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—
Chair

The Honourable Denis Paradis

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• (0850)

[Translation]

The Vice-Chair (Mr. Alupa Clarke (Beauport—Limoulu, CPC)): This morning we are holding the meeting of the Standing Committee on Official Languages of Thursday, November 8, 2018.

Good morning, everyone.

This morning we have Alpha Barry from the Conseil scolaire fransaskois and Martin Théberge and Marie-Christine Morin from the Fédération culturelle canadienne-française.

We also have Ali Chaisson from the Société de l'Acadie du Nouveau-Brunswick and Marie-France Lapierre and Marie-Pierre Lavoie from the Conseil scolaire francophone de la Colombie-Britannique.

Good morning, everyone. Thank you very much for travelling and being here with us this morning to begin, with great fanfare, a study on the modernization of the Official Languages Act. It is with great pleasure, enthusiasm and honour, as Mr. Mulroney used to say, that we begin our study. We will conduct it slowly but surely.

I must confess that committee members wanted to begin this study several months ago, but we decided to complete several reports first. Now here we are at this turning point in the committee's history, and we will try to do as much work as possible before the next election.

Here's how the meeting will be conducted. First of all, representatives of a group or association will have 10 minutes to outline their vision and the points they would like to make to us.

Then we'll go around the table once, even two or three times, since we'll have two hours at our disposal. Each round will be five to seven minutes long, depending on how we're set up. We will probably have a break in an hour. We'll be spending two hours together.

I'd like to tell you what we expect of you, and that is that you tell us the direction we should take in modernizing the act.

I ask you to bear in mind that we want our study to supplement the one currently under way in the Senate. The Senate study is being conducted by the counterpart to our committee. We would like to address aspects that the senators will not have the time to consider. I ask you please to bear that in mind.

Try not to be too exhaustive, but give us some interesting ideas that you think we should focus on between now and the summer, when we will have to issue our report.

Without further ado, I turn the floor over to Mr. Barry.

Mr. Alpha Barry (Chair, Conseil des écoles fransaskoises): Thank you very much, Mr. Chair. You'll be proud of us because we're going to give you a solution.

Good morning, everyone. My name is Alpha Barry. I'm from Saskatchewan, and I'm excited to be with you today.

Honourable members, first allow me to convey to you the best wishes of the Fransaskois school community. Thank you sincerely for answering the letter from the Conseil des écoles fransaskoises, the CEF, asking you to study the modernization of the act. Thanks as well for this opportunity to testify on behalf of the CEF.

I am here today because I very much want to see the Official Languages Act modernized, particularly with respect to official language minority education. Like Mr. Théberge, the Commissioner of Official Languages, we want a modern, dynamic and robust act.

Mr. Chair, the CEF welcomes all the efforts that have been made to promote linguistic duality, such as the promise to modernize the Official Languages Act, the new Action Plan for Official Languages 2018-2023: Investing in Our Future, future amendments to the regulations on services and the new initiatives on francophone immigration outside Quebec, as announced yesterday.

However, your committee is familiar with the problems of the minority francophone and Acadian school boards and the deficiencies of the act, which, for a long time now, you have constantly asked the federal government to amend. The time has now come to talk about modernizing the act in order to recognize and consider those governing bodies, the minority school boards, that were established under the minority's constitutional right.

I am delighted to be here to tell you about the critical needs of our communities. There can be no doubt that those communities require protection under the act. Unfortunately, my presentation today is too similar in content to the one the CEF made when it testified before the committee in 2011, which means, as you can readily imagine, that not much has changed since then.

The CEF is the only francophone school board in the province that has a threefold mandate: academic, cultural and community-related. As a minority board, the CEF has a constitutional obligation under the Canadian Charter of Rights and Freedoms. It is responsible for managing francophone schools on behalf of stakeholder parents for the greater benefit of the Fransaskois community. The CEF takes this responsibility very seriously.

The CEF manages six minority schools in urban areas and nine in rural areas. These schools face separate challenges, which result in significant costs to the CEF, and there are no economies of scale. Under its standardized funding formula, Saskatchewan's Ministry of Education struggles to adapt to the unique needs of the linguistic minority. The CEF is therefore vastly underfunded, a situation that undermines the education-related services provided in its schools.

The Department of Canadian Heritage and the Council of Ministers of Education, Canada have signed a five-year memorandum of understanding. That MOU defines the main parameters of cooperation between the two orders of government respecting funding for minority language education and second-language instruction. Allow me to emphasize that this framework for managing federal financial support for minority language education contravenes the purpose of section 23 of the charter.

For the purposes of this presentation, the CEF has identified four deficiencies in that management framework that could be corrected by amending the act. First, the needs of the Fransaskois community as reflected in the MOU are determined by Saskatchewan, not the CEF. Second, the MOU does not require that Saskatchewan's Ministry of Education consult the CEF. Third, the MOU does not provide for adequate accountability mechanisms. Fourth, the MOU permits funding dedicated to education from kindergarten to grade 12 to be used to fund the essential costs of that education and not genuine additional costs.

As you may readily imagine, the underfunding of the CEF has extensively affected the quality of instruction and the development and vitality of the Fransaskois community. All the deficiencies identified today stem from an absence of any framework under the act for federal government intervention in minority language education.

The CEF did not exist in 1988, the year in which the act was last amended. Let us not make the mistake of adopting a new act that fails to consider the CEF and minority French-language school boards.

• (0855)

The solution the CEF is proposing in order to remedy these observed deficiencies is to add a section to the act providing for and governing the federal government's role in minority language education. The first draft of this proposal appears on pages 17 and 18 of our brief. I do not propose to read it to you today, but I respectfully urge you to consider our proposed legislative amendment.

The CEF thanks you for the opportunity to present its concerns and solutions as part of your study on the modernization of the Official Languages Act.

Thank you.

The Vice-Chair (Mr. Alupa Clarke): Thank you very much, Mr. Barry.

Now we will hear from the Fédération culturelle canadienne-française.

Mr. Théberge, the floor is yours.

Mr. Martin Théberge (President, Fédération culturelle canadienne-française): Thank you, Mr. Chair.

Good morning, everyone. Thank you for this invitation.

My name is Martin Théberge, and I am president of the Fédération culturelle canadienne-française, the FCCF. I am accompanied by our executive director, Marie-Christine Morin.

Thank you for inviting us to appear before you today to discuss the modernization of the Official Languages Act. We are at a historic crossroads.

The FCCF represents 22 organizations: 7 national organizations devoted to artistic practices and the cultural industry, 13 provincial and territorial organizations, the Alliance des radios communautaires du Canada and an alliance of three Canadian French-language performing arts broadcasting networks.

When we appear before you, we do so on behalf of a total of more than 3,125 professional artists and 150 community organizations in 180 communities across the country.

This morning, let's strive for success.

Imagine that another revision of the act in 20 years is an opportunity to celebrate our pride in the quality of the work we have done. We are here to appear before you and to express our great joy that assimilation has been stopped, that our populations are stable and that they are also increasing as a result of immigration.

Imagine, this morning, that the public service has fully accepted its horizontal responsibility for official languages and has established an automatic lens containing information on the situation and needs of the francophone and Acadian communities.

Imagine that the gradual shirking of responsibility and the laxism have been replaced by a proactive attitude that has fully embraced a spirit of cooperation.

Imagine that the government has undertaken a rigorous environmental scan in the francophone and Acadian communities and has committed from the outset to working with us to find innovative solutions and practices to put in place. In addition to the "by and for" concept that we have promoted, the notion of "with" is now deeply embedded in current practices to ensure future results.

This is clearly a pivotal time: let's commit to a popular, modern vision.

Consequently, today we will look at three scenarios that we think should be central to the process we are undertaking together to modernize the act.

In scenario 1, arts and culture are catalysts in reinforcing our Canadian identity. Remember that the official language minority communities are, first and foremost, a cultural project. Consequently, the act must underscore the capital importance of a vital and developing arts and culture sector.

It must be acknowledged that arts and culture drive the development and vitality of francophone minority communities. The francophone identity is thus strengthened by the empowering image it has of itself. The reflection of our reality reinforces our attachment and stirs our pride. That, moreover, is why William Burton reminds us, in his "cry from the heart" concerning the program *Tout le monde en parle*, that we need to be seen and heard.

The FCCF has celebrated the express recognition of its arts and culture sector in the new Action Plan for Official Languages 2018-2023: Investing in Our Future. In it, arts and culture are described as one of the essential pillars of the government's strategy. We believe this should be stated loudly and clearly in the preamble to the Official Languages Act, and even in part VII, which concerns the development and vitality of our communities. The FCCF and its network of members across the country intend to mobilize for that purpose.

Thus, we want to add to the act a preamble that is in the spirit of part VII of the present act, one based on a clear recognition of the essential role that arts and culture play in driving the vitality of the official language minority communities and as a catalyst in reinforcing their identity.

• (0900)

Mrs. Marie-Christine Morin (Executive Director, Fédération culturelle canadienne-française): I'm going to tell you about scenario 2.

It must be understood that the official languages situation has evolved, despite persistent challenges, and that Canadian opinion is more in favour of official languages than ever.

Things have changed. We must fully consider the progress that has been made in the past 50 years and form a common understanding of the major challenges that remain on the ground and in the government's administration of the act.

The analysis of the linguistic environment that formed the foundation on which the act was created in 1969 is no longer valid. Consequently, we must base the exercise of modernizing the act on a new analysis and on the current state of Canadian society.

In other words, modernizing the Official Languages Act calls for a broad and popular democratic exercise in order to grasp the scope of the challenges, retake the country's pulse and reconnect to the reality of our communities. It is up to the government to renew its vision based on present circumstances and to exercise strong leadership in initiating this project.

The FCCF believes that the exercise of modernizing the act must be as broadly based as possible. We must engage all stakeholders in a genuine national conversation. Taking part in the discussion means engaging and feeling responsible for success. Actions will then follow words.

The development work done in cooperation with the first nations in order to introduce an act to protect aboriginal languages is a model of the way we want to be engaged. Let's draw inspiration from the model the government has advanced on that issue.

In scenario 3, the spirit of part VII of the Official Languages Act must take precedence. In our view, the notion that the intention to support and assist the development of the official language minority communities and to enhance their vitality is in fact the overall intent of the act is a promising and visionary idea. We must therefore do more and better in delivering on the promise to advance the official languages and promote the francophone and Acadian communities.

We believe that a promotion, awareness and public education campaign would have a positive impact on our entire ecosystem. Canadian public opinion on official languages is more positive than it has ever been.

Our citizens view official languages as a fundamental value and an asset that distinguishes us in the eyes of the world. We are eager to see a brilliant, jointly led campaign to promote it.

The act must increase the power of the Department of Canadian Heritage as the department responsible for implementing part VII. The department's horizontal capacity was severely tested by the implementation of interdepartmental approaches. It's hard for a department to be compelled to act as both judge and party.

Perhaps this reaffirmed role could be reinforced by a systematic whole-of-government official languages lens, somewhat like gender-based analysis plus.

Imagine us, for a moment, systematically examining how federal initiatives affect various official language minority communities. Then we would really be starting to get equipped. We would truly be acting based on a knowledge of and sensitivity to the official language minority communities.

Mr. Martin Thériault: We are going to join forces with the entire Canadian francophonie in all its diversity.

Beyond creating a declaratory quasi-constitutional statute, we must increase the enforceability of the Official Languages Act. Let's tighten up the system to improve its actual implementation. This corrective action means imposing disciplinary or corrective measures, but also proposing and naming incentives.

To increase government motivation for official languages success, particularly in the area of positive measures, incentives could be offered for performance management and the promotion of excellence. Those incentives could be both symbolic and financial. The modernized act should help guarantee from the outset that actions follow words.

In closing, we call for strong and clear political leadership on the importance of linguistic duality, which must be valued as an intrinsic part of the unique Canadian character and given the impetus this vision deserves.

The future of our official languages depends on our collective ability to innovate and to work in close cooperation for the welfare of all Canadians. In our view, any review or revision of the act should take into consideration the contribution of the arts, culture and cultural industries sector in achieving its cultural and identity objectives. The arts, culture and cultural industries sector is inspired, motivated and ready for action.

We thank you for your invitation and especially for listening.

We conclude with the words of the late Fernand Dorais, professor of literature in the Department of French Studies at Laurentian University in Sud-

bury: A culture is first and foremost a history, a shared language, a societal style, the choosing of values, a desire for the future.

• (0905)

The Vice-Chair (Mr. Alupa Clarke): Very well, thank you for that.

Now we will hear from Mr. Chaisson from the Société de l'Acadie du Nouveau-Brunswick.

Mr. Chaisson, you have the floor.

Mr. Ali Chaisson (Executive Director, Société de l'Acadie du Nouveau-Brunswick): Mr. Chair, members, ladies and gentlemen, good morning. My name is Ali Chaisson, and I am the executive director of the Société de l'Acadie du Nouveau-Brunswick, the SANB.

The SANB, which was founded in 1973, is the political voice for the Acadian nation of New Brunswick. It is dedicated to defending and promoting the rights and interests of that province's Acadian nation.

I thank you sincerely for inviting me to testify as part of your proceedings on the modernization of the act. This is important since Parliament appears to have forgotten New Brunswick in the last revision of the Official Languages Act, in 1988. The SANB is here to ensure that doesn't happen again.

First, the SANB unreservedly supports this modernization process. The deficiencies noted by the Fédération des communautés francophones et acadienne, the FCFA, and others are felt in Acadie and New Brunswick. For example, we hardly need recall that the Supreme Court of Canada informed the SANB in 1986 that the right to speak the official language of one's choice before New Brunswick's courts did not include the right to be understood in that language. And yet that right is guaranteed by subsection 19(2) of the Canadian Charter of Rights and Freedoms. New Brunswick is also an interesting case study for your committee in determining who should be responsible for implementing the Official Languages Act.

In New Brunswick, the premier of the province is responsible for administering the act. In actual fact, however, that responsibility is often delegated to the minister responsible for official languages, which is an affront to the spirit of New Brunswick's Official Languages Act. The SANB largely supports the demand by FCFA du Canada, which, for years now, has been calling for a thorough reconstruction of the administration of the Official Languages Act. This would require that the Treasury Board be given responsibility

for its administration. The Privy Council Office cannot perform that role.

Now I will address the specificity of New Brunswick's linguistic regime. Did you know that more than 10% of the Canadian Charter of Rights and Freedoms is devoted to New Brunswick? All the provisions here shaded in blue in the charter pertain specifically to New Brunswick. I invite you to consult Annex A and see for yourself. The parts shaded in blue specifically concern the situation of New Brunswick. Ours is the only province that is expressly named in the charter. Subsections 16(2) and 19(2) enshrine parliamentary, legislative and judicial bilingualism across the province.

Subsection 20(2) provides as follows: 20(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

In 1993, the charter was amended by the addition of section 16.1, which entrenched the equality of New Brunswick's English and French linguistic communities, "including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities." That was the only resolution that survived the failures of the Meech Lake and Charlottetown accords. It is also the only provision in the entire Constitution that recognizes the rights of linguistic communities in Canada.

The relationship between New Brunswick's two official language communities must therefore be seen through the prism of equality between the Acadian nation and the anglophone community. And yet New Brunswick's constitutional specificity is nowhere reflected in the Official Languages Act. Consequently, that act should be modernized for two reasons: first, because Parliament appears to have forgotten subsections (2) of sections 16 to 20 of the charter when it adopted the new Official Languages Act in 1988; and, second, so that the act reflects the addition of section 16.1 to the charter, which dates back to 1993.

The SANB asks you to recommend four specific amendments to the Official Languages Act that would help recognize the constitutional specificity of New Brunswick.

• (0910)

First, the SANB requests that Parliament acknowledge the specificity of New Brunswick's language regime in the preamble in an interpretation clause of the Official Languages Act. That will create a "New Brunswick lens" through which the act must be interpreted and will thus ensure that this specificity is systematically taken into consideration in administering the act. A draft of the addition we propose is provided in paragraphs 41 and 42 of our brief.

Second, the SANB requests that the federal government be required to communicate with the public and to offer services in both official languages across New Brunswick rather than only where it deems that demand is significant or adequate.

In New Brunswick, the public have a right to use English or French to communicate with all offices of the institutions of New Brunswick and to receive services in the official language of their choice across the province. There is no notion of significant demand in subsection 20(2) of the charter. Why then is the federal government not required to do at least as much as the Province of New Brunswick? In the SANB's view, this is nonsense. To change this situation, the government need only add a brief second subsection to section 22 of the act. Proposed wording for that subsection is provided in paragraph 52 of our brief.

Third, the SANB asks that the Official Languages Act be modernized to require the federal government to consider New Brunswick's linguistic balance in its immigration policies. Immigration is a particularly important area of intervention for the Acadian nation.

It goes without saying that federal immigration policies cannot promote the vitality of francophone minorities without considering the specific linguistic composition of the provinces. With francophones representing more than 32% of its total population, New Brunswick needs permanent federal immigration support tailored to ensure the preservation and development of that population.

This is because, whenever the percentage of new francophone immigrants is lower than the percentage of francophones living in the province, New Brunswick's unique linguistic balance is disrupted. Isn't that the likely consequence of the federal government's target of 4.4% for French-speaking immigrants outside Quebec. Applied to New Brunswick, that rate of francophone immigration would in reality constitute an assimilative rate.

Regardless of the government in power, New Brunswick's unique linguistic character must inform federal immigration policies and their implementation. To that end, the SANB is proposing the addition of a section to part VII of the federal OLA to specifically frame the federal government's role in francophone immigration. The draft wording of that section also appears in paragraph 59 of our brief.

Fourth, for section 16.1 of the charter to be actually implemented in the Official Languages Act, the SANB asks that the government commit to promoting the exercise of the rights it guarantees, notably the right of the Acadian and anglophone communities of New Brunswick to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities.

The SANB also asks that this commitment be accompanied by the obligation for the federal government to consider, when exercising its spending power, the distinct institutions guaranteed by section 16.1 of the charter. For example, the Official Languages Act should require the federal government to consult the Government of New Brunswick and the interested representatives of that province's English and French linguistic communities in negotiating with them the adoption of a five-year federal-provincial agreement on the support to be provided to those communities' distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities.

What key Canadian values does the Official Languages Act represent on the eve of its fiftieth anniversary? In my humble opinion, those values must be apparent in an absolute recognition of the past and potential contribution of our country's francophones. From that recognition, a very specific policy must emerge on the development of the francophone and Acadian communities and an implementation characterized by a concerted approach by all departments and agencies.

The demands of our communities stem from a vision of the country in which the two official languages are equal.

•(0915)

The Vice-Chair (Mr. Alupa Clarke): You have 30 seconds left, please.

Mr. Ali Chaisson: All right.

They stem from the aspirations of the people who speak one of those two official languages: French. They stem from the willingness of people to do millions of hours of volunteer work to improve the situation of their communities and to help reinforce French in their respective provinces. They stem from a desire to take part in the transformation of a Canadian society in which the two official languages can peacefully coexist. Minority francophones do not want to live outside the majority, quite to the contrary.

Will the Parliament of Canada, urged on you, have the political courage to do a reset to celebrate 50 years of bilingualism? Can we hope to see actions that go beyond the concept of a roadmap? Will the official language communities be part that celebration? How can we prevent 2019 from being a testament to an unfinished policy? Let's aim for a reset, a modernization of the wording of these acts together with monitoring mechanisms and real measures of success.

Thank you for your attention, and I'll be happy to take your questions.

The Vice-Chair (Mr. Alupa Clarke): Thank you, Mr. Chaisson. Your remarks were strongly felt.

Now we'll turn the floor over to Ms. Lapierre and Ms. Lavoie, the representatives of the Conseil scolaire francophone de la Colombie-Britannique.

Ms. Lavoie, on behalf of the Standing Committee on Official Languages, I would like to congratulate you for your recent election to the board.

Please go ahead. We're listening.

Ms. Marie-Pierre Lavoie (School Counsellor, Southern Vancouver Island, Conseil scolaire francophone de la Colombie-Britannique): Thank you, Mr. Chair.

My name is Marie-Pierre Lavoie. As you said, last night, I was elected president of the Conseil scolaire francophone de la Colombie-Britannique. So I'm very happy to be here this morning.

I am accompanied by the outgoing chair, Ms. Lapierre. I have some big boots to fill.

Dear members, good morning. I want to thank you sincerely for this opportunity to address you on behalf of the Conseil scolaire francophone de la Colombie-Britannique, the CSF.

Your committee is aware of the problems of the CSF and the francophone and Acadian minority school boards as well as the deficiencies of the act. Many stakeholders have long been asking that the government amend it.

The CSF is essentially asking that the Official Languages Act be amended so that it: requires that federal institutions consult minority school boards before they dispose of any immovable or real property; provides a clear framework for the government's financial support of minority-language elementary and secondary education, more particularly of capital assets and in the early childhood field; and requires Statistics Canada to enumerate all rights-holders under section 23 of the charter.

We propose amendments to the act for each of these items. Those proposals are set out in our brief.

Ms. Marie-France Lapierre (Outgoing Chair, Conseil scolaire francophone de la Colombie-Britannique): First, the CSF asks that the act be amended to require that federal institutions consult minority language school boards before disposing of real property.

As you know, it is very difficult for the francophone community of British Columbia to determine what properties are available for the construction of schools.

The courts have found that what stands in the way of the implementation of section 23 of the charter is a lack of political will and not a shortage of sites, even in Vancouver.

The federal government owns a large number of properties, many of which have been deemed or will be deemed surplus to needs. Despite that fact, the act does not impose any specific obligations regarding the disposal of land.

The CSF has tried to obtain small portions of three sites but has been unsuccessful to date.

The federal Directive on the Sale or Transfer of Surplus Real Property, which is in place, requires that federal departments, agent Crown corporations and provincial and municipal governments be consulted. The fact that the directive does not require consultations with school boards is unacceptable.

● (0920)

Ms. Marie-Pierre Lavoie: Second, the CSF requests that the committee recommend that the act be amended to provide a clear framework for federal funding of minority language elementary and secondary education, as well as early childhood.

As you know, the state of infrastructure in our communities has a pronounced impact on students' pride and sense of belonging. This undermines communities' ability to attract and retain CSF's students and has a negative impact on its ability to reverse the effects of assimilation.

Having read the submissions of our colleagues from Saskatchewan, the CSF unreservedly supports their federal funding proposals.

Ms. Marie-France Lapierre: Third, the CSF calls on the committee to recommend amendments to the act expressly requiring Statistics Canada to enumerate all rights-holders under section 23 of the charter. Furthermore, that should be done by means of the short-

form census questionnaire, which is sent out to 100% of the population.

The problem is unfortunately very simple. The CSF—as well as the province, which has written a letter in support of our request—cannot adequately plan capital investments because it doesn't have access to reliable and relevant data on the number of potential students for its schools. It is not enough to know how many eligible students reside in each municipality; we also need to know where children live in each catchment area. That would give us the total number of our students and the where our schools should be located.

In our court action against the Government of British Columbia, the CSF suffered the consequences of Statistics Canada's inability to enumerate all the children eligible to attend the board's schools. The judge was unable to decide between the two expert witnesses regarding statistics. She therefore decided to use the results of the 2011 census to determine the potential demand for a French-language school. However, that census had enumerated only children who had one parent whose first language learned and still understood was French. Those figures were obviously far lower than the actual number of francophone students.

This deficiency in the census is particularly problematic in British Columbia due to the trend toward exogamy, as a result of which the language spoken in the home is generally the language spoken by everyone, English.

I am an example of this. I believe my French is quite good, as is that of my colleague. Our spouses, on the other hand, are anglophone, and we therefore speak English at home unless the children don't want their fathers to understand. Consequently, in view of the lack of action on this issue to date, it is important, indeed essential, that Statistics Canada be asked to amend the census form in order to represent all our rights-holders.

Ms. Marie-Pierre Lavoie: We are very grateful for the hard work your committee is doing to honour the rights of the Franco-Colombian community. This study and the resulting recommendations will help ensure the vitality of present and future students in our schools and the minority francophonie across Canada.

We are here to support you in your discussions and to answer your questions.

Thank you for your attention.

The Vice-Chair (Mr. Alupa Clarke): Thanks to all of you for your excellent testimony.

Without further ado, we will begin the period of questions.

Mrs. Boucher, you have the floor.

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Good morning, everyone. I'm very happy to see you around this table. I'm especially happy that you've told us about your vision and solutions respecting the Official Languages Act, which I think must be revised as soon as possible.

We are experiencing somewhat the same thing as francophones even here in Ottawa. I went to the cafeteria this morning, and no one spoke French. So I asked to be served in French. And yet there are a lot of francophones here, and we should be entitled to be served in our language.

I'm pleased to hear your concerns. I'm going to say this because I really think it, and I make no bones about it: the Official Languages Act must not become politicized. It must reflect who we are as francophones, from Quebec or elsewhere, and, above all, reflect our modern reality, which is clearly set down in the Constitution. I think the two official languages should be equal.

My question is for you, Ms. Lavoie. What do you think would be the best way for the act to reflect the evolution that has occurred over the past 50 years, since it's almost 2019? I know the discussion can become political at times, which is normal, since we are all politicians. However, what major changes do you really think it's important to make to this act that we're preparing to revise?

• (0925)

Ms. Marie-Pierre Lavoie: We named the three areas for you.

Mrs. Sylvie Boucher: Yes.

Ms. Marie-Pierre Lavoie: The census is extremely important. For our community to flourish, we must be able to recruit students where they live. However, before welcoming them to our schools, we have to know how many of them there are. As Ms. Lapierre noted, the judge clearly explained to us that we couldn't have the maximum number of students using the current census method. So this issue is very important for us.

We also wanted to be consulted on the disposal of real property. We tried to buy properties, and we tried to talk to people, but they didn't want to respond to us. Nothing in the act requires federal institutions to consult the school boards. This issue is extremely important as well.

That's also true of the federal funding framework and the need for spending accountability.

Those are the three points we raised in our brief, and we feel they are our school board's priorities.

Mrs. Sylvie Boucher: I see.

Some aspects of your demands may be difficult, but not impossible, to achieve. If I take accountability, for example, some provinces that are granted funding reject the idea they should have to tell us how they spend it. Do you think there is what I might call an elegant way to require the provinces to provide that kind of information?

When we revise the Official Languages Act, we may need your help in finding the right words because they may be very important, and a comma can change everything in a bill.

Ms. Marie-Pierre Lavoie: We've already made proposals in our brief.

Ms. Lapierre, would you like to speak?

Ms. Marie-France Lapierre: I actually wear another hat as well. I sit on the Conseil culturel et artistique francophone de la Colombie-Britannique, and so I really support culture.

Mrs. Sylvie Boucher: Yes, that's important too.

Ms. Marie-France Lapierre: In fact, all non-profit organizations must account to the cent for where the money they receive from the federal government goes. Consequently, I don't see why the provinces shouldn't be required to do the same.

For example, we're told that 60% of the funding we receive must be allocated to French, minority language, and 40% to French, immersion language. And yet the reverse is true in British Columbia and many other provinces. So there's a problem.

We're not talking here about a breakdown of expenditures, but rather a complete inversion of the way the funding we receive is allocated. This is really serious. I know that, when I give my children money, I expect a degree of "answerability", if that's the right word.

Mrs. Mona Fortier (Ottawa—Vanier, Lib.): Do you mean "accountability"?

Ms. Marie-France Lapierre: I said I spoke good French, and here I am...

Mrs. Sylvie Boucher: Even the French have trouble.

Ms. Marie-France Lapierre: What I mean here is that a certain amount should be allocated to a given objective. I'm not talking here about my pay cheque, which I can spend as I see fit. I'm talking about supplementary funding granted to francophones living in official language minority communities. That money isn't intended for education; it's supplementary funding. I simply don't understand why there should be a problem verifying whether that supplementary funding has indeed been spent as planned.

• (0930)

The Vice-Chair (Mr. Alupa Clarke): Thank you, Ms. Lapierre.

Mrs. Boucher, unfortunately, your time is up.

Mrs. Sylvie Boucher: That's too bad; I still have a lot of questions.

The Vice-Chair (Mr. Alupa Clarke): Mr. Arseneault, you have six minutes.

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Ms. Lapierre and Ms. Lavoie, welcome.

We met not long ago, Ms. Lapierre.

I must say your three proposed amendments are right on the money. I know you follow our proceedings and you've targeted your proposals perfectly. However, my question doesn't concern your amendments, but I don't really know who to ask.

Every time I read part VII of the Official Languages Act, I wonder whether subsection 41(2) is an open door that enables us to act or a lead weight that prevents us from doing so. To provide some context, here's the wording of subsection 41(2) of part VII:

41(2) Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty, this implementation shall be carried out while respecting the jurisdiction and powers of the provinces.

The commitment in question here is fostering the full recognition and use of both English and French in Canadian society.

I think this is a door, but when you get to the door of certain provinces, you find it closed, even armour-plated.

Can you suggest any solutions that are consistent with federal and provincial jurisdictions and explain to us how to ensure that this door is always open to linguistic minorities?

I would ask you to respond as quickly as possible because I have only six minutes, and I have a lot of ideas, but I want to hear yours. I'll start with Mr. Chaisson, since he comes from Acadie and I'm biased.

Ms. Marie-France Lapierre: I've lived in Acadie.

Mr. Ali Chaisson: I'm not here to criticize anyone, but I will say we're dealing with a total lack of creativity, and that's our biggest problem.

Mr. René Arseneault: On whose part?

Mr. Ali Chaisson: Especially on your part, and by that I mean on the part of Canadian parliamentarians, but I'd also say on the part of the officials who administer the funding. In Newfoundland and Labrador, I maintained that they had to stop establishing federal-provincial agreements on education that entailed direct cultural development commitments. The money should go to the provinces so they can discharge their obligations under their own schools act. It's perfect that way.

That being said, can we consider establishing a series of federal/para-public agreements between the federal government and the francophone school boards? From Ottawa, the money would go directly to the francophone school boards so they can conduct their own cultural development. Let's stop doing what we know from the outset will fail. Stop!

Mr. René Arseneault: Thank you.

The floor is yours, Mr. Berry. Pardon me, I meant Mr. Barry.

Mr. Alpha Barry: Don't worry; I often hear that name.

Mr. René Arseneault: Mr. Ousmane Barry.

Mr. Alpha Barry: I hadn't heard that one. I got rid of it.

The short answer to your question is that the magic solution is in our brief.

We drew on what already exists, without touching the Constitution, opening it all up and so on. We looked at the Official Languages Act, with its quasi-constitutional character, and were inspired by existing paragraph 43(1)(d). We simply extrapolated from that and responded to everything you'd said in your reports. You've written so many reports and recommendations! We made sure all those recommendations were consistent with the legislative proposals we were submitting to you. We're essentially saying we have to find a way to provide a framework for federal government support for minority education.

Correct me if I'm wrong, but, from what I understand, our Constitution determines why there is a federal government and why there is a provincial government. It also determines to whom its sections apply. Furthermore, the Constitution recognizes that the

francophone minority school boards have an exclusive management right. We therefore rely on that right, which is recognized in the Constitution, in section 43, in saying that, when it comes to language and culture, the minority school boards can't be excluded.

Mr. René Arseneault: Thank you.

Here's a thought off the top of my head.

The present government is in the process of introducing carbon pricing, but some provinces are resisting it. The government has therefore decided to explain its perception of the tax directly to citizens rather than the recalcitrant provinces. I wonder whether a measure similar to the one Mr. Chaisson discussed earlier might apply in the case of subsection 41(2), to which I referred. I'd like to get your impressions on that. In other words, if some provinces rejected the idea of honouring the rights of the minorities or promoting that linguistic minority, could federal-provincial/territorial transfer money be sent directly to the right place?

Ms. Lapierre, go ahead.

● (0935)

Ms. Marie-France Lapierre: That might be a good idea. In British Columbia, we don't even have an agreement on French-language services. We're really starting from square one. This could show how important these measures are. When we talk about changing the 60/40 ratio, we're told that nothing can be done about it. We're told we'll be consulted. We attended a meeting this past May, but nothing happened. So we talk about consultations with people before talking about the official languages in education program, agreements, MOUs and action plans. Nothing's been done in that regard.

With respect to the disposal of properties, we still have a very specific example in Victoria. We really had to backtrack. It would've been much easier if we had been forewarned. For example, we learned that there were properties at Royal Roads University. We could've approached those people. It's always extremely difficult. In Victoria, for example, there's a BC Hydro property that could be transferred to the province's education sector. However, we're told that it's not possible and that we don't understand how complicated it is.

Mr. René Arseneault: It's always complicated.

Ms. Marie-France Lapierre: Yes, it's always complicated.

However, it would be far preferable to give the money directly to the school boards, for example, or to the people who come, because we would see that money instead of wondering where it went. As Marc-André Ouellette would say, finding where the money went is a painstaking business.

The Vice-Chair (Mr. Alupa Clarke): Thank you.

Mr. Choquette, the floor is yours.

Mr. François Choquette (Drummond, NDP): Thank you, Mr. Chair

Thanks to all of you for being here. We're pleased to see you once again and to be moving toward the modernization of the Official Languages Act.

My first question is for Mr. Thériège and Ms. Morin.

You say the spirit of part VII of the Official Languages Act must take precedence. As you know, part VII has been somewhat weakened by a recent judgement. How do you think part VII can be reinforced? You say we have to increase the authority of the Department of Canadian Heritage as the department responsible for administering part VII.

Can you say a little more about that aspect? How could we specifically include it in the modernization of the Official Languages Act?

Mr. Martin Th  berge: Many things can naturally be done, since this is all about promotion. I'm saying this, incidentally, to avoid Denise-Bombardier-style events. There's a lack of understanding, and many measures could be proposed to provide better promotion. That's one factor.

I take it for granted that everyone around this table is aware of gender-based analysis, which is a lens that's added to every measure that's put forward. Why couldn't official languages become the same kind of lens? I think this is a good example.

Mr. Fran  ois Choquette: That's very interesting, particularly since the former Commissioner of Official Languages issued a report stating that the government of the time didn't comply with the Official Languages Act in the cutbacks it had made. Since there was no such lens, it hadn't considered the consequences the cuts would have on the official language minority communities. That lens could be added in the Official Languages Act. Where would you put it, more specifically?

Ms. Marie-France Lapierre: I just want to tell you that we met the Commissioner of Official Languages and suggested a change to the act. We could send it to you.

Mr. Fran  ois Choquette: Yes, absolutely.

Ms. Marie-France Lapierre: It could help you.

Mr. Fran  ois Choquette: Thank you.

Mrs. Marie-Christine Morin: I'd like to add a comment on the first part of your question concerning the spirit of part VII, spirit in the sense of "development" and "reinforcing the communities". This is why the FCCF is advancing the idea of a preamble that would set the tone for the act as a whole and that would really be consistent with the idea of developing the communities and reinforcing their identity.

Here's an example. I did a little exercise. I searched the act, and certain words don't appear in it. They're the words "culture", "art", "pride", "community", "fundamental" and "Canadian values". This is why we're saying that the tone should be set for this act so it's truly structural for our communities and the representation of the Canadian identity we want to adopt. I think the spirit of part VII could serve as an inspiration for the tone to be set for the act as a whole.

• (0940)

The Vice-Chair (Mr. Alupa Clarke): Mr. Choquette, you have two minutes left.

Mr. Fran  ois Choquette: Thank you, Mr. Chair.

I'd like to go back to the census idea. It's extremely important to enumerate rights-holders. I think everyone has said something about

this. As far as I can remember, this is the first time I've heard about the wish to add a section concerning the census to the Official Languages Act.

I think it's far from being a bad idea, but I'd like to know what it would add, since it's already in the charter. What would be added by including it in the Official Languages Act?

I'd like to hear from the two school board representatives on that subject.

Ms. Marie-Pierre Lavoie: It would add a dimension of duration to the act. The method used to conduct the enumeration and who should be enumerated wouldn't change with the party in power. By adding it directly to the act, provided it's properly worded, we would ensure that all classes of rights-holders would be indefinitely enumerated. That would only help us as francophone communities.

Mr. Fran  ois Choquette: Mr. Barry, do you want to add something?

Mr. Alpha Barry: While we agree on the idea of updating the act, making it more dynamic, modernizing it and bringing it into step with the times, I think it would be easier to include this in the Official Languages Act than to reopen the Constitution. The latter solution would indeed be more difficult. Here's an example. In Saskatchewan, some 40 new schools have been opened across the province. Believe me, they all look like five-star hotels. They're beautiful, but not one of them is intended for francophones. That's sad and unfortunate. However, everything is based on the potential return on investments associated with the construction of a school. As I've already said, I'm not here to criticize anyone, just to help bring about changes.

I'm sorry...

The Vice-Chair (Mr. Alupa Clarke): Keep going.

Mr. Alpha Barry: I just wanted to say that you, as the federal government, already have to establish conditions for the transfers. We see that some of them, in health, for example, no longer go through the provinces and are forwarded directly to the institutions. Those examples are already out there, and I think you would do well to draw on them.

The Vice-Chair (Mr. Alupa Clarke): Ms. Lapierre, I wanted to tell you not to worry. You've all submitted briefs, but, if information spontaneously comes to mind, you can probably pass it on to us during subsequent turns. Otherwise you can email the committee's analyst or the clerk. We receive these messages all the time.

Now I turn the floor over to Mr. Samson.

You have six minutes, sir.

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Thank you very much.

Thanks to the witnesses for their presentations.

We've clearly chosen good witness panels for this morning's meeting. You live on the ground, you see the act's strengths and weaknesses, and you're comfortable telling us about them. We can't ask for anything more.

The key word that comes to my mind is "consultation". It appears there was no consultation at any level, which is disturbing. So we'll have to resolve the consultation issue.

In addition, another thing is bothering me in everything we've heard, and that's the transfer of responsibility from the federal government. Whether it's health, where transfers are made directly, education, employability or early childhood, the federal government doesn't ensure that the final product is the one that was expected, whereas it should do so under subsection 41(2) of the Official Languages Act. That's serious.

Like you educators, I'm very familiar with this file. I think we'll have to explore this part in much greater depth. There were no minority school boards when the charter was drafted. It was in the 1990s that the Supreme Court determined that an official language minority community had a right to education and to control and manage its educational institutions. However, you completely control their management. You control programming, but you don't have control over enumeration, properties or funding. So we're facing major problems in that regard.

The new regulations on French-language services will be helpful because they apply where there are French-language schools. We're talking about 600 additional offices. Arts and culture are extremely important in that they define us. I would like each of you to comment on the language clause that implies there is a language-related responsibility. I'd like to know how you think transfers could be structured so that the organization that provides a service for the federal government has the same responsibility. We didn't have that with Air Canada.

Please go ahead. Each of you can answer in turn.

● (0945)

The Vice-Chair (Mr. Alupa Clarke): That will be 15 seconds per person.

Mr. Alpha Barry: All right.

I'll start by evoking the subsidiarity principle. The government closest to the people is in the best position to meet their needs. I think it all boils down to that.

We are consulting ourselves on the future OLEP. As chair of the school board, I declare that I haven't yet been contacted by my government, despite several follow-up letters to the minister requesting a meeting.

Mr. Darrell Samson: Thank you.

We'll move on to the next person since time is limited.

The Vice-Chair (Mr. Alupa Clarke): Go ahead, Mr. Théberge.

Mr. Martin Théberge: I'm going to answer by raising two points.

First, we're obviously in complete agreement on the "by and for", but we're taking it further and making it "by, for and with". We don't want the government to just send us money for projects and then tell us they aren't what it wanted. If we start working together more, in a much more comprehensive way, by and for the community and with the governments and the various stakeholders, we'll have a far better chance of producing a result that's satisfactory for everyone.

Second, to respond to your comment, Mr. Samson, I would say that, yes, arts and culture are important, but we must not forget areas of activity where arts and culture are important. If culture is a community's identity, that identity automatically changes when new people arrive. So that includes immigration. Culture in education is important—I know you know that—but culture can also be a way to integrate newcomers. Culture also has a role to play in health.

I think arts, culture and cultural industries must be acknowledged as an important element, at least in the preamble to the act.

Mr. Darrell Samson: Thank you.

Mr. Chaisson, it's your turn.

Mr. Ali Chaisson: You have to start by respecting the levels of government we've created. We've created a federal government, provincial governments, municipalities and school boards.

When you create a level of government with resources and responsibilities entrenched in laws, you have to abide by those laws. In the case of school boards, there are charters that carry a significant legal weight in the country, and you have to start by complying with them.

As for the francophone communities, the only organizations that have the same administrative discipline as governments are the school boards, their auditors general and all that. You have to use them.

● (0950)

Mr. Darrell Samson: That's excellent.

Do I have any time left?

The Vice-Chair (Mr. Alupa Clarke): No.

Ms. Marie-France Lapierre: I just want to confirm what was just said. When money is provided to purchase a product, there has to be a product, but that's not the case at the moment. There's no consultation or accountability. There was a choice of six courses in English for high school students but only one for francophones. The school boards therefore told the Ministry of Education that that made no sense and that they couldn't offer a choice of six courses in English and only one in French. Four courses are now offered in French, but that's because we took action to get them.

The Vice-Chair (Mr. Alupa Clarke): Thank you very much.

Now I turn the floor over to Ms. Fortier, and then we'll take a five-minute break. It will be Mr. Généreux's turn when we come back.

Ms. Fortier, please go ahead.

Mrs. Mona Fortier: Thank you, Mr. Chair.

Good morning, everyone. I'm very proud to be on this committee, particularly as it begins this study on modernizing the Official Languages Act. I began sitting here this past September, and I have been privileged to live in the community for more than 30 years. I reread the Official Languages Act to refresh my memory and to see how we could improve it.

I really want to thank you for giving us your views today. I think we are more or less on the same wavelength. We really want to modernize the act and to help the communities move forward, but we also want linguistic duality to be considered as an important value in our country.

I want to go back to the census because those are the data that will help us determine who can attend our institutions.

When I sat on Ontario's Provincial Advisory Committee on Francophone Affairs, Minister Meilleur proposed a new inclusive definition for Ontario. That new definition increased the number of francophones in Ontario to 622,340. Some provinces have proposed an inclusive definition, but others, like British Columbia, haven't.

You mentioned that the act should have an inclusive definition, but is that addition the solution we should favour?

The representatives of the Conseil scolaire francophone de la Colombie-Britannique may begin, then Mr. Barry can answer on behalf of the Conseil des écoles fransaskoises.

Ms. Marie-France Lapierre: Annex B to our brief contains a map that shows where our students are. We have to know where they are. We can't just have a sample. We have to know where all the young people are so we can know where to build our schools and where to focus our efforts.

Last year, we received four requests to open new schools. If figures showed that there were 50 francophones in one place and 500 in another, our decisions would be much easier to make. Today, however, we base our actions on the people who arrive and what's asked of us.

We talked about identity and immigration. When newcomers arrive in British Columbia, they don't know they can choose one language or the other. They assume a lot of things. For example, francophone immigrants who arrive in British Columbia put their children in anglophone schools because they want to make sure they have a space. We have to provide education, but, to educate all those people, we have to know who they are and how to speak to them.

Mrs. Mona Fortier: Thank you very much, Ms. Lapierre.

Mr. Barry, do you want to add something?

Mr. Alpha Barry: Diversity is no longer a matter of choice in Saskatchewan. We take in so many immigrants that it's become a commitment. The vitality and sustainability of language and culture depend on this wave of immigrants that's arriving in Saskatchewan, and that concerns the schools. It comes with an added value but also with its share of issues.

Yesterday, the minister made a statement about pre-departure services. A wave of excitement would break if we could determine who the new immigrants are and where they're arriving. These statistics help us do a better job of laying the groundwork.

• (0955)

Mrs. Mona Fortier: I see.

Mr. Alpha Barry: Take me, for example. I come from a French system where everything was in blocks and structured, and then I arrived here and it was a different system.

We have to help newcomers and their children succeed. Success has to be the watchword for everyone.

Mrs. Mona Fortier: Thank you, Mr. Barry.

Mr. Chaisson, you said the Treasury Board should be the organization charged with administering the Official Languages Act. Why should it be the Treasury Board and not the Privy Council?

I'd also like to know what Mr. Théberge thinks about this.

Mr. Ali Chaisson: From an operational standpoint, I don't really see how the Privy Council could take on that responsibility. It's hard to imagine.

You can assign that responsibility to whatever organization you want, but if you attach no genuine importance to the act and there's no conviction or will to achieve the objectives set, it won't work and you'll simply be going around in circles.

Mrs. Mona Fortier: Mr. Théberge or Ms. Morin, do you have any comments on the application of the act?

Mr. Martin Théberge: Yes, very briefly.

What's important to us is not so much who will be in charge of it, but that there be strong leadership. The important thing is that the organization charged with this must not be both judge and party. In other words, it must not build partnerships and slap wrists at the same time. The two can't go together. For example, the Department of Canadian Heritage can't promote interdepartmental efforts while slapping the wrists of other departments. Strong leadership is required, and it must be exercised by an independent organization.

Mrs. Mona Fortier: Thank you very much. I needed to hear your views on that.

The Vice-Chair (Mr. Alupa Clarke): Now we will suspend for five minutes, and then it will be Mr. Généreux's turn. Thank you.

• (0955)

(Pause)

• (1005)

The Vice-Chair (Mr. Alupa Clarke): We'll resume the meeting.

Your turn, Mr. Généreux. If I correctly understood, you have agreed with Mrs. Boucher that she will speak during your speaking time.

Mrs. Sylvie Boucher: This won't take long. I'm saying publicly that I would like:

That the Committee invite Denise Bombardier to appear before the Committee.

The Vice-Chair (Mr. Alupa Clarke): You've just introduced a motion. We could debate it in 48 hours, unless committee members agree to debate it immediately. Otherwise it's only a notice of motion.

Mrs. Sylvie Boucher: That's correct.

The Vice-Chair (Mr. Alupa Clarke): Does it remain a notice of motion, or do you want us to discuss it as a motion right away?

Mr. Darrell Samson: I want it to remain a notice of motion.

The Vice-Chair (Mr. Alupa Clarke): As the members aren't unanimous, we can't debate it now.

Mrs. Sylvie Boucher: I put the question to all the members of the committee, and everyone agreed to debate it immediately.

Mr. Darrell Samson: You didn't ask me the question.

Mrs. Sylvie Boucher: You might have left.

Mr. François Choquette: I have a point of order, Mr. Chair.

The Vice-Chair (Mr. Alupa Clarke): I'm listening, Mr. Choquette.

Mr. François Choquette: Mr. Chair, I apologize for contradicting you, but, if Mrs. Boucher introduces a motion, we must debate it today, unless we suspend it. Perhaps I've misunderstood the Standing Orders, but that's the case when a motion is introduced.

Mrs. Sylvie Boucher: It takes 48 hours.

The Vice-Chair (Mr. Alupa Clarke): Mr. Choquette, I'm told it takes 48 hours for a notice of motion to become a motion.

Mr. François Choquette: Is that true even if it's introduced directly during one's speaking time?

Mrs. Sylvie Boucher: Yes.

Mr. François Choquette: Is that because there was no 48-hour notice?

Mrs. Sylvie Boucher: That's correct.

The Vice-Chair (Mr. Alupa Clarke): We could debate the notice of motion and then obstruct it, but it would remain a notice of motion and not an official motion. You're right in saying that the discussion may continue, but that won't alter the fact that it's a notice of motion for the moment.

Mr. Samson, you have the floor.

Mr. Darrell Samson: My only objective is that we not waste time with this.

Mrs. Sylvie Boucher: It wasn't in order to waste time.

Mr. Darrell Samson: We'll discuss it at another time.

Mrs. Sylvie Boucher: I just wanted to introduce it to ensure it's public.

The Vice-Chair (Mr. Alupa Clarke): Mr. Généreux, it's your turn.

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Thank you, Mr. Chair.

Thanks as well to the witnesses.

I'll get straight to the point. Mr. Chaisson, earlier you said that parliamentarians and officials lacked creativity, and you're absolutely right. I completely agree with you, and I'm going to tell you why.

The only creativity I can show in the House today is by wearing a bow tie instead of a necktie. I warn everyone that I'm going to play the devil's advocate, and you can detest me as much as you want.

From what I've heard to this point, Parliament is governed by a framework and laws. The same is true of the Official Languages Act; it provides a framework for the Canadian francophonie and it interacts with other laws.

I'm repeating your expression because I think it's very good. There is a lack of creativity with regard to the act. Mr. Barry talked about making the act dynamic, which means changing, amending and adjusting it. The framework of an act is what determines the way things will work.

From what I've heard this morning, we all agree that the act should be amended; that's not in question. Before I continue, I'd like to know who among you has testified in the Senate. I see everyone has. That's perfect.

The consultations began a year and a half ago. Mr. Barry said it would be good for the school boards to be consulted. You all said we had to work together. That's wishful thinking indeed, and it's very interesting. I'd do the same if I were in your shoes.

However, some amendments concern the building association, the school boards, consultations, accountability and so on, but the act can't be a pie or a pizza with 50,000 ingredients. An act is a framework, and it's impossible to write down all the details. I completely agree with everything the witnesses have said this morning, particularly the people from western Canada, who have been put in an absolutely unfair situation because the federal government doesn't want to transfer buildings to them so they can be fitted up as schools.

However, there's no provision for this kind of thing in the Official Languages Act or in any other acts either. Will we take action based on the official language or the way buildings are transferred in a specific sector? I suppose Public Services and Procurement Canada is responsible for that transfer.

I'm talking in a somewhat scattered way because I'm trying to make you react on this issue.

My speaking time was shortened at the start. I ask everyone to grant me the minute and a half that Mrs. Boucher took from me.

I agree that the act must be modernized—we agree on that—but we can't turn it into a pizza either. More broadly speaking, should the act be amended to suit you?

Ms. Lapierre, I'm listening.

• (1010)

Ms. Marie-France Lapierre: We should start by including the school boards. Most of the school boards didn't exist when the act was originally drafted. We should be included in the act because we have a role to play. Language is transmitted via culture and education, but we aren't included for the moment. It would be good to start off by including us in the act, but people should also know that we exist and that they can come and talk to us.

Mr. Bernard Généreux: Mr. Chaisson, what do you say?

Mr. Ali Chaisson: We won't have the time today, this week, this month or this year for a discussion that would reflect all your comments, but thank you sincerely for your generosity towards us.

That being said, after 50 years of institutional bilingualism in Canada, we have a moral responsibility to summon the courage to move on to something else.

Why does the federal government offer fewer services in New Brunswick than the provincial government? The federal government has significant financial resources, but it's harder to get service in French from federal institutions than those in New Brunswick.

Mr. Bernard Généreux: You mean at the provincial level, don't you?

Mr. Ali Chaisson: No, I'm talking about the federal level.

I wonder whether the time has come to consider a degree of harmonization of language regimes in Canada. For example, couldn't New Brunswick be exempted from the application of part IV? As a result, the federal government wouldn't rely on a calculation of its population's needs to justify providing a service.

Mr. Bernard Généreux: You're saying that because your province is officially bilingual, aren't you?

Mr. Ali Chaisson: Yes, absolutely.

That's why the federal government and the province should agree on this fundamental issue and agree to administer their respective acts in the same way.

Why, for example, can a francophone school board in Newfoundland and Labrador name a school, whereas we in New Brunswick, where francophones constitute 35% of the population and there's a dual education system, don't have the right to do it?

We've had the same language regime in Canada for 50 years, and the time has come to move on to something else. We, as a country, must have a comprehensive discussion to determine what the legacy of this language regime will be and whether we can move on to something else, and the federal government must be a major leader in that social debate.

•(1015)

The Vice-Chair (Mr. Alupa Clarke): Thank you.

Mr. Rioux, the floor is yours.

Mr. Jean Rioux (Saint-Jean, Lib.): I'm very pleased to meet you all, some of you once again, and especially to see the vibrancy of the francophone communities and their will to maintain their vitality.

In my opinion, contrary to what a certain Ms. Bombardier seems to believe, the 2.7 million francophones outside Quebec have an influence that enables the French fact to survive in Quebec, and, conversely, they also help the francophone communities outside Quebec survive by having a flagship in Quebec.

On this subject, Ms. Lapierre and Ms. Lavoie, on a trip we recently took to western Canada, you raised a point that we absolutely can't disregard if we want to ensure that French continues to exist: only one in five children can attend an early childhood centre in French. The needs are not being met. If I correctly understood, that doesn't fall under the Official Languages Act.

How could we correct that situation so more children can go to school in French from the start of their education?

Ms. Marie-Pierre Lavoie: First, we have to enumerate the children. We have to be able to count them so we can take them into our schools.

Second, in our brief, we discussed the disposal of real property and the funding framework. We also have to be able to build infrastructure. Governments must consult us so we can acquire property and infrastructure. As we said, it's not that there isn't any; it's that there's a lack of political will to work with us to build and fill schools.

Consequently, by knowing the number of children we have to accommodate, we can build adequate schools and facilities. Then we can entertain the hope that five out of five children can attend a childhood centre in French.

Mr. Jean Rioux: I see.

Ms. Marie-France Lapierre: In fact, the infrastructure that has been built is too small. A new school was built for the École des Pionniers-de-Maillardville, which used to have approximately 390 students. The new building is supposed to be able to accommodate 560. We were told that was enough, that we would have so much space we'd get lost and that we could provide child care and preschool services there. However, the school opened in April and there were already 640 students. There will be 700 in September.

Consequently, there are four portable classrooms at a new school, which creates pressure. We are trying to be creative in providing early childhood services, but this is a tangible example that is popping up across the province because, in a way, we are victims of our own success. The more our schools succeed, the more people they attract and the fewer spaces we have for early childhood pupils, which creates problems. When people begin their education elsewhere, it's much harder for them to enter francophone schools.

In short, we need schools that are large enough to accommodate all students, from early childhood to grade 12 and graduation. Furthermore, we've been told that not enough students graduate, but that's because we don't have the necessary infrastructure to provide secondary instruction. That's why there are a lot of schools in the province where instruction doesn't go beyond grade 7.

Ms. Marie-Pierre Lavoie: Education isn't limited to the years from kindergarten to grade 12. It extends from the cradle to the grave.

Mr. Jean Rioux: Earlier I thought I had heard that early childhood isn't recognized under the act. The Department of Canadian Heritage provides no funding in this area as the act currently doesn't cover it. Is that correct?

Ms. Marie-France Lapierre: We have carried out pilot projects for children 4 years of age in our schools. We used money from OLEP for that purpose, but it covers only 5 out of 40 schools. I checked with the Ministry of Education to see how much it would cost us, for example, to provide services to children 4 years of age. The ministry laughed at me and told me it would cost \$10 million. Consequently, I need an additional \$10 million in my budget, but you're right, it's not in the act. It falls under Family Support Services.

•(1020)

Mr. Jean Rioux: I'm going to expand my subject. Earlier someone said you all had quite an obvious problem with accountability for cash transfers. Would it be possible for federal money to go directly to the francophone school boards? Would that be unconstitutional? What might stand in the way of that?

Mr. Barry, do you want to respond?

Mr. Alpha Barry: That would be ideal; that's what we would like. As I said earlier, there are examples of situations in which the federal government is currently dealing directly with postsecondary institutions regarding health by going through an association whose name I've forgotten but that represents the institutions in the health world. So this already exists. It would be ideal for us, of course, but if we can't achieve the ideal, at least provide us with a framework that governs funding: why and how must we allocate that funding, while ensuring that we comply with the principle of "by and for" so that everyone's comfortable? It's uncomfortable for me to be here today, to step up to the microphone and speak because I'm going to go back to Saskatchewan and cross paths with our Minister of Education. Having said that, I want to show some conviction here and talk in a manner commensurate with our aspirations.

For us, early childhood, as you say, is really the base; that's where it all starts. We're in an assimilation setting. The growth factor is also important so that our schools continue to grow. We also need to solve social problems such as today's exogamy.

The Vice-Chair (Mr. Alupa Clarke): You need to finish, please.

Mr. Alpha Barry: I was just saying that, from the outset, we must prepare those students who need to succeed from early childhood, and we have to support them on their cultural and academic journey.

The Vice-Chair (Mr. Alupa Clarke): Mr. Généreux, you have five minutes.

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

Going back to federal-provincial relations, earlier Mr. Arseneault made a connection with the bad provinces, or at least the provinces that are resisting the carbon tax. We could do the same thing in the provinces that resist the francophonie or, in any case, services to francophones. Perhaps we could punish them in a way. Wouldn't there be another way to do that? We know that relations with francophone communities are difficult in a number of provinces. How could the federal government include that in the Official Languages Act? Since the provinces obviously have to be respected, how can we integrate that into the act? I completely agree with you: sometimes money is given to the provinces, but that money ultimately isn't used for the very specific and defined purposes it's intended to serve. Sincerely, I would cut their funding, but we have to find the right way to do it. It's a matter of accountability, not punishment.

Would you like to react to that, Ms. Lapierre?

Ms. Marie-France Lapierre: I think there are two possibilities. You can give money directly to the school boards and give the Office of the Commissioner of Official Languages more teeth.

Mr. Bernard Généreux: Since education is a provincial jurisdiction, how can we take action while respecting that jurisdiction?

Ms. Marie-France Lapierre: You can give money in return for a product. For example, you can grant supplementary funding intended for the francophone minority. You must therefore check to see whether that money has really been used as supplementary funding and for the intended purposes. Was it really given to a francophone minority? I think that, if that was verified, that would already be a significant improvement.

Mr. Bernard Généreux: You say we could, for example, give the province \$100 for education and specify that \$25 must be used for the francophonie.

Ms. Marie-France Lapierre: The province would then have to prove that \$25 was used for the francophonie.

Mr. Bernard Généreux: I see, but you have to be aware that accountability between the provincial and federal governments is meaningless. Honestly, it doesn't exist.

Ms. Marie-France Lapierre: Exactly. You have to have accountability. If you don't, then the Office of the Commissioner of Official Languages has to have more teeth. The office can conduct investigations and bring court actions in an attempt to enforce the Official Languages Act, but it has no real power. That's why we are talking about putting that responsibility in the hands of the Treasury Board because it has the necessary powers to tell the people concerned that their funding will be cut if they don't do what they're supposed to do.

Mr. Bernard Généreux: Ms. Morin, earlier I saw in your eyes that you had something to add.

• (1025)

Mrs. Marie-Christine Morin: It was about your previous remarks. If you view this act as a pillar of Canada's identity, there may be a way to agree on principles. We obviously can't go into details and conduct a methodical, wide-ranging exercise. However, we could collectively agree on principles. We could also show some creativity in the way we conduct that conversation on principles. That's what the FCCF has put forward.

The government has a relatively new model under which it can conduct conversations with aboriginal peoples on principles. We think it's a model that could be reproduced in the exercise...

Mr. Bernard Généreux: Are you telling me this conversation has to be conducted on a continuous basis rather than be of limited duration? The Senate has been studying Bill S-209 for more than a year. It would be very surprising if the changes proposed to the act were made before the next election; it's virtually impossible. The next government will therefore have to continue the exercise.

What exactly are you saying about the way the conversation should be conducted? I want to be sure I understand what you're telling me. Should it be done continuously or should it be limited in time?

Mrs. Marie-Christine Morin: Believe me, your idea of having a continuous conversation is excellent.

What I'm saying is that the debates in this modernization exercise must be conducted in several areas and focused on many aspects. They must be substantive debates, debates on principles. We think this has to be a social project. It must be a...

Mr. Bernard Généreux: In that case, there should be more people like Denise Bombardier rocking the boat because people react to this.

Mrs. Marie-Christine Morin: Yes, absolutely.

Mr. Bernard Généreux: You can shoot the messenger, but her words have triggered a discussion, and you can agree or disagree with it. I'm totally opposed to it. However, it has triggered a discussion that has woken people up. These remarks have shaken the Canadian francophonie.

What I understand from this is that Ms. Bombardier, who is a Quebecer, has the same perception as Quebecers in general, who think this francophonie doesn't exist. We know it does because we sit on the committee, we travel, we go and see you, you come and see us and so on. However, the general population doesn't have the same perception.

That's why earlier you talked about promoting official languages. It's up to the federal government to do that, not necessarily the provinces. Collectively, we can do it together, but...

Mr. Martin Thériault: It's also up to the federal government. What we're saying is that you have to go beyond consultation. Consultation, as it's been conducted in recent years, doesn't work. Let's talk instead about co-development, joint creation, working together, in both a short-term perspective, as we are doing with this bill, and for the long term. That has to be done on a continuous and time-limited basis.

Mr. Bernard Généreux: I'm extremely pleased to hear that these immersion schools are overflowing with students all across the country. That means there's francophone vitality everywhere in Canada.

Ms. Marie-France Lapierre: I think it's also really important that the act be non-partisan. As you said, the election is coming. I hope we can continue to fight for the modernization of the act.

Mr. Bernard Généreux: Do you think the present act is partisan?

Ms. Marie-France Lapierre: No, I'm not saying it's partisan. In fact, it's one of the acts that are really non-partisan. Some acts are a little more so in some instances. Here we're talking about an act that protects our identity. Canada's official languages are English and French. It's important to promote them and to ensure they survive. I'm talking about the survival of anglophones in Quebec and francophones outside Quebec. This is what constitutes our unique identity in Canada. We are recognized around the world for that identity and for our respect for those two languages. That's why it's important to make changes to the act.

The Vice-Chair (Mr. Alupa Clarke): Thank you, Ms. Lapierre.

Mr. Choquette, the floor is yours.

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

I'd like to go back to the New Brunswick issue with Mr. Chaisson.

You said that New Brunswick was forgotten during the other modernization of the Official Languages Act and even that it was forgotten during the initial rollout of the Official Languages Act. I'd like you to give us a few more details on that oversight.

You mentioned a few specific characteristics that we should see. For example, the official languages regulations under part IV of the act were recently modernized. From what I understand, you were forgotten again. Perhaps the same thing is occurring in immigration.

Explain to us a little of what's special about New Brunswick, as the only bilingual province of Canada, and what should be done so that people stop forgetting it.

• (1030)

Mr. Ali Chaisson: I think less attention should be paid to the idea of bilingualism and more to the idea of duality.

New Brunswick is the only province that has a dual education system. The Department of Education is divided into two parts. There are two deputy ministers, an anglophone and a francophone, and they offer parallel programs. This duality is somewhat apparent in health, despite the fact that there's no official duality in that field in New Brunswick. It would be really practical if that could be the case; it's a wish.

Our social experience in New Brunswick is special. I've been speaking with my counterparts for 30 years, and I would say it's often the envy of the other provinces. We have a distinct education system in which we can create programs specific to the community, but this duality isn't without its challenges.

In immigration, for example, if the Acadians of New Brunswick don't manage francophone immigration, then we're doomed. We have to be able to shape a kind of duality in immigration, early childhood and culture. The SANB's position on this is very firm: we demand duality in all matters pertaining to the social development of individuals.

Mr. François Choquette: There isn't any duality in early childhood right now, but there is in immigration?

Mr. Ali Chaisson: Education is the only area where duality is absolute: it's laid down in the act and entrenched in the Constitution.

Mr. François Choquette: So that's not the case for immigration.

Mr. Ali Chaisson: Exactly. You can see it in the results, especially in rural areas where the numbers aren't big enough. New Brunswick's municipalities are another problem. You have the issue of the non-inclusion of the municipalities, which are seeking full local governance. Naturally, a community that doesn't have the resources and institutions it needs can't develop or create a blueprint for society to support that thinking.

Getting back to the regulations, Mr. Choquette, the purpose of the proposed minor change to the regulations is to make them more consistent with New Brunswick's provincial act. I would even say there's no problem with OLEP or the federal government's ability to invest money in the school boards. We don't need to amend the act for that.

The Vice-Chair (Mr. Alupa Clarke): That's good. Thank you.

We're on the last and final round, and there are 12 minutes left. I'll turn the floor over to Mr. Généreux, and then it will be Ms. Lambropoulos's turn.

Mr. Bernard Généreux: In the end, I'm lucky not to have lost a minute and a half earlier.

Mrs. Sylvie Boucher: I let him have it all.

Mr. Bernard Généreux: I'm going to continue the conversation you were having with Mr. Choquette.

A new government has just been elected in New Brunswick, fortunately a Conservative one. Unfortunately, the premier is a unilingual anglophone, from what I understand. Three members were also elected from a party that appears to be anti-francophone. That was their key issue. Well, that's what I understand from the various branches, and you can correct me if I'm wrong.

New Brunswick is the only officially bilingual province in Canada. Apart from any partisan considerations, how do you interpret the rise of that kind of party? Do you see it as signalling a step backwards for bilingualism? How do you perceive this in Canada's only bilingual province? What's it like for you right now?

Mr. Ali Chaisson: I like the expression "partisan craziness".

On this matter, the Higgs government will do what it has to do in order to govern. The issue is absolutely and intrinsically clear to us at the SANB: we won't accept any setback for language rights. As for the *People's Alliance*—I don't like the French translation, "Alliance des gens", because it was done by Google—that party was established to put an end to duality in New Brunswick because it would cost too much, create a separation between anglophones and francophones and all that facile populist rhetoric.

The New Brunswick economy isn't doing well, and, as you can see from the way so-called modern societies are evolving, there's a tendency to attack the most vulnerable people once things take a turn for the worse. The linguistic minorities in New Brunswick are part of those vulnerable communities that people feel free to attack. People then say the economy is doing poorly because we pay twice for ambulances, we have two kinds of schools, and we pay twice as much for school buses and hospitals.

First, all the statistics and economic studies clearly show that New Brunswick's duality doesn't necessarily cost more. Second, New Brunswick's duality and bilingual capacity generate economic activity representing at least \$8 billion a year.

It's easy to make up any story in response to anybody at any time. However, when you start to sift through the facts, the responses don't come so quickly.

•(1035)

Mr. Bernard Généreux: I have an enormous amount of respect for the general public's intelligence. You shouldn't underestimate the collective intelligence. In a bilingual province like New Brunswick, when you elect people who are openly opposed to linguistic duality to represent you in Parliament...

You don't agree with what I'm saying?

Mr. Ali Chaisson: Here's the problem: New Brunswick isn't a bilingual province. New Brunswick has institutional bilingualism, like the federal government. You can't say Canada is bilingual; it's not true. There are 63,000 unilingual francophones and approximately 150,000 who are bilingual.

Mr. Bernard Généreux: That's about 10% of the population.

Mr. Ali Chaisson: The bilingualism rate among anglophones is substantially lower than that. For 50 years, bilingualism in New Brunswick has ensured that francophones are assimilated into

English. After 50 years, it isn't right that anglophones in New Brunswick don't speak French and have no desire to learn it. It's not right. These people have ample reasons not to do it.

I sincerely don't care; that's their choice. However, there has to be a collective or social change. The events in California last night have shown us one thing: we have a social responsibility as a country—and that includes all citizens—to establish a country that doesn't look like other countries but rather looks like us. We have the linguistic values of two founding peoples, anglophones and francophones, in one country. If the Canadian government and the parliamentarians who administer it can't come up with a value system that is intrinsically connected to the way our society has evolved, then we have a problem.

Mr. Bernard Généreux: Thank you very much.

The Vice-Chair (Mr. Alupa Clarke): Ms. Lambropoulos, you have the floor.

Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.): You're right in saying that everyone should try to be bilingual and that English and French are the two official languages. I imagine it's very hard to convince people to become bilingual. There could be mandatory courses at all levels. That could definitely help.

I'm an anglophone from Quebec. I went to an anglophone school that offered French courses. I also went through French immersion. That's why I speak good French. I didn't really have the necessary ability or confidence to speak French until I finished high school and started to work in French. I wasn't bilingual, even though I had studied French. It's true that it's hard and that there should be more opportunities to converse in French and live in a bilingual environment every day. That would help.

Mr. Chaisson, you said it was hard to obtain services in French from federal agencies, and I find that appalling. Under the act and the action plan, the percentage of francophone staff at the federal agencies in New Brunswick should be proportionate to the size of the francophone population. However, that doesn't appear to be the case.

Have you filed any complaints with the Commissioner of Official Languages. What are you doing to raise this problem, apart from testifying here?

•(1040)

Mr. Ali Chaisson: I want to say two things.

First, I graduated from an immersion school too. The government didn't grant a right to French-language education in my time.

Then, in the last 30 years, which I have spent in the Canadian francophonie, I have filed I don't know how many complaints. I'm here today to say that I don't see that anything has changed.

I'd like to go back to the point I raised earlier. I have never said, and would never say, that people should be compelled to learn a language, never ever. I come from Newfoundland and Labrador, a province where 26,000 young anglophones are learning French but are not being forced to do so.

However, madam, I think it's appalling that, after 50 years of bilingualism, a community college in New Brunswick hasn't come up with a French-language program for the nurses it's training to ensure they have a minimum level of proficiency in French once they complete their studies, when it knows perfectly well that those students will be applying for essentially bilingual positions upon graduation. On the other hand, all the students at the francophone community college are bilingual at the end of their studies. That's what I find appalling.

Anglophones aren't opposed to the language issue; they're opposed to the fact that someone has knowingly decided to deprive them of that option. I would even go so far as to say that there's a lack of political leadership. Instead we should ask ourselves what has to be done to have a bilingual province and to ensure that the anglophone and francophone communities feel they are being served. That's not what has been done, and the result is the People's Alliance.

Ms. Emmanuella Lambropoulos: What could the federal government do to improve the situation of francophones in your province?

Mr. Ali Chaisson: We've been talking about reparations in French Canada for many years—some of you have been fighting that fight for longer than I have. Once again, the issue is the basic values of this country. Are we going to invest money to right the wrong that has been done in the 50 years the act has existed, and beyond, since we can go back further than that?

Some measures don't work, and the communities should be asked what constitutes a positive measure. Does that involve asking Immigration, Refugees and Citizenship Canada to invest in the Réseaux en immigration francophone, the RIF, to promote francophone immigration? Should the same amount then be granted to Newfoundland and Labrador, Prince Edward Island, Nova Scotia and New Brunswick? Do those four provinces have the same needs? I don't know. I'm not an expert, but I think the measures should be commensurate with francophone population density. The most basic concept that should be defined is the concept of a "positive measure".

Ms. Emmanuella Lambropoulos: I see.

Ms. Lapierre, do you want to add a brief comment?

Ms. Marie-France Lapierre: We talked about the census before you arrived, and I wanted to underscore the importance of enumerating all rights-holders, both francophones outside Quebec and anglophones in Quebec. For the moment, the census enumerates no anglophones. The Commissioner of Official Languages must be given more powers.

I'm going to pass on one of our suggestions, and that's that this must be taken over by the Treasury Board because, when complaints are filed, there are no real consequences, given the situation. As all parents know, there must be logical consequences.

• (1045)

The Vice-Chair (Mr. Alupa Clarke): That brings to an end our 119th meeting of the 42nd Parliament, since 2015.

Thank you very much for travelling to Ottawa from more or less distant provinces.

Thank you for your contributions to our work, through the reports you have filed and the emails, and handwritten letters, of course, that you have sent us.

Thanks as well for taking part in the initial stages of our study on the modernization of the act. I encourage everyone to follow the progress of our work.

On November 20, when we return from the parliamentary break, during which we will be working in our respective constituencies, we will hear from the representatives of Juristes Power. On November 22, we will have those from the Fédération des communautés francophones et acadienne du Canada, the FCFA, a group well known in official languages circles in Canada. Senator René Cormier will be reporting to us on progress being made on the work by our counterparts in the Senate, or, I should say, the other chamber.

Thank you, everyone.

The meeting is adjourned.

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