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# Standing Committee on Official Languages

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Chair: Mr. René Arseneault





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• (1540)

[*Translation*]

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

This is the first meeting in 2023 of the Standing Committee on Official Languages.

Welcome to meeting number 46 of the Standing Committee on Official Languages.

I'd like to welcome Ms. Gladu, who is a new full member of our wonderful committee, as well as Mr. Martel, who is substituting for Mr. Godin.

Pursuant to the order of reference of Monday, May 30, 2022, the committee is resuming consideration of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

Pursuant to our routine motion, I wish to inform the committee that all members completed the required login tests prior to the meeting. However, in this case, almost everyone is here in the room; it's the first time that's happened in a very long time.

Today, we resume the clause-by-clause review of Bill C-13.

I would like to remind members that amendments submitted by committee members remain confidential until they are moved at committee.

I would like to begin by welcoming the officials from the Department of Canadian Heritage, Citizenship, Refugees and Immigration Canada and the Treasury Board Secretariat, who are here to answer more technical questions from committee members.

From the Department of Canadian Heritage, we welcome Julie Boyer, assistant deputy minister of Official Languages, Heritage and Regions; Jean-François Roussy, director general of Policy and Research, Official Languages Branch; and Jean Marleau, director, Modernization of the Official Languages Act.

We also welcome Alain Desruisseaux, director general, Francophone Immigration Policy and Official Languages Division, Department of Citizenship and Immigration. We met him at our previous meeting.

Finally, from the Treasury Board Secretariat, we welcome Carsten Quell, executive director, Official Languages Centre of Ex-

cellence, People and Culture, Office of the Chief Human Resources Officer.

I'm going to repeat what I said about procedure at the first clause-by-clause consideration meeting, because it's very important. I won't do this at every meeting, but since this is the committee's first meeting in 2023 and we're a little rusty, I will say the following, if I may.

As a reminder, I would like to explain to members of the committee how committees conduct clause-by-clause consideration of a bill.

As the name suggests, this exercise is to consider, in order, all clauses of a bill. I will call each clause, one at a time, and each clause may be debated before it is voted on.

If an amendment is moved to the clause in question, I will give the floor to the member moving it, who may explain it if he or she wishes. The amendment may then be debated and voted on when no other member wishes to speak. Amendments shall be considered in the order in which they appear in the bundle which the members of the committee have received from the clerk.

It is important to note that all amendments and subamendments must be submitted in writing to the committee clerk.

Amendments must be legally correct, but they must also be procedurally correct. The chair may rule an amendment out of order if it impinges on the financial initiative of the Crown, contravenes the principle of the bill, or exceeds the scope of the bill, i.e., the principle and scope that were adopted by the House of Commons when it passed the bill at second reading. If you want to remove a clause from the bill altogether, you should vote against the clause when it comes to a vote, rather than move an amendment to remove it.

As this is a first experience for most of us, the chair will proceed slowly. This will allow everyone to follow the deliberations well.

Each amendment has a distinctive number. It is in the top right-hand corner of the page and indicates which party has submitted it. The proposer does not need anyone else's support to move the amendment. Once an amendment has been moved, unanimous consent of the committee is required to withdraw it.

During the debate on an amendment, members may propose subamendments. These do not need to be approved by the member who moved the amendment. Only one subamendment can be considered at a time. You will remember that we got somewhat lost in the subamendments at one point. So the rule is strict. The subamendment may not be amended.

When an amendment is the subject of a subamendment, it is the subamendment that is voted on first. Another subamendment may then, and only then, be moved, or the committee may revert to the main amendment and vote on it.

Once all the clauses have been voted on, the committee shall hold a vote on the title and on the bill itself. The committee must also give an order to reprint the bill so that the House of Commons has an updated version at report stage.

Finally, the committee must ask the chair to report the bill back to the House of Commons. This report shall contain only the text of the adopted amendments, if any, and an indication of the deleted causes, if any.

I thank members for their attention. I wish the committee a productive clause-by-clause study of Bill C-13.

With that said, we resume clause-by-clause consideration. Last time, we were debating clause 2.

Mr. Beaulieu, you have an amendment to move: amendment BQ-0.1. You have the floor.

• (1545)

**Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ):** On the one hand, the amendment seeks to amend clause 2 by replacing line 1 on page 2 with a passage that begins as follows:

AND WHEREAS the Government of Canada is committed to enhancing the vitality and supporting the development of English and French linguistic minority communities — taking into account their uniqueness, diversity and historical and cultural contributions to Canadian—

**Mr. Anthony Housefather (Mount Royal, Lib.):** I have a point of order, Mr. Chair.

Excuse me. I don't want to interrupt my colleague Mr. Beaulieu, but I want to follow procedure. At the last meeting, Mr. Beaulieu had moved a different amendment and it was being debated. Before dealing with amendment BQ-0.1, I believe we need the unanimous consent of the committee to withdraw the amendment that Mr. Beaulieu moved at the last meeting. I don't want it to create problems and confusion later on.

**The Chair:** Thank you, Mr. Housefather. I see that the jurist and committee chair is very good at this.

You are correct, Mr. Housefather, but there was a grey area when we adjourned without completing debate on the amendment. To act logically, we could withdraw amendment BQ-1 with the unanimous consent of the committee, and it would be replaced by amendment BQ-0.1 and amendment BQ-1.1. It's true that that would be the logical order in which we should proceed, unless you propose something else. I turn to the experts in the field. They are giving me the nod that this is indeed the right way to proceed.

Do we have unanimous consent to allow Mr. Beaulieu to withdraw amendment BQ-1, which he moved at the last meeting and on which we were unable to complete debate?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

As amendment BQ-1 has been withdrawn, we are back at square one and we will now move on to amendment BQ-0.1.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** I will continue:

[...] taking into account their uniqueness, diversity, and historical and cultural contributions to Canadian society —

Clause 2 would therefore be amended by replacing line 1 on page 2 with the following:

society, as well as the fact that they have different needs — as an integral part of the two official language

The anglophone minority in Quebec has different needs than the francophone and Acadian minorities. It benefits from well-funded, if not overfunded, facilities.

Next, in item (b), the amendment seeks to amend clause 2 by adding after line 8 on page 2 the following:

AND WHEREAS the Government of Canada is committed to respecting Quebec's language planning choices, as set out in Quebec's *Charter of the French language*;

That would be added after the following:

AND WHEREAS the Government of Canada is committed to protecting and promoting the French language, recognizing that French is in a minority situation in Canada and North America due to the predominant use of English;

We know that French is in decline because we're unable to make French the common language. I believe that Quebec being able to choose its language planning and ensure the future of French is part of its right to self-determination.

Item (c) seeks to amend clause 2 by replacing line 3 on page 2 with the following:

while taking into account the fact that they have different needs, to provide services in both English and French, to respect

That would come after the following:

AND WHEREAS the Government of Canada is committed to cooperating with provincial and territorial governments and their institutions to support the development of English and French linguistic minority communities,

The rest of the amendment would remain as is.

In the throne speech two years ago, it was said that the federal government also had a responsibility to protect French in Quebec. This amendment is entirely consistent with that. We must take the different needs into account and have an approach that differentiates Quebec's anglophone community from the francophone and Acadian communities outside Quebec, which lack facilities and whose assimilation rate increases with each census. It's not English that is threatened in Quebec, it's French.

• (1550)

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

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

I don't support this amendment, but I'd like to ask our esteemed panel some questions.

First of all, the amendment seeks to add the following language to the bill:

AND WHEREAS the Government of Canada is committed to respecting Quebec's language planning choices, as set out in Quebec's *Charter of the French Language*;

Have there ever been any situations in the history of the Official Languages Act where the federal government has agreed to bow to a province's choices?

**Ms. Julie Boyer (Assistant Deputy Minister, Official Languages, Heritage and Regions, Department of Canadian Heritage):** With respect to the official languages bill, no, not that I know of.

**Mr. Anthony Housefather:** If we say that we're committed to respecting Quebec's choices in the Charter of the French Language, does that mean that, as a federal government, we're also committed to respecting the choice to pre-emptively use the notwithstanding clause provided for in Bill 96, the Charter of the French language?

**Ms. Julie Boyer:** It means that the federal government is committed to respecting Quebec's choices regarding its language planning, which is provided for in the Charter of the French Language. That also includes future versions of the charter. So the government is committed to respecting what's in the Charter of the French Language and any future versions of it.

**Mr. Anthony Housefather:** So does that mean that not only would we have to accept and respect the notwithstanding clause being used pre-emptively to take away the public's right to go to court and seek redress, but we'd also be committing to a law, whatever amendments a provincial legislature might decide to make to it?

Is that right?

**Ms. Julie Boyer:** Yes, the federal government would be committing to respect Quebecers' language planning choices, regardless of future amendments.

**Mr. Anthony Housefather:** As I understand it, in Bill 96, it says that services in English are only available to members of the anglophone community who have the right to send their children to an English-language school. Therefore, access to English-language schools is a prerequisite for obtaining government services in English.

Does this mean that, from a federal perspective, if we agree to this, we must also respect the fact that only Quebecers who have the right to send their children to an English-language school are entitled to receive government services in English?

**Ms. Julie Boyer:** Yes, we would respect the Charter of the French Language.

**Mr. Anthony Housefather:** I hope that my Conservative colleagues also understand why we must vote against this amendment.

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

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

I am also going to vote against the amendment. At the last meeting, we also talked about Indigenous languages and concerns about the changes in the amendment.

I'm also thinking of francophones in minority situations, outside of Quebec, in the rest of Canada. These things must be considered. For the reasons mentioned earlier, I will be voting against the amendment.

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

**Mr. Bernard Gagné (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC):** From our perspective, we don't see

the same danger in the future. In fact, the Official Languages Act is slated for review every 10 years. So if there was a specific amendment based on a possible change in the Charter of the French Language in Quebec, adjustments could be made.

The amendments announced in Bill C-13 even provide for a possible review of the act every five years. Therefore, if we did see a change and go back, we would also have the opportunity to amend the Official Languages Act at some point.

If I understand correctly, you are concerned that the Quebec government is being given carte blanche to amend its legislation as it sees fit and that the federal government would be required to respect it in the long run. However, that wouldn't be the case, since the review of the Official Languages Act is provided for in the bill, and that will allow us to make amendments.

• (1555)

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

**Mr. Anthony Housefather:** I think so highly of my colleague Mr. Gagné that I would just like the chance to respond briefly.

It's true that the act will be reviewed in five years. However, five years is a long time when people lose rights. My questions have to do with the current law, Bill 96. If we support and respect these choices, then we respect the use of the notwithstanding clause in a pre-emptive manner to take away people's rights so they can't go to court for redress. That's already provided for.

Who will be entitled to services in English? That's my question. We in the federal government don't want to have to ask Canadians if they have a card that gives them access to English-language education or to federal government services in English. That's not the federal government's choice. It's the current choice of the Quebec government through Bill 96.

I can provide examples of things in the current version of Bill 96 that I feel go way too far. We're all for French being promoted in Quebec and in Canada. We all want to improve the situation when it comes to the French language. However, Quebec's anglophone community is not responsible for the situation because it's entirely distinct from the anglophone community in the rest of Canada, which is responsible for it. Therefore, taking services and rights away from Quebec anglophones doesn't help francophones in Canada. I believe the community should get behind that philosophy from day one.

We want to protect and promote French, but attacking Quebec's anglophone community is not the way to go about it.

Thank you.

**The Chair:** I will now give the floor to Ms. Lattanzio. Then it will be Mr. Beaulieu's turn.

[English]

**Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.):** Thank you, Mr. Chair.

My question would be for the panel and Madam Boyer.

If we were to infer a provincial law into this federal law, would there not be conflicts that could be foreseen one day? My question would be more in terms of legal jurisdiction.

What would the legal interpretation of this law be if we are to respect a provincial law? Would there not be the supremacy of a federal law vis-à-vis a provincial law? If that were the case, if we were to say today that we recognize such a law, which perhaps may be modified within the next five years, how are we to be certain of what measures or what law we would be respecting?

**Ms. Julie Boyer:** Here I would say that we are in the preamble of the legislation. It's a summary of what is in the clauses in the rest of the legislation.

This does not have a binding effect, but it does state the intent of Bill C-13. Having said this, if a federal law and a provincial law apply and there's a conflict in interpretation, the federal law supercedes.

**Ms. Patricia Lattanzio:** If I may, Mr. Chair, I have a follow-up.

Therefore, if within a federal law I am recognizing the provincial law, including the pre-emptive use of a notwithstanding clause, am I not making that crystal clear that I'm still adhering to a provincial law?

**Ms. Julie Boyer:** Could you ask your question one more time?

**Ms. Patricia Lattanzio:** If, in this federal law, I am acknowledging or including the Quebec Charter of the French language and within itself it's recognizing the pre-emptive use of the notwithstanding clause, would that not chain us to that provincial law, notwithstanding the supremacy of a federal law?

**Ms. Julie Boyer:** In the preamble, it is a statement of intent, so not if it's only in the section of the preamble. Perhaps where we get into the more binding articles, it could.

**Ms. Patricia Lattanzio:** I have one more question. It's not a follow-up. It's with regard to the amendment that's being proposed in terms of the needs.

We keep coming back to making changes to society and the needs of the two different communities. Have the needs been defined, to your knowledge, in terms of this law? I'm not quite sure what the needs are and perhaps I may have overlooked it.

I just want to understand what these needs are and how we define "different needs".

• (1600)

**Ms. Julie Boyer:** What this proposal or ratification sets out.... It is an attempt to codify that these communities have different needs, but it is not defined elsewhere. However, it is something that is understood—that both communities have different needs even though they are treated equally.

[Translation]

**The Chair:** Thank you.

Mr. Beaulieu, you have the floor. Then we will go to Ms. Ashton.

**Mr. Mario Beaulieu:** I'd like to clarify that Bill 96 and Bill 101 ensure that services in English are maintained for anglophones. That's always been the case, and nothing in those laws threatens their rights.

Let's not forget that Quebec is a minority in Canada. The majority is made up of anglophone Canadians. To ensure the survival of French in Quebec and other regions, newcomers must be integrated. It's simple math. If the language transfer rate to French doesn't rise to 90%, we'll become an even bigger minority. That's what's happening, actually.

All forecast studies, even those by Statistics Canada, point to a rapid decline because we haven't francized enough newcomers as we integrate them. Personally, I feel this is crucial. Just because Quebec is a minority doesn't mean it should be wiped out.

We have the right to ensure the survival and vitality of French. It's called the people's right to self-determination. Even the United Nations recognizes that anglophone Quebecers are not a minority under the International Bill of Human Rights. The UN has even specified that in a province, the majority can claim the same rights as the minority as long as the majority is considered the minority across the country. In my opinion, that's crucial, and those rights should have been claimed.

In 1969, francophones outside Quebec didn't have the right to go to French-language schools. It's outrageous, but with respect to French, it was programmed voluntary assimilation.

Ninety per cent of francophones live in Quebec. Nevertheless, the decision was made to strengthen English. At the outset, most of the funding was earmarked to strengthen English-language educational institutions when they were already being overfunded.

To me, this is a core issue, and French must be the common language if we are to successfully integrate immigrants. I'm talking about French and the common language elsewhere in Canada. A great number of francophones don't have access to services in French, and over 99% of newcomer language transfers favour English. The assimilation rate for francophones outside Quebec is just over 40%.

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

Ms. Ashton, you have the floor. Then we will go to Mr. Généreux.

**Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP):** I'd like to start by saying that we really like the amendments and changes, because they make some very good points.

My concern is with item (b) and the order of priority when it comes to the two laws. That's where we find there's an issue, but I wanted to say that there were some other very good points.

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

[English]

**Ms. Marilyn Gladu (Sarnia—Lambton, CPC):** Thank you, Mr. Chair.

I think it's important to protect everyone's rights, especially the million anglophones who are in Quebec. However, BQ-0.1, in (c), definitely says, "that they have different needs," but also "to provide services in both English and French". I think it's clear that the intent is to have that, so that's why I'm not concerned.

[Translation]

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

Mr. Généreux, you have the floor.

**Mr. Bernard Généreux:** I think we can clearly make out the differences in how we see the situation.

I should point out that we're still discussing the preamble. If I'm not mistaken, the preamble is not an integral part of the act. Mr. Housefather is well aware of that, because he's also a lawyer. I'm not a lawyer myself, but it seems to me that preambles are only very rarely cited in judgments.

I'd like us to go to a vote, since we clearly see things differently and we know roughly where we stand. There's no point in talking about it for another two hours. We need to move on. I remind you that we only have eight meetings devoted to this study. So far, we've had one and a half meetings about this, but we're still discussing clause 2.

We have a lot of work left to do. It's perfectly normal for us to have differences of opinion, and I believe that's perfectly respectable. I don't see any problem with that, but I think we need to move on.

• (1605)

**The Chair:** We have one last person on the list of speakers.

Mr. Housefather, you have the floor.

[English]

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

From what I understood from what Monsieur Beaulieu was saying, I agree; it's two different visions. There's the old historical vision that both languages are treated equally and the English-speaking minority in Quebec and the French-speaking minorities outside Quebec have equal rights at a federal level. Then there's the vision that the Bloc has always had, that the English-speaking minority of Quebec is not a real minority and they should not be protected federally.

That's never been the position of the Conservative Party before. The Conservative Party, including in Charlottetown with Brian Mulroney, tried to include in the Constitution of Canada the obligation of the federal government to protect the vitality and development of both linguistic minority communities. To introduce the Charter of the French language into this bill is essentially saying that we're agreeing that only some English-speaking Quebecers get served in English—only those who have access to English schools. It's agreeing with using the notwithstanding clause in a pre-emptive way.

Mr. Chair, I understand the time. This will be my last intervention. I have just a couple of questions for the esteemed panel.

Number one, when you have a preamble of a bill and you make an amendment like this one, which is not actually in the bill—there is no reference in Bill C-13 to respecting Quebec's language choices as set out in Bill 101—you would assume that the same proposer would then try to put other references to Bill 101 in the bill, in many locations in the bill, to say that we're then subject in the bill to the choices made by Quebec, and federal services will be done in that way.

Would that not have a significant legal effect and go against the original intention of the bill of substantive equality?

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

I think on this I would say that the preamble normally does a summary of the key articles and important concepts from the bill. In proposed Bill C-13, only one article comes up to remind us that official languages legislation applies in emergency situations. That is not raised elsewhere in Bill C-13. However, it is in the Official Languages Act, which we are modernizing.

Usually, Mr. Housefather, it is true that what's in the preamble comes up later in the rest of the legislation.

**Mr. Anthony Housefather:** My main question is that as you stated before—

**Ms. Julie Boyer:** Yes.

**Mr. Anthony Housefather:** I agree that the preamble could be an interpretive clause, and the courts may weigh this reference to determine what the rights of English- and French-speaking Quebecers are, and it may change. We don't know. In the preamble, it could be an interpretive clause, and it could affect the rights of English-speaking Quebecers.

If we were to introduce this all over the bill, in the substance of the bill, would that not definitely impact the rights of the English-speaking minority in Quebec?

**Ms. Julie Boyer:** It is a departure from the symmetrical approach that has been adopted in the Official Languages Act in the past.

**Mr. Anthony Housefather:** Thank you very much. I appreciate it.

[Translation]

I have no further questions.

**The Chair:** Mr. Généreux, I saw you raise your hand.

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

Yesterday and today, we've seen media like ONFR+ and *La Presse* reporting that the Quebec government and the federal government are having a conversation and negotiating with respect to Bill C-13. I'm not making this up, it's in the public domain.

Notwithstanding the work the committee is doing to improve the Official Languages Act with the various amendments moved by all parties, I really think that people need to trust the Quebec and federal governments to work hand in hand to halt the decline of French in Quebec and across Canada. I'm sure that the two governments will find common ground.

Mr. Housefather, I respect your opinion and I agree that we need to keep a close eye on these situations. However, I feel that people need to trust in both governments, which can negotiate everything needed to ensure that French will be protected in Canada and in Quebec, and the services available to anglophones in Quebec as a minority will be maintained.

We can go to a vote, Mr. Chair.

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

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

As Ms. Ashton said earlier, I would like to briefly point out that paragraphs 1 and 3 are acceptable.

Mr. Beaulieu, I also want to be clear with you and the Bloc Québécois. In the amendment you're proposing, you are once again taking away the rights of francophones outside Quebec, who are in a minority situation. You do this repeatedly, and it's not acceptable in any section of the bill. To me, a Franco-Ontarian, it's completely unacceptable. You need to respect francophones, and we're not going to deprive minorities in this country of their rights. Thank you.

• (1610)

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

**Mr. Mario Beaulieu:** The intent was to weaken the rights of francophones outside Quebec. We can change the wording or move things around, but the fact remains that francophones outside Quebec and those in Quebec share the same cause, in my view.

I'd like to remind you that the federal government is elected by the anglophone majority and it has greater power to legislate than Quebec does. To me, all we need to say is that we respect Quebec and its freedom to ensure the future of its language.

**The Chair:** If there are no further questions, we will go to a vote.

(Amendment negated: nays 6; yeas 5)

**The Chair:** We will now move on to amendment BQ-1.1.

Before I go any further, I'd like to ask members to concentrate, because I will be referring to several clauses and talking about several proposed amendments.

According to *House Procedure and Practice*, Third Edition:

Amendments must be proposed following the order of the text to be amended. Once a line of a clause has been amended by the committee, it cannot be further amended by a subsequent amendment as a given line may be amended only once.

If amendment BQ-1.1 passes, amendments CPC-2, LIB-1, LIB-2, NDP-1, CPC-3, LIB-3 and LIB-4 can't be moved due to line conflicts. Once a line is amended, we cannot go back.

Mr. Beaulieu, would you like to say something about your proposed amendment?

**Mr. Mario Beaulieu:** I will present it, but I believe the Conservatives want to move a subamendment.

**Mr. Bernard Généreux:** Absolutely.

**Mr. Mario Beaulieu:** So I will take the floor after that.

**The Chair:** How would you like to do this?

**Mr. Bernard Généreux:** I will speak to the subamendment I am moving before we speak to the amendment.

• (1615)

**The Chair:** Okay.

**Mr. Bernard Généreux:** We move that amendment BQ-1.1 be amended (a) in paragraph (b), replacing the words "lines 25 to 35" with the following: "lines 31 to 35", and (b) in paragraph (f), by replacing the words "lines 16 to 29" with the following: "lines 16 to 20".

This would cover what Ms. Boyer mentioned earlier. It would re-establish the Indigenous provisions and emergency provisions.

**The Chair:** Perhaps it would be wise to suspend the meeting so we can study these amendments.

**Mr. Bernard Généreux:** Would you like me to repeat them, Mr. Chair?

**The Chair:** No. I believe everyone has them in writing.

Is that correct, Madam Clerk?

**The Clerk of the Committee (Ms. Michelle Legault):** Yes. We also have a digital copy.

**The Chair:** We now have the paper copy and we will soon have the digital copy.

Let's take a few moments to familiarize ourselves with the subamendment and then we'll come back to it in a few minutes.

The meeting is suspended.

• (1615)

(Pause)

• (1620)

**The Chair:** We are back.

After checking, I'd like to clarify that this subamendment doesn't change amendment BQ-1.1's impact on the subsequent amendments I listed earlier. All committee members should bear that in mind.

Mr. Généreux, you have the floor.

**Mr. Bernard Généreux:** We therefore move that the amendment BQ-1.1 be amended:

(a) in paragraph (b), by replacing the words "lines 25 to 35" with the following: "lines 31 to 35"

(b) in paragraph (f), by replacing the words "lines 16 to 29" with the following: "lines 16 to 20"

This would keep everything involving Indigenous people and emergency situations in the bill.

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

Mr. Beaulieu, you have the floor.



**Mr. Mario Beaulieu:** This motion takes a differentiated approach as well and leaves in everything involving francophones outside Quebec. I will now introduce our amendment.

In item (a) of our amendment, rather than saying that every person has the opportunity to learn a second language, we move that the federal government recognize “the duty to provide opportunities for everyone” to learn a second language. In Quebec, it’s mandatory to learn English. We believe that the same thing should be true in Canada and that everyone should be able to learn French.

Next, with respect to item (b), lines 23 to 30 are covered later on, as you will see. The part that remains to be removed concerns the Canadian Broadcasting Corporation, whose mandate is to serve the francophone minorities across the country, among others.

In item (c) of our amendment, we move to replace the following passage in the bill:

AND WHEREAS the Government of Canada recognizes the importance of the contribution of francophone immigration to enhancing the vitality of French linguistic minority communities and that immigration is one of the factors that contributes to maintaining or increasing the demographic weight of those communities;

with

AND WHEREAS the Government of Canada recognizes the importance of remedying the decline in the demographic weight of French linguistic minority communities, including by fostering the re-establishment and growth of their demographic weight;

AND WHEREAS the Government of Canada recognizes the importance of francophone immigration in enhancing the vitality of French linguistic minority communities, including by fostering the re-establishment and growth of their demographic weight;

The two lines removed from item (d) in our amendments, “AND WHEREAS the Government of Canada recognizes the presence of English or French linguistic minority communities in each province and territory”, are repeated later. Clause 2 of the bill would therefore continue with the following:

AND WHEREAS the Government of Canada recognizes the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status and use of English and French in Canadian society, including that

the Constitution of Canada provides every person with the right to use English or French in the debates of the Houses of the Legislature of Quebec and those of the Legislature of Manitoba and the right to use English or French in any pleading or process in or from the courts...

In item (e) of our amendment, we propose to rephrase the sentence that the Quebec Charter of the French Language provides that French is the official language of Quebec by adding “and common” after the word “official”. This would make French a common language that help all people to communicate with each other, an essential factor for social cohesion, in my view.

In item (f) of our amendment, we move to replace the three final paragraphs of subsection 2(3) of the bill with the following:

AND WHEREAS the Government of Canada recognizes the presence of English or French linguistic minority communities in each province and territory and that Quebec’s anglophone minority and the francophone minorities in the other provinces and territories have different needs;

AND WHEREAS the Government of Canada recognizes that the existence of a majority-French society in a Quebec where the future of French is assured is a legitimate objective and a fundamental principle of the Canadian official languages regime;

So we kind of return to what we were saying earlier. If French doesn’t survive and flourish in Quebec, that would affect the entire

Francophonie in Canada and North America and, essentially, all linguistic diversity. I feel it’s important to recognize that.

There you have it, that summarizes our amendment.

• (1625)

**The Chair:** This would be followed by the paragraph re-established by Mr. Généreux’s proposed subamendment, right?

**Mr. Mario Beaulieu:** Yes, I agree with that subamendment, and we maintain the rest.

**The Chair:** The re-established paragraph would read as follows:

AND WHEREAS the Government of Canada recognizes the importance of preserving and enhancing the use of other languages and reclaiming, revitalizing and strengthening the Indigenous languages while strengthening the status and use of the official languages;

Did I get that right?

**Mr. Mario Beaulieu:** Yes.

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

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

I am going to come out against the amendment and the subamendment and what was moved beforehand, and explain my reasons for doing so.

First, I thank Mr. Beaulieu and Mr. Généreux for proposing additions about the use of French in emergency situations, and recognizing Indigenous languages, which was not in the act—

**The Chair:** I will interrupt you, if I may, Mr. Serré. I want to remind everyone that we’re dealing with Mr. Généreux’s subamendment and we need to focus on that before we talk about amendment BQ-1.1.

**Mr. Marc Serré:** All right.

Item (c) of the amendment is very good and I thank Mr. Beaulieu for it.

I’d like to speak to what Mr. Généreux proposed regarding lines 27 through 30 on page 2 of the bill, which would be deleted. I will read it to you:

AND WHEREAS the Government of Canada recognizes that the Canadian Broadcasting Corporation contributes through its activities to enhancing the vitality of the English and French linguistic minority communities and to the protection and promotion of both official languages;

Earlier, I asked Mr. Beaulieu a question about protecting minority francophones in this country. When I read this subamendment, I don’t understand how we can say we are defending the French language in this country and also propose to delete these lines. I know this is part of Mr. Poilievre’s agenda, but it’s unacceptable.

In addition, the subamendment would remove lines 12 through 16 on page 3 of the bill, which I will read to you:

AND WHEREAS the Government of Canada recognizes that each province and territory has adopted laws, policies or programs guaranteeing service in French or recognizing the contribution of the English or French linguistic minority community to Canadian society;

I don't understand why Mr. Beaulieu and Mr. Généreux are suggesting we delete this passage. If we want to move forward with this bill, we need to stop suggesting that the rights of francophones outside Quebec in minority situations be taken away, which is what both these amendments propose to do.

For these reasons, we will not support the subamendment.

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

**Ms. Niki Ashton:** First, I'd like to recognize the importance of taking into account emergency situations and protecting Indigenous languages.

Our party is concerned about the proposed removal of certain provisions in the bill, such as the provision that reiterates the importance of the CBC's work in certain regions. As a member for a rural area in the North, I know that its services are vital to our communities, and even more so to official language minority communities. We take issue with the removal of these passages and therefore cannot support it.

• (1630)

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

Ms. Lattanzio, you have the floor to speak to the subamendment.

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

[English]

I understand that there are two important paragraphs that are being deleted. I understand that my colleague has proposed to delete them.

I would like to have perhaps an explanation as to why the member feels that the following clause with regard to the CBC should be deleted, when we specifically state:

And whereas the Government of Canada recognizes that the Canadian Broadcasting Corporation contributes through its activities to enhancing the vitality of the English and French linguistic minority communities and to the protection and promotion of both official languages;

Why does he believe that we need to delete this? That would be my first question. We understand his leader's position with regard to the CBC, but I'd like to hear from the member himself.

Then I would ask the same question with regard to the other paragraph he wishes to delete, Mr. Chair. Can I hear him on that?

[Translation]

**The Chair:** Thank you.

Mr. Beaulieu, you have the floor.

**Mr. Mario Beaulieu:** In item (f) of our amendment, we move to put the following back in:

AND WHEREAS the Government of Canada recognizes that English or French linguistic minority communities are present in every province and territory and that the English linguistic minority in Quebec and the French linguistic minority communities in the other provinces and territories have different needs;

It amounts to the same thing. It's rephrased. Then we go on to talk about the "existence of a majority-French society". We remove that text from one place and put it back in elsewhere.

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

With respect to the minority argument, I believe that Ms. Lattanzio was talking about two things. She was also talking about the Canadian Broadcasting Corporation.

Mr. Généreux, I believe you wanted to speak to reply or respond.

**Mr. Bernard Généreux:** I hadn't asked to speak.

**The Chair:** Okay.

Mr. Garneau, you have the floor.

**Hon. Marc Garneau (Notre-Dame-de-Grâce—Westmount, Lib.):** Thank you, Mr. Chair.

I simply want to make a comment.

I don't understand the Conservatives' reasoning. Actually, I think I do understand it. They have flatly said in the past that they don't support the CBC and Radio-Canada. That's why they are moving a subamendment to delete the part of the preamble that talks about the CBC.

However, like them or not, the CBC and Radio-Canada undeniably contribute significantly to promoting official languages across Canada, including in Quebec.

Furthermore, the contribution anglophone and francophone minorities make to Canadian society is recognized as fundamental. I'm wondering why they would urge us to remove lines 12 to 16 from the proposed preamble.

Thank you.

**The Chair:** Does anyone else wish to speak?

**Mr. Mario Beaulieu:** I would just like to say that we bring this passage back a little further down and add that the communities have different needs.

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

**Ms. Patricia Lattanzio:** Given that the member who moved this subamendment doesn't wish to respond or clarify his reasoning, I would submit the same question to my Bloc Québécois colleague opposite.

I'd like to understand why he feels the passage regarding the work of the Canadian Broadcasting Corporation must be deleted from the proposed preamble.

It's the medium owned by Canadians. They need news and services in English and French.

I wonder why Mr. Beaulieu would be in favour of deleting this passage.

I'm wondering the same thing about the value of striking the following passage from the proposed preamble:

AND WHEREAS the Government of Canada recognizes the importance of preserving and enhancing the use of other languages and reclaiming, revitalizing and strengthening the Indigenous languages while strengthening the status and use of the official languages;

**Mr. Mario Beaulieu:** That passage is not covered by BQ-1.1.

**Ms. Patricia Lattanzio:** My apologies, Mr. Beaulieu.

I meant the part of the proposed preamble that reads as follows:

recognizes that each province and territory has adopted laws, policies or programs guaranteeing service in French or recognizing the contribution of the English or French linguistic minority community to Canadian society;

Sorry, I noted that incorrectly.

Why do you want to delete these two passages?

• (1635)

**Mr. Mario Beaulieu:** First of all, the part pertaining to francophones outside Quebec is not deleted. Secondly, regarding the CBC, what the proposed preamble says is already part of the CBC's mandate. I am not denying the importance of the CBC, but I do not think we need to strengthen the CBC, which is already being strengthened constantly. I am not opposed to the CBC's mandate, but it might not be necessary to include it in the Official Languages Act.

**The Chair:** If there are no further comments, we will now move to a vote on Mr. Généreux's subamendment.

Mr. Généreux, would you like to say something first?

**Mr. Bernard Généreux:** No.

**The Chair:** Let us vote then, Madam Clerk.

(Subamendment negatived: nays 6; yeas 4)

**The Chair:** Let us now return to the main amendment, BQ-1.1.

You have the floor, Mr. Housefather.

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

[English]

I am very much against this large and very wide-scoping subamendment.

First of all, it will stop other different, better amendments on French immigration from even being heard. Secondly, it changes the entire way we look at the Official Languages Act from a substantive equality approach to one which, essentially, no longer values the obligation of the federal government to support the vitality and development of the English-speaking community in Quebec.

If you were to incorporate this into the preamble, the preamble would no longer reflect what is now in the bill, and the scope would be completely different from what's in the act.

I have a few questions for the officials, if you will allow me, Mr. Chair.

I know this is an interpretation, rather than something you might be able to give a clear answer to. Would you agree with that commentary? If we change the preamble, according to the way Bloc 1.1 is amended, it would amend the preamble so that it is no longer in line with what's currently in Bill C-13.

**Ms. Julie Boyer:** I would say that's correct. It's what's currently.... Again, though, with this process, Bill C-13 can change and evolve.

**Mr. Anthony Housefather:** Of course, but it would mean that we are changing it to do something that I think would be devastating to official languages in Canada. We would be accepting the Bloc Québécois' approach to official languages, as opposed to the

historical, traditional approach that all of the other parties have always supported. It would be a sea change in Canadian history.

I have one other question, related to the change to including that French is the "common language of Quebec". I believe and recognize that French is the official language of Quebec.

Has there ever been anything in federal law that has recognized that French is the common language of Quebec or that English is the common language of any other province?

**Ms. Julie Boyer:** Not to my knowledge. No.

**Mr. Anthony Housefather:** Do we have any idea how the courts would use that change should we include it in the act? Assuming we're putting it in the preamble, it will also be amended in the act.

How would the courts interpret that with respect to the linguistic rights of the English-speaking minority in Quebec?

**Ms. Julie Boyer:** I'm not sure how it would be interpreted by the courts. However, in the preamble here, it describes what the Charter of the French language says. It's more of a descriptor of the charter, which says that it is the official and common language in Quebec.

**Mr. Anthony Housefather:** As opposed to using words when we're making a speech, when we're using words in law, they have a different context. The courts will say, when they're interpreting the rights of the English-speaking minority in Quebec, that the law has introduced a new word. The legislator has a purpose or an intent of saying that French is the common language of Quebec. As such, I cannot imagine the courts would give it no significance.

For example, when an English-speaking Quebecker goes to court and argues that.... For example, a company has set up a rule that you can only speak French in the company. If two English-speaking Quebeckers want to speak English, they would say it's blocking their freedom of expression. The court—especially if it was in the government, and if it was the government that passed that law—may interpret that by saying, "But French is the common language".

When you look at the right to speak English, we balance that with French being the common language of Quebec. This assumes that two Quebeckers, even if they're two English-speaking people, should be speaking French to each other in a public setting. At least, that's how I would see it.

I also wonder if this could not also affect indigenous languages in Quebec. If we say that French is the common language of Quebec, what about on indigenous reserves? What about in indigenous communities? I would have a concern that the court would believe that the legislator has now changed its philosophy and wants the court to look at something new when they're balancing the rights of French, English and indigenous languages.

Would that be a fair assumption, even though we have no idea how it will eventually turn out?

• (1640)

**Ms. Julie Boyer:** I think any assumption is good at this point, because we don't know how the courts would treat this. Obviously, when you put it in legislation, it could influence the interpretation.

**Mr. Anthony Housefather:** Thank you so much.

[Translation]

**The Chair:** You have the floor, Mr. Garneau.

**Hon. Marc Garneau:** I would like to pick up on what my colleague just said about the term "common language".

I am not a lawyer, but I wonder why the word "common" is needed. French is the official language, and I think that adding the word "common" could entail obligations, depending on how it is interpreted. So I do not think that word should be there.

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

**Mr. Mario Beaulieu:** The common language is the ultimate objective. In the rest of Canada, English is the common language. In places other than Quebec, when people who speak different languages want to talk to each other, they speak English.

The objective for Quebec is for French to be the language that brings people of all origins together, regardless of their first language, so they can have a shared public space and so we can have a cohesive society.

I do not see the problem with the term "common language". That said, I do not wish to drag out the debate needlessly.

**The Chair:** Mr. Beaulieu, if you came to our part of the country, I am not sure you would say that English is the common language outside Quebec. It depends on the language of the majority.

**Mr. Mario Beaulieu:** Ideally, in the Acadian peninsula or in areas where there are Acadians...

**The Chair:** I am not from the Acadian peninsula, but I can tell you that there is a difference. As to terminology, I think the question is common language versus majority language. People are suggesting there is a difference between common language and majority language.

**Mr. Mario Beaulieu:** If French were the common language in Acadie, people of essentially all origins, regardless of their first language, would speak to each other in French. Yet that is not what I see.

**The Chair:** I was simply noting what I think I heard and suggesting a nuance. I do not want to argue about that.

Ms. Lattanzio, you have the floor.

[English]

**Ms. Patricia Lattanzio:** I have another question with regard to the common language.

In my reading of this, throughout this whole exercise where we've been trying to reform the Official Languages Act, there's never been a discussion with regard to the inclusion of "common language". Here we are at the very tail end and now we're introducing, it seems to me, a new motion. It's not defined anywhere.

Would that pose a problem, according to you?

**Ms. Julie Boyer:** I'm not sure if it would cause a problem. It does introduce a new term into the legislation, but it is a descriptive term that is used in the Charter of the French language of Quebec.

**Ms. Patricia Lattanzio:** We keep coming back to that notion of trying to take words from the Quebec charter and introduce them into this federal law.

**Ms. Julie Boyer:** That's correct.

[Translation]

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

**Mr. Anthony Housefather:** I have a lot of respect for Mr. Beaulieu.

I am opposed to saying that English is the common language in Ontario, Manitoba or any other province.

Mr. Chair, you are from New Brunswick. I do not think that the Acadians of your province would like people saying that English is the common language of New Brunswick, even if it is the language of the majority, which makes up 60% of the population.

For my part, I live in a part of Quebec where English is the language of the majority. In various regions of the province, all Quebecers should speak to each other in French. Currently, 94% of Quebec's population speaks French. Everyone should speak French. As to the common language, there is an important difference between what I say in a speech and what I say with friends. We are talking now about including this concept in legislation, although the legal context has never been examined by the courts. The committee has not heard from legal experts who have examined the issue of a common language because it is not in the act.

I do not think it would be advisable to include such a provision in the act because the majority language is something different.

Thank you, Mr. Chair.

• (1645)

**The Chair:** Are there any further comments?

(Amendment negated: nays 7; yeas 4.)

**The Chair:** Let us move on to CPC-2.

Mr. G n reux, do you wish to say something?

**Mr. Bernard G n reux:** Since the other Bloc Qu b cois amendments have been defeated, we propose an amendment to clause 2 of Bill C-13, by replacing line 20 on page 2 with the following:

the duty to provide opportunities for everyone

In point b), we propose replacing line 26 on page 2 with the following:

the duty to support sectors

In point c), we propose replacing, in the English version, line 28 on page 2 with the following:

minority communities and to protect and promote the

Those are the changes we propose for CPC-2.

**The Chair:** I am trying to see the difference in the English version.

[*English*]

**Mr. Bernard Généreux:** It would say, “to protect and promote” instead of “protecting and promoting”. It implies more action.

[*Translation*]

In French, it says “appuyer les secteurs”.

**The Chair:** I am trying to compare the French and English versions.

Are there any comments?

Since there are none, we will now vote on CPC-2.

(Amendment negated: nays 6; yeas 5.)

**The Chair:** That brings us to LIB-1, on page 5 of the bundle of documents provided.

Before we debate this amendment, it should be noted that if LIB-1 is proposed, LIB-2 cannot be, because it is identical.

Moreover, if LIB-1 is agreed to, amendments NDP-1 and CPC-3, on pages 7 and 8, cannot be proposed because of conflicting lines.

In the interest of consistency, I wish to point out to the committee that amendments LIB-1, LIB-2 and NDP-1 cover the same measures, but use different terminology. The words used differ from one amendment to the other, especially the English versions.

These amendments are also related to a number of subsequent amendments, some of which propose different definitions of the term “rétablissement”. Those are LIB-8, page 23, LIB-9, page 24, and DNP-4, page 26.

To recap, if LIB-1 is adopted, NDP-1 and CPC-3 cannot be proposed subsequently. Further, in other amendments that will be proposed, different terms are used for “rétablissement” and “restoring”. There is a difference between “re-establishing” and “restoring”.

That said, are there any comments on LIB-1?

Ms. Ashton, you have the floor.

● (1650)

**Ms. Niki Ashton:** I noticed that Ms. Kayabaga had raised her hand. I'm not sure if she is speaking before me.

**The Chair:** Ms. Kayabaga, I did not see that your hand because of the reflection on the screen. I apologize.

You have the floor.

**Ms. Arielle Kayabaga (London West, Lib.):** I would like to talk about the rationale behind the proposed amendment, especially since we are looking to have...

**The Chair:** I have to interrupt you, Ms. Kayabaga. Someone has to propose the amendment first. I missed that step.

Does someone want to propose it?

**Ms. Arielle Kayabaga:** May I propose it?

**The Chair:** Yes, please go ahead.

**Ms. Arielle Kayabaga:** I propose that Bill C-13, in clause 2, be amended by replacing lines 37 to 41 on page 2 with the following:

[*English*]

the importance of remedying the decline in the demographic weight of French linguistic minority communities, including by fostering the re-establishment and growth of their demographic weight;

And whereas the Government of Canada recognizes the importance of francophone immigration in enhancing the vitality of French linguistic minority communities, including by fostering the re-establishment and growth of their demographic weight;

[*Translation*]

Mr. Chair, do you also want me to talk about the rationale for this amendment?

**The Chair:** You may do so since you just proposed the amendment. Please go ahead.

**Ms. Arielle Kayabaga:** Okay, thank you very much, Mr. Chair.

I am proposing this amendment because I believe Canada is a linguistically diverse country, and the fact that French and English are its official languages has huge appeal to newcomers, both francophones and anglophones, who have a lot to contribute to our communities and our economy. It is important that we protect the vitality of French in communities outside Quebec and that our government take steps to do so.

Francophones outside Quebec make up about 3.3% of Canada's population, according to the census data published by Statistics Canada on August 17. According to the data from 2016, francophones outside Quebec made up 3.6% of Canada's population. So there has been a drop of 0.3%, meaning that we have a lot of work to do to remedy this situation.

Our government continues to take the necessary measures to address this decline, in spite of the difficulties we continue to see. In particular, we are trying to move the bill forward in this committee. Our communities expect us to take all the necessary measures to address this decline, especially Franco-Ontarians, but equally all the other French-Canadians outside Quebec.

Recently, the Minister of Immigration, Refugees and Citizenship announced that we had reached our goal of 4.4% francophone immigration outside Quebec. That is good news, but we still have a lot of work to do to ensure the vitality of our francophone communities outside Quebec, including day care facilities, educational institutions and all other essential services that require the use of the official languages.

As you know, I am also a member of the Standing Committee on Citizenship and Immigration. Recently, as part of a study we were conducting, we had the opportunity to speak with the leaders of various linguistic minority communities. I would like to mention something that the Haitian community leader said when we asked him about Haitian migration. The committee was interested to know why a significant number of Haitians come to Canada, even though the United States is closer. He said the main reason is that Canada gives them the opportunity to live in French, making it a prestigious country for communities that speak French.

Another person representing the Burundi community made the same point, saying that people from Burundi come to Canada rather than the United States because it gives them the opportunity to live in their first language, which is French.

That means that, if we continue to offer services to francophones in various parts of Canada, we will continue to see that growth.

The witnesses we heard also said that the newcomers from these countries include doctors, teachers and various people who now make a very positive contribution to our Canadian communities and to our economy.

Francophones outside Quebec make up 3.3% of the population, following a 0.3% decline. We have a lot of work to do to continue to help these communities grow. I am proposing this amendment today in order to increase francophone immigration.

During many studies of the Standing Committee on Citizenship and Immigration, various witnesses have said that 60% of the world's francophones are in Africa. If we continue to create resources that help us attract those immigrants, we will be able to remedy the decline we have seen outside Quebec, especially in the Franco-Ontarian and Acadian communities.

I will stop there. Perhaps someone else would like to add something.

• (1655)

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

Ms. Ashton, you are up next.

**Ms. Niki Ashton:** Thank you, Mr. Chair.

Having heard Ms. Kayabaga's amendment, I would like to propose a subamendment. It is to replace a key word. We would like to replace “notamment en favorisant le rétablissement”, or “including by fostering the re-establishment” in English, by “notamment en assurant le rétablissement” or “including by restoring”. In other words, we would like to replace the word “favorisant”, or “fostering” in English, with “assurant”, or “restoring”.

In our view, this subamendment would strengthen this amendment to the bill, which seeks to make an historic change. Further, it would set Canada on the right path for welcoming francophone immigrants.

• (1700)

**The Chair:** Ms. Ashton has just proposed a subamendment. The wording of that subamendment has just been emailed to our respective P9 accounts.

Ms. Gladu, do you want to speak to the subamendment?

[English]

**Ms. Marilyn Gladu:** Absolutely. I just wanted clarity on the subamendment.

I like the word “ensuring” better than “fostering”, but are you replacing it in both places?

**Ms. Niki Ashton:** Yes.

**Ms. Marilyn Gladu:** Okay. Thank you.

**The Chair:** We'll replace it on the French side and on the English side.

**Ms. Niki Ashton:** It will be replaced in both paragraphs.

[Translation]

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

**Mr. Mario Beaulieu:** I am trying to understand something, Mr. Chair. You said earlier that we could not propose a subamendment to a subamendment, and that we have to consider one subamendment at a time.

**The Chair:** This is actually the first subamendment. Ms. Kayabaga proposed LIB-1. Then Ms. Ashton proposed a subamendment to replace the word “favorisant” or “fostering” with “assurant” or “restoring”, in the English and French versions of both subclauses.

Are there any questions about the subamendment?

Please go ahead, Mr. Généreux.

**Mr. Bernard Généreux:** I would like to say that we agree with Ms. Kayabaga and Ms. Ashton. If we accept the subamendment, that will strengthen what Ms. Kayabaga is proposing. The words are of vital importance.

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

[English]

**Ms. Patricia Lattanzio:** Thank you.

My question would be for the immigration officials who are here with us today.

We know that Minister Fraser has assured us that targets have been met—those that had been set in the past—as of December. I wanted to hear a bit about what that means in terms of the increase of new francophone immigrants in the new targets, and how the immigration department sees increasing the francophone linguistic community's demographic weight outside of Quebec.

[Translation]

**Mr. Alain Desruisseaux (Director General, Francophone Immigration Policy and Official Languages Division, Department of Citizenship and Immigration):** The 4.4% target was indeed reached this year: the department was able to surpass 4.42%. That is the first step, but there is still a lot of work to do.

Discussions are ongoing within the department. We are looking at the projections to set the target for 2024. We also have a working group which is partnering with the communities to develop a policy setting out all the objectives and principles, including the target for demographic weight. We have not yet determined the future target, but it will of course be ambitious and attainable. That is what we are trying to determine right now.

**Ms. Patricia Lattanzio:** Could using the word “restoring” instead of “fostering” be problematic? I know that puts a lot of pressure on the government. Could the proposed subamendment be problematic for you? For instance, could it mean that you might not reach the targets you have set?

I would like to hear your thoughts on the difference between “fostering” and “restoring”.

**Mr. Alain Desruisseaux:** It's important to understand that by using the word “restoring”, the bill includes an obligation of result. This is an area of shared jurisdiction, where the provinces and territories also have a significant contribution to make. When it comes to admission levels, the provinces are obviously key partners. So there would be a risk, because the federal government doesn't control all the parameters here. It's a collective undertaking.

• (1705)

**Ms. Patricia Lattanzio:** I don't want to put on my lawyer hat, but if I understand correctly, you believe that an obligation of means should be maintained rather than an obligation of result.

**Mr. Alain Desruisseaux:** Indeed, it would be more in line with reality.

**Ms. Patricia Lattanzio:** Okay, thank you.

**The Chair:** Go ahead, Mr. Serré.

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

Ms. Lattanzio already raised part of my question, but I'd like to add to the discussion about the 4.4% target, which we reached in 2022. I was there with Minister Fraser and Marie-France Lalonde when the announcement was made at the École secondaire catholique Franco-Cité in Sturgeon Falls. That's the school I attended. It was created in 1971 and is the first francophone high school in Ontario, so it's a historic site. The school is still going strong and has many francophone students. As the slogan goes, “patriote un jour, patriote toujours”, or “once a patriot, always a patriot” in English. I wanted to put that on the record.

As for the subamendment, I think we all agree on the importance of the word “restoring”, since it strengthens the amendment. We've clearly heard from the communities and stakeholders across the country about the need to increase our targets. In terms of the first step, for the first time in history, we've reached the 4.4% target. So that's a historic achievement.

So you've answered my question on the importance of the subamendment.

**The Chair:** Are there any other comments on Ms. Ashton's subamendment, which would replace the word “fostering” with the word “restoring”?

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** We'll now come back to LIB-1.

Before the subamendment was moved, Ms. Gladu and Mr. Généreux wanted to speak to the amendment. I don't know if they still have questions or if they've been answered.

[English]

**Ms. Marilyn Gladu:** It's okay. There is no more need for my comment because my comment was about the exact change that Ms. Ashton proposed.

**The Chair:** Okay. Thank you.

[Translation]

Mr. Généreux, you're indicating that it's the same thing for you.

Is there any further discussion on LIB-1?

(Amendment as amended agreed to: yeas 11; nays 0)

**The Chair:** Given the outcome of this vote, we're going to omit LIB-2 and NDP-1.

That brings us to CPC-4, which is on page 9 of the amendments package.

Go ahead, Mr. Généreux.

• (1710)

**Mr. Bernard Généreux:** CPC-4 proposes that Bill C-13, in clause 2, be amended by adding after line 41 on page 2 the following:

AND WHEREAS the Government of Canada recognizes the importance of the French language to trade and economic activity and the contribution of francophone immigration to the economy;

AND WHEREAS the Government of Canada recognizes the importance of including a francophone perspective in funding programs;

Essentially, it refers to all francophone economic development in minority communities across Canada. I think that this is a perfectly acceptable proposal for all committee members.

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

Seeing no interventions, I'll ask the clerk to take the vote.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** Again, we have unanimous agreement.

We'll move on to the next proposal, which is LIB-3 and is on page 10 of the amendment package.

Ms. Lattanzio, the floor is yours.

**Ms. Patricia Lattanzio:** Thank you.

[English]

I will not be moving LIB-3, Mr. Chair, because I will be supporting LIB-4.

[Translation]

**The Chair:** Since no one is moving this amendment, we're going to move on to the next one.

So we're moving on to LIB-4, which is on page 11 of the amendment package.

Go ahead, Mr. Housefather.

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

I'd like to thank the members of the committee for the opportunity to speak to LIB-4. I'm not necessarily going to speak quickly. What I mean is that I'm going to try to give a little bit of detail on LIB-4, but I'm not going to do that for all the other amendments.

As I said earlier, the spirit of the Official Languages Act requires that we have a discussion on this. I believe there is a broad consensus within the committee to support and promote the rights of francophones across the country, including in Quebec. We need to find ways to support French across this wonderful country. I think there are two different philosophies. I don't support the idea that it is the English-speaking community in Quebec, a community completely separate and apart from the rest of English-speaking Canada, that prevents French from flourishing. Unfortunately, references to the Charter of the French Language cause problems. I raised this earlier when I asked the officials questions.

[English]

While we can't talk about future amendments, we've already heard a number of amendments that have sought to do a few different things. They've sought to remove the commitment that the Government of Canada is required to support the vitality and development of the English-speaking minority in Quebec. As I mentioned, that has been a cornerstone of official languages policy since Pierre Elliott Trudeau was prime minister. That was not only Liberal governments; that was Liberal and Conservative governments.

Again, I recognize that the Official Languages Act's last extensive renewal was during Brian Mulroney's time as prime minister—an English-speaking Quebecker. He proposed to amend the Constitution to require the federal government to support the vitality and development of both the English-speaking minority in Quebec and the French-speaking minority outside of Quebec.

Then, there are amendments that seek to introduce the Charter of the French language into the law. The amendment I'm making is to take out a reference that is almost innocuous, but it's there in any case. When we recognize that we're going to put in the law not only references like this but proposals to refer to the Quebec Charter of the French language to interpret this act, to interpret the rights of English-speaking Quebeckers under the act, to in some instances say that it supersedes what we put in the Official Languages Act, we have a real problem.

• (1715)

[Translation]

I'm not at all surprised that the Bloc Québécois is proposing amendments along these lines because that's always been its philosophy, and I respect that. Its philosophy has always been clear, namely, that anglophones in Quebec aren't really a minority, since we're part of the anglophone majority in the country.

According to the Bloc Québécois, the federal government should let Quebec legislate on language and should not interfere. That's the position of the Bloc Québécois, which has always been honest about this. I understand and respect that, but I don't share that view.

[English]

The vast majority of English-speaking Quebeckers are completely against that position as well.

We get into the question of philosophy. Do we believe it is fair for this committee to introduce references to the law in Bill 96 that was just adopted by the Quebec National Assembly, which, while supported by a majority of Quebeckers, is almost entirely opposed by the minority linguistic community of the province? Would we do this if we were in Manitoba and the francophone community of Manitoba was entirely against a provincial law? Would we introduce that concept into federal law approvingly, even though we know the whole minority community is against it? The same is true in Ontario or any other province people here come from.

It's not fair and there's no need.

[Translation]

As mentioned in my amendment, we can recognize that the National Assembly has determined that French is the official language of Quebec. I have no problem with that. However, it's important to point out that this is within its jurisdiction, not within federal jurisdiction. I believe that we, at the federal level, have a duty to ensure the equality of both communities across the country.

[English]

We all know that Bill 96 is something that the minority community doesn't approve of. Let me explain a little bit why.

First of all, let me also say that there is no other provincial law mentioned in the Official Languages Act. Had we referred to multiple different provincial laws that guaranteed French services in other provinces, I could then understand why we would be referring to the Quebec language law, but we're not.

We're not referring to B.C.'s act that serves the French-speaking community of B.C. We're not referring to the French services act in Ontario. We're not referring to New Brunswick's laws, which actually equally serve the English- and French-speaking communities in New Brunswick. We're only referring to one provincial law, which is Quebec's. At that point, why are we doing that? Why is there a need to do that when we're not referring to any other provincial law?

Secondly, when we refer to a provincial law in a federal law and we allot it powers, we're abdicating jurisdiction. We're saying that the federal government is no longer applying the Parliament of Canada's decision to what's happening. We're applying the decision of a provincial legislature. We're abdicating our responsibilities. I don't think that's a good idea for any law.



Can you imagine any other case where a province used the notwithstanding clause to restrict the rights of its francophone minority, and this committee suggested it should be incorporated into federal law? I can't imagine that happening.

The other thing I wanted to raise, and this is really important, is that the notwithstanding clause is in the Charter of Rights. I don't like the notwithstanding clause. I don't think it should have ever been there, but I respect it. It was part of a historical compromise. It's there.

There was never an understanding by those who first adopted the charter that the notwithstanding clause would be used pre-emptively, whether with respect to labour rights in Ontario or language rights in Quebec. The understanding was that you would pass a law, it would go to court, and the superior court of the province, the court of appeals of the province or the Supreme Court of Canada would decide. There would be a big societal debate, and then afterwards, if a province wanted to use the notwithstanding clause it could, but it would do so in the full knowledge—and more importantly, in its population's full knowledge—that the courts said that this was a violation of the charter, that it was the suspension or limitation of a right that wasn't reasonable in a free and democratic society under section 1.

To me, by not supporting this, we're essentially saying that we agree with the pre-emptive use of the notwithstanding clause, which the federal Parliament never adopted. We have at least two parties in the federal Parliament that have come out four-square against the pre-emptive use of the notwithstanding clause. The Minister of Justice has said that we're going to challenge this in the Supreme Court regarding the Bill 21 case. Who knows? We may do a reference.

How would it undermine that reference or our arguments in the Bill 21 case in the Supreme Court, if our Minister of Justice and Attorney General is arguing that the pre-emptive use of the notwithstanding clause is unconstitutional, but the provincial governments say, "But it was referred to positively in your own federal law, Mr. Attorney General"? That, to me, is a major issue. I cannot imagine that would be helpful to the federal case. By doing this, we're undermining potential cases we may bring.

Bill 96 also does another important thing. Bill 96, in my view, violates section 133 of the Constitution Act. In both Quebec and Manitoba, you have constitutional protections for the use of the English and French languages in the legislatures and courts. Quebec's Bill 96 says that, for a corporation or a non-profit to plead in a court in English it needs to have, before it can file anything, its documents translated by legal translators and filed in French. It dissuades corporations and non-profits from ever doing anything in court in English. It says that instead of the justices of the courts deciding whether you have to be bilingual as a judge, it's the Minister of Justice of Quebec. A court in Quebec has already granted a preliminary injunction, because, in my view, it so clearly goes against the spirit of section 133.

By condoning this law, again, we're hurting ourselves if we ever challenge that misuse of section 133 in the courts. We're doing so not only for the Government of Canada but for plaintiffs. It would

be the same in any other province if that provincial government did the same thing. I don't think that's a good idea.

● (1720)

As well, we have to look at where we want to go. I talked a little bit at the last meeting about how the English-speaking community of Quebec felt a bit under siege after Bill 96. They're looking to the federal Parliament and asking whether or not the federal Parliament will continue its long-standing practice of equality for the two minority-language communities.

[*Translation*]

Is this a new direction? Will the spirit of the Official Languages Act, which has always been based on substantive equality, now be completely changed?

I think the committee should decide, at the outset, whether it will accept that the bill refers to provincial legislation, namely, the Charter of the French Language.

[*English*]

If it does, and if we do decide to leave this reference—and then there are many others added—the Official Languages Act will be a completely different act.

Again, I respect that the Bloc has always said what it believes. Mr. Beaulieu has always said what he believes and I respect that because he's honest. I'm trying to be honest. We agree with each other. We're honest with each other. We don't fancy-foot politics.

I think it's important to recognize that this would be making a decision that the Official Languages Act will now, for the first time, be in the direction that the Bloc Québécois has wanted since it first came to Parliament in 1993 and not in the traditional direction of the Liberal, the Conservative and the NDP parties.

I plead with my colleagues. I am still leaving in exactly what we meant to say.

[*Translation*]

The intention here is to state that French is the official language of Quebec. I'm keeping the words "French is the official language of Quebec". All I'm removing is the reference to the Charter of the French Language, which isn't at all necessary to say that French is the official language of Quebec, according to what was determined by the National Assembly of Quebec.

I'll leave this to my colleagues.

Thank you for giving me your time.

[*English*]

I also promise that I will not repeat any of these arguments again on future resolutions to slow down the process. I just wanted to say it once.

Thank you.

[*Translation*]

**The Chair:** Thank you for your transparency, Mr. Housefather.

I'll now give the floor to Ms. Gladu.

[English]

**Ms. Marilyn Gladu:** I'm just trying to be clear.

What's there today is that "Quebec's Charter of the French language provides that French is the official language of Quebec". That's what the minister tabled. You're proposing to change what the minister tabled to something else.

**Mr. Anthony Housefather:** One hundred per cent.

**Ms. Marilyn Gladu:** I understand. Thank you.

• (1725)

**Mr. Anthony Housefather:** I would note that when this law was originally tabled as Bill C-32, I think it was—for people who have better memories than me—Bill 96 didn't even exist and it wasn't law.

[Translation]

**The Chair:** Thank you.

Mr. G n reux, you have the floor.

**Mr. Bernard G n reux:** Actually, Mr. Housefather has made his point, and it's very clear. We've talked about this before. So we're ready to vote on it. There's no problem.

**The Chair:** Go ahead, Mr. Serr .

**Mr. Marc Serr :** This is quite an important amendment. In the few minutes remaining in the meeting, I would like Ms. Boyer to add some comments about this amendment. She answered a few questions earlier on, but I want to make sure that we fully understand the importance of the amendment introduced earlier by Mr. Housefather and that we are now considering. In previous meetings, we received some comments from some witnesses. They were mainly anglophone witnesses, mainly from Montreal. I want to make sure I understand the implications of the amendment.

I don't know how much time we have left, Mr. Chair, but could Ms. Boyer take at least two or three minutes to give us some answers?

**The Chair:** Yes.

I'll give you two minutes, Ms. Boyer.

**Ms. Julie Boyer:** Thank you very much. My comments will take less than two minutes.

The effect of this amendment is to delete from Bill C-13 the reference to the Charter of the French Language. Instead, it makes the connection with the language regime established by the Quebec National Assembly. It also makes explicit the fact that French is the official language of Quebec, but only in the Quebec National Assembly's own areas of jurisdiction.

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

**Hon. Marc Garneau:** Thank you, Mr. Chair.

I just want to add that there may be a tendency to think of these two lines as innocent and obvious, but they have repercussions. That is the point that Mr. Housefather took the trouble to raise today. I firmly believe that this could have a significant impact in the future, if it were ever included in the preamble of this legislation that we are currently considering.

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

[English]

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

In response to a question that was asked by my colleague Ms. Gladu, I think it's a very important one, because throughout the study of this law, we were examining and making references at some point with regard to the Quebec French language charter, but at the time, Bill 96, which is now law, had not been adopted.

Throughout we've been living in Quebec. I can tell you as an anglophone that I've lived most of my life with Bill 101, which was the Quebec French language charter. It did not have the clauses that will be very hurtful for the English-language community minority in Quebec for all the reasons that were mentioned by my colleague Mr. Housefather.

Not only that, but we are at a point in time when this law has been enacted, but we don't know its rules and regulations, how it will be adopted or how it will be put into place. The last I heard is that the Quebec government will be consulting the population, so it's not finite. I have a hard time reconciling the fact that we would incorporate a provincial law in a federal law.

We heard from Justice Bastarache, who is also of the opinion that we should not have a provincial law referenced in a federal law. A Senate report also came out that was quite clear on that, basically saying that the references to the French language charter should be removed from this bill as they fear that it legitimizes a restrictive approach by the federal government towards their linguistic minority communities.

Not to repeat what my colleagues have said, but I think it's important that we look at this and place ourselves in context. When we were examining this law, the draft that had been proposed from the onset referred to the Charter of the French language that we have lived with for many years—not to Bill 96, which has completely different consequences.

Thank you.

• (1730)

[Translation]

**The Chair:** I know there are others who want to speak, but before we go any further, I want to tell you that it's 5:30 p.m., and we have very little time and resources left.

If we want to continue the meeting for a few minutes, I have to get unanimous consent.

Do we have unanimous consent to continue for five more minutes?

**Some hon. members:** No.

**The Chair:** We don't have unanimous consent.

As a result, we'll continue the discussion on LIB-4 at our next meeting, on Friday morning.

The meeting is adjourned.

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