the vote.

The Chair: Mr. Godin.

Mr. Yvon Godin: Mr. Simard, frankly I don't understand you. To be clear, let's take the example of the Chief Electoral Officer, who is an officer of Parliament. We're entitled to legislate on elections to Parliament. Is his name in the act, yes or no? If not, why are we doing this in the case of the Ethics Commissioner, but not in the case of the Chief Electoral Officer?

•(1130)

The Chair: That's a good question. I'm waiting for the answer.

Mr. Yvon Godin: If we put in one but not the other, the latter will wonder whether he's excluded. When you talk about the House of Commons, I believe that automatically relates to all the directors who report directly to the House of Commons. If you name one and don't name them all...

The Chair: That's the last time I say that an amendment is simple.

Mr. Yvon Godin: Never say that again.

Mr. Guy Côté: That'll teach you.

Mr. Yvon Godin: It's like when you say that a meeting will be short; they're always the longest ones.

[English]

The Chair: What do you mean? We leave this one on the...?

Mr. Gary Goodyear: No, let's vote on it.

[Translation]

The Chair: Yes. Can we vote?

Mr. Yvon Godin: I want some clarification.

[English]

The Chair: Well, you can't call the vote. That's the thing.

By the way, that's the ruling. You can't call the vote.

[Translation]

Mr. Guy Côté: If there are no further remarks, we can continue our proceedings.

The Chair: There are no further remarks, but Mr. Godin is waiting for an answer. He tells me he's no longer waiting for that answer; we can continue.

Ms. Boivin.

Ms. Françoise Boivin: Even if Yvon's question remains outstanding, there's nothing preventing us from continuing. If we have to exclude others, perhaps we can do it.

If we agree that the Office of the Senate Ethics Officer and the Office of the Ethics Commissioner have to be added to the exclusions, that won't prevent us from moving on to something else.

The Chair: I believe we have an answer.

Mr. Simard.

Hon. Raymond Simard: The five organizations in question — the Senate, House of Commons, Library of Parliament and the two ethics advisors — work only for Parliament. The others you referred to, such as the Auditor General, also work for the federal institutions.

That's how it's different. The officers of those five institutions report only to Parliament.

Mr. Yvon Godin: All right.

Is the Chief Electoral Officer accountable to other entities as well as Parliament? He's the one I used as an example.

Hon. Raymond Simard: Indeed.

The Chair: He isn't within the institution, whereas that's the case for the others. Is that correct?

Hon. Raymond Simard: Parliamentarians...

Mr. Yvon Godin: I've always been told that the Chief Electoral Officer reported directly to Parliament.

The Chair: Mr. Goodyear.

[English]

Mr. Gary Goodyear: Thank you.

It seems to me that this is clearly confusing the issue, and I encourage our committee to accept the fact that we don't need to make more efficient that which need not be done in the first place. I sense we're opening the door here for a lot of confusion. I can't support the motion because this is already in the original wording, and we don't need to make what is really simple and right there in front of us more complicated. Clearly, it's more complicated when we have to have people interpret this for us.

Hon. Raymond Simard: The problem, Mr. Chair, is that when Mr. Gauthier submitted Bill S-3, these institutions did not exist; that is the problem. Now, since they answer to Parliament only, we're including them in every bill that has regulations so they are now part of those. You add to the three these two because they were not institutions when Mr. Gauthier first introduced this. Every other bill that comes by here in Parliament will have these two institutions added because they answer to Parliament only, not to federal institutions.

Mr. Yvon Godin: But my question is about the direct—

[Translation]

The Chair: Mr. Godin, Mr. Lauzon is ahead of you.

Mr. Lauzon.

[English]

Mr. Guy Lauzon: Monsieur Simard said the Ethics Commissioner doesn't do business with other than Parliament. They do.

Hon. Raymond Simard: So it's in there.

Mr. Guy Lauzon: That's what I'm saying.

Hon. Raymond Simard: The argument was that he doesn't. The Ethics Commissioner deals with parliamentarians only. The Ethics Commissioner does not go and investigate employees; he investigates parliamentarians. That is the limit of his mandate. That is exactly what this is. For the Library of Parliament it's the same thing, and the Senate. That is exactly my point. The Auditor General can audit agencies and federal departments; she can go outside of Parliament. That is the difference here.

These two institutions were not there when Mr. Gauthier introduced his bill. It is proper for us to include them. We're not adding 15 of them; it's limited, and there's a reason why you're putting them in. I can't see why there would be any opposition to this.

• (1135)

The Chair: Mr. Godin.

[Translation]

Mr. Yvon Godin: The explanation informs me about the Chief Electoral Officer. As you say — and I believe you — the Ethics Commissioner deals solely with members. That's correct?

Hon. Raymond Simard: It is.

Mr. Yvon Godin: The Chief Electoral Officer, on the other hand, can deal with new political parties and new candidates outside Parliament.

Hon. Raymond Simard: That's correct.

Mr. Yvon Godin: I can see what differentiates them.

Hon. Raymond Simard: In the case of the Commissioner, it's limited to parliamentarians.

Mr. Yvon Godin: He's directly related to Parliament and members; he's part of the House of Commons.

Hon. Raymond Simard: That's correct.

That's the distinction that has to be drawn.

The Chair: Thank you.

Are there any other comments?

We can now call the vote on amendment G-2.

Ms. Paule Brunelle: Could you note our abstention, Mr. Chairman?

The Chair: Of course.

(Amendment agreed to. [See *Minutes*.])

The Chair: I'm informed that amendment BQ-1, the last amendment to clause 1, is inadmissible. That may be explained by the fact that Bill S-3 reinforces the binding nature of the government's obligations across Canada whereas this amendment is contrary to that spirit. Instead of reinforcing it, it instead provides for different treatment for Quebec.

Ms. Paule Brunelle: Are we entitled to make comments on the subject?

The Chair: Of course.

Ms. Paule Brunelle: Despite the fact that we understand the importance of the claims of Francophones outside Quebec, you will understand that for us, the Bloc québécois, the official language that must be protected in Canada is French. Section 43 of the Official Languages Act, as modified by Bill S-3, imposes an obligation, a duty. That's unacceptable to us. We can't seek to establish equality between English and French in Quebec.

In our view, French should have special status in Quebec. Some Liberal ministers, including Mr. Dion, have even talked about asymmetry in the case of Quebec. So we've moved this amendment because we hope to help Francophones outside Quebec while taking

into account the fact that it is necessary for us to protect the French language in Quebec.

The Chair: Ms. Brunelle, thank you for making us aware of your point of view.

There is no further discussion on this subject.

We'll now agree to clause 1 as amended.

[English]

Mr. Maurice Vellacott: Okay, that's what it means. Do we do that at the very end, actually?

The Chair: There are no more amendments on clause 1. At the end, we have to do the whole thing again.

But for now, for clause 1 as amended, those in favour?

[Translation]

(Clause 1 agreed to, as amended.)

(Clause 2)

The Chair: We now move on to clause 2.

The first amendment we have to consider is amendment G-3. As in the case of the Bloc québécois amendment, I must rule the government amendment inadmissible since, from what I understand, we cannot decide to delete an entire clause at this stage. It has to be defeated at the end.

In fact, the government's intention is simply to delete the proposed section 43. That could be done subsequently, but not by requesting that it be deleted. For that reason, Mr. Simard, I'm obliged to rule your amendment inadmissible.

Hon. Raymond Simard: May I make a comment, Mr. Chairman?

The Chair: Yes.

Hon. Raymond Simard: If I understand correctly, you're saying that, in order to respect the wishes of the communities and the Commissioner of Official Languages, clause 2 should be deleted by a vote.

Is that correct?

The Chair: That can only be done at the end, unless our Conservative Party colleagues are also in agreement.

Hon. Raymond Simard: We delete the whole thing.

Ms. Paule Brunelle: I'd be in agreement.

The Chair: I've accepted nothing. The amendment is inadmissible.

• (1140)

[English]

Mr. Gary Goodyear: No, we're not dealing—

[Translation]

The Chair: However, I'm told that, at the end, we may vote against the clause, not against the amendment. Consequently, the clause would no longer exist.

[English]

Mr. Gary Goodyear: Yes.

Hon. Raymond Simard: Gary, the only way for us to eliminate this clause 2 is to vote against it, after you guys have gone through your amendments.

Mr. Gary Goodyear: That's right. You have to do it.

Hon. Raymond Simard: Exactly.

The Chair: But their amendment is rejected.

[Translation]

Since I'm on the subject of amendments...

Hon. Raymond Simard: Mr. Chairman.

The Chair: Yes.

[English]

Hon. Raymond Simard: Could I make a recommendation, Mr. Chair?

We have heard from a lot of witnesses here. This idea of ours, to eliminate clause 2, came from the Commissioner for Official Languages and was supported, as I was saying before, by basically everyone: the anglophone communities in a minority position and the francophone communities. The experts we spoke to also said it was the way to go, because it caused a lot of issues in terms of our colleagues in the Bloc, who were saying it could cause the federal government to get involved with organizations in the provinces and all that. That was a huge issue.

Our intention here was to go back to the original bill, the way it was—not Senator Gauthier's, but the original law, if you will—and leave it at that. It would simplify a lot of things. Everybody is okay with that, and we're here to represent them. I'm wondering if our colleagues from the Conservatives would agree to that. It seems to me we've gone through the tough part. This part, if it's eliminated—if we go back to the law that was there originally—I think would satisfy a lot of people. I know the Bloc was okay with the law as it was before. The amendment from Mr. Gauthier was *assurer*, to assure, and that created a lot of problems with our colleagues from Quebec. I don't know if you've considered this at all, but I think this is what the communities want. These are the people who are most affected by this. If you'd consider moving back to the law, going with what we've got, then I think we'll probably be able to pass Bill S-3.

We've tried four times, Gary, to get this thing through. This is the fourth time in I don't know how many years—eight years or something. I think we're there. I'm making a plea to my colleagues to see if that's a possibility, given that everybody supports this action.

[Translation]

The Chair: Does someone want to react?

Mr. Vellacott.

[English]

Mr. Maurice Vellacott: I don't want to carry on a conversation too long on a motion or clause that doesn't exist if it's ruled out of order. I would say at that point we vote yea or nay with respect to the clause at the end here, but if you're prematurely pulling it out, then there's no opportunity to discuss the Bloc. I think they want to discuss amendment BQ-2 and the various other amendments here.

That would be the net effect if you remove that clause entirely. Then there's no discussion of the—

• (1145)

The Chair: I was getting to amendment BQ-2. It is not admissible for the same reasons.

Mr. Maurice Vellacott: The net effect, then, is you'd have no discussion of any of the CPC amendments.

The Chair: The only discussions we can have are on the CPC amendments, because the others are out.

Hon. Raymond Simard: Unless we all agree to....

Mr. Maurice Vellacott: I think we should proceed then, if that's the case, and dispense with discussion. At the end of the day they'll vote for or against clause 2.

The Chair: The only thing, from what I understand, is that Mr. Simard is suggesting you withdraw your amendments, and then everybody votes against the clause and that's it. It's your choice.

Mr. Pierre Poilievre: Can we just have two minutes?

[Translation]

• (1146)

(Pause)

• (1150)

The Chair: Mr. Lauzon, have you had enough time?

Mr. Guy Lauzon: Yes.

The Chair: Thank you.

Order, please.

Mr. Lauzon, the floor is yours.

[English]

Mr. Guy Lauzon: I feel we have spent so much time on Bill S-3—I think my whole political career has been spent on Bill S-3. I think we should spend some time. We feel that we have some worthwhile amendments; we want people to look at them with an open mind. We've shown good faith on our side; we want the best piece of legislation as possible. We've invested so many hours, so many days, so much study on Bill S-3. Let's go for another couple of hours and make sure we have the best possible....

If at the end of the day you people don't feel we can better that clause, so be it.

The Chair: It's your decision. Let's go. Look at it.

Mr. Guy Lauzon: We'll try to be prudent with our time.

[Translation]

The Chair: Then, as mentioned, we've come to amendment CPC-4 because amendments G-3 and BQ-2 were inadmissible.

Mr. Lauzon, if I may, the clerk has raised an excellent point. Amendments CPC-4, CPC-5, CPC-6 and CPC-7 are alternatives. According to operating logic, they are ultimately mutually exclusive as well. So we could address them together.

If I understand correctly, from the moment we vote on an amendment, the others may not be put to a vote if they apply to the same lines. All right?

Amendments CPC-4, CPC-5, CPC-6 and CPC-7 all concern the same segment and follow the same logic as that from this morning. In this case, we could address them together. Is that correct, sir?

Mr. Jean-Francois Lafleur: Absolutely, as a whole, as they say in English.

[English]

The Chair: As a whole.

It's pretty much in your hands now.

Mr. Pierre Poilievre: Do you want our next four amendments to be viewed as a package?

The Chair: Yes, because they touch on the same section. If we follow the same logic, if you vote for the first one, you will not be able to vote for the other ones. That's exactly the same thing that happened this morning, because they're alternatives to the same thing.

Mr. Maurice Vellacott: May I interject then?

I think the one that we would clearly prefer to keep in place is the longer one.

Actually, I think amendments 6 or 7 are the ones we should be focusing on.

Mr. Pierre Poilievre: Six, yes.

Mr. Maurice Vellacott: Six and seven.

The Chair: Yes, you can do that. Absolutely.

Mr. Pierre Poilievre: Okay. So I will....

[Translation]

I'm going to withdraw amendment CPC-4 entered in my name.

(Amendment withdrawn. [See *Minutes*].)

•(1155)

The Chair: Mr. Poilievre has just withdrawn...

[English]

In English it says "shall take appropriate measures to ensure". That has been withdrawn.

[Translation]

The Chair: We're on amendment CPC-5. It's essentially the same thing as CPC-4, but instead of:

[English]

"Appropriate measures to ensure" should read, "reasonable measures to advance". So it has to be one or the other.

[Translation]

Mr. Pierre Poilievre: May we debate this amendment?

The Chair: Yes, you have the floor.

Mr. Pierre Poilievre: In my opinion, this amendment doesn't constitute an enormous change. I prefer the adjective "reasonable" because it adds a certain common sense. I think it's a word that adds a more logical feeling to the bill.

[English]

In general, I think it reminds the executive and the judiciary to apply this law in a reasonable way, and that's the purpose of the amendment.

[Translation]

The Chair: All right.

I'll take the liberty of making a comment, since there's a risk of a reoccurrence of the situation we had a little earlier this morning, which took up a lot of time.

Amendments CPC-6 and CPC-7 concern respect for the jurisdictions of the provinces. So they say essentially the same thing.

In this case as well, I encourage you to choose one and to combine it with CPC-5 so that we can vote on the subject.

Do you understand what I mean? I'd like to avoid a reoccurrence of this morning's debate. Once again, this is procedure, and I must comply with it even if it causes me problems. If we amend segments, we can't amend them a second time.

[English]

Mr. Pierre Poilievre: [*Inaudible—Editor*]

[Translation]

The Chair: Sometimes, even with good intentions, procedure makes it so that...

Mr. Pierre Poilievre: I understand.

The Chair: That's a problem for me.

Ms. Françoise Boivin: If I understand your logic correctly, Mr. Poilievre, this amendment would include three things: CPC-5, CPC-6 or CPC-7 and perhaps even CPC-8. That would yield the full text of the amendment that you wish to make to clause 2.

The Chair: That would enable Mr. Poilievre to see all these amendments put to a vote, instead of them mutually excluding each other because we would have considered one section of the clause. That's for him.

Ms. Françoise Boivin: All right.

Mr. Pierre Poilievre: Would it really be easier?

The Chair: Mr. Côté.

Mr. Guy Côté: I would like some clarification. Let's take an example. If we discuss CPC-5 and it's rejected, then can we still discuss CPC-6?

The Chair: If it's negated, yes, but if we agree to one amendment followed by another, no. But if it's negated, yes. You can't debate another amendment concerning the same matter. However, if it is negated, you may, because there'll be nothing; there'll be a vacuum.

How do you react to my comments, Mr. Poilievre? Can we continue that way? For example, we can include CPC-5 in CPC-7, where there's the word...

• (1200)

[English]

Mr. Maurice Vellacott: It's a friendly amendment.

The Chair: It's an amalgamation.

Mr. Pierre Poilievre: Do you accept those amendments? Okay. So those two are friendlies, and I withdraw CPC-5 because its principles have been now adopted in CPC-6 and CPC-7. Understand?

The Chair: We will repeat it to make sure everybody does understand it—s'il vous plaît, monsieur.

[Translation]

The clerk will read the amendment to make sure everyone understands.

Mr. Jean-Francois Lafleur: No, I'd like him to repeat it.

The Chair: Oh, you want him to repeat it!

Mr. Poilievre will read the amendment so that the clerk understands.

Mr. Pierre Poilievre: I also withdraw CPC-6, but, at the same time, we'll put in English,

[English]

In English we put the word “reasonable” in CPC-6 to replace “appropriate”. It's the last line of the amendment. You see the word “appropriate” in the last line; you'd put “reasonable” there. Then you would put “reasonable” in place of “appropriate” in CPC-7. Those amendments are both considered friendly, according to the mover.

You've seen that my two amendments have been dropped. The word “reasonable” has replaced “appropriate” in both CPC-6 and CPC-7. Is that clear?

The Chair: Yes, but it seems that you have to pick one or the other, or CPC-6 and CPC-7.

Mr. Maurice Vellacott: Well, no, because we can still debate them and vote up or down on CPC-6, and then we vote up or down on CPC-7.

The Chair: You can vote on one or two, with the amendment. If it's defeated, you can vote on the other one.

Mr. Maurice Vellacott: That's right. That's what he wants.

Mr. Pierre Poilievre: There's a friendly amendment to both.

The Chair: Yes.

Can you repeat the amendment? I just want to make sure about the process. We start with CPC-6. If it passes, we don't go to CPC-7.

Mr. Maurice Vellacott: Right.

The word “reasonable” is instead of “appropriate” in CPC-7.

The Chair: Can you repeat that, please?

Mr. Jean-Francois Lafleur: “Reasonable” instead of “appropriate” in the two motions, CPC-6 and 7.

Mr. Maurice Vellacott: Yes. We acknowledge that one of them may not get discussed if CPC-6 passes.

The Chair: Yes. And CPC-4 and 5 were withdrawn.

Mr. Maurice Vellacott: That's right.

The Chair: Okay? Perfect.

Monsieur greffier, could you read CPC-6?

[Translation]

Mr. Jean-Claude D'Amours: So it's in fact CPC-4 and CPC-5 that are withdrawn, not CPC-6?

The Chair: Yes.

Ms. Paule Brunelle: Will CPC-6 be retained?

The Chair: No. They're amending CPC-6 and CPC-7. CPC-6 is the first one to be put to a vote. However, if it is agreed to, we won't be able to discuss CPC-7. However, if CPC-6 is negated, CPC-7 may be introduced. CPC-4 and CPC-5 have been withdrawn by the mover.

Ms. Paule Brunelle: Why make it simple when you can make it complicated?

Mr. Jean-Francois Lafleur: I'd like to start with CPC-6, but I'm going to point out that the only addition made to CPC-6 and CPC-7...

[English]

The Chair: Can you do it in English? It was presented in English.

Mr. Jean-Francois Lafleur: Sure. Sorry about that.

Referring to CPC-6, the only modification Mr. Poilievre is bringing to his amendment is to replace “appropriate” with “reasonable”, first word on the last line.

And on CPC-7, the third line, which reads “territories, take the appropriate measures”, will be replaced by “take the reasonable measures”.

Am I correct?

Mr. Pierre Poilievre: That's right.

The Chair: A friendly amendment. That looks fine.

Mr. Pierre Poilievre: We're always friendly.

The Chair: Okay.

Are there other discussions on CPC-6?

Monsieur Godin.

[Translation]

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

In my view, “take appropriate measures” is stronger than “take reasonable measures”. As regards the term “reasonable”, it is always possible that some people will say we're doing too much for a given group and that that's not reasonable. So that becomes a matter of interpretation. However, if we talk about taking “appropriate measures”, that's exactly consistent with the government's mandate with regard to the official languages and minorities in Canada.

The Chair: Are there any other comments? Otherwise, we'll call the vote.

Mr. Vellacott.

[English]

Mr. Maurice Vellacott: I think one could very well make the same case that “appropriate” is a term.... What does that mean, “appropriate”? In whose view? I don't know that all would agree with what the honourable member just stated there.

But to the chase and to the point here I think, more importantly, it's an attempt to respect the jurisdiction and the powers of the various provinces and territories—from coast to coast to coast, from B.C. up to the territories, over to the Maritimes and Quebec—and it accords that respect to them in the bill. That's the main gist of it and why we think it would be an appropriate measure.

Some would argue that it's already there and the jurisdictional things are already assumed in other bills, but again, I think it needs to be explicit, and that's the intent, as I understand it, of the motion we have before us.

• (1205)

The Chair: Thank you, Mr. Vellacott.

Monsieur Simard.

[Translation]

Hon. Raymond Simard: Mr. Chairman, allow me to repeat myself. As I said earlier, I'm very concerned at the idea that we're amending clause 2. That was also the view of most of the community stakeholders who appeared before us.

We've managed to influence the government on this subject. At first, its amendments greatly diluted the bill. I believe that, while agreeing on the need to implement the obligation to take action, it is important that we consider what the communities have told us, which is that we should not amend this clause.

Whatever the case may be, that's my position.

The Chair: Are there any other comments? If there aren't, we'll move directly on to the vote.

Go ahead.

[English]

Mr. Guy Lauzon: Again, we're trying to be reasonable, to nation-build, I suppose, and give the provinces respect. We're trying to not tell the provinces what to do; we want to respect their autonomy.

Many witnesses have come before us and expressed concerns that they were afraid the feds would involve themselves with the provincial.... I think it's really critical that we have this included, to give the provinces the comfort and respect they deserve. I urge my colleagues to vote for it.

The Chair: Thank you, Mr. Lauzon.

[Translation]

Ms. Françoise Boivin: I'll be brief. I understand the concern expressed, but it should not be forgotten that the Constitution requires that we act in a manner respectful of the division of powers. Furthermore, Mr. Lauzon, a little earlier we agreed to the amendment to clause 1, which concerned respect for the provinces, something on which we all agree.

It's already in the Constitution. I don't know how many times we will have to repeat it, but it's becoming redundant.

Your amendment, which concerned protection and which has already been slightly amended, has already been agreed to. In your position, I'd be satisfied.

The Chair: Thank you.

Mr. Guy Lauzon: Respect for the provinces is never redundant.

Ms. Françoise Boivin: It's already in there.

The Chair: Thank you, Mr. Lauzon.

I don't see any other raised hands; there are no more comments. So we can proceed with the vote. Can we go ahead?

Hon. Raymond Simard: Yes.

The Chair: Those in favour of amendment CPC-6? Those opposed to amendment CPC-6?

(Amendment negated. [See *Minutes*.]

The Chair: We may proceed directly to the vote on amendment CPC-7. This will be the same kind of discussion as during consideration of amendment CPC-6. Is that all right with you?

I don't see any raised hands. We can proceed with the vote. Those in favour of amendment CPC-7?

Mr. Pierre Poilievre: I feel this amendment is very important because it recognizes the jurisdictions of the provinces. I hope we obtain the support of the Bloc québécois members because they say they want to protect the jurisdictions of the provinces. I hope they will vote in favour of this amendment.

I must say I was a bit surprised to see the Bloc québécois not come to the defence of the jurisdictions of the provinces in the vote on amendment CPC-6. I hope that this time they'll defend the jurisdictions of Quebec, their province, in the vote on our amendment.

• (1210)

[English]

This goes back to the protection of provincial jurisdiction. We hope we will not be the only party defending provincial jurisdiction at this table, so we invite other parties to join with us.

[Translation]

The Chair: Mr. Lauzon, over to you.

[English]

Mr. Guy Lauzon: One thing about Bill S-3, it's brought out a lot of passion in a lot of people. Senator Gauthier appeared before us here and was very passionate about it—and the honourable Don Boudria. Everyone is very passionate about Bill S-3, but we have to be passionate. I encourage my colleagues, in all seriousness.... What is it going to cost us to tell the provinces that we don't want to meddle in their affairs? Let's show some respect.

As a committee, let's vote to encourage bringing this nation together, and the way we can do that is by recognizing the provinces. I think this is probably the most important clause we want to put into this bill. We are saying to every province and territory in this country, we respect you, we respect your domain, please respect ours. Let's work together in making this a great nation.

Mr. Gary Goodyear: Hear, hear!

[Translation]

The Chair: Thank you.

Ms. Boivin.

Ms. Françoise Boivin: That's very interesting, and I agree with you, Mr. Lauzon. It's very important to respect the jurisdictions of the provinces. I repeat what I said earlier: we recognized it, on the one hand, by including it in the Constitution and, on the other hand, by adding an amendment to clause 1.

Having said that, I would be very surprised to see the members of the Bloc vote in favour of that, when they've asked that Quebec be completely excluded from Bill S-3. I invite them to appreciate fully how amusing the message that sends is. I'm very curious to know the logic under which they can want to exclude Quebec and vote against the bill, while asking Canadian Heritage to take measures to advance the equality of English and French.

We should consider their amendment and how it would amend the text of the bill and understand what that amendment entails.

The Chair: Mr. Godin.

[English]

Mr. Yvon Godin: I'd like to thank you for this amendment. When I look at it...we have to remember there's another amendment coming in that we will deal with. We're saying that Bill S-3...we want it to stay as it is in the law.

Are we going to say that in Quebec we don't want to encourage and support the learning of English and French in Canada? Do you want to say Quebec only, because the rest of Canada will get section 43, which calls for fostering "an acceptance and appreciation of both English and French by members of the public"? Is that what the Conservatives are saying? If you effectively exclude Quebec from paragraph 43(1)(d), where it says "encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in", and it continues on, Quebec will not have the encouragement of the federal government to do all of those things. Or maybe I'm making a mistake.

The Chair: Merci, monsieur Godin.

I have two interventions before you, Mr. Poilievre.

[Translation]

Ms. Brunelle.

Ms. Paule Brunelle: Mr. Poilievre pointed out to us that we voted against CPC-6. Even though that amendment referred to respect for jurisdictions and even though — since it had been combined with CPC-5 — it took every reasonable or appropriate measure to put English and French on an equal footing, we had to reject it.

Furthermore, since it is inadmissible to exclude Quebec from Bill S-3, it is important for us to support this call for respect for jurisdictions.

The logic is simple: we must recall that respect whenever possible. We'll obviously vote against clause 2. Bill S-3 can't suit us. However, we have to seize every opportunity afforded us to remind the federal government of the need to respect jurisdictions. That's why we're in favour of this amendment.

• (1215)

The Chair: Thank you.

Mr. Poilievre.

Mr. Pierre Poilievre: That's fine.

The Chair: There are no further remarks.

(Amendment agreed to. [See *Minutes*.])

The Chair: Are amendments CPC-8, CPC-9 and CPC-10 mutually exclusive as well?

Mr. Jean-Francois Lafleur: Amendments CPC-8 and CPC-9 are mainly alternatives.

The Chair: If we agree to the first, are the others...

Mr. Jean-Francois Lafleur: If the first is agreed to, you don't vote on the other two.

The Chair: Mr. Poilievre, the same principle applies with regard to the others. If we agree to amendment CPC-8...

Mr. Poilievre, since these are your amendments...

You have a point of order, Mr. Godin?

Mr. Yvon Godin: I find it hard to understand what you said earlier. In fact, you said that amendments CPC-4 to CPC-7 had to be put at the end, like G-3.

In fact, we've just voted on it. So we can't put it at the end. Is that correct?

The Chair: We've only voted on amendment CPC-7.

Mr. Yvon Godin: We discussed amendments CPC-4, CPC-5, CPC-6 and CPC-7. Amendment CPC-7 was one of those.

The Chair: No, amendments CPC-4 and CPC-5 were withdrawn by Mr. Poilievre.

Mr. Yvon Godin: Yes.

The Chair: Amendment CPC-6 was negated, but amendment CPC-7 was agreed to.

Do you want to ask a question?

Mr. Yvon Godin: If we ultimately agree to the Liberals' motion to delete section 43 proposed in Bill S-3, what will happen to...?

The Chair: It would be defeated.

Mr. Yvon Godin: All right. That's all I wanted to know.

The Chair: The amendment would be negated since it's related to the clause.

[*English*]

Mr. Maurice Vellacott: There is no Liberal amendment here. It's just a matter of the clause-by-clause, voting yes or nay at the end of the day.

The Chair: It's just the vote at the end, because I said it wasn't acceptable.

[*Translation*]

Mr. Poilievre, you understand that, if amendment CPC-8 is agreed to, we won't consider amendments CPC-9 or CPC-10. So you have to choose.

Mr. Pierre Poilievre: Are we talking about amendment CPC-8 now?

The Chair: Yes.

Mr. Pierre Poilievre: That doesn't make a major change; it's simply to make the act a little more precise. It eliminates the word "notamment" or, in English,

[*English*]

"without restricting the generality", leaving "French in Canadian society and may". That's the essence of the amendment, and I invite comments on it from any of you.

The Chair: Thank you, Mr. Poilievre.

[*Translation*]

Are there any comments or need for an explanation? I find this amendment quite clear and simple. If there are no comments and no one wishes to speak, we'll proceed directly to the vote.

(Amendment negated. [See *Minutes*].)

Mr. Yvon Godin: No. It does nothing.

The Chair: It's still negated...

Mr. Yvon Godin: Is it possible to know what you did? I usually don't work this way.

The Chair: We simply voted on amendment CPC-8, Mr. Godin.

Mr. Yvon Godin: That's good. We voted on amendment CPC-8. If I understood correctly, we negated the amendment.

The Chair: Yes.

Mr. Jean-Claude D'Amours: You voted against the amendment.

The Chair: Indeed, you voted against the amendment.

Mr. Yvon Godin: That's good.

The Chair: Yes, you voted against the amendment.

The Chair: Mr. Poilievre, since amendment CPC-8 has been negated, we can move on to amendment CPC-9. It essentially concerns the same thing.

•(1220)

Mr. Pierre Poilievre: So, in English,

[*English*]

we're changing "Canadian society" to "Canada", effectively. That's all this amendment does. I think it's slightly more precise, though it's mostly semantic.

The Chair: Thank you.

It's another very simple amendment.

(Amendment negated)

The Chair: Mr. Poilievre, we can discuss CPC-10.

Mr. Pierre Poilievre: If you look at the text of Bill S-3, clause 2, line 27, you'll see what we're doing here is effectively strengthening the wording. As opposed to a progression towards, we promote equality. I believe it's a strengthening of the wording, a simplification. If you noticed the last word here on the amendment itself, you saw we have "shall" replacing "may". I think this serves to strengthen it.

I don't know if my other Conservative colleagues would like to comment on this.

An hon. member: It's straightforward.

The Chair: Yes, it's straightforward.

Mr. Vellacott.

Mr. Maurice Vellacott: I would like to comment. For my part, in terms of our respect for the Official Languages Act and so on, rather than an iffy kind of situation, "may", it should be "shall". They're bound to; they're obligated to. It drives it in a more firm way in that direction, so it shows a greater respect for official languages, English and French, in the country and obliges or commands, if you will, instead of "may", which is much more iffy.

The Chair: And that seems to be—

Mr. Pierre Poilievre: That, I presume, was the purpose of S-3 in the first place. It was to make obligatory that which was discretionary before, and that's exactly what this amendment does. It takes the word "may" and turns it to "shall".

I'm not sure if that interests the Liberal members on the committee who are distracted with other things. I suspect they'll vote against it out of a knee-jerk habit, but I think if they really believe in making this law meaningful—

[*Translation*]

The Chair: Out of respect for Mr. Poilievre, can we make it so we can hear each other speak?

[*English*]

Mr. Pierre Poilievre: If they believe in making the law meaningful, perhaps they would be willing to entertain the changing of the word from "may" to "shall". "Shall" indicates an obligation. "May" indicates discretion. The purpose of this law is to enact obligation, not discretion.

So it fits nicely with the spirit of the overall piece of legislation, and I hope the Liberals on the committee will not attempt to water down this section by voting against my amendment but will in fact vote to make it airtight, to show their commitment to the cause.

Thank you.

[*Translation*]

The Chair: Thank you.

Does anyone wish to make any further remarks or comments?

Mr. Yvon Godin: Yes, very briefly. Just as Ms. Boivin often says that she was a lawyer in a previous life, I say that, when I was a union representative, I never liked the word “may”.

[English]

I never liked that word “may”. It should be “shall”. I’ll support that.

[Translation]

The Chair: All right. There are no further comments or requests to speak.

[English]

Those in favour of amendment CPC-10?

•(1225)

[Translation]

(Amendment negated. [See *Minutes*.]

The Chair: We have to vote on clause 2 as a whole, as amended.

Those in favour of clause 2, as amended?

[English]

Mr. Yvon Godin: The amendment is on clause 2.

The Chair: It's clause 2 as amended.

Mr. Yvon Godin: No. If I vote against that, that means—

The Chair: We're voting; it is not the time for discussion.

[Translation]

Mr. Yvon Godin: No, I'm not voting; I say...

The Chair: All right. Thank you.

Those opposed to clause 2, as amended?

(Clause 2, as amended, negated by a show of hands: Yeas: 4; Nays: 7.)

The Chair: (Clause 3)

We're on clause 3. There was only one amendment, and it's inadmissible because it is beyond the scope of the bill.

At this stage...

Hon. Raymond Simard: You should at least let her speak, Mr. Chairman.

The Chair: I'm not preventing her from speaking, Mr. Simard. I'm saying I'm ruling it inadmissible. If Ms. Brunelle would like to make a comment on...

Mr. Guy Côté: On our disappointment.

Ms. Paule Brunelle: Yes. For us, this part of Bill S-3 is definitely one of the major fears for Quebec. The possibility of court challenges under this bill troubles us enormously. Let's hope that, if it manages to pass all these stages, we won't see linguistic peace in Quebec jeopardized by a resurgence in court challenges.

We deeply believe that the Anglophone community in Quebec is very well protected. It has institutions, schools and means of communication such as radio, television, newspapers. We believe that we are doing our duty in this regard and that French should still be protected in Quebec.

We have fought long and hard to protect the language, and to that extent I understand perfectly well what motivates my Francophone colleagues outside Quebec. I'll say it once again: in our view, this bill, as worded, is definitely very disturbing for Quebec and we wouldn't be able to accept that.

The Chair: Thank you.

Mr. Côté.

Mr. Guy Côté: Thank you, Mr. Chairman. I want to thank Mr. Simard for pointing out to us that it is important to let us speak on a clause that is indeed fundamental in Bill S-3, that is to say the clause concerning the possibility of court challenges.

Why are we opposed to this clause? The answer isn't so complicated. You have to read Bill S-3 and the current Official Languages Act.

Clause 3 of the bill opens the door to court challenges by groups that, rightly or wrongly, would consider that Quebec is not doing enough to encourage and assist the development of Anglophones in provincial and municipal services, in education and in a host of areas that are under Quebec's jurisdiction.

I understand that, in the course of the committee's proceedings a certain number of stakeholders have tried to allay these apprehensions. Unfortunately, as you'll understand, our reading of the bill is completely the opposite, and this clause is indeed an open door to the end of the linguistic peace we currently have in Quebec.

The Chair: Thank you, Mr. Côté.

Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chairman. I can't agree with my colleagues. When we talk about going to court, it's not about going to court against the province. Instead it's against federal institutions.

Section 43 of the Official Languages Act states, and I quote:

43.(1) The Minister of Canadian Heritage shall take such measures as that minister considers appropriate 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

- (a) enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development;
- (b) encourage and support the learning [...]

So it's up to the federal government to assist the provinces, and I'm sure they want assistance.

When we refer to jurisdictions, we're referring to Part VII of the Official Languages Act. We talked about section 41; we resolved this aspect and we abandoned section 43. I think we're on the right track.

I think that this is a good bill and that it will help, as was mentioned. It's true that a strong French language in Quebec helps Francophones in Canada. However, the Francophones of Canada also need this assistance, and Bill S-3 will give it to them. Even Quebec Anglophones in the federal institutions say that it's not just up to Quebec to treat them well. The federal government needs to treat them well too, and that's what the bill will do.

Thank you.

•(1230)

The Chair: Thank you, Mr. Godin.

We're going to limit our speeches on this subject because we're going beyond the scope of the agenda.

Ms. Boivin.

Ms. Françoise Boivin: I'm happy that you're not limiting my right to speak on this subject. Being a member from Quebec as well, I believe this is definitely a concern we must all have. Although I don't share the position of the Bloc québécois, I understand where it's coming from. On the other hand, these are false fears, which are not based on fact.

You have to have trust. The Anglophone community in Quebec is in the minority, and it knows it. It's true that we have linguistic peace, and I believe that Senator Gauthier's bill will change that in some way.

As a member from Quebec, I would not be pleased with myself if I were not here to protect the rights of the Anglophone minority community. Indeed, with regard to federal institutions. People have come here to tell us this. I definitely wouldn't want to exclude them in this area.

So it's very important to say it because there's an Anglophone minority community in my riding. Even though they aren't very disruptive and they know that things are fine — these people have a lot of rights in the province of Quebec — we shouldn't make them second-class citizens.

The Commissioner of Official Languages was very clear on this: she saw no risk of this presenting any real danger whatever in the province of Quebec. There is respect under the French-language Charter, and the courts rule on the basis of that respect. We know what takes precedence in this area. We're also talking about federal institutions and respect for the provinces. On this point, I would feel bad about making people from my Anglophone community second-class citizens in the province of Quebec.

The Chair: All right. Thank you, everyone of you, for your comments.

In view of the fact that there was only one amendment and that it is inadmissible because it goes beyond the scope of the bill, we are going to vote directly on clause 3.

(Clause 3 agreed to.)

The Chair: We must now proceed to certain customary votes.

Shall the title carry?

Mr. Guy Côté: What is it?

The Chair: An Act to amend the Official Languages Act (promotion of English and French).

Shall the title carry?

Ms. Paule Brunelle: We vote against it.

The Chair: Do you want another title?

Some hon. members: No. Agreed.

The Chair: Shall the bill, as amended, carry?

Some hon. members: Agreed.

The Chair: Shall I report the bill to the House?

Some hon. members: Agreed.

•(1235)

The Chair: Then this concludes our proceedings on Bill S-3. I would like to thank you.

There is a group of persons we sometimes forget, the interpreters. I thank them, particularly for their contribution at the outset, because it was probably not very easy. Thanks to everyone of you for your patience, your cooperation and for being here earlier and finishing later.

We'll continue our regular business next week, on Tuesday morning.

Thank you.

The meeting is adjourned.

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