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Mr. Steven Blaney

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• (0905)

[Translation]

The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)): Good morning and welcome to this 32nd meeting of the Standing Committee on Official Languages. Welcome to committee members and to our witnesses.

This week, we are completing our meetings with witnesses to discuss the Canada-Quebec collaboration agreements. Then our analyst, Ms. Hurtubise-Loranger, will be able to proceed with the drafting of the report and to send it to us at the end of May. It will then be available for our study, which should begin on June 3.

This morning, before going to the witnesses, we will deal with Mr. Coderre's motion. I see that everyone has a copy of it. I'm going to e-mail you the draft of the letter that will be sent to the CRTC pursuant to the motion we adopted concerning the airwaves and interference between two radio stations. So you'll receive the draft letter by e-mail, and you can send me any comments you may have.

Without further ado, we'll discuss Mr. Coderre's motion.

Hon. Denis Coderre (Bourassa, Lib.): Thank you, Mr. Chairman.

In light of our discussions last week and based on the evidence we've received, we see that it is important to understand that the laws are not translated. They are in their original language, in the language in which they were drafted. It is therefore necessary that translation not be the only way to interpret the laws, whether judges are anglophone or francophone. As the Supreme Court is the court of last resort, it is necessary and important, in our view...

Like all my colleagues, I felt concerned by the remarks of Mr. Michel Doucet, Ms. Louise Aucoin and the Commissioner of Official Languages. That's why I asked that the Standing Committee on Official Languages recommend that the government ensure that the judges that they appoint to the Supreme Court are bilingual, and that the adoption of that motion be reported to the House. I will eventually be introducing a private member's bill to that effect.

Mr. Justice Bastarache will be ending his career in a few weeks. It is important that we send the message that we are fighting for respect for the official languages and that the Supreme Court must represent not only all cultures, but also the values that define our country. We have two official languages: English and French. This motion is not only timely; it also reflects the committee's work.

This motion speaks for itself. I would ask my colleagues to vote accordingly.

The Chair: Thank you, Mr. Coderre.

Are there any comments on Mr. Coderre's motion?

Mr. Nadeau.

Mr. Richard Nadeau (Gatineau, BQ): Mr. Chairman, I just want to emphasize that the Bloc Québécois will support this bill.

Ms. France Bonsant (Compton—Stanstead, BQ): It's a motion.

Mr. Richard Nadeau: We'll support the motion and the subsequent bill.

The Chair: You're making an announcement.

Mr. Petit.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): I'd like to have an explanation. I was here for the appointment of Mr. Justice Rothstein, who was apparently unilingual. He had been selected from a Liberal, not a Conservative list. Over the past 13 years, and even before that, the Liberal Party has virtually always formed the majority government. How is it that this type of proposal was never put on the table? I approve of what the Liberal Party is requesting, but I don't understand why it hasn't happened before this. One would say that, by this motion, the Liberals want to show that we Conservatives are opposed to bilingualism. It's that kind of motion.

I personally disagree with that, even though I agree on the principle. However, I don't understand why they didn't do this over those 13 years.

Furthermore, Mr. Rothstein's name comes from the Liberal Party list. I witnessed his appointment since I was on the committee.

I also don't understand why they're suddenly introducing this type of motion, which is more of a political motion than a motion designed to solve the problems. Since 1954, they have been in power for nearly 30 years and this kind of motion or act was never brought forward. They were in the majority and they formed the government for nearly 40 years, and we never saw anything like this.

How is it that the Supreme Court Act was never amended in 40 years, whereas they were a majority government, and that they suddenly wake up and say that the mean Conservatives are opposed to bilingualism? That's why I approve of the content of the motion as such, because we must reflect what Canada is, but I find that the motion in its present form is a political motion.

• (0910)

The Chair: Thank you, Mr. Petit.

We'll now go to Mr. Lemieux.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): I think it's Mr. Coderre's turn.

The Chair: Mr. Coderre, go ahead, please.

Hon. Denis Coderre: Since it's my motion, I'll wrap up.

Mr. Pierre Lemieux: I thought you wanted to answer questions—

Hon. Denis Coderre: I'd prefer to answer them later. First I want to listen to your group therapy, then I'll answer.

Mr. Pierre Lemieux: In my opinion, there are a number of criteria—

Mr. Daniel Petit: Pardon me, Mr. Lemieux, but I want to raise a point of order.

Mr. Coderre, there isn't any group therapy here. I understand you, I admire you, I like you, but I'm not stupid, and neither are you. So we're going to resolve this right away. I'm going to follow you, I'm going to support you when it's right, and you will always have my support when what you present is proper, but stop saying that we're stupid.

The Chair: That's not a point of order, Mr. Petit.

Hon. Denis Coderre: It's not a point of order, but if you feel compelled to respond, that's your problem. We think for ourselves.

The Chair: We're going to follow the speaking order. You'll all have the opportunity to speak, but we're going to follow the order. We'll hear from Mr. Lemieux, Mr. Chong, then Mr. Coderre.

M. Pierre Lemieux: Thank you, Mr. Chairman.

We know there are a number of important criteria. When the government selects a candidate for a position of Supreme Court justice, it must consider a lot of things. The principles of merit and excellence are paramount, but it has to be vigilant and look for language skills in both official languages.

That is indeed a criterion that is not mandatory, but it is nevertheless a criterion. The two essential criteria are merit and excellence, according to the parliamentary secretary to the Minister of Justice and the minister himself.

In addition, when the Commissioner appeared before us last week, he said he acknowledged that Minister Nicholson's practice of consulting the chief justice of the court concerning the court's specific bilingual capacity needs was a step in the right direction. He acknowledges that we're doing a good job and that we have put good processes in place, and he is satisfied with that.

[English]

One of the difficulties I have with this motion, Mr. Chair, is that it really shows the hypocrisy of the Liberal Party.

[Translation]

The ship is sinking.

[English]

They know they're sinking. Basically, they have no policies. And with a motion such as this, they actually criticize their own performance when they were the government.

I want to pick up on what Monsieur Petit said. Here we have the Liberal government that over the past 13 years, most of which it

ruled as a majority government, was in a far stronger position, when we count the number of MPs, than we are in now, and this was never an issue. It never came up. All of a sudden they've latched on to something, and it has become very, very important to them. Yet in doing so, they criticize their performance over the past 13 years.

A motion like this lacks sincerity and it lacks integrity. We see this lack of integrity in many other facets, particularly in the House. How many times have we seen the Liberals absolutely change their position? They vote against us, then they're voting for us, then they're voting against us again, but not in enough numbers to actually defeat us. They want to defeat us, but they won't defeat us. They won't show up in the House to vote. When they do show up in the House to vote, they sit on their hands.

Mr. Chair, I'm getting to the motion when I'm talking about the lack of sincerity related to this motion. What I'm saying, Mr. Chair, is that the Liberals are indecisive, they lack integrity, and there is a great amount of hypocrisy that concerns their party these days in Parliament, and it concerns this motion. As we said, all of a sudden this motion is being tabled, when over the last 13 years this was never an issue.

Monsieur Coderre was a cabinet minister. He sat in cabinet. Mr. Chair, I'd like Mr. Coderre to explain how it is that this was not an issue when he was sitting in cabinet. If he made this an issue, I'd like to know why it was never adopted by the Liberal Party. I'd like to know how Mr. Rothstein made it onto the Liberal short list when Mr. Coderre feels so adamant about this issue. How was that?

Monsieur Petit raised a very good point, that Mr. Rothstein.... Yes, we appointed him, but we chose him from the short list that the Liberals put together. So how is it that Mr. Coderre allowed that to happen? How did his colleagues allow that to happen?

Mr. Chair, this is where the hypocrisy comes in, where the lack of sincerity comes in. I'm saying that it actually shows itself again in the House every time we vote. This is not an isolated instance here. This is a pattern, and we're simply seeing it present itself here at the official languages committee.

It's my hope that when Monsieur Coderre takes the floor—because I know he's on the speaking list—he will actually answer these very valid questions I have. What did he do as a cabinet minister? Why was Mr. Rothstein on the Liberal short list when he is a unilingual judge? How did that happen? What did Mr. Coderre say about that publicly at the time? I'd like to know.

Merci.

● (0915)

[Translation]

The Chair: Thank you, Mr. Lemieux.

There are three speakers on the list: Mr. Chong, Mr. Coderre and Mr. Godin.

Hon. Denis Coderre: Mr. Chairman, I'll wait since it's my motion.

The Chair: That will enable us to recap. You can wrap up, then we'll vote, if there are no further comments.

So there remain Mr. Chong and Mr. Godin.

[*English*]

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

I don't have a problem with this motion, but because the government is opposed to it, I'll be voting against it. I think this motion highlights some of the problems we're having with our approach to the preservation of the French language on this continent. This is emblematic of the problem we have as parliamentarians on this committee and that governments have had in past decades.

We are having problems in our approach to ensuring that the French language continues to be a force on the North American continent because we are always looking at the symbolic, symptomatic issues as a way to preserve the French language. Well, that is not going to work.

We could pass this motion, and sure, the next Supreme Court justice appointed could be fluently bilingual. But people are deluding themselves if they think that this in fact is going to mean the preservation of the French language on this continent.

What we need to do as a committee is focus on the foundational aspects of why French is in decline on this continent. The fact is that our institutions, our schooling systems, and our law schools are not graduating bilingual graduates as a condition of graduation. We had a witness in front of us at the last committee meeting, a professor at the University of Moncton law school, who admitted that it's neither a condition for entry nor a condition for graduation to be fluent in both official languages. And this is a francophone school, in Moncton, in an officially bilingual province.

I say to you that time after time on this committee we focus on the symptoms of a much deeper problem. If we continue to focus on symptoms, we are not doing any service to the French language on this continent. The fact is, the number of francophones in this country is in decline vis-à-vis the overall population. The way we are going to address that is not through symbolic gestures or symbolic motions like this one that make francophones and other people feel very good that we are standing up for the preservation of the French language, when in fact that is a complete facade.

The fact is that unless we tackle some of the more fundamental issues that create this situation, we will not ensure the long-term survival of this language. The fundamental issue is that our law schools and our universities and our other educational institutions are not graduating bilingual students.

It goes to issues of hiring in the public service. We think that just demanding that they be bilingual at the EX-1 level or higher is the solution. I agree with those standards, and I agree that those standards should be maintained. But we always talk about what we need to do at the EX level or higher to ensure that the French fact remains. What we should be doing as well—and I think this is far more important—is going back to universities, going back to law schools, and going back to the public school system and asking why

they are not producing the graduates we need for these positions, whether they be in the public service or in the Supreme Court.

I just want to put that forward to the committee today, because I think this motion is emblematic of our approach to a whole range of French language issues. I think we're approaching it from precisely the wrong end. We should be taking a look at and examining the foundational issues that cause these situations. Rather than asking why there is not a requirement to be bilingual to be a candidate for the Supreme Court, we should be asking the opposite question, which is why are we not graduating jurists in this country who have knowledge of both official languages. Why are law schools not indicating to their graduates that if they desire to have a career in the judiciary, they must be bilingual? Why are we not indicating that to them? Why are we not attacking it from the other end?

That's the point I want to put to the committee, because I think this motion today is just emblematic of a broader problem with the approach that we, not just as a committee but as governments and parliamentarians, have taken over the last number of years. It's an approach that looks at the symptoms of the problem rather than at the causes.

• (0920)

Just addressing the symptoms is window dressing, and it's not going to seriously address the deeper challenges that francophones face on this continent.

[*Translation*]

The Chair: Thank you, Mr. Chong.

We now go to Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman.

I would like to continue in the same vein as my friend Mr. Chong, who says we're focusing on the symptoms rather than the disease itself. I think you have to do both in the health system: treat the diseases and engage in prevention.

However, Mr. Lemieux says that the Liberals were in power for 13 years. But the Liberals aren't in power anymore. It's the Conservatives who are in power, and they said they would be better than the Liberals. Now they defend themselves by saying that the Liberals were there for 13 years and that everything has been political since then.

A parliament evolves so that things change. We can't go back over what the other party did or didn't do; we have to look ahead and see what we can do to improve the lot of Canadians.

Our country claims it is bilingual, it has the Official Languages Act, and it doesn't even require that the highest court in the land understand Canadians in the official language of their choice. Lawyers and judges must be able to interpret the law, but I believe last week's witnesses clearly showed that it was important that lawyers and judges understand witnesses as well. A lawyer and a judge can very well interpret the law, but not understand the witness's presentation. I believe Mr. Michel Doucet said that very clearly.

I wouldn't want to give Mr. Coderre any credibility. I also had a bill. Mr. Coderre blacked out, but that's fine; we're used to that. That shows that it's not just about the Liberal Party or politics. I want to say this: it's not a question of politics, but of respect for the two communities of our country, which has recognized itself as bilingual. When you recognize that kind of thing, you should recognize it completely.

Who has to fight today to ensure that the Olympic Games are broadcast in both languages? In what language will they not be broadcast across Canada? Once again, it's francophones who have to fight.

Earlier Mr. Chong said that we should focus on education and not take symbolic actions, but we have to do both. We saw what happened in New Brunswick with regard to the RCMP. Should we simply have waited for the RCMP to learn French? We had to go before the Supreme Court to have services offered in French to the people of New Brunswick. The Supreme Court itself ruled that the RCMP had to offer services in both official languages in New Brunswick and that no one should have to wait by the side of the road for 20 minutes for a bilingual officer to arrive.

However, if you appear before the Supreme Court, it is possible that a judge may not understand the language you speak, and that's not normal. We're not asking that francophones be appointed to the Supreme Court, but that the justices be bilingual. There are enough bilingual anglophones in the entire legal system who are able to speak both languages as well as francophones.

I would even go further, Mr. Chairman. I find it insulting when the government appoints its deputy ministers. Last week, we inquired into what went on when non-French-speaking deputy ministers met with people from the public service. If there isn't any interpretation, it's quite unfortunate, but it all takes place in English. Either we evolve or else we stay in the same place.

I don't like the Conservative government's argument that the Liberals were in power for 13 years. It seems to demand that we allow it to do the same thing. I absolutely do not agree. Parliament must evolve. We have to change things. We have to do both at the same time: cure the disease and do prevention. Prevention means training in the schools and universities. I agree with our colleague Mr. Chong that our young people must learn other languages. However, we have a duty to respect the law of Canada. The provincial appellate courts must be able to understand the people who appear before them in the language of their choice. But the Supreme Court, the highest court in Canada, does not have the same obligation, and it's the one that decides.

● (0925)

That's not respectful. We're going to send a message to Parliament, and that will continue. A bill will be tabled and the matter will have to be resolved once and for all. The country must be entirely bilingual or not at all.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Godin.

I often remind Mr. Chong and you that postsecondary education and training will be our next subject for study. So this prepares the way.

Mr. Rodriguez asked to speak. Then we can wrap up with Mr. Coderre.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Thank you, Mr. Chairman.

I've been an MP for nearly four years. I've asked to sit on this committee from the very beginning. The type of debate that is held here concerns Canada's values and vision. It's always very interesting and it reflects many things.

I feel a bit uncomfortable for my colleagues Mr. Petit and Mr. Lebel, and even for you, Mr. Chairman. What we understand from the government's current position is that it does not believe in bilingualism. The leader of the Conservatives told them that, for them, it was a necessary evil. I say that with all due respect, since I know the importance my colleagues attach to French and linguistic duality. I feel a bit uncomfortable for them.

Mr. Chong says we are working on symbols. Personally, I would say we are working to send a clear message. Mr. Coderre's motion sends a very clear message that the two languages have the same importance and the same value, and we should give them the same respect. The present debate concerns that, Mr. Chairman.

● (0930)

The Chair: Thank you, Mr. Rodriguez.

All other things being equal, it remains for us to hear from Mr. Coderre and Mr. Lemieux.

Hon. Denis Coderre: Mr. Chairman, we have a procedure. I'll finish with the motion so that we can then move on to the vote.

From the start, Mr. Lemieux has vented his sponsored-by-PMO spleen. He will do a good job. For my part, I haven't engaged in politics today. I adopted a very calm approach. It was they who felt bad. I didn't call them mean Conservatives. So let them vent their spleen, say what they have to say and play their little political game. The media are capable of judgment.

Then I'll state my final argument.

The Chair: I consider that that was your speech. You'll have the right to go back to it. Thank you, Mr. Coderre.

Mr. Lemieux, go ahead, please.

Mr. Pierre Lemieux: When Mr. Godin spoke, he gave the impression that bilingualism was not at all possible in the Supreme Court. In reality, the Supreme Court is quite able to function in both official languages. All the necessary resources are in place, and it has the ability to do so. There are now more bilingual judges than ever. There are seven bilingual judges and only one unilingual. The Supreme Court is therefore entirely capable of functioning in both official languages and thus of respecting bilingualism.

As I said the first time I spoke, it must be kept in mind that the principles of merit and excellence are paramount. In addition, language is indeed an important criterion. Our Minister of Justice is working with the provinces on the bilingualism file. The Commissioner acknowledged that fact.

Mr. Godin painted a dark picture, but it's not that dark, since we now have seven bilingual judges out of eight. We're looking for a ninth.

The Chair: Thank you, Mr. Lemieux.

Let's avoid getting into a comments session. Thus far, the parties have had the opportunity to present their positions.

There are still two speakers on my list: Mr. Godin and Mr. Coderre. I would ask you to focus your remarks on the essential aspects of the motion. We're starting to know the views of committee members, and I believe we'll be ready to move on to the vote very soon.

Mr. Godin, go ahead, please.

Mr. Yvon Godin: Mr. Chairman, I didn't want to paint a dark picture. In fact, although seven of its judges are bilingual and only one is a unilingual anglophone, the Supreme Court will never have a unilingual francophone. To carry on the profession of lawyer or judge, you must have been educated in English. So that problem will not arise. That's the first thing.

Second, there are moments when all Supreme Court justices must attend proceedings. It's not like in the provincial superior courts or appellate courts. In those courts, there may be only certain judges who have been selected in order to be sure that they are all bilingual. On the Supreme Court of Canada, there are nine judges, and there are important cases, brought by the government, that may concern the Constitution, or other very important cases. The nine judges sit on the Supreme Court, and people must plead before the nine judges. It is therefore possible that a citizen may find himself opposite a unilingual judge.

In my view and that of our witnesses, one can be competent in interpreting the law, but what happens if the judge does not understand what the other person is saying? With all due respect to our translators and interpreters, errors can be made and negatively influence the decision the Supreme Court should take. These are the reasons for our position. It's not a matter of painting a dark picture of the Supreme Court. Parliament has passed an act that recognizes that the country is bilingual. That's all we want.

• (0935)

The Chair: Thank you, Mr. Godin.

Mr. Coderre wants to take part in the discussion.

Hon. Denis Coderre: Are there any other speakers? I'm ready to wrap up, Mr. Chairman.

The Chair: For the moment, you're the last on the list, Mr. Coderre.

Hon. Denis Coderre: Mr. Chairman, I've been in active politics for 25 years, and I've been a member for 11 years. I was Secretary of State for Amateur Sport. My first term as a member was about official languages, and my second about agriculture and agri-food. I was Secretary of State for Amateur Sport, Minister of Citizenship and Immigration, President of the Privy Council and, in particular, Minister responsible for La Francophonie. On each of my change-overs, I made sure—the Canadian Heritage people know this—that both languages were respected.

Today I'm witnessing a pathetic scene when I look at the Conservative government side. Let Mr. Lemieux do his job; that's fine: he is the parliamentary secretary, the pillar of the Prime Minister's Office.

I want to hail my friend Godin and my friends from the Bloc. They've clearly grasped the problem. I understand why Mr. Petit is a little uncomfortable. The committee's role is to ensure that we do our job as parliamentarians in English and in French. As Secretary of State for Amateur Sport, I changed sport policy. I forced the national federations to speak both languages. I had the Canadian Olympic Committee sign a memorandum of understanding following the insult suffered in Nagano, where things were done in English only. I made sure that, from that moment, the Canadian Olympic Committee would be able to do things in both languages, because we are first-class citizens as well. Canada is bilingual. That means that translation isn't enough and that we must respect both languages.

As Minister of Citizenship and Immigration, I made sure—this was a historic first—that the first federal-provincial/territorial meeting was held in Manitoba, after 100 years of its existence. It was an unprecedented success. We wanted to continue the work that Sifton had started at the time; we wanted a new idea for immigration and to ensure that we could be inclusive with regard to the communities and that everyone could play his role fully in both languages. From that point on, every province had a bilingualism clause to ensure that we could work in that direction. It's not a panacea; it was a step in the right direction and the start of a beautiful, long march. In New Brunswick, I made sure that we signed specific agreements to ensure that foreign students could have specific reports in both languages so that we could win their cases in English and in French.

Mr. Chairman, we had unprecedented success in immigration in Manitoba because we adopted provisions that promoted the vitality of the French fact in that province. When we talk about immigration, we're talking about the Canada-Quebec agreement. When we talk about another major success, we're talking about the agreement with Manitoba.

When I was President of the Privy Council...

Mr. Chairman, I have a right to speak. You want us to talk about politics; we're going to talk about it!

The Chair: Mr. Coderre, I'm simply going—

Hon. Denis Coderre: You have no right to cut me off, Mr. Chairman, unless you want to prevent me from speaking.

The Chair: Not at all. I simply want to urge you to put the emphasis on the content of the motion.

Hon. Denis Coderre: That's the first time you've told me that. We were called hypocrites and they said we lacked integrity. I'm going to explain to him what we did since he cast doubt on it, Mr. Chairman.

What is pathetic is that, in fact, I didn't want to engage in Conservative politics today. I didn't attack the Conservatives. I used the word "ensure" because, as parliamentarians, francophones, anglophones, Canadians, we have a duty to do a job that represents the values of this country.

We're talking about the Supreme Court, about the court of last resort. Mr. Doucet said he had lost a case by a judgment of five to four, where the fifth judge neither spoke nor understood French. You have to understand, Mr. Lemieux, that translation alone is not enough. The laws are drafted in both languages, but in their original versions, as my colleague Godin said. We therefore have to ensure that the legal nuances and concepts are fully understood.

In the Liberal Party, we did some good things in Parliament: among other things, we appointed the Chief Justice of the Supreme Court, a bilingual francophone. Did we only do good things? Probably not, but Parliament is a place of evolution. In that sense, I think my colleague Mr. Godin is right. It's not because not everything has been covered that you necessarily have to stop. Today, 11 years later, I find myself on the same committee, and it is with faith, interest and passion that I want to ensure that my constituents in the riding of Bourassa know that I'm going to defend them in both official languages.

When I go to Quebec or elsewhere in the country, I speak both languages because I think we are all first-class citizens. I know the Conservatives unfortunately want to do a hatchet job. I'm going to request a recorded vote, Mr. Chairman, so that everyone can live fully with his own conscience, which I respect.

However, where the motion states "That the Standing Committee on Official Languages recommend that the government ensure [...]]", does that imply that we're compelling the government? We want to ensure that people appointed to that court of last resort are able to understand us.

The fact that francophones must wait for two hours to be served in their language is unacceptable. It is also appalling that, in the court of last resort, we hear sentences like, "I didn't entirely understand." But what do you want, the score is five to four. Que sera sera. In hockey, if the goaltender thought that way, the puck would go into his net a lot and he wouldn't win a lot of games.

I'm telling people that if they want to play politics, that's fine with me: that's my passion. We can play partisan politics, Mr. Lemieux. And you, my dear Petit, I didn't call you mean. There aren't any mean Conservatives today. I could recite you a whole litany, quote your leader at length and tell you that he has enough dinosaurs on his team to make a sequel to Jurassic Park, but I'm not going to dwell on that.

Mr. Chairman, I hope people will clearly understand that each of us will adopt a position on this motion not as Liberals, Bloquistes, New Democrats or Conservatives, but as parliamentarians.

Thank you.

The Chair: Thank you very much, Mr. Coderre. Thank you as well for putting the emphasis on the content of the motion, particularly in the second part of your address.

Colleagues, we are discussing language issues dear to each of the members of this committee. No one around this table, in my view, can question the intent of the others. However, views may differ.

Two speakers have been added to the list, Messrs. Lemieux and Chong. Then, if I hope—

● (0940)

Mr. Richard Nadeau: I have a point of order, Mr. Chairman.

The Chair: Yes, Mr. Nadeau.

Mr. Richard Nadeau: We're still talking about the motion?

The Chair: Yes, absolutely.

Mr. Richard Nadeau: I thought Mr. Coderre was closing.

The Chair: In fact, he was the last on the list, but—

Mr. Richard Nadeau: But according to the rules, he was closing.

The Chair: I checked with the clerk: as long as a committee member wants to speak, it is my duty as Chair to give him or her the opportunity to do so. I think that answers your question, Mr. Nadeau.

However, from what I understand, you are appealing for cooperation among committee members so that we can move forward. I'm sure the witnesses have followed our discussion with interest, but we want to hear from them this morning.

Do you agree with me that we should hear my colleagues? I think that's the wish of committee members.

Mr. Lemieux.

Mr. Pierre Lemieux: Thank you, Mr. Chairman.

Mr. Coderre spoke about his initiatives. That's good, but he did not really answer the essential question about Mr. Rothstein. I asked the question again. Mr. Rothstein was on the Liberal list, and Mr. Coderre was minister. So—

Hon. Denis Coderre: No I wasn't.

An hon. member: That's not necessary.

The Hon. Denis Coderre: I wasn't the minister.

Mr. Pierre Lemieux: I'd like to know what he did at the time.

If I remember correctly, Mr. Rothstein was appointed as a Supreme Court judge two years ago. I don't remember Mr. Coderre openly opposing that appointment. So I would like to know why he was silent at that time and why he no longer is now. We're talking about barely two years ago.

Furthermore, I believe Mr. Coderre does not give the Supreme Court enough credit, and that's a bit insulting. He suggests that the Supreme Court currently isn't functioning—

● (0945)

Hon. Denis Coderre: I have a point of order.

Mr. Pierre Lemieux: —and that there are major problems.

The Chair: Mr. Coderre, do you have a point of order?

Hon. Denis Coderre: I still have a point of order.

The Chair: If you want, I can add your name to the list.

Hon. Denis Coderre: I have a point of order because there was never any question of insulting anyone, Mr. Chairman.

I would ask the member to change his remarks because I never insulted the Supreme Court. I talked about translation and other things, but I did emphasize the fact that the laws were drafted in both languages and that one had to understand the nuances of each. For that reason, we want to ensure there is bilingualism.

No one insulted anyone here today, except you, perhaps.

The Chair: Let's say I don't find there is any reason for a point of order, but the point is noted.

We'll go back to Mr. Lemieux.

Mr. Pierre Lemieux: I simply said that he seemed to suggest that the Supreme Court was not functioning well. He also cited an example according to which it was possible for someone to lose his case before the Supreme Court because he could not be properly understood.

I think, as I previously said, that our Supreme Court has the ability to function in both languages and that the judges are able to work in both languages as well.

Thank you.

The Chair: That's good.

Let's move on to the last speaker on my list, if there are no additional speakers.

Mr. Chong, it's your turn.

Hon. Michael Chong: Thank you, Mr. Chairman.

The other problem that this motion raises is that there aren't a lot of bilingual candidates from those three provinces: Newfoundland, Prince Edward Island and Nova Scotia.

[English]

So by passing this motion, the committee would be severely limiting the ability of the government to appoint a candidate from one of the other three Atlantic Canadian provinces.

The last two justices on the Supreme Court from Atlantic Canada were both from New Brunswick, so there's a strong sense out there that the Supreme Court candidate should come from one of the three other provinces. The challenge is that this severely limits the ability of the government to find a candidate from one of those three provinces, particularly, for example, from Newfoundland and Labrador. There has never been a Supreme Court justice from Newfoundland and Labrador, in part because it has only been part of Confederation since 1949. There's a sense that maybe it's time for Newfoundland and Labrador to have a judge on the Supreme Court. The challenge is that it's very difficult, if not impossible, for the government to find a distinguished judge from that province who has all the qualifications and who is also bilingual.

That's the first point I'd make. The second point I'd make is that symbols are very important. I agree with Monsieur Godin on this, and with Monsieur Rodriguez as well, that symbols are very important. But symbols without the foundational substance behind them are just facades. I think you need both. I think we, as a committee, have focused too much on the symbolic aspects of federal institutions, and we have not tackled the difficult foundational causes that create these sorts of issues. That was the point I was trying to make earlier.

The third thing I'd say is this. If you believe in the Montesquieuan division of powers between the triumvirate of the executive, legislative, and judicial branches of government, we would not, as a legislative branch, tie the hands of the judicial branch in a way that

we don't for either the executive or the legislative branches. We don't require that *députés* be bilingual. We don't require that members of the cabinet or the prime minister be bilingual. In practice we try that, but it's not an official requirement. In fact we don't even require that you be a jurist in order to be a candidate for the Supreme Court. Justice Ian Binnie had no judicial experience before he was appointed by the then Liberal government. That's a case in point, where there's not even a requirement to have any experience on the bench to be a candidate for the Supreme Court.

We don't have these requirements to be bilingual in the legislative or executive branches of government. Neither should we have those requirements in the judicial branch if you believe that the three branches should be holding each other in balance, as many people believe is essential to a free and fair society. If we don't even have requirements that you have experience on the bench, that you were some sort of adjudicator at some court in Canada, then it seems to be putting the cart in front of the horse to put on stipulations with respect to the other qualifications a candidate might have.

Those are the points I would make, the first being that by restricting this to only bilingual candidates, in essence we are reducing, if not eliminating, the possibility of a candidate from Newfoundland and Labrador or Prince Edward Island or Nova Scotia.

Secondly, I agree that symbols are important, but what's equally, if not more, important are the foundational aspects on which these symbols rest. Symbols without these foundations are mere facades.

The third point is this. If you believe in the division of powers, what's key to a good society is to have the division of powers and these three branches of government in balance. If the legislative and executive branches of government don't have this requirement, you are putting an especial burden on the judicial branch.

• (0950)

Furthermore, the judicial branch presently doesn't even have a requirement that its candidates sit on the bench or have any judicial experience in order to qualify as a candidate. To put this requirement on, in some ways, is putting the cart in front of the horse.

Those are the three points I'd make.

Thank you.

[Translation]

The Chair: Thank you, Mr. Chong.

One speaker has been added to the list.

Mr. Yvon Godin.

Mr. Yvon Godin: Mr. Chairman, once again, it's not a matter of symbols, it's a matter of being able to serve people in the country's two official languages. That isn't a symbol. In my opinion, that's a duty of the government. When Mr. Justice Rothstein was appointed to the Supreme Court, he appeared before our committee and promised that he would be speaking the other official language in two years. That was promised. I don't know what progress he has made now, but a promise was made. That was my second argument.

Mr. Chong contradicts himself at times. He says that the universities should force people to learn the other language. However, in the Supreme Court, we can't force the judges to learn the other language. What we can do is send a clear message to all lawyers and judges in the country that, if they want to get into the Supreme Court, they must learn both languages. That would be one way of doing things. That wouldn't just be for anglophones, but for francophones as well. If they know that it takes two languages to get to the Supreme Court, they'll learn both languages and get to the Supreme Court in possession of both languages.

On that note, Mr. Chairman, I'd like us to move on to the vote. I move that we hold a recorded vote immediately.

The Chair: Your motion is entirely in order, since you are the last speaker on my list, Mr. Godin.

Hon. Denis Coderre: I've already requested a recorded vote.

The Chair: We'll proceed in that manner. I'm going to ask our clerk to direct the vote.

All committee members will say whether they are for or against the motion, which reads as follows:

That the Standing Committee on Official Languages recommend that the government ensure that the judges that they appoint to the Supreme Court are bilingual, and that the adoption of this motion be recorded to the House.

(Motion agreed to)

● (0955)

The Chair: There, we've completed the study of the motion.

I would like to thank you, colleagues, for having, on the whole, stuck to remarks intended, in each speech, to raise new points. I thank you, even though this is a hot topic. I want to thank you for your cooperation.

Without further ado, we can now focus entirely on our witnesses: Mr. Lussier and Mr. Lafontaine. Mr. Lussier, who is not making his first incursion here, is Director General of the Official Languages Support Programs. Mr. Jean-Bernard Lafontaine, who is Regional Executive Director of the Atlantic region, is also with us today.

We welcome you both. I thought you were in Moncton, Mr. Lafontaine. We hope the Atlantic people are recovering from the floods. Without further ado, we'll turn the floor over to you. Thank you as well for your patience.

Would you like us to take a brief five-minute break?

Ms. France Bonsant: No.

The Chair: All right.

Then we'll begin without delay. We are anxious to hear from you.

Mr. Hubert Lussier (Director General, Official Languages Support Programs, Department of Canadian Heritage): Thank you, Mr. Chairman.

I'll be making a few introductory remarks, my colleague as well. We are very pleased to be here. I know you have been studying the collaboration agreements for a few weeks now. For that reason, our remarks will be quite brief, because we assume you already know essentially what those agreements are. Our remarks will focus mainly on certain clarifications that we consider important.

You introduced me. I am indeed the Director General of Official Languages Support Programs, that is to say that I am responsible for designing and managing the Canadian Heritage programs that support official languages. A number of components of those programs are managed in the regions. We at Canadian Heritage have five regions, in the administrative sense of the term, of which the Atlantic is one. The Regional Executive Director is my colleague Jean-Bernard Lafontaine, who is also responsible for the official languages portfolio. He is the colleague I turn to for a regional perspective on the design of new official language policies.

[*English*]

He's the one who interfaces with the four other regional executive directors to provide a voice on the regional perspective. Jean-Bernard, by definition—because he's the one who delivers on the ground—developed programs we're going to talk about today. In many senses he's more able than I to provide you with the on-the-ground perspective.

[*Translation*]

What are these collaboration agreements? As you know, they are binding agreements between the Department of Canadian Heritage and 13 communities represented by 13 representative organizations. There is one in every province and territory. These agreements, which bind a federal institution to a community network, have no financial value. They are not instruments for transferring funds, but rather documents stating the values, principles and operating frameworks concerning the relationship between Canadian Heritage and those community networks. I emphasize that point because, in spite of everything, many questions and remarks that you've heard have focused on the financial aspect of our relationship.

All these agreements contain an appendix in which we specify the amount allocated to each of the 13 communities. That's what we call the envelope. That's the amount that will be paid out each year through the community collaboration component. That is part of a Canadian Heritage program. I nevertheless come back to the fact that the agreements as such are not financial transfer instruments.

[*English*]

What is the history of these agreements?

Since the early 1970s, there has been a collaboration between the then Secretary of State and now Canadian Heritage and communities in each region of the country, each province and territory.

Beginning in 1994, these relationships have been framed by what used to be called, from 1994 until 2004, Canada community agreements.

[*Translation*]

It is these Canada-community agreements that you've probably heard about in some of the testimony before your committee. In 2004, they became the collaboration agreements. This is a new way of framing our relationship. We changed the name of the agreements, in particular to specify that they were not financial agreements. I emphasize that point.

In 2003, an evaluation of the official languages program drew attention to what could be characterized as a deficiency. Our evaluators noted, in particular, that, between 1994 and 2004, some communities had had the opportunity, through the Canada-community agreements, to make recommendations to the minister on the use of the funding that I referred to earlier.

• (1000)

However, that opportunity for community members to make recommendations was not [*Editor's note: inaudible*], if I may use that familiar expression, to the extent that it is up to the officials of the Department of Canadian Heritage to make those recommendations. The agreements somewhat changed the situation, and also clarified certain matters that I'll explain a little later.

I'll give you a very brief overview of the progress that, in spite of everything, was made over those 10 years, in fact from 1994, the year in which these agreements were introduced. Those were very busy years from the standpoint of the incubation of certain issues that today have become important, such as community health, immigration and early childhood. These are crucial sectors that, as a result of the collaboration that the Department of Canadian Heritage had with the communities, are now on the agendas of a number of other federal departments and are now areas in which there is continuing collaboration.

It obviously isn't just the agreements and accords that made that possible, but the Department of Canadian Heritage was at the centre of a thinking process by the communities that led to developments that have now been completed.

To what do the agreements commit us, a little more specifically? On page 5 of the presentation, you'll find some of the commitments of the Department of Canadian Heritage to the formulation of concrete results for the programs, in particular the duty to be informed about the needs of the communities and to reflect them in the prioritization that is done in recommendations to the minister.

With regard to the community movement, and thus the community network, the commitments have a lot to do with the cooperation of the community environment and the ability to reflect the community's priorities in the recommendations made on priorities to the Department of Canadian Heritage.

I'll now hand over to my colleague, Jean-Bernard, before we move on to questions.

Mr. Jean-Bernard Lafontaine (Regional Executive Director, Atlantic Region, Department of Canadian Heritage): Thank you very much for having us.

[*English*]

A question was asked on whether all the agreements were the same. They're not, because the agreements all follow the same general framework for parts 1, 2, and 3, but they are quite different in parts 4 and 5. They are, however, adapted to each of the communities involved and are symmetric in the following areas: development of objectives and priorities, the manner in which community networks consult, and the structure of communities that also make recommendations on the funding.

[*Translation*]

The question is what will happen after the present cycle of collaboration agreements. A number of tools will sustain the department's thinking, in particular the 2007 mid-term report for which the communities were involved in evaluating the collaboration agreements. A formal summative evaluation of the official language support programs will also be complete in the fall of 2008. The report of the standing committee, to which you belong, will also make recommendations this fall.

Critical comments have also been made on interdepartmental governance by the various standing committees on official languages, both that of the House of Commons and that of the Senate, and by the Office of the Commissioner of Official Languages.

We will also analyze current federal government practices with respect to financial refereeing and funding transfer mechanisms. There will also be criticism from recent university studies on how we can improve community development and governance.

The first meeting will also be held in June 2008 with the community spokespersons of the francophone community network outside Quebec and of the anglophone community to begin discussions on the period following the agreements.

Lastly, it would be good to emphasize that we have heard a lot of things about the agreements and their administration. It is nevertheless important to emphasize that progress has been made in the past few years on the administrative side of these agreements. We'll mention three such instances here.

First, all groups receiving annual funding may receive 25% interim funding at the start of the year. That enables them, very shortly after April 1, to actually receive 25% of the total amount, which represents three months of operation so they can continue operating without interruption.

We also encourage organizations to submit multi-year requests. That started two or three years ago, and some community organizations have now received funding for two or three years. This offers them some stability and continuity and enables them, to a certain degree, to plan the amounts they may receive.

We've also recently raised the threshold for allocation of grants to \$75,000. It is much simpler, easier and less complicated for the organizations to provide a report on a grant than one on a contribution agreement since there are fewer regulations and obligations.

My colleague and I have merely provided an overview, but we are prepared to answer your questions.

• (1005)

The Chair: Thank you, gentlemen.

We'll now move on to our question rounds, which will be slightly shortened today. We'll nevertheless begin with our usual round of seven minutes.

Mr. Rodriguez, go ahead, please.

Mr. Pablo Rodriguez: Thank you, Mr. Chairman.

Good morning and thank you for being here. Thank you for the patience you showed while we debated Mr. Coderre's excellent motion.

Mr. Lafontaine, you talked about the type of agreement. You said that it was adapted to certain communities, but, week after week, we've heard various community representatives tell us that they are a one-size-fits-all proposition. In fact, I would say that one of the two or three main criticisms was that people had the impression the federal government was imposing a rigid framework and had decided that it would be the same thing for everyone.

You don't appear to share that view. Can you explain to me why?

Mr. Jean-Bernard Lafontaine: I think that's a relevant question. The model agreement is standardized. All the agreements contain five parts and are relatively similar. The first three parts are essentially modelled on the standard agreement on relations with the voluntary sector that was introduced in past years. However, parts 4 and 5 are modelled on the actual situation. For example, part 4 talks about the common objectives toward which the department and the community will work. It states the community development priorities. They will probably be different in New Brunswick, Prince Edward Island and Saskatchewan.

Mr. Pablo Rodriguez: That's negotiated.

Mr. Jean-Bernard Lafontaine: Part 4 is drafted on the basis of the agreement reached between the two parties on the common objectives we want to work on to contribute to community development. Part 5 concerns the consultation mechanisms that the community puts in place. They also vary from province to province.

Mr. Pablo Rodriguez: What are the unchanging major components of the first three parts?

Mr. Jean-Bernard Lafontaine: It's the definition of the major principles, the collaboration between the government and the voluntary sector. The standard agreements are—

Mr. Pablo Rodriguez: You've no doubt read the representatives' evidence. It's paradoxical. It's hard to understand because they are virtually unanimous, or else they say there is a problem. Sometimes you understand because a framework agreement is imposed on them that is the same for everyone.

Mr. Jean-Bernard Lafontaine: They characterize those framework agreements on the basis of the first three sections, which are really standardized. They contain statements of a principle that state how the relationship must be conducted. In concrete terms, however, each of the communities negotiates its development objectives, the way in which it wants to work with Canadian Heritage to achieve its objectives, the kind of consultation mechanism that the community will use to establish its overall development plan, and the manner in which each community can implement its development priorities and share them with Canadian Heritage. These agreements are standardized in the sense that they all have the same model. In practice, however, New Brunswick's objectives are different from those of Prince Edward Island or Manitoba. That's why the model is called a framework. However, the implementation varies with the communities' development priorities.

• (1010)

Mr. Pablo Rodriguez: It's not always clear. I understand your point of view very well, but we'll try to clarify matters.

I don't have a lot of time, but I simply want to know why there is no indexing. We've often heard that as well. They say it's always the same amount, that expenses increase all the time and that needs are greater and greater. It's a management challenge.

Mr. Hubert Lussier: Part of the answer is political, and it's not appropriate for me to venture onto that ground. However, I would correct one of the assumptions of your question: that there is no increase. There was an increase in the amount entered in the agreements as reflected in the current cycle. There was an 11% increase in 2006.

Mr. Pablo Rodriguez: It's not indexed.

Mr. Hubert Lussier: That wasn't indexed. You're right in that respect, but there was an increase in 2006.

Mr. Pablo Rodriguez: We also heard people tell us that they're facing enormous challenges. It's also very hard for them to compete with the private sector for labour. One of the problems they encounter is the turnover rate. They often told us that this is a gateway for some people. If the people are good, they are happy, but they can't offer them more, and the turnover rate is enormous. That's what we also heard. It's a challenge. We would have to see what can be done in future.

In addition—and Mr. Lafontaine talked about this—they criticize the administrative red tape. They told us they spent a lot of time preparing reports and that they had few resources to prepare applications. So we were told that the government could lighten the load a little. Can you do better in that regard?

Mr. Jean-Bernard Lafontaine: We've started by paying an instalment of 25%. That enables people to start the fiscal year without having to apply for lines of credit at the bank and things like that. In the past five or six years we've started making these advances to groups that receive programming. When we move to a \$75,000 grant, that means that all the groups receiving \$75,000 or less have a lot fewer accounts and reports to submit, which already represents a lighter workload. The department will no doubt draw on the expert report of the blue ribbon panel on grants and contributions to determine how we can simplify accountability.

Mr. Pablo Rodriguez: The provinces are major players. How do they take part in negotiations? Did the passage of what was called Bill S-3 at the time change the agreements, philosophy, vision or actions?

I'll stop at that point and turn the floor over to you.

Mr. Hubert Lussier: To answer your first question, I would say that the provinces are not party to these agreements. However, the provinces are reflected in them to the extent that the priorities that the communities set for themselves have a lot to do with the provinces' ability to work with them, particularly as regards the supply of services. It may be a priority for the community to develop better service delivery capability with the provinces. That will be recognized in the agreement, but the parties to the agreements are not the provinces.

I'm going to answer your second question. Even though the agreements were created when Bill S-3 had just barely been drafted or was being developed, they embody a number of the principles of that bill, that is to say the new Part VII concerning the Canadian Heritage's duty to play its role of assisting the federal institutions in supporting the communities.

The Chair: Thank you very much.

Do you have any further comments, Mr. Lafontaine?

Mr. Jean-Bernard Lafontaine: We see that the federal councils, which are institutions in each province and consist of the senior officials of every federal department established in the territory, are aware of the fact that the departments have new responsibilities now that Bill S-3 has been passed.

The Chair: I thank Mr. Rodriguez and our witnesses.

Mr. Nadeau, go ahead, please.

Mr. Richard Nadeau: Thank you, Mr. Chairman.

Good morning, Mr. Lafontaine and Mr. Lussier. I would like to say a number of things in the spirit of what Mr. Rodriguez said earlier about the organizations we have had occasion to meet in the course of a lot of past meetings to discuss various topics. Certain aspects come up often.

The Canada-community agreements, which are now called the collaboration agreements, started in the early 1990s, when Lucien Bouchard was secretary of state. If I remember correctly, the first agreement was signed with Saskatchewan. Is that correct?

•(1015)

Mr. Jean-Bernard Lafontaine: Yes. That was in 1988.

Mr. Richard Nadeau: It was in 1988. At the time, what was the spirit of the agreements? Why were those agreements introduced? Does the major objective of the agreements still reflect the situation today?

Mr. Jean-Bernard Lafontaine: Historically, Saskatchewan is a separate case. The agreements were established in the context of the constitutional negotiations that had been conducted, and Saskatchewan and Alberta expressed a desire to recognize the official languages. It was not until 1991 or 1992 that we began to look at what were called the Canada-community agreements at the time. The purpose was to have a new way of working with the communities.

Previously, when it was the secretary of state and subsequently Canadian Heritage, since 1993... It was the department that received the applications from the various groups. It conducted analyses and did an arbitrary job. The communities did not participate directly in priority-setting. The communities had to be allowed to get involved in the process of analyzing their priority needs. The Canada-community agreements operated over a two-year cycle. The collaboration agreements were established more recently.

Mr. Richard Nadeau: All right. That's the genesis of the agreements, and today we see the objective.

One of the aspects that comes up often is the matter of the organizations' human resources, something that Mr. Rodriguez talked about. The organizations have a given objective, regardless of what it is. It's recognized and funds are granted. I was president of an

organization that received funding under the Canadian Heritage agreements at the time and still receives it. I know that one of the problems that arises is that the salaries and duties of development officers don't meet our expectations.

I'll give you a concrete example. A qualified person starts the work. That person is asked to perform a large number of tasks. The first thing we learn—and I'm not even exaggerating in saying this—is that that person winds up as a regional employee at Canadian Heritage or at a provincial department that partly met the needs. It's not that community work doesn't interest that person, but the salary was inadequate.

How can we retain these development officers and enable them to really work on community development, while lightening the administrative burden that stems from the contribution agreements, which increase the organizations' administrative load?

Mr. Jean-Bernard Lafontaine: I can answer that question. Having worked in the community network myself, I am very familiar with the problem of retaining employees who are not paid as well as they should be for the work they do.

I think that's always a challenge. We would definitely like the employees of the community organizations to be well paid. Budget envelopes obviously exist. This is always a challenge. We're not necessarily opposed to the idea that these people working for these organizations eventually take up other duties in different ways. They may become public servants, work for provincial governments and so on.

In fact, there is a kind of mobility. The community sector will definitely never be able to compete with the government sector on compensation, for example. There are definitely other ways to encourage employee retention, but, for the moment, we're working with the funding we have. We're not the ones who set the salaries granted to people who work in the community sector.

Mr. Richard Nadeau: So there has to be a political will in that regard.

Mr. Jean-Bernard Lafontaine: Talk about political will.

Mr. Richard Nadeau: No, I'm well aware of that.

Every year, you must perform duties related to evaluations, even though certain major agreements are spread over a number of years.

What mechanism do you offer the communities to ensure that the applications are in order, obviously, and that they can be forwarded? How do you operate with the communities in that regard?

Mr. Jean-Bernard Lafontaine: I'll explain to you how that works in practice. A collaboration agreement exists between the four Atlantic provinces and us. Let's take New Brunswick, for example. Every year, the community and the department warn that programming or project applications must be submitted before a given date. The Department of Canadian Heritage receives the applications and analyzes them. It does the administrative work, not the community. It's really the Department of Canadian Heritage that does the administrative support work for the recommendation committee.

The rest is shared. Each community determined how it wanted its recommendation committee. Often it's the people who are not at all associated with the organizations who receive funding, to keep a certain distance. So it's the wise ones, if you will, who are selected by the community and to whom responsibility is delegated for conducting an initial evaluation/assessment of the amounts that could be allocated to such and such an organization, to such and such a project.

Then it's submitted to the Department of Canadian Heritage, which examines the file. Honestly, few changes are made to the recommendations. That's subsequently recommended to the minister, and she makes the final decision as to the amounts of money that the organizations will receive.

The community is thus a participant in this process.

• (1020)

Mr. Richard Nadeau: Since I don't have a lot more time, I'd like to talk about long-term projects. A school-community centre is a long-term project compared, for example, to an annual festival. They are different projects.

How do you operate for long-term projects? Can you plan for the next 5 or 10 years, for example? I know that, when we talk about schools, that's not just the responsibility of the Department of Canadian Heritage and there are other important players.

How is all that done? Can we improve things in that area?

Mr. Hubert Lussier: Yes, there is room for improvement, as in many other aspects of our relationship. We absolutely recognize that.

But, first, I would simply like to add, to supplement what my colleague said, that some provinces don't have a recommendation committee. That's the case of some communities in Ontario and Quebec, in particular. They simply choose to tell us their priorities, even if it means that the Department of Canadian Heritage alone makes the recommendations to the minister.

Is there room for improvement? Yes. It is up to the communities, and to us, to target priorities more specifically. It's sometimes very hard, when you have 12 major priorities, to say that you're going to focus on three of them over the next five years.

In the case of costly projects, such as school-community centre projects, that does require a longer development period. Before finalizing the project, the Department of Canadian Heritage normally funds a feasibility study through the programs we're talking about today, until the province and the federal government agree on the project's development.

The Chair: Thank you, Mr. Lussier. We'll come back to that.

Mr. Godin, it's your turn.

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

Welcome to our witnesses, Mr. Lussier and Mr. Lafontaine. It's not Mr. Fontaine, who is now the rector of the Université de Moncton. I called you Mr. Fontaine; I had forgotten the "La" somewhere. I welcome you.

I don't know whether the question has been asked. How does your department decide who will get the most, among, for example, New

Brunswick, Nunavut, Yukon, British Columbia and Quebec? What are the criteria?

Mr. Hubert Lussier: There are a number of types of criteria. If it were simply a pro-rated distribution based on population, we wouldn't have the figures we currently have. There's a whole cocktail of factors, including demographics. There are also issues relating to geographic dispersion. A small, widely dispersed community will score points: we realize that there are density problems, as a result of which they have to be given more support. There are factors such as the community's institutional maturity. A community that lives in a province that has a strong institutional apparatus that supports it in the area of health at the provincial and municipal level won't have the same needs as another community that is still at a much earlier stage in its development. We weigh factors. In addition to that, there is a kind of funding history. It's true that the percentages have changed since the start of this decade. There were increases at the end of the 1990s that were not equal for everyone, but, since 2000, increases have been made by adding the same percentage for everyone.

Mr. Yvon Godin: Let's look at the criticisms we've received from the communities. One of the complaints we get concerns funding uncertainty, which troubles people. Mr. Lafontaine, you say that 25% of funding is allocated pending the grants.

Will they get the remaining 75%? That goes further, unless they didn't tell the truth. Some tell us they're required to get lines of credit, loans. How can you get organized when you don't know in advance what's coming? I believe that's what they're trying to say. In the meantime, what's standing in the way? Is it the political or administrative machinery? Can it be improved on the administrative end?

• (1025)

Mr. Jean-Bernard Lafontaine: I think that—

Mr. Yvon Godin: Or else is it simply because the cheque isn't written?

Mr. Jean-Bernard Lafontaine: Honestly, I think that—

Mr. Yvon Godin: Here you have to be honest.

Mr. Jean-Bernard Lafontaine: For example, when I talk about the 25% that is advanced to the organizations, they have to send us back a signed letter, in late March or early April, saying that they have submitted a request and are prepared to abide by the funding terms and conditions. However, I note that some organizations send us the letter in the first week of April, others at the end of April, whereas others haven't yet sent it.

Then it's hard to say that the funding hasn't been released because of us. All that to say that we're still trying, as hard as we can, to meet funding requests as quickly as possible.

The multi-year route is another way to go. Some organizations have started using multi-year funding. That means that, instead of submitting a request every year, they do so every two or three years. It can be approved in principle, provided they send us reports. It's a lot easier if we've done multi-year funding over three years. That provides something predictable. They can know that there won't be... Unless the organization stops operating, unless it's no longer accountable.

Mr. Yvon Godin: In its testimony, SAANB said, unless I'm mistaken, that it made a request in January, that other reports had to be filed in July and that the funding didn't arrive until January, and that it had to be spent before the end of March. I think that's contrary to common sense.

Mr. Jean-Bernard Lafontaine: You have to draw a distinction between annual programming, which enables organizations to operate, and projects. In the case of projects, there have indeed been delays. We accept responsibility for the delays. In many cases, projects were filed in October. It took time for them to be analyzed and recommended. That's possible. We can vastly improve the turnaround time for projects.

However, with regard to programming, we have systems in place that enable the organizations... With respect to the organizations that say they aren't sure they will have the same funding, we can examine the data for the past three or four years. There hasn't been that much variation in the funding that the organizations receive for their programming. Sometimes, some receive less because the community itself says it isn't satisfied with their performance and that certain amounts should be transferred from one organization to another. That happens, but that may represent 5% of cases, at most. There's a big variation from year to year.

Mr. Yvon Godin: Does that come from Canadian Heritage or Health Canada?

Mr. Jean-Bernard Lafontaine: From Health Canada.

Mr. Yvon Godin: Do I have any time left, Mr. Chairman?

The Chair: You have one minute left, Mr. Godin.

Mr. Yvon Godin: Earlier we talked about how you determine where you'll invest. How can Canadian Heritage justify Quebec receiving \$3.5 million to celebrate Canada Day on July 1, New Brunswick \$110,000, and Ontario, which has two to four million more inhabitants, only \$900,000? How can you explain that to the communities?

Mr. Hubert Lussier: You would have to invite my colleagues who manage that program. We didn't take part in the design of the Celebration program you're alluding to.

Mr. Yvon Godin: So that's none of your responsibility.

The Chair: That completes Mr. Godin's question period.

Mr. Lafontaine, where are you from?

Mr. Jean-Bernard Lafontaine: From Moncton.

The Chair: From Moncton.

Mr. Jean-Bernard Lafontaine: Canadian Heritage's Atlantic regional office is located in Moncton.

The Chair: That's what we assumed.

[English]

We will now turn to the government with Mr. Michael Chong.

Hon. Michael Chong: Thank you, Mr. Chair. I'm going to split my time with Daniel Pettit.

The first point I want to make is that when I look at the funding breakdown across the country, I see that the four western provinces receive about \$11 million, groups in Ontario receive about \$5 million, and groups in New Brunswick receive about \$3 million.

What seems particularly odd to me is that there are 200,000 francophones across the four western provinces, yet they receive \$11 million in support, while 500,000 francophones in Ontario receive only \$5 million in support and 250,000 francophones in New Brunswick receive \$3 million in support. So on the one hand we have a group of francophones in the prairies, 200,000 strong, who receive \$11 million, while in Ontario and New Brunswick there are 800,000 francophones who receive \$8 million—in other words, only one-fifth of the support per capita that francophones in the four western provinces are receiving.

That seems to be a very incongruous and disproportionate amount of support for francophones in certain regions of the country and not in others. It seems to me we're putting francophone communities in New Brunswick and Ontario at a disadvantage vis-à-vis those communities in the four western provinces.

My second point is that when I look at the funding for the anglophone community in Quebec, I find a similar pattern. There are 1.4 million anglophones in Quebec, and they receive only \$4 million in funding. Maybe it's because we don't think allophones are really anglophones, and they don't deserve support as a minority community, in more than one sense of the word, in the province of Quebec. I hope that's not the case, because I think when we're looking at funding minority-language communities, we're looking through the lens of dividing the Canadian population into anglophones and francophones; we're not playing the game of anglophones, francophones, and then allophones, but the allophones really don't deserve the support because they're not really of the two official languages. I would hope that in the province of Quebec, or elsewhere in the country, that in calculating the distribution of funds for minority-language communities, the allophone population, for example, in Montreal, would be treated as an anglophone community in a minority situation.

So these numbers seem completely unbalanced in terms of support for official language communities, and in particular for official language francophone communities in Ontario and New Brunswick and for anglophone minority communities in Quebec.

● (1030)

Mr. Hubert Lussier: That's a very good question, which I struggle with in my discussions with representatives from the communities themselves. There's no perfect allocation. You can argue from the point of view of numbers, as you just did, or from the point of view of need. Unfortunately, need is not as easily pegged as numbers.

Let me start by saying that the numbers we use are based on first official language spoken. We also track mother tongue, but from the point of view of defining the communities, more and more it's first official language spoken. Therefore, an immigrant coming to New Brunswick from North Africa, who has Arabic as their first language but speaks French, will be counted as part of...and the same thing in every other province. Of course, it will be English in Quebec.

As I said earlier in a response to a question from Mr. Godin, the determination of the envelope weighs the need and challenge of given communities. That is inversely proportional to the kinds of services and institutional support they get from their provinces and municipalities. It will be stronger in Quebec, Ontario, and New Brunswick than in western provinces, which are the examples you used. That's why there is this disproportion.

Hon. Michael Chong: Thank you.

• (1035)

[Translation]

The Chair: You have two minutes left, Mr. Petit.

Mr. Daniel Petit: I'm going to supplement Mr. Chong's question.

In the province of Quebec, Statistics Canada considers me an allophone because my mother tongue isn't French. Mr. Rodriguez has the same problem because he's also an allophone. We know the two languages and we can function on both levels. When my community deals with Canadian Heritage, it can do so in English or in French. It can get grants from both sides because Statistics Canada doesn't identify us in the right place, or at least because the question is poorly put.

The allophone communities in the Montreal area are very powerful. They dominate virtually all of central Montreal, and their mother tongues are Arabic, Armenian and every other Middle Eastern language.

You're presenting your official languages support program. I have two official languages. How do you go about allocating the funding? As Mr. Chong said, we have a problem. You can identify me as part of both the anglophone and francophone groups. My community carries enough weight to go to one side or the other. How do you go about ensuring that the money is really allocated to official languages? Do you understand what I mean? If I have something to ask you, I'll organize matters so that you can give it to me.

Mr. Hubert Lussier: That's a good question. The answer is easy. First of all, I'll throw the question back at you by asking you how you answer Statistics Canada when you check the little box marked "first official language spoken". But the real answer is that we rely on the community to define its members. Some communities in Saskatchewan—that some of your colleagues know well—increasingly tend to include in their definition people for whom French is not their mother tongue or even their first official language spoken, but who are francophiles. They are making major efforts to include in their cultural, youth and other events young people and citizens who are learning French, in order to reach out them.

The Chair: Thank you.

Mr. Hubert Lussier: We feel it is their responsibility to determine to whom they offer services. But to conclude on this point, the numerical criterion on which we rely is the first official language spoken, as Canada understands that term.

The Chair: Perfect. Thank you, Mr. Lussier, for answering succinctly.

We now start our second and final round. We'll begin with Mr. Brent St. Denis.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapusksing, Lib.): Thank you, Mr. Chairman. Thank you both for being here today. I believe you stated that the agreements... there are five elements in each agreement which are the same everywhere, but there are other sections that address the differences among the regions.

In your view, are there any good reasons to improve the differences, to expand the differences, to recognize that the differences are greater than is generally admitted? Are there reasons to expand the specific programs? For example, in my region of northern Ontario, the francophone communities are located in a large territory, but there are francophone communities in the big cities like Toronto, Sudbury and so on, that have needs that I think are different. Are there any reasons to recognize that?

• (1040)

Mr. Jean-Bernard Lafontaine: Indeed, when you consider the present agreements, they contain five parts. The first part is the purpose of the agreement; the second, common values; the third, that's the principle; in the fourth, there are the commitments to act for both parties, the department and the community; and in the fifth, it's the application of the agreement and the consultation and participation mechanism, and so on.

It's clear that the agreement is in place to define the commitment of both the community and the department to work together on the development objectives that the community has set for itself. Most communities have comprehensive development plans that they have refined over the years. In that respect, Ontario is obviously much more complex than, for example, Newfoundland and Labrador. At that point, in the implementation of the agreement, the groups operating in Toronto will definitely have analytical criteria for their funding, and others, which will not be the same as in a rural region. The agreement doesn't provide a magic recipe for saying how much money would go to a rural group relative to an urban official language minority community group. Definitely, in the next round... Ultimately, it all comes back to how the community, whether it's urban or rural, is able to articulate its development priorities and to how that is then translated into support from the department.

I think it's important to realize that the collaboration agreement is only a tool. We now have a lot more than Part VII. Other federal departments have to play a role in health, justice and a number of other areas. Canadian Heritage is no longer the only funding agency for what is called community development. That's a major shift compared to the years when I was young and the Secretary of State had to fund everything related to the official language minorities in Canada. There was a lot to do with \$3 million at that time.

Mr. Brent St. Denis: Pardon me. You mentioned that a lot of departments have work to do for the francophone minorities. Who has the role of integrating, of developing a vision to prevent system shortcomings, to prevent holes?

Mr. Jean-Bernard Lafontaine: Under the Official Languages Act, the Department of Canadian Heritage has a responsibility for coordinating the federal implementation effort and support for the development and vitality of the communities. Canadian Heritage has a responsibility. At the department, we also have—Hubert can talk about this—an interdepartmental consultation directorate that is trying to see how the various federal government departments and agencies can work together to support the priorities that the communities will set for their own development.

Mr. Hubert Lussier: Indeed, we are in contact with the other federal institutions, or at least with a group of them, to guide them in discharging their responsibilities.

Mr. Brent St. Denis: Thank you.

The Chair: Thank you very much, Mr. St. Denis.

We'll now go over to our parliamentary secretary, Mr. Lemieux.

Mr. Pierre Lemieux: Thank you very much, Mr. Chairman.

Good morning.

Witnesses from various associations who have appeared before us have spoken about challenges relating to the funding they receive from the government. I noted that, on the last page of your presentation, you talked about positive initiatives to reduce the administrative load. For example, you talk about the possibility of the organizations receiving 25% of their funding at the start of the year. They are also encouraged to submit multi-year requests. You also talk about raising the threshold for grants from \$50,000 to \$75,000.

First, I'd like to know whether these measures will be implemented this year and also whether the organizations and associations are pleased with those initiatives. Lastly, I would like to know whether other measures have been recommended to the government, but are not included here.

Mr. Jean-Bernard Lafontaine: As regards the 25% interim funding, we implemented that at least six or seven years ago. We realized that there were delays during elections, which considerably delayed regular funding. So we adopted the interim funding measure to offset that situation. I think it's well received by the communities. They appreciate the fact that, in April, they have the money in the bank to pay their employers and start their programming.

The multi-year agreements were implemented two years ago. As the agreements this year expire on March 31, 2009, the maximum it is possible to get is a multi-year agreement of three years. Five groups in New Brunswick and seven in Newfoundland obtained multi-year agreements of two or three years, which simplifies the process. They don't have to submit a request every year, since the agreement extends over three years. If they submit their activity report and it is consistent with the terms of the contribution agreement, they will receive their money much sooner and much more regularly. In addition, there are fewer reports to submit. They receive 50%, rather than 25%, of their funding in April because the multi-year agreement mechanisms pay out funding faster.

This year, the grant threshold was increased to \$75,000. I would tell you off the top of my head that more than half or even more than 60% of the groups that operate on a programming basis receive less than \$75,000 a year. The threshold is \$30,000 for projects, but, for

annual programming, it's much simpler for at least 60% of the groups because they don't have to be accountable, sign an agreement and so on. They simply have to submit a report at the end of the year to state that the grant was used for the purposes of specific activities. That aspect of the arrangement is very much appreciated.

Of course, there are always ways to simplify the process. We are often criticized about the fact that the requests are very complicated to complete and involve a lot of detail. Especially in the case of groups with which we've been doing business for a number of years, it may not be necessary to request so many details.

We're working together with the communities and within the department to try to reduce what we call the administrative load. We know that the communities spend a lot of time resolving administrative details and less doing development. As a department, we are prepared to receive comments and suggestions from the communities on ways to simplify these processes, while remaining accountable to Parliament.

● (1045)

Mr. Pierre Lemieux: Are you considering the possibility of taking other measures under the next agreements? As you said, that will be in 2009.

Mr. Hubert Lussier: We are evaluating all the official languages programs, including these ones, among others, and we started a dialogue with the communities last year, specifically on those agreements. It's a little too early to say how that will materialize, but I'm convinced that we'll make improvements along the lines of what my colleague just said. That may be very simple things, such as a new form that is easier to complete, or tougher service standards respecting the time spent analyzing files and recommendations, but it could also be more ambitious things. We could go so far as to completely change the architecture of these agreements. We're open to those kinds of possibilities.

Was that the perfect model? Probably not. I won't conceal the fact that certain groups would like us to simplify matters to the point of writing a single cheque, that is to say of having programs delivered by third parties. That raises administrative and legal problems. It's nevertheless one of the wishes expressed by some organizations. I believe they informed this committee of that fact.

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

Now it's the turn of Mr. Nadeau, who will share his time with Ms. Bonsant.

Mr. Richard Nadeau: Thank you, Mr. Chairman.

At the interdepartmental level, what is the total amount of funding from Canadian Heritage, Health Canada, Justice Canada and Industry Canada? I'd like to get some separate answers for the anglophone and francophone minority communities. Do you have those figures? I'm asking all of you. Does that count when you review the requests? When an organization makes a request to the wrong department, in your experience, do the other departments give that request the same attention as you do?

Mr. Jean-Bernard Lafontaine: Since a number of departments do have responsibilities, it will definitely be possible for the committee to obtain the amounts spent by each of them. Those amounts don't transit through the Department of Canadian Heritage. I'm thinking in particular of what Health Canada spends on the Réseau Santé en français across the country. It's the same thing for Industry Canada. Each department could therefore present what it spends specifically in the context of its positive measures to support the communities.

In the field, when we see that certain requests don't fit with the programs of the Department of Canadian Heritage, we try to find the department to which they are appropriate. At Canadian Heritage, for example, we work very closely, in the economic field, with the Atlantic Canada Opportunities Agency (ACOA). It has an economic development responsibility. If there is an economic development component for an Acadian community, we will definitely contact ACOA to send it a request that falls more within its mandate and responsibilities. I believe that people are increasingly aware of the fact that they must support the communities on a proactive basis.

•(1050)

Mr. Richard Nadeau: Mr. Lussier, is there a committee where your counterparts from various departments meet to facilitate matters for the communities making requests?

Mr. Hubert Lussier: Yes, there are mechanisms in that respect. There is a coordinators network, including in the regions, that ensures that everyone knows what the communities want and acts as a switchboard. Perhaps Jean-Bernard could say more on how that works in the Atlantic region. It's a bit different in each region. This coordinating task is facilitated by people from the Department of Canadian Heritage.

Mr. Richard Nadeau: I turn the floor over to Ms. Bonsant.

Ms. France Bonsant: Thank you, Mr. Chairman.

This is the first time I've sat on this committee.

In my riding, an organization called the Association of Townshippers works very well with anglophones and the official language minority across the territory. Between 2001 and 2006, the percentage of anglophones declined, but the budget for that organization increased.

Are your calculations based on the percentage of anglophones and the size of the territory? That organization covers a very big territory. I'd like to know whether your calculations are based on those two criteria.

Mr. Hubert Lussier: To date, when I've had to answer questions of that kind, they were about the size of the general envelope allocated to one province in particular. So you're asking a question that concerns the contribution made to one of the members of the provincial networks, the Townshippers. I don't know what factors prevailed when it came to determining the funding granted to the Townshippers. Demographic criteria may have played a role, but, in my view, it was more issues that have to do with the organization's impact, results and actual offer of services.

Ms. France Bonsant: Yes, because there are a lot of sectors in the Townshippers, Mr. Lussier. There is the education sector. There are also young anglophone mothers who are heads of single-parent

families who are going back to finish high school. So the Townshippers work with them. There are isolated anglophones who want to learn a little French because the young people have left the area and the others have remained, so they want to get a little more involved in the community. That's very widespread, and the people are virtually everywhere. So I was wondering whether the territory entered into consideration because there are an anglophone Cegep and university in that area. However, there are fewer and fewer anglophones attending them: 65% of the students are francophones. That's Bishop's University, a real gem.

Mr. Hubert Lussier: Yes, the dynamic of the Eastern Townships is really interesting. It's a demographically declining community, one of Quebec's traditionally anglophone communities where they're experiencing that phenomenon, which is quite frequent in the entire region east of Montreal and in the anglophone school system. A lot of students are not really taking part in anglophone culture because they are children of exogamous families that speak French in the home. In some respects, that's positive, to the extent that they will learn English, but be perfectly comfortable in French. From a cultural standpoint, that represents some challenges because the school wonders what its community mandate is.

The Chair: Thank you, Ms. Bonsant.

We'll now complete the second round with Mr. Godin.

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

When we talk about the Canada-community agreements, is that related to the Action Plan for Official Languages in a way?

Mr. Hubert Lussier: Not directly, to the extent that the Canada-community agreements are expiring. They should have been renewed or something else should have been done, whether or not there was a plan.

•(1055)

Mr. Yvon Godin: Has the action plan taken its place?

Mr. Hubert Lussier: Indeed, and the action plan reinforced the phenomenon that Jean-Bernard described, which has to do with the fact that Canadian Heritage is one federal player among others, which are increasingly important, including Health Canada and Citizenship and Immigration Canada, and so on. The action plan reinforced the role of a number of those other federal players.

Mr. Yvon Godin: Seen from the outside, it's as though the action plan was a surplus: \$810 million invested in the minorities, and so on. It wasn't clear that that replaced programs that were expiring.

Mr. Hubert Lussier: Yes, when you mention those figures—I believe we had an exchange on that subject last time—that was essential funding... The major part of the action plan was allocated to education. Certain education budgets expired early in the 2000s, so it wasn't anticipated that they would be renewed. The action plan arrived in the midst of all this, if I can say that, and, in that respect, one could say that filled the envelopes that would have disappeared without the action plan.

Mr. Yvon Godin: That wasn't clear. One could say that wasn't clear. You don't have to agree, but, in my opinion, that wasn't clear.

According to our researcher, since 2003-2004, the annual reports of the Department of Canadian Heritage have not indicated what proportion of the funding made available to community organizations was actually spent during any given fiscal year.

Why do those figures no longer appear in your annual reports?

Mr. Hubert Lussier: I don't really know what you're referring to, what report you're reading. However, there have been changes in the way the annual report is designed, because the programs changed in 2003. There are now two official languages support programs, whereas I don't know how many there were—six or seven—before that. So that brought about a change. It may be that. Some figures are not exactly reflected in the same way, but I could do a little more digging and provide you with an answer; I'd be pleased to do that.

Mr. Yvon Godin: Please.

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

This ends our meeting with our two witnesses, whom I thank once again for being here this morning and, of course, for being patient.

As for you, committee members, I inform you that we have six potential witnesses for next Thursday. They are six groups from Newfoundland, Quebec, Ontario, Nova Scotia, British Columbia and the FCFA.

Mr. Petit.

Mr. Daniel Petit: Following the testimony that Mr. Lussier gave—I don't know whether it was he or the researcher who talked about this—I'd like to obtain a document showing all the amounts spent by

the departments he referred to, including Radio-Canada, to support the communities or what is used to support the minority language communities. We've talked about that two or three times already. Some say they take advantage of personal funding, and there are others. I'd like to have an overview; it's difficult to get an overview. I don't know whether I have to put the question to the analyst or to Mr. Lussier. I know that I've already spoken about this matter with Mr. Lussier, particularly as regards Radio-Canada, which serves minority populations. I'd like to know the value of all those services provided by the federal government to all 10 provinces and three territories.

The Chair: I'll ask an analyst to answer your question, Mr. Petit.

Elise Hurtubise-Laranger (Committee Researcher): We have some economists in the research service, and I think that might be an appropriate question for a person who has a background in economics, who could study all the figures. Is that what you're asking?

Mr. Daniel Petit: Including the Crown corporations, including Radio-Canada, which provides services in French to minority populations.

The Chair: So we would like Ms. Hurtubise-Loranger to provide us with the preliminary version of the report over the next few weeks. We'll examine the possibility with one of her colleagues, and we'll get back to you on that, Mr. Petit.

Thank you very much, and see you Thursday. The meeting is adjourned.

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